



NORTH WEST COMMUNITY COUNCIL
July 7, 2005
MINUTES

PRESENT: Councillor Robert Harvey
Deputy Mayor Len Goucher

REGRETS: Councillor Brad Johns, Chair

STAFF: Mr. Wayne Anstey, Municipal Solicitor
Mr. Andrew Bone, Planner
Ms. Jill Justason, Planner
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 pm in the Fenerty Room, Sackville Library, 636 Sackville Drive, Sackville.

2. APPROVAL OF THE MINUTES

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that the minutes of the regular meeting of May 26, 2005 and special meeting of June 14, 2005 be approved as circulated. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Case 00753 - Area Advisory Committee for the Paper Mill Lake Lands under Development Agreement - Bedford
- 12.2 Case 00653 - Development Agreement/Rezoning - Walker Avenue
- 10.2.2 Expenditures from the Building Communities Funding - Deputy Mayor Goucher

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher 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 Shopping Cart By-Law Report

- An e-mail dated June 1, 2005 from Mr. Allan Waye, General Manager, Community Projects, Environmental Management Services, was before the Community Council.

Councillor Harvey indicated that Mr. Waye's e-mail advises that shopping cart regulations will be consolidated as part of the Nuisance By-Law going forward to Regional Council in the fall of 2005. Councillor Harvey requested that the nuisance of odours created by dog kennels in urban/suburban areas be included in the nuisance By-Law and that this request be forwarded to Mr. Waye. Item to remain on the status sheet.

4.1.2 Transit for Lucasville

The Legislative Assistant advised that Councillor Johns had raised this issue at the North West Transit Advisory Committee (NWTAC) over a year ago. The issue was discussed in great detail by the NWTAC. Metro Transit has been requested to provide a report to the North West Community Council for September.

4.1.3 Letter from Sackville Drive Business Association - Height Restrictions

Councillor Harvey and Mr. Bone advised that a draft report is forth coming. Item to remain on the status sheet.

4.1.4 Springfield Lake Watch

No further information received. Item to remain on the status sheet.

4.1.5 Judy Avenue Pathway

See comments from item 10.2.2 Expenditures from the Building Communities Funding, page 14 and item 14 Public Participation, page 15. Item to remain on the status sheet.

4.1.6 Purchase of Land for Springfield Lake Rec Centre

No further information received. Item to remain on the status sheet.

4.1.7 Union Street Flooding

Deputy Mayor Goucher advised that the Consultants report on flooding of the Sackville River/Union Street will be coming forward in September. Item to remain on the status sheet.

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

- An Information Report dated June 28, 2005 was before the Community Council.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that North West Community Council table this item to the August 25, 2005 meeting to enable Councillor Johns to comment on the matter. MOTION PUT AND PASSED. Item to remain on the status sheet.

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 00701- Amendments to Development Agreement - 85/91 Sackville Drive

- A Staff Report dated May 11, 2005 was before Community Council.

Ms. Jill Justason, Planner, presented the report. She indicated that in reviewing this proposal, staff have determined that there are various deficiencies under the existing agreement such as:

- Record drawings and sign off from KVM Engineering (Developer's Engineer) has not been submitted to HRM.
- Non-compliance with existing factor 2.5 (c) reports for water quality testing conducted "pre, during and post construction periods" of each lot. Not submitted yet.
- Non-compliance with existing factor 2.5 (f) Inspection reports to the Halifax /Halifax County Water Advisory Board. Not submitted yet.
- Issue of maintenance of the storm ceptor and continuous silt run off from the site
- Under section 2.4 (d), the Developer is responsible for any disturbance to existing on-site and off-site infrastructure resulting from the development. The sidewalk is cracked and therefore the Developer is responsible for the repair.
- Section 2.3.9 - Landscape requirements - The landscaping on the site is deficient in that it is not established.

Ms. Justason added that there is bonding in place for environmental protection and landscaping.

Mr. K. J. Ghandi, Legacy Developments Limited, commented they are working on the deficiency issues.

The Chair opened the public hearing calling for any speakers for or against the proposed amendments. Having no speakers, and after the third call was given, it was **MOVED BY Councillor Harvey, seconded by Deputy Mayor Goucher that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor Harvey, seconded by Deputy Mayor Goucher that the North West Community Council defer Case 00701: Amendments to Development Agreement - 85/91 Sackville Drive to the next meeting of the North West Community Council due to the outstanding issues with the original development agreement. MOTION PUT AND PASSED.

