

HALIFAX REGIONAL MUNICIPALITY

WESTERN REGION COMMUNITY COUNCIL

MINUTES

January 18, 2010

PRESENT: Councillor Adams, Chair  
Councillor Reg Rankin, Vice-Chair  
Councillor Peter Lund

STAFF: Mr. Luc Ouellet, Planner  
Mr. Martin Ward, Municipal Solicitor  
Ms. Chris Newson, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. in the cafeteria of the Brookside Junior High School, 2239 Prospect Road, Hatchet Lake.

**2. APPROVAL OF MINUTES - November 23, 2009, December 8<sup>th</sup> and 15<sup>th</sup>, 2009**

**MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council approve, as presented, the minutes of November 23, December 8<sup>th</sup> and December 15<sup>th</sup>, 2009. MOTION PUT AND PASSED.**

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

Deletions: Item 7.1 Case 01318: LUB Housekeeping Amendments, Sandy Cove Road Area, Terence Bay - Deferred to February meeting pending the Supplementary Staff Report.

Item 8.1.1 Variance Appeal Hearing - Appeal of the Approval of Variance #15599 - 54 Colins Road, Hammonds Plains - Appeal has been withdrawn.

Addition: 12.1 Housekeeping Amendments to the Western Region Community Council Rules of Procedure

**MOVED BY Councillor Rankin, seconded by Councillor Lund that the agenda, as amended, be approved. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet**

**4.1.1 St. Margaret's Bay Coastal Advisory Committee - Proposed Terms of Reference/Composition**

Report expected for the February meeting.

**4.1.2 Sambro Fishery - Zoning, Noise By-Law and Operation**

Report expected for the February meeting.

**4.1.3 Proposed Planning Advisory Committee for Herring Cove**

- A report dated January 12, 2010 was before the Community Council.

**MOVED BY Councillor Adams, seconded by Councillor Rankin that the Western Region Community Council establish an Advisory Committee, to be known as the Herring Cove Steering Committee, as provided for in Section 25 (b) of the HRM**

**Charter, for matters related to the community of Herring Cove as defined by the boundaries of the Herring Cove Area Settlement and Servicing Strategy, for the specific purpose of providing advice to the Western Region Community Council regarding: 1) the final stage of sewer and water development in Herring Cove; 2) the new fire hall and related recreation and community services; 3) the Latters Park development; and 4) improvements to the Herring Cove breakwater, and that the Committee be established for a term not to exceed 18 months. MOTION PUT AND PASSED.**

**MOVED BY Councillor Adams, seconded by Councillor Rankin that the Western Region Community Council recommend that Regional Council initiate the process to amend the Municipal Planning Strategy and Land Use By-Law for Planning District 5 (Chebucto Peninsula) and the Regional Subdivision By-Law to provide for clear implementation of the land use policy envisaged in the Herring Cove Area Settlement and Servicing Strategy and that staff engage the Herring Cove Steering Committee in regard to this process. MOTION PUT AND PASSED.**

**MOVED BY Councillor Adams, seconded by Councillor Rankin that the Western Region Community Council accept nominations and select the Herring Cove Steering Committee, with a composition not to exceed seven (7) members, and that the local Councillor be allocated the duty of reviewing the applications and bringing forward the proposed candidates for endorsement by the Western Region Community Council. MOTION PUT AND PASSED.**

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Case 01318: LUB Housekeeping Amendments, Sandy Cove Road Area, Terence Bay**

Deferred to the February meeting pending a Supplementary Staff Report.

**8. HEARINGS**

**8.1 Variance Appeal Hearing**

**8.1.1 Appeal of the Approval of Variance #15599 - 54 Colins Road, Hammonds Plains**

Appeal withdrawn, item deleted during the approval of the agenda. See page 3.

**8.2 Public Hearing**

**8.2.1 Case 01306: Development Agreement - 2273 Prospect Road, Hatchet Lake**

- A report dated December 3, 2009 was before the Community Council.

Mr. Luc Ouellet, Planner, presented the report. In response to questions of clarification from Members of Community Council, Mr. Ouellet provided the following information:

- the setback would meet the requirements of the Land Use By-Laws and C-2 Zone.
- the distance and approximate location of the septic system could shift a bit as it undergoes the approval process for proper separation distance.
- LEEDS lighting standards for outdoor lighting has not been a requirement in the past, however; development agreements usually speak to the issue of preventing light pollution to neighbouring properties. There are no light standards proposed on the site plan.

Councillor Lund encouraged staff, when and if possible, to have controls placed in the development agreement in regard to light standards such as downward facing lights.

