

NORTH WEST COMMUNITY COUNCIL
MINUTES
FEBRUARY 26, 2004

PRESENT: Councillor Len Goucher, Chair
 Councillor Robert Harvey
 Councillor Brad Johns

STAFF: Mr. Barry Allen, Municipal Solicitor
 Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES - February 10, 2004

MOVED by Councillor Harvey, seconded by Councillor Johns, that the minutes of February 10, 2004 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Waterfront Development Corporation - Councillor Goucher

MOVED by Councillor Johns, seconded by Councillor Harvey, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Drainage from First Street

No information received. To remain on status sheet.

4.1.2 Sackville Drive Secondary Planning Strategy

No information received. To remain on status sheet.

4.1.3 Meadowlands Siltation - Grade Alteration By-Law

Report received. To be removed from status sheet.

4.1.4 Home Occupations, Bedford

No information received. To remain on status sheet.

4.1.5 Extension of Water and Sewer Boundary - Beaver Bank

No information received. To remain on status sheet.

4.1.6 Union Street Flooding

No information received. To remain on status sheet.

4.1.7 Glenmount/Millview Servicing Issue

No information received. To remain on status sheet.

4.1.8 Sackville Waters Advisory Board

No information received. To remain on status sheet.

4.1.9 Repairs to Abutments of Lucasville Road Bridge

No information received. To remain on status sheet.

4.1.10 Formation of Halifax Association of County Cab Drivers - Cap on Roof Lights in the Bedford/Sackville area

No information received. To remain on status sheet.

4.1.11 Mobile Home Park Issues

No information received. To remain on status sheet.

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

No information received. To remain on status sheet.

4.1.13 Fencing of Pathways

No information received. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Case 00568: Application to Amend an Existing Development Agreement, 5 Brookshire Court, Bedford

- A report from the North West Planning Advisory Committee and attached staff report, dated February 5, 2004, on the above noted, was before Community Council.
- Correspondence was received from Councillor Stephen Adams, Robb Jarvis, Daniel L. Weir, a petition containing 35 signatures, Christina L. Goucher, Laura Muise, Mike Mueller, Emma Brennan, Ellinor Crux, Islay Wright, Jamal Ali, Noah Brownstone, Olivia MacDonald, Daniel Temniuk, Mallory Baker, Hillary Yuill, petition from residents of Brookshire Court.

Councillor Goucher advised his grandson attended the Bedford Academy and he had consulted with HRM legal staff and ascertained that he was not in conflict with regards to this matter.

Mr. Andrew Bone, Planner, with the aid of overheads, presented the staff report.

In response to Councillor Johns, Community Council was advised the current development agreement does not have a cap on the number of students, noting under this proposed agreement there would be a cap of 200 students and the school would be required to submit to HRM on a yearly basis what their enrollment.

In response to Councillor Harvey as to whether traffic mitigation options are in the agreement, Mr. Bone advised they are. He noted Council could be very specific with regards to some to the clauses contained within the development agreement.

Councillor Goucher called for those wishing to speak either in favour of or in opposition to the proposed development agreement.

Ms. Nancy Wallace

Ms. Nancy Wallace introduced Lauren Mews representing the student body. Ms. Mews questioned why should they should have to be bussed to exercise.

Mr. Frank MacDonald

Mr. Frank MacDonald, Brookshire Court, spoke against the proposal noting the street is a court which means once the children have been dropped off the traffic has no way to exit other than turning and going out the way it came. He expressed concern with people parking on his

lawn.

Ms. Turner

Ms. Turner, Dartmouth, noted there are other schools in HRM that are located on Courts and most schools experience traffic problems. She stated this is a safe area for a school and it is important to have a gym in the school.

Ms. Kusalovic

Ms. Kusalovic, 68 Brookshire Court, there is not space for a gym on the property on Brookshire Court. There is an increase in traffic as a result of the school.

Ms. Shirley Hall

Ms. Shirley Hall, Attwood Terrace, spoke in favour of the proposal, noting there are the same traffic issues at all schools.

Mr. Michael Nugent

Mr. Michael Nugent, spoke in favour of the proposal stating he has not experienced any problems dropping his children off at the school.

Ms. Jill Bates

Ms. Jill Bates, 77 Silver Terrace, stated that she has a child in Basinview as well as in Bedford Academy and finds it easier to drop off at the Academy as the traffic flow is better.

Ms. Heather Burke

Ms. Heather Burke, 66 Donaldson Avenue, stated the school is part of the community and this proposal provides an opportunity for the community. She stated children deserve a place to exercise and not be required to take a bus.

Mr. Barry Mason

Mr. Barry Mason, 106 Shore Drive, spoke in favour stating this project would only marginally increase traffic and has to be balanced with safety in the area.

Mr. Mike Kneebone

Mr. Mike Kneebone, 211 Hammonds Plains Road, stated the major opposition is not the existence of the school but, the total increase in traffic. He suggested there be a way to stagger traffic which may alleviate the problem. He stated he is not objecting to the gym but, to the addition of the five classrooms.

