

**NORTH WEST COMMUNITY COUNCIL
MINUTES**

January 22, 2009

PRESENT: Councillor Robert Harvey, Chair
Councillor Brad Johns
Councillor Tim Outhit

STAFF: Ms. Karen Brown, Solicitor
Ms. Chris Newson, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF MINUTES	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	STATUS SHEET ITEMS	4
4.1.1	Pinehill Street Stormwater Drainage	4
4.1.2	Storm Drain Issue - Cavalier Drive	4
4.1.3	Union Street Flooding	4
4.1.4	Beaver Bank, Hammonds Plains and Upper Sackville Land Use By- Law Amendment to Permit Signage for Small Home-Based Businesses	4
4.1.5	Metro Transit Route 88 Duke - Proposed Routing Amendments .	4
4.1.6	Request for Left Turn Arrow at Sackville Drive to Old Sackville Road at Cobequid Road Intersection	4
5.	MOTIONS OF RECONSIDERATION	5
6.	MOTIONS OF RECISSION	5
7.	CONSIDERATION OF DEFERRED BUSINESS	5
8.	HEARINGS	5
8.1	Public Hearing	
8.1.1	Case 01141: Development Agreement - 84 Golf Links Road, Bedford5	
8.2	Variance Appeal Hearing - None	7
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	7
9.1	Correspondence	7
9.2	Petitions	7
9.3	Presentations	7
10.	REPORTS	7
10.1	North West Planning Advisory Committee	7
10.1.1	Case 01195 - Rezoning of 92 Beaver Bank Road, Sackville	7
10.1.2	Case 01193 - Bedford Land Use By-law Amendment	8
10.1.3	Case 01147 - Twin Brooks Development Agreement	8
11.	ADDED ITEMS	8

11.1.1 Case 01223 - Non-Substantial Amendment - Neighbourhood B, Bedford South	8
12. NOTICES OF MOTION	9
13. PUBLIC PARTICIPATION	9
14. NEXT MEETING DATE:	9
15. ADJOURNMENT:	9

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Lions Den, Lebrun Centre, 36 Holland Avenue, Bedford.

2. APPROVAL OF MINUTES - November 27 and December 9, 2008.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the minutes of November 27 and December 9, 2008, as presented, be approved. MOTION PUT AND PASSED.

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

Additions: 11.1 Case 01223: Non-Substantial Amendment - Neighbourhood B, Bedford South.
 11.1.1 Supplementary Report re: Case 01223

MOVED BY Councillor Johns, seconded by Councillor Outhit that the order of business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Pinehill Street Stormwater Drainage - No Update

4.1.2 Storm Drain Issue - Cavalier Drive - No Update

4.1.3 Union Street Flooding - No Update.

4.1.4 Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law Amendment to Permit Signage for Small Home-Based Businesses

Councillor Johns advised that First Reading on this matter had been given at Regional Council on Tuesday, January 20, 2009. Item to be removed from the status sheet.

4.1.5 Metro Transit Route 88 Duke - Proposed Routing Amendments

An Information Report dated December 10, 2008 was before Community Council. No further action requested. Item to be removed from the status sheet.

4.1.6 Request for Left Turning Arrow at Sackville Drive to Old Sackville Road at Cobequid Road Intersection

- An e-mail dated December 9, 2008 from Mr. Brian Ward, Department of Transportation and Public Works, was before Community Council.

Councillor Harvey advised that a response had been received from the Provincial Department of Transportation and Public Works indicating that the request had been denied.

Following discussion by the Community Council in regard to the outstanding projects listed on the status sheet, it was **MOVED BY Councillor Johns, seconded by Councillor Outhit that all outstanding matters listed be removed from the status sheet. MOTION PUT AND PASSED.**

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RECISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. HEARINGS

8.1 Public Hearing

8.1.1 Case 01141 - Development Agreement - 84 Golf Links Road, Bedford

- An Information Report dated January 8, 2009 was before Community Council.
- A report dated November 13, 2008 was before Community Council.

Councillor Harvey reviewed the public hearing procedures then called upon staff to present the report.

