
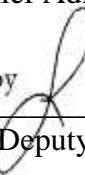


Item No. 11.1.8
Halifax Regional Council
April 15, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY: _____
Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: March 14, 2014

SUBJECT: **Case 19060: Amendments to the Sackville Drive SPS and LUB to enable mixed use development at 8 Walker Avenue and 732 Old Sackville Road, Lower Sackville**

ORIGIN

Application by Tri-Arm Holdings Ltd.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Sackville Drive Secondary Planning Strategy and Land Use By-law to include site-specific policy which would enable consideration of a mixed use development by development agreement at 8 Walker Avenue and 732 Old Sackville Road, Lower Sackville, as shown on Map 1; and
2. Request that staff follow the public participation program as approved by Council in February 1997.

BACKGROUND

The applicant owns two commercial properties located on the corner of Walker Avenue and Old Sackville Road, Lower Sackville, and is proposing to construct two multiple unit dwellings consisting of 124 residential units with approximately 10,000 square feet of ground floor commercial space. However, the Sackville Drive Secondary Planning Strategy (SPS) does not enable Council to consider the proposed mixed use development by either a rezoning or a development agreement in this area. Therefore, the applicant is seeking a site-specific amendment to the SPS, whereby the proposed mixed use development may be considered by development agreement. This SPS amendment requires the initiation of a planning process by Regional Council.

Location, Designation, Zoning, Surrounding Land Use and Proposal:

Subject Properties	8 Walker Avenue, Lower Sackville (PID# 41077785 and 4107793) 732 Old Sackville Road.
Location	The southeast corner of the Old Sackville Road and the Walker Avenue intersection (Map 1).
Lot Area	Total area of the site is approximately 3.86 acres (1.56 hectares).
Designation	Downsview-Beaver Bank under the Sackville Drive SPS (Map 1) Urban Settlement under the Regional MPS.
Zoning	Large Scale Commercial (LS) under the Sackville Drive LUB (Map 2).
Surrounding Uses	Predominantly commercial and warehouse buildings with a 3-storey multiple unit dwelling to the east. The Metro Transit Sackville Terminal is located to the west (Map 2).
Current Use(s)	A 14,600 square foot retail & warehouse building (known as Caps Plus).
Proposal	Two, 4-storey multiple unit dwellings containing a total of 124 units (68 units in one building and 56 units in the other) with 5,000 square of commercial floor space in each multiple unit dwelling. The two buildings are to be situated close to the street with above ground parking hidden from street view (Map 3). Underground parking is also proposed.

DISCUSSION

Amendments to SPS are generally not considered unless it can be shown that circumstances warrant such a change to policy. Typically, these types of amendments require substantial justification to be considered. In this case the applicant has included the following rationale for their proposal:

- *“In our opinion, an amendment to the SPS/LUB and a development agreement permitting this multiple-family development would be appropriate for the subject property, and would more effectively meet the goals of the Regional Plan and the Sackville Drive Secondary Planning Strategy. We would like to set forth the following points in support of this position:*
 - *The proposal reflects the general intent and vision of the RMPS;*
 - *Transportation;*
 - *Improve Pedestrian Opportunities on the Street;*
 - *Stimulate Retail & Residential Growth;*
 - *Create a Unique, Identifiable, Memorable Streetscape;*
 - *Adjacency to Residential Neighbourhoods; and*
 - *Current Commercial Climate.”*

The developer's submission, including a detailed discussion of each of these points, is found in Attachment B of this report.

Plan Policies

The Downsview-Beaver Bank designation applies to all public and private lands located between the Beaver Bank Connector and Riverside Drive including Walker Avenue and Old Sackville Road (Map 1). The proximity to the regional transportation system (including Highway 101 and a major transit terminal) and the diversity of land uses in the area provides both unique opportunities and challenges. The key objective of the Downsview-Beaver Bank designation is to encourage a visually attractive and viable retail power center and discourage new high density residential uses and small scale retail and commercial uses. Therefore, to ensure opportunities for new large scale commercial development and to avoid a concentration of residential uses in the designation, new multiple unit residential uses have been discouraged in the Large Scale Commercial zone. The intention of the SPS was that these lands be developed for large format commercial uses.

