

North West Community Council
October 23, 2008

TO: North West Community Council

SUBMITTED BY: 
Ann Merritt, Chair
North West Planning Advisory Committee

RE: Case 01120 - Full Service Restaurants with Accessory Drive Thru Functions -
Sackville Drive Land Use By-law

DATE: October 2, 2008

ORIGIN

North West Planning Advisory Committee meeting - October 1, 2008

RECOMMENDATION

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

1. Not approve an amendment to the Sackville Drive Land Use By-law to enable an accessory drive thru function within a full service restaurant in all commercial zones.

ATTACHMENTS

Staff report dated September 22, 2008

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

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**North West Planning Advisory Committee
October 1, 2008**

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: Sharon Bond
Sharon Bond, Acting Director of Community Development

DATE: September 22, 2008

SUBJECT: **Case 01120: Full Service Restaurants with Accessory Drive Thru Functions - Sackville Drive Land Use By-law**

ORIGIN

A motion of North West Community Council (NWCC) on January 24, 2008.

RECOMMENDATION

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

1. Not approve an amendment to the Sackville Drive Land Use By-law to enable an accessory drive thru function within a full service restaurant in all commercial zones.

BACKGROUND

At the January 24, 2008 meeting of NWCC, Council requested that staff initiate a process to consider amending the definition of “full service restaurant” contained in the Sackville Drive Land Use By-law (LUB) to permit drive-thru service as an accessory use.

The Sackville Drive Secondary Plan (SPS) and LUB currently permit three types of restaurants; full service, take out, and drive thru (Attachment B). Full service restaurants and take out restaurants are permitted as-of-right within all commercial zones, with drive-thru restaurants prohibited in the Pedestrian Retail (PR), Downsview Complex-1 (DC-1), Downsview Complex-2 (DC-2) - within a Big Box Retail use, and Acadia Village Centre (VC) zones. No restaurants of any kind are permitted in the Community Parkland and Facility (CP) Zone and the Flood Plain (P-3) Zone.

Table 1 (below) displays the various zones where each type of restaurant is permitted (a check designates a zone where the use is permitted).

Table 1: Permitted Location of Drive Thru Restaurants

Zone (below) Type of Restaurant (right)	Full Service	Take Out	Drive Thru
LS (Large Scale Commercial)	✓	✓	✓
DC-1 (Downsview Complex)	✓*	✓*	
DC-2 (Downsview Complex-2)	✓*	✓*	✓*#
DC-3 (Downsview Complex-3)	✓	✓	✓
PR (Pedestrian Retail)	✓	✓	
VC (Acadia Village Centre)	✓	✓	
PC (Pinehill/Cobequid)	✓	✓	✓
CP (Community Parkland and Facility)			
P-3 (Flood Plain)			

* - use must be located within a Shopping Centre use or Big Box Retail use

*# - use is only permitted within a Shopping Centre use

Note: See Map 2, which illustrates the location of all zones in the LUB

Note: See Map 3, which illustrates where Drive Thru Restaurants are permitted

Traditional full service restaurants have begun to adapt over the last several years in an attempt to provide a wider range of services and options to their customers. As a result, some full service restaurants have started to offer a drive-thru service option as a small or accessory function.

The Sackville Drive LUB permits both a full service and drive-thru restaurant and stand alone uses in certain zones. Development Services have confirmed that a full service restaurant has the ability to operate with an accessory drive thru function in situations where both a full service restaurant and a drive-thru restaurant are permitted by the LUB (refer to Table 1).

DISCUSSION

The goal of this application is to analyse the current types of restaurants permitted in the LUB and to determine if it may be appropriate to allow a drive thru function as an accessory use to a full service restaurant in all commercial zones. Amendments related to defining a full service restaurant should:

- **honour the policy goals developed in the SPS;**
- **address potential traffic impact on Sackville Drive; and**
- **address potential issues related to traffic circulation on-site.**

After considerable review of the SPS policies, it is the opinion of staff that an amendment to the definition of a full service restaurant to include an accessory drive-thru function does not comply with the intent of plan policy. To enable an accessory drive-thru function within a full service restaurant in all commercial zones will require a Plan amendment, not a LUB amendment, as originally anticipated. The following is an overview of the policy intent for each designation that has placed restrictions on drive thru restaurants and drive thru functions.

Pedestrian Retail (PR) Designation

The Pedestrian Retail (PR) designation generally includes the lands along Sackville Drive between Riverside Drive and Pinehill Drive (Map 1). Within this designation there is a strong emphasis on pedestrian oriented uses. Policy PR-2 of the SPS explains that pedestrian oriented uses are those that do not require a motor vehicle to acquire goods and service (Attachment A). Full service and take out restaurants are permitted but new drive thru restaurants are not.

In addition, Policy PR-4 of the SPS enables Council to consider a development agreement for new commercial developments beyond 5,000 square feet (building footprint) in the PR designation and establishes standards when making such as consideration. Subsection (b) of Policy PR-4 states that no new drive thru function is to be proposed (Attachment A). A review of these policies clarifies that the intent of the designation is not to permit new drive thru restaurants, or any drive thru function.

Acadia Village Centre (VC) Designation

The Acadia Village Centre designation generally includes the lands immediately surrounding Acadia School (Sackville Public Library and Municipal Offices), Acadia Hall, and the properties along Acadia Lane (Map 1). Within the designation a strong emphasis has been placed on creating a

village centre. Policy AVC-1 of the SPS encourages the creation of a vibrant, pedestrian scaled, walkable, traditional downtown area where pedestrians and tourists can gather to participate in civic life (Attachment A).

