

**NORTH WEST PLANNING ADVISORY COMMITTEE**

**PUBLIC MEETING**

**MINUTES**

**MARCH 4, 2002**

THOSE PRESENT: Delphis Roy, Chair  
George Murphy  
Gloria Lowther  
Jan Gerrow  
Karen Stadnyk  
Councillor Brad Johns

ALSO PRESENT: Andrew Whittemore, Planner  
Thea Langille Hanna, Planner  
Sandra Shute, Assistant Municipal Clerk

Approximately 80 members of the public  
Deputy Mayor Robert P. Harvey

Regrets: Ann Merritt  
Tony Edwards  
Councillor Len Goucher

1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Charles Fenerty Room, Sackville Library, 636 Sackville Drive, Lower Sackville.

Delphis Roy, Chair welcomed all those present and introduced members of the Planning Advisory Committee. He then provided background information on the establishment of the Sackville Drive Design Study Area Advisory Committee and introduced Mr. Gordon Morgan, Chair.

At a later point in the meeting, the Chairman recognized Peter Stoffer, MP and Paul Hyland, the Chair of the Committee that brought forward the first proposed Municipal Planning Strategy.

2. **SACKVILLE DRIVE SECONDARY PLANNING STRATEGY AND LAND USE BY-LAW**

2.1 **Opening Comments**

Mr. Gordon Morgan, Chair, Sackville Drive Design Study Area Advisory Committee provided background information on this proposal which included:

- The first Municipal Planning Strategy for Sackville was approved in 1982 and involved members of the community at that time.
- The By-laws for Sackville Drive have been used since then with only a few modifications.
- In 1994, the Sackville Economic Development Strategy was developed which contained a number of recommendations which were not implemented over time. Shortly after that, a Comprehensive Transportation Study was carried out. Both documents were critical of Sackville Drive.
- In 1999, a study was carried out called "The Sackville Streetscape Design Study" which contained recommendations published in January, 2001 and accepted by Council.
- Shortly after that, North West Community Council appointed the Sackville Drive Design Study Area Advisory Committee. This Committee worked to assist staff in the production of the proposed plan now under consideration.
- The proposal takes into account all the concerns raised in the past, all the requirements identified.
- The number of meetings held by the Area Advisory Committee and the members of the Committee, including who they represent.
- It is a long range plan.

- A request has gone forward for an Engineering Design Study to be carried out for Sackville Drive.
- There are on-going discussions with Sobeys about acquiring the land along the Little Sackville River.
- He requested the support of community, not only now with the proposed Secondary Plan and Land Use By-law but for the community to start shopping locally.

## **2.2 Presentation by Staff**

Ms. Thea Langille Hanna, Planner and Mr. Andrew Whittemore, Planner provided an overview of the proposed Secondary Plan and Land Use By-law for Sackville Drive which included the following information:

- The area in question.
- Why a Secondary Plan is required.
- What is a Secondary Plan.
- The primary intent of the Plan and Land Use By-law.
- What is wrong with the way Sackville Drive functions now.
- How to address the functional issues on Sackville Drive.
- Proposal to reorganize the land uses into four areas: Big Box/Large Scale area, Pedestrian Retail area, Village Centre area and Used Car Lot area.
- The present Commercial Corridor zone with a wide range of uses.
- The existing commercial uses presently listed on Sackville Drive.
- Uses that stay as existing but more not encouraged in the area.
- An on-going issue of concern is the number of used car lots presently existing along Sackville Drive. They should be encouraged to stay in one general area. Other uses to feed off them should also be encouraged in that area.
- If someone wanted to build a new outdoor display court, they would have to go through a public process for a rezoning. Existing ones could stay and encouraged to do so and do renovations.
- How to improve the functionality of Sackville Drive - undertake physical improvements to the street.
- What is wrong with the way Sackville Drive appears now.
- One of the key issues is that Sackville is lucky to have a river but it is indistinguishable from the street and not accessible from the street.
- There is loss of retail market and new business development opportunities as a result of the visual appearance of Sackville Drive.
- How the visual impact of Sackville Drive can be improved.
- Streetscape Design guidelines included in the proposed Land Use By-law.
- When and if Regional Council approves the proposed document, the changes will not happen overnight. The only time it would impact a landowner or business along

- the street would be if the person came in and asked for a permit to redevelop the property.
- It is a long process but eventually the changes will happen as commercial becomes more viable and changes are made to properties.
  - A new set of rules and regulations for signage is being considered that will apply across the entire Municipality.
  - What is unique about the proposed Plan and By-law.
  - A site plan process is an as-of-right process that will allow for a comprehensive look at a large property with various components and requirements. This could apply to the Downsview Mall property.
  - A key component is an integrated trail development system. The pedestrian has been highly regarded in the proposed Plan.
  - Summary of the implications of the proposed changes.