There are two key considerations which indicate that the proposal merits consideration:

- Change in Commercial Land Market – At the time of adoption of the SPS by Regional Council on May 7, 2002, it was anticipated that there would be increased commercial development in the area in the form of “big box” stores. Such development has occurred, but generally in the Bedford Common area rather than in Sackville as originally anticipated. The designation of the subject lands for such large format commercial uses may therefore no longer be appropriate, and it may be appropriate to consider other forms of development.
- Proximity of New Metro Transit Terminal - The Sackville Drive SPS states that the viability of the public transit system depends greatly on the density of land uses in the area and encourages the location of higher density residential development in the area of transit facilities. Since the adoption of the SPS, a major new transit terminal has been constructed directly across from the site. Given that the Sackville Transit Terminal was not contemplated at the adoption of the Sackville Drive SPS, it is the opinion of staff that there is sufficient justification to warrant the consideration of a site specific amendment for the subject lands.

Based on these two factors, staff is of the opinion that the proposal merits consideration in terms of general land use. No detailed technical evaluation, in terms of traffic, servicing, compatibility or urban design has yet been undertaken. Even in the event that SPS amendments are appropriate in general terms, there may be concerns with the actual details of the development proposal. If Council agrees to initiate this application, these matters, amongst others, would be subject to detailed review as part of the SPS amendment process. Community engagement would also be undertaken to allow input by area residents and property owners on the proposal. It is possible that other landowners may wish to seek similar SPS amendments for their own properties.

Conclusion

Based on major changes in area land use, staff is of the opinion that an SPS amendment enabling a mixed use residential and commercial development on the subject site is appropriate for consideration at this time. Should Regional Council authorize staff to initiate a process to consider SPS and LUB amendments, an opportunity will be provided to investigate and discuss compatibility, the potential impact on the surrounding residential area, and site design features with the public. Therefore, staff recommend that Regional Council initiate the request to consider amending the Sackville Drive SPS and LUB to enable a site-specific amendment as discussed above.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed 2014/15 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the SPS amendment process for this proposal or to enable an alternate proposal, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

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

Amendments to the SPS and LUB will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units, and other levels of government.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the SPS.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy amendments that would differ from those outlined in this report. This alternative is not recommended.
2. Regional Council may choose not to initiate the SPS amendment process. This alternative is not recommended. A decision of Council not to initiate a process to consider amending the SPS is not appealable.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Site Plan
Attachment A	Excerpts from the Sackville Drive SPS
Attachment B	Submission by Tri-Arm Holdings Ltd. dated October 11, 2013

