

**NORTH WEST PLANNING ADVISORY COMMITTEE**

**MINUTES**

**MARCH 6, 2002**

THOSE PRESENT: Delphis Roy, Chair  
Karen Stadnyk  
Jan Gerrow  
Gloria Lowther  
Tony Edwards  
George Murphy  
Ann Merritt  
David Perrier  
Councillor Len Goucher  
Councillor Brad Johns

ALSO PRESENT: Andrew Bone, Planner  
Andrew Whittemore, Planner  
Thea Langille Hanna, Planner  
Deputy Mayor Robert P. Harvey  
Gail Harnish, Admin/PAC Coordinator  
Sandra Shute, Assistant Municipal Clerk

OTHERS PRESENT: Gordon Morgan, Chair, Sackville Drive Design Study  
Area Advisory Committee

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Charles Fenerty Room, Sackville Library, 636 Sackville Drive, Lower Sackville.

2. **APPROVAL OF THE AGENDA**

The Agenda was adopted; however, three items were dealt with under New Business.

3. **APPROVAL OF MINUTES - FEBRUARY 6, 2002**

**MOVED by Ann Merritt, seconded by George Murphy to approve the Minutes of meeting held on February 6, 2002 as circulated. MOTION PUT AND PASSED.**

4. **BUSINESS ARISING FROM THE MINUTES** - None

5. **CASE 00405 - APPLICATION BY NOEL FREDERICKS TO AMEND THE EXISTING DEVELOPMENT AGREEMENT (DA-SA-09-90-19) AT 1250 SACKVILLE DRIVE TO PERMIT THE EXPANSION OF THE USED CAR LOT (PID#40766180)**

A Staff Report dated February 18, 2002 was before the Committee. Andrew Bone, Planner provided an overview of the application with the aid of overheads. He subsequently advised that staff was recommending approval of the amending agreement to permit the expansion of the used car lot at 1250 Sackville Drive.

Following the presentation, Committee members asked questions of the Planner. Following are the answers provided:

- Regarding car washing, staff contacted Department of Environment. They indicated it would be no different from any other parking lot in HRM. They have no requirements for any type of control. Although they thought the recommendation from Waters Advisory Board for an oil grit separator was good, it was not required.
- There were no concerns expressed by Sackville Rivers Association regarding runoff. The developer does most servicing off site.
- On the back of the property, there is a swale and then it flattens out towards the used car lot. There are no adjacent residential properties. The back of the property is used as a route to get to school by children instead of walking along Sackville Drive. That is a reason for not putting up a fence.
- Also along the back with regard to fencing and stopping soccer balls from entering the used car lot, it was more likely the balls would come off the top and even if there was a fence, they would come in anyway because of the grade difference.
- There will be no trees removed.
- The residents in the immediate area did not have any problems with the proposal.
- Mr. Fredericks lives in the house on the property.

- With regard to concerns from vandalism to the cars, the inclusion of a coniferous buffer is not extremely expensive but a fence is. Given the grade difference, fencing would probably not provide a visual buffer.
- Regarding the issue of flags, it is noted in the Development Agreement there will be no flags; however, the developer is objecting to it. Staff feels it is appropriate, however.
- There is a 66' Nova Scotia Power easement running along the rear of the property which limits what can be built there. The right of way is not used. There might have to be some kind of agreement with Nova Scotia Power that if they ever wanted to use the right of way in the future, the trees might have to come down.
- The swale goes down to the ditching area behind the school.
- Used car lots come under Outdoor Display. Policy UR-20 allows the original Development Agreement.
- The existing driveway access provides a buffer.
- The policy speaks to safety and to buffering. The only two covered by UR-20 are Gem Auto and Noel Fredericks. It talks about maintaining the residential look and a switch to a full-scale auto dealership look would be contrary to the policy.
- Regarding signage, staff suggested it would be appropriate to have the same size sign.
- Regarding the Gem Auto development, there was no indication they were not following the terms of the Development Agreement.

Mr. Noel Fredericks, the applicant, on request of the Chair, addressed the Committee indicating the following:

- He has been in business since 1987. His approval came in 1991.
- He keeps a clean property and always has concern for his neighbours.
- Because there is so much competition now, he needed a few cars out front because it was hard to find his business from the road.
- The five cars proposed out front would be set on a slant coming up the driveway.
- With regard to screening out back, there is 16' of mud before it is grassed. It is a bank and hard to walk up.
- If there is a fence required, it would have to be the school that does it because he is getting plagued with garbage blowing off the field. He does not complain but cleans it up.
- The children come across the back of his lot to go to school. He put a bridge across the brook so they could get across. It is dangerous for them to walk along the road.
- There have been no accidents since the speed limit was changed from 70 km/h to 50 km/h. There are more police patrols since the school came in. His driveway has not caused any accidents.

