


Item No. 10.1.6
Halifax Regional Council
April 17, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: March 19, 2012

SUBJECT: **Case 17531 Plan Amendment Initiation Report to consider a
Fraternal Centre at 40 Sandy Lake Road, Beaver Bank**

ORIGIN

Application by the Beaver Bank Kinsac Lions Club, owner of 40 Sandy Lake Road.

RECOMMENDATION

It is recommended that Halifax Regional Council:

- (a) Initiate the process to consider amending the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law to enable the consideration of a Fraternal Centre at 40 Sandy Lake Road, Beaver Bank; and
- (b) Request Staff to follow the public participation program as adopted by Council in February of 1997.

BACKGROUND

Beaver Bank Kinsac Lions Club wish to operate a meeting hall at 40 Sandy Lake Road, Beaver Bank. A meeting hall operated by a Lions Club is considered a “fraternal centre” in accordance with the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-Law (LUB). A “fraternal centre” is not a permitted use in this area and may only be considered through a change to plan policy (plan amendment).

The following background provides a brief overview of the property, the proposal, the policies and zoning.

The Property and Surrounding Land Use

The property is located at 40 Sandy Lake Road, within the community of Beaver Bank (Map 1). The property is 1.66 hectares (4.11 acres) in area and has 114.5 m (375.5 ft.) of frontage on Sandy Lake Road, which is classified as a local road in the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS). The property currently contains a building which is approximately 93 m² (1,000 sq.ft.) in size, which is sometimes used by the Lions Club for meetings, however, such activity is not permitted under the existing zone provisions.

The subject property is situated on the north side of Sandy Lake Road in close proximity to the Beaver Bank Road. The property shares a rear property line with three (3) lots which front on West Avenue, as shown on Maps 1 and 2. The properties in the immediate vicinity are developed with low density dwellings.

The Proposal

The applicant is seeking approval to operate a “fraternal centre” on this property. “Fraternal centre” is defined under the Land Use By-Law (LUB) as “*any lot or building operated by members of a fraternal organization and, without limiting the generality of the foregoing, may include such establishments as a Legion, Lion’s Club, Knights of Columbus or Kiwanis.*” The applicant is seeking to utilize the existing building on the site as a meeting hall.

Land Use Designation/Zoning

The subject property is designated Mixed Use A under the Generalized Future Land Use Map (Map 1) of the MPS and designated Rural Commuter under the Regional Plan. The property is currently zoned MU-1 (Mixed Use 1) under the Beaver Bank, Hammonds Plains and Upper Sackville LUB (Map 2). This zone does not permit a fraternal centre.

Fraternal centres are currently only permitted under the Highway Commercial (C-4) Zone. The C-4 zone has been applied to existing highway commercial uses which are generally limited to properties with direct access to a collector highway and in close proximity to other commercial uses. Policy P-24 provides conditions under which Council can consider rezoning to the C-4 zone.

However, under this policy a property must have direct access to a collector highway. As mentioned above, Sandy Lake Road is classified as a local road and as such is not eligible for

consideration. Therefore, the application for the subject property can only be considered by way of a plan amendment.

Previous Application

Regional Council initiated this proposal previously at the request of North West Community Council on July 8, 2008, however, at the time there was insufficient information provided to proceed and the planning application was cancelled. Staff is now in receipt of all required information to proceed with this plan amendment request.

DISCUSSION

Plan Policy

The subject property has been designated Mixed Use A and zoned MU-1 (Mixed Use 1) since the approval of the Beaver Bank, Hammonds Plains and Upper Sackville MPS in 1987.

The primary intention of the MU-1 Zone is to permit single and two unit dwellings, open space uses, existing mobile dwellings, boarding and rooming houses and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities, and most institutional uses.

The MPS does not consider fraternal centres to be an institutional use. They are characterized as more closely resembling commercial clubs than community centres/halls as they are perceived to have longer and more regular hours of operation and a more regular clientele.

The MPS also recognizes that by permitting a diverse range of land uses within the mixed use designations, there is an increase in the potential for land use conflicts; the MPS then points out that the challenge is to accommodate this diversity in a harmonious fashion.

Merit in Considering a Plan Amendment

When considering an amendment to a Municipal Planning Strategy, there are two matters for Council to consider when assessing the request. These are whether there has been a change in circumstance since the plan was adopted or if there is a significantly different situation than what the Plan anticipated. In this particular situation, neither has occurred. However, it is the opinion of staff that the property at 40 Sandy Lake Road does warrant the consideration for a plan amendment for these following reasons:

- the property is owned by the Beaver Bank-Kinsac Lions Club and has been for several years;
- the property is over 4 acres (1.6 ha) in size with trees buffering adjacent residential properties;
- there are two access driveways and adequate space onsite for parking;
- the property is in close proximity to a highway collector (the Beaver Bank Road); and
- the property is currently zoned MU-1 which permits a wide range of uses including full-service restaurants; trucking, landscaping, excavating and paving services; agricultural uses; etc., which may have a similar impact to the proposed fraternal centre.

The consideration of a plan amendment in this instance is reasonable, as there is sufficient merit in initiating the process to consider an amendment to the MPS in order to permit a fraternal centre on this property. Further, staff is recommending a site specific plan amendment rather than broad amendments which would increase opportunities for fraternal centres elsewhere in the plan area.