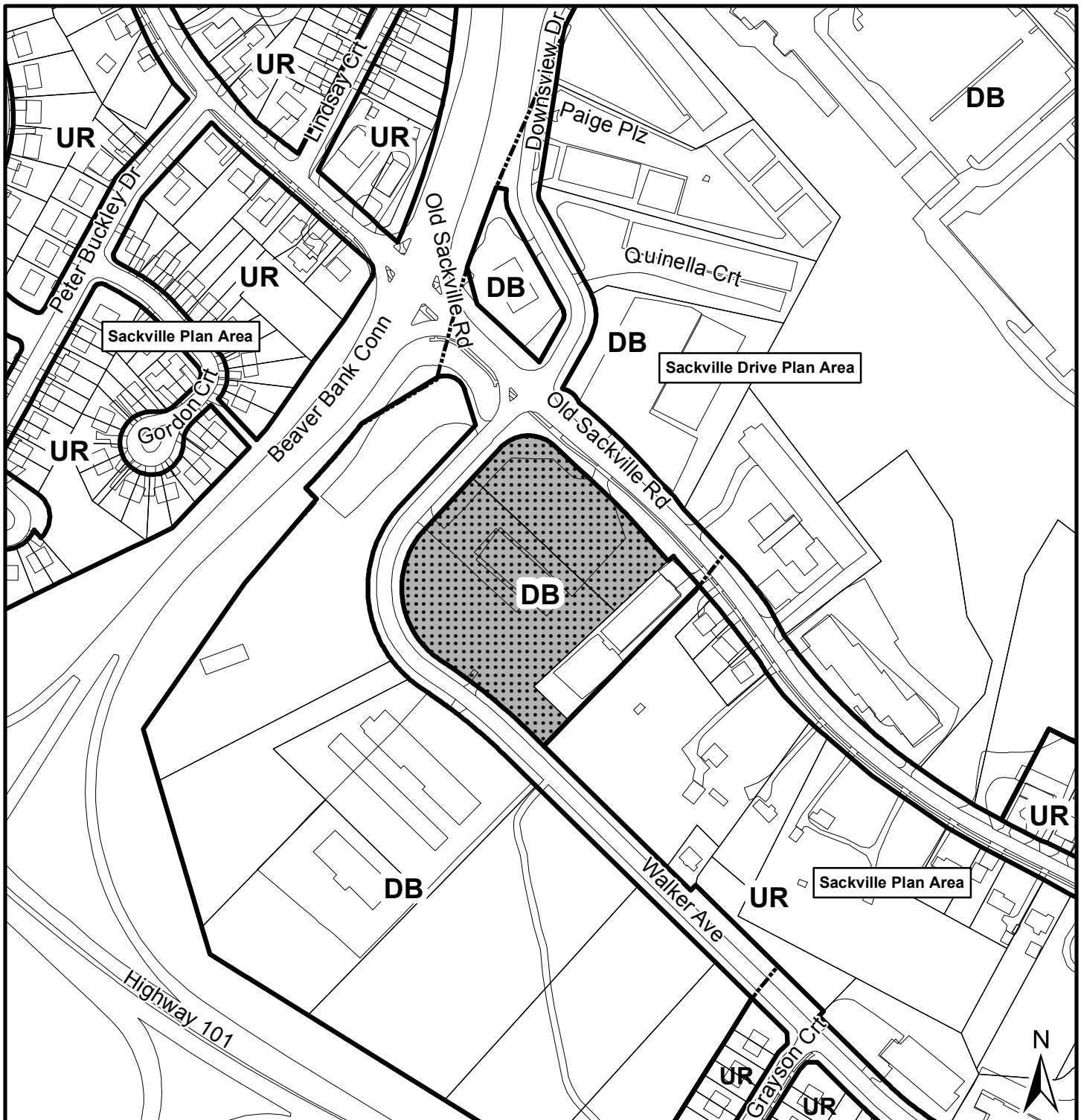
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Thea Langille, Major Project Planner, 490-7066

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 490-6800

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

Report Approved by: _____
Brad Anguish, Director of Community & Recreation Services, 490-4933