Furthermore, Policy AVC-3 enables all new development, including new commercial development, only through the development agreement process, and subject to the criteria in Policy AVC-3 (Attachment B). Of the various criteria in Policy AVC-3, the first states that land uses are limited to those of a traditional village, including, open space, institutional, residential, specialty retail, and pedestrian oriented commercial (Attachment B). A review of these policies clarifies that the intent of the designation is not to permit new drive thru restaurants, or any drive thru function.

Downsview-Beaver Bank Designation

The Downsview-Beaver Bank (DB) designation generally refers to the lands located between the Beaver Bank Connector and Riverside Drive, which includes Walker Avenue and Old Sackville Road (Map 1). The DB designation permits both full service and drive thru restaurants, with the exception of the DC-1 Zone, which only permits full service and take out restaurants. The DC-2 zone only permits drive-thru restaurants within a shopping centre. The restrictions on drive thru restaurants within certain zones and scenarios of the designation can be attributed to Policy DB-1, which establishes the Downsview-Beaver Bank designation, and further states that the designation shall improve vehicular movement (Attachment A).

Traffic Impact/Circulation Considerations

The SPS acknowledges that inappropriately spaced and poorly defined driveway openings are prolific along Sackville Drive. The SPS also suggests that the number of closely spaced intersections and the incompatible mix of large and small scale uses are detrimental to the efficient movement of traffic along Sackville Drive (Attachment A).

Amending the definition of a full service restaurant to allow an accessory drive thru function in all commercial zones could create an adverse traffic impact on Sackville Drive. Much of the existing development in the central portion of Sackville Drive (Pedestrian Retail Designation) is characterized by small commercial buildings on individual lots, where there is a high frequency of driveway openings directly onto Sackville Drive. The on-site staging areas required to support a drive thru function would create circulation issues on these smaller commercial lots and would generate additional conflict when accessing the site due to the lack of a dedicated turning lane on Sackville Drive.

Conclusion

The SPS has established policies that strive to protect the pedestrian atmosphere within certain sections of the Plan Area, and has organized uses to support the function and form of the streetscape. The SPS has also emphasized a need to improve on-site vehicular movement within the Downsview-Beaver Bank designation, and through the LUB has limited drive thru restaurants and drive thru functions to specific zones and structures within the designation.

Staff are of the opinion that the policies of the SPS do not encourage or permit drive-thru restaurants or drive-thru functions in all commercial areas. Due to the intent of these policies, staff cannot support an amendment that would enable a full service restaurant to have an accessory drive thru function within all commercial zones.

Public Participation Program

A public information meeting (PIM) was held on April 7, 2008. Other than the local Councillor and the Chair of the North West Planning Advisory Committee, there were no members of the public in attendance. If a Public Hearing is held, notification of the Hearing will be advertised in the newspaper. Minutes from the PIM are provided in Attachment C.

BUDGET IMPLICATIONS

The costs to process 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 take no action regarding the amendment of the Sackville Drive Land Use By-law. This is Staff's recommended course of action for the reasons described in this report.
2. Council may choose to request the initiation of a process to consider enabling a full service restaurant to operate with an accessory drive thru function in all commercial zones through an amendment to the SPS. This alternative is not recommended for the reasons described in this report.

