

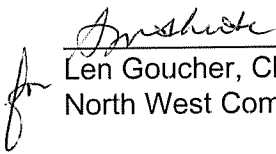
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P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

HALIFAX REGIONAL COUNCIL
November 25, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

FROM:  Len Goucher, Chair
North West Community Council

DATE: November 17, 2003

SUBJECT: Case 00571 - Amendments to the Sackville MPS and LUB - BP-1 (Business Park-1) Zone

ORIGIN:

North West Community Council meeting held on November 13, 2003.

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 contained in Attachments "B" and "C" of the Staff Report dated October 15, 2003, and schedule a Public Hearing for December 16, 2003;
- 2) Approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, as contained in Attachments "B" and "C" of the Staff Report dated October 15, 2003.

PLEASE RETAIN REPORT FOR PUBLIC HEARING

BUDGET IMPLICATIONS: None

ALTERNATIVES:

No alternatives recommended at this time.

ATTACHMENTS:

1. Report from North West Planning Advisory Committee dated November 6, 2003.
2. Staff Report dated October 15, 2003.

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 at 490-4208
Report prepared by: Sandra Shute, Legislative Assistant 490-6519

North West Community Council
November 13, 2003

TO: North West Community Council

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

RE: Case 00571: Amendments to the Sackville MPS and LUB - BP-1 (Business Park-1) Zone

DATE: November 6, 2003

ORIGIN

North West Planning Advisory Committee meeting - November 5, 2003

RECOMMENDATION

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

- (1) Recommend that Regional Council give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, as contained in Attachments "B" and "C" of the staff report dated October 15, 2003, and schedule a public hearing for December 16, 2003;
- (2) Recommend that Regional Council approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, as contained in Attachments "B" and "C" of the staff report dated October 15, 2003.

ATTACHMENT

Staff report dated October 15, 2003

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

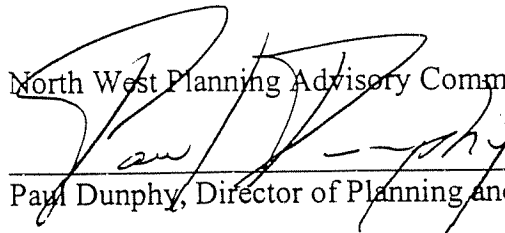


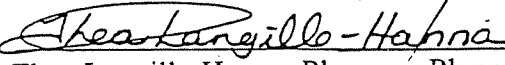
PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
November 5, 2003

TO: North West Planning Advisory Committee

SUBMITTED BY:


Paul Dunphy, Director of Planning and Development Services


Thea Langille-Hanna, Planner - Planning and Development Services

DATE: October 15, 2003

SUBJECT: Case 00571: Amendments to the Sackville MPS and LUB - BP-1
(Business Park-1) zone.

ORIGIN:

1. March 13, 2003 request by Annapolis Group Inc.;
2. March 28, 2003 initiation report and April 15, 2003 deferral by Regional Council's of MPS amendment process pending further consultation with owners of Sackville Business Park;
3. May 7, 2003 meeting with Sackville Business Park Management Team;
4. May 20, 2003 supplementary staff report and June 10, 2003 motion of Regional Council's to initiate the MPS amendment process as per Council's Public Participation program; and
5. Public meeting of July 2, 2003 held by North West Planning Advisory Committee.

RECOMMENDATION:

It is recommended that North West Community Council:

- (1) Recommend that Regional Council give First Reading to proposed amendments to the Sackville Municipal Planning Strategy and the Land Use By-law as contained in Attachments "B" & "C" of this report and schedule a public hearing; and
- (2) Recommend that Regional Council approve proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law as contained in Attachments "B" & "C" of this report.

Summary

The Temple Baptist Church wishes to construct a church on lands situated north west of the Glendale Drive and off-ramp to Highway #102 intersection. The current BP-1 (Business Park-1) zoning for the site does not permit the denominational institution uses. Consequently, the property owner (the Annapolis Group Inc.) has requested the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Sackville be amended to permit such land uses within the BP-1 zone.

MPS amendments and policy reviews are generally only considered where circumstances related to policies of a MPS have changed significantly. The last review of the Sackville MPS undertaken in 1994 did not contemplate denominational institutions and uses such as churches being developed in the Business Park designation nor in the BP-1 Zone. However, it may be reasonable to consider such uses within some parts of the Business Park Designation given the following context:

- The general scope of the Business Park designation is quite broad and inclusive;
- In contrast to 15 to 20 years ago, many denominational uses require more land and suburban locations to accommodate large building footprints and surface parking;
- Land uses already permitted within the BP-1 Zone, such as offices, funeral establishments, daycare facilities and parking lots, have similar characteristics to church uses; and
- The existing road network is adequate to accommodate potential traffic demand.

The preceding describes the basis for considering proposed amendments to the MPS in relation to the BP-1 zone of the Sackville MPS and LUB. At its June 10, 2003 meeting, Regional Council resolved to proceed with the MPS amendment process and consider proposed amendments which would effect this. The proposed MPS and LUB amendments are provided in Appendix B and Appendix C of this report.

Proposed Planning Strategy and Land Use By-law Amendments

The amendments provided in Appendix B and Appendix C include:

- Revisions to Policy BP-4 and its preamble text to provide policy support for denominational institutions and uses as a permitted use within the Business Park designation and BP-1 zone.
- Proposed amendments to Part 18 of the Sackville Land Use By-law to list denominational institutions and uses as a permitted use within the BP-1 zone.

BACKGROUND:

Current Policy Context and Zoning:

The Annapolis Group owns 75 acres (30.3 ha) of land located northwest of Glendale Avenue and the off-ramp for Highway #102. This area is zoned BP-1 (Business Park-1) and R-6 (Rural Residential) as illustrated on Map 2. The BP-1 zoned portion of land is approximately 31 acres (12.5 ha) and within the centralized services boundary established under the Sackville MPS and within an area identified for future light industrial development within the Business Park. The portion of land

zoned R-6, comprising approximately 44 acres (17.8 ha), is located immediately north of the BP-1 zone outside the centralized services boundary. Although the proposed church use is permitted within the R-6 zone this area is situated beyond the current limit of centralized services. The Temple Baptist Church leaders have expressed an interest in a serviced site having good visibility and access to Glendale Avenue.

The Proposal

A proposed site plan submitted in support of this application is reproduced as Map 4 of this report. The proposal is to construct a 70,000 sq. ft. (6,503 m²) church on a lot to be subdivided with frontage on Glendale Avenue and Cobequid Road to accommodate the following:

- 1,500 to 1,700 seat theatre-style auditorium complete with sloped floor and theatrical stage;
- double gymnasium with locker rooms;
- classrooms for denomination sessions;
- office space associated with the church; and
- foyer and common areas.