Map 1 - Generalized Future Land Use

8 Walker Avenue
Lower Sackville



Subject Properties

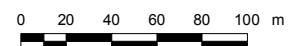
Sackville Drive Designations

DB Downview / Beaver Bank

Sackville Designations

UR Urban Residential

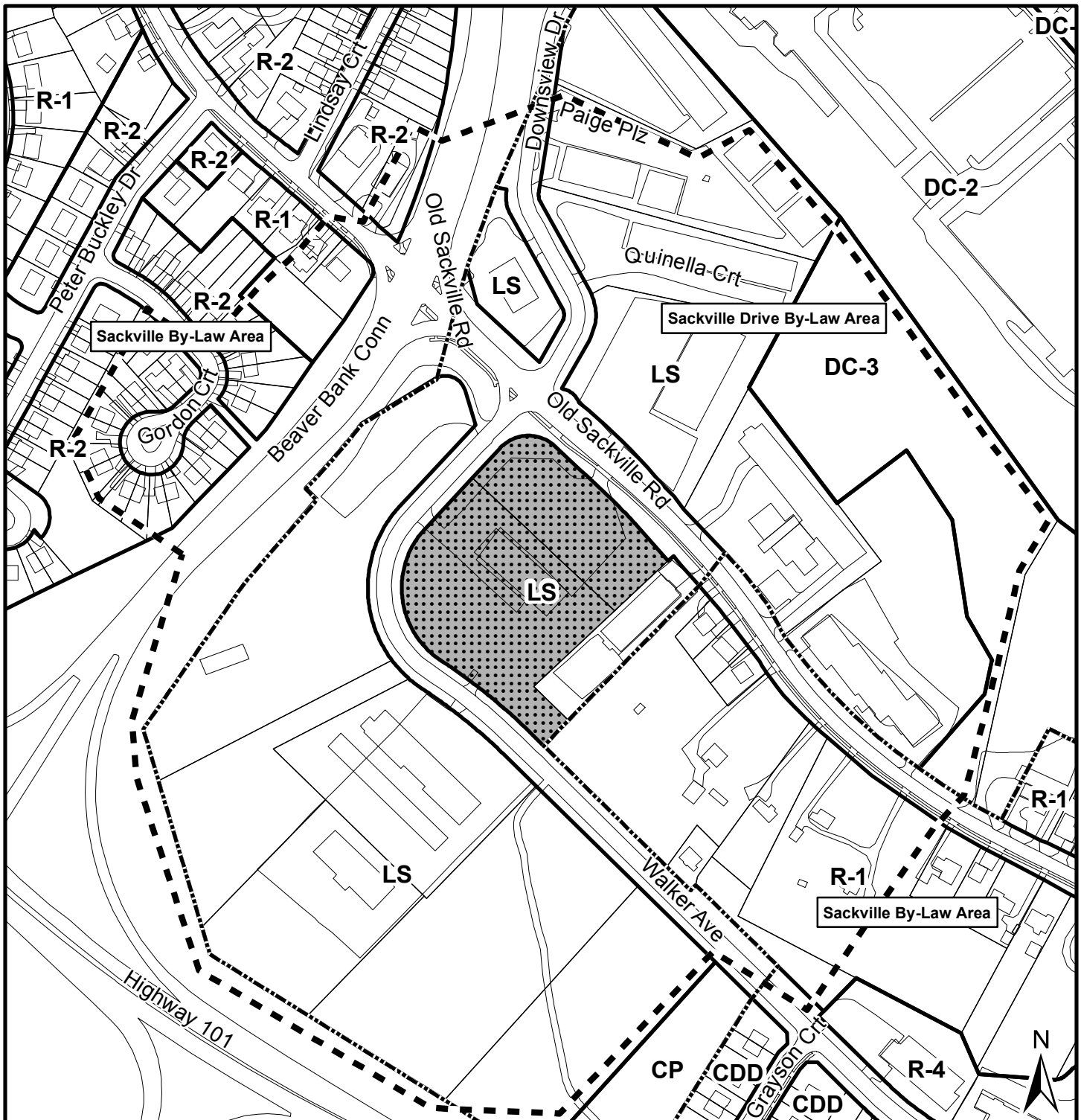
HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



Sackville Drive
Secondary Plan Area

This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.


HRM does not guarantee the accuracy
of any representation on this plan.




Map 2 - Zoning and Notification

8 Walker Avenue
Lower Sackville

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

 Subject Properties

 Area of notification

Sackville Drive
Land Use By-Law Area

Sackville Drive Zones

DC-2 Downsview Complex-2
DC-3 Downsview Complex-3
LS Large Scale Commercial
CP Community Parkland and Facility

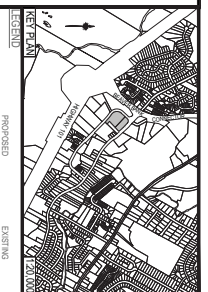
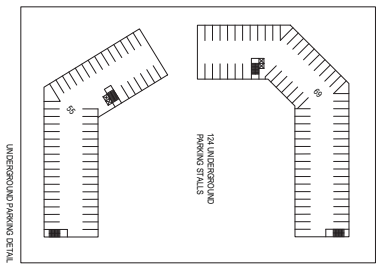
Sackville Zones

R-1 Single Unit Dwelling
R-2 Two Unit Dwelling
R-4 Multiple Unit Dwelling
CDD Comprehensive Development District

0 20 40 60 80 100 m

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.