ATTACHMENTS

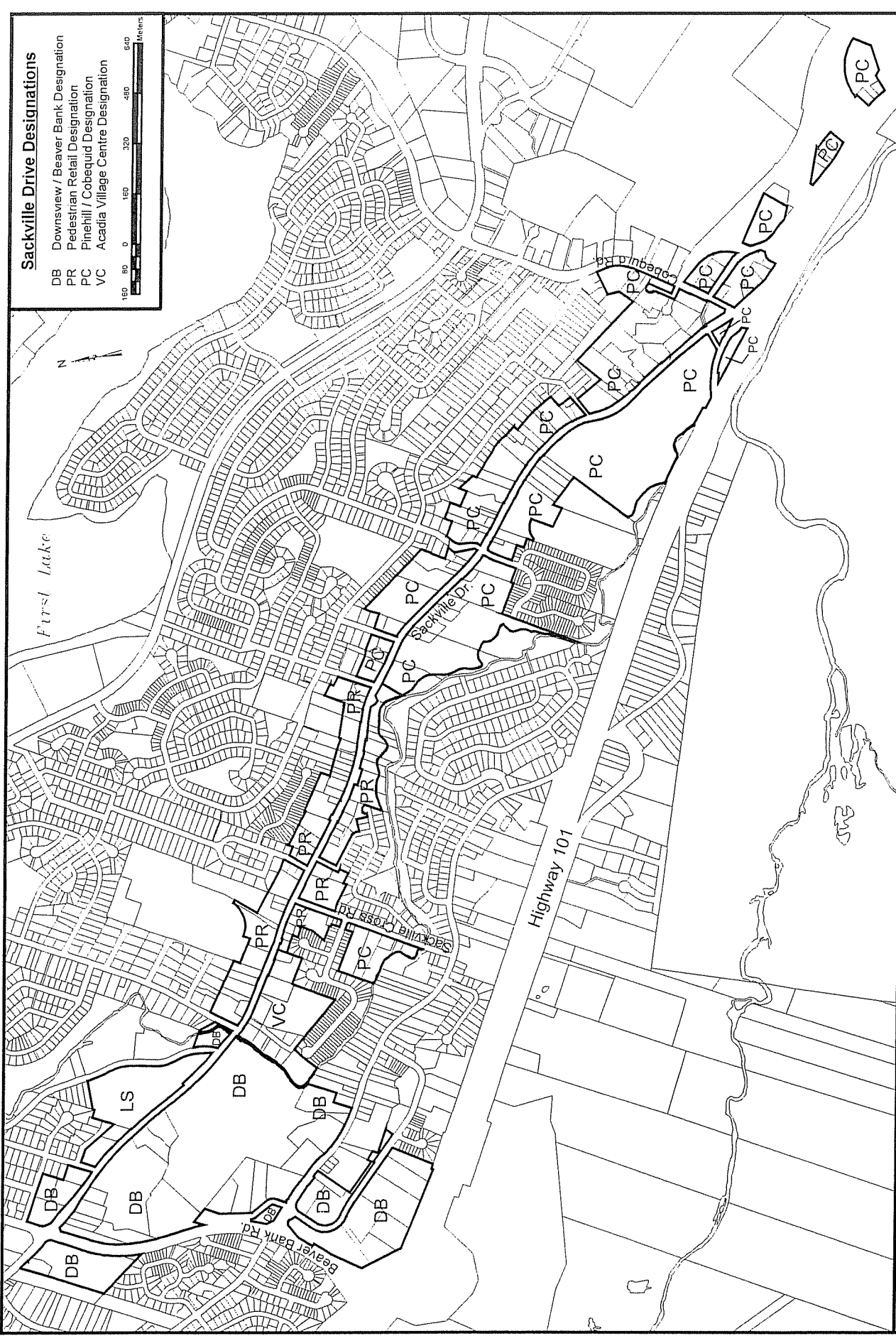
Map 1:	Designation Map
Map 2:	Zoning Map
Map 3:	Map Showing Where Drive Thru Restaurants are Permitted
Attachment A:	Relevant MPS Policies
Attachment B:	Relevant LUB Sections
Attachment C:	Public Information Meeting Minutes

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.

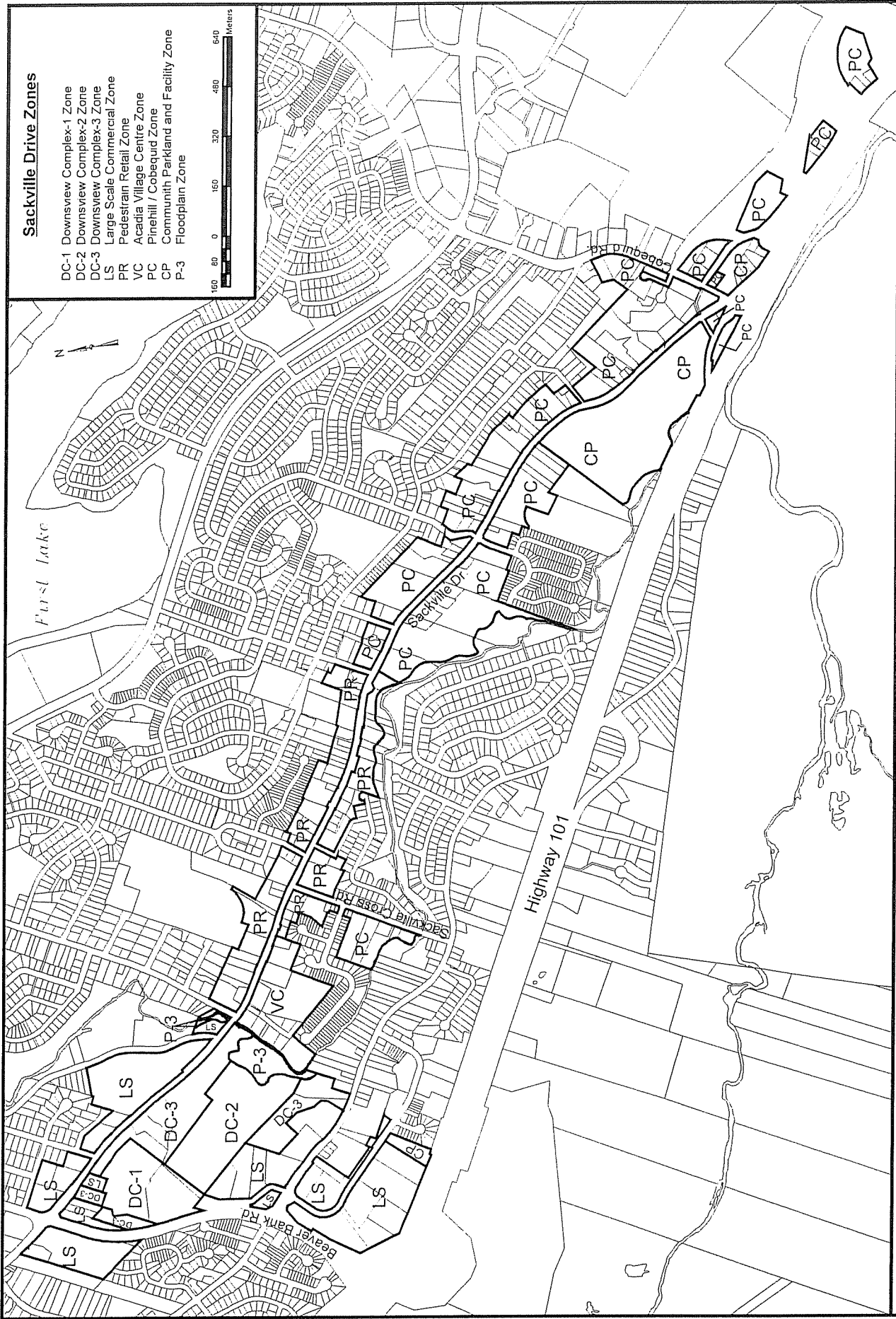
Report Prepared by: Miles Agar, Planner 1- Planning Applications: Community Development 869-4262