**MOVED by George Murphy, seconded by Jan Gerrow to recommend that North West Community Council:**

1. **Give Notice of Motion to consider approval of an amended Development Agreement and schedule the Public Hearing for March 27, 2002;**
2. **Approve the amending Development Agreement (Attachment #3 to the Staff Report dated February 18, 2002) to permit the expansion of the used car lot at 1250 Sackville Drive;**
3. **Require the amending agreement be signed 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 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 an end.**

**MOTION PUT AND PASSED.**

6. **PROJECT 00106 - SACKVILLE DRIVE SECONDARY PLANNING STRATEGY AND LAND USE BY-LAW**

Delphis Roy referred to the Public Meeting held on March 4, 2002. He stated at that time someone took the Planners to task and he was remiss at the time to respond that he has confidence in the Planners and likes the way they do their work. He requested that if the Committee agreed, this could be communicated to the Planners.

The Committee expressed support for the Planners and agreed that they did not deserve to be abused or publicly criticized. They deserved more credit than they got.

The Chair requested that Gail Harnish prepare a letter to the effect that Planning Advisory Committee has confidence in the Planners and appreciates their work.

Delphis Roy then welcomed Gordon Morgan, Chair, Sackville Drive Design Study Area Advisory Committee.

Andrew Whittemore, Planner and Thea Langille Hanna, Planner were in attendance for this project. The Planners provided the following information following the Public Meeting held on March 4, 2002:

1. Memo dated March 6, 2002.
2. Letter dated February 25, 2002 from Gordon Morgan, Chair, Sackville Drive Design Study Area Advisory Committee
3. Letter dated March 6, 2002 from Igino DiGiacinto
4. Letter dated February 25, 2002 from Barrett Auto Sales
5. Letter dated March 4, 2002 from U-First Auto Sales

Mr. Whittemore advised that the Memo dated March 6, 2002 spoke to revisions incorporated since the proposed Secondary Plan and Land Use By-law were provided to PAC members. The revisions reflect the comments from the Area Advisory Committee as well as basic revisions that staff recognized needed to be incorporated. At this point, staff was recommending that the proposal be forwarded to North West Community Council for consideration and review and for Public Hearing.

Mr. Whittemore went on to say that there has been extensive public consultation on this project. The Area Advisory Committee met 15 times and went through a comprehensive and extensive approach to the development of the Plan and Land Use By-law. A meeting was held with only the business community on Sackville Drive to ensure that the businesses along Sackville Drive were clear about what was being proposed and to explore the concept of forming a Business Improvement District along Sackville Drive. That meeting was very positive with approximately 25 businesses expressing interest in the BIDC.

Mr. Whittemore then drew the Committee's attention to Appendix C of the report. Subsequently, he asked if the Committee wished a review of the proposal at this time.

After discussion, it was agreed not to hear a presentation but to ask specific questions or make comments.

George Murphy pointed out that at the Public Meeting on March 4, the people who spoke negatively were not against Lower Sackville but trying to preserve their own self interest. To a certain extent that was understandable but, when you look at the big picture, they do not realize they will fit better than they do now. He suggested that when the Plan is rolled out, it should be marketed that this is not a street but all the community flowing through the street, paths and sidewalks.

Karen Stadnyk stated that legitimate issues did come up at the meeting on March 4, one being why the boundary was chosen where the Low Density Thoroughfare started. She had not really thought about moving the boundary up but it might be worth looking at the issue for those people. She also raised the issue of being able to replace a building.

Thea Langille Hanna stated, in response, that the Committee recognized there might be a lot of non-conforming uses in the Pedestrian Retail strip. It was then decided to list them as existing uses the PID numbers associated with those. She indicated that if a business went under for a number of months, a year later they could still come back with the same use but they would not be able to expand onto an adjacent property without going through some form of public process. After the meeting, staff spoke to a number of people who had those concerns and tried to explain there was some misunderstanding at the meeting. Staff will be meeting with several members of the public in the near future to try to address the issues and concerns.

Mr. Gordon Morgan, Chair, Sackville Drive Design Study Area Advisory Committee provided information on the attempts made by the Sackville Community Development Association to increase commercial development in the area and the conclusions reached that Sackville Drive has to change in order to attract businesses. He referred to members of the public who spoke on March 4 and indicated that some of those who spoke had concerns which should be addressed. Some issues need to be resolved but not everyone will be satisfied.