The parking lot is intended to hold approximately 500 vehicles and the future intent of the remaining land holding has yet to be determined. Any future development will be regulated by the provisions of the Sackville Municipal Planning Strategy and Land Use By-law.

Process of MPS and LUB Amendments

The Municipal Planning Strategy is the expression of the municipality's intent with respect to future land use patterns. Amendments to the Municipal Planning Strategy are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change in circumstances since the Plan was adopted or last reviewed or that there is a significant different situation than the Plan anticipated or envisaged.

Amendments to the Municipal Planning Strategy and Land Use By-law amendments to implement the MPS amendments are under the authority of Regional Council. The Sackville LUB is within the authority of the North West Community Council. Therefore the recommendation of staff will be reviewed by the North West Planning Advisory Committee and forwarded to Regional Council through the North West Community Council. The MPS amendment process requires a Public Hearing which must be held by Regional Council.

Public Meeting

The North West Planning Advisory Committee held a Public Meeting on July 2, 2003 to discuss the proposed amendments presented by staff in the initiation report dated March 28, 2003 and the supplementary report dated May 20, 2003. This Public Meeting fulfilled the requirements of the Public Participation Program for MPS amendments which was approved by Regional Council on February 18, 1997. With the exception of a letter submitted by a resident of a nearby subdivision there was no strong public opposition to amending the MPS to accommodate the proposed church development. The letter is reproduced in Attachment E of this report.

Notification of the Public Meeting was provided by a notice in the newspaper (Herald) on June 21, 2003 and by mail to residents within the notification area illustrated on Map 3. Should Regional Council decide to proceed with a public hearing on this application, a notice of public hearing will be published in a local newspaper and anyone who attended the Public Meeting, as well as the owners of properties within the area shown on Map 3, will be individually notified.

DISCUSSION:

Analysis of Existing MPS Policy

In support of development within the Sackville Business Park, a Business Park Designation is established in the Municipal Planning Strategy for Sackville. The existing MPS policy framework is reproduced in Attachment A and the designation area is illustrated on Map 1. The designation constitutes a priority area for industry and business development within Sackville.

A master plan prepared for the Business Park identifies several key areas within the park where general commercial, office and retail uses are to be permitted. These areas are generally located at the Glendale Drive entrance off the Cobequid Road in the northern part of the business park. The BP Zone applies to approximately 198 acres (80 hectares) of land within the business park.

The Business Park (BP) Zone is intended to further a goal of projecting an image of a quality business location for high profile offices, retail trade and service uses. To this end, the zone provides restrictive development standards relating to outdoor storage and display, exterior cladding, landscaping, parking, loading areas and signage.

In addition to the area covered by the BP Zone, the master plan also identifies approximately 51 acres (21 hectares) comprising the remaining area of the park for future development of light industrial uses. This area is intended to accommodate a broad range of warehousing, wholesaling, transportation and service industries, and other uses typically associated with industrial parks. A second zone, Business Park-1 (BP-1) Zone, has been applied to this area. The BP-1 Zone is generally less restrictive than the BP Zone.

Typically, land intended expansion of a business park within HRM is owned by either the Province or Municipality. This is not the case for future expansion of the Sackville Business Park. The BP-1 zone which is located along the north side of Glendale Avenue is owned in its entirety by a private landowner being the Annapolis Group. HRM Real Property Management and the Province have expressed no comments or concerns in respect to this proposal.

In evaluating the proposed MPS amendment, staff have reviewed the permitted uses in other Business Parks such as Burnside, Woodside and Musquodoboit. Within each of these Business Parks denominational institutions and uses are permitted and in some cases such uses presently exist. Therefore, it is reasonable to permit denominational institutions and uses within the BP-1 zone of the Sackville Business Park. It is the opinion of staff, the area zoned BP-1 can adequately accommodate denominational institutions and uses. Access is provided by way of a cul-de-sac accessing Glendale Avenue at the intersection of Estates Road. Municipal services such as water

and sanitary can be provided to the area and any issues of accessibility for fire services or site drainage can easily be addressed during site design and permitting stage.

Based on concerns raised by the Sackville Business Park Committee and the existing land uses pattern within the BP zone (i.e. concrete plant, and trucking company), staff do not consider the BP-zoned area of the business park to be an appropriate location for the development of denominational institutions and uses.

Matters Raised at Public Meeting

The proposal to amend the Sackville MPS and LUB was generally supported by those in attendance at the Public Meeting held on July 2, 2003. However, three concerns did surface following the meeting (refer to Attachment E). These were that:

- (a) the proposed amendment would enable a business that will not contribute to the tax base of Sackville or HRM (churches are tax exempt);
- (b) the business park is not intended for non-business groups; and
- (c) potential impact of proposed site development on wetland and water fowl along Sucker Brook.

Although these concerns are noteworthy, staff consider it reasonable to permit denominational institutions and uses in the BP-1 zone. Non-business groups such as churches are presently permitted in other HRM Business Parks. In respect to environmental concerns, the BP-1 zone boundary is approximately 1500 feet (460 m) from Sucker Brook. The Sackville MPS and LUB establish minimum building setbacks in relation to watercourses so there are adequate environmental protection measures in place in the event development occurs in the vicinity of Sucker Brook.

Summary

In summary, it is the recommendation of staff that the Sackville MPS and LUB be amended to permit denomination institutions and uses within the BP-1 zone. Staff's recommendation is based on the rationale outlined in the preceding sections of this report. Based on the business development emphasis placed on future lands uses within the publically-funded portion of the business park covered by the BP Zone, staff do not recommend extending consideration of church uses to the BP zone.

BUDGET IMPLICATIONS:

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN:

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

ALTERNATIVES:

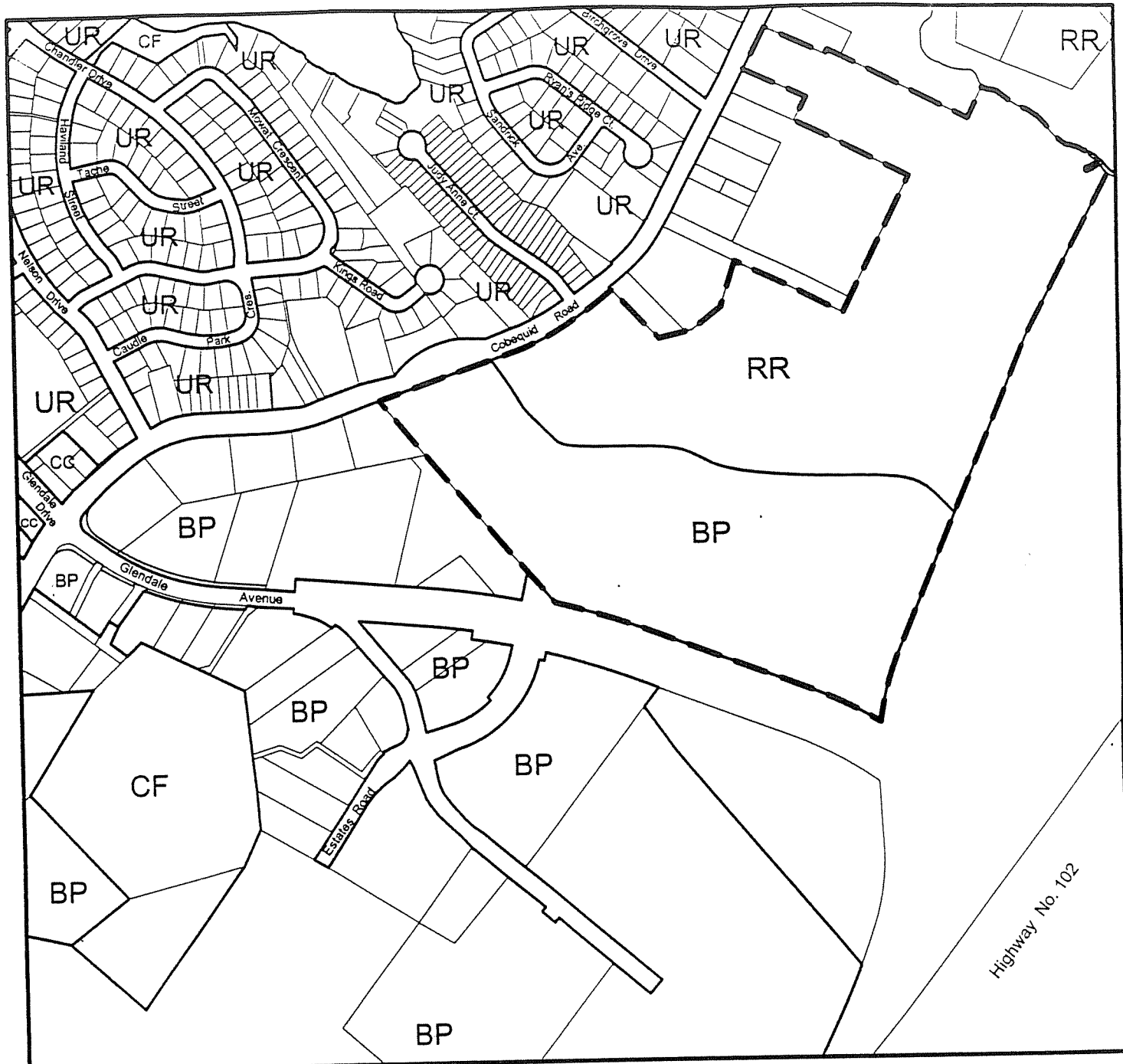
1. Community Council could recommend that the proposed MPS and LUB amendments be approved by Regional Council. This is the staff recommendation.
2. Community Council could recommend that the proposed amendments be amended. If this option is chosen, specific direction should be given regarding the amendments sought. If the amendments are substantial, it may be necessary to withhold forwarding this application to Regional Council to permit further consultation with the applicants. Adoption by Regional Council of the proposed amendments in their present form would not preclude Community Council from considering further amendments to the land use by-law at some future time.
3. Community Council could recommend that Regional Council not approve the proposed amendments. Regional Council is under no obligation to consider a request to amend the MPS and a decision not to amend the MPS is not appealable.

ATTACHMENTS:

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map
Map 3:	Notification Area Map
Map 4:	Proposed Site Plan
Attachment A:	Existing MPS Policy - Sackville Business Park
Attachment B:	Proposed Amendments to Municipal Planning Strategy
Attachment C:	Proposed Amendments to Land Use By-law
Attachment D:	Summary from Public Information Meetings dated December 5, 2001
Attachment E:	Submission from Sackville Business Park Committee and General Public

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 490-4208 (fax).

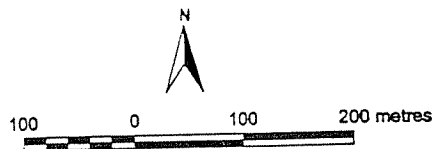
Report Prepared by: Thea Langille-Hanna, Planner (869-4262)

