

**HALIFAX REGIONAL MUNICIPALITY**

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**NORTH WEST COMMUNITY COUNCIL  
MINUTES  
October 25, 2007**

**PRESENT:** Councillor Brad Johns, Chair  
Councillor Robert Harvey  
Councillor Gary Matin

**STAFF:** Ms. Karen Brown, Solicitor  
Ms. Sheilagh Edmonds, Legislative Assistant

**TABLE OF CONTENTS**

|        |  |    |
|--------|--|----|
| 1.     | CALL TO ORDER .....  | 3  |
| 1.1    | November Meeting Date .....  | 3  |
| 2.     | APPROVAL OF MINUTES .....  | 3  |
| 3.     | APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF<br>ADDITIONS AND DELETIONS .....               | 3  |
| 4.     | BUSINESS ARISING OUT OF THE MINUTES: .....   | 3  |
| 4.1    | STATUS SHEET ITEMS: .....  | 3  |
| 5.     | MOTIONS OF RECONSIDERATION .....   | 3  |
| 6.     | MOTIONS OF RESCISSION .....  | 4  |
| 7.     | CONSIDERATION OF DEFERRED BUSINESS .....   | 4  |
| 8.     | HEARINGS: .....  | 4  |
| 8.1    | Public Hearings: .....   | 4  |
| 8.1.1  | Case 00928: Development Agreement - 199 Rocky Lake Drive,<br>Bedford .....                       | 4  |
| 8.1.2  | Case 01035: Amendment to Mill Cove Plaza Development<br>Agreement, Bedford .....                 | 5  |
| 8.1.3  | Case 01064: Development Agreement - 517 Sackville Drive .....                                    | 8  |
| 8.2    | Variance Hearings: .....   | 9  |
| 9.     | CORRESPONDENCE, PETITIONS AND DELEGATIONS .....  | 9  |
| 9.1    | Correspondence: .....  | 9  |
| 9.2    | Petitions: .....   | 9  |
| 9.3    | Presentations: .....   | 9  |
| 10.    | REPORTS: .....   | 9  |
| 10.1   | North West Planning Advisory Committee: .....  | 9  |
| 10.1.1 | Case 00929: Development Agreement and Amendments<br>to the Sackville MPS and LUB Amendment ..... | 9  |
| 10.2   | Councillor: .....  | 9  |
| 10.2.1 | Allocation from Sackville Landfill Fund - Councillor Harvey .....                                | 9  |
| 11.    | ADDED ITEMS: .....   | 10 |
| 12.    | NOTICES OF MOTION: .....   | 10 |
| 13.    | PUBLIC PARTICIPATION .....   | 10 |
| 14.    | NEXT REGULAR MEETING DATE: .....   | 11 |
| 15.    | ADJOURNMENT .....  | 11 |
|        | Information Reports .....  | 12 |
|        | • Standing Passengers on 80-86 Series Routes   |    |
|        | • Left Turn Arrow - Sackville Drive at Riverside Drive   |    |

**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. in the cafeteria of Basinview Community School, Bedford.

**1.1 November Meeting Date**

**MOVED by Councillor Harvey, seconded by Councillor Martin, that the Rules of Procedure be suspended and Community Council scheduled its regular November meeting to Wednesday, November 21, 2007. MOTION PUT AND PASSED.**

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Harvey, seconded by Councillor Martin that the minutes of September 27, 2007 and October 9, 2007 be approved. MOTION PUT AND PASSED.**

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

There were no additions or deletions to the agenda. **MOVED by Councillor Harvey, seconded by Councillor Martin that the agenda, as presented, be accepted. 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. To remain on Status Sheet.

**4.1.2 Storm Drain Issue - Cavalier Drive**

No update was provided. To remain on Status Sheet.

**4.1.3 Judy Avenue Pathway**

No update was provided. To remain on Status Sheet.

**4.1.4 Union Street Flooding**

No update was provided. To remain on Status Sheet.

