



NORTH WEST COMMUNITY COUNCIL
MINUTES

JULY 8, 2004

PRESENT: Councillor Len Goucher, Chair
Councillor Robert Harvey
Councillor Brad Johns

STAFF: Ms. Karen Brown, Senior Solicitor
Ms. Jill Justason, Planner
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Lion's Den, 36 Holland Avenue, Bedford.

2. APPROVAL OF MINUTES

MOVED by Councillor Harvey, seconded by Councillor Johns the minutes of the regular meetings of December 18, 2003 and May 13, 2004, and of the special meeting of June 8, 2004 be approved. THE MOTION WAS PUT AND PASSED.

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

Councillor Harvey added the following items to the agenda:

- 12.1 Policing Matter - Sackville Drive
- 12.2 Use of 'Jake' Brakes - Lucasville Road

The Chair added the following item to the agenda:

- 12.3 Report from the North West Planning Advisory Committee RE: Case 00611 (First Reading and Set Public Hearing Date)

MOVED by Councillor Johns, seconded by Councillor Harvey the agenda, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES:

4.1 STATUS SHEET ITEMS

4.1.1 Drainage from First Street

No information received. To remain on Status Sheet

4.1.2 Sackville Drive Secondary Planning Strategy

An information report dated May 11, 2004 from Paul Dunphy, Director, Planning & Development was submitted. Councillor Harvey advised that a revised open house presentation is being scheduled for September. This item is to remain on Status Sheet.

4.1.3 Home Occupations, Bedford

No information received. To remain on Status Sheet. Councillor Goucher noted this matter will be brought forward to the North West Planning Advisory Committee in September.

4.1.4 Extension of Water and Sewer Boundary - Beaver Bank

No information received. To remain on Status Sheet.

4.1.5 Union Street Flooding

No information received. To remain on Status Sheet. Councillor Goucher noted that he is awaiting a final report, with recommendations, from staff.

4.1.6 Glenmount/Millview Servicing Issue

No information received. To remain on Status Sheet. Councillor Goucher advised that this matter was before Regional Council approximately three weeks ago, and Council is waiting for a staff report on this matter as well.

4.1.7 Sackville Waters Advisory Board

No information received. To remain on Status Sheet.

4.1.8 Repairs to Abutments of Lucasville Road Bridge

No information received. To remain on Status Sheet.

4.1.9 Formation of Halifax Association of County Cab Drivers - Cap on Roof Lights in the Bedford/Sackville area

Information received. To be removed from Status Sheet

4.1.10 Mobile Home Park Issues

An information report dated June 28, 2004 from Paul Dunphy, Director, Planning & Development Services was submitted. This item is to be removed from the status sheet

4.1.11 Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS

No information received. To remain on Status Sheet

4.1.12 Fencing of Pathways

No information received. To remain on Status Sheet

4.1.13 Establishment of a Tree Committee

No information received. To remain on Status Sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. PUBLIC HEARINGS:

8.1 Case 00622 - Development Agreement - Corner of Beaverbank Road and Stokil Drive

- C First Reading was given at a meeting of North West Community Council on May 13, 2004 and a public hearing date of June 24, 2004 was scheduled. Subsequently, at a special meeting of North West Community Council on June 8, 2004, the public hearing was rescheduled to July 8, 2004.
- C A report dated May 6, 2004 from the North West Planning Advisory Committee with the attached staff report dated April 28, 2003 was before Community Council.
- C A memorandum dated July 8, 2004 from Jill Justason, Planner was circulated.

Ms. Jill Justason, Planner, addressed Council and outlined the application by Ramar Developments Limited to enter into a development agreement to permit a fourteen (14) unit townhouse development at the northeast corner of Beaverbank Road and Stokil Drive in Sackville. She gave a brief overview of the proposal, and pointed out that, in speaking with the developer this afternoon, the proposal would incorporate garages, and would be in the actual living space so the additional space would be no more than approximately 5 sq. ft. extending out from each unit. Ms. Justason concluded by advising that the proposed agreement has been evaluated under Policies UR-6 and IM-13 and satisfies the policy criteria laid in the two polices; therefore, staff are recommending approval with the amendment to permit, if the developer so chooses to include the garages, and that the existing agreement which is on the property be discharged.

In response to the Chair's request for clarification on the garages, Ms. Justason advised that this aspect was not in the original plan, but is designed to facilitate some of the parking issues that were raised. She added that there may be a slight increase in the footprint of the building, but it would be very limited.

Mr. Ray Marchard, the proponent, addressed Council and further explained that the garages would help accommodate parking in the area and would be facilitated within the inner facade and in the courtyard; therefore, there would be no streetscape changes to Stokil Drive and Beaverbank Road.

