

HALIFAX REGIONAL MUNICIPALITY

NORTH WEST COMMUNITY COUNCIL MINUTES September 23, 2010

PRESENT: Councillor Robert Harvey, Chair
Councillor Tim Outhit, Vice Chair
Deputy Mayor Brad Johns
Councillor Barry Dalrymple

REGRETS: Councillor Peter Lund

STAFF: Ms. Karen Brown, Municipal Solicitor
Ms. Krista Tidgwell, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. at the Basinview Drive Community School Cafeteria, 273 Basinview Drive, Bedford.

2. APPROVAL OF THE MINUTES – NONE

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

Addition:

12.1 Councillor Outhit – Discussion re: Highway 107 Bedford/Burnside Bypass

MOVED by Councillor Outhit, seconded by Councillor Dalrymple, that the Order of Business be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET REVIEW

A copy of the Status Sheet was before the Community Council for review.

4.1.1 Request for Pocket Park at Downsview Mall, 710 Sackville Drive

Councillor Harvey noted that this matter has been forwarded to staff. Item removed from the Status Sheet.

4.1.2 Sagewood Seniors Complex – 345 Cobequid Road – Request for Marked Crosswalk, Sidewalk and Bus Shelter

The August 10, 2010 Information Report has been circulated to the interested parties. Item removed from the Status Sheet

4.1.3 Weir Field Artificial Turf Replacement

Deputy Mayor Johns indicated that he has met with staff onsite and noted that this matter should be within HRM's 2010-2011 Capital Budget as a cost share between HRM and the community group. Item removed from the Status Sheet.

4.1.4 Waterstone Neighbourhood Association – Margeson Drive Proposed Connector Road

Deputy Mayor Johns noted that there has been two staff reports provided on this matter. Item removed from the Status Sheet.

4.1.5 Area Rate for Implementing a Sidewalk within the Sunset Ridge and Twinbrooks Subdivisions

No update, item to remain on the Status Sheet.

4.1.6 Burning By-Law

The amendments to the Burning By-Law are going forward to Regional Council for Public Hearing. Item removed from the Status Sheet.

4.1.7 Extended Water Service Area to Fenerty Road, Springfield Lakes

No update, item to remain on the Status Sheet.

4.1.8 Pine Hill Brook Upgrades

Councillor Harvey noted that the information has been circulated to the interested party and is within HRM's Five Year Plan. Item removed from the Status Sheet.

4.1.9 Legacy Court Playground

Councillor Harvey will be meeting with staff respecting this matter. Item removed from the Status Sheet.

MOVED by Deputy Mayor Johns, seconded by Councillor Dalrymple, that North West Community Council remove Items 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.6, 4.1.8 and 4.1.9 from the Status Sheet. MOTION PUT AND PASSED.

5. MOTIONS OF RECONSIDERATION – NONE
6. MOTIONS OF RESCISSIONS – NONE
7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 PUBLIC HEARING

- 8.1.1 **Case 01250: Development Agreement – 827 Bedford Highway, Bedford**
 - (i) **North West Planning Advisory Committee Report**
 - (ii) **Staff Supplementary Report**
 - (iii) **North West Planning Advisory Committee Information Report**

The following was before the Community Council:

- A report dated July 8, 2010 from the North West Planning Advisory Committee.
- A staff supplementary report dated July 26, 2010.

- An information report dated September 16, 2010 from the North West Planning Advisory Committee.
- Correspondence from David Jackson dated September 20, 2010.

Andrew Bone, Planner, Community Development, delivered a presentation to the Community Council.

In response to a question of clarification raised by Councillor Outhit, Mr. Bone advised that there are bike lanes along the Bedford Highway and a sidewalk across the street from the proposed development.

Councillor Harvey reviewed the public hearing procedures.

Councillor Harvey opened the public hearing, calling three times for any speakers for or against the matter to come forward at this time.

Ms. Minnie Perry, Bedford, asked how far the building will be from the traffic lights at the bottom of Southgate and commented that the land is very narrow. Mr. Bone advised that the distance from the traffic lights to the driveway would be in excess of 300 feet. He noted that the development exceeds Municipal Standards approximately three times.

In response to a question raised by Ms. Perry, Mr. Bone further clarified that the entire frontage of the building is approximately 520 feet.