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

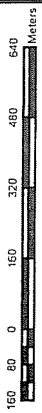


Map 1
Generalized Future Land Use

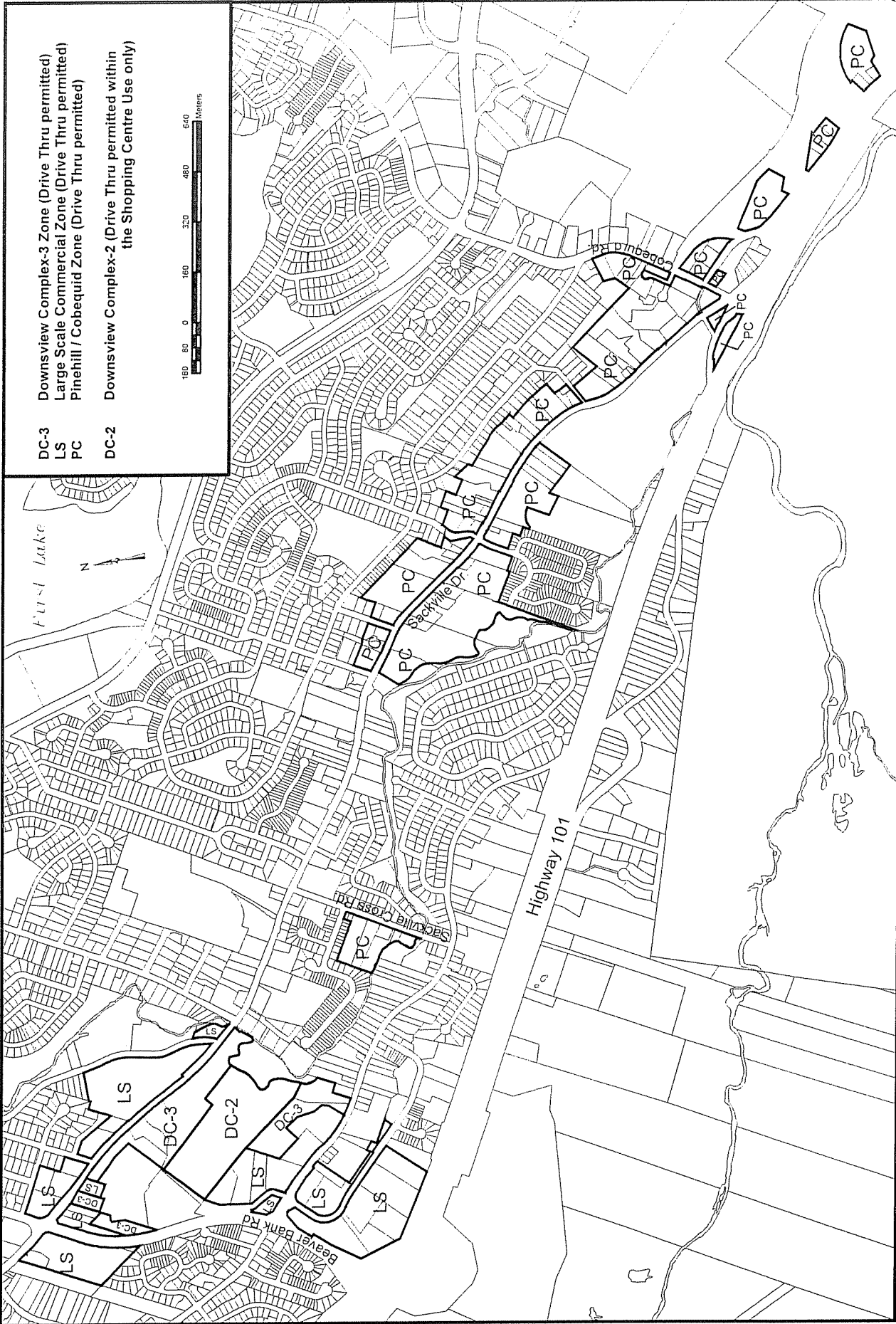


Sackville Drive Zones

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



Map 2
Zoning



Map 3
Zones where a Drive Thru Restaurant is permitted

Attachment A
Relevant MPS Policies

5.2 The Downsvew-Beaver Bank Designation

The Downsvew-Beaver Bank Designation refers to all public and private lands located between the Beaver Bank Connector and Riverside Drive including Walker Avenue and Old Sackville Road. The proximity to the regional transportation system and diversity of land uses, provides both unique opportunities and challenges. Based on these opportunities and constraints, the following policy objectives have been identified for the Downsvew-Beaver Bank Designation:

Policy DB-1

A Downsvew-Beaver Bank Designation shall be established as shown on Schedule 'A' - Generalized Future Land Use, that shall:

- (a) encourage the creation of a visually attractive and viable retail power centre in Sackville;
- (b) discourage new high density residential uses, other than within the Downsvew Complex Zones;
- (c) discourage small scale retail and commercial uses within the Large Scale Commercial Zone;
- (d) encourage the restoration of the Downsvew Shopping Centre and Plaza to re-instill it as an important and viable community commercial centre;
- (e) improve vehicular movement;
- (f) create a recognizable entry into Sackville Drive;
- (g) improve the visible and physical connection to the Little Sackville River; and
- (h) improve the quality and image of the streetscape.