[illegible]Arimco
CAPITAL

8 WALKER AVENUE
SACONVILLE
NOVA SCOTIA
SHEET DESCRIPTION
SITE PLAN

STOLE	DATE	SHEET
1500	2013/09/20	-
THRAIN	CHECKED	PROJECT NO.
FRACH	A.B	13-178
		SDP
		-

Attachment A - Excerpts from the Sackville Drive SPS

5.2 The Downsview-Beaver Bank Designation

The Downsview-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 Downsview-Beaver Bank Designation:

Policy DB-1

A Downsview-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 Downsview Complex Zones;**
- (c) discourage small scale retail and commercial uses within the Large Scale Commercial Zone;**
- (d) encourage the restoration of the Downsview 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 Downsview-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 "largeformat power centre" shall be encouraged in this area of Sackville.

5.2.1.1 Multiple Dwelling Uses

The Downsview-Beaver Bank designation supports most of the high density residential uses within Sackville. These uses are near the interchange and are within walking distance to the shopping centre and other major retail uses. The large population base residing within proximity to the retail centre provides a solid market foundation to support existing and new retail projects in this area.

Although high intensity residential uses have coexisted with the retail development in the designation with minimal conflict, the amount of high density residential is adequate. The high concentration and segregation of such uses have created a somewhat displeasing effect.

Consequently, to ensure opportunity for new big box retail development and to avoid further concentration of high density residential uses, new multiple residential uses should be discouraged within the Large Scale Zone.

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.

9.5 Improving Transit

Sackville is currently serviced by public transit. The viability of the public transit system depends greatly on the density of land uses. By encouraging the location of higher density residential development on a major collector, such as Sackville Drive, the greatest number of potential transit riders would then be concentrated nearer transit routes. In addition, the availability of two park and ride facilities at either end of Sackville Drive are intended to encourage more transit ridership by making transit more convenient and attractive to riders.

However, to ensure public transit can be easily adapted, improvements to Sackville Drive may be necessary. Specifically, where traffic flows are particularly heavy, to ensure capacity of the road is maintained or increased, bus bays should be provided. Moreover, the lack of public facilities provided at the Cobequid Road or Downsview park and ride facility discourage the public from using public transit. Therefore, every effort to provide new services such as bathroom facilities, and shelters, will be encouraged in these areas.

Policy T-7

Where possible, every effort shall be made to maintain and improve the existing service level of public transit on Sackville Drive, to provide public facilities at the Park and Ride locations, and to increase the size of the Park and Ride lot at Downsview Mall.

Attachment B Tri-Arm Holdings Ltd.

October 11, 2013

Mitch Dickey, Planner
Community & Recreation Services
40 Alderney Drive
Dartmouth, Nova Scotia
B2Y 2N5

**Re: Municipal Planning Strategy/Land Use By-law Amendment and Development Agreement
Application – Walker Avenue, Sackville (PIDs 41077785, 41077793)**

Dear Mr. Dickey,

Please accept this letter as Tri-Arm Holdings Ltd. request to amend the Sackville Drive Secondary Planning Strategy (SPS) and Land Use By-law (LUB) to incorporate site specific policy and by-law provision allowing for the development of multiple unit residential buildings by development agreement. Further, that HRM enter into a development agreement as outlined in the attached development proposal for two multiple unit dwellings consisting of 124 residential units with 10,000 sq. ft. of local commercial floor area. In order to move forward with our proposed development, it is our understanding the following planning processes will have to take place:

1. A site specific amendment to the MPS/LUB to allow for multiple unit dwellings within the Large Scale Commercial (LS) zone through development agreement
2. A development agreement between HRM and Tri-Arm Holdings to allow for development of multiple unit residential buildings with commercial space as outlined in the attached proposal

1. Proposed MPS/LUB Amendment

Background

Tri-Arm Holdings Ltd. owns 3.86 acres of land located on Walker Avenue and Old Sackville Road in Sackville. The site currently holds a 14,618 sq. ft. commercial, retail & warehouse building. Tri-Arm Holdings proposes to develop two multiple unit dwellings over PIDs 41077793 & 41077785 (preliminary plan attached). In order for the development to take place, amendments to the Sackville Drive SPS and LUB are required.