Ms. Joan Strong

Ms. Joan Strong, 76 Brookshire, stated the school itself is not a problem but, she does have concerns with the traffic and safety.

Ms. Kimberley Goucher

Ms. Kimberley Goucher spoke in favour advising the drop off time is only fifteen minutes, noting teachers watch traffic and the children are escorted into the parking lot. She reiterated that the children deserve a gym.

A resident expressed concern that they are debating a gymnasium for children. A gym would offer more than just a gym class and encouraged Council to approve the application.

A resident of 21 Shore Drive spoke in favour of the application stating the proposal would limit the number of children which would in effect limit the amount of traffic on Brookshire.

Mr. Dave Morton

Mr. Dave Morton, Oakmount, spoke in favour of the proposal, noting traffic is only a concern at certain times of day. He stated HRM needs to solve traffic problems and suggested there be a third lane to help alleviate the problem. He advised that there is also a business on Brookshire Court that generates traffic as well. He noted there was no traffic report included with the report.

Ms. Natalie Johnson

Ms. Natalie Johnson, 33 Brookshire Court, stated there are kids running in the street as well as the traffic problem. She suggested that the gym be built but not the five classrooms until the traffic issue can be resolved.

Mr. Jeff Parsons

Mr. Jeff Parsons, 74 Brookshire Court, stated there is a potential for an accident because of the amount of traffic on the street. He stated he is concerned with safety for the children and the residents on the street. He submitted a petition from the residents of the street in

opposition to the proposal.

Ms. Gloria Lowther

Ms. Gloria Lowther, stated she feels this is a good addition to the area noting that it adheres to the Land Use By-law and MPS. She noted she is a member of the North West Planning Advisory Committee and advised that the application had been discussed at length at that committee level and they felt that the problem with regards to the safety of the children can be addressed.

Mr. Wade Dawe

Mr. Wade Dawe, Bedford, spoke in favour of the application, noting the school meets all the rules and requirements and does not feel there is any reason for the gym not to be approved.

Mr. Don Lowther

Mr. Don Lowther spoke in favour of the application.

Mr. Kevin Riles

Mr. Kevin Riles, United Gulf, spoke in favour of the gym.

Mr. Paul Doucette

Mr. Paul Doucette, stated they are tenants of the commercial property on Brookshire Court. He stated he was speaking against the proposal noting his main concern is for safety. He stated he did not feel there was enough study done on the traffic flow and does not feel that preparations were made properly to even allow the school in the beginning. He stated traffic coming off the Hammonds Plains Road and the 102 creates a bottleneck and suggested another entrance to the school be examined off the Hammonds Plains Road.

Mr. Robert Hunt

Mr. Robert Hunt, Flynn's Hill, noted there are traffic problems at all schools and the addition to the school would have no negative traffic impact.

Mr. Dan Weir

Mr. Dan Weir, 1646 Barrington Street, representing Brookshire Centre, stated there is no

objection to the development of the gymnasium but, with the traffic. He stated there is a traffic problem on the street. He advised his client has a commercial property and his tenants have trouble getting into the property. He also stated the parents use his property to turn around to drop off or park and wait for their children. He stated his client is concerned that there may be a liability issue if someone gets hurt and has advised he will block off his property. He stated a four hour traffic study is not accurately reflective of the situation.

Ms. Barbara Dube

Ms. Barbara Dube, 31 Brookshire Court, stated there are times when she cannot get out of her driveway. She stated the parents park on both sides of the street and expressed concern that emergency vehicles would be unable to access the homes during an emergency.

Mr. David Connolly

Mr. David Connolly, 2 Lake Drive, spoke in support of the development.

Ms. Darlene Hickey

Ms. Darlene Hickey spoke in favour of the proposal.

Ms. Wallace in rebuttal advised that when the bus was purchased it had to be painted because they are not a public school. She said she also had to have certain flashers removed because they are private and therefore are never allowed to pick up at a bus stop. The bus is used for field trips only and she would be breaking the law by having it be a regular bus stop at the Sober's parking lot as was suggested. She stated they will work with the community and partner with the public system with regards to use of the gymnasium.

Councillor Goucher called three times for any additional speakers either in favour of or in opposition to the proposal. Hearing none, the following motion was placed.

MOVED by Councillor Harvey, seconded by Councillor Johns, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Johns asked if there was anything brought forward at the meeting to merit further consideration for planning staff to look into this or would the recommendations in front of Community Council remain the same. In response, Mr. Bone stated the information coming forward at this meeting was not different from the information that was received from the two residents that came out from Brookshire at the public information meeting.

Councillor Johns stated that Community Council has to take into consideration the fact that this

proposal has gone through three committees as well as staff before coming to Community Council. All of the committees have recommended approval of this proposed amendment to the existing development agreement.

Councillor Goucher stated it is not a question of whether the school is going to be there or not, it is a question of whether there is a gymnasium or not. He noted that the gym would result in less traffic out of the school as the bus would not be leaving four or five times a day to take children to the Mount. The Councillor noted that Community Council has to be able to substantiate through the MPS policy whether to accept or to reject this particular amendment and advised there is nothing in the policies under which to deny the application.