Ms. Leticia Smillie, Planner, presented the report. Ms. Thea Langille, Supervisor, Planning Services, Mr. Miles Agar, Planner, Mr. Mark McGonnel, Development Engineer, and Mr. Jeff Spares, Senior Design Engineer, Infrastructure and Asset Management, were also in attendance to respond to questions of clarification.

Mr. Spares, referencing the Information Report dated January 8, 2009, addressed the traffic concerns of the proposed development on Golf Link Road. He advised that Golf Links Road was on HRM's list for sidewalk construction along with 220 other locations under consideration. He indicated that the cost to construct a sidewalk along one side of Golf Links Road was estimated at \$850,000 with 50% of that cost to be covered by the residents. Mr. Spares noted that the cost to bring the road up to standard would be \$1.3 million and that there were no immediate improvements planned as the road was in good condition.

Councillor Harvey opened the public hearing calling for any speakers for or against the proposal.

Public Speakers:

Donald Howell, Golf Links Road

Mr. Howell advised that he walks along Golf Links Road daily and that it is a very narrow street with no room for two vehicles to pass when a pedestrian is present. He noted that the property in question was 4 to 8 feet below grade with a large tree in the lot next to it which would make visibility very difficult when exiting the driveway as the front of the car would have to be on the street in order to see. The opposite side of the street has an open ditch and there are a number of large trees along the Golf Links Road. Mr. Howell also noted that traffic moved very quickly along the street and he often has to jump into a driveway to avoid a vehicle. He felt that the proposal was an unnecessary building and that there should be no additional structures until the road was improved. He noted that pedestrians (runners) have walk on snowbanks in the winter and children stay at school for lunch as it is too dangerous for them to walk that street. Mr. Howell noted that all other driveways on Golf Links Road sloped down or were at a level grade.

Gordon Munro, Golf Links Road

Mr. Munro noted that he objected to a flag lot with an apartment as he did not want to see high density housing in this area. A two family dwelling would be agreeable at this site. He expressed concern that the apartment would take away from the properties and was completely unnecessary.

Mrs. Munro, Golf Links Road

Mrs. Munro expressed concern with the soil that had been imported for the driveway which has already been constructed and inquired if the soil had been tested.

Mr. Walter Bianchi, Applicant

Mr. Bianchi responded to Ms. Munro's concerns advising that nothing unusual had been transported for the driveway, just the usual rock and asphalt.

Mr. Lionel Carrier, Bedford

Mr. Carrier inquired how tall the building would be; whether the foundation would be dug or a slab; and whether environmental testing had been done on the soil in regard to a garage that used to be on that site.

Staff responded that the maximum height of the building would be 22'. Mr. Bianchi, Applicant, advised that the foundation would be 4' below grade but no living space would be beneath the soil. He further noted that the soil where the former garage was located would not be disturbed during construction.

Councillor Harvey gave third and final call for speakers; hearing none, it was **MOVED BY Councillor Johns, seconded by Councillor Outhit that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Outhit advised that he concurred with the previous speakers in regard to the visibility and mobility concerns on the narrow Golf Links Road. He noted that he was determined to make the road better and has been working with staff in regard to various options available for improvements such as the possibility of adding a sidewalk, widening the road and changing the traffic flow to one-way. He explained that all such considerations would be vetted through the residents and Community Council prior to a final decision being made. Councillor Outhit commented that he has researched all the issues with legal services, planning services and the Traffic Authority which resulted in his conclusion that there was no sufficient reason to halt the proposed development.

MOVED BY Councillor Outhit, seconded by Councillor Johns that the North West Community Council approve a non-substantive amendment to Section 5.2 (c) of the Development Agreement by the addition of “and/or an alteration to the dwelling on proposed Lot A-1.” at the end of the first sentence, and the addition of the following sentence: “This shall include the height of the new dwelling on proposed Lot A-2 and/or the height of the altered dwelling on proposed Lot A-1.”