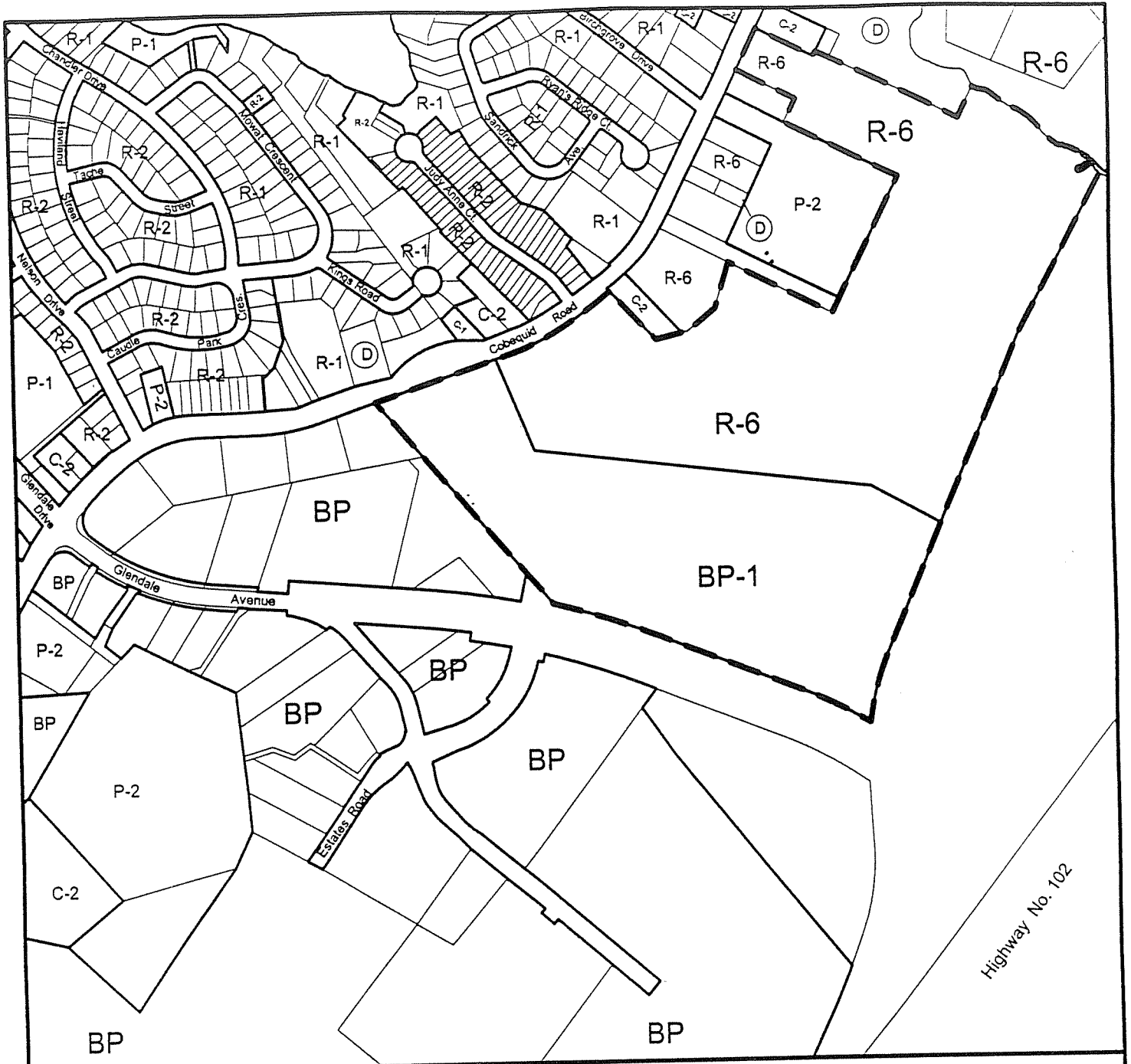


Map 1
Generalized Future Land Use — — — Subject Property



- | | | | |
|----|----------------------------------|----|--------------------------------|
| UR | Urban Residential Designation | CF | Community Facility Designation |
| RR | Rural Residential Designation | BP | Business Park Designation |
| CC | Community Commercial Designation | | |



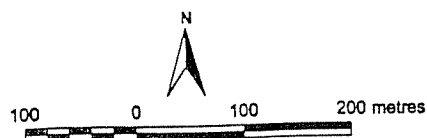


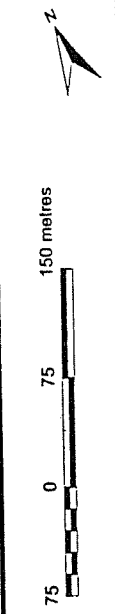
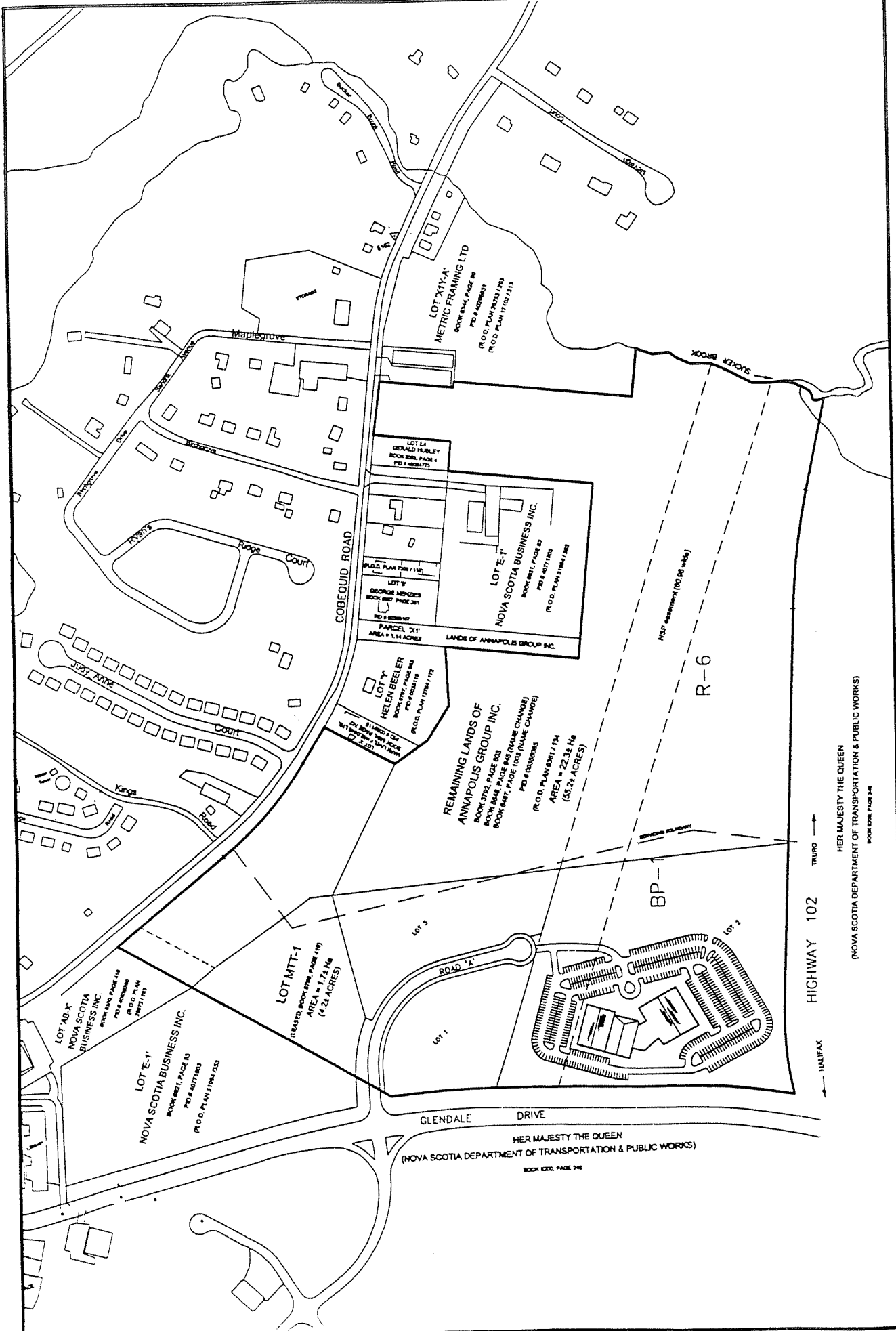
**Map 2
Zoning**

——— Subject Property



- | | | | |
|-----|---------------------------|------|---------------------------------|
| R-1 | Single Unit Dwelling Zone | P-1 | Open Space Zone |
| R-2 | Two Unit Dwelling Zone | P-2 | Community Facility Zone |
| R-6 | Rural Residential Zone | BP | Business Park Zone |
| C-2 | Community Commercial Zone | BP-1 | Business Park - 1 Zone |
| | | Ⓧ | Existing Development Agreements |





ATTACHMENT A - Existing MPS Policy - Sackville Business Park

BUSINESS PARK DESIGNATION

The Halifax-Dartmouth Regional Development Plan targeted the Bedford-Sackville area as a major centre for employment in the commercial sector, the distribution sector and in selective light industries. Although the Plan's objectives were admirable, the development of such an employment base could not occur without direct provincial involvement and funding. The realization of this objective is now being fulfilled with the development by the Nova Scotia Economic Development Corporation of the Sackville Business Park (formerly the Sackville Industrial Park) east of the Cobequid Road. The continued development of this park will create more local employment opportunities, reduce travel times for residents who now commute to work, and create a more favourable tax base which may reduce the tax burden on residential property owners.