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

No update was provided. To remain on 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 00928: Development Agreement - 199 Rocky Lake Drive, Bedford**

Notice of Motion for this matter was given at a meeting of North West Community Council held on September 27, 2007.

A report dated September 6, 2007 from the Chair of the North West Planning Advisory Committee was submitted.

A staff report dated August 13, 2007 was submitted.

Ms. Leticia Smillie, Planner 1, addressed Community Council and outlined the application by Birch Grove Developments Limited to enter into a development agreement to permit a flag lot and the construction of a two-unit dwelling at 199 Rocky Lake Drive, Bedford.

Ms. Smillie responded to questions of Community Council.

The Chair reviewed the rules of procedure for public hearings and opened the floor to anyone wishing to speak either in favour or against this application.

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

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

1. **Approve the proposed development agreement provided as Attachment "A" to the August 13, 2007 staff report; and**
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.**

### **8.1.2 Case 01035: Amendment to Mill Cove Plaza Development Agreement, Bedford**

Notice of Motion for this matter was given at a meeting of North West Community Council on September 27, 2007.

A report dated September 19, 2007 from the Chair of the North West Planning Advisory Committee was submitted.

A staff report dated August 21, 2007 was submitted.

Mr. Joseph Driscoll, Planner, addressed Community Council and reviewed the application by Sobeys Leased Properties Limited to amend the Mill Cove Plaza Development Agreement to permit a two storey building for office and retail use on the former site of the Empire 6 Cinemas in Bedford.

In his presentation, Mr. Driscoll highlighted the following aspects pertaining to this application:

- the application is for a new use of the former Empire 6 Cinemas site—a two-storey building which will comprise a Lawton's Drug Store (12,600 sq. ft.), a medical office (2600 sq. ft.), and a commercial retail unit (4,200 sq. ft.)
- at HRM's request, the slip lane which goes to the Bedford Highway will be replaced by a revised slip lane built into the intersection
- the articulated bus bay will be moved back from the intersection
- a part of the site that is currently vacant will be developed for parking
- an open ditch on the site will be filled in and landscaped
- the area will be landscaped and a lighting plan submitted

Mr. Driscoll noted that the North West Planning Advisory Committee reviewed this application and put forward suggested changes in regard to buffering along the Bedford Highway, truck traffic around the buildings, and crosswalk markings. Mr. Driscoll briefly reviewed the concerns and explained how the applicant has addressed them, and that staff is supportive of these changes. In this regard, Mr. Driscoll pointed out that, should Community Council move a motion to approve this application, the changes will be required to be read into the motion.

The Chair reviewed the rules of procedure for public hearings and opened the floor to anyone wishing to speak either in favour or against this proposal.

Ms. Yvonne Reader, Bedford, questioned if there were plans to continue the sidewalk.

In response, Mr. Driscoll advised that the sidewalk will end at the bus stop, and not extend to the property line.

Mr. Walter Regan, Sackville spoke in opposition to the proposal and put forward the following suggestions:

- a sidewalk should be built from Nelson's Landing to the development
- there should be a walkway under the tracks, leading up to the development
- there should be more green space and trees

- more storm water retention onsite and oil grit separators
- create a walkway which goes around Moirs Pond
- request a large bond to protect Moirs Pond from silt and erosion during construction
- reduce the number of parking spots

Mr. Bruce Ford addressed Community Council and advised that, if the developer will not extend the sidewalk, it would be helpful if HRM extended the sidewalk from the proposed Lawton's store to Convoy Run, along the front of the development and over the bridge to the bottom of Moirs Mill Road. In the medium and long term, it could be extended to Nelson's Landing and Southgate. Mr. Ford also pointed out that there were mature trees in front and along-side the former theatres and he recommended retaining these trees. If the trees at the side cannot be retained then there should be landscaping in the area. Mr. Ford noted the proposed parking at the rear of the Blockbuster store and expressed concern that it may prevent any planned development of access to and from the waterfront. Mr. Ford explained that this was something put forward during the Bedford Visioning process and he would not want to see that option eliminated.

