

MARINE DRIVE, VALLEY AND CANAL
COMMUNITY COUNCIL
MINUTES

March 5, 2009

PRESENT: Deputy Mayor David Hendsbee (Chair)
Councillor Barry Dalrymple
Councillor Steve Streach

STAFF: Mr. Joseph Driscoll, Planner, Central Region
Ms. Thea Langille, Supervisor, Planning Division
Mr. Randolph Kinghorne, Solicitor
Mr. Mark McGonnell, Developing Engineer
Ms. Barbara Coleman, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:15 p.m.

**2. APPROVAL OF MINUTES - November 26, 2008
January 27, 2009 (Special)**

MOVED By Councillor Streach, seconded by Councillor Dalrymple, that the minutes of November 26, 2008 and the minutes of January 27, 2009 are approved. MOTION PUT AND PASSED

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED By Councillor Streach, seconded by Councillor Dalrymple that the Order of Business be approved. MOTION PUT AND PASSED

4. BUSINESS ARISING OUT OF THE MINUTES: NONE

5. MOTIONS OF RECONSIDERATION: NONE

6. MOTIONS OF RESCISSION: NONE

7. CONSIDERATION OF DEFERRED BUSINESS: NONE

8. HEARINGS

8.1 Public Hearings:

8.1.1 Case 00898: Rezoning and Development Agreement - Lost Creek Village

- A staff report dated December 5, was before Council

At the last meeting of Marine Drive Valley and Canal Community Council on January 26, 2009, a notice of motion was passed to consider additional lots prior to the issuance of a tender to construct the Beaver Bank bypass to Beaver Bank Road.

Mr. Joseph Driscoll, Planner, gave an overview of Case 00898. He advised that this was an application by Lost Creek Village Inc., on behalf of Keith and Hugh Barrett to enter into a development agreement for Phases 5 - 10 of Lost Creek Village in Beaver Bank and rezone a 40-acre property from MU-1 to CDD which is technically a part of Phases 1-4. It was an oversight in the last application of re-zoning for Phases 1-4.

Highlights of the overview were as follows:

- 410 areas of Mixed Use - A;
- Phases 5-10 must be approved by Development agreement;
- Developer is proposing 210 single units within these phases;
- Two community parks, one of which is adjacent to Nelson Pond;
- Watercourse setbacks of 20 metres and other environmental concerns have been addressed to limit the impact on the environmental to a minimum;
- Conservation area would stay as it is to control the storm waters;
- Rezoning of these lands is consistent with the intent of the MPS;
- The Department of Environment would be involved for the approval of any environmental issues;
- The School Board had been consulted to make sure that the schools would be able to handle the capacity that would evolve from the new development of the area. Elementary and junior high schools would be able to handle any additional students now and Lock View would be able to handle additional students in two to three years which would fit the time frame that residents would be moving into the area;
- The 40-acre parcel of land which was mistakenly excluded from Phases 1-4 needs to be re-zoned before a development agreement could be approved.

Mr. Driscoll advised that staff are recommending that (1) the Developer limit development to a maximum of 10 lots/dwellings until HRM issues a tender for construction of the Beaver Bank By-pass between Sackville Drive and Beaver Bank Road and then restrict development to a limit of 100 units until the Beaver Bank By-pass between Sackville Drive and Beaver Bank Road is open for use and (2) that the rezoning of the 40-acre be approved.

In response to Deputy Mayor Hendsbee request for clarification that the developer or the eventual residents moving on the lots would be responsible for the storm water facilities, Mr. Driscoll advised that all storm water facilities would need to be maintained to the specifics set out by the HRM's engineers.

In response to Deputy Hendsbee's question of HRM taking ownership of the wetlands, Mr. Driscoll pointed out that HRM is moving away from the practice of taking ownership of conservation areas for a green belt area.

The proponent, Mr. Larry Gumbley reviewed what the he and his group were requesting of Community Council, noting the following:

- The owners of Lost Creek Village have been good neighbours;
- There is a lot of good land that could be developed for residential use;
- The Lost Creek Golf Course has been doing well and is expanding bringing new employment and recreation to the area;

- The development of the land is contingent on the Beaver Bank By-pass between Sackville Drive and Beaver Bank Road;
- There is no guarantee when this by-pass would be built, it is the Province's responsibility;
- Proponents are proposing at least 15 to 20 new residents be developed a year.

Mr. Driscoll and other staff answered inquiries of both Council members and members of the public.