Ms. Davena Davis, Halifax, noted that she supports the instillation of a sidewalk. She commented that residents will want to walk to Sobeys or another destination and traffic along the Bedford Highway is not easy to negotiate as a pedestrian.

In response to a question raised by **Ms. Pat Leader, Bedford**, Mr. Bone advised that the proposed height of the building is approximately 52 feet to the peak of the roof. There is also additional height to the building to accommodate architectural embellishments, which meets the maximum height requirements. Generally height requirements for commercial zones are approximately 50 feet; however, height standards can be negotiated within development agreements.

In response to a question of clarification raised by **Mr. John Kernaghan, Bedford**, Mr. Bone advised that the minimum sidewalk requirement under the Development Agreement is from the corner of Southgate to the driveway. Staff and the Developer had originally discussed installing a sidewalk the full length of the development; however, the Developer has since pulled back on this for a number of reasons. Through discussions with the Developer, staff was able to achieve approximately a third of sidewalk distance between Southgate and Glendale.

In response to a question raised by **Mr. David Arthur, Bedford**, Mr. Bone advised that the building will be setback 15 feet from the edge of the right-of-way and approximately 45 feet from the Bedford Highway.

Mr. Arthur expressed concern with buildings being built too close to the Bedford Highway. He provided an example of a newly constructed building along the Bedford Highway that is 15 feet from the curb. He questioned whether or not there would be enough land available to widen the Bedford Highway should future consideration be given.

Mr. Bone indicated that discussions did not take place respecting the widening of the Bedford Highway. Had this issue arose, staff would have entered into negotiations with the Developer to have the building set back even further. He noted that the right-of-way is quite wide and has a signification unused portion of land that could allow for potential expansion of the Bedford Highway under the existing right-of-way.

Mr. Cesar Saleh, P. Eng, W. M. Fares Group, Representative of Louisburg Development Limited, commented that W. M. Fares Group is pleased with the outcome of the public information and hearing process. He noted that two public information meetings were held and as a result the proposal was significantly revised to address the public's comments. The North West Planning Advisory Committee raised the issue of sidewalks during an information meeting, of which the firm was able to discuss with the public. Mr. Saleh advised that the development has 520 feet of frontage; however, there is only 30,000 square feet of developable land. The land was purchased for \$250,000 and has an assessment value of \$210,000. The installation of a 520 foot sidewalk would cost approximately %150,000, which is not economical for this piece of land. He commented that the Developer has never shied away from doing what is right for the community and provided an example where sidewalks has been negotiated as part of another development. He provided another example wherein the property across the street (Southgate Village) is also under a Development Agreement and has comparable frontage. Southgate Village has a 44 condominium building with 14,000 square feet of commercial and 12 town house. The proposed development on this piece of land is for 18,500 square feet of commercial and 5 units.

Mr. Saleh advised that there are several obstacles that affected the economics of a sidewalk installation, including the development being setback from the watercourse. A few years ago HRM installed services along the Bedford Highway. Due to the large portion of frontage on the property, the owner had to pay \$250,000 for his share of the cost contribution. As well, during the installation of the services a portion of the services were installed on the subject property, which is now being investigated. The firm believes that the installation was done in error; however, as a result the development must be setback 20 feet from those services.

Councillor Harvey gave the third and final call for speakers; there being no further speakers, it was **MOVED by Councillor Outhit, seconded by Deputy Mayor Johns, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Outhit, seconded by Deputy Mayor Johns, that North West Community Council:

- 1. Approve the proposed Development Agreement to permit a mixed use development including five residential units and commercial users at 827 Bedford Highway as provided in Attachment A of the July 26, 2010 staff supplementary report.**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

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 16212: Non-Substantive Amendment for 6, 8, 10, 12, 14, 16 & 18 Meadowbrook Drive, Bedford

A report dated September 2, 2010 from the North West Planning Advisory Committee was before the Community Council.

MOVED by Councillor Outhit, seconded by Councillor Dalrymple, that North West Community Council:

- 1. Approve, by resolution, the proposed Amending Agreement, set out in Attachment A of the report dated August 17, 2010, for 6, 8, 10, 12, 14, 16 and 18 Meadowbrook Drive, Bedford, as being consistent with the intent of the existing Development Agreement.**

2. **Require the Amending Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.1.2 Case 16026 – Development Agreement and Discharging Agreement – Crossfield Subdivision, Sackville

A report dated September 2, 2010 from the North West Planning Advisory Committee was before the Community Council.