Staff members indicated they were willing to meet with individual landowners or residents with concerns after the meeting or a meeting could be set up at a later date.

### **2.3 Presentations from the Public**

Mr. Igino DiGiacinto indicated he owned the largest property with the greatest potential for development in the proposed Pedestrian Retail (PR) zone and raised the following points:

- He was concerned that his property would be downgraded and devalued. This would be done by removing options for future development. He explained his options under the existing C-3 zone as opposed to the new PR zone.
- He expressed concern with what would happen with existing uses should the property be destroyed.
- If you want to encourage pedestrians and discourage the use of cars, it should be illegal for all business owners in the PR zone to offer parking for their customers. The automobile, however, is the preferred and necessary means of travel and absolute for business.
- He offered a comparison of Barrington Street and Bayers Lake Business Park.
- He would be required to have a minimum 20' depth of landscaped area running the length of and directly abutting the front line on Sackville Drive. This would contain about 7,000 sq. ft. of prime commercial land which will become useless.
- There are approximately 50 property owners in the PR zone.
- He was against the 10' wide grassed median in front of his property and so were his tenants. It means no left turns from and to his property. People wanting to go to his property will have to find a place to turn left in order to come back to his property.
- He expressed concern with emergency vehicles having to get to his property if the grassed median is put in place.

- This proposed planning strategy is expropriation without compensation.

Mr. Charlie Passey stated he owned a car lot on the north side of Pinehill Drive. He raised the following points:

- He understood the proposal would mean that he would not be able to expand his business.
- It appeared that if something were to happen to the business, he would lose the investment because he would not be able to rebuild.
- In terms of where the line begins from Pinehill Drive to Cobequid Road, from Pinehill Drive up to the tavern about 1200', there are eight automotive related businesses. He asked why they were being taken out of the zoning. There was nothing there that relates to retail; it was all automotive related.
- The car business is a large industry in Sackville and a substantial part of the economic base of Sackville.

In response, Ms. Langille Hanna referenced the fact that Mr. Passey had raised his concerns at an earlier meeting. Subsequently, staff took a closer look at the document and how it impacts on used car lots in the area he referred to. Staff have made changes to the document since then. She indicated that in the list of permitted uses in the zone, existing used car lots can continue. There would be impact if there was a fire. The property could also be a used car lot. It does not allow immediate expansion unless you go through a public process. The area is seen as a transition area.

Mr. Passey stated that when he purchased the property, he had plans for expansion. The property next door has been leased. He asked why the zoning was not brought 1200' up as far as the tavern when there are eight businesses in the same situation.

In response, Ms. Langille Hanna advised that the Committee felt it was an area of transition. If there is a concern with a certain property, then a written submission could be sent to the Committee for consideration. There could be an opportunity to look at putting the Used Car Lot zone on the property if there is going to be expansion in the immediate future. Now was the opportunity to deal with these issues rather than after the document is adopted. This is the purpose of this type of meeting.

Mr. Walter Regan, Executive Director, Sackville Rivers Association raised the following points in favour of the proposal:

- The four distinct areas along Sackville Drive will add character, beauty and purpose and begin a new future for Sackville along Sackville Drive.

