

North West Community Council
April 24, 2007

TO: North West Community Council

SUBMITTED BY: *Gail Harnish / for.*
Ann Merritt, Chair
North West Planning Advisory Committee

RE: Case 00963 - Sackville Drive Land Use By-law Amendment - LS (Large Scale Commercial) Zone

DATE: April 17, 2007

ORIGIN

North West Planning Advisory Committee meeting - April 4, 2007

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council:

1. Give First Reading to consider proposed amendment to the Sackville Drive Land Use By-law to permit service and personal service shops in existing multi-unit dwellings in the LS (Large Scale Commercial) Zone, as shown in Attachment "A" of the staff report dated March 15, 2007, and schedule a public hearing.
2. Approve the proposed amendment to the Sackville Drive Land Use By-law to permit service and personal service shops in existing multi-unit dwellings in the LS (Large Scale Commercial) Zone, as shown in Attachment "A" of the staff report dated March 15, 2007.

ATTACHMENTS

Staff report dated March 15, 2007

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Ann Merritt, Chair, North West PAC

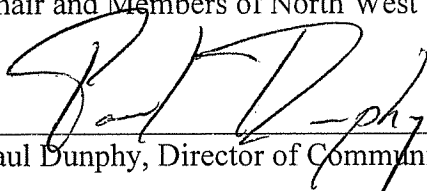


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
April 4, 2007

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: March 15, 2007

SUBJECT: Case 00963: Sackville Drive Land Use By-law Amendment- Service and Personal Service Shops in the LS (Large Scale Commercial) Zone

ORIGIN

Request by North West Community Council to permit service and personal service shops in existing multi-unit dwellings in the Large Scale Commercial (LS) Zone of the Sackville Drive Land Use By-law.

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider the proposed amendments to the Sackville Drive Land Use By-law to permit service and personal service shops in existing multi-unit dwellings in the LS (Large Scale Commercial) Zone, as shown in Attachment "A", and schedule a public hearing.
2. Approve the proposed amendment to the Sackville Drive Land Use By-law to permit service and personal service shops in existing multi-unit dwellings in the LS (Large Scale Commercial) Zone, as shown in Attachment "A".

BACKGROUND

The LS (Large Scale Commercial) Zone permits service and personal service shops only in big box stores or strip mall/shopping plazas (Attachment "C"). Limiting service and personal service shops to the larger retail complexes excludes them and other small scale businesses from being located within large, multi-unit dwellings. North West Community Council was made aware of this matter and initiated the request to amend the Sackville Drive Land Use By-law (LUB) to permit service and personal service shops in existing multi-unit dwellings.

The LS zone can be characterized by the following:

- established under the Downsview- Beaver Bank (DB) Designation;
- designed to foster commercial complexes with efficient traffic management;
- applied to the area of Sackville Drive around the Beaver Bank Road and Walker Avenue junction; and
- developed largely as big box and strip mall-style commercial; only existing residential uses (including multi-unit dwellings) are permitted.

DISCUSSION

The DB designation places limits on stand alone small scale commercial uses as this is inconsistent with the goal to create a big box retail power centre (Attachment "B"). The dispersion of small scale commercial uses throughout the area would also be counterproductive to the need to focus traffic circulation to the larger scale commercial complexes. When the policy was developed, there was no consideration given to existing and potential service and personal service shops that are often located in larger multi-unit buildings. At the time of adoption of the LUB, there were existing commercial uses within multi-unit dwellings which were rendered non-conforming by the changes. Service and personal service shops within multi-unit dwellings serve immediate area residents and usually generate little traffic from off-site. It would be possible to allow for these shops in multi-unit dwellings and improve traffic management in the area by meeting needs on-site and reducing local traffic.

Limited impact

The majority of LS zoned properties have been developed with large scale, big box commercial and retail buildings. There are 9 multi-unit buildings located on 5 properties clustered near Old Sackville Road and Walker Ave/Connector (Map 3). Three of these buildings have associated commercial uses including a laundromat, training centre, bookstore and convenience store. Allowing for service shops in existing buildings would legalize the 4 existing commercial enterprises and open the potential for commercial in the other 6 buildings. The LS Zone does not permit new multi-unit dwellings so the impact would be limited to the existing structures.