8.1.2 Case 00722 Development Agreement - Lot 133A, Beaver Bank Road, Sackville

- A report dated May 11, 2005 was before Community Council.

Mr. Andrew Bone, Planner, outlined the proposed amendments to the Development Agreement as contained in the submitted staff report.

In response to Councillor Harvey, Mr. Bone advised that the Halifax Watershed Advisory Board has made recommendations, as outlined on pages 2 and 3 of the report, if this proposal proceeds. He confirmed that the North West Planning Advisory Committee have provided a positive recommendation for this proposal. Mr. Bone further advised that staff is currently considering a proposal to acquire the property through a land swap or other means and that preliminary indications are that it is not desirable to swap parkland for land in a flood plain.

Deputy Mayor Goucher expressed concern with the flood plain issue due to the frequency in cresting of the Sackville River (five times in the last three months).

The Chair opened the public hearing calling for anyone wishing to speak for or against the amendments.

PUBLIC HEARING:

Christie Burke, Beaver Bank Road

Expressed concern with possible flooding of her property if this development proceeds as she lives across the river from the proposed development and her property has flooded in the past. She advised she had taken pictures of her flooded property and forwarded them to Mr. Walter Regan. She expressed concern with the removal of the trees which could cause run off from the hill.

Dave Barrett, Beaver Bank

Advised he was on the Planning Participation Committee in the 1980's when the Community of Sackville voluntarily gave up 25' of their land. Mr. & Mrs. Diamond paid taxes on their property for years and HRM is basically expropriating the property when a person pays taxes on a property for years and then want to develop on it and find out that the rules have all changed. Mrs. Diamond has had to pay thousands of dollars for surveying. A land swap is a good compromise. North West Community Council should approve this application.

Glen Cruise, Beaver Bank Road

Commented that the only issue is what will happen to the land above the flood plain.

Danny Laybolt, Beaver Bank

Commented the river has flooded two or three times already this year. There are old batteries along the bank of the river and the water was supposed to be tested. He does not believe the land could be developed without a wall being built. Once a wall goes in, it will definitely cause flooding to the surrounding properties. If you develop this property, it will be like putting a dam up there.

Frances Diamond, Applicant

Commented that in the late 1970's the Burke family brought in fill for their property and she lost a few feet of property due to this fill. She added when the Burke's bought their house the river was almost at their backdoor and they brought in fill to give themselves a nice backyard.

The Chair called three times for anyone wishing to speak for or against the Development Agreement, hearing none, it was **MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that the public hearing be closed. MOTION PUT AND PASSED.**

Mr. Bone provided information from the 1998 flood plain report in response to concerns raised regarding flooding.

Councillor Harvey commented that he would prefer not to see a building on this lot due to the flooding concerns. However, staff and the North West Planning Advisory Committee have a positive recommendation for this proposal. Further, Councillor Johns, the Councillor for the area, has not expressed any opposition to this development.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that North West Community Council

1. **Approve the proposed development agreement for a single unit dwelling within 100 feet of the Little Sackville River as attached in Attachment C of the staff report dated April 18, 2005.**
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.**
3. **Encourage that the pursuit to acquire this property through a land swap or other means continue.**

MOTION PUT AND PASSED.

8.1.3 Case 00802 - Land Use By-law Amendment - Bedford

- A report dated June 3, 2005 was before Community Council.
- A letter dated July 7, 2005 from Mr. & Mrs. Don and Gloria Lowther was submitted at this time by Deputy Mayor Goucher.

Mr. Andrew Bone, Planner, presented the report.

Deputy Mayor Goucher indicated that letters from members of the United Church were previously submitted at the May 26, 2005 meeting of the North West Community Council. *See item 9.1.2 Correspondence RE: Amendment to the CMC Zone in Bedford, page 12 of the May 26, 2005 North West Community Council minutes.*

The Chair opened the public hearing calling for any persons wishing to speak for or against this application.

PUBLIC HEARING

Tom Innis, Operates the Chicken Burger in Bedford

- He does not believe the entire congregation of the United Church was consulted in this matter as it was a Church Committee decision.

- There was no public meeting regarding this issue and he did not know about this matter until this week. He spoke to other area businesses and they were not aware of this proposal.
- A location along the Bedford Highway is very lucrative and a low cost operation along the highway will take business away from his location. He pays taxes year long and has many restrictions associated with operating his business (tax requirements, sanitation, employment, health etc.). The temporary stand will reap the benefit of the short ice cream season but he has year long overhead to consider.
- There are fifteen (15) locations along the Bedford Highway where temporary stands could operate.
- He employs at least twenty-four (24) students for the summer season.
- Traffic congestion along the Bedford Highway is a concern due to the number of vehicles that will be pulling in and out to access this stand.