- The Downsview complex designation will be help to the river by adding approval criteria such as walkways, landscaping, grade alteration standards, stormwater management and maintenance by site approval process.
- As there will be no public input for the site approval process for Downsview, he believed there should be a surcharge of at least 1% of all future renovations and new development in the area and put against the Sackville Streetscape Plan for giving up the public process.
- The Pedestrian Retail designation will help the river by improving the visible and physical connections to the Little Sackville River, by protecting and rehabilitating valuable wildlife habitat in the downtown centre of Sackville.
- There will be tremendous recreational and educational opportunities for pedestrians including the natural features and trail system along the Little Sackville River.
- By providing a connection to the Little Sackville River and trails, there will be a connection for pedestrians to cycle or walk to the rest of Sackville, Beaver Bank, Bedford and to ballfields, shopping and subdivisions.
- There will be free unfettered access to the Little Sackville River and there will be a buffer to the river from development.
- Bicycles can use trails rather than Sackville Drive which will be safer.
- The creation of a new urban wildlife park and watershed education centre in the centre of Sackville will improve an area not properly utilized and become a destination for tourism.
- The improved silt retention pond will stop silt from entering Little Sackville River.
- The low density thoroughfare designation will be of benefit to the Little Sackville River.
- By recognizing the floodplain. the new By-laws and policies will increase the protection of Little Sackville River.
- The quality and quantity of sewer drainage should be controlled and treated before discharging into the Little Sackville River. He recommended that a master stormwater plan be developed for the entire watershed of the Little Sackville River.
- As each lot is redeveloped or undergoes major renovation, the By-laws should be applied for the protection of the Little Sackville River.
- He understood that for the protection of the Little Sackville River, the Lot Grading By-law must also be amended and specially apply to lots under one acre.
- The definition of watercourse should be expanded to meet the definition of Nova Scotia Department of Environment.

Mr. Peter Stoffer, MP stated that lighting along Sackville Drive is either very good or very poor. There is no even stream of lighting. This should be addressed to add ambience to the community. He also had concerns about signage but did not elaborate further.

Mr. David Barrett, Barrett Lumber Company asked for clarification regarding not being able to expand a business as mentioned previously.

Mr. Whittemore, in response, advised that the zone relates to various size buildings in each of the areas. In the Big Box area, any building over 10,000 sq. ft. would be permitted as of right. Any building less than 10,000 sq. ft. would still be allowed but it would have to go through a Development Agreement process. In the Pedestrian Retail zone, any building 5,000 sq. ft. or less is considered to be as of right but there is a Development Agreement provision that would allow buildings 5,000 sq. ft. or greater to occur. The same would apply in the Low Density Thoroughfare where the average minimum building size is 15,000 sq. ft. To expand beyond that, you would have to go through a Development Agreement process.

Mr. David Barrett expressed concern about the cost of going through the development process and how much time it takes. He also referred to taxation. He stated that now there will be downzoning. This would be expropriation by means of taxation and zoning. He thought the Committee should consider individual cases.

Mr. David Grace raised the following points:

- It appeared there were three business people on the Committee representing Sobeys, Superstore and Kingston Auto Sales. Out of that, for two of those people they have expanded the uses to do things by right.
- What you really want to do is get rid of the car lots. Land values along Sackville Drive as a result of car lots are high. This is where people come from all over the Maritimes to buy cars and spend money in stores and restaurants.
- With regard to walkways, they are owned by many people in the room. He asked if it was going to be expropriation.
- Sackville Drive has not grown; it is because of the bureaucracy in trying to do something. People do not have the time to go through the process.
- Businesses on Sackville Drive would have to pay for the improvements. The community has not had the desire over the last 15-20 years to pay for it and refused it at one time. Business people cannot afford it. They are paying the highest taxes anywhere. If the community wants a better place to drive down, let the community pay for it.
- He asked how many of the business community have been polled to see what they want.

Mr. George Major asked what low density means relative to Sackville Cross Road. In response, Mr. Whittemore advised it was basically the uses permitted there currently. It is named low density because it looks that way now with the large buildings and relatively open space and the cemetery.

Mr. Major stated that most of the properties are C-3/R-2 low density. He asked what would happen if something happens to one of those buildings. He asked what was the point of

changing the designation to low density. He was paying taxes on a C-3 piece of property and what was in it for him to change the zoning.

In response, Ms. Langille Hanna advised that there had been two options for the area. There could have been Pedestrian Retail with a very restricted list of uses but what made sense was the low density commercial zone which is actually all the uses permitted on the zone now. There would actually be a few more uses.

Mr. Major asked for confirmation that if the zoning is change to low density, he would be equal to or better than he is today.

