

**NORTH WEST COMMUNITY COUNCIL
MINUTES**

May 26, 2008

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

STAFF: Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

TABLE OF CONTENTS

1. CALL TO ORDER: 3

2. APPROVAL OF MINUTES: 3

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

4. HEARINGS:

4.1 Public Hearings 3

4.1.1 Case 01090: Development Agreement - Neighbourhood D,
Bedford South 3

4.1.2 Case 01136 - Amendments to the Sackville Land Use
By-law 4

5. ADDED ITEMS:

5.1 Councillor Johns - Case 01027 - Sunset Ridge Public
Hearing - Additional Questions of Clarification 7

6. NEXT MEETING DATE 8

7. ADJOURNMENT 8

1. CALL TO ORDER:

The Chair called the meeting to order at 7:03 p.m. in the cafeteria of Basinview Drive Elementary School, Bedford.

2. APPROVAL OF MINUTES:

MOVED by Councillor Johns, seconded by Councillor Harvey that the minutes of May 12, 2008 be approved. MOTION PUT AND PASSED.

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

Additions:

- 5.1 Case 01027 - Sunset Ridge Public Hearing - Additional Questions of Clarification

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

4. HEARINGS:

4.1 Public Hearings:

4.1.1 Case 01090: Development Agreement - Neighbourhood D, Bedford South

C Notice of Motion on this item was given at a meeting of North West Community Council on April 10, 2008.

C A report dated April 3, 2008 from the Chair of the North West Planning Advisory Committee, with an attached supplementary staff report dated March 31, 2008 was before Community Council for its consideration.

Mr. Joseph Driscoll, Planner, outlined the application by Clayton Developments Ltd. to enter into a development agreement for a mixed residential development on a portion of Neighbourhood D within the Bedford South Master Plan Area. In his remarks, Mr. Driscoll advised that staff feel the development agreement meets the intent of the Municipal Planning Strategy for the comprehensive development of the neighbourhood as a whole. He also pointed out that the remaining 59 units cannot be built until HRM has announced it has the funding in place for the highway interchange. He also advised the nondisturbance area proposed by the developer is controlled through the development agreement and is a buffer and visual screen for the properties in the adjacent subdivision. Mr. Driscoll noted that HRM is not interested in acquiring this land as park land and the development agreement recognizes this as a private land but that no tree cutting or development can occur.

Mr. Driscoll responded to questions of clarification from members of Community Council.

The Chair reviewed the rules of procedure for public hearings and opened the hearing for anyone wishing to speak to the matter.

Mr. Kevin Dean, Bedford, questioned if the limitation of 615 would be unaltered.

Mr. Driscoll concurred.

Mr. Doug MacLean, Bedford, questioned who would hold on to the nondesignated lands.

Mr. Driscoll responded that these lands would be owned by those who purchased the properties. He explained that the existence of the nondisturbance area would be set up in the development agreement and it would be the developer who would be responsible to make the landowners aware of their obligations.

Mr. Kevin Neatt, addressed Community Council and advised that he was a Planner with Clayton Developments. He thanked staff for their hard work on this application and advised that he was available to respond to any questions Community Council may have.

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

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

1. **Approve the proposed development agreement for a mixed residential development on a portion of Neighbourhood D in Bedford South, as set out in Attachment A of the supplementary staff report dated March 31, 2008 subject to the addition of clause 3.5.7 to read "Both parties agree that, for lots on the outside of a curve, frontage shall be measured as the width of a lot at a point 20 feet back of the street line.**

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 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

4.1.2 Case 01136 - Amendments to the Sackville Land Use By-law

C First Reading on this matter was given at meeting of North West Community Council on May 12, 2008.

C A report dated May 8, 2008 from the Chair of the North West Planning Advisory Committee, with an attached staff report dated March 19, 2008 was before Community Council for consideration.

C A supplementary staff report dated May 20, 2008 was submitted.

Mr. Andrew Bone, Senior Planner, addressed Community Council and submitted three letters in support of the application from:

- Sackville Legion Seniors
- Knox United Church Outreach Committee
- Sackville-Cobequid Progressive Conservative Association

Mr. Bone outlined the application by Annapolis Group Inc., on behalf of Scotia Nursing Homes to permit a residential care facility and assisted living facility at PID#41233388 located on Cobequid Road, Sackville. In his presentation, Mr. Bone advised that there are two parts to this application; one involving amendments to the Land Use Bylaw (LUB), and the second part involving amendments to the Municipal Planning Strategy (MPS). He noted that tonight's public hearing deals only with amendments to the LUB and the changes regarding the MPS will be dealt with in approximately one month time.

Mr. Bone explained that the purpose of tonight's hearing is to consider revising the definition of Residential Care Facilities to include Assisted Living Facilities in the Sackville Land Use Bylaw and removing the requirement that Residential Care Facilities be operated by a public housing authority in the P-2 Zone of the Sackville Land Use Bylaw.

Mr. Bone noted that when Community Council gave First Reading to this matter, a parking requirement for assisted living facilities was added allotting two parking spaces per five units.

Mr. Bone responded to questions of Community Council.

The Chair outlined the Rules of Procedure for public hearings and opened the hearing for anyone wishing to speak to the matter.