The Chair then called for anyone who wanted to address this matter either in favour or against.

Mr. Brian Grennan, Upper Sackville, addressed Council and posed questions specific to the development to which Ms. Justason responded. Additional comments made by Mr. Grennan pertained to the location of the public hearing, suggesting that it should be located in the area of the development under consideration; and that he did not receive notification of the public information meeting which was held on this matter.

The Chair asked three times for anyone want to speak either for or against the proposal and,

there being none, on a motion **MOVED by Councillor Johns, seconded by Councillor Harvey the Public Hearing was declared closed.**

For information, Councillor Johns advised that when the proposal came forward the particular piece of land in question had the ability to have a strip-mall on it, and one concern expressed with a strip-mall, moreso than with this proposal, was that traffic would directly enter and exit off the Beaverbank Road. With this development the traffic will be directed off of Stokil Drive.

Ms. Justason responded to further questions from members of Community Council.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council recommend to:

- 1. Discharge the existing development agreement registered against PID's 40819435 and 40818718, by entering into the discharging agreement shown as Attachment 1 to the staff report dated April 28, 2003.**
- 2. Approve the development agreement (Attachment 2 of the staff report dated April 28, 2003 to permit a fourteen (14) unit townhouse development at the corner of Beaverbank Road and Stokil Drive, with amendments to include permits for individual garages;**
- 3. Require the development agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said Agreement by the North West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise this approval shall be void and obligations arising hereunder shall be at the end.**

MOTION PUT AND PASSED.

8.2 Case 00626 - Amendments to Development Agreement - Bedford South Neighbourhoods A and C

- C First Reading was given at a special meeting of North West Community Council on June 8, 2004.
- C A report dated June 4, 2004 from the North West Planning Advisory Committee with the attached staff reports of June 2, 2004 and May 19, 2004 was before the Community Council.

Ms. Jill Justason, Planner, addressed Council and reviewed Clayton Development's proposed amendments to the Bedford South Neighbourhood A and C Development Agreement. In her presentation she elaborated the proposed amendments, noting that they fall into four categories: Clearing for topographic survey; Street Trees; Primary and

Secondary Services; and Lot Provisions. Ms. Justason advised that staff have reviewed the proposed changes and have determined that they are reasonable and consistent with the MPS for both Bedford and Halifax which apply to the proposed development, and are recommending approval.

Ms. Justason and Mr. Earl Richardson, representing Clayton Developments, responded to questions from members of Council.

The Chair asked for anyone wishing to address this matter either for or against.

Mr. Don Lowther, Loon Terrace, Bedford requested clarification on the amount of trees per lot which would be planted, to which Mr. Richardson responded.

Mr. Dick Irwin, 3 Crosby Street, Bedford expressed concern that the developer is permitted to clear-cut 90ft. back from the property line.

In response, the Chair noted that the developer is not requesting something new. He explained that this is something which is already permitted by the developer, however, the issue under consideration tonight is with regard to timing i.e. whether they carry out the tree cutting before or after surveying; adding that they want to be able to do the cutting before surveying in order to get correct topographical information.

The Chair asked three times for anyone wanting to speak either for or against the proposal and, there being none, on a motion **MOVED by Councillor Johns, seconded by Councillor Harvey the Public Hearing was declared closed.**

A brief discussion ensued regarding the number of trees which will be planted and the Chair advised that the developer is required to plant a tree every 60 ft., and two trees per lot.

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

- 1. Approve the amending development agreement for Bedford South - Neighbourhoods A and C, presented as Attachment 3 to the report of May 19, 2004 and memorandum of June 2, 2004, to permit a number of administrative amendments.**
- 2. Require that the amending development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8.3 00651 - Amendment to the Bedford Land Use By-law to identify an existing two unit dwelling at 20 Emmerson Street in the RSU Zone

- C First Reading was given at a special meeting of North West Community Council on June 8, 2004.
- C A report dated June 4, 2004 from the North West Planning Advisory Committee with attached staff report dated May 19, 2004 was before Community Council.

Ms. Jill Justason, Planner, addressed Council and reviewed the application to amend the Bedford Land Use Bylaw to identify an existing two unit dwelling at 20 Emmerson Street in the RSU Zone. In her remarks, she advised that staff's records indicate that permits were issued for the existing two unit dwelling in June 1962 and, as such, it was legally constructed. However, during the plan review process which was conducted in 1996, this property was not identified as an existing two unit dwelling. Therefore, the dwelling is recognized as a nonconforming use and is subject to requirements in this regard under the Municipal Government Act. In conclusion, Ms. Justason noted that since HRM's records show that the two unit dwelling was legally constructed in 1962 the property should be recognized as an existing two unit dwelling, and this change is supported in the Municipal Planning strategy.

