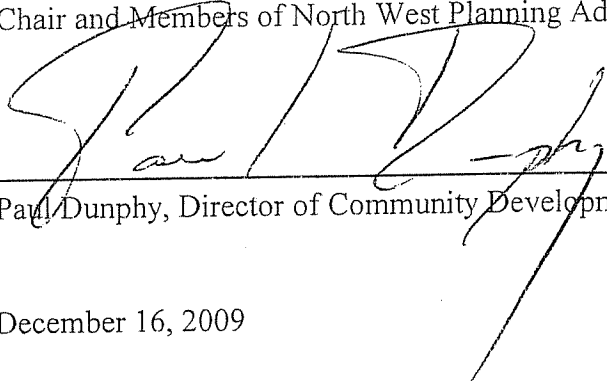




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
January 6, 2010

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: December 16, 2009

SUBJECT: Case 01326: LUB Amendments and Rezoning – Oakridge Memorial Gardens, 1078 Old Sackville Road, Sackville

ORIGIN

Application by Memorial Gardens Canada Ltd.

RECOMMENDATION

It is recommended that North West Planning Advisory Committee recommend that North West Community Council:

1. Give First Reading to consider the proposed amendments to the Land Use By-law for Sackville and the rezoning of a portion of 1078 Old Sackville Road, as identified in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Land Use By-law for Sackville and the rezoning of a portion of 1078 Old Sackville Road, as identified in Attachment A of this report.

BACKGROUND

Memorial Gardens Canada Ltd. currently operates a cemetery, Oakridge Memorial Gardens, at 1078 Old Sackville Road. They wish to relocate their existing sales and administration office from Bedford's Sunnyside Mall to the Oakridge Memorial Gardens property.

The subject property is approximately 65 acres (26 hectares), and the owners are proposing a 3400 square foot (315 square metre) office building near Old Sackville Road to house their sales and administrative staff.

An office building is not permitted in the existing P-1 (Open Space) Zone, so changes are required to the Sackville LUB to permit the office building.

Two amendments are proposed:

- To rezone a portion of the subject property from P-1 to P-2 (Community Facility).
- To add offices in conjunction with a cemetery to those uses permitted in the P-2 zone.

Designation Most of the subject property (PID 40308611) is designated Community Facility under the Sackville Municipal Planning Strategy (MPS) (Map 1). A small portion (unaffected by these amendments) is designated Rural Residential under the Sackville MPS.

The majority of the subject property is designated Urban Settlement under the Regional MPS. Another portion, that will not be affected by these amendments, is designated Rural Commuter under the Regional MPS.

Zoning The majority of the subject property is zoned P-1 (Open Space) under the Sackville Land Use By-law (LUB) (Map 2). The small portion that is designated Rural Residential is also zoned R-6 (Rural Residential) .

Surrounding Land Uses The subject property is bounded by Highway 101 to the south, and a mix of low-density residential uses and community facilities to the north, east and west.

Enabling Policy

Policies CF-2 and IM-13 of the Sackville MPS allow Council to consider rezonings to the P-2 (Community Facility) Zone in the Community Facility, Urban Residential and Rural Residential designations (Attachment B). The policy preamble recognizes that "there is a wide range of community related facilities which are important to the residents of any community. These facilities include schools, parks and play fields, churches, cemeteries and social service centres".

Proposed Amendments

In addition to rezoning a portion of the subject property, amendments to the P-2 (Community Facility) Zone are proposed. These amendments include adding 'a sales and administration office in conjunction with a cemetery' to the list of permitted institutional uses in the P-2 Zone (Attachment A). The proposed requirements for such offices are as follows:

- Same setbacks as currently apply to other institutional uses
- Maximum height of 35 feet (10.67 metres)
- Maximum floor area of 5000 square feet (464.5 square metres)
- The building must be oriented so that the primary facade of the building faces the street.
- Landscaping is required between the public street and the building and any parking areas.
- Landscaping is also required if the office is located within 50 feet (15.24 metres) of an abutting residentially zoned property.

