

NORTH WEST PLANNING ADVISORY COMMITTEE
Minutes

May 4, 2005

PRESENT: Ms. Ann Merritt, Chair
Mr. George Murphy
Mr. Walter Regan (regrets)
Ms. Gloria Lowther (regrets)
Councillor Brad Johns
Deputy Mayor Len Goucher (7:19 pm)

ABSENT: Ms. Barb Grant
Mr. Rob Batherson
Mr. Warren Hutt
Mr. Joel Matheson

ALSO PRESENT: Mr. Andrew Bone, Planner
Ms. Jill Justason, Planner
Councillor Robert Harvey

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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, Sackville.

2. Approval of the Minutes - March 30, 2005 (public meeting) and April 6, 2005 (regular meeting).

MOVED BY Deputy Mayor Goucher, seconded by Mr. Walter Regan that the minutes of March 30, 2005 public meeting and April 6, 2005 regular meeting, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. Approval of the Order of Business and Approval of Additions and Deletions

Addition: 5.3 Case 00738: Amendments to Bedford South and Wentworth

MOVED BY Councillor John, seconded by Deputy Mayor Goucher that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. Business Arising out of the Minutes

None.

5. Reports

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

- A report dated April 18, 2005 was before the Committee.

Mr. Andrew Bone, Planner, presented the report.

Staff provided the following clarification for the Committee:

- The intent of the policy is to ensure houses are not subject to flooding. The solid line on the map in the report shows the property is outside the 1 in 100 and 1 in 20 year flood risk areas. It is low risk to flooding.
- There are two setbacks in the plan: one is from any waterway, the other is from the Little Sackville River. The first setback was developed in 1986 which relates to the 100' setback. At that time there were no established flood plains. Each site was looked at on a site by site basis in regards to development. In 1988 - detailed mapping of the Little Sackville River was done but was not put included in the plan at that time. In 1994 Council approved the plan and the provincial government implemented a flood plain in the Little Sackville River and effectively there were two policies: 1996/97 - concern that some of the previous mapping was not accurate due to infilling. 1998 - further data was available - the lines in the report are based on that data. 100' setback policy is superceded by actual flood plains and the goal of that policy is to keep people out of that flood plain. This development is outside the flood plain. The 1 in 100 is to protect from flooding in general. The 25' setback from any watercourse is an

environmental requirement. Staff does attempt to obtain larger setbacks if possible. Regional planning is proposing a 20m undisturbed setback from waterways but that is not yet implemented.

- A land swap was proposed for a property at the end of Douglas Avenue and Irene Avenue. Real Property and Asset Management (RPAM) suggested a property on Gloria Avenue and that was the property that went through the review process but RPAM was not interested in that property. Staff is still working on a land swap as that is the preferred option.
- Storm water will be piped overland as the municipality does not like the storm water to be piped into the system. Clarification was given by staff regarding sewers and easements.
- The road setback will not interfere with possible expansion of the Beaver Bank Road to four lanes. (Staff commented that this issue did not come up during the review of the proposal).
- There is a clause in the development agreement, page 23, part 4 - that a portion of the property is subject to flooding and the Developer accepts full responsibility. This agreement will ride with the property, it is a legal agreement and the proposed purchaser is to be notified.
- There is a security bond in place for landscaping, erosion and sedimentation.

Deputy Mayor Goucher commented that it is time to start looking at the issue of flood plains as a more global issue. Currently, we are looking at the lot very locally, it meets the flood plain restrictions, but the Sackville River has come to a flood level for the last three years. The Committee suggested an amendment to the motion to include the continued pursuit of a land swap as that is the preferred option.

MOVED BY Ms. Gloria Lowther, seconded by Councillor Johns that the North West Planning Advisory Committee recommend the North West Community Council:

- 1. Give Notice of Motion for the proposed development agreement, attached as Attachment C of this report, to permit the construction of a single unit dwelling within 30.48 metres (100 feet) of the Little Sackville River at (PID#40100174) Lot 133 A, Beaver Bank Road and Schedule a public hearing;**
- 2. Approve the proposed development agreement for a single unit dwelling within 100 feet of the Little Sackville River as attached in Attachment C; and**
- 3. Ensure the pursuit of a land swap continues.**
- 4. Require that the agreements 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.**

AMENDED MOTION PUT AND PASSED UNANIMOUSLY.

5.2 Case 00701: Amendments to Development Agreement - 85/91 Sackville Drive

- A report dated April 12, 2005 was before the Committee.