The opportunity afforded by the development of the business park must be supported by limiting light industrial and general industrial growth in other parts of the community and by providing opportunities within the park for the establishment of a broader range of commercial services, offices and retail facilities. This will help ensure the viability of the park.

It is recognized that the ability to compete and the overall success of the Sackville Business Park will require aggressive promotion. The attractiveness of the park to investors will also depend to some extent on its ability to provide a full range of support services to tenants, whether these be financial and food services or consulting and maintenance operations. In addition, the park must be available to capture a diversity of business, including wholesale and service industries, packaging and transportation firms, research and training facilities and office and retail uses.

Sackville's competitive position not only demands that a wide range of support services be available to park tenants but also necessitates a need to make the most of all business opportunities. To avoid problems of congestion and confused development, and to accomplish the creation of a first quality business park in Sackville, a master plan has been prepared by an independent consultant which identifies specific areas within the park designed to accommodate a full range of light industrial, commercial and office uses. While only one zone will be applied to the entire park area, the master plan for the Sackville Business Park will serve to dictate where individual park uses will be permitted within the business park zone.

BP-1 In support of the Sackville Business Park, it shall be the intention of Council to establish a Business Park Designation as shown on the Map 1 - Generalized Future Land Use. Lands within the designation shall constitute a priority area for industry and business development within the Plan Area.

The master plan which has been developed for the Sackville Business Park identifies several key areas within the park where general commercial, office and retail uses will be permitted. These areas are generally located at the Glendale Drive entrance to the park off Cobequid Road, and on the northern portion of lands within the park. Heightened development standards relating to outdoor storage and display, exterior cladding, landscaping, parking, loading areas and signage will be established in the land use by-law to project an image of a quality business location suitable for high profile offices, retail trade and service uses.

The master plan identifies the remaining areas within the park for the future development of light industrial uses. These future development areas are intended to accommodate a broad range of warehousing, wholesaling, transportation and service industries, research and training facilities, light manufacturing and processing operations, assembly and recycling facilities, heavy commercial activities, as well as general commercial and office related uses. The Sackville Business Park currently contains a concrete batch plant and a garbage disposal facility. These existing uses are located within the area of the park identified by the master plan for light industrial uses.

BP-2 Within the Business Park Designation, it shall be the intention of Council to establish a business park zone which permits a range of general commercial, office and retail uses and light industrial uses as well as existing concrete batch plants and garbage disposal facilities. The street layout, lot design and location of new commercial, office and retail uses and light industrial uses shall be generally in accordance with the master plan for the Sackville Business Park included as Schedule "B" of the land use by-law.

The movement of vehicular traffic is an important consideration in the design and layout of future roads within the park. In areas of the park identified for light industrial uses, this is especially critical in order to provide efficient vehicle access and expedite the movement of large vehicles. In this regard, consideration shall be given to the design and layout of new roads within the business park as future subdivision occurs.

Business Park Expansion

The 1982 Municipal Development Plan for Sackville recognized the availability of land to the northeast of the Sackville Business Park and identified this area for future park expansion once lands within the existing park had been fully utilized. The Municipal Development Plan did not include this area within the Industrial Designation, but rather included a policy which called for its redesignation when the lands were eventually needed for park expansion.

The development of the Sackville Business Park did not, however, proceed at the rate anticipated in the 1982 Plan. As a result, no additional land to the northeast was ever redesignated and

rezoned for new industrial development. However, with the major improvements which are now planned for the regional transportation system, access to the business park will be substantially improved. While the demand for additional industrial lands has not occurred to date, it is anticipated that this will change when the park is directly connected to Highway No. 102 and Highway No. 107 in the near future (see Transportation section).

In the Spring of 1992, the issue of future park expansion received renewed interest when a large residential subdivision was proposed on lands immediately adjacent to the business park. Both residents and elected representatives felt a sense of urgency in halting plans for residential development and placing greater priority on these lands for future commercial and industrial development. It was recognized that if low density residential development was to occur on these lands, an important opportunity for future expansion of the business park and for overall commercial/industrial growth in Sackville would be lost.

Land to the northeast of the Sackville Business Park remains under private ownership. It is felt, however, that a similar approach to that being used in the existing business park would be appropriate for future development. In this regard, approximately sixty-five (65) acres of land to the northeast of the park are included within the Business Park Designation and will be zoned in a manner which is consistent with the objectives of promoting the development of the Business Park. Uses permitted in this area shall be limited to light industrial and office uses and commercial office and retail uses.

BP-3 In support of the continued development and expansion of the Sackville Business Park and further, in support of future industrial/commercial growth in Sackville, it shall be the intention of Council to include lands to the northeast of the Sackville Business Park within the Business Park Designation.

BP-4 With reference to Policy BP-3, it shall be the intention of Council to establish a business park-1 zone which permits light industrial and office uses and commercial office and retail uses. This zone shall be applied to lands to the northeast of the Sackville Business Park.

THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the _____ day of _____, 2003.

GIVEN under the hands of the Deputy Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2003.

Jan Gibson
Deputy Municipal Clerk

ATTACHMENT B

Case 00571: Amendments to the Sackville
MPS and LUB respecting the BP-1 (Business Park-1) zone.

The Municipal Planning Strategy for Sackville is hereby amended by adding the preamble and policy identified in **bold**:

Land to the northeast of the Sackville Business Park remains under private ownership. It is felt, however, that a similar approach to that being used in the existing business park would be appropriate for future development. In this regard, approximately sixty-five (65) acres of land to the northeast of the park are included within the Business Park Designation and will be zoned in a manner which is consistent with the objectives of promoting the development of the Business Park. Uses permitted in this area shall be limited to light industrial and office uses and commercial office and retail uses **and denominational institutions and uses.**

BP-3 In support of the continued development and expansion of the Sackville Business Park and further, in support of future industrial/commercial growth in Sackville, it shall be the intention of Council to include lands to the northeast of the Sackville Business Park within the Business Park Designation.

BP-4 With reference to Policy BP-3, it shall be the intention of Council to establish a business park-1 zone which permits light industrial and office uses and commercial office and retail uses **and denominational institutions and uses..** This zone shall be applied to lands to the northeast of the Sackville Business Park.

THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the _____ day of _____, 2003.

GIVEN under the hands of the Deputy Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2003.

Jan Gibson
Deputy Municipal Clerk

ATTACHMENT C

Case 00571: Amendments to the Sackville
MPS and LUB respecting the BP-1 (Business Park-1) zone.