In response, Ms. Langille Hanna advised it would depend on the type of uses Mr. Major was looking at. The range of commercial has been expanded as well as the range of residential. A lot of the processes you would have to go through have been eliminated as far as C-3 is concerned. A used car lot is not permitted but there would still be the ability to ask Council.

Mr. Major asked how many people had been contacted. He had never been contacted except for the letter he received recently.

Mr. Gordon Morgan advised Mr. Major he had spoken to him personally on two occasions. During the process of informing businesses, he personally went to over 50 businesses. There are about 150 on the street. Other Committee members went to others.

Mr. Evan Morgan referred to a certain parcel of land and stated he understood that professional offices were not permitted. He asked for clarification since he saw a concept about eight months ago that indicated professional offices were not permitted.

In response, Ms. Langille Hanna advised that professional offices are permitted everywhere along Sackville Drive. The concept Mr. Morgan referred to was put there to talk about the vision and obtain general discussion. Since Mr. Morgan's made his points previously, his concerns have been addressed in the Land Use By-law.

Mr. Evan Morgan referred to the low density area and said he understood there would be no seniors residences. In response, Ms. Langille Hanna advised that multiple unit dwellings are permitted but seniors residential complexes that require a level of care are not appropriate in the area. Apartment buildings are encouraged.

Mr. Evan Morgan asked how you would put apartment buildings in low density. In response, Mr. Whittemore advised that low density, in the context of this plan, refers to intensity of land use. There might be an apartment building but there would have to be a fair amount of open space around it.



Mr. Evan Morgan asked where on the chart provided were professional offices permitted in low density. In response, Ms. Langille Hanna referred to the list being recommended at this time. Office means medical offices.

Mr. Evan Morgan asked why you do not want small buildings under low density. In response, Ms. Langille Hanna advised there was no restriction on the size of the building but once you go over a certain size it should go through the Development Agreement process.

Mr. Evan Morgan asked when, under the existing C-3 zoning, does everybody's right to make an application and have it approved, cease.

In response, Mr. Whittemore advised it would be when an ad is placed in the newspaper for the Public Hearing. Tonight, the Planning Advisory Committee was receiving input. He advised the process that would take place after the meeting tonight.

Mr. Evan Morgan asked if this was just for Sackville Drive or to be included in the whole Plan. In response, Ms. Langille Hanna advised the areas to be affected were those on the map on the back wall in some form of colour. There were no changes being considered to the overall plan.

Mr. Allan Owen spoke in support of the proposal as a resident. The plan would bring a sense of civic pride and identity to Sackville that it does not really have right now. The existing situation on Sackville Drive is a component of daily stress and concerns for public safety. There is a need for more trees. The plan will show that economic and environmental interests can compliment each other and improve the community.

Mr. Glen Boone, Atlantic Shopping Centres raised the following points:

- The direction the Committee was asked to go was to look at the project globally and not just look at the business or residents interest but strike a balance.
- Sobeys has over 2000 ft. of frontage on Sackville Drive. That is why Sobeys became involved in the process.
- It was impossible to make everyone happy. There were no dishonest staff in HRM. In his capacity, he dealt with all regional offices and staff were very professional.
- He understood that several businesses did attend the meetings. The first one was almost two years ago and during business hours and long before the process started. If somebody got missed, it was not because the effort was not made.
- Kevin Arbuckle, the local Sobeys manager, was part of the Committee. He spoke in support of the Area Advisory Committee's work.

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- There was no focus to push car lots out. No one is discounting that the car lots are valuable. People come to buy used cars. Planning is concentrating the uses together.
- What Mr. Regan has asked for, which is for the betterment of the community, the nature park and wetlands are on Sobeys lands. Sobeys is making a commitment to let those things happen. Sobeys was looking for less bureaucracy.
- The proposal will open up opportunities for development. Their development will be a major redevelopment with major changes to Downsview with an opportunity to do things in a little less time consuming time frame.

Mr. Dennis Baxter, Sackville Drive raised the following points:

- He owns 18 acres on Sackville Drive and is in the same boat as Mr. DiGiacinto.
- He has 10 acres on land not totally bordering Sackville Drive. With regard to outdoor display, the only thing he could see go there was used cars.
- Every time he tried to sell a piece of land, a letter had to go out to everybody bordering the land. In this case, everyone should have gotten a registered letter regarding meetings and should have access to all documents which affect the lands on Sackville Drive or beyond Sackville Drive.