Mr. Gerry Sampson, Bedford, referred to previous comments regarding a sidewalk from Convoy Run to Sobeys and advised that there is currently a sidewalk that runs along the Bedford Highway to a point below High Street, and if HRM were to complete the sidewalk it would not be long stretch to connect to the proposed extension. Mr. Sampson also advised that from a safety point of view, people tend to walk down this side of the road rather than the other side and cross at the lights, because it is a very dangerous intersection to cross.

Mr. Carlton Sanford, Bedford, addressed Community Council and advised that he concurred with the previous speaker about the safety concern, and that it would not be a long stretch of sidewalk to connect. Mr. Sanford questioned how this application will impact the applicant's previous application for a service station.

Mr. Driscoll advised that the service station was approved and the applicant intends to build.

Mr. Dave Wallace addressed Community Council, advising that he was representing Sobeys Properties this evening. Mr. Wallace advised that it was his understanding that Sobeys intends to proceed with the service station, but he did not know at what point in the process they were at. He suggested that he could follow up with the speaker and provide him an update on the status of the service station.

Mr. Doug Kolmar addressed Community Council and noted he was a member of the Bedford Visioning Committee. Mr. Kolmar asked for clarification on the location of the two signs.

Mr. Driscoll advised that there is an existing sign and a proposed Lawton's sign which would replace the Empire Theatre sign. He added that this aspect has been reviewed by HRM's engineering staff and the locations are considered appropriate for the signage.

The Chair called three times for anyone else 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.**

Councillor Martin indicated that he was pleased with the proposed project, adding that it will bring employment to the area, enhance the area, and improve safety of the area with the new proposal for the slip lane.

The Chair noted the concerns expressed about the extension of the sidewalk and questioned if Community Council had the ability to work this into the Development Agreement.

In response, Mr. Driscoll advised that staff did not request this because it would be asking the applicant to extend it over to the next property.

Mr. Dave Wallace, Sobey's, explained that their biggest concern is that the majority of lands (northerly direction) fall within the Bedford right-of-way. He added that they have had consultants look into it and there are issues of width and the grade of the rock. He noted that if it were to take place, it would be a very costly venture. Mr. Wallace pointed out that currently they are in the second phase, and possibly there are a few more phases at Mill Cove at which time they could address the concerns.

Mr. Kurt Pyle, Supervisor, HRM Planning Applications addressed Community Council and noted that all development on this piece of property will be done only through Development Agreement. He added that any future development will also go through the development agreement process and, given concerns expressed this evening, it is clear to staff and representatives of Sobey's that, if there is any future development on the site, the sidewalk is the number one concern to be addressed.

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

1. **Approve the proposed amending development agreement, as contained in Attachment A of the August 21, 2007 staff report to permit a new two-storey building for office and retail use on the former Empire 6 Cinemas location with the following amendments:**
  - **Clause 3.7.4 be amended to increase the minimum buffer to 20 feet;**
  - **Add a clause to require a dedicated truck route**
  - **Add a clause requiring the installation of crosswalks in the parking lot.**
  
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.**

Councillor Harvey advised that in his view the amendments are improvements to the Development Agreement and Community Council has achieved what it can reasonably achieve. He added that the issue of the sidewalk is a very important issue, and given the level of concern expressed this evening, it is a clear message to Sobeys and HRM that it is something that will have to be considered in the near term.

Councillor Johns expressed disappointment that Community Council was not going further with this development agreement in regard to the sidewalk. Councillor Johns added that he would support the motion on the floor, but he will not support any future development on this parcel without addressing the concerns raised this evening.

**MOTION PUT AND PASSED.**

**8.1.3 Case 01064: Development Agreement - 517 Sackville Drive**

Notice of Motion for this matter was given at a North West Community Council meeting held on October 9, 2007.

A report dated October 4, 2007 from the Chair of the North West Planning Advisory Committee was submitted.

A staff report dated September 14, 2007 was submitted.