DISCUSSION

Staff have reviewed the proposed LUB amendments and rezoning with regard to the relevant policies contained in the Sackville MPS. The proposed amendments to the P-2 (Community Facility) Zone and the proposed rezoning of a portion of Oakridge Memorial Gardens to the P-2 (Community Facility) Zone meet the criteria listed in Policies CF-2 and IM-13 (Attachment B).

Policy IM-13 raises the potential concerns of traffic and compatibility when considering rezonings in the Sackville plan area (Attachment B). For this proposal, trips generated by the sales and administration office are not anticipated to negatively affect the performance of Old Sackville Road or Lucasville Road. With regard to adjacent residential uses, any compatibility issues with an office in conjunction with a cemetery will be mitigated with the proposed landscaping provisions added to the P-2 (Community Facility) Zone.

Public Information Meeting / Area of Notification

A public information meeting (PIM) for the proposed rezoning was held on November 19, 2009. The minutes for the PIM are included as Attachment C. If Council decides to schedule a public hearing, property owners within the notification area shown on Map 2 will be notified of the hearing by mail. Public notices will be posted in the local newspaper and on the HRM website.

Public Feedback

Staff received comments from the public during the public information meeting (Attachment C). The issue of how the proposed office building would blend in with the local neighbourhood was raised. Staff believe that the requirements for a maximum floor area, landscaping and for the building to face the public street will ensure that an office in conjunction with a cemetery will blend with the local streetscape.

Conclusion

Staff have considered the LUB amendments to the P-2 (Community Facility) Zone and the associated rezoning of a portion of the Oakridge Memorial Gardens to the P-2 (Community Facility) Zone, and advise that the proposal meets the criteria set out in Policies CF-2 and IM-13 of the Sackville MPS. Staff recommend that North West Community Council approve the proposed LUB amendments and rezoning, as set out in Attachment A of this report.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

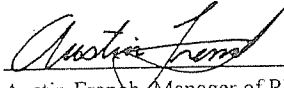
1. Council may choose to approve the proposed Land Use By-law amendments and rezoning. This is the recommended course of action.
2. Council may choose to refuse the proposed Land Use By-law amendments and rezoning, and in doing so, must provide reasons based on a conflict with the MPS policies.
3. Council may choose to change the proposed Land Use By-law amendments and rezoning. This may require an additional staff report or a new public hearing.