Mr. Morgan then referred to the 1982 planning process document. Even though the plan was a good one and established a commercial corridor in Sackville, the majority of the people involved were property owners and businessmen on Sackville Drive. In some cases, those people got double zoning on their property. There was, however, a deplorable situation along Sackville Drive now. One issue was the enforcement of By-laws which has not been happening. He expected there would be support from the community when it goes to Community Council.

Ann Merritt stated she agreed with Mr. Morgan's statements regarding the first Plan and the problems with enforcement. She supported the proposal.

Mr. Whittemore advised that one good thing about the proposal is that the PAC would be obligated to undertake a yearly review of Sackville Drive to determine what is working and what is not working.

Deputy Mayor Harvey stated he was glad that staff planned on meeting with individuals and requested to know the outcome when that process is over. He spoke in favour of the proposal in general terms over the last two years. It is an opportunity for Sackville to turn a corner with its main street but it does require change. This might be harder for some than others to accept. Other communities within HRM are looking at this as a model.

Delphis Roy congratulated Gordon Morgan and his Committee for their work. He requested that Gail Harnish send a letter to the Area Advisory Committee thanking the Committee for their efforts.

**MOVED by Karen Stadnyk, seconded by George Murphy to forward the proposed Sackville Drive Secondary Planning Strategy and Land Use By-law to North West Community Council, including the revisions outlined in the Memorandum from staff dated March 6, 2002. Further, that staff follow up on the submissions received from Iginio DiGiacinto, Barrett Auto Sales and U-First Auto Sales to determine if their issues can be addressed.**

**Further, to recommend that North West Community Council recommend that:**

1. **Halifax Regional Council move First Reading and schedule a Public Hearing to consider:**
  - (a) **The proposed Secondary Planning Strategy and Land Use By-law for Sackville Drive (Appendix A);**
  - (b) **Repealing the existing sections of the Sackville Municipal Planning Strategy and Land Use By-law that pertain to the Commercial Corridor Designation of Sackville Drive (Appendix B);**
  - (c) **Redesignating and rezoning lands within the Sackville Municipal Planning Strategy identified by Map 2 from Commercial Corridor Designation and Commercial Corridor (C-3) Zone to Urban Residential Designation and Multiple Dwelling (R-4) Zone.**
2. **Halifax Regional Council approve:**
  - (a) **The proposed Secondary Planning Strategy and Land Use By-law for Sackville Drive (Appendix A);**
  - (b) **Repeal the existing sections of the Sackville Municipal Planning Strategy and Land Use By-law that pertain to the Commercial Corridor Designation of Sackville Drive (Appendix B); and**
  - (c) **Redesignating and rezoning lands within the Sackville Municipal Planning Strategy identified by Map 2 from Commercial Corridor Designation and Commercial Corridor (C-3) Zone to Urban Residential Designation and Multiple Dwelling (R-4) Zone.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

7. **STATUS UPDATES**

7.1 **Monthly Status Sheet**

Provided for information purposes.

Councillor Goucher advised that the decision regarding the balconies for the apartment building in Bedford has been appealed.

Councillor Goucher also provided information on the proposal regarding infilling of Moirs Pond in Bedford.

7.2 **Decisions of Community Council**

Provided for information purposes.



8. **NEW BUSINESS**

8.1 **Items for Next Meeting**

Gail Harnish advised that election of Chair and Vice Chair would be on the Agenda for the next meeting. As well, a presentation would be made by Nova Scotia Power relative to the item referred by North West Community Council on Integrated Vegetation Management.

Delphis Roy indicated he would not be in attendance at the next meeting. He requested that the election of Chair and Vice-Chair be held at the May meeting instead. The Committee agreed.

8.2 **Bedford South/Wentworth Estates**

Councillor Goucher indicated that it was expected that the document would be before North West Community Council at its meeting on Wednesday, March 27, 2002. He asked for support from Planning Advisory Committee members to be in attendance, if possible.

8.3 **Case 00446 - Area Advisory Committee for Lands Abutting the Bicentennial Highway Generally Between Rutledge Street and Nottingham Drive, Bedford**

A Staff Report dated February 15, 2002 was before the Committee regarding the above matter which had been before Community Council at its meeting on February 28, 2002.

Staff requested that PAC appoint a member of PAC to this Area Advisory Committee.

**MOVED by Gloria Lowther, seconded by Jan Gerrow that Tony Edwards be appointed as Planning Advisory Committee's representative on the Area Advisory Committee for Lands Abutting the Bicentennial Highway generally between Rutledge Street and Nottingham Drive, Bedford. MOTION PUT AND PASSED.**

9. **NEXT MEETING DATE**

Wednesday, April 3, 2002.

10. **ADJOURNMENT**

On a motion from Councillor Goucher, the meeting adjourned at 8:45 p.m.

Sandra M. Shute  
Assistant Municipal Clerk