

NORTH WEST COMMUNITY COUNCIL

May 24, 2007

MINUTES

PRESENT: Councillor Brad Johns, Chair
Councillor Robert Harvey
Councillor Gary Martin

STAFF: Mr. Randolph Kinghorn, Solicitor
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 Fenerty Room, Sackville Library, 636 Sackville Drive.

2. APPROVAL OF MINUTES

MOVED by Councillor Martin, seconded by Councillor Harvey the minutes of April 24, 2007, May 8, 2007, and May 10 2007 be approved. MOTION PUT AND PASSED.

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

Additions:

- 11.1 Case 00690: Development Agreement for Phase II of Crestview Commercial Comprehensive Development District, Bedford (Supplementary Report)
- 11.2 Case 01029: Amend the Sackville MPS to Increase the Maximum Gross Floor Area of C-1 (Local Business) Zone Uses (Information Report)
- 11.3 Correspondence - Springfield Lake Watch RE: Policy P-71
- 11.4 Councillor Martin - Veterinary Clinics in Light Industrial (ILI) and General Business (CGB) Zone in Bedford.

MOVED by Councillor Martin, seconded by Councillor Harvey that 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 Pinehill Street Stormwater Drainage

No update was provided. This item is to remain on the Status Sheet.

4.1.2 Storm Drain Issue - Cavalier Drive

Councillor Harvey noted that HRM is continuing to engage the Province in discussion on this matter. This item is to remain on the Status Sheet.

4.1.3 Shopping Cart Bylaw Report

No update was provided. This item is to remain on the Status Sheet.

4.1.4 Judy Avenue Pathway

Councillor Johns noted that an agreement was still being worked out between staff and the landowner. This item is to remain on the Status Sheet.

4.1.5 Union Street Flooding

No update was provided. This item is to remain on the Status Sheet.

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

The Chair noted that this item would be addressed under item 11.3.

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 01000 - Ice Cream Stands as Temporary Commercial Uses - Sackville Drive Land Use By-law

A staff report dated April 17, 2007 with an attached report from the North West Planning Advisory Committee dated May 3, 2007 was before Community Council for its consideration.

First Reading of this matter was given at a meeting of North West Community Council on May 8, 2007.

The Chair reviewed the public hearing procedures.

Mr. Andrew Bone, Senior Planner, outlined the application by Pinky Scoopmore's Ice Cream to amend the Sackville Drive Land Use By-law to permit ice cream stands as temporary commercial uses in the bylaw.

In his presentation, Mr. Bone advised that the applicant would like to establish a temporary ice cream stand at 567 Sackville Drive, on a lot occupied by the Knox United Church. He reviewed the issues staff identified with this application, as outlined in the staff report and concluded his remarks by advising that staff feel it is appropriate to categorize ice cream stands as temporary commercial uses as contained in Attachment A of the staff report.

There were no questions from Community Council.

The Chair then opened the hearing for anyone wanting to speak either in favour or against the proposal.

Mr. Kevin Riles, representing the applicant, addressed Community Council and provided background information on the set up of their other ice cream stands, and the summer employment they provide to students.

Mr. Adam Buckle, Chairperson of the Sackville Drive Business Association questioned how this business would be taxed and at what rate it would be taxed.

At the request of the Chair, Mr. Riles responded to the question. He explained that when they opened a location in Bedford the Provincial Assessment Department came out and determined the commercial square footage and determined they would pay based on this aspect.

In response to a question by Councillor Harvey as to whether commercial tax is being paid on their Bedford location at the United Church, Mr. Riles advised that the Provincial Assessment Department determined that there was no tax to be paid.

Mr. Nick Antoft, Waterstone Subdivision, questioned how taxes would be assessed in the situation of a trailer or other portable installation.

The Chair advised that he was not aware of the tax implication with this situation, and asked the Solicitor for comment.

Mr. Randolph Kinghorn, Solicitor, advised that the Provincial Assessment Department would not get too involved in something that was temporary in nature. He added that , conceivable, there could be tax on this but in terms of real property it is not enhancing value of the property. Mr. Kinghorn noted that a business occupancy tax is something that maybe more applicable.