The Chair called for those wishing to speak in favour of or in opposition to the proposed development agreement.

Mr. Dwaine Gordon, 241 Kinsac Rd requested clarification of what was being asked for at tonight's Community Council. He advised Council that he was hearing different asks .

In response to Mr. Gordon's question, Mr. Driscoll responded that what the staff report was recommending was that a maximum of ten units be developed until the Municipality issues a tender for the By-pass. What Mr. Gumbley is asking for is 15-20 lots per year until the by-pass goes in.

Councillor Dalrymple advised that there are 10 lots that were mistakenly missed in the last rezoning application and not rezoned to CDD. This needs to be done before the development agreement can take place.

Mr. Gordon inquired why a motion was not brought forth for the public to consider the additional 15-20 lots per year until Margeson Rd is completed.

Ms. Chris Jewar, Realtor , Sackville, spoke in favour of the agreement. She advised Council that young families, who are looking for affordable homes, can find them here. Beaver Bank needs to keep growing.

Mr. Gordie McEwen, 88 Mayflower, Beaver Bank, advised that residents of Beaver Bank and Sackville are not getting a fair shake in the market place as they do not receive what residents in other parts of HRM are receiving as resale value on their homes.

Mr. Tom Margeson, 18 Station Road, Kinsac advised Council that he likes the idea of the slower development. He further advised that the Lost Creek Golf Course was good for the area as well. He requested clarification from staff if sidewalks were going to be part of the plans for the entrance of Kinsac Road and the Village of Kinsac because of the increased traffic in the area.

Mr. Driscoll responded that no sidewalks are in the plans at this time, however, there are mechanisms to enable sidewalks to be installed.

Councillor Dalrymple advised that, contingent on the budget, HRM has plans for a new section of sidewalks for the Beaver Bank Rd. There are currently no plans for the Kinsac Rd; however, he explained that continued development would drive the need.

Ms. Rosemarie Tyler, on behalf of Ms. Margo Leonard, 158 Pennington Drive read a letter into the record and a copy is on file. Highlights of the letter were noted:

- Developer's traffic impact study was done and Council agreed in general with the study conclusions. Because the developer paid for and initiated the report, it was a conflict of interest.
- Making Mayflower Avenue and Pennington Drive an access to Lost Creek Village will have a significant impact on residents' lives.
- The streets are narrow and there is a sharp turn intersecting Mayflower Avenue and Pennington Drive that large trucks can not manoeuvre safely.
- There are no sidewalks and that is a danger to children walking to school.
- The Developer must hire a professional engineer for each phase of the development. They must comply with all HRM and Nova Scotia Department standards. The plans will only be sent to The Department of Fisheries and Oceans if it is deemed appropriate by the development engineer.

Mr. Driscoll clarified that HRM engineers reviewed the study that was completed and it met the standards within HRM's guidelines.

Mr. Driscoll further clarified that it is HRM Development engineers that decides if the development plans need to go to the Department of Fisheries and Oceans.

Ms. Rosemarie Tyler, resident, inquired if HRM would need to widen the roads. Staff advised that this development will continue over 5 to 10 years.

Mr. David Barrett requested clarification regarding the number of lots being developed. In response to the question, Deputy Mayor Hendsbee responded that what staff are proposing is 10 lots only until the tender to construct the Beaver Bank bypass to Beaver Bank Road has been issued.

Mr. Kinghorne, in response to a question asked by Mr. Gordon, earlier in the meeting, advised the request for additional lots was contained in the advertisement, therefore any of the councillors may bring forth a motion to increase the number of lots to be developed.

In response to Mr. Gordon's questions, Ms. Thea Langille, Supervisor of Planning Services, Central, clarified the process that was being followed tonight. She explained that the developers made an application to HRM. Staff reviewed their application and put forth their recommendations. The developer has spoken to his application tonight. The public will speak to the application tonight. Council then has the right to go with staff's

recommendations, the developer's request or they can make a motion for something entirely different than either. As stated by Legal, Council, at their discretion, may increase the number of lots because the ask for additional lots was contained in the advertisement.

Mr. Jeff Mc Mullen, resident, stated he is proud of his community and feels that if HRM stops development of this area it will be to the detriment of the community.

Mr. William Rogers, 240 Kinsac Rd, noted that what he is hearing tonight is that this development is contingent on the road being built. He stated that if there was a motion on the floor as to what is being asked for, it would be easier for people to understand and speak to.