MOVED by Councillor Johns, seconded by Councillor Harvey, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Johns, seconded by Councillor Harvey, that the North West Community Council:

1. **Approve the proposed amendments to the existing development agreement for 5 Brookshire Court, as attached in Attachment #12 of the staff report dated January 20, 2004, to allow for further expansion, with an amendment to Section 3.1:**
 - (j) **to require temporary fencing**
 - (o) **The Developer shall provide an education program to students and parents which addresses traffic safety issues identified in the Atlantic Road and Traffic Management Traffic Impact Statement. Such a program shall:**
 - (1) **be reviewed by HRM Traffic Services**
 - (2) **be published in all school newsletters**
 - (3) **be included in the curriculum of the school**
 - (4) **verification of the program shall be provided to the Development Officer on the first day of December of each year**
 - (p) **The Developer shall establish a car pool/ride matching program for students. Verification of the existence of the program shall be provided to the Development Officer by the thirty-first day of October of every year. Such verification shall identify the number of participants and the details of the program.**
 - (r) **The Developer shall stagger drop-off and pick-up times, once enrollment exceeds 180 children. Verification of the existence of staggered drop-off and pick-up times program shall be provided to the Development Officer in October of every year.**

2. **Require that the agreement shall 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.**

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Johns, seconded by Councillor Harvey, that Community Council recommend the Traffic Authority investigate, with a view to resolving, the issue of traffic on the Hammonds Plains Road as a whole as well as in the area of Brookshire Court. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00615: Development Agreement for 1094 (Lot 130) Bedford Highway

- A report from the North West Planning Advisory Committee, dated February 5, 2004, on the above noted was before Council.

Ms. Jill Justason, Planner, with the aid of overheads, presented the staff report.

Councillor Goucher called for those wishing to speak either in favour of or in opposition to the proposal.

Mr. Don Lowther

Mr. Don Lowther, Bedford Waters Advisory Board, addressed Council stating the concern of the Board is with the storm water coming off the parking lot onto the Bedford Highway. He advised the Board is suggesting that there be a grate put there to divert the water.

A resident of 16 Locke Crescent spoke against the proposal stating the intent of the MPS to have any type of rental units in properties.

Ms. Gloria Lowther

Ms. Gloria Lowther spoke against the proposal as it goes against the intent of the Municipal Planning Strategy. It is a residential single unit zone. She noted the MPS does say that you can have a 700 sq. ft. second unit but the intent was for that second unit to be a granny suite.

Mr. Stefani

Mr. Stefani spoke against the proposal stating the area is a single unit zone.

Councillor Goucher called for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Harvey, seconded by Councillor Johns, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Goucher stated that in the residential preamble of the MPS it states that some residents living in single unit dwellings may wish to have apartments or self contained housing units included in their homes to accommodate ageing parents or children. That was the whole intent of it in the MPS. Residents have also expressed concern with regards to maintaining neighbourhood stability.

Policy R-8 states Council may, noting it does not say not have to but rather may. That is why it was put in as a development agreement process, giving Council the right to say yes or no.

This is specifically an R-1 zone .

Councillor Harvey noted that an apartment is an apartment no matter who may be living in it.

MOVED by Councillor Goucher, seconded by Councillor Johns, that Community Council reject the application. MOTION CARRIED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

There were no petitions served at this meeting.

9.3 Presentations - None

10. REPORTS

10.1 Re-appointment to Bedford Waters Advisory Board

MOVED by Councillor Johns, seconded by Councillor Harvey, that Mr. Brad Gibb be re-appointed to the Bedford Waters Advisory Board for a term to expire November, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Old Sackville Road and Walker Connector - Crosswalk Request - Councillor Harvey

Councillor Harvey noted there is a danger to pedestrians crossing from the Walker Connector to the sidewalk on the opposite side of the Old Sackville Road. The Councillor stated that with the number of apartment buildings, poor lighting at night and increased pedestrian traffic.

MOVED by Councillor Harvey, seconded by Councillor Johns, that a crosswalk be requested for the intersection of the Old Sackville Road and Walker Connector. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Harvey requested staff be made aware that there is an application for further development on Walker Avenue.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Goucher - Waterfront Development Corporation

Councillor Goucher advised that Community Council has control over where the jetty and boat launch is located and at this time the Waterfront Development Corporation needs approval of the relocation of the boat launch.

MOVED by Councillor Johns, seconded by Councillor Harvey, that the North West Community Council approve the proposed location of the south jetty and boat launch. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor Johns - Patton Road Fire Station

MOVED by Councillor Johns, seconded by Councillor Harvey, that staff be requested to provide an update on the Patton Road Fire Station by way of an e-mail or phone call to the Councillor. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Walter Regan, resident, brought forward a number of issues and concerns which Community Council responded to.

15. NEXT MEETING

The next meeting is scheduled for Thursday, March 25, 2004 at the Springfield Lake Recreation Centre, 266 Lakeview Avenue, Middle Sackville.

16. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

Julia Horncastle
Legislative Assistant