Streetscape requirements

The streetscape requirements will have to be met if there are any changes to the existing buildings; internal renovations will not activate the requirements.

Signage

New commercial units would have to meet the present signage requirements; existing business signage would be grandfathered.

Public Information Meeting

A public information meeting was held on February 15, 2007. Minutes of the meeting are provided as Attachment D. Should Community Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified as shown on Map 4. This is the notification area which was also utilized for the Public Information Meeting.

Conclusion

The LS Zone permits a broad range of commercial uses which can be developed as stand alone uses or in conjunction with other permitted uses in the Zone. In this instance, all of the permitted commercial uses, with the exception of service and personal service shops, could be located in existing multiple-unit dwellings. The inclusion of service and personal service shops would pose no greater impact to the community than many of the other permitted commercial uses. A review of the policy and feedback from the public illustrates that the proposal would not detract from the intent of the MPS. Staff could not identify any issues which would suggest that the shops would be inappropriate uses and recommend that North West Community Council permit service and personal service shops in existing multi-unit dwellings located in the LS Zone.

BUDGET IMPLICATIONS

No budget implications.

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

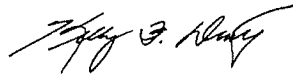
1. Council may choose to approve the proposed amendments to the Land Use By-law. This is the staff recommendation for reasons described above.
2. Council may choose to refuse the proposed amendment to the Land Use By-law, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff are satisfied that the proposed amendment is consistent with the policies and intent of the MPS.

ATTACHMENTS

- Map 1: Generalized Future Land Use Map
- Map 2: Zoning Map
- Map 3: Existing Multi-unit Dwellings in the LS Zone
- Map 4: Notification Area
- Attachment A: Proposed Changes to the Sackville Drive Land Use By-law
- Attachment B: MPS Policies
- Attachment C: LUB Requirements for LS Zone
- Attachment D: Public Information Meeting Minutes- February 15, 2007

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

Report Prepared by: Leticia Smillie, Planner 1- Planning Applications: Community Development 869-4747



Report Approved by: _____
Kelly Denty, Acting Manager of Planning Services 490-6011



Map 1
Generalized Future Land Use

 LS Zoned Areas

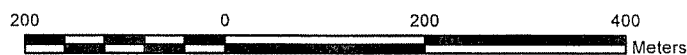
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Planning Services

Sackville Plan Area

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

Sackville Plan Area

- DB Downsview/Beaver Bank Designation
- PR Pedestrian Retail Designation
- PC Pinehill/Cobequid Designation
- VC Acadia Village Centre Designation





**Map 2
Zoning**



LS Zoned Areas



Sackville Plan Area

- R-1 Single Family Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone
- P-1 Open Space Zone
- P-2 Community Facility Zone
- P-3 Floodplain Zone
- C-2 Community Commercial
- CDD Comprehensive Development District

Sackville Drive Secondary Plan Area

- LS Large Scale Commercial Zone
- DC-1 Downswiew Complex-1 Zone
- DC-2 Downswiew Complex-2 Zone
- DC-3 Downswiew Complex-3 Zone
- CP Community Parkland and Facility Zone
- PR Pedestrian Retail Zone
- PC Pinehill/Cobequid Zone
- VC Acadia Village Centre Zone