Site Characteristics

The properties Tri-Arm proposes to develop are located within the Sackville Drive plan area. They are designated Downsview-Beaverbank and zoned Large Scale Commercial (LS). The properties are designated Urban Settlement under the Regional MPS. The lands are located entirely within the municipal service boundary.

Attachment B

Tri-Arm Holdings Ltd.

PID 41077785 has extensive frontage along Walker Avenue, totalling 830 ft. PID 41077793 has 370 ft. of frontage along Old Sackville Road. The development will be accessed from both Walker Avenue and Old Sackville Road.

Proposal Summary

Tri-Arm Holdings proposes to develop two multiple unit dwellings over the following PIDs:

PID	Area (acres)
41077785	2.54
41077793	1.32
Total	3.86

The buildings will be four storeys high and will contain a total of 124 residential units as well as 10,000 sq. ft. of commercial space. There will be above and below ground parking to accommodate the commercial and residential units totalling 218 spaces.

Tri-Arm is proposing that the buildings run adjacent to the road frontage along Walker Avenue and Old Sackville Road. This will allow the above ground parking to be hidden from street view thus improving the image of the streetscape.

Building A, fronting on Old Sackville Road and Walker Avenue will consist of 68 multi-family units and includes 5,000 sq. ft. of ground floor commercial space. Building B, fronting on 8 Walker Avenue, will consist of 56 multi-family units as well as 5,000 sq. ft. of commercial space.

Application Support

In our opinion, an amendment to the SPS/LUB and a development agreement permitting this multi-family development would be appropriate for the subject property, and would more effectively meet the goals of the Regional Plan and the Sackville Drive Secondary Planning Strategy. We would like to set forth the following points in support of this position:

- 1. The proposal reflects the general intent and vision of the RMPS.** The Regional Plan designates this property as Urban Settlement. It is the primary intention of this designation to identify where urban forms of development will occur throughout the next 25 years. Tri-Arm's proposal for multiple unit dwellings is consistent with the urban form of development as outline in policy S-1 of the Regional Plan: *"HRM shall establish the Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), as the area where central wastewater and water distribution services are intended to be provided to facilitate an urban form of development over the next 25 years. Any development boundary established under the existing secondary planning strategies shall be replaced by the Urban Settlement Designation. The designation is intended to provide for a diverse, vibrant and liveable urban environment..."*
- 2. Transportation.** The subject property is adjacent to the Metro Transit Park & Ride Sackville Terminal. The proposed transit-oriented development will encourage residents to take advantage of the public transportation system as well as provide commuters with nearby

Attachment B

Tri-Arm Holdings Ltd.

commercial amenities. This is in keeping with the Sackville Drive SPS's goal to improve traffic efficiency which includes objectives to *"Reduce congestion "* and *"Increase convenience"* (Sackville SPS, pg. 12-13)