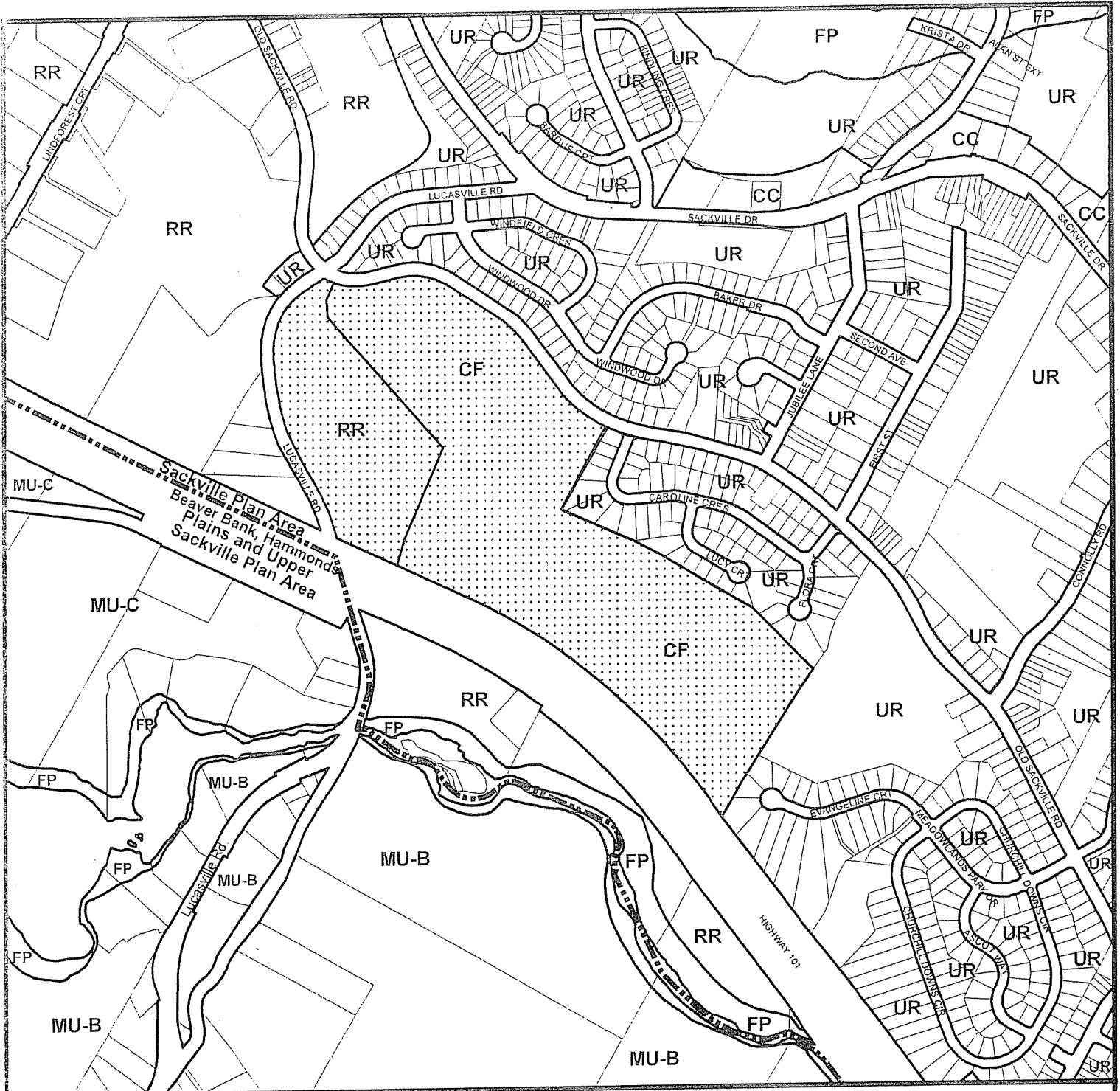
ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Attachment A	Amendments to the LUB for Sackville
Attachment B	Review of Relevant Policies from the MPS
Attachment C	PIM Minutes – November 19, 2009

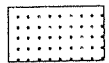
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Mackenzie Stonehocker, Planner I, 490-4793

Report Approved by: 
Austin French, Manager of Planning Services, 490-6717



Map 1
Generalized Future Land Use



Subject Property

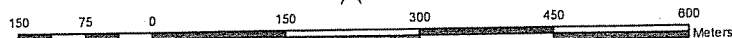
HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services