5.2.1 Develop a Large Format Retail Power Centre

Within the Downsvew-Beaver Bank district, Sackville's only shopping centre and most of big box retail uses such as Kent Home Building, WalMart, Sobeys, Super Store, Blockbuster, and Canadian Tire can be found. In general terms, these stores are large-format stores that typically range in size from 20,000 to more than 80,000 square feet. The definition of "big" is relative, however, and must be related to the product category in question. For instance, a large format supermarket/grocery sector would normally be in the 50,000 to 100,000 square foot range. For warehouse operations, such as Kent or Home Depot, a large format store would normally contain 100,000 square feet. In contrast, for book retailers, 25,000 to 50,000 square feet would qualify as a big-box operation. For other specialty retail categories, for example, eye glasses, a 5,000 square-foot store would qualify as a large format store. The key point is that "large format" stores are several times the size of traditional outlets in their category.

Although conventional wisdom dictates that "large-format" commercialism creates a lose-lose outcome to the community in that such uses tend to "squeeze" out the small retail market, this is not always the case. In fact, large-format stores are integral to the viability of Sackville Drive,

and Sackville overall. These stores have broad market appeal drawing on both local and non-local consumer markets, which tend to spillover into the smaller retail uses, benefiting the entire street.

The long term viability of the large-format stores depends significantly on grouping the uses together, and ensuring they are within proximity to the regional transportation system in areas of high visibility and high traffic counts. Therefore, given the amount of vacant, highly visible, serviced commercial land near the interchange, the existing cluster of big box uses in this area, and the growing demand for new big box development, the creation of a "large-format power centre" shall be encouraged in this area of Sackville.

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.

Policy DB-3

To foster a well-functioning, traffic efficient, retail power centre, within the Large Scale Zone, new commercial developments with building footprints of less than 10,000, or any proposed expansion to existing commercial developments that would have a total building footprint of less than 10,000 square feet, may only be considered by the development agreement provisions contained within the Municipal Government Act. In considering such agreements, Council shall have regard to the following:

- (a) that the proposed use is permitted within the Large Scale Commercial Zone;
- (b) that in lieu of direct access onto Sackville Drive, alternative access and egress options have been considered, such as shared driveways or parking lot easements;
- (c) notwithstanding (b), where alternative accesses are considered infeasible, that the use can be accommodated by a maximum of one driveway opening per 100 feet of street frontage;
- (d) that any new driveway is located so that its opening abuts an existing driveway;
- (e) that traffic access management principles are applied so to improve existing traffic circulation and efficiency, to reduce the task of driving, to reduce the need for additional travel lanes, to maintain or improve existing local travel times, and increase the predictability of motorist travel patterns;
- (f) that significant vegetation stands are retained, where possible and;
- (g) Policy I-5.

5.2.3.2 Internal Circulation and Access

Another important component to the overall viability of the shopping centre is its internal circulation. At present, Downsview Plaza does not foster a pedestrian friendly environment, nor does it advance quick and efficient vehicular movement. Consequently, a more inward focus is encouraged so to facilitate free and easy internal pedestrian and vehicular movement between the various buildings contained within the Plaza.

To ease a better relationship between pedestrians and automobiles, it is recommended that traffic circulation and flow patterns be adjusted so as not to overpower the pedestrian. Every effort should be made to place bus stops at the main building entrances, to connect all buildings with walkways, to create safe pedestrian street crossings, and to consolidate driveways.

The future success of the Downsview Complex is also dependent upon the ability to improve and facilitate easy and efficient access to the Plaza. A planted median in several locations along Sackville Drive may improve the overall movement of traffic and improve the access and egress to and from the Plaza. New signals at the intersection of Walker Connector and Sackville Drive would improve left-hand turns. Consideration should also be given to reconfiguring the southern entrance into WalMart to reduce some congestion at the northern entrance across from the SuperStore.

5.3 Pedestrian Retail Designation

The Pedestrian Retail district includes all public and private lands found between Riverside and Pinehill Drive, with the Little Sackville River at either end creating a natural boundary. The sector includes public buildings, various restaurants, and strip malls that cater to personal services. The area has a relatively low density form, with a limited amount of vacant land.

Policy PR-1

A Pedestrian Retail Designation shall be established as shown on Schedule 'A' - Generalized Future Land Use that shall:

- (a) create a safe, vibrant, pedestrian scaled, retail centre;
- (b) encourage a greater balance of retail, commercial and residential uses;
- (c) encourage uses that cater primarily to pedestrians;
- (d) improve the visible and physical connection to the Little Sackville River;
- (e) improve quality and image of the streetscape; and
- (f) encourage the provision of new parkland and open space.