Mr. Joseph Driscoll, Planner, outlined the application by DSRA Architects Limited, on behalf of McDonald's Restaurants of Canada Limited, to develop an approximately 285 square foot addition to the restaurant at 517 Sackville Drive, Sackville (PID 40311698).

In his remarks, Mr. Driscoll advised the proposal is for an addition on the back portion of the property to enable garbage to be stored inside. He noted that the addition will not be visible from Sackville Drive, and that it would be of brick construction with a steel door, and the area around it would be landscaped.

Mr. Driscoll responded to questions of Community Council.

The Chair opened the hearing to anyone wishing to speak either in favour or against the application.

Mr. Walter Regan, Sackville, addressed Community Council and suggested that this was an opportunity to apply Streetscape standards and require an oil grit separator and storm water retention to protect the Little Sackville River.

In response to a question by Councillor Harvey, Mr. Driscoll advised that the requirements under the Secondary Planning Strategy for Sackville Drive Streetscape apply in this case and that the design meets the requirements.

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.**

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

1. **Approve the proposed development agreement provided as Attachment A of the September 14, 2007 staff report; and**
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 null and void and any obligations arising hereunder shall be at an end.**

**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: None**

**10. REPORTS:**

**10.1 North West Planning Advisory Committee:**

**10.1.1 Case 00929: Development Agreement and Amendments to the Sackville MPS and LUB Amendment**

A report dated June 20, 2007 from the Chair of the Halifax Watershed Advisory Board was submitted.

A report dated October 4, 2007 from the Chair of the North West Planning Advisory Committee was submitted.

A staff report dated September 17, 2007 was submitted.

Councillor Johns stepped out of the Chair. Councillor Harvey assumed the Chair.

**MOVED by Councillor Johns, seconded by Councillor Martin that North West Community Council recommend:**

1. **That Regional Council give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use Bylaw as**

provided in Attachment A and B of the staff report dated September 17, 2007, and request amendments included in a forthcoming supplementary report, which includes a site specific option for the Keizer site be given First Reading and schedule a joint public hearing with North West Community Council.

2. Recommend that Regional Council consider the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachment A and B of the staff report dated September 17, 2007 and the forthcoming supplementary report.
3. Give Notice of Motion to consider the proposed development agreement as provided in Attachment C of the staff report dated September 17, 2007 and schedule a joint public hearing with Regional Council.

**MOTION PUT AND PASSED.**

Councillor Johns assumed the Chair.

**10.2 Councillor:**

**10.2.1 Allocation from Sackville Landfill Fund - Councillor Harvey**

Correspondence dated October 2, 2007 from Ms. Barbara Vye, on behalf of the Cobequid Cultural Centre of the Arts Society was submitted.

**MOVED by Councillor Harvey, seconded by Councillor Martin that North West Community Council recommend \$1500 from the Sackville Landfill fund be allocated to the Cobequid Cultural Centre for the Arts Society, for their feasibility study.  
MOTION PUT AND PASSED.**

11. **ADDED ITEMS:** None

12. **NOTICES OF MOTION:** None

**13. PUBLIC PARTICIPATION**

Mr. Walter Regan noted that, recently, several major rain events have left the Little Sackville River with a lot of silt, and he suggested that Community Council either follow up with a letter to the Provincial Department of Environment or Bylaw Enforcement to have the problem addressed. Mr. Regan also questioned whether funds were budgeted for a bridge over the Little Sackville River.

Community Council responded that staff are aware of siltation problems and are trying to address it appropriately. With regard to the bridge, Community Council noted that it continues to be considered along with other improvements for Sackville Drive.

**14. NEXT REGULAR MEETING DATE:**

November 21, 2007.

**15. ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

Sheilagh Edmonds  
Legislative Assistant

**The following information reports were submitted:**

1. Information Report dated October 1, 2007 - Standing Passengers on 80-86 Series Routes
2. Information Report dated September 17, 2007 - Left Turn Arrow - Sackville Drive at Riverside Drive