Greg Estabrooks, Operates the Dairy Queen in Bedford

- Traffic congestion along the Bedford Highway could result from this temporary stand.
- He has employed 18-20 students for this summer.
- There is a Pinky's stand already on the Bedford waterfront and he expressed concern that there will be more temporary stands.
- He pays high rent for his location and he pays property taxes, water etc.
- The only information he has on this proposal is the information he received from Mr. Innis.
- His ice cream equipment has to be sanitized twice daily and he expressed concern with someone possibly getting sick if the sanitation process is not as stringent.
- The temporary stand will need to at least have running water.

Kevin Riles, Pinky's Ice Cream

- The Bedford United Church approached Pinky's and the Church's Executive Board did approve the proposal.
- Pinky's has employed 21 students from the Bedford Community for this summer.
- Pinky's has operated for two years (in the Dingle Park) and there was a stand at the Bedford Waterfront for Bedford Days which was approved by the Department of Health.
- Pinky's has all the health permits and has been approved by all the regulatory authorities.
- A Transportation Engineer has reviewed the Bedford Highway location and determined it is suitable for a temporary ice cream stand.
- There is running water and a built in plumbing system that was approved by the Department of Health.
- The building is small, 20' x 8.5' and 12.5' high (170 square feet).

Catherine Reader, Student employed by Pinky's

Ms. Reader read Pinky's Mission Statement. She further commented that she is relying on this job for experience and to help pay for university in the fall. Pinky's sells old fashion ice cream, not soft serve. The temporary location is not near any other location that would be in competition.

Jeremy Dakin, Student employed by Pinky's

Mr. Dakin commented that half of Pinky's employees are students needing to raise money for university. Pinky's is selling hard ice cream which is not in competition with soft serve ice cream. Pinky's is contributing to the Bedford economy.

Laura Thompson, Student employed by Pinky's

Ms. Thompson advised that the Pinky's location on the Bedford waterfront was a temporary location and it will be moved to the Bedford Highway location.

Jack Innis, Bedford

Mr. Innis made the following comments:

- This is not a Pinky's issue, it is a planning issue.
- Important to point out the parking situation - minimum of four parking spots required for this temporary stand - the LUB (Section 35) requires substantial compliance (curbing, hard surface, egress, landscaping etc.).
- Mainstreet plan for this area is for pedestrian uses. You should be able to park your car and get out and walk but there are no sidewalks at this location. You are bringing cars into an area that is designated as pedestrian oriented.
- Suggest HRM consider a by-law amendment to allow for temporary uses in areas where cars do not have access so you have to walk to them which is what is expected with the Mainstreet plan.
- In the 1980's and 1990's, the mainstreet program spent money on design grants to make the highway attractive. This development makes no provision for architectural requirements - there is no minimal size, setbacks etc.
- What do you do if the person does not remove the temporary building?
- Disagree with the area Councillor that a public information meeting was not needed. You *should* get public input on this matter.

Anthony Reader, Bedford

- Traffic issue: as residents of Bedford we have to travel to get the things we want and he would like to see the Bedford Highway become more of a commercial enterprise that will allow residents to do what they want to do within the Bedford community.
- Impressed by Pinky's presence at the Bedford Days event. He has not seen Pinky's logo's associated with Bedford Days.
- Important not to defer this item. Go with the staff recommendation for the benefit of the people of Bedford.

Ron Wallace, Bedford

- This stand will further congest the traffic problem on the Bedford Highway. Bedford is not the place for transient businesses.

The Chair called for any further speakers wishing to speak for or against this proposal. After the third call and having no further speakers it was **MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that the public hearing be closed. MOTION PUT AND PASSED.**

In Mr. Kevin Riles' closing comments he added that the temporary building cost \$20,000 and all permits, regulations were obtained/met. This is not a transient business. There

has been a lot of discussion on this matter and it has taken six months to come to this point. Pinky's wants to be a long term part of the community. From a planning perspective, staff's report is positive.

Deputy Mayor Goucher left the Chair at 8:13 pm. Councillor Harvey assumed the role of Chair at this time.