A Fire Service representative inquired if dry hydrants could be installed as part of the development agreement. Further he inquired about all the dead end roads that raises concerns for the drivers trying to turn the fire trucks around.

Deputy Mayor Hendsbee clarified that all residential developments in non serviceable areas where water is accessible or near accessible water there would be a requirement for dry hydrants to be built by the developer.

Mr. Mark McGonnell, Developing Engineer, will speak to the Development engineer regarding the need for turn-around points for emergency vehicles on dead end roads.

Ms. Trina Roache, 187 Lost Creek Drive, inquired if HRM stops at the 10 lots, will the by-pass go ahead anyway and who will pay for it. She further asked if the Province was responsible for it.

Mr. Driscoll responded that the eventual construction of the by-pass will be completed as the result of many decisions being made. He does not know how it will play out. The Province has taken responsibility for the section of highway between Hwy 101 and Sackville Drive. HRM along with the landowners will be responsible for the section between Sackville Drive and Beaver Bank Rd.

Mr. David Barrett, Beaver Bank supports the application. He feels that the area needs to keep growing. Beaver Bank is a special place. HRM needs to keep pushing to get the By-pass.

Mr. Jim Clarke, 112 Laurel Ridge Valley, feels that if our community does not continue to grow, the land values will go down. He states that he is in favour of the development.

Mr. Lornie Campbell, 600 Kinsac Drive, spoke in favour of the development. Lost Village brought the golf course and put Beaver Bank and Kinsac on the map. An additional

9 holes which will mean more employment for the area.

Resident, 1080 Beaver Bank Rd requested clarification about a parcel of land to the left of the map originally owned by the family named Woods. He inquired if there were any plans to develop this land. He inquired as to how Mr. Larry Gumbley was involved in this development. He further asked if sewer and water was going to be installed. The development has two parklands listed in the plans. One is going to be used for ball fields, so it has to be fairly good land, what type of land is the other parkland. It was alluded to that the school board was confident that the schools could handle the extra numbers that this development would produce. With all the growth in this area, they do not want to see schools swell to the point that portables are needed. The resident further asked for clarification on the number of lots being developed.

Mr. Driscoll responded that there was nothing planned that staff was aware of. He was not familiar with the land.

Deputy Mayor Hendsbee requested clarification that there are two access points of Trinity Lane and a third access at the bottom of the street south to that, and this proposal is giving an additional access.

Mr. Driscoll stated he can not comment on the roads. He responded that the Barrett's are the land owners, but Mr. Gumbley acts as the primary developer through a company that he and the Barretts own (Lost Creek Village Inc.).

Mr. Driscoll further advised that the proposed development is not going to be serviced by water and sewer. He could not speak to what the new residents of this development would request.

Mr. Driscoll advised that the Parkland Developer requested the piece of parkland and they are quite confident that it will meet their standards. Before a decision of what can be done with these two pieces of parkland, it will need to go out to the public.

Staff advised that the School Board has indicated that there would be enough room in the elementary and junior schools. The high school, Lock View High School is at its capacity today but should be able to accommodate the capacity in a couple of years. This development would be phased in over time so there should not be a problem.

To clarify the question regarding the number of lots, Mr. Driscoll advised that staff are recommending that 10 lots to be built now and no more until the tender to construct the Beaver Bank by-pass to Beaver Bank Road is issued. Once the tender is issued, then 100 more lots can be developed.

Ms. Glenna White - 1071 Beaver Bank Rd advised that the above-mentioned parcel in

the left hand corner of the map belongs to her family and they are hoping to develop that land in the future.

Resident - 160 Laurel Ridge Drive noted that people want to move to the community and the developer be allowed to develop.

Mr. Steven Smyth, Sackville - long term resident of Sackville, stated this development would be ideal for the community.

Ms. Kim Gilby - 141 Pennington Dr expressed concern with the additional traffic that this will create in her neighbourhood. She further asked for clarification of what is going to be built, and when.

In response to Deputy Mayor Hendsbee's request for clarification, Mr. McGonnell, Developing Engineer, clarified that there would be more than one road, but where they would be exactly, could not be determined right now. There are approximate locations of the roads on the map.

Staff clarified that what they are recommending is 10 now, 100 once the tender has been issue for the construction of the By-pass and then once the By-pass is operational the remainder of the lots could be developed.