The Land Use By-law for Sackville is hereby amended by adding the provision identified in **bold**:

PART 18: BP-1 (BUSINESS PARK-1) ZONE

18.1. BP-1 (BUSINESS PARK-1) USES PERMITTED

No development permit shall be issued in any BP-1 (Business Park-1) Zone except for the following:

Commercial Office/Retail Uses

Retail stores
Food stores
Service and personal service shops
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities

Light Industrial/Office Uses

Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services

Vehicles sales
Outdoor display courts
Motels
Cinemas
Restaurants including drive-in and take-out restaurants
Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses
Light manufacturing operations
Food and beverage processing and packaging
Assembly operations
Recycling depots
Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments
Taxi and bus depots
Parking lots
Existing uses
Any commercial office retail uses
Composting operations (see section 4.30) (MC-February 26, 1996 / M-March 28, 1996)

Institutional Uses

Denominational Institutional and Uses

Open Space Uses

Any use permitted in the P-1 (Open Space) Zone

18.2 **BP-1 ZONE REQUIREMENTS**

Where light industrial/office uses and commercial office/retail uses are permitted in any BP-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (15.2 m)

Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent

18.3 OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES AND LIGHT INDUSTRIAL/OFFICE USES AND INSTITUTIONAL USES

- (a) Where commercial office/retail uses and light industrial/office uses are permitted in any BP-1 Zone, the following shall apply:
- i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.
 - ii) No walls of any building shall be erected within forty (40) feet (12.2 m) of any public street or road reserve.
 - iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
 - glass
 - pre-engineered steel
 - brick
 - cast-in-place concrete
 - precast concrete
 - iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m²) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.
 - v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.
 - vi) No landscaping area shall be used for parking or developer in any other manner.

- vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.
- viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.
- ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.
- x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4 m²) in area. Islands shall be separate from any other landscaped areas.
- xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.
- xii) No outdoor storage or display shall be permitted.

18.4 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any BP-1 Zone, no development permit shall be issued except in accordance with the provisions of Part 19.

THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the _____ day of _____, 2003.

GIVEN under the hands of the Deputy Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2003.

Jan Gibson
Deputy Municipal Clerk

ATTACHMENT D

NORTH WEST PLANNING ADVISORY COMMITTEE PUBLIC MEETING

JULY 2, 2003

THOSE PRESENT: Ann Merritt, Chair
George Murphy
Roddy Macdonald
Karen Stadnyk
Tony Edwards

ALSO PRESENT: Thea Langille-Hanna, Planner
Sandra Shute, Legislative Assistant

OTHERS PRESENT: Councillor Harvey
13 Members of the Public

Regrets: Gloria Lowther
Jan Gerrow

1. CALL TO ORDER

The meeting was called to order by the Chair at 7:00 p.m. in the Charles Fenerty Room, Sackville Library, 636 Sackville Drive, Lower Sackville.

2. CASE 00571 - AMENDMENTS TO THE SACKVILLE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW TO CONSIDER PERMITTING INSTITUTIONAL USES (P-2) WITHIN THE BP-1 (BUSINESS PARK-1) ZONE

A Staff Report dated March 28, 2003 was before the Committee along with a Supplementary Report dated May 20, 2003, both of which had been directed to Regional Council.

Thea Langille-Hanna, Planner advised that the purpose of the meeting was to have an open discussion about a request from Annapolis Group to change the Sackville Municipal Planning Strategy and Land Use By-law in order to have institutional uses permitted in the BP-1 zone. She provided an overview of the area in question with the aid of overheads. As part of her presentation she advised that the area south of Glendale Avenue is zoned Business Park (BP) and generally in

provincial ownership with areas leased out. The lands located to the north east of Glendale Avenue and north east of the balance of the Sackville Business Park lands remain in private ownership with the BP-1 zone. This BP-1 zone has been identified in the Sackville Plan as an area for future expansion of the Sackville Business Park. Similar types of land uses have been identified as permitted in this area. She listed the uses for both zones.

Ms. Langille-Hanna further advised that the Municipality has been asked by Annapolis Group to allow Institutional Uses in the BP-1 zone. She listed Institutional Uses and advised that the reason for the request is to allow construction of a church by Temple Baptist Church in the area of Highway 102 and Glendale Avenue located in the BP-1 zone. The proposal is for a fairly large church - 70-80,000 sq. ft. with a seating capacity of close to 1500 - and associated uses such as meeting rooms, gymnasium and a fairly significant parking lot to accommodate the seating capacity.

Further, Ms. Langille-Hanna advised that to date staff has reviewed the proposal and indicated to Regional Council that there is some merit to exploring the request. Regional Council subsequently approved initiation of the process to amend the Sackville Municipal Planning Strategy and Land Use By-law to consider permitting Institutional Uses (P-2) within the BP-1 (Business Park-1) Zone. This Public Meeting was the opportunity to exchange information and hear what concerns the general public has about the proposal.

Ms. Langille-Hanna then outlined a series of questions she asked those in attendance to consider:

- Are Institutional uses a reasonable land use within the Sackville Business Park?
- What are the issues and concerns with having those types of uses in the Sackville Business Park?
- Are some Institutional uses more reasonable than others within the Park and, if so, which ones?
- Is a church okay?
- What are the issues and concerns surrounding a church being proposed in the Sackville Business Park?

The Chair then asked the applicant to provide input.

Mr. Fergus Omond, representing Annapolis Group advised that Annapolis Group approached the province for the province to buy the land to add to the Business Park but the province was not interested. It is Annapolis Group's position that as a private developer, they cannot develop it to compete with the province or Municipality. The only alternative is to dispose of the land. The church would be optimum use of the land. Temple Baptist Church has outgrown its current facilities and this would be an excellent opportunity to develop the land in question with a single user.

The Chair then called for questions from members of the Committee.

George Murphy asked where the church access would be located.

In response, Ms. Langille-Hanna advised that it was proposed to extend Road A and construct a cul-de-sac for future lots around it. The church would access off the end of the cul-de-sac. There would have to be discussions with Traffic Services and Department of Transportation in this regard.

Karen Stadnyk commented that usually concerns with churches from residents were noise and traffic problems but the area in question is not near residential areas. She asked if there was anything significant in the area that could cause traffic problems.

In response, Ms. Langille-Hanna advised an internal review has not taken place as yet; however, prior to Regional Council agreeing to initiate the process, Regional Council requested that staff consult with the Sackville Business Park Committee. A copy of the letter from the Sackville Business Park Management Team was attached to the May 20, 2003 report. The letter indicated a potential conflict with activities that already exist in a business park and it must be recognized by newcomers to the business park environment. There was a "live and let live" approach to new neighbours.

Ann Merritt asked if the land would be serviced.

In response, Ms. Langille-Hanna advised that the parcel for the church in the BP-1 zone is serviced with both municipal water and sanitary sewer. The servicing boundary runs quite close to the line. On the other side of the line, the R-6 zone actually permits Institutional uses as of right; however, that area cannot be serviced.

Roddy Macdonald asked if the church would be leasing the land from Annapolis Group.

