

**NORTH WEST PLANNING ADVISORY COMMITTEE
MINUTES**

December 7, 2005

PRESENT: Ms. Ann Merritt, Chair
Ms. Gloria Lowther, Vice-Chair
Ms. Barb Grant
Mr. Walter Regan
Mr. Joel Matheson
Mr. Warren Hutt

ABSENT: Councillor Len Goucher
Councillor Brad Johns
Mr. George Murphy

STAFF: Ms. Gail Harnish, Admin./PAC Coordinator
Mr. Angus Schaffenburg, Planner
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Nauss Room, Lebrun Centre, Bedford.

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

The approval of the order of business was accepted.

3. APPROVAL OF THE MINUTES - November 2, 2005

MOVED by Mr. Matheson, seconded by Ms. Barb Grant that the minutes of November 2, 2005 be approved as circulated. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - None**5. REPORTS****5.1 Case 00842 - Discharge of Development Agreement, 1368 Bedford Highway**

C A staff report dated November 24, 2005 was before the Committee for consideration.

Mr. Angus Schaffenburg, Planner presented the report.

Ms. Gloria Lowther arrived at 7:04 pm.

MOVED by Mr. George Murphy, seconded by Mr. Walter Regan that North West Planning Advisory Committee recommend that the North West Community Council approve the discharge of the development agreement of June 4, 1991, between Karon Holdings Ltd. and the Town of Bedford, as set out in Attachment "A" of the staff report dated November 24, 2005.

The Committee discussed the recommendation and the following comments/concerns were addressed:

- Staff clarified that by discharging the Development Agreement the zoning would not change. The only affect approval of this recommendation would have is that the Development Agreement would not remain on title at the Registry. Clause 19 in the Development Agreement clearly states that if the CMC zoning is approved, then the Development Agreement would be null and void. The CMC zoning was approved in 1991, therefore, the Development Agreement has been null and void since then but still appears on title at the Registry.
- Staff further clarified that once the Development Agreement is discharged, any

applicant who comes forward to develop the property would have to comply with the uses permitted for the zone and other standards for the zone and the LUB (Land Use By-Law).

- Members of the Committee expressed concern with discharging a development agreement as residents do not want to see the street scape change. Also, it would be a shame for the house to be torn down to be replaced by a modern structure as it is preferable to keep the character of the neighbourhood in tact. Staff responded that other than for heritage properties, HRM does not have demolition control and this property is not a registered heritage property.
- Ms. Lowther advised that Councillor Goucher called her from Montreal (this morning) and said he had concerns with discharging a Development Agreement. She further commented that for the committee to make a decision, a legal opinion on the matter should be sought on the intent and what could happen. Once you discharge a Development Agreement it is gone.
- Staff explained that a public hearing is not required for the discharge of a Development Agreement therefore there is no public notification required.
- Mr. George Murphy explained that a condition could not be placed on the discharge as suggested by the Committee (to discharge the development agreement of 1991 on condition that a new development agreement be submitted for any major development on the property), the Development Agreement is either discharged or it is not.

The Chair called for a vote on the motion. **The Committee requested a recorded vote.**

Those voting **in favour**: (4)

Ms. Barb Grant, Mr. Joel Matheson, Ms. Ann Merritt and Mr. Walter Regan.

Those voting **against**: (2)

Ms. Gloria Lowther, Mr. Warren Hutt

MOTION PUT AND PASSED.

6. STATUS UPDATES

6.1 Monthly Status Sheet

- C A copy of Central Region status updates for planning applications were submitted for information.

Ms. Gail Harnish advised that Case 00802 (Ice Cream) has been withdrawn. Copies of Case 00832 were circulated at this time. The NWPAC will be hosting a public meeting on the matter. The date is to be determined.

6.2 Decisions of Community Council

- C A copy of North West Community Councils decisions pertaining to the November 24, 2005 meeting was submitted for information.

No further action required.

7. **ADDED ITEMS** - None.

8. **NEXT REGULAR MEETING DATE** - January 4, 2005

9. **ADJOURNMENT**

The meeting adjourned at 7:59 p.m.

Chris Newson
Legislative Assistant