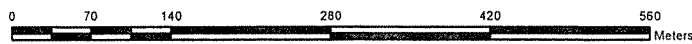




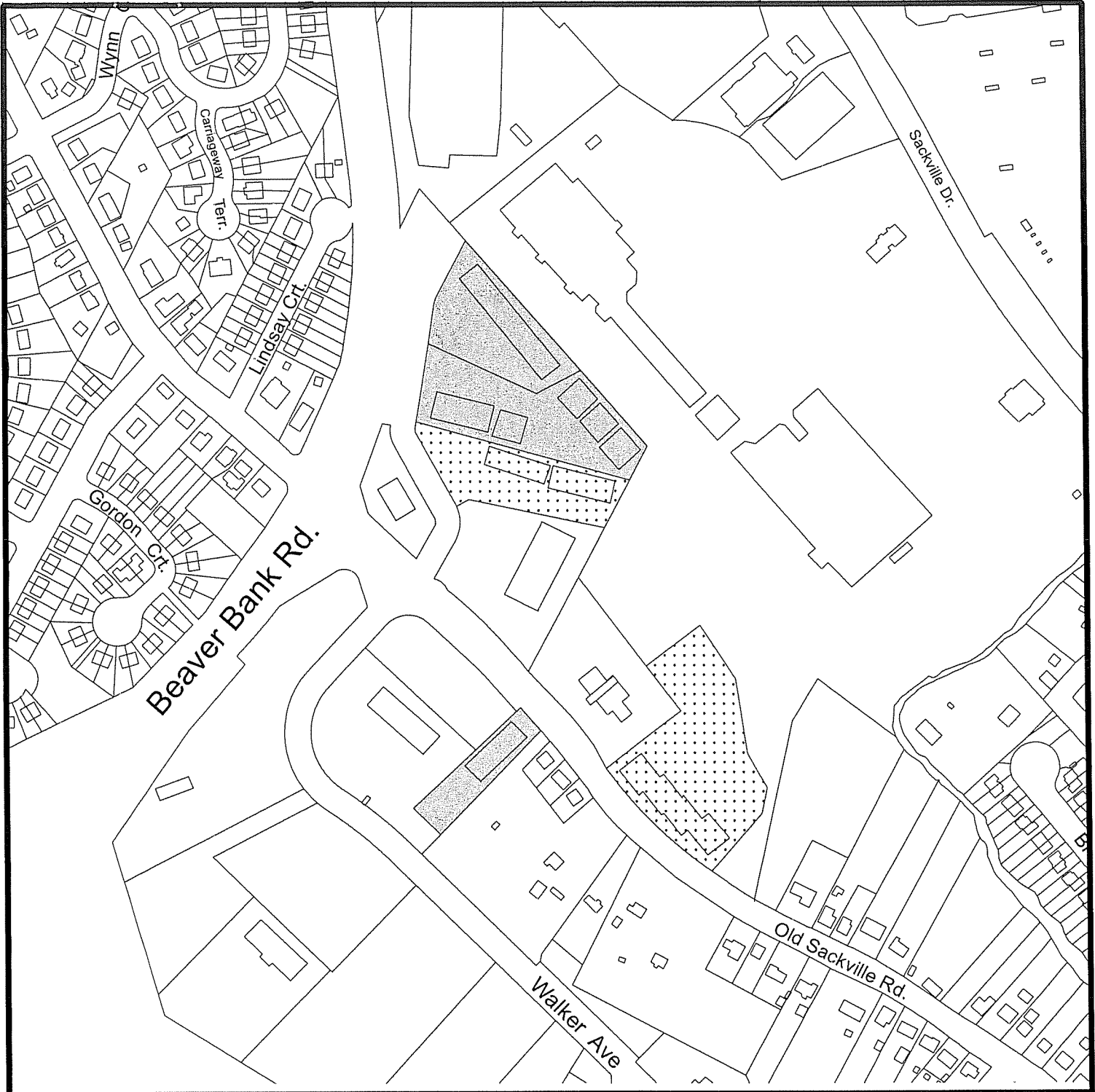
Map 3



Notification Areas



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Map 4

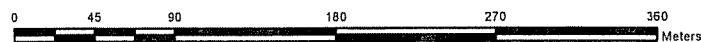


Existing Multiple Unit Dwelling (Existing Commercial)



Existing Multiple Unit Dwelling (No Existing Commercial)

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Planning Services



Attachment "A"
Amendments to the Sackville Drive Land Use By-law

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Sackville Drive Land Use By-law as enacted by the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002 as amended, is hereby further amended as follows:

1. The 24th bullet in the list of Commercial Uses under Section 1 of Part 8 is amended by deleting the words "or Strip Mall/Shopping Plaza" after the words "Service and Personal Service Shops contained within a Big Box (Large Box Retail)" and replacing it with the words, ", Strip Mall/Shopping Plaza or Existing Multiple Unit Dwelling."