Section 5.2 (c) of the Development Agreement will now read as follows:

“An increase to the maximum height of the Flag Lot (Lot A-3) dwelling, as found in clause 3.5.1 (b) (iii), following the issuance of an Occupancy Permit for a dwelling on proposed Lot A-2 and / or an alteration to the dwelling on proposed Lot A-1. The maximum height shall not exceed the average height of abutting dwellings. This shall include the height of the new dwelling on proposed Lot A-2 and/or the height of the altered dwelling on proposed Lot A-1.”

MOTION PUT AND PASSED.

MOVED BY Councillor Outhit, seconded by Councillor Johns that the North West Community Council:

- 1. Approve the proposed development agreement as amended January 22, 2009 to enable the subdivision of 84 Golf Links Road, Bedford for a flag lot with a dwelling containing an apartment unit, and;**
- 2. Require the agreement be signed and delivered within 120 days, or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North West Community Council and any other necessary bodies, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

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 **North West Planning Advisory Committee**

10.1.1 **Case 01195 - Rezoning of 92 Beaver Bank Road, Sackville**

- A report dated January 9, 2009 was before Community Council.

MOVED BY Councillor Johns, seconded by Councillor Outhit that North West Community Council give first reading to the proposed rezoning of 92 Beaver Bank Road from R-1 (Single Unit Residential) Zone to P-2 (Community Facility) Zone and schedule a public hearing for February 26, 2009. MOTION PUT AND PASSED.

10.1.2 **Case 01193 - Bedford Land Use By-Law Amendment**

- A report dated January 9, 2009 was before Community Council.

MOVED BY Councillor Outhit, seconded by Councillor Johns that North West Community Council give first reading to the proposed amendments to the Bedford Land Use B-Law to rezone PID#'s 00418145, 00418178, 40054678, 40648404, 40054587, 40054579, 00417873, 00417881 and 41055534 (Civic 337, 341, 343, 345, 353 and 357 Kearney Lake Road and Civic 36 to 54 Gem Lane) from BWCDD (Bedford West Comprehensive Development District) Zone to RR (Residential Reserve) Zone as shown in the revised Schedule "A", and schedule a public hearing for February 26, 2009. MOTION PUT AND PASSED.

10.1.3 **Case 01147 - Twin Brooks Development Agreement**

- A report dated January 9, 2009 was before Community Council.

Councillor Johns requested that the Community Council meeting be held in Sackville. He also requested that staff expand the notification area. Ms. Smillie advised that the area had already been expanded to cover Millwood.

MOVED BY Councillor Johns, seconded by Councillor Outhit that North West Community Council give first reading and notice of motion to the proposed rezoning from P-1 (Open Space) to CDD (Comprehensive Development District) Zone and the development agreement for a 194 unit residential development at 1409 Sackville Drive, Middle Sackville and schedule a public hearing for February 26, 2009. MOTION PUT AND PASSED.

11. ADDED ITEMS

11.1 Case 01223 - Non - Substantial Amendment - Neighbourhood B, Bedford South

- A report dated January 9, 2009 was before Community Council.
- A Supplementary Report dated January 12, 2009 was before Community Council.

MOVED BY Councillor Outhit, seconded by Councillor Johns that North West Community Council:

1. **Approve, by resolution, the proposed amending agreement as set out in Attachment "A" of the Supplementary Report dated January 12, 2009, to permit the construction of two multiple unit dwellings on Larry Uteck Boulevard;**
2. **Require the proposed amending agreement be signed and delivered within 120 days, or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North West Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

12. NOTICES OF MOTION - NONE

13. PUBLIC PARTICIPATION

Mr. Walter Regan, Sackville Rivers

Mr. Regan inquired whether there had been any updates on the topsoil by-law; Pinehill Street design upgrades and Sackville Trunk Sewer upgrades to prevent overflow into the Sackville River.

Councillor Harvey requested that the Legislative Assistant contact the appropriate staff in regard to an update on these issues for the next Community Council meeting.

14. NEXT MEETING DATE - February 26, 2009

15. ADJOURNMENT

The meeting adjourned at 7:39 p.m.

Chris Newson
Legislative Assistant