The Chair asked three times for speakers either in favour or opposed to the application. There being none, on a motion **MOVED by Councillor Johns, seconded by Councillor Harvey the Public Hearing was declared closed.**

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council approve the proposed amendments to the Land Use Bylaw for Bedford provided for in Attachment 1 of the staff report dated May 19, 2004. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

- 9.1 Correspondence - None
- 9.2 Petitions - None
- 9.3 Presentations - None

10. REPORTS

- 10.1 Report from North West Transit Advisory Committee:
 - 10.1.1 Amendment to the North West Transit Advisory Committee Terms of Reference

- C A report dated June 17, 2004 from the North West Transit Advisory Committee was submitted.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council amend the Terms of Reference for the North West Transit Advisory Committee as follows:

- 1. Subsection 2.1 of Section 2 COMPOSITION, be revised from *"...Regional*

Operations Department, Transportation Services...” to:

“... Public Works & Transportation, Transit Services...”

2. The first sentence of subsection 2.4 of Section 2 COMPOSITION, be revised from *“The Director of Transportation...”* to:

“The Director of Public Works & Transportation ...”.

3. The first sentence in subsection 3.1 of Section 3 MEETINGS, be revised from *“The Committee shall, except for any summer recess, meet on the fourth Monday of each month...”* to:

“The Committee shall, except for any summer recess, meet at least once a month ...”

4. Subsection 3.7 of Section 3 MEETINGS, be revised from *“The Committee may utilize the services of Transportation Services Division, Regional Operations by requesting same through the Commissioner of Regional Operations of Halifax Regional Municipality.”* to:

“The Committee may utilize the services of Transit Services, Public Works & Transportation, by requesting same through the Director of Public Works & Transportation of Halifax Regional Municipality.”

5. Section 8 MINUTES be revised from *“Unapproved Minutes, prepared by the Assistant Municipal Clerk assigned to the Committee, will be circulated to members of Community Council. Once approved, they will be circulated to Transportation Services, Regional Operations.”* to:

“Unapproved minutes, prepared by the Legislative Assistant assigned to the Committee, will be circulated to members of the North West Transit Advisory Committee. Once approved, they will be circulated to Community Council and Transit Services, Public Works & Transportation.”

MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Policing Matter - Sackville Drive

Councillor Harvey submitted a letter from Mr. Sam Chater who runs a business at 602

Sackville Drive. He explained that Mr. Chater has seen an increase in vandalism and break and enter to his business and is seeking support of North West Community Council in approaching the RCMP to have his concerns addressed and see what could be done to remedy the situation.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council recommend a copy of Mr. Chater's letter be forwarded to the Sackville Detachment of the RCMP with a request that they contact Mr. Chater to discuss his concerns and see what can be done to remedy the situation. MOTION PUT AND PASSED.

12.2 Use of 'Jake' Brakes - Lucasville Road

Councillor Harvey advised that he received a complaint from a resident whose property abuts the intersection of Lucasville Road/Sackville Drive about large trucks using 'Jake' brakes when approaching the stop sign. The Councillor noted that it was his understanding the Motor Vehicle Act had been amended within the past couple of years to prohibit this kind of braking in residential speed zones of 50 kph or less, and he requested Council's support in having this matter addressed.

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council recommend a letter be forwarded to the Sackville Detachment of the RCMP outlining the problem with 'Jake' brakes on Lucasville Road, at the intersection of Sackville Drive, and request that appropriate steps be taken to remedy the situation. In addition, HRM Traffic Services also be informed of the problem and that appropriate signage regarding 'Jake' brakes be erected in the area of the Lucasville Road/Sackville Drive intersection. MOTION PUT AND PASSED.

12.3 Report from North West Planning Advisory Committee: Case 00611 - Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville.

C A report dated July 8, 2004 from the North West Planning Advisory Committee with an attached staff report dated May 14, 2004 was submitted.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council give First Reading to consider proposed amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville (as outlined in the May 14, 2004 staff report) and schedule a public hearing for August 26, 2004. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Waterfront Focus Group

Mr. Don Lowther, Loon Terrace, Bedford addressed Council and questioned the status of the Waterfront Focus Group meetings.

A brief discussion ensued and **it was agreed** that North West Community Council would forward a letter to Mr. Bill Campbell, Waterfront Development Corporation, and the WDC's Directors asking for the status relative to the focus groups for the Bedford Waterfront Development Corporation and when they will commence again.

15. NEXT MEETING DATE - August 26, 2004

16. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Sheilagh Edmonds
Legislative Assistant