Deputy Mayor Goucher explained that the request from the North West Community Council for the By-Law amendment came from a letter of request from the Bedford United Church. Due to the multitude of calls in favour of this proposal and the excitement in the church and in the community he, as the area Councillor, decided to waive the public information meeting. Deputy Mayor Goucher added that the section in front of the Bedford United Church was not part of the Mainstreet program initially set up by the province (that area was left in order to move up to Holland Drive). He further explained that he has 18 years of uninterrupted involvement with planning matters and was involved with the Mainstreet Commercial CMC zone when it was drawn up. He referred to pages 8 & 9 of the staff report where the policies are explained and added that this proposal is not contrary to any of the policies, specifically C19, C20 and C24.

Deputy Mayor Goucher advised that since the students have already been hired, the staff report is positive and the Planning Advisory Committee has a positive recommendation, he is willing to see this proposal go forward for this year. He also gave fair notice that if the project does not go well, it will be reviewed next year and could be removed if it is deemed to be problematic.

MOVED BY Deputy Mayor Goucher, seconded by Councillor Harvey that the North West Community Council approve the amendments to the Bedford Land Use By-Law provided in Attachment A of the staff report dated May 24, 2005.

Mr. Bone responded to Councillor Harvey that there is a fourteen (14) day appeal period plus approximately three days for administrative time. No action can be taken until after that period. If there is no appeal, the By-Law will be officially amended at the end of that time frame.

MOTION PUT AND PASSED.

Deputy Mayor Goucher resumed the Chair at 8:21 pm.

8.2 Variance Hearings - None

The North West Community Council agreed to deal with agenda item 12. ADDED ITEMS at this time.

12. ADDED ITEMS

12.1 Case 00753 - Area Advisory Committee for the Paper Mill Lake Lands under Development Agreement - Bedford

- A report dated July 4, 2005 was before the Community Council.

Mr. Andrew Bone, Planner, presented the report.

MOVED BY Councillor Harvey, seconded by Deputy Mayor Goucher that the North West Community Council:

1. **Approve the formation of a Public Participation Committee of the North West Planning Advisory Committee for an application by Olympic International Realty Limited to amend the development agreement for the Paper Mill Lake Comprehensive Development District, Bedford, as shown on Map 1; and**
2. **Approve the Terms of Reference provided in Attachment A.**

MOTION PUT AND PASSED.

12.2 Case 00653 - Development Agreement/Rezoning - Walker Avenue

- A Memorandum dated July 5, 2005 was before Community Council.

Mr. Andrew Bone, Planner, presented the report.

MOVED BY Councillor Harvey, seconded by Deputy Mayor Goucher that the Development Agreement be approved with the following amendments:

1. **Schedule C of the proposed development agreement shall be replaced with the attached proposed elevations, dated June 28, 2005.**
2. **Clause 2.7 (c) of the development agreement shall be amended by deleting the second sentence and replacing it with the following: "In addition, sidewalks shall be provided between the proposed development and the eastern intersection of the Old Sackville Road and Walker Avenue, and along the road frontage of the HRM parkland (approximately 30 metres in length) located to the north west of the proposed development, within the existing HRM right-of-way."**
3. **Include for consideration the addition of Clause 2.6 (e) and (f) Fencing and Landscaping to have a Type III safety fence or Type II boundary fence along the eastern boundary of the development.**

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

Councillor Harvey advised that a letter dated February 14, 2005 from the Sackville Rivers Association to Councillor Johns was received.

MOVED BY Councillor Harvey, seconded by Deputy Mayor Goucher that the letter be forwarded to Mr. Jeff Bray, HRM Streetscape Coordinator for his consideration in the this year's streetscape budget for a bridge over the little Sackville River as part of the Sackville Drive Streetscape Design. MOTION PUT AND PASSED.

9.2 **Petitions** - None

9.3 **Presentations** - None

10. **REPORTS**

10.1 **Staff**

10.1.1 **Sackville Drive: Functional Design Study Add on - Report dated May 9, 2005 (submitted at May 26, 2005 meeting)**

- A report dated May 9, 2005 was before the Community Council.

Mr. Andrew Bone, Planner, presented the report.

Councillor Harvey stressed the importance of the benefits of the proposed functional plan as per the original report of a few years ago and as outlined on page 4 of Attachment A with the staff report dated May 9, 2005. He added these were fundamental roles of the Sackville Drive streetscape study and he is not prepared to lose those roles. He requested that staff choose what HRM is able to do immediately and then phase in the remainder as the budget permits.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that the North West Community Council table the report and forward it to Mr. Jeff Bray, HRM Streetscape Coordinator for review and consideration on the future of Sackville Drive. MOTION PUT AND PASSED.