I HEREBY CERTIFY that the amendment to the Land Use By-law for Sackville Drive 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 _____, 2007

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2007

Jan Gibson
Municipal Clerk

Attachment "B" **Relevant MPS Policies**

Policy DB-2

Within the Downsview-Beaver Bank Designation, a Large Scale Commercial Zone shall be established under the Land Use By-law and applied to a portion of the lands as shown on Schedule B. The Large Scale Commercial Zone shall permit a range of commercial and retail uses that typically require buildings of 10,000 square feet, or greater, in size, including but not limited to, retail, office, hotel and motels, self storage facilities, commercial entertainment, commercial recreation, automobile rental, motor home sales. Institutional and community uses shall be permitted. New multiple residential uses shall be prohibited in the Large Scale Zone. All residential, outdoor display, trade and contracting uses in existence as of May 7, 2002, shall be permitted within the Zone.

5.2.2 Limit Small Scale Buildings and Strip Malls

The success of the big box retail power centre will undoubtedly be influenced by the manner in which traffic is managed in this area. The significant volumes of traffic that are currently drawn to Downsview-Beaver Bank area, and any additional traffic drawn by the big box power centre, could be detrimental to the success of this area.

One means to ensure the effective management of traffic is to generally discourage small scale uses within this area. The traditional combination of large and small scale uses have fostered a scattered patchwork of varied lot sizes and building scales, creating an overall dysfunctional traffic system. Inappropriately spaced driveways and poorly planned and spaced turning lanes have only exacerbated the situation.

Consequently, new small scale, pedestrian oriented uses should be discouraged. However, where it can be shown that a small scale development would further the intent of traffic access management principles and efficiency in this area, such uses could be considered. Specifically, small scale uses should prove that they will not complicate the task of driving, increase overall travel times, and necessitate the need for additional travel lanes. Moreover, small scale uses should be sited to ensure the predictability of motorist travel patterns is easily discernable. Small scale uses should also demonstrate that they would not decrease the capacity of existing transportation system.

Attachment "C"
LUB Requirements for LS Zone

Part 8:

LARGE SCALE COMMERCIAL (LS) ZONE

Permitted Uses

1. No development permit shall be issued in any LS (Large Scale Commercial) Zone except for the following:

Commercial Uses

- Big Box (Large Box Retail)
- Retail Stores
- Food Stores
- Building Supply Outlets
- Offices
- Banks and Financial Institutions
- Restaurants (full service, drive-thru and take-out)
- Commercial Entertainment Uses
- Commercial Recreation Uses
- Garden Market and Nurseries associated with Retail Stores
- Automotive Rental Facilities/Car Rental Agency
- Automotive Service Stations
- Taxi and Bus Depots
- Commercial Parking Lot
- Automotive Repair Outlets
- Self Storage Facilities
- Motel/Hotel
- Funeral Home
- Motor Home Sales and Service
- Shopping Centre
- Strip Mall/Shopping Plaza
- Equipment Rental
- Bakeries (including wholesale)
- Service and Personal Service Shops contained with a Big Box (Large Box Retail) or Strip Mall/Shopping Plaza
- Existing Outdoor Display Courts
- Existing welding, plumbing and heating, electrical, automotive and other trade contracting services & shops • Existing Autobody Shop

Institutional and Community Uses

- Educational Institutions (including commercial schools)
- Denominational Institutions excluding cemeteries
- Medical, Veterinary and Health Service Clinics; outdoor kennels associated with

veterinary clinics are prohibited

- Daycare Facilities, Nursery Schools and Early Learning Centres
- Civic Buildings including by not limited to public office, post office, fire station, police station, library, museum, gallery
- Public Transit Terminal (NWCC-May26/05;E-May28/05)
- Community/Recreational Centre
- Community Parkland and Facility uses

Residential Uses

- Existing Single Unit Dwellings
- Existing Two Unit (detached and semi-detached) Dwellings
- Existing Townhouses
- Existing Multiple Unit Dwellings

Uses Permitted by Development Agreement

2. Notwithstanding the provisions of Part 8 Section 1, in any LS Zone, no development permit shall be issued for new commercial developments with building footprints of less than 10,000 square feet (929 m²) or any proposed expansion to existing commercial developments which would maintain a total building footprint of less than 10,000 square feet, (10,000) square feet (929 m²) in any LS zone except (NWCC-May26/05;E-May28/05) by development agreement in accordance with the Municipal Government Act.