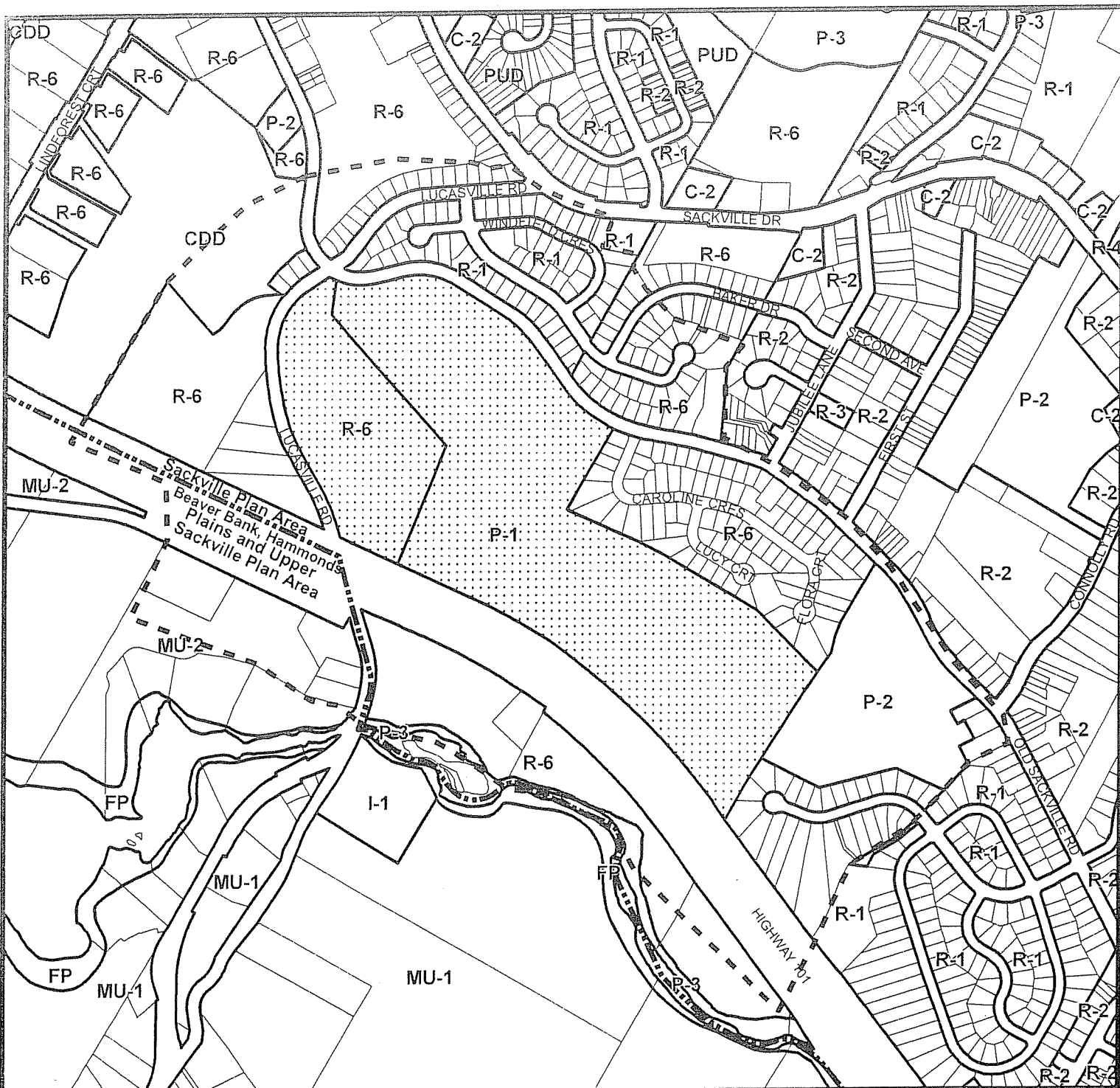
Sackville Plan Area

- UR Urban Residential Designation
- RR Rural Residential Designation
- CC Community Commercial Designation
- FP Floodplain Designation
- CF Community Facility Designation

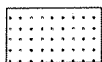
Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

- MU-B Mixed Use B Designation
- MU-C Mixed Use C Designation
- FP Floodplain Designation





Map 2
Zoning



Subject Property



Notification Area



Sackville Plan Area

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-3 Mobile Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone

- C-2 Community Commercial Zone
- P-2 Community Facility Zone
- P-3 Floodplain Zone
- CDD Comprehensive Development District
- PUD Planned Unit Development

- MU-1 Mixed Use 1 Zone
- MU-2 Mixed Use 2 Zone
- FP Floodplain Zone
- I-1 Light Industrial Zone



Attachment A:
Amendments to the Land Use By-law for Sackville

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Sackville Land Use By-law, as amended, is hereby further amended as follows:

1. The Sackville Zoning Map shall be amended by rezoning a 98,974 square foot (9194.68 square metres) portion of 1078 Old Sackville Road (PID# 40308611) from the P-1 (Open Space) Zone to the P-2 (Community Facility) Zone, as illustrated in the attached Schedule A.
2. Amend Section 20.1 (P-2 Uses Permitted) by adding the follow Institutional Use after Residential Care Facilities:

A sales and administration office in conjunction with a cemetery

3. Add a new Section 20.4 directly after Section 20.3 (P-2 Zone Requirements: Open Space Uses):

20.4 OTHER REQUIREMENTS: OFFICES IN CONJUNCTION WITH A CEMETERY

In any P-2 Zone, where a sales and administration office is permitted in conjunction with a cemetery, no development permit shall be issued except in conformity with the following:

Maximum Height	35 feet (10.67 m)
Maximum Floor Area	5000 square feet (464.5 square metres)

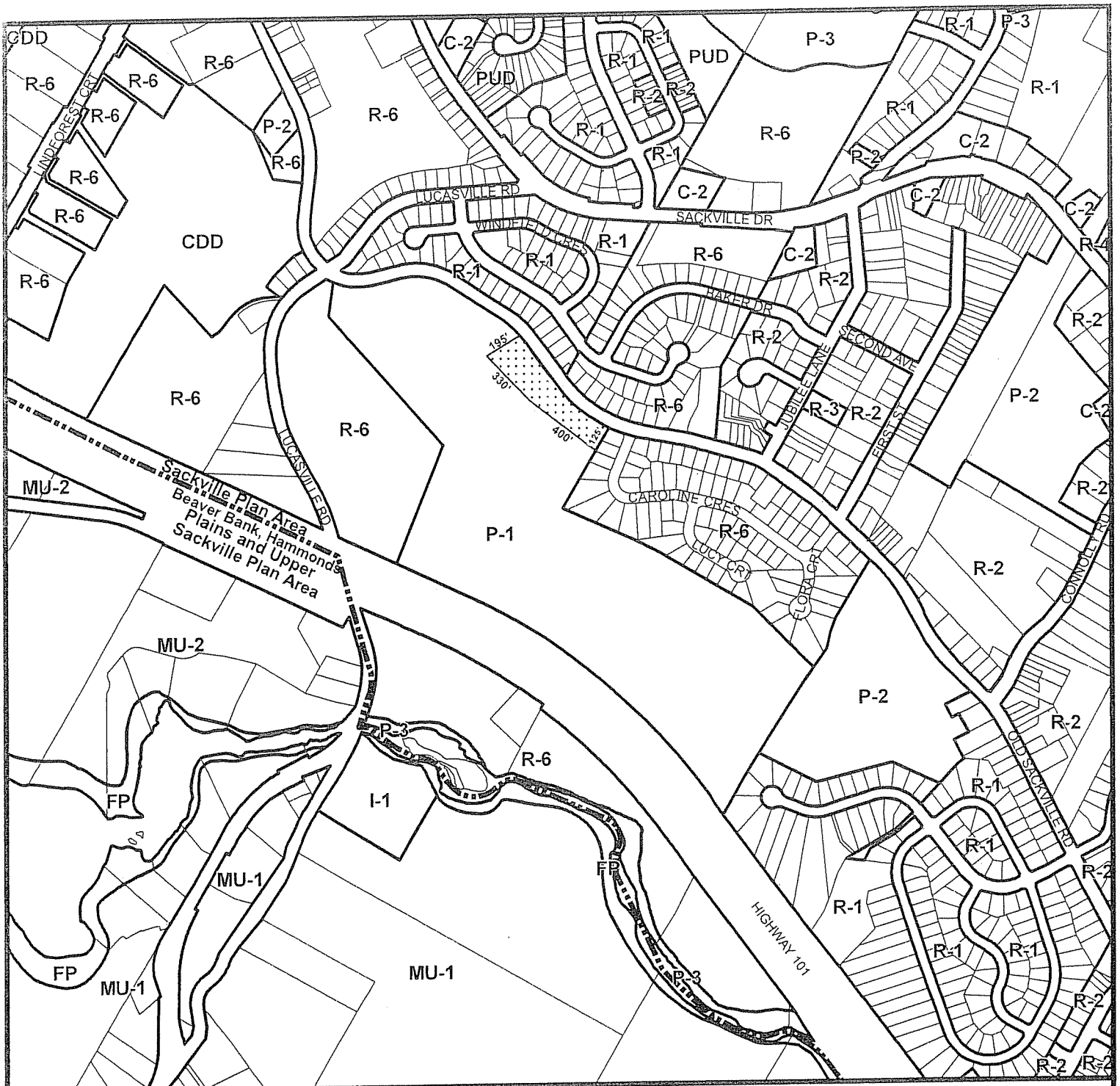
- (a) Where the building is located within 100 feet (30.5 metres) of a public street, it shall be oriented so that the primary facade of the building faces the public street.
- (b) A landscaped strip of at least 30 feet (9.1 metres) in width shall be provided in the front yard between the public street and the building and any parking areas. For the purposes of this section, landscaping shall consist of a minimum of one tree and one shrub for each 400 square feet (37.2 square metres) of landscaped area.
- (c) Where the building is located within 50 feet (15.24 metres) of an abutting residentially zoned property, a landscaped strip of at least 30 feet (9.1 metres) in width shall be provided between the abutting property and the building and any parking areas. Where an opaque fence of at least 6 feet (1.83 metres) in height is