5.3.1 Encourage Pedestrian Oriented Uses

The type of land uses within the Pedestrian Retail Designation will undoubtedly influence the ability to transform this area into a thriving civic core and a viable retail shopping area. Specifically, existing car related uses, such as used-car lots, service stations, car washes, drive-thrus, large appliance and furniture stores, motor vehicle parts and services, heavy equipment rental facilities and recycling depots, are considered inappropriate in this area. These uses would be more appropriately located within the Downsview-Beaver Bank or the Pinehill - Cobequid designations.

Only uses that are directly relevant to pedestrians should be encouraged within the Pedestrian Retail designation. Pedestrian oriented uses refer to those that do not relate or require a motor vehicle to acquire the goods or service. For instance, pedestrian related uses provide goods or services that can be easily carried-away by a pedestrian, or where a service is offered and conducted on-site. Small scale retail, clothing outlets, eat-in restaurants, dry cleaners, hairdressers, flower shops, butchers, coffee shops, ice cream parlours, and galleries, are examples of pedestrian oriented uses.

Office uses are an appropriate use in the Pedestrian Retail Designation. Because office space is increasingly declining in the downtown area, and land for new office buildings has diminished, developing new office space in Sackville is a timely opportunity. Office uses would provide local employment opportunities, limit the amount of commuter traffic along Sackville Drive, and facilitate a new consumer market (non-local) base. New offices should be small in scale, provide street level entry, and outdoor common space for the pedestrian.

Tourism or recreation-based uses within the Pedestrian Retail Designation should also be encouraged. Such uses reflect the tremendous recreational and educational opportunities that

natural resources like the Little Sackville River and Trail System provide in this area. Specifically, hotels, motels, bed and breakfasts, wilderness, hiking, canoeing, fishing and other outdoor outfitter uses should be encouraged to capitalize on Sackville's natural assets and to facilitate greater tourism and recreation based pedestrian activities.

Policy PR-2

Within the Pedestrian Retail Designation, a Pedestrian Retail Zone shall be established and applied to the lands shown on Schedule B. The Zone shall permit a range of pedestrian oriented uses, including but not limited to, retail, offices, service and personal service shops, restaurants (full service, take-out), bakeries, bed and breakfasts, motels,, and institutional and community developments, with footprints less than 5,000 square feet. *One and two residential units, and (RC-Apr 12/05; E-May 7/05)* Multiple Dwelling uses shall be permitted within the Zone where street front commercial is provided. All uses in existence as of May 7, 2002 with the exception of any existing pawn shops, shall be permitted within the Zone.

5.3.2 Retain and Expand Specialized Retail Uses

The range of retail goods found in the Pedestrian Retail district is limited. Although every day shopping needs can be found, the area does not cater to the consumers looking for specialty and higher value retail goods and services. In fact, over half of the local consumer purchases in mens, womens and children's apparel is lost to other shopping areas. Further, approximately 70% of the local market is shopping elsewhere for electronics, and more than 80% shops elsewhere for furniture and sporting goods.

With respect to leisure and recreation activities, the majority of residents spend their time going to restaurants, attending movies, sporting events, lounges, or night clubs. Although the pedestrian retail area provides a limited range of restaurants, opportunities for participating in recreation and leisure activities are limited in Sackville. To retain more of the local market, a higher selection of quality apparel, restaurants, book stores and other recreation and leisure based business should be encouraged.

Policy PR-3

Where possible, the Pedestrian Retail Designation shall be actively marketed and promoted for purposes of attracting a greater range of recreation and leisure type retail use, including wilderness, hiking, canoeing, fishing, outdoor outfitters, bookstores, restaurants, theatres, galleries and specialty retail.

5.3.3 Limit Large Scale Buildings and Strip Malls

The existing mix of small, medium and large scale retail uses, including strip malls, have made the facilitation of a comfortable pedestrian realm difficult. Specifically, varying building scales, wide lot widths, long lot frontages and building setbacks, have discouraged pedestrians from easily and comfortably walking from business to business. Consequently, a dependence on private automobiles has been reinforced.

To foster a pedestrian oriented retail environment, large scale uses, which include uses with building footprints of 5,000 square feet or greater, should be discouraged from locating in this area. However, because developments such as strip malls, which tend to be large in scale, and often exceed 5,000 square feet, are an integral component of the retail fabric along Sackville Drive, limited application of such uses may be considered. In consideration of new large scale uses, buildings should be designed to replicate and reinforce a pedestrian oriented scale and should complement or enhance the overall functionality of the Pedestrian Retail designation.

Policy PR-4

To foster a comfortable, pedestrian scaled, retail environment within the Pedestrian Retail Designation, new commercial developments exceeding a building footprint of 5,000 square feet, or any proposed expansion to existing commercial developments that currently exceed a footprint of 5,000 square feet, or would result in a building greater than 5,000 square feet, may only be considered by the development agreement provisions contained within the Municipal Government Act. In considering an agreement, Council shall have regard to the following:

- (a) that commercial uses are limited to those permitted within the Pedestrian Retail Zone;
- (b) that no new drive-thru function is proposed;
- (c) that the primary facade(s) of the new buildings facing Sackville Drive does not exceed 40 feet in width;
- (d) that any addition to an existing building would not increase the primary facade(s) facing Sackville Drive beyond 40 feet in width;
- (e) that safe and comfortable pedestrian internal site movement is provided;
- (f) that outdoor pedestrian facilities, such as seating, lighting, water features, orientation signs, and kiosks, are provided;
- (g) that existing significant vegetation stands are retained, where possible; and
- (h) Policy I-5.