3. **Improve Pedestrian Opportunities on the Street.** As part of the Sackville Drive SPS vision, it aims to improve pedestrian opportunities on the street by *"Providing more public destinations", "Encouraging more pedestrian oriented uses" and "Creating convenient and accessible pedestrian linkages to the street"*(Sackville Drive SPS, pg. 13). The proposed development will integrate into the existing street creating direct pedestrian access to sidewalks. The ground floor commercial space will create a public destination and encourage pedestrian oriented uses, especially for commuters using the adjacent public transit hub. The proposed development is also within walking distance to existing commercial facilities.
4. **Stimulate Retail & Residential Growth.** The Sackville Drive SPS's vision outlines a goal to stimulate retail and residential growth through objectives to *"Encourage a greater retail and residential mix", "Create a focus for retail and residential activity in the street" and "Strengthen the image of Sackville Drive"* (Sackville Drive SPS, pg. 13). In keeping with these objectives, the development proposes a mix of residential and retail uses and provides street access near public transportation which creates a focus for retail and residential activity on the street. The visually pleasing exterior of the building also serves to strengthen the image of the area.
5. **Create a Unique, Identifiable, Memorable Streetscape.** It is the goal of the Sackville Drive SPS to *"create a unique, identifiable, memorable streetscape"* (Sackville Drive SPS, pg. 13). Specifically, the Downsview-Beaverbank designation aims to *"create a recognizable entry into Sackville Drive"* and *"improve the quality and image of the streetscape"* (Sackville Drive SPS, Policy DB-1). The custom design, articulated façade & street wall and integrated landscaping of the proposed development will create a unique landmark building for the Sackville Drive area. The development will provide a recognizable entry into the Sackville Drive area while offering a transition between the Large Scale Commercial zone at the top of Walker Avenue, and the existing residential development along the lower half of the street.
6. **Adjacency to Residential Neighbourhood.** The property abuts a residential plan area. The adjacent property is zoned R-1. The proximity to the residential area creates an undesirable location for a large scale commercial development for both residents and big box commercial retailers alike. Allowing for a mixed-use residential/commercial development on this site would create a much needed transition between the Large Scale Commercial zone and the low density residential area.
7. **Current Commercial Climate.** The Sackville Drive Plan Area currently accommodates over 300 businesses. With the large amount of competing business, the area is currently experiencing a number of commercial vacancies. In the Downsview Mall & Plaza alone there is 133,817 sq. ft. of vacant commercial space. This includes 3 spaces in excess of 20,000 sq. ft. It is clear that the area has ample amounts of existing commercial space, both large and small in scale. The intent of Tri-Arm's property to be developed as a big box retail site is obviously out of date and not in keeping with the needs of the community. A primarily residential development on the site would serve to help stimulate the existing commercial area while creating a vibrant urban community.

Attachment B

Tri-Arm Holdings Ltd.

2. Proposed Development Agreement – Mixed-Use Residential/Commercial Buildings

Proposal Summary

Tri-Arm Holdings proposes to develop two mixed-use residential/commercial buildings on PID's 41077785 & 41077793 located at Walker Avenue. The proposed buildings are comprised of a total of 124 residential units as well as 10,000 sq. ft. of commercial space.

Building A, fronting on Old Sackville Road and Walker Avenue will consist of 68 multi-family units as well as 5,000 sq. ft. of ground floor commercial space. Building B, fronting on 8 Walker Avenue, will consist of 56 multi-family units as well as 5,000 sq. ft. of commercial space.

This transit-oriented development is adjacent to the Metro Transit Park & Ride Sackville hub providing an opportunity to encourage residents to take advantage of the public transportation system. The commercial space will also encourage more pedestrian oriented uses in the area.

Building Form

The proposed development has been designed in such a way as to create a visually attractive landmark building for the Sackville Drive area. The development takes advantage of the extensive road frontage on Walker Avenue and Old Sackville Drive by aligning the buildings along the road and hiding the above ground parking from street view. The unique articulated façade and roofline of the building will improve the quality and image of the streetscape.

The buildings are 4 storeys high and are comprised of a wood frame construction. Construction materials will include horizontal fiber cement siding, premium vinyl shakes, composite metal panels and glass. Each unit above ground level will be provided with a glass panel balcony with aluminum railings.

Above and below ground parking is provided for the residential and commercial space totalling 218 spaces (94 above ground, 124 below). Access to the underground parking will be via the north-west side of Walker Avenue. Access to the above ground parking will be provided on Old Sackville Road and the south-west side of Walker Avenue. These strategically placed access points will ensure traffic efficiency to and from the development.

Your timely review and response to our proposal is much appreciated

Yours Truly,

ARMCO CAPITAL INC.

Original signed

Emma McCully
Planning Coordinator