Mr. Laurie Campbell expressed concerns that now staff are saying that there is not a map showing where the roads would be located, and inquired where the map was that was shown to the public a few years back that could show where the roads were located.

Staff advised that Mr. Campbell was right in saying that there was a map but that map was part of the conception plans which do not show exact locations. That where these roads are located depends upon several factors including funding.

The Chair called three times for any additional speakers. Hearing none the following motion was placed. **MOVED BY Councillor Streach, seconded by Councillor Dalrymple that the Public Hearing close. MOTION PUT AND PASSED**

Deputy Mayor Hendsbee noted for the record that six (6) emails have been received by the Marine Drive Valley and Canal Community Council. They were from Mr. Adam Holloway, Ms. Wanda Smith, Ms. Pam Drisdale, Mr. Peter McKinnon, Mr. Jack Robaczski, and Ms. Margo Leonard.

Councillor Dalrymple advised that the staff report that was reviewed by Mr. Driscoll covered many of the concerns that have been raised at this meeting. He also noted the following:

- Met with the developers and the staff involved and believes that this is to be

- controlled, slow growth;
- All his questions have been answered;
 - The lots are large with sewer and water;
 - There is access to lake and parks;
 - The School Board advised that the schools have capacity to accept the development;
 - If this area does not grow it will die;
 - Can not give an answer to the road situation;
 - The number of lots can not be decided tonight.

MOVED By Councillor Dalrymple, seconded by Councillor Streach, that Marine Drive, Valley and Canal Community Council approve the proposed rezoning of PID 40871626 and a portion of PID 00500959 from MU-1 to CDD.

In response to Councillor Streach request for clarification, Mr. Driscoll advised that only the rezoning is being dealt with at this meeting. There would be no need for another public hearing regarding the lots as that issue was advertised and Council brought the issue of the increased number of lots forward at this meeting. After the appropriate appeal period, Community Council would then have the right to decide how many lots would go forth. Mr. Kinghorne agreed with Mr. Driscoll.

Councillor Streach further requested clarification on the dry fire hydrants concerns brought forward by members of the fire department. He advised that this should be made part of the agreement.

He advised that this Community Council should continue to lobby the provincial and federal governments to commence the by-pass as soon as possible.

Deputy Mayor Hendsbee advised that he wished to see dry hydrants incorporated in a future development agreement for this development.

MOTION PUT AND PASSED

In response to Deputy Mayor Hendsbee's request for clarification of the next steps, Mr. Driscoll explained that the decision of Community Council made at this meeting, needed to be posted and the necessary appeal period would need to pass. From there, if there is no appeal a development agreement would be drafted and brought back to Community Council for their approval.

Receiving clarification from Mr. Kinghorne, Councillor Dalrymple advised that following the two-week appeal period, in which no appeal has been filed, he would be introducing a motion at the next Community Council meeting to allow Lost Creek Inc. to develop 12 to 15 lots years per year until the development of the area is finished.

Deputy Mayor Hendsbee asked for further clarification that a public hearing would not be needed for that motion. Mr. Driscoll advised that he would defer to legal, but that Councillor Dalrymple, at the First Reading, clearly indicated his intention to allow additional lots, and therefore, no further public hearing would be necessary. Mr. Kinghorne agreed.

In response to Deputy Mayor Hendsbee's question regarding a supplementary report and the need for a further presentation, Mr. Driscoll advised that would be at the discretion of the members of Council.

8.2 Variance Hearings: None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence: None

9.2 Petitions: None

9.3 Presentations: None

10. REPORTS:

10.1 Staff Reports: None

10.2 Committee Reports: None

10.3 Members of Marine Drive Valley and Canal Community Council: None

11. MOTIONS: None

12. ADDED ITEMS: None

13. NOTICES OF MOTION: None

14. PUBLIC PARTICIPATION:

Mr. Barrett advised that he has a copy of a letter written by the Mayor in response to his question of when the by-pass would be build with the Mayor responding that it would be in 2015. He further advised that he would give the letter to Council to push further for the By-pass.

Mr. Robin Barrett advised that early maps showed a road looping from 101 to 102.

Mr. Tom Margeson advised that the Councillor had said that there was access to the lake. He advised that as the map stands right now, there is no access to Kinsac Lake. Councillor Dalrymple responded that there is still the issue of the railway tracks between the walks and the lake.

15. NEXT MEETING - To be called at the discretion of the Chair

16. ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Barbara Coleman
Legislative Assistant