A service station of any gross floor area shall be exempted from this development agreement provision.

Lot Provisions

3.

Minimum Lot Area	2,787 m ² (30,000 ft ²)
Minimum Lot Frontage	30.50 m (100 ft)
Minimum Front/Flankage Yard Setback	15.25 m (50 ft)
Minimum Rear Yard Setback	6.09 m (20 ft),
	except
	18.28 m (60
	ft) where
	abutting any
	residential
	zone
Minimum Sideyard Setback6.09 m (20 ft),18.28 m
	(60 ft) where
	abutting any
	residential
	zone or use
Maximum Lot Coverage	50 %

Minimum Pervious Surface Area	20 %
Number of Driveways	One per lot with frontage less than 30.5 m (100 ft)

4. No Development Permit shall be issued until all provisions of Part 8, the provisions of Part 6 (general provisions) and Part 7 (streetscape provisions) have been satisfied.

Attachment "D"

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 00963, 00994 and 01000 - Sackville Drive Land Use By-law Amendments**

**7:00 p.m.
Thursday, February 15, 2007
Sackville Library, Fenerty Room**

IN ATTENDANCE: Andrew Bone, Planner II, HRM Planning Services
Leticia Smillie, Planner I, HRM Planning Services
Cara McFarlane, Administrative Support, HRM Planning Services

ALSO PRESENT: Councillor Bob Harvey, District 20
Ed Lake, Department of Community Services
Lorna MacPherson, Department of Community Services
Kevin Riles, Caohmin Consulting
Kara Weatherby, Pinky's Skoopmore
Walter Regan, a member of North West Planning Advisory (NWPAC)
Committee and Sackville River Association (SRA)

**PUBLIC IN
ATTENDANCE:** Approximately 6

The meeting commenced at approximately 7:05 p.m.

Opening remarks/Introductions/Purpose of meeting

Leticia Smillie introduced herself as the Planner assigned to two of the applications being discussed (Cases 00963 and 00994) and Andrew Bone as the Planner assigned to third application (Case 01000); Councillor Bob Harvey, District 20; Ed Lake and Lorna MacPherson, Department of Community Services; Kevin Riles and Kara Weatherby, Pinky's Skoopmore; and Cara McFarlane, Administrative Assistant.

Ms. Smillie showed the agenda for the meeting on overhead.

The purpose of the meeting is to identify that HRM has received an application, to identify the scope of the proposal and to look for feedback of issues and concerns.

Overview of planning process

The application was received. A public information meeting is held and completed. The comments are taken back and reviewed in terms of planning policy for the Sackville Drive area. A staff report with a recommendation is created. This staff report is reviewed by advisory committees that are

applicable to the area and then it moves forward to community council where a public hearing date would be scheduled.

Presentation of Proposal

All three applications involve a change of the specific regulations and permitted uses found in the zoning of the Land Use By-law (LUB) for Sackville Drive. The proposed changes are supported by policy under the Secondary Planning Strategy (SPS) but they were not considered at the time when the specifics of the LUB were being worked out.

a) Case 00963

This application was requested by North West Community Council (NWCC) to amend the Sackville Drive LUB to allow for personal service shops (massage therapy, hair salons, tailor shops, and retail services) in existing multi-unit dwellings found in the LS (Large Scale Commercial) Zone. NWCC is asking that existing retail uses be recognized as allowable uses in existing multi-unit dwellings.

Large scale apartment buildings often have these types of uses on the ground floor to provide services for people within the apartment building and the surrounding area.

The Sackville Drive LUB was recently adopted in 2002. At that time, staff did not include existing retail uses in multi-unit dwellings under allowable uses. These existing uses are then turned into non-conforming uses which was not the intent at the time.

There are a small number of properties that would be affected by this proposal. A survey will be conducted to find out exactly how many multi-unit dwellings have these existing uses and the results will be included in the staff report.

Sites with existing multi-unit dwellings that will be affected by the proposed changes were shown on the map.