In response, Ms. Langille-Hanna advised that the land will be sold to the Church. The Church is looking at a very large parcel of land that will extend all the way back to Sucker Brook. What staff is reviewing is whether or not the use can be considered in the BP-1 zone as it is already permitted in the R-6. The remaining three lots off Road A would remain with Annapolis Group.

Tony Edwards asked if there was any possibility of residential locating around the church. In response, Ms. Langille-Hanna advised that Temple Baptist Church has outgrown its present site and is not visible. From a community perspective, it involves more than just Sackville but Bedford, Fall River, Waverley. The location in question allows additional growth if required, visibility and easy access from a major transportation network. In the BP-1 zone, residential is not permitted. In the R-6 adjacent zone, residential is permitted but with on-site services. There was potential for residential development in the back with access to Cobequid Road.

The Chair then called for input from the public.

Mr. Walter Regan, Sackville Rivers Association supported the location for the church. He asked for information on the site.

In response, Ms. Langille-Hanna advised that there would probably be 500 parking spaces. The site was approximately 55 acres but the church would only occupy about 15 acres. A Development Agreement is not proposed at this time.

Mr. Omond further advised that there were no immediate plans for the balance of the land.

Mr. Regan supported tree retention written into a Development Agreement. 500 parking spaces is a huge open space. He supported raised curbs between parking spaces with tree planting.

Ann Merritt asked what would be the process to require a Development Agreement. In response, Ms. Langille-Hanna advised that the type of meeting tonight would bring out issues or concerns. If issues or concerns could be better dealt with by a Development Agreement, staff could recommend writing a site specific policy saying that a church could be permitted on a 15 acre parcel of land and put in a series of criteria and then negotiate a Development Agreement with the applicant. At this time, staff was considering the type of land use in the area. She pointed out that the parcels next door could have a composting facility that could clear every tree, contain all asphalt and not be subject to a Development Agreement.

Mr. Scott Lang, Stonemount Subdivision asked what was the reaction of the Business Park for the proposal for a church. In response, Ms. Langille-Hanna referred to the letter from the Business Park Management Team included in the Staff Report. She provided background information on their response.

Mr. Lang asked if anyone else has expressed interest in establishing a business in that location. In response, Mr. Omond replied no.

Mr. Lang asked why residents of Stonemount Subdivision were not notified. In response, Ms. Langille-Hanna advised that the Municipality was required to place an ad in the paper but also would notify people within 250' in a serviced area and 500' in a non-serviced area. In this case, staff included everyone in the Business Park and some of the properties down Glendale and Cobequid. Staff did not include Stonemount Subdivision because there are 40+ acres between what is being proposed. If Mr. Lang wanted to ensure notification of future meetings, he could leave his name and address after the meeting.

Mr. Lang asked the process from this meeting on. Ms. Langille-Hanna then provided the requested information regarding process, time frame and construction.

Mr. Lang requested that notices be sent to residents of Stonemount Subdivision. Ms. Langille-Hanna advised staff would look at adding the Stonemount area to the notification list for Public Hearing. This could be part of a recommendation from Planning Advisory Committee.

Pastor Leslie Somers, Temple Baptist Church provided information on the meeting with the Sackville Business Park Management Team. The Church is not just a building, but people and there

are hundreds of them coming every Sunday. It is not simply a location for a building but a home for many people to be nurtured spiritually.

Ann Merritt asked how Pastor Somers felt about the Church having to put up with noise, traffic, big trucks even on Sundays. In response, Pastor Somers advised they did not have a problem with this because others were there first. There is a four lane highway which would give a buffer between the church and other properties. The Church deals with the public too and will try to be good neighbours.

Roddy Macdonald asked for input regarding the Church's view of a change being made for the remaining properties abutting Road A as well. In response, Pastor Somers advised that if they had more money, they would buy it all. Even in preliminary discussions with Annapolis Group for purchase of the property, Annapolis knew that the Church would like to have something compatible for the abutting properties but understood it could not dictate.

Mr. Omond advised it is Annapolis Group's application for the Plan Amendment and the position is to amend all the BP-1 lands in the event that prior to the lands being disposed of, the Church can buy the remaining land without any need for another change.

At this point, Ms. Langille-Hanna advised that because the BP-1 zone does not list permitted uses as institutional and, more specifically, a church, staff could look at being very specific by allowing a church or look at broader uses and allow a range of uses.

Mr. Omond advised that Annapolis Group would prefer to have all the uses permitted in the Institutional on all the land. This would go to the benefit of the Church. If there are choices, they could opt for the more compatible use to the Church. There would be no residential development on the BP-1 lands; they are looking for compatible uses.

Karen Stadnyk asked if entertainment uses in conjunction with a hotel would include adult entertainment. In response, Ms. Langille-Hanna advised the definition of entertainment use in the Land Use By-law. Massage parlour, adult entertainment and cabaret are excluded.

Karen Stadnyk stated she supported the idea of a Development Agreement. In terms of the church being their home and protecting the environment, there is very little opportunity to do this in the community except through a Development Agreement. She acknowledged that the Church could be intending to maintain trees and put in significant landscaping in any event.

Mr. Omond stated that Annapolis Group would not want the remaining lands constrained by a Development Agreement which could make it restrictive on what they could and could not do.

Pastor Glenn Goode, Temple Baptist Church stated he did not understand what was involved in a Development Agreement but did not want to be tied down to an onerous or costly endeavor. They

planned on keeping as much landscaping as is there now, given the rugged terrain and did not plan on clear cutting.

George Murphy asked for clarification that the whole property is being sold to the Church, including the R-6 land. In response, Ms. Langille-Hanna indicated the BP-1 area in question as well as the balance of R-6 without the three lots referred to previously. It is as of right to develop residential in R-6 and institutional to build a church. The issue, however, in the R-6 is servicing.

Ms. Langille-Hanna reiterated that the question is whether or not institutional uses should be considered for that portion of the Business Park and is the church a reasonable land use.

Tony Edwards asked the difference between BP-1 and BP. In response, Ms. Langille-Hanna advised that they were pretty much identical except for ownership. She provided further information regarding the Plan Review in 1992.

Pastor Goode noted that the new hospital would be abutting the Business Park and is an Institutional use.

Mr. Scott Lang asked if the Church could go anywhere, not just in the BP-1 zone. In response, Ms. Langille-Hanna advised that today a church is not permitted in the BP-1 zone. It is permitted in the R-6. Temple Baptist Church could come in today and apply for a permit for the church in the R-6 and provide on site services. Staff was questioning whether or not to allow the same use where services are provided, in the BP-1 zone.

Mr. Lang said he felt that a Development Agreement would be beneficial to the community so there would be some concessions to the community such as green space maintained throughout the development.

Ms. Langille-Hanna pointed out, however, that with the existing zoning today there is no green space to be maintained. She asked, therefore, why would the Church be asked to provide additional open space when the other list of land uses would not be subject to that and when some of them would have more impact potentially on the environment than a church might. She added that right now the entire 15 acres could be cleared for a used car lot with asphalt.

