

**NORTH WEST COMMUNITY COUNCIL
MINUTES**

March 26, 2009

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

STAFF: Ms. Karen Brown, Solicitor
Ms. Melody Campbell, Legislative Assistant

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES - February 26, 2009 & March 10, 2009

MOVED BY Councillor Johns, seconded by Councillor Outhit, that the minutes of February 26, 2009 and March 10, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

Changes to order of agenda:

Move 10.1.1 prior to Item 5

Move 8.1.2 prior to 8.1.1

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 Lot Grading By-law Update

This item will be addressed at a future Committee of the Whole. The information will be passed on to Mr. Walter Regan.

10. REPORTS

This item was moved up after the status sheet approved during the Order of Business.

10.1 Staff Reports

10.1.1 Uniform Charge for Waterstone Neighbourhood Association

- A staff report dated February 19, 2009 was before the Community Council.

MOVED BY Councillor Johns, seconded by Councillor Outhit, that North West Community Council recommend that Regional Council approve a uniform charge of \$75.00 per property to be applied against the properties within the mapped area depicted in Appendix "A" of the report dated February 19, 2009, for a three year period effective with the 2009-10 fiscal year for the purpose of funding the activities for the Waterstone Neighbourhood Association. MOTION PUT AND PASSED.

2. MOTIONS OF RECONSIDERATION - NONE

3. MOTIONS OF RECISSION - NONE

4. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 01147: Twin Brooks Development Agreement

The public hearing was held on February 26, 2009. The decision on the development agreement was deferred pending the expiration of the appeal period for the rezoning matter.

- A Supplementary Report dated March 11, 2009 was before Council.

Ms. Leticia Smillie, Planner, provided the Supplementary Report to Community Council.

Councillor Johns advised that he agrees with most of the points noted in the report. He stated that recognizes the limitations, but noted that he is happy with the parkland being moved up and 100% being parkland.

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

- 1. Approve the Development Agreement as illustrated in Attachment "A" of the Supplementary Report dated March 11, 2009.**
- 2. Require that the Agreement be signed within 120 days, or any extension thereof granted by Council on the Request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

Item 8.1.2 was dealt with prior to Item 8.1.1 as approved during the Order of Business.

8.1.2 Case 01159: Bedford South Development Agreement

- A staff report dated February 18, 2009 was before the Community Council.
- A North West Planning Advisory Committee report dated March 4, 2009 was before the Community Council.

Ms. Thea Langille, Supervisor of Planning Applications, presented the report to Council.

Ms. Langille advised of the following clarifications to Case 01159 Development Agreement:

- Page 45 - Staff Comments of CTS-1 Minor Collector not Major Collector
- Additional paragraph 4.3.6 of DA
 - “notwithstanding, between the interchange and the Nine Mile Drive/Starboard Drive intersection, Larry Uteck Boulevard shall have sufficient right-of-way width for four lanes of traffic, turning lanes and pedestrian connections.”
- Schedule O and Q: parking requirement reduction for Drive Thru
- Schedule Q
 - UTGC-1 c) remove word Larry
 - UTGC-2 b) Nine Mile Drive not Starboard Drive
 - UTGC-3 b) add word Boulevard

Councillor Harvey, Chair, reviewed the public hearing procedures; then opened the public hearing calling for any speakers for or against the proposal to come forward at this time.

The following speakers came forward to address Council:

Mr. Holmes, Bedford, questioned whether the interchange was approved. Staff advised that it is their understanding the interchange is moving forward.

Mr. Charlie Williams, Bedford, expressed concerns that Nine Mile Drive at Oceanview Drive is not a wide thoroughfare and he added it is very difficult to manoeuvre through when vehicles are parked on both sides of the road.

Mr. Blaine Barry, Bedford, raised the issue of heavy traffic and construction equipment travelling through Southgate Drive. Staff advised that construction equipment should not be using this area and this issue will be addressed

Councillor Harvey gave the 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.**

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

1. **Approve the proposed development agreement presented in Attachment A of the report dated February 18, 2009; and**
2. **Require the development agreement be signed within 120 days, or any extension thereof granted by the Community Council on request to the applicant, from the date of final approval of said Agreement by the Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

MOVED BY Councillor Outhit, seconded by Councillor Johns, the following clarification to Case 01159 Development Agreement:

- **Page 45 - Staff Comments of CTS-1 Minor Collector not Major Collector**
- **Additional paragraph 4.3.6 of DA**
 - **“notwithstanding, between the interchange and the Nine Mile Drive/Starboard Drive intersection, Larry Uteck Boulevard shall have sufficient right-of-way width for four lanes of traffic, turning lanes and pedestrian connections.**
- **Schedule O and Q: parking requirement reduction for Drive Thru**
- **Schedule Q**
 - **UTGC-1 c) remove word Larry**
 - **UTGC-2 b) Nine Mile Drive not Starboard Drive**
 - **UTGC-3 b) add word Boulevard**

MOTION PUT AND PASSED.

