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Item No. 12.2.1 (ii)

**Halifax Regional Council
November 13, 2007**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

for Dan English, Chief Administrative Officer

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: October 31, 2007

SUBJECT: **Case 00929: Development Agreement and Amendments to the Sackville MPS and LUB Amendment**

ORIGIN

An application by Doug Miller on behalf of Keizer's Auto Body Shop Limited to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Sackville to permit an auto body shop.

On October 31, 2006 Regional Council initiated a process to consider amending the Sackville MPS and LUB related to the above noted request.

A staff report dated September 17, 2007 was forward to North West Community Council (NWCC) for review. NWCC is recommending approval of the staff recommendation contained in the report and asked that staff provide a site specific option which applied to only the applicant's property.

RECOMMENDATION:

It is recommended that **Regional Council:**

1. **Give First Reading** to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated September 17, 2007 and as provided in Attachments A and B of this report, and schedule a joint public hearing with North West Community Council;
2. **Approve** the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated September 17, 2007; and

3. **Give Notice of Motion** to consider the proposed development agreement as provided in Attachment C and schedule a joint public hearing with Regional Council.

Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that North West Community Council:

1. Approve the proposed development agreement as provided in Attachment C of the staff report dated September 17, 2007; and
2. Require the development agreements be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreements by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

On October 25, 2007, NWCC reviewed staff's report (dated September 17, 2007) for Case 00929 which recommended that Council consider development agreements for commercial uses, including auto body shops, on a greater number of properties in the Middle Sackville area and the approval of a development agreement for the Keizer Auto property (PID# 40608549) on Sackville Drive. Council agreed to move forward with this recommendation but also requested staff to provide Regional Council with plan policy that only enabled a proposed auto body shop by development agreement on the Keizer Auto property on Sackville Drive, Middle Sackville.

DISCUSSION

Attachment A contains draft policy that would enable the proposed development, an auto body shop, by development agreement on the Keizer Auto property. The proposed policy has less community impact as it applies to a single property. Both the original policy and the site specific option allow the auto body to be considered by development agreement.

Staff's original recommendation allows for commercial rights on a number of properties abutting Sackville Drive in the Middle Sackville area between Wilson Lake Estates and Rosemary Drive as generally shown on Map 1 of the September 17, 2007 staff report. Staff are of the opinion that this proposal will allow for new or expanded local commercial uses, subject to Council's approval, in the Upper Sackville area. A full analysis of the recommended option is provided in the September 17, 2007 staff report.

This report provides a recommendation which includes the first reading of both options. This approach will allow Council to consider either option at the Public Hearing.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and the work can be carried out within the approved budget with existing resources.

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. Approve the proposed amendments to the Sackville MPS and LUB, as contained in Attachments A and B of the staff report dated September 17, 2007. This alternative would permit commercial development and a auto body shop by development agreement for those lands which are located east of Rosemary Drive and west and north of the Atlantic Gardens site on Sackville Drive, including PID#40608549. Further, Community Council would approve the proposed development agreement pursuant to the proposed MPS policies to permit an auto body shop on PID#40608549 as contained in Attachment C of said report. This is staff's recommended course of action.
2. Approve a site specific plan amendment to enable consideration of an auto body shop by development agreement for PID# 40608549 as contained in Attachment A and B of this report. This is not recommended as site specific plan amendments are not generally desirable and staff feel there is merit at looking at a MPS amendment that would enable commercial uses on a broader number of properties. As the recommendation is to give first reading to the recommended and the alternate site specific MPS and LUB amendments, Council can choose either option without holding another public hearing.
3. Refuse the requested amendment. A request to amend the MPS is at the discretion of Council. A decision not to amend the MPS cannot be appealed to the N.S. Utility and Review Board. This alternative is not recommended as staff feel that there is merit in proceeding with amendments to the Sackville MPS and LUB.


ATTACHMENTS

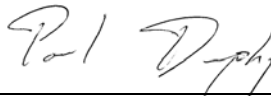
Attachment A	Proposed Amendment to the Sackville MPS (Site Specific Option)
Attachment B	Proposed Amendment to the Sackville LUB (Site Specific Option)

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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: Andrew Bone, Senior Planner, 869-4226

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

Financial Approval by: 
For Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by: 
Paul Dunphy, Director of Community Development

Attachment A
Proposed Amendment to the Sackville MPS (Site Specific Option)

1. The Municipal Planning Strategy for Sackville is hereby amended by adding the following after policy UR-30 in the Urban Residential Designation:

“ The Middle Sackville area has seen commercial activities established in the area adjacent the Lively subdivision. Although many properties in the area are appropriately zoned for commercial uses, many are not. Lands located at PID #40608549, Sackville Drive, Middle Sackville are well suited for commercial activities or an auto body shop.

UR-31 Notwithstanding UR-2 and RR-2, Council may consider permitting Community Commercial (C-2) Zone land uses and an auto body shop on lands identified as PID #40608549, Sackville Drive, Middle Sackville according to the development agreement provisions of the Municipal Government Act. In considering such uses, Council shall have regard to the following:

- (a) proposed use, height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
- (b) site design features, including landscaping, signage, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent development, and to provide for the needs of users of the developments;
- (c) appropriate controls are established to address environmental concerns, including stormwater controls;
- (d) site meets the minimum zone standards for the Community Commercial Zone;
- (e) general maintenance of the development;
- (f) hours of operation; and
- (g) provisions of Policy IM-13.”

2. The Municipal Planning Strategy for Sackville is hereby amended by adding the following after policy IM-10 (a)(xi) in the Implementation Section:

“(xii) Community Commercial (C-2) uses and an auto body shop at PID #40608549, Sackville Drive, Middle Sackville .”

THIS IS TO CERTIFY that the amendments to the Sackville Municipal Planning Strategy, as set out above, were passed by a majority vote of the Halifax Regional Council 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
Proposed Amendment to the Sackville Land Use By-law (Site Specific Option)

The Land Use By-law for Sackville is hereby amended by adding the following after Section 3.6 (a) (xxviii)(ii):

“(xxix) Pursuant to Policy UR-31, Community Commercial (C-2) Zone uses and an auto body shop at PID #40608549, Sackville Drive, Middle Sackville.”

THIS IS TO CERTIFY that the amendments to the Sackville Land Use By-law, as set out above, were duly passed at a duly called meeting of the Halifax Regional Council 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