Ms. Jill Justason, Planner, presented the report.

Staff provided the following clarifications for the Committee:

- Surface parking is limited. Three levels of underground parking instead of two levels in the third building is possible.
- The bedrock is granite, not slate.
- HRM Real Property and Asset Management will take over the playground after completion. The playground is expected to be completed before the occupancy permit is issued for the second building.

Mr. Walter Regan requested that if there is slate present in the bedrock that there be testing done for pyritic slate.

Councillor Harvey commented that funds were banked from the building on the other side of the bus terminal for playground use. He requested that staff locate that fund and determine the balance.

Councillor Johns commented that there had been a previous request for an amendment to this development agreement and it would be better to see progress in such areas as the playground before more amendments come forward.

Deputy Mayor Goucher advised that the belief that the statistics of children in apartment buildings is zero is false as there are children living in apartment buildings.

Mr. Regan requested the water course be protected. He asked that staff confirm if the development agreement had gone before the Waters Advisory Board. Deputy Mayor Goucher commented there is a concern for the water courses due to the low grade separators.

Ms. Justason, Planner, clarified for Deputy Mayor Goucher that the amendment before the Committee will require a public hearing as it was not included in the original development agreement.

MOVED BY Mr. Walter Regan, seconded by Ms. Gloria Lowther that the North West Planning Advisory Committee recommend the North West Community Council:

1. **Give Notice of Motion for the proposed amending agreement, Attachment A of this report, to amend the unit distribution per multiple unit building and alter the surface and underground parking ratio and schedule a public hearing;**
2. **Approve the amending agreement (Attachment A) to amend the unit distribution and alter the surface and underground parking ration for 85/91 Sackville Drive; and**

3. **Require the amending agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said agreement by the North West 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 the end.**

MOTION PUT AND PASSED UNANIMOUSLY.

5.3 Case 00738: Amendments to the Bedford South and Wentworth Secondary Planning Strategy (SPS)

- A MEMORANDUM dated May 2, 2005 was before the Committee.
- A Staff Report dated April 18, 2005 was before the Committee.

Ms. Thea Hanna-Langille, Planner, presented the report.

Mr. Mike Hanusiack, Clayton Developments Limited, responded to concerns raised by the Committee regarding density. He indicated that the development agreement limits the number of units to 542. There will be a shuffle with the number of units but there will not be an increase in unit counts.

Deputy Mayor Goucher raised a concern with the water system given that blasting will be necessary and those residents living on the other side of the street may be affected.

MOVED BY Ms. Gloria Lowther, seconded by Councillor Johns that the North West Planning Advisory Committee recommend the North West Community Council:

1. **Give First Reading to consider amendments to the development agreement for Neighbourhoods "A" and "C" as provided in Attachment C of this report and schedule a joint public hearing with Regional Council.**
2. **Approve the proposed amendments to the development agreement for Neighbourhood "A" and "C" as provided in Attachment C of this report.**
3. **Require the amended development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

6. **Discussion - Flag Lots**

Mr. Andrew Bone, Planner, presented information on Flag Lots (land with undersized frontage being approved as a building lot). He indicated that there have only been two or three requests in a ten year period and two of those requests were for the same property.

The Committee raised the following concerns/comments:

- Councillor Johns commented that there is not that much land left.
- Deputy Mayor Goucher added that if there are not that many left, then they should be gotten rid of as they can create bad feelings between neighbours.
- Ms. Gloria Lowther commented that in the residential reserve area where there are numerous properties that do not run on a road but may have servicing may cause more requests to come forward.
- Ms. Merrick further commented that lots used to be in the 20,000 square foot range in her area but when the sewer line went in around the lake, it allowed for 10,000 square foot lots. Nine out of ten of those lots have now been subdivided and there is almost double the number of homes on that street (close to 400 homes with one entrance).

Mr. Bone advised staff will prepare a report and once Regional Council initiates the amendment there will be a Planning Advisory Committee meeting.

7. Status Updates

7.1 Monthly Status Sheet

The monthly status sheet was before the Committee. No further action required.

7.2 Decisions of Community Council

The decisions of Community Council were before the Committee. No further action required.

8. Added Items

Item 5.3 Case 00738: Amendments to the Bedford South and Wentworth Secondary Planning Strategy (SPS). Dealt with earlier in the meeting, see page 6.

9. Next Regular Meeting Date - June 1, 2005

10. Adjournment - The meeting adjourned at 8:50 p.m.

Chris Newson
Legislative Assistant