Questions and Comments

Walter Regan, a member of NWPAC and SRA, wondered about multi-unit dwellings that will be built in the future. Mr. Bone is not sure if this zone allows it as a new use. The information will be verified in the staff report and a recommendation will be provided to Council. The impact of the proposal is primarily in the LS Zone which is located at the north end of Sackville Drive. Outside the LS Zone within the Sackville Drive plan area, first floor commercial is permitted. There is an option for new buildings to have these uses (if over a 2,500 square feet) by development agreement.

Mr. Regan wondered about businesses coming in after the existing one is gone. Mr. Bone said as long as the use is permitted in the zone.

Mr. Regan asked if new businesses will have to follow the streetscape requirements. Mr. Bone said if proposed tenancy activates those requirements under the plan they would have to follow the streetscape requirements but if there is no change to the building then there would be no activation of the plan.

Councillor Harvey was under the impression that the purpose of the proposal was to broaden out the existing uses. Mr. Bone said this will allow staff to identify through the LUB where there are units. Provided these buildings are adequate for personal use, they would allow personal service shops, food stores or retail stores. The same use in the unit would not have to be maintained.

Councillor Harvey suggested taking out the word “existing” from line 2 of the description of the proposal.

Mr. Regan asked if they would have to follow the sign by-law. Mr. Bone said existing signs on the building would likely be permitted, for example: reuse of the frames (grandfathering for existing signs).

b) Case 00994

An application by HRM to include residential care facilities under the PC (Pinehill/Cobequid) Zone within the Sackville Drive LUB. This zone has a number of different uses.

There are a small number of sites that would be affected by this proposal (shown on the map). Residential care facilities should not have much of an impact as there are not many properties that would be suitable for this use. This application was prompted by an inquiry from the Nova Scotia Department of Community Services regarding the former Cobequid Centre site. They are proposing to convert the existing building into a care facility for approximately 25 residents. An internal renovation is proposed to provide appropriate facilities for residents and support staff with potential of maybe a few offices on the second floor for similar type agencies.

Presentation - Ed Lake

The Province is proposing to develop the former Cobequid Centre for approximately 25 beds in a residential care facility which would be a full-time supportive care facility. The Province already owns the property. The Province would contract a service provider for full-time care to the residents who would be mentally disabled individuals.

The existing building is currently vacant and has two levels. There is a large amount of paved parking around the structure. A concept plan is being developed but not finalized. Primarily the plan is aimed to put as much of the residential components on the main level of the building. The building itself is an office type layout and would be renovated to suit the needs for the programs. The second level of the structure is also an office type layout and in the future would be redeveloped for office use associated with the residential care facility or some other type of use that Community Services may have or anything else permissible under the LUB. The plan is to gut the entire floor but maintain special elements such as the elevators. The building will not be expanded.

This setting would be a permanent home for the residents; therefore, the building should be as much of a home setting, both inside and out, as possible. Much effort is being put into making the grounds as hospitable as possible to the residents and staff.

The only change to the outside at this time would be to change the windows. There may be a few other little things to dress the outside of the building. The structure of the building would remain the same. The grounds would include some garden and sitting space. Security would be provided for the facility. If the application is approved by council, the demolition would be expected to begin sometime in the Spring and construction would begin soon after with the expectation that the facility would be completed by the end of this year.

Questions and Comments

Tara Hill, Sackville Drive Business Association (SDBA) and Subway owner, is concerned about the safety of the residents where the building is in close proximity to the highway. Also, the site is a window coming into Sackville. If there is fencing erected it will need to look attractive. She is also concerned about transportation issues in the case of a major highway accident.

Walter Regan, NWPAC and SRA, mentioned that any security fence that would replace the rose bush hedge would go against the Sackville business group's wishes unless some landscaping was done to make it attractive. Mr. Lake agreed.

Mr. Regan mentioned that many people, including himself, are upset that Service Nova Scotia is not part of this facility.

Mr. Regan asked if the Province will have to follow the streetscape guidelines. Mr. Bone explained that the Province has the power, if they so wished, to ignore any guidelines. In order to do so, they would have to have the Minister override them. To date, the Province wishes to cooperate with HRM and as a result of that they have filed an application. They would have to meet the requirements of the zone. Mr. Lake said the Province's intention is to comply with HRM's regulations and guidelines.