Mrs. Barrett stated that if there is a big shopping complex between Acadia School and Pinehill, it would increase traffic in the area. An apartment building would also do that. A larger building would obstruct the view of the river, especially on the downhill side.

Mr. Dick Boyce stated he owned 24000 sq. ft. on Sackville Drive and his business has been there for 30 years. He raised the following points:

- Ten years ago the government changed the rules about cleaning up properties. People dump on his property all the time but he is responsible.
- He was not against progress but worried how the changes would affect him. He did not want to lose 20% of his 24,000 sq. ft.
- He did not feel there were enough business people on the Committee. Kevin Kingston was the only small businessman on the Committee.
- He was concerned about the notification process.

Dr. Catherine Conrad, Sackville Rivers Association raised the following points:

- She was concerned with the Little Sackville River and supported the points raised by Walter Regan.
- She was in favour of the proposal and supported the Committee's work.
- The people of Sackville live in a watershed that needs protection.
- If the Plan goes through, there will be a protected watershed, a cleaner river.

Mr. Andrew Giles, Kimberley Lloyd said that in 1997 the Sackville Servicing Study identified the main trunk sewer was at capacity and recommended a twinning and possible surge tank at Downsview Mall. He asked if there was any consideration for that in conjunction with the improvements for Sackville Drive.

In response, Mr. Whittemore advised that the median and streetscape consolidation has to be looked at in detailed engineering design work along with, and coordinated with, the infrastructure improvement program. The design process for the location of boulevards would be one where the community and businesses are consulted.

Mr. David Grace raised additional points:

- He supported the Sackville Rivers Association but had a concern about the approach used by the Committee. There was a comment made to charge Sobeys because they do not have restrictions on what they are going to do with their property. That is a bad precedent.
- He referenced the Superstore in Bedford where they had to turn over money to Sackville Rivers Association. He was sure that the floodplain had been blocked off in Bedford in exchange for funding.
- He asked if anyone along the Little Sackville River wants to do something in future, would they be charged a fee. He urged the Committee not to set a precedent for giving a developer's money away.
- He referred to the plan for pathways along the Little Sackville River and asked if the lands would be expropriated.

Mr. Langille Hanna, in response, advised that staff has been working with the Association and they would have additional information. The pathways and linkages, however, are sidewalks or existing HRM parkland or HRM is looking at buying pieces of parkland. She did not believe there would be any expropriation. Within public ownership, there is probably 70-75% of a link along the river now. There is a group looking at the remaining 25% and trying to figure out ways in which people can travel along the river. She never heard of any talk of expropriation.

Mr. Paul Hyland asked the status of this particular meeting and what the process would be following it.

In response, Ms. Langille Hanna advised that the meeting this evening was a Public Meeting to gather comments and concerns. Subsequently, staff will work with the Planning Advisory Committee to make revisions. The next public meeting will be in the form of a Public Hearing, which will be advertised. Unless staff is directed to hold another public meeting, there will not be one.

Mr. Hyland referred to Sackville Cross Road and asked for clarification.

In response, Mr. Whittemore advised that based on previous conversation with Mr. Hyland, an entire section was added on Sackville Cross Road.

Mr. Hyland recommended that those affected on Sackville Cross Road should be provided with information on the changes. He recommended another public meeting to allow those people to come. He noted that with the original process, a Secondary Planning Strategy was called for but there was never any money to do it in the County. The original C-3 stopped at Pinehill Drive and did not extend to the end of road until the plan was reviewed in 1994. In the process he was involved with, the public did not want apartment buildings on Sackville Drive and did not want another Spryfield.

Ms. Ruth Baxter stated that years ago, when they were in financial difficulties, they made an offer to the tax department that in lieu of paying taxes to grant some of their property. This was turned down. She wanted the Committee to be aware of the expropriation problems they had experienced over the years.

#### 2.4 **Closing Comments**

Delphis Roy thanked the members of the public for attending.

#### 3. **ADJOURNMENT**

The meeting adjourned at 9:10 p.m.

Sandra M. Shute  
Assistant Municipal Clerk