Mr. Omond pointed out that the Annapolis Group proposal is for 15 acres. The Church would take two acres, parking would be three acres and at least half would be undeveloped. There was no benefit to clear cutting.

Mr. Sooriyakumaraan, Annapolis Group referred to the By-law re clear cutting, Section 18.3(4) which indicated that for every 400 sq. ft., you have to plant a tree. If you clear cut, you have to replant.

Ms. Langille-Hanna then asked if there was any opposition to allowing Institutional uses in the BP-1 zone. Institutional uses would include a church.

Aside from the question from Mr. Lang as to whether or not there were any precedents in HRM, there was no opposition indicated. Ms. Langille-Hanna agreed to check other Business Parks in terms of use. This information could be included in the Staff Report.

Mr. Walter Regan stated again that he was in favour of a Development Agreement and would like to see an oil grit separator for the parking lot, provision for water retention on site, information on the effect on capacity of the sewage treatment plant in Bedford and which way drainage would go.

Ms. Langille-Hanna agreed to check with staff regarding the sewage treatment plant impact.

Mr. Regan then asked what the plans were for the current site - 1000 Sackville Drive.

Mr. Regan then referred to the capacity for 500 cars and asked if there would be provision for a storage lane at the intersection or lights. In response, Ms. Langille-Hanna advised that preliminary discussions were about traffic lights at Estates Road.

Mr. Regan asked if there would be special provisions for blasting. In response, Ms. Langille-Hanna advised they would be subject to HRM's Blasting By-law.

Mr. Regan also made reference to the ability to have an ice cream parlour and for a walkway or lookoff.

In closing, Ms. Langille-Hanna advised that she got the feeling from the meeting that there was no one who felt strongly about not allowing Institutional uses in the zone. A lot of questions and concerns have been raised. She advised that if there were any further questions or concerns, members of the public could contact her directly. She expected that the internal review by staff would be completed over the summer months.

3. ADJOURNMENT

The Chair thanked all those present for attending and providing comments. The meeting adjourned at 8:20 p.m.

Sandra M. Shute
Legislative Assistant

ATTACHMENT E

July 6, 2003

Thea Langille-Hanna
HRM Planning & Development Services
Lwr Sackville, NS B4C 2S3
Fax # 869-4230

CASE # 00571 Proposed Amendment to Land Use By-Laws

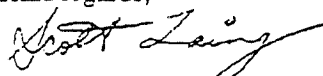
Thea,

I wanted to start by saying I appreciate the opportunity you have extended to everyone who attended the recent public session on this matter held on July 2, to provide input on the proposed zoning changes of the BP-1 zone in the Sackville Industrial Park to include Institutions, as I did not feel comfortable speaking out against the proposal during the meeting. I do not believe it would be in the best interests of the municipality or the Industrial Park to accommodate this zoning change for the following reasons: Primarily because the zoning change is being requested so as to allow a church in an Industrial Park which is clearly not a business and therefore would be an inappropriate use of lands zoned for Business use, in addition to this because the church is not a business it would also not be contributing to the tax base for Sackville and HRM. If Council were to amend the municipal bylaws and allow non-business groups into the Sackville Industrial Park in this BP-1 zoned parcel it would result in "businesses" moving to other areas outside of the Sackville Business Park (and perhaps even outside of HRM) due to the unavailability of other serviced business zoned lots in the Sackville Business Park which I believe runs contrary to the reason the Sackville Business Park was established in the first place. This would not only be detrimental to the Sackville Business Park but to the community as a whole. If this particular parcel of land was not serviced I am confident that there would not be a proposal being tabled at this time for rezoning of any parcel of land in the Sackville Business Park. I believe the developers motivation for wanting Council and HRM to change the zoning to include a church as part of the Sackville Business Park is solely due to the availability of a serviced lot there rather than any other argument that would suggest otherwise such as the compatibility of a church within an Industrial Park.

I believe this parcel of land should maintain its original zoning and that Council should reject this current proposal and any other future ones like it and not permit institutions and other non-business groups interested in it to develop it. Should the proposed amendments to the municipal planning strategy and land use bylaw be approved by council I would support the recommend that a Development Agreement be entered into between the Annapolis Group and HRM in order to ensure that the land is appropriately used by the developer and that no further concessions are extended to the developer or anyone they should sell the land to. If council decides in favor of the amendment then asking for a developmental agreement in exchange for the rezoning is not an unreasonable request under the circumstances.

However, I am hopeful that after much due diligence and deliberation on the part of Council and the HRM planning office staff that they decide that this proposal is not in the best interest of the Business Park, the surrounding communities or Sackville as a whole but does appear to be in the best interests of the developer. Also, I would ask the Provincial Department of the Environment to determine the impact this development and any others in the area would have on the wet lands and water ways including the water fowl species in the surrounding areas (ie, Sucker Book).

Kind regards,



Scott Laing Phone # 453-7300 x4471 (w)
Cc: Darlene Fenton Fax # 424-0597
Cc: Councillor Bob Harvey Fax # 869-4031
Cc: MLA John Holm Fax # 864-0396

MAY 16 2003

PLANNING SERVICES

SACKVILLE BUSINESS PARK MANAGEMENT TEAM
SACKVILLE BUSINESS PARK
69 COLONEL JOSEPH SCOTT DRIVE
LOWER SACKVILLE, NS B4C 4B1

May 14, 2003

Ms. Thea Langille-Hanna
Halifax Regional Municipality
Planning Services
636 Sackville Drive
Lower Sackville, NS B4C 2S3

**Re: Amendments to the Sackville Municipal
Planning Strategy (MPS) and Land Use ByLaw
(LUB)**

Dear Ms. Langille-Hanna:

On behalf of the members of the Sackville Business Park Management Team, I thank you for meeting with us on May 7, 2003 for discussions related to development of a church on BP-1 zoned lands directly across Glendale Extension from the Sackville Business Park.

For your information, the team met again on May 13 after giving the matter serious thought, to conclude a position on the proposed project and MPS Amendment. We therefore wish to advise that the Sackville Business Park Management Team does not object to the development of a church project on the BP-1 zoned lands opposite the Sackville Business Park, however there are some concerns that we wish to express relative to existing activities within the park. Fugitive dust, occasional smells from soil mixing, truck traffic (both day and night), and heavy equipment noises, all presently exist, and must be recognized by newcomers to the Business Park environment. The stakeholders of the Business Park believe in a "live and let live" approach to new neighbours.

In considering our support for the project, we have spoken with the proponents of the church project and are of the belief that they respect and do not object to being located near the existing activities at the Business Park. We respectfully ask that you present our concerns and support for the project to the HRM Council. We also wish to thank you for allowing us this consideration.

Yours truly,



Owen Davis

Chairman

Sackville Business Park Management Team