provided along the common property boundary, the landscaped strip may be reduced to 15 feet (4.57 metres) in width. For the purposes of this section, landscaping shall consist of a minimum of one tree and one shrub for each 400 square feet (37.2 square metres) of landscaped area.

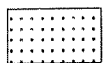
I HEREBY CERTIFY that the amendment to the Land Use By-law for Sackville, as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk



Schedule A



Area to be Rezoned from P-1 to P-2



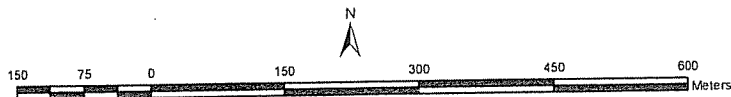
Sackville Plan Area

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-3 Mobile Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone

- C-2 Community Commercial Zone
- P-2 Community Facility Zone
- P-3 Floodplain Zone
- CDD Comprehensive Development District
- PUD Planned Unit Development

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

- MU-1 Mixed Use 1 Zone
- MU-2 Mixed Use 2 Zone
- FP Floodplain Zone
- I-1 Light Industrial Zone



Attachment C:
PIM Minutes – November 19, 2009

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01326 - Oakridge Memorial Gardens

Thursday, November 19, 2009

7:00 p.m.

Sackville Heights Community Centre
45 Connolly Road, Sackville

STAFF IN

ATTENDANCE: Mackenzie Stonehocker, Planner, HRM Planning Services
Alden Thurston, Planning Technician, HRM Planning Services
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Brad Johns, District 19
Trevor Cairns, J. W. Lindsay Enterprises Limited
Rob MacFarlane, Oakridge Memorial Gardens
Cosimo Casale, Larkin & Associates Planning Consultants
Michael Larkin, Larkin & Associates Planning Consultants

PUBLIC IN

ATTENDANCE: 1

The meeting commenced at approximately 7:03 p.m.

1. Opening Remarks/Introductions/Purpose of Meeting - Mackenzie Stonehocker

Mackenzie Stonehocker introduced herself as the planner guiding the application through the public process; Councillor Brad Johns, District 19; Cosimo Casale, Trevor Cairns, Rob MacFarlane, and Mikè Larkin on behalf of the applicant; and Alden Thurston and Cara McFarlane, HRM Planning Services.

The planning department has received an application to rezone a portion of the property at 1078 Old Sackville Road. The purpose of tonight's meeting is to explain the rezoning process, for the client to present their proposal, and to give members of the public an opportunity to ask questions and give feedback.

The agenda was reviewed.

2. Overview of Planning Process

A preliminary review was done to make sure the Sackville plan has some support for the proposal. A public information meeting is held (tonight's meeting). Feedback will be gathered, comments from other HRM departments reviewed and the information compared with what the plan says. Staff will write a report recommending either in favor of or against the proposal. The report will be sent to North West Planning Advisory Committee (NWPAC) who will make a recommendation to North West Community Council (NWCC). NWCC will schedule a public hearing. Council makes a decision based on recommendations from staff and NWPAC and after hearing the public speak. There is a fourteen day appeal period that follows, which allows the decision to be appealed to the Nova Scotia Utility and Review Board.