5.4 The Acadia Village Centre Designation

5.4.1 Creating a Village Centre Identity and Form

A vivid, recognizable image is important to distinguish the village centre as a special place, and to imbue that place with personal and communal meaning. If that identity has a positive appeal for people, it will be a marketing asset for the Village. A central park surrounded by a mix of uses would effectively create a recognizable image and establish a clear identity. The intensity of land uses, and the manner in which the uses relate to the street and pedestrians, will also influence the sense of identity and the level of pedestrian interaction. Highlighting the natural feature of the Village will also lend a special identity, and will attract a great many residents and tourist alike.

For the purpose of creating a strong visual image and identity, consideration should be given to the human scale, quality materials, and architectural detailing of buildings in the village. These

elements can be especially powerful identity-building resources-whether as landmark buildings or contributors to recognizable character.

Policy AVC-1

An Acadia Village Centre Designation shall be established as shown on Schedule 'A' - Generalized Future Land Use that shall:

- (a) encourage the creation of a vibrant, pedestrian scaled, walkable, traditional downtown area where pedestrians and tourists can gather and participate in civic life;
- (b) preserve and enhance the appearance of Sackville's civic, cultural and historic buildings and sites;
- (c) re-instill a sense of local identity, community pride, and civic mindedness;
- (d) encourage the redevelopment of inappropriate commercial developments next to Acadia School and Hall;
- (e) create a streetscape distinctive from the rest of Sackville Drive;
- (f) improve the visible and physical connection to Little Sackville River; and
- (g) provide and maintain new public open space and linkages.

Policy AVC-3

Within the Acadia Village Centre Designation, except for Acadia School, Acadia Hall, *accessory buildings and additions to existing buildings of 300 sq ft (27.87 m² or less) (RC-Apr12/05; E-May7/05)*, and existing single unit dwellings on Acadia Lane, all new commercial, residential, community or institutional developments, any expansion to existing commercial buildings and structures, or any redevelopment of a commercial site, shall be considered according to the development agreement provisions of the Municipal Government Act. In consideration of all development *agreement (RC-Apr15/05; E-May7/05)* proposals, a detailed Concept Plan(s) shall be submitted depicting the entire village centre and respective phasing plan. The Plan(s) shall identify all existing and proposed public and private streets(s), parking areas, public open spaces, including central park, pedestrian system (sidewalks and trails) and land use mixtures. Separate development agreements may be considered for individual components of the Acadia Village Centre concept, but only where each phase displays a clear relationship to the overall concept plan. In considering any development agreement, Council shall have regard to the following:

- (a) that land uses are limited to traditional village uses including, open space, institutional, residential, specialty retail, and pedestrian oriented commercial;
- (b) that the intensity of land uses concerning lot frontage, lot coverage, and building location (side yard, rear yard, frontyard setback) reinforce a sense of human scale and high density to distinguish the Village from the rest of Sackville Drive, as generally described and shown in Schedule 'D';
- (c) that adequate open spaces, including a central park, esplanade, board walks, paths and trails, and arcades are provided at each phase of development;
- (d) that new buildings are generally sited around the perimeter of a central park, esplanade or arcade;
- (e) that new or renovated buildings satisfy the architectural design guidelines as generally described and shown in Schedule 'D';

- (f) that greater priority is placed on the provision of walking and bicycle trails versus new surface parking lots;
- (g) that adequate pedestrian and cyclist amenities, such as seating, protected enclaves, and bicycle stalls are provided;
- (h) that public transit can be easily accessed;
- (i) that new access points on Sackville Drive are limited;
- (j) that the internal vehicular circulation does not conflict with free and easy internal pedestrian movement;
- (k) that on-street parking is provided;
- (l) that existing parking lots, such as the Downsview Park and Ride Facility, Downsview Complex parking, and the Library and Municipal Offices, are used to reduce on-site parking lots;
- (m) that street level commercial is provided in all new commercial and multiple residential unit developments;
- (n) that existing vegetation stands, including the pine tree stand found to the rear of the public library, are retained, where possible; and
- (o) Policy I-5.

PART 9: TRANSPORTATION

A primary intention of this Plan is to reduce through-use or non-destination traffic from Sackville Drive, so to increase opportunities for developing as a destination street. Despite the closeness of the 101 Highway, transforming Sackville Drive into a destination street has proven difficult primarily because Sackville Drive is clinging to its past use as a major thoroughfare.

9.2 Managing Traffic Access

Inappropriately spaced and poorly defined driveway openings are prolific along Sackville Drive. The number of closely spaced intersections, and the incompatible mix of large and small scale uses are detrimental to the efficient movement of traffic along Sackville Drive. These elements generally contribute toward a highly inefficient road design that causes significant traffic delays, congestion, and accidents.

Traffic access management techniques should be carried out so to simplify the task of driving, and to reduce overall travel times. Management techniques should be applied to increase the predictability of motorists travel patterns, and to reduce the decisions that pedestrian face. These management techniques should result in fewer accidents and lower injury rates, while simultaneously increasing the capacity of existing transportation facilities, reducing travel times and emissions and the need for additional travel lanes.