- a detailed landscaping plan would be required at the permitting stage. The subject property would have trees along the Prospect Road as well as some trees positioned along the side. Preservation of existing vegetation is encouraged.
- parking space requirements meet the current By-Law.

Councillor Lund encouraged application of the recently approved HRM Parking Strategy Functional Plan.

- the parking requirements shown on the site plan would be more efficient with one set access to the site, recommended by the provincial Department of Transportation, rather than the two previous entrances.

Councillor Adams explained the Rules of Procedure for public hearings then opened the public hearing calling for any speakers for or against the proposal.

**Mr. Robert Lambur**, Project Manager, RCS Retail Construction Specialists Inc. for lands of Atypia Limited, thanked HRM Planning for presenting a great plan noting that he looked forward to proceeding with the project in the near future.

**Mr. Lindsay Allen**, owner of a Commercial property abutting the proposed site, expressed concern with water runoff to his property as the subject property was located uphill from his land. He requested that all stormwater / runoff be directed to the roadside ditch and away from his property, also: that the swale at the back of the subject property be deleted; a curb placed around the area; the ground raised at the back of the parking lot and lowered in the middle to ensure runoff would be directed to the ditch. Mr. Allen requested clarification on the setback distance as there had been reference to 15' and 20'. He expressed concern with water consumption / septic issues in regard to permitted uses as one such permitted use could be a health club.

Mr. Ouellet explained that the subject property was situated outside the core area and therefore under the jurisdiction of the provincial Department of Transportation in regard to stormwater management issues. The Department of Transportation approved the stormwater management plan as presented. Mr. Ouellet clarified that the setback would

be according to the Land Use By-Laws and no less than 15'.

Councillor Rankin requested that the 15' minimum setback be part of the record.

Mr. Lambur clarified that the swale at the back of the property was an existing condition and that the contours were essentially the same. The position of the proposed building would actually reduce the amount of stormwater runoff to the southern portion of the property. Mr. Lambur agreed to provide certification on the stormwater/runoff issues from a certified engineer as soon as possible.

Community Council recessed at 7:32 p.m.

Community Council reconvened at 7:37 p.m.

Councillor Adams gave the third call for speakers for or against the proposal; hearing none, it was **MOVED BY Councillor Rankin, seconded by Councillor Lund that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Adams requested that the certification, to be provided by a Certified external engineer, be forwarded to HRM Staff and that it provide assurance on where the water would go and that it would not flow to the abutting property. He advised that a special meeting of the Western Region Community Council would be held upon receipt of the certification and review by HRM Staff.

Councillor Lund requested that if any additional design elements such as berming were suggested, that they be brought forward for consideration.

Mr. Martin Ward, Municipal Solicitor, clarified for Members of Community Council that the option for the Community Council was to defer decision on the matter pending receipt of the certified arrangements for groundwater by a certified engineer. Once the certification was received, the Community Council could meet and make their decision. He reminded the Community Council and members of the public that the public hearing on the matter was closed.

**MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council:**

- 1. Defer decision on Case 01306: Development Agreement - 2273 Prospect Road, Hatchet Lake pending receipt of certification of groundwater arrangements by external (certified) engineers, and;**
- 2. If design changes be warranted that those changes be identified.**
- 3. That the Western Region Community Council hold a special meeting upon receipt of the Certification.**

In response to Councillor Lund, Mr. Ouellet agreed to have HRM Engineers review the groundwater issue as the matter had not previously been reviewed by them as the land was under provincial jurisdiction.

Councillor Lund advised that he was not prepared to approve the site plan as presented

without assurances that there would be no site water flowing to the abutting property.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS - NONE**

**10. REPORTS - NONE**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Housekeeping Amendments to the Western Region Community Council Rules of Procedure**

Due to a recent amendment to Administrative Order 26 Respecting the creation of the Western Region Community Council, the following motion was placed in regard to two housekeeping amendments:

**MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council amend their Rules of Procedure as follows:**

**1. Section 1 (a) - to include the following wording: "*with the exception of that portion of polling District 23 that falls within the Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy*".**

**2. Section 2 (1) - to include the following wording after Municipal Government Act "*and/or the Halifax Charter*".**

**MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

No members of the public came forward at this time.

**15. NEXT MEETING**

**MOVED BY Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council waive the Rules of Procedure for Western Region Community Council in regard to the meeting start time and commence the February 22, 2010 meeting at 6:30 p.m. MOTION PUT AND PASSED.**

**16. ADJOURNMENT**

The meeting was adjourned at 7:46 p.m.



Chris Newson  
Legislative Assistant