3. Presentation of Proposal

Mackenzie Stonehocker, HRM Planning Services

An aerial view of the area was shown. The entire subject property is about 65 acres and fronts on Old Sackville and Lucasville Roads. The property lines were shown in pink, buildings in grey, and watercourses in blue.

The zoning in the area is governed by a couple of different designations for future land use. R-6 portions are designated Rural Residential and they are outside the service boundary. Everything to the right of the subject property is designated Urban Residential. Most of the subject property, everything that is currently zoned P-1, is designated Community Facility. Within that Community Facility designation, the Sackville plan allows for two zones: the P-1 (Open Space) Zone and the P-2 (Community Facility) Zone.

The location of the foundation that is currently on the property was shown. Memorial Gardens Canada would like to put a small office building there for sales staff. This is not permitted in the P-1 Zone; therefore, the applicants have applied for a change to the planning documents.

In order for this to happen, there has to be a change in two areas. The first change is to rezone part of the property from P-1 (Open Space) to P-2 (Community Facility). The portion that is zoned R-6 (Rural Residential) would stay the same. The second change is to add two new uses to the P-2 Zone. The first new use would be an office in conjunction with the permitted use. This would allow Memorial Gardens Canada to have a sales office on the same property as the cemetery. The second new use is if and when Memorial Gardens Canada wants to put a funeral home on the site in the future.

There are policies within the Sackville Municipal Planning Strategy (MPS) to follow when considering a rezoning and changes to the Land Use By-law (LUB). Since the subject property is within the Community Facility designation, there are two zones: the existing Open Space Zone and

proposed Community Facility Zone. Policy CF-2 allows us to consider rezoning the subject property as long as the main uses are institutional, open space or community facility uses.

Michael Larkin, Larkin & Associates Planning Consultants

Larkin & Associates Planning Consultants have done land use planning for Memorial Gardens Canada on a number of their sites. On this property they are looking for the approval for an administrative building. The intent of locating the building on the cemetery grounds is to provide their customers with service on-site as opposed to having to go back and forth to Bedford which is currently where the offices are located.

The location of the property and the proposed sales office were shown. The intent of the building is to:

- provide assistance to families when locating plots at the cemetery
- maintain the cemetery documents regarding burials, plots, trust matters, etc.
- provide a meeting space to assist their customers when organizing their burial services
- provides for administrative duties associated with the operation of the cemetery and determine the noted services
- general support services and space for staff

The existing cemetery property is approximately 65.8 acres. The office will be two storeys and a total of 3,400 square feet. It will be provided with municipal services, both water and sanitary. There will be stormwater runoff management with controls in place for the development from the parking area and building. Currently, there are about 25 parking spaces on the site plan, two designated for accessible parking. There are 17 sales and administrative staff.

The applicant would like the lands rezoned from P-1 Zone to P-2 Zone to permit cemeteries as an Open Space use and an office as an Institutional use. The proposed amendments includes the addition of a funeral home as a permitted use on the subject lands.

There is currently an application submitted for a development permit which is pending the approval of the land use by-law amendment. Memorial Gardens Canada would like to target construction in Spring 2010.

4. Questions/Comments

Kevin Porter, Old Sackville Road, and his neighbours are concerned that a crematorium will be placed on the property. He would like to see the aesthetics of the building blend in with the local community (not a warehouse). Also the large construction trucks on the road this past summer were a nuisance. Trevor Cairns explained that the intent is for the building to look exactly as it appears on the rendition (shown). There is also a \$20,000 landscape allowance for shrubbery and flowers.

When Mr. Porter bought his property, he wasn't aware that there was a cemetery across the street until weeks later. Mr. Porter is also concerned about traffic increase. He would also like to see sidewalks put in. Mr. Larkin said there will not be much of an increase. The services are held during the off-peak hours. Currently, clients are going back and forth to Bedford; therefore, that type of traffic will decrease.

Mr. Porter asked when they would expect an end date. Mr. Cairns said the original schedule was about four months from approval for 100% complete site work. The site work has been started prematurely and may shorten the process a bit. The planning process may be complete by the end of March so hopefully mid-summer.