8.1.1 Case 01226: Amending Agreements - Bedford South

- A staff report dated February 10, 2009 was before the Community Council.
- A North West Planning Advisory Committee report dated March 4, 2009 was before the Community Council.

The case includes non-substantive and substantive matters. The non-substantive matters are not included as part of the public hearing. The public hearing is for substantive matters of Case 01226 only. A decision will not be made on the substantive matters at this time. A decision on the substantive matters will be made following the appeal period for the non-substantive matters.

Ms. Thea Langille, Supervisor, Planning Applications, presented the report regarding the non-substantive report to Council.

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

- 1. Approve the amending agreement which deals with the non-substantive matters of building siting and landscaping specifications, as set out in Attachment A of the report dated February 10, 2009.**

MOTION PUT AND PASSED.

Ms. Thea Langille, Supervisor, Planning Applications, presented the report regarding the substantive report to Council.

In response to a query by Councillor Harvey, Ms. Langille advised that the proponent applies for a permit for a drive thru only, a site plan and a written analysis must be supplied to HRM. The analysis must address the length of the drive thru and provide any information on intrusion of parking on the property.

Councillor Robert Harvey, Chair, reviewed the public hearing procedures; then opened the public hearing calling for any speakers for or against the proposal to come forward at this

time.

The following speakers came forward to address Council on the substantive matters of Case 01226: Amending Agreements - Bedford South:

Mr. Blaine Barrie, Bedford, raised concerns relating to the buffer zones and the landscaping of the property. He expressed concern that the driveway along the drive thru may be too short. Staff advised that there will be adequate landscaping and buffer zones on the property.

Mr. Louis McCarthy, Bedford, advised that there is a school next door that does not permit idling on their property. He added that having a drive thru next door with vehicles idling is setting a poor example.

A resident raised a concern that with the infiltration of small restaurants; drive thus seem to be the normal way of business.

Ms. Suzanne Williams, Bedford, raised the issue of safety of residents and students in the area due to the increased traffic. She added parents use the area as pick up and drop off areas for students. She advised Council that there is limited access on Oceanview Drive as it is difficult to get through at present. She expressed concern of litter and increased noise in the area and questioned whether the residents want this business in the community.

Councillor Debbie Hum, a former member of the steering committee for Halifax West, advised that the noted concerns be raised with the schools in the area.

Mr. Neat, Clayton Developments, advised Council that the drive thru would be an auxiliary use. He advised that safety issues were looked at as they went through the process of determining the building use. He noted that the building will be approximately three thousand square feet which would be a fit for a community based coffee shop offering easy community access. He stated that the site will be readily accessible by walking.

Mr. Hanusiak, Clayton Developments, advised Council that the geography and design was taken into consideration as plans moved forward. He added that if a building that does not meet Clayton Development's standards it would not be permitted.

Councillor Harvey noted correspondence from Wendy McDonald regarding Case 01226: Amending Agreements: Bedford South.

Councillor Harvey gave the 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.**

The public hearing was held and closed.

Councillor Outhit expressed concerns relating to increased traffic in the area. He recommended that this area be for local truck traffic only and that parking be only on one side of Oceanview Drive.

MOVED BY Councillor Outhit, seconded by Councillor Johns, that the decision for the substantive matters be deferred to the April 23, 2009 North West Community Council. 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 Staff Reports

10.1.1 Uniform Charge for Waterstone Neighbourhood Association

This item was dealt with after Item #4 as approved during the Order of Business.

10.2 North West Planning Advisory Committee

10.2.1 Case 01239: Non-substantive Amendment - Bedford Waterfront Development

- A staff report dated February 10, 2009 was before the Community Council.
- A North West Planning Advisory Committee report dated March 4, 2009 was before the Community Council.

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

- 1. Approve the proposed Amending Agreement, set out in Attachment A of the report dated February 10, 2009, for Site 3.2 of the Bedford Waterfront lands;**
- 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; and**
- 3. Upon expiration of the appeal period for the proposed Amending Agreement, approve the building elevation contained in Map 2, as being consistent with the intent of the development agreement, as set out in the Existing Agreement.**

MOTION PUT AND PASSED.

11. **ADDED ITEMS**

12. **NOTICES OF MOTION - NONE**

13. **PUBLIC PARTICIPATION**

No members of the public to address Council.

14. **NEXT MEETING DATE** - April 23, 2009

15. **ADJOURNMENT**

The meeting adjourned at 8:10 p.m.

Melody Campbell
Legislative Assistant