Attachment B
Relevant LUB Sections

Part 2: DEFINITIONS

1. In this by law:

Restaurant

DRIVE THRU: means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-in restaurant is characterized by the provision of take-out services at a counter or from a drive through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages.

TAKE OUT: means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed twenty five (25) percent of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, may provide a home delivery service.

FULL SERVICE: means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building and may include a take-out area which does not exceed ten (10) percent of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

Attachment C
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01120 - Drive-thru Services, Sackville Drive

7:00 p.m.
Monday, April 7, 2008
Sackville Library, Fenerty Room

STAFF IN

ATTENDANCE: Joseph Driscoll, Planner, HRM Planning
Tim Burns, Planning Technician, HRM Regional Planning
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Bob Harvey, District 20
Anne Merritt, North West Planning Advisory Committee

PUBLIC IN

ATTENDANCE: Approximately 0

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

1. Presentation of Proposal - Joseph Driscoll

The intent of this application is to allow for a full service restaurant to have a drive-thru function as a secondary accessory use.

The Sackville Drive Plan Area runs from approximately Beaver Bank Road to Cobequid Road. Full service restaurants are permitted in all of the zones on Sackville Drive except for the CP (Community Parkland and Facilities) Zone and P-3 (Floodplain) Zone. The amendment would apply to all zones unless Council wanted it to apply to certain zones. This would have to be stated within the zone.

There are three types of restaurants defined under the Sackville Drive Land Use By-law (LUB): a) Drive-thru restaurants (sit down table service is not included and alcohol is not served); b) Take-out restaurants (similar to drive-thru restaurants except there is no drive-thru window); and c) Full service restaurants (allowed in all commercial zones, characterized by table service, and alcohol can be served). The full service restaurants can contain a take-out function which is limited to 10% of the floor area (can be a take-out window).

Currently, the definition of a full service restaurant permits a take-out service but not a drive-thru service.

Full service restaurants are permitted in all the zones within the Sackville Drive Plan Area. Drive-thru restaurants are permitted in PC (Pinehill/Cobequid), DC-2 (Downsview Complex-2), DC-3

(Downsview Complex-3), and LS (Large Scale Commercial) Zones. Existing drive-thrus are grandfathered in the PR (Pedestrian Retail) Zone.

The idea would be to allow the two functions together in the zones where both drive-thru and full service restaurants are permitted. At the other end of Sackville Drive, the idea would be to have a drive-thru as a secondary function inside a full service restaurant. In the PR Zone, if the building was over 5,000 square feet, the restaurant would have to be done by development agreement and the drive-thru function would not be allowed unless there was a change in policy.

Policy PR-4 (enables development beyond 5,000 square feet in the Pedestrian Retail Designation by development agreement) includes a clause that says "... no new drive-thru function is proposed;...". A full service restaurant could not include a drive-thru unless the policy changes or the building is under 5,000 square feet. The application would have to go through a plan amendment process keeping in mind that this policy only applies to pedestrian retail designation.

Ms. Merritt feels that the Sackville Drive Secondary Planning Strategy (SPS) was designed this way for a reason and it shouldn't be changed every time it doesn't suit someone's needs. The traffic on this road is terrible and drive-thrus are very disruptive to traffic.

Mr. Driscoll mentioned that this would only allow drive-thrus as a secondary accessory use. It may give a full service restaurant a bit of a competitive edge. Ms. Merritt doesn't see a need and feels that this amendment would not promote active, healthy living and would increase environmental omissions from idling cars.

Mr. Driscoll said that the majority of restaurants on Sackville Drive are drive-thrus; therefore, this amendment would be more accommodating to a new full service restaurant coming in which would probably be good for the area from a commercial perspective and development of the area.

Ms. Merritt can see this happening more in the Downsview area where there is room. There aren't many properties along Sackville Drive that would accommodate a full service restaurant with a drive-thru function.

Mr. Driscoll explained that a drive-thru, in some cases, serves as the same function as a take-out.

Ms. Merritt could vision this for certain items but not full course meals. She can think of more reasons not to go ahead with the amendment.

Mr. Driscoll mentioned that another option would be to allow a drive-thru everywhere or amend the LUB to allow a drive-thru as a secondary function at least in zones where both are permitted. Ms. Merritt thinks the latter could be planned properly, but it is not necessary a better option.

Ms. Merritt asked that the staff report include a map that shows the break down of the proposed areas.

2. Adjournment

The meeting adjourned at approximately 7:34 p.m.

Council Report Sign-Off Sheet

Subject: Case 01120 - LUB Amendment- Sackville Drive

Meeting Date: October 1, 2008 Regular Council COW In Camera Information Report
 Community Council

Prepared by Miles Agar, Community Development
 Name & Business Unit

September 22, 2008
 Date

<input checked="" type="checkbox"/>	Stakeholder - Internal	Reviewed By	Date/Time	Time Spent on Report	Initial/Signature
	Not Required (unique to originating BU)				
	BPIM				
	CD				
	Finance - FinTrack - Accounts - Financial Consultants - Procurement - Manager				
	Fire				
	HR				
	IAM				
	Legal - By-Laws - Admin Orders - Other				
	Police				
	TPW				
	Library				
	Halifax Water				
	Councillor(s)				
	Regional Youth Advisory Committee (RYAC)				
	Stakeholder - External				

Revised: March 2008