MOVED by Deputy Mayor Johns, seconded by Councillor Dalrymple, that North West Community Council Give Notice of Motion to consider the proposed amendment as provided in Attachment A of the report dated August 18, 2010, and schedule a public hearing.

Following a brief discussion, the Community Council agreed to reschedule the October 28, 2010 meeting to November 4, 2010 due to a scheduling conflict.

MOTION PUT AND PASSED.

Public Hearing scheduled for November 4, 2010.

10.1.3 Case 15853: Development Agreement – 1727 Sackville Drive, Sackville

A report dated September 2, 2010 from the North West Planning Advisory Committee was before the Community Council.

MOVED by Deputy Mayor Johns, seconded by Councillor Outhit, that North West Community Council Give Notice of Motion to consider the proposed Development Agreement as provided in Attachment A of the report dated August 17, 2010, and schedule a public hearing.

MOTION PUT AND PASSED.

Public Hearing scheduled for November 4, 2010.

11. NEW BUSINESS

11.1 Councillor Outhit – Discussion re: Naming Range Park Football Field after Bud Bremner

MOVED by Councillor Outhit, seconded by Councillor Dalrymple, that North West Community Council direct staff to prepare an information report outlining the process required for naming the Range Park Football Field after Bud Bremner.

The Clerk advised that part of the criteria for naming an HRM asset after an individual is that the individual must be deceased for one year prior to naming the asset after them. The Clerk noted that Mr. Bremner is not deceased.

MOTION PUT AND PASSED.

Councillor Harvey stepped down as Chair at 7:43 p.m. and Councillor Outhit assumed the Chair.

11.2 Councillor Harvey – Discussion re: Advanced Left Turn Arrows – Intersection of Beaver Bank Connector Road and Old Sackville Road

Councillor Harvey indicated that he has received a request for left turning arrows at the intersection of Beaver Bank Connector Road and Old Sackville Road. He commented that there have been numerous accidents at this intersection and it is very difficult to make a left hand turn due to the heavy traffic coming off Highway 101.

MOVED by Councillor Harvey, seconded by Deputy Mayor Johns, that North West Community Council contact the Department of Transportation and Infrastructure Renewal and request advanced left turning arrows at the intersection of the Beaver Bank Connector Road and the Old Sackville Road. As well, forward a copy of the letter to MLA's David Wilson and Mat Whynott.

Councillor Harvey noted that the Province upgraded the intersection at the foot of Cobequid Road during the Summer of 2010 and installed directional arrows in all directions, which has been a great improvement. He commented that the Community Council has received a number of complaints from the public respecting this intersection and has made several requests to the Province during previous meetings.

MOTION PUT AND PASSED.

Councillor Harvey assumed the Chair at 7:45 p.m. and Councillor Outhit took his seat.

11.3 Discussion re: North West Community Council 2011 Annual Meeting

The Clerk noted that under Section 27(1) of the HRM Charter, all Community Councils are required to hold an annual meeting in their community each year to report on activities and receive the views of the public respecting all matters within its mandate. It was noted that the majority of HRM Community Councils have agreed to hold their annual meetings in April of 2011.

Following a brief discussion, the Community Council agreed to hold their 2011 annual meeting in conjunction their regular April 2011 meeting.

Council Harvey noted that details respecting the Community Council's annual meeting will be provided as the meeting date approaches.

12. ADDED ITEMS

12.1 Councillor Outhit – Discussion re: Highway 107 Bedford/Burnside Bypass

Councillor Outhit requested the Community Council write a letter to Minister Bill Estabrooks requesting a status update on Highway 107. He expressed concern regarding the length of time it took him to travel from Burnside to Bedford today.

Councillor Harvey suggested that the Community Council follow up staff respecting a status update, of which the Community Council agreed.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Nick Antoff, Chair of the Waterstone Neighbourhood Association, asked that consideration be given to implementing a policy to prevent plough operators from destroying the shoulders of the roads during ploughing. He commented that repairs are being done on an annual basis and he is curious to see what HRM's budget is for the repairs.

Mr. Antoff further commented that the Waterstone Neighbourhood Association appreciates HRM's work on the amendments to the Burning By-law. Councillor Harvey commented that the By-law's completion date is set for October 2010.

15. NEXT MEETING DATE – November 4, 2010

16. ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Krista Tidgwell
Legislative Assistant

INFORMATION ITEMS – NONE