Ms. Gina Byrn, member of the Sackville Drive Business Association advised that they would hope Community Council would investigate the possibility of a business occupancy tax being applied to all commercial endeavours along Sackville Drive, whether temporary or permanent. She added that this would encourage business along Sackville Drive and to make it fair for other business owners.

The Chair called three times for anyone wishing to speak; there being none it was **MOVED by Councillor Harvey, seconded by Councillor Martin that the public hearing close. MOTION PUT AND PASSED.**

Mr. Bone responded to questions from Community Council.

The Chair pointed out that the Sackville Drive Business Association receives funding from the levy which is placed on the commercial businesses along Sackville Drive, and suggested that Community Council should find out if businesses like this would be paying tax or not.

Councillor Harvey advised that he was prepared to support the staff recommendation for the following reasons:

- C this applies only to the Pedestrian Retail Zone and not the entire Sackville Drive Plan
- C it will not add a driveway
- C it has the potential to add interest to the pedestrian retail part of the street

MOVED by Councillor Harvey, seconded by Councillor Martin that North West Community Council approve the amendments to the Sackville Drive Land Use By-law to permit ice cream stands as temporary commercial uses as provided in Attachment "A" of the April 17, 2007 staff report. MOTION PUT AND PASSED.

MOVED by Councillor Harvey, seconded by Councillor Martin that staff be requested to investigate the status of the Business Occupancy Tax on such a facility (temporary commercial use) as described in Attachment A of the April 17, 2007 staff report, with a view to having some sort of occupancy tax paid. Further, staff investigate how the levy which the Sackville Drive businesses pay, will be applied to this particular business. MOTION PUT AND PASSED.

8.1.2 Case 00994 - Sackville Drive Land Use By-law Amendment - Pinehill/Cobequid (PC) Zone

A staff report dated March 14, 2007 with an attached report from the North West Planning Advisory Committee dated April 17, 2007 was before Community Council for its consideration.

First Reading of this matter was given at a meeting of North West Community Council held on April 24, 2007.

Two site concept plans pertaining to the application were submitted by the applicant.

A letter dated May 15, 2007 from Mr. Adam Buckle, Chairperson, Sackville Drive Business Association expressing concern about the application was submitted.

Ms. Leticia Smillie, Planner 1, outlined the request by the Nova Scotia Department of Community Services on behalf of the Province of Nova Scotia, to include residential care facilities as a permitted use within the Pinehill/Cobequid (PC) Zone of the Sackville Drive Land Use By-law. In her comments, Ms. Smillie advised that the Nova Scotia Department of Community Services would like to reuse the former Cobequid Centre for a residential care facility capable of providing housing for about 25 residents with mental health challenges. She noted that residential care facilities were not considered at the time of the adoption of the Land Use Bylaw. Ms. Smillie indicated that staff were recommending approval because a residential care facility is a similar use to those which are currently permitted and is in keeping with the intent of the Pinehill/Cobequid designation. The MPS supports the inclusion of institutional uses, of which residential care facilities would be typical.

The Chair opened the hearing to anyone wishing to speak either for or against the

proposal.

Mr. Walter Regan, representing the Sackville Rivers Association advised that he approved of the project but had three concerns. Mr. Regan asked that consideration be given to requiring the installation of an oil/grit separator; that a stormwater retention plan be required; and that there be sewage retention onsite. Mr. Regan noted that the community was promised an Access Nova Scotia Service Centre and are disappointed that this was never developed, and questioned if there was some way that it could be worked into this project.

Mr. Ron Cooper addressed Community Council and advised that he is the Chair of the organization that will be running the facility's programs. Mr. Cooper pointed out that, if approved, this program will be a return for these residents to the type of setting they had at the former rehabilitation centre in Cole Harbour. He noted that at the previous facility, the residents had access to ball diamonds, fields, and the community; and that this proposed facility will provide them the same amenities rather than providing just a strictly institutional use. Mr. Cooper added that this is beneficial for the residents because it will then provide them the opportunity to move into a small options home and to participate in community life.

Ms. Laura Arthurs, Acting Executive Director of QUEST, advised that she has been involved with the Society during the downsizing and closure of the Halifax County Rehabilitation Centre and the placement of their clients to their temporary location on Gottingen Street. She added that the proposed site offers a multitude of benefits for their clients. Ms. Arthurs advised that their mandate is to assist their clients to become part of the community, and when they moved from the Rehab Centre to the Sunrise Manor location on Gottingen Street, there were concerns by the groups living onsite, however; they were able to integrate and become a part of that community.

Ms. Lorna MacPherson advised that she worked with the Department of Community Services, Services for Persons with Disabilities Program. Ms. MacPherson noted that they have a very limited number of appropriate settings for individuals to be in and, as a result, some remain in hospital longer than need be or they are moved outside their region. She added that the possibility of offering their program in the former Cobequid Centre is very exciting as it will ensure individuals are part of the community. She noted that it is a transition program and not a lifetime program, as individuals will move into other community-based options when appropriate.

Mr. Adam Buckle, Chairperson of the Sackville Drive Business Association, addressed Community Council and advised that although they agree there is a need for a facility as proposed, his concern is the location and of Community Council's consideration of changing the Bylaw. Mr. Buckle added that in looking at the long term economic viability of Sackville Drive, and he does not believe this proposal will promote business, and noted that it may decrease traffic along Sackville Drive and this was a concern of the Business Association. Mr. Buckle advised that his Association sent a letter to the Province expressing these concerns. He added that, although he did not know why the Bylaw initially did not include these kind of facilities, it was his assumption that they would not

attract economic growth, and does not allow for traffic influx into the area. In conclusion, Mr. Buckle noted that there were a lot of empty buildings along Sackville Drive and he questioned whether this proposal would attract or detract business to fill those buildings.

Mr. Ed Lake, representing the Department of Community Services, advised that the site selected was the only site within HRM suitable for this type of development, in terms of meeting the basic criteria for location, with the one restriction being it does not have the proper zoning. Mr. Lake explained that there will be no extensive changes to the interior or exterior, and that they hope to improve upon the exterior somewhat with awnings and landscaping. He referred to comments by Mr. Regan and advised that they will do what they can to avoid any negative impact to the Sackville River system. Mr. Lake added that he has met onsite with Mr. Buckle and appreciates his concerns. Mr. Lake noted that his Department has had resistance in developing these sites in other areas, but they have always been able to work with the local community and satisfy the concerns.

The Chair called three times for any additional speakers. There being none, it was **MOVED by Councillor Harvey, seconded by Councillor Martin that the public hearing close. MOTION PUT AND PASSED.**

Councillor Harvey advised that as he became more informed about this application, he came to view it as an extension of the services that were offered at the site when it was the former Cobequid Multi-Service Centre and, therefore, he was prepared to support the application.

MOVED by Councillor Harvey, seconded by Councillor Martin that North West Community Council approve the proposed amendment to the Sackville Drive Land Use By-law to allow residential care facilities in the PC (Pinehill/Cobequid) Zone, as shown in Attachment "A" of the staff report dated March 14, 2007.

Councillor Harvey referred to Mr. Regan's comment on the Access Nova Scotia site and advised that he understood it was still the intention of the Province to have an Access Nova Scotia site in Sackville and they are currently looking for space. In addition, he noted that the Federal Government was also looking for space, and was hopeful that some of the prime vacant space will be taken up by these agencies.

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:

9.3.2 Sackville Drive Business Association - Zoning in the PR (Pinehill-Riverside) Zone

A letter dated May 15, 2007 from Mr. Adam Buckle, Chairperson, Sackville Drive Business Association was submitted.

Ms. Gina Byrne, representing the Sackville Drive Business Association provided a presentation on their concern with the Pedestrian Retail (PR) Zone; specifically, that the current zoning does not allow for efficient and economical development. She explained that with the current cost of construction, it is not economical for developers to construct a building 5000 sq. ft. or less, and that the length of time a development agreement process takes is unreasonable and unpredictable. Ms. Byrne asked Council to investigate if there is a way for planning staff to remove the clause stating that any building larger than 5000 sq. ft. needs to go through a development agreement process, while maintaining the intent of this zone.

Councillor Harvey noted that there are two other zones along Sackville Drive that allow for larger buildings to be constructed, pointing out that in the location of the Superstore the requirement is for a minimum of 10,000 sq. ft. He also pointed out that one person went through a development agreement process for a 1,000 sq. ft. building in this zone, and there was considerable controversy with the surrounding neighbourhood. He added that they did not seem to realize that although they wanted an 800 sq. ft. building, they could have ended up with a 10,000 sq. ft. building built 'by right'. Councillor Harvey indicated that he did not believe the Development Agreement process was unreasonable, however, he was prepared to ask staff to review the issue and report back.

MOVED By Councillor Harvey, seconded by Councillor Martin that the issue raised by the Sackville Drive Business Association concerning the Pedestrian Retail (PR) Zone be forwarded to staff for report back to Community Council in an Information Report. MOTION PUT AND PASSED.

10. REPORTS - None

11. ADDED ITEMS

11.1 Case 00690: Development Agreement for Phase II of Crest view Commercial Comprehensive Development District, Bedford

A supplementary report dated May 15, 2007 was submitted.

Councillor Martin advised that he was not prepared to move forward on this matter at this time. He explained that he received the information only at 4:30 p.m. this afternoon and, after contacting the residents that about the property he was told they have not received a written proposal they were expecting. The Councillor noted that these individuals were expecting a package that outlined the changes, and he pointed out that he had requested water and sewer services to be hooked up to these two properties. Further, the Councillor advised that, prior to coming to this evening's meeting, he found out that when Nelson's Landing was developed, it created \$5,000 damage to one and maybe two individual's wells. He added that the information from Planning staff was that if the well was damaged, then the solution would be to drill another well; however, he did not feel this was suitable.

MOVED by Councillor Martin, seconded by Councillor Harvey that this matter be deferred and staff meet with the abutting owners and report back to Community Council. MOTION PUT AND PASSED.

In response to clarification by Mr. Bone, Councillor Martin concurred that he wanted staff to meet with the abutting owners to ensure they have an understanding of the matter, and to report back to Community Council in a supplementary report.

11.2 Case 01029: Amend the Sackville MP to Increase the Maximum Gross Floor Area of C-1 (Local Business) Zone Uses

An information report dated May 17, 2007 was submitted.

Mr. Joseph Driscoll, Planner I, addressed the report, advising that staff reviewed the matter and believe the request to initiate a plan amendment to increase the maximum permitted gross floor area of C-1 Zone used from 2000 sq. ft. to 5000 sq. ft. is reasonable. Referring to the information report he noted that staff have opened a case on this and will be initiating a report that will go to Regional Council.

11.3 Correspondence - Springfield Lake Watch RE: Policy P-71

A letter dated May 15, 2007 from Mr. Edward Grace, Chair, Springfield Lake Watch Committee was submitted.

The Chair advised that the letter details that the Springfield Lake Watch group has concerns that under the Regional Plan's Stormwater Management Guidelines, Policy P-71 will be absorbed into the Management Guidelines. The group feels that Policy P-71 is in place to recognize the individuality of Springfield Lake and want Community Council's support in keeping the Policy as is.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council endorse Policy P-71 remaining as an individual policy, and that the May 15, 2007 letter from Springfield Lake Watch be forwarded to staff for response back to Community Council. MOTION PUT AND PASSED.

11.4 Councillor Martin - Veterinary Clinics in Light Industrial (ILI) and General Business (CGB) Zone in Bedford

This item was added at the request of Councillor Martin.

MOVED by Councillor Martin, seconded by Councillor Harvey that staff initiate a planning process to investigate the possibility of permitting veterinary clinics in the ILI (Light Industrial) and CGB (General Business) Zone in Bedford.

Councillor Martin indicated that he had put forward a motion on this issue at Community Council's May 10, 2007 but had inadvertently left out the General Business (CGB) Zone.

MOTION PUT AND PASSED.

12. NOTICES OF MOTION - None

13. PUBLIC PARTICIPATION

Shawn Wilson, Waterstone Subdivision. Mr. Wilson submitted a letter on behalf of the residents of Stonewick Cross outlining their concerns over the proposed collector road originating on the Lucasville Road at the Waterstone Subdivision and ending at the Beaverbank Interchange. The letter contained 15 signatures.

The Chair noted that he and Mr. Dave McCusker have met with the residents on this matter, however the residents would like to have written response to their questions.

At the request of the Chair, **Community Council agreed**, to forward the letter to Mr. McCusker for his response and report back to Community Council.

Ed Grace, Sackville. Mr. Grace questioned when the tender for Beaumont Drive would be awarded. He expressed appreciation to Community Council for supporting Policy P-71. Mr. Grace advised that this past weekend the lake was brown with runoff and he suggested immediate action was required to cut down on the heavy volume of mud and silt going into the lake. In addition, he suggested that a grit separator should be installed to prevent garbage going into the lake.

Nick Antoft, Chair of Waterstone Neighbourhood Association:

Mr. Antoft questioned what HRM's policy was in terms of future parkland and dumping of grubbing on roadways. He referred to the park which will be bounded by Glen Arbour and Waterstone and advised that the area in which park planning staff pointed out to him that would be the baseball diamond, tennis courts, etc. is now being used as a dumping ground for the grubbing materials, which are coming from the new access road to the park.

Mr. Antoft questioned if there was a by-law that assesses liability for damage to the abutting owner when excavating equipment and other large equipment is loaded and unloaded on a roadway for work on a residential property. He also asked if there is anything that prohibits this type of equipment from being loaded and unloaded on roadways. As an example, Mr. Antoft advised that Newberry Road, which is a new road and not yet owned by HRM, has already been damaged as a result of this kind of equipment.

The Chair advised that he would get clarification to Mr. Antoft's questions.

Walter Regan, Sackville Rivers Association

Mr. Regan advised that the Little Sackville River turned red with silt this past weekend due to the rain, and emphasized that something must be done in regard to better inspections prior to rain events.

Mr. Regan questioned if Community Council has heard if the culverts under the Little Sackville bridge, on Sackville Drive will be replaced.

Mr. Regan noted that the first week of June, Sackville Rivers Association and other groups will be organizing a community-wide clean up. The Sackville Rivers Association will be cleaning up in Bedford on June 9 and he invited Community Council to participate in the clean up of the Sackville River.

In response to Mr. Regan's questions, Councillor Johns advised that with regard to siltation in the Little Sackville River, Community Council took initiative a couple of years ago when it suggested the Sackville Rivers Association host a meeting with all levels of government to discuss siltation. He added that, other than continuing lobby the different levels of government, Community Council was doing what it could to support this issue.

Councillor Johns advised that in regard to the bridge referred to by Mr. Regan, he suggested that he approach the Sackville Drive Business Association and make a presentation to them concerning the project. Councillor Johns noted that the Association have an interest in making Sackville Drive attractive for business and promoting business, and his presentation may run parallel to the Association's objectives.

Councillor Martin made reference to comments made by Mr. Antoft concerning improper placement of fill, and indicated that he felt it had wider implications and wanted staff to look into this matter.

MOVED by Councillor Martin, seconded by Councillor Harvey that staff investigate and report back to Community Council on improper fill being placed on dedicated parkland; and further, that no fill, substance, or materials be placed on any designated parkland without the written or verbal permission of staff.

Councillor Martin explained that this situation occurred to him in Bedford, when he purchased his home, pointing out that the land was formerly zoned 'parkland', and had grubbing material placed on it. He advised that the homes that were constructed in the area have had issues of sinking ever since.

Councillor Harvey indicated his support for motion and noted that if parkland has been dedicated and accepted by HRM, then staff would have more control over it.

MOTION PUT AND PASSED.

14. NEXT REGULAR MEETING DATE - June 21, 2007

15. ADJOURNMENT

The meeting adjourned at 8:07 p.m.

Sheilagh Edmonds
Legislative Assistant