Mr. Regan mentioned that SRA is already on the record for saying that there should be no more development, or increase in development, until the overflow of sewage has been fixed. He urges the Province to seriously look at putting a holding tank on the property to help rectify the problem. Mr. Lake said they will comply with HRM's engineering department.

Michelle Champniss, SDBA, wondered if any other part of the property will be developed. Mr. Lake cannot guarantee no other development at this point, but the plans for now are to renovate the existing building. There is not a lot of interest in giving up any land on the property as it would take away from the lands for the care facility.

Ms. Champniss wondered what type of feedback the Province has received from mental health groups.

Ms. Hill asked if the Province has considered another building in the area or building a new facility. Mr. Lake said this proposal would cost approximately 2.5 to 3 million dollars which would be more economical. This site also provides a large amount of land needed for this type of facility.

Ron Cooper, Cole Harbour, mentioned that this facility would be secure and the residents within the facility would take part in the community events. The facility would also create many job opportunities. The site is large and will provide an opportunity for the residents to enjoy the outdoors.

Councillor Harvey is surprised with the institutional approach as opposed to the small options housing. Mr. Cooper mentioned that many of the residents from institutions are now living in small options homes. Lorna MacPherson explained that the Province, for the past 15 years, has been working towards de-institutionalization. For some individuals, this is the type of structure they currently need. The intervention and support that they need to enable them to move back into the community will be provided through this program.

Mr. Regan was hoping that an oil/grit separator would be installed to capture the oil running off the cars that would be parked on the lot as all the stormwater goes into the Sackville River. Mr. Lake said the specifics for the grounds have not been discussed yet but Mr. Regan's point will be considered.

Mr. Regan asked if there will be any design in the parking lot to retain water on site. Mr. Lake said it has not been decided.

Mr. Regan asked what type of heating system will be installed. Mr. Lake said that the building is electrically heated. The engineering hasn't been done yet.

Mr. Regan mentioned that Remembrance Day ceremonies draw crowds of 10 000 people are held on this site every year. Mr. Lake was not aware of that and could not comment.

Mr. Regan asked if a reputable architectural firm will be hired to do the landscaping around the site. Are there plans to construct a green roof on the building? Mr. Lake mentioned that all work will be done by reputable firms. There haven't been any specifics worked out yet.

Mr. Regan asked if a second access will be built. Mr. Lake said a second access is not required for this facility.

Ms. Hill wondered how the residents will be transported to different outings and community events. It is a long walk to public transit from the building and there are no sidewalks. Mr. Cooper mentioned that transportation is provided.

c) Case 01000

An application by Pinky's Ice Cream to amend the Sackville Drive LUB to identify ice cream stands as a temporary use for up to six months, exempt them from certain landscaping and pervious surface requirements and exempt them from front and side yard requirements. The use will be placed on an existing site, in the parking lot.

Tentatively this change could apply to all zones on Sackville Drive.

Presentation - Kevin Riles

Pinky's was founded in 2003 and currently has four locations. The company is heavily involved in community events. It is a family-oriented business and provides employment opportunities for students.

Rob LeBlanc, a well known landscape architect from Ekistics and worked with HRM on the Sackville Drive Business Association, is assisting with this proposal. Pinky's is proposing to put a 12 x 10 foot building with a pitched, shingled roof on the existing parking lot of the Knox United Church. The building consists of pink and white stripes and will have two windows facing the street. This particular building was built in 2006 and has its own security system.

There are a couple of picnic tables on site. The garbage receptacle will be locked and a local company will come twice a week to pick up the garbage. It runs on it's own water system which also consists of hot water. The only thing mixed in with the water is ice cream and a company comes by to take care of that a couple of times a week. The water is all self-contained. Power is connected through Nova Scotia Power. A physically challenged parking space will be available as well as a bike rack. A flower box is proposed. The season is usually May to September. A donation would be given to the church. The only signage would be a sandwich board sign during business hours.

