

WESTERN REGION COMMUNITY COUNCIL
MINUTES

May 25, 2009

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Reg Rankin
Councillor Peter Lund

REGRETS: None

STAFF: 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 Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES - April 27 and May 11, 2009

MOVED BY Councillor Lund, seconded by Councillor Rankin, that the minutes of April 27th and May 11, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

- Deletions:**
- | | |
|--------|---|
| 8.1.2 | Case 01178: Development Agreement - Glen Baker Drive, Herring Cove (Public Hearing Rescheduled to June 22, 2009) |
| 10.2.2 | Councillor Lund - Request for Staff Report re: Amendment to Land Use By-Law to Permit a Reduction in Parking Spaces for a Commercial Development, Tantallon - Councillor Lund |

MOVED BY Councillor Lund, seconded by Councillor Rankin that the agenda, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

4.1 Status Sheet

HRM Responsibilities

4.1.1 Land Acquisition - Blue Mountain Area

Staff update expected for the June 22, 2009 meeting.

4.1.2 Provincial Street Resurfacing - Prospect Bay Road

No update available at this time.

4.1.3 Malfunctioning Sewage System - Birch Lee Trailer Park

No update available at this time.

4.1.4 Long Distance St. Margaret's Bay/Sackville Exchange

The Legislative Assistant noted that although no official response had been received from Aliant, she had contacted Aliant's Customer Service Department and was advised that the long distance exchanges were already set. Item to be removed from the Status Sheet.

4.1.5 Request for Second Left Turning Lane Exiting Prospect Road onto St. Margaret's Bay Road

- A letter dated May 8, 2009 from the Honourable Brooke Taylor was submitted at this time.

A response was received from the Honourable Brooke Taylor, Department of Transportation and Infrastructure Renewal, indicating that a traffic study would be done for the area in relation to the new Metro Transit garage to be located in the Ragged Lake Industrial Park. A plan of action would be proposed following the study and review of the recommendations. Item to be removed from the status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 01077: Development Agreement - 2810 Prospect Road, Whites Lake

- A report dated March 18, 2009 was before Community Council.

Mr. Luc Ouellet, Planner, presented the report. The report may be viewed online at www.halifax.ca/commcoun/wrcc/documents/Case01077Item8.1.1.pdf

Councillor Adams, Chair, reviewed the public hearing procedures then opened the public hearing calling for any speakers for or against the proposal.

Mr. Cecil Holt, Prospect Road, advised that he lived opposite the proposed site. He expressed concern that the three properties located at the end of the road, where the grade was lower, would experience more water runoff to their properties due to the large parking lot planned for the proposed development. There was only one culvert running toward White's Lake and he currently experiences water runoff into his driveway. He inquired if the three lots were being considered as part of the Stormwater Management Plan.

Mr. Luc Ouellet, Planner, advised that the goal was to mitigate water runoff from the parking lot onsite so that the development would not cause any additional impact in regard to runoff. Mr. Craig Mutch, Terrain Group, added that water runoff from paved surfaces would be retained onsite and released slowly in the opposite direction. The detailed design would include where the catch basin would be located and whether it would be positioned partially underground/above ground and how any freezing would be dealt with.

Ms. Beverly Upsdell, Prospect, noted that she had not been aware of the proposed development until one week prior to the public hearing ; she questioned the notification area and process. She expressed concern that the proposed shopping centre, with seventeen (17) businesses, would have an impact on the local corner stores and take-out locations that had been in operation for many years. An increase in traffic, without the installation of traffic lights, would further exacerbate the difficulties residents of Stoney Beach Road currently experience when exiting the subdivision as the Prospect Road, being the main route to Peggy's Cove, already has heavy traffic. The water runoff issue has not been totally resolved. She expressed concern with snowplowing the paved parking lot in winter and where that snow would be placed.

Councillor Adams clarified that if there were an issue with runoff from the site it would be remedied at that time.

Mr. Luc Ouellet, Planner, explained that the notification area was indicated on a map attached to the staff report. In regard to notification, advertisements were placed in the local newspaper as per the requirement of the HRM Charter. Additionally, information was available on the HRM website. He noted that no street lights were proposed as part of this development. The Traffic Impact Study was done using the highest traffic volume for potential uses at the site which was reviewed by the Provincial Department of Transportation and Infrastructure Renewal. The concurrence was that the construction of a southbound turning lane would ease any traffic concerns. Mr. Ouellet advised that HRM had no decision making abilities for the roads in that area as it was under provincial jurisdiction. The types of businesses was left flexible as development usually takes some time between approval and construction. In regard to water retention, the Province has reviewed and requested three revisions to this section of the development agreement over the last year. Mr. Ouellet noted that prior to any permits being issued, a final Stormwater Management Plan would have to be submitted.

Mr. Emery Peters, Stoney Beach Subdivision, noted that there had been no new information presented this evening. He had understood that a study would be done after last year's meeting and the results sent to the residents, however; he received no additional information until the letter of notification arrived. He expressed concern with water runoff as the water currently travels at quite a speed. It would be best to have a plan in place prior to development rather than waiting to mitigate the problem after the fact. The proposed development will have a large paved area that would require a large retainment area to control the speed of the water. In regard to traffic, he noted that there were difficulties now