Mr. Porter asked if all the heavy equipment is done with now. Mr. Cairns said there would be some because the parking lot needs to be topped up. Also top soil would have to be brought in for the landscaping but definitely not as much as there has been.

Councillor Johns asked if this is a plan amendment to all of Sackville or if it is site specific with the P-2 Zone and the amendments to the P-2 Zone. Ms. Stonehocker said it would pertain to all P-2 zoned properties in the Sackville plan area. The P-2 Zone would be worded in such a way that offices in conjunction with a cemetery would be permitted.

Councillor Johns asked if there would be down lighting. Councillor Johns suggested to include oil grit separators and a system for capturing any runoff from the parking lot as this will more than likely be brought up at the public hearing. Ms. Stonehocker said that the engineering staff mentioned the sidewalks going in; therefore, the ditches will be gone.

Councillor Johns asked if there were any changes made to the side of the building that faces the houses. Mr. Cairns said not at this point as it interferes with the function of the space inside. Councillor Johns mentioned that the side facing the parking lot looks great but that is not the side facing the residents and he would like to see that revised. He would like to see something there that doesn't look like it is the back of the building.

Councillor Johns asked if there was any discussion in regards to an opportunity to either sell or convey a small parcel of the property to HRM for a park or a place to site along the sidewalk. Mr. Cairns said no. He understood there was a piece of HRM land that the city wanted the applicant do something with. Councillor Johns said that piece is across the street.

5. Closing Comments

Ms. Stonehocker thanked everyone for coming and for their feedback.

6. Adjournment

The meeting adjourned at approximately 7:25 p.m.

Attachment B:
Review of Relevant Policies from the MPS

Policy CF-2:	Staff Comment:
Within the Community Facility Designation, it shall be the intention of Council to create a community facility zone which permits institutional, community facility and open space uses. The zone shall also permit single unit dwellings and caretaker units in conjunction with specific uses. In support of community facilities outside the Designation, this zone may be applied within the Urban Residential and Rural Residential Designations by amendment to the land use by-law.	The portion of the subject property to be rezoned from the P-1 (Open Space) Zone to the P-2 (Community Facility) Zone is located within the Community Facility designation. The rezoning meets policy, as do the proposed amendments to the P-2 Zone.
Policy IM-13: In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville [North West] Community Council shall have appropriate regard to the following matters:	
Policy Criteria	Staff Comment
(a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;	The proposal meets the policies included in the Sackville Municipal Planning Strategy.
(b) that the proposal is not premature or inappropriate by reason of: (i) the financial capability of the Municipality to absorb any costs relating to the development; (ii) the adequacy of sewer and water services; (iii) the adequacy or proximity of school, recreation and other community facilities; (iv) the adequacy of road networks leading or adjacent to, or within the development; and (v) the potential for damage to or for destruction of designated historic buildings and sites.	The proposal is not premature or inappropriate. The Municipality will be able to service the proposed development. According to the traffic impact study submitted with the application, the new office building for Oakridge Memorial Gardens is "not expected to intensify site-related traffic".

Policy CF-2:	Staff Comment:
<p>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</p> <ul style="list-style-type: none"> (i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) traffic generation, access to and egress from the site, and parking; (iv) open storage; (v) signs; and (vi) any other relevant matter of planning concern. 	<p>Setbacks and landscaping have been incorporated into the P-2 Zone to reduce conflict with adjacent or abutting land uses.</p> <p>In addition, to protect the streetscape, any building proposed pursuant to these amendments will be required to have a primary facade facing to the public street.</p>
<p>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;</p>	<p>There are no watercourses in the area which will be rezoned. Any future office buildings in conjunction with cemeteries in the P-2 Zone will be subject to the requirements of the Land Use By-law with regard to siting.</p>
<p>(e) any other relevant matter of planning concern; and</p>	<p>Not applicable.</p>
<p>(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.</p>	<p>Not applicable.</p> <p>Subdivision has not been requested, and a holding zone does not apply to the subject property.</p>