Mr. Bone mentioned that this is a permitted use in the area but the question is whether it is reasonable to have it as a temporary use. Currently, temporary structures are only permitted for 30 days. Temporary uses doesn't necessarily exclude ice cream stands but it doesn't mention them specifically; therefore, 30 days is what is allowed in the plan. If this is permitted, is it reasonable for a use to be there for a six month period and is it reasonable to share a parking lot with another use? Is it reasonable to make them meet all the landscaping requirements of the MPS? This would require a reduction in the size of the Knox Church parking lot in order to meet those requirements. The uses are relatively compatible (they don't operate at the same hours).

Questions and Comments

Ms. Hill mentioned that Pinky's has asked for the support of SDBA but they would prefer businesses to come to Sackville on a permanent basis. There are also some concerns that the Pinky's trademark colours will not fit in with the whole Sackville Drive SPS. Mr. Bone mentioned that any building that goes on site would have to meet the architectural requirements of the Sackville Drive Plan. There is no proposal to exempt Pinky's from those type of requirements. Those current requirements allow for a variety of siding types and do not regulate colour but do require pitched roof and windows facing the street. Mr. Riles explained that if the business thrived it would be desirable for the business to become permanent on Sackville Drive. Ms. Hill asked if Pinky's has investigated an opportunity to lease a storefront space on Sackville Drive temporarily. Mr. Riles explained that Pinky's has it's own leasing agent and a lot of research has been done but it is helpful to be on the right-hand side of the road to be successful. At this point, without having a food operation involved it doesn't make sense. A lot of time and money has been spent on the architectural site plan and flower boxes because it is appreciated how much Sackville put into the SPS.

Ms. Champniss asked if the shrubbery that is shown on the plan is existing or new. Mr. Riles said that the trees are existing but the flower boxes and picnic tables would be new.

Mr. Riles explained that a transportation engineer has looked at the traffic counts to see what the impact would be. It was determined that there would be very little to no impact.

Mr. Regan is concerned that this will open the door for other uses from the 30 day limit to six months. What other temporary uses could come in after Pinky's? Mr. Bone is not aware of any other large scale temporary uses that is seasonal like ice cream. Mr. Regan asked if there are any regulations to control this if it happened. Mr. Bone suggested that clarification of what a temporary use is will be done and potentially exclude or only allow for certain uses.

Mr. Regan asked if there will be a composting and recycling facility. Mr. Riles said there will be handcrafted garbage receptacles. EnviroWaste picks this up and recycles what can be.

Mr. Regan asked if there are any public washrooms. Mr. Riles said that the health requirement states that there must be access to washrooms within 1000 feet. An arrangement is made with an existing business.

Mr. Regan asked that if business does increase and Pinky's starts a food line would they relocate? Mr. Riles mentioned that the ultimate plan is to find permanency.

Mr. Regan asked if there are any plans to put in an oil/grit separator. Mr. Riles said no.

Mr. Regan asked if Pinky's plans to put more than planters around. Mr. Riles mentioned that it would be nice to keep the planters year-round with a perennial in it. It would be up to the church and staff.

Mr. Regan asked if the church entrance will be used. Mr. Riles said the church entrance off Sackville Drive would be used.

Ms. Champniss asked if fish and chip trucks would be permitted on a six month basis if the zoning requirements are changed. Mr. Bone said the wording has yet to be worked out. Staff will provide advice to council. If there is an issue it can be dealt with through the land use by-law. Ms. Hill mentioned that there are vegetable stands and landscaping companies that could be permitted.

Mr. Regan asked if there will be a propane tank on site. Mr. Riles said Nova Scotia Power would hook them into the Sackville Drive line. At the end of the season it would be unhooked. Everything will be electric.

Councillor Harvey wondered what happens to the building during off-season. Mr. Riles said that the building is moved and stored at the Farmer's Dairy site.

Mr. Regan asked if the sandwich sign fits into the Sackville Drive Streetscape Design and will it cover the new Sackville Drive Signage By-law. Mr. Bone said this will be discussed in the staff

report. Mr. Riles mentioned that this is why Rob LeBlanc was hired. He will ensure that the sign will fit within the regulations.

Teunis Voerman, Connolly Road, Trustee of United Knox Church, has heard nothing but positive responses and hopes it will attract more people to the area.

Adjournment

Mr. Bone thanked everyone for coming to the meeting and expressing their comments and concerns.

The meeting adjourned at approximately 8:20 p.m.