Plan Amendment Process

With respect to the approval process, staff would undertake to schedule a public information meeting(s), in conjunction with the North West Planning Advisory Committee (NWPAC), to enable the proponent to present the proposal to residents and to receive feedback. Staff would then prepare a staff report, for consideration by NWPAC, Community Council and ultimately Regional Council, who would determine whether or not the requested amendments proceed to a Public Hearing.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed operating budget for 2012/2013 for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

Amendments to the Bedford Municipal Planning Strategy involve community engagement and the engagement process will be consistent with the intent of the HRM Community Engagement Strategy, the *Halifax Regional Municipality Charter*, and the Public Participation Program approved by Council in February, 1997.

The proposed level of community engagement is consultation, achieved through a public meeting early in the review process, as well as a public hearing before Regional Council to consider approval of any amendments.

The proposed Municipal Plan Amendment will potentially impact the following stakeholders: local residents and property owners.

ALTERNATIVES

1. Council may choose to initiate the MPS amendment process as stated in this report. This is the recommended course of action.
2. Council may choose not to consider a site specific Plan Amendment process for 40 Sandy Lake Road, Beaver Bank. This is not recommended for the reasons described in this report.

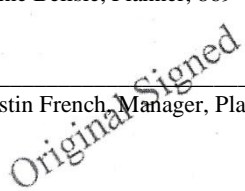
ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning

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.

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Report Approved by:

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For Austin French, Manager, Planning Services, 490-6717

Report Approved by:

Peter Stickings, Acting Director, Planning & Infrastructure



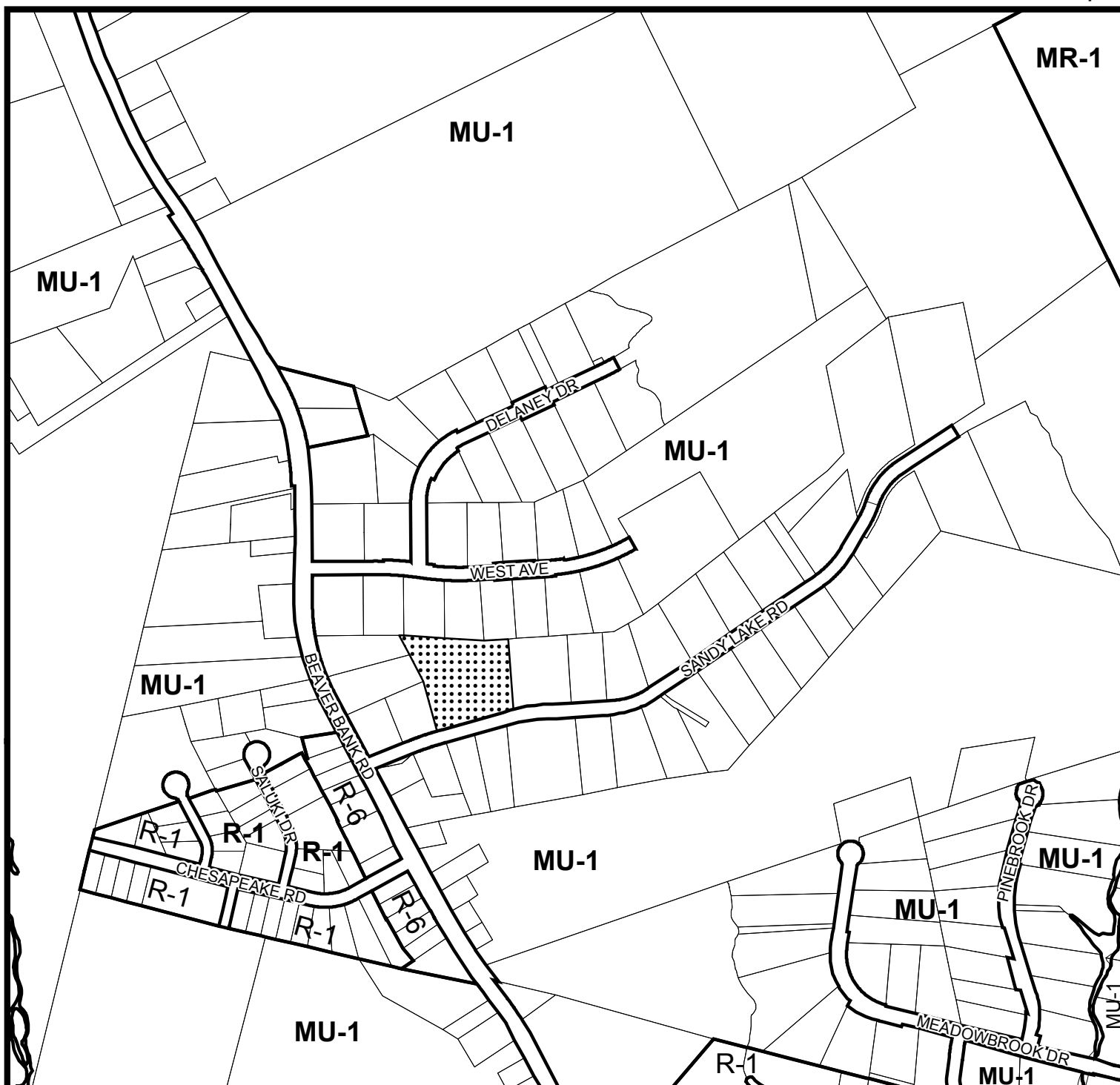
Map 1 Generalized Future Land Use

 Subject Property

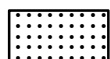
R Residential Designation
RR Rural Resource Designation
MU-A Mixed Use A Designation

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Map 2 Zoning



Subject Property

- R-1 Single Unit Dwelling Zone
- R-6 Rural Residential Zone
- MU-1 Mixed Use 1 Zone
- MR-1 Mixed Resource Zone

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