10.2 **Member of Council**

10.2.1 **Councillor Johns - Sackville Drive Traffic**

MOVED BY Councillor Harvey, seconded by Deputy Mayor Goucher that the North West Community Council defer this item to the August 25, 2005 meeting. MOTION PUT AND PASSED.

10.2.2 Councillor Harvey - Expenditures from the Building Communities Funding

Councillor Harvey explained that there is a new section in the budget this year that provides \$25,000 per district for a Community Fund. Unlike the Capital District Fund, allocation of this fund requires ratification by Community Council.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that the North West Community Council approve the expenditures of \$10,000 from the District 20 Building Communities fund for the Judy Anne Court Playground redevelopment and \$15, 000 for the Leaside Playground Redevelopment for a total of \$25,000. MOTION PUT AND PASSED.

- A letter dated June 8, 2005 from the Waterfront Development Corporation Limited was submitted by Deputy Mayor Goucher.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that the North West Community Council approve the expenditures of \$25,000 from the District 21 Building Communities Fund to go toward construction of a marina on the Bedford waterfront to provide public access to the harbour.

Deputy Mayor Goucher added that funds will also be leveraged by the Waterfront Development Corporation Limited and the Halifax Port Authority. He commented that one of the Regional Planning issues for the harbour is lack of access.

MOTION PUT AND PASSED.

10.2.3 Deputy Mayor Goucher -Appointments to Basinview Drive Community School Facility Management Committee

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that the North West Community Council appoint Mr. Don Lowther and Ms. Elaine Loney to the Basinview Drive Community School Facility Management Committee.

Deputy Mayor Goucher requested that the Basinview Drive Community School Facility Management Committee be notified of these appointments.

MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Case 00753 - Area Advisory Committee for the Paper Mill Lake Lands under Development Agreement - Bedford

This item was previously dealt with. See page 12.

12.2 Case 00653 - Development Agreement/Rezoning - Walker Avenue

This item was previously dealt with. See page 12.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Michelle Champniss, Executive Administrator, Sackville Drive Business Association

- Requested an update on Item 4.1.3 regarding the Sackville Drive Height Restrictions. She expressed concern with the Regional Plan being approved by Regional Council before this issue is addressed.

Mr. Andrew Bone, Planner, explained that the report is awaiting the Director's signature. Councillor Harvey added that the amendment he requested will have to go forward to Regional Council for ratification. It may now be early September before the report reaches Regional Council. Councillor Harvey clarified that the height restriction that is now in place is an interim measure and he will not support that restriction long term.

Jim Murphy, Old Sackville Road

- He commented that he is flabbergasted that so much time was spent this evening on an ice cream stand in Bedford and yet he is the only one here for a development that will have more impact on the community.
- He inquired if there was any way to have a moratorium on further development of apartment buildings in the area of Walker Avenue.

Mr. Bone, upon the request of Councillor Harvey, provided further information on the planning/zoning for the Walker Avenue area. Mr. Bone requested the speaker call him tomorrow to discuss this matter further.

Mr. Ed Grace, Beaumont Drive, Lower Sackville

- Springfield Lake Watch gave a presentation at the last meeting and four recommendations were given to Community Council. He requested an update on that matter.
- One recommendation was for Springfield Lake to be added to the lake monitoring system, what is the status of that request?

Councillor Harvey indicated the four recommendations will be added to the Status Sheet. The Legislative Assistant advised that the recommendations are on the status sheet and have been forwarded to staff. Deputy Mayor Goucher added that there is no update at this time regarding the monitoring of Springfield Lake.

Resident of Sandrick Drive (off Cobequid Road)

- She commented that there is no public access from her subdivision to the Judy Anne Court playground and requested that HRM provide a public pathway access to the playground since Ryans Ridge does not have a playground.

Councillor Harvey advised that during item 10.2.2, dealt with earlier in the meeting, he allocated \$10,000 toward the Judy Ann Court Playground redevelopment. He added that he has contacted staff and alerted them to the issue of the lack of access to this playground. Staff responded they will investigate the issue.

15. NEXT MEETING DATE

The Chair advised that the next regular meeting is scheduled for August 25, 2005.

16. ADJOURNMENT

The meeting adjourned at 9:02p.m.

Chris Newson
Legislative Assistant