Mr. Shawn Newhook, Lower Sackville, advised that he lived in the area of Judy Ann Court and he referred to an area in the road which dips, and noted that in the time he has lived there, he has seen ten accidents at the stop sign. He questioned if there was going to be anything done to address the traffic problems, such as a set of lights or a sidewalks.

In response, Mr. Bone advised that the proposal does not contain any additional sidewalks. He advised that as far as traffic issues, there will be a review of the driveway locations in regard to any issues involving site distance, and that the HRM engineer responsible for this has the power to refuse a driveway in any particular location if it is determined there is a problem. Mr. Bone added that there are two driveways proposed with this application and both will get a full review. He advised that a preliminary review indicates that there will not be much traffic from this development.

Mr. Steve Pace, representing Scotia Nursing Homes, further responded advising that the hours of work for the employees tend to be off-peak hours, and the peak number of employees they expect to have would be between 20 and 25. He noted that food service and laundry service will be shipped in rather than carried out on-site.

A representative of Scotia Nursing Homes addressed the traffic concern. He indicated that they were aware of the concern about the dip in the road and advised that because of this, they have kept the driveways at the far end of the property, and have placed the building further back, and are keeping a buffer of trees. He pointed out that a full traffic study was done and the site lines were measured.

Ms. Laurie Smith advised that she was a resident of Judy Ann Court. She pointed out that the spot where elementary students board the school bus is by the driveway, and she requested that this be addressed. She suggested that appropriate sidewalks, visibility, excessive speed all need to be addressed. Ms. Smith questioned if there was going to be a crosswalk installed or a park area, and advised that the residents do not want anything constructed that would resemble a strip mall.

In response, Mr. Bone advised that, currently, the building is in the conceptual stage and it was his understanding the Department of Health has stringent requirements as far as the look of the facility, such that it is to create a home-like environment and it will require extensive landscaping.

Ms. Laurie Smith addressed Community Council once again with a question on sewer capacity. She also advised that the last time there was development in the area, the construction activity resulted in a problem with rats.

Mr. Bone advised that any areas which would be 'disturbed' would not be in areas considered as 'undisturbed', i.e. swamp areas. With regard to the issue of sewer capacity, he advised that although half the site in question is under a zone that permits some fairly intensive uses, staff have determine that the sewer flows are less than what could be permitted, and are satisfied.

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

MOVED by Councillor Johns, seconded by Councillor Outhit that North West Community Council approve the proposed amendments to the Sackville Land Use By-law as described in the staff report dated March 19, 2008 and amended at First Reading as shown collective in Attachment "A" of the May 20, 2008 Supplementary staff report and with the recommended changes by the Solicitor to the text of Part 2, clause 2.5A as follows:

"2.5A Assisted Living Facility - means a building or part of a building where assisted living arrangements are provided for individual's living in self contained units where some or all of an individuals needs related to activities of daily living are

a mandatory part of monthly accommodation costs and are incorporated in a lease, a service agreement or a documented service plan between the resident and operator, where the facility offers and coordinates 24 hour staff and facilities to provide oversight and meet residents needs relating to personal care and supportive services such as security, health related services, meals, housekeeping and laundry, recreational activities, transportation and social services. All assisted living facilities shall include a common dining room, personal care, housekeeping and laundry facilities and services. Each unit shall consist of individual adaptable and accessible residential units with a lockable door, private bathroom, and kitchenette facilities which include a sink, refrigerator, and small cooking appliance. A maximum of 40 percent of the units may have an active stove. Stoves that are removed or disconnected by the operator are not considered active.”

MOTION PUT AND PASSED.

5. ADDED ITEMS:

5.1 Councillor Johns - Case 01027 - Sunset Ridge Public Hearing - Additional Questions of Clarification

Councillor Johns advised that since the public hearing was held on this matter, last Thursday, he has had the opportunity to review the report that was submitted at the public hearing, as well as review the comments made at the Public Information Meeting. The Councillor advised that he has come up with additional questions he would like included in the staff report which will be coming back at the July 10, 2008 meeting. He added that his concerns are mainly with housing density and housing mixture as it relates to the Sackville MPS Policy UR-3.

Councillor Johns provided the following comments for staff review and response:

- C The Sackville MPS Policy UR-3 in regard to housing mixture states that the general objective is a 70/30 housing ratio, but the proposal was almost totally opposite of this (i.e. 30 percent single family and 70 percent other).
- C The density in the report states 18 persons per acre, but in an R-1 Zone typically it is 13 persons per acre. This is a greater density and is uncharacteristic of current developments in Sackville.
- C The single family lots identified are 50' x 100' versus 60' x 100' which is also uncharacteristic of Sackville.
- C With regard to the buffer which abuts Sackville Drive would there be an opportunity to have a reduction in the buffer and have 50 ft. added onto the lots which abut it and regarded as nondisturbance area.
- C Would like the development agreement to provide more stringent wording with respect to the developer willing to relinquish all rights to that land.

- C The development agreement does not adequately address the consequences of tree cutting in the buffer zone

MOVED by Councillor Johns, seconded by Councillor Outhit that the comments and noted by Councillor Johns be forwarded to staff for response in the supplementary staff report on this matter which is to be submitted at the July 10, 2008 meeting. MOTION PUT AND PASSED.

6. NEXT MEETING DATE: July 10, 2008

7. ADJOURNMENT

The meeting adjourned at 8:06 p.m.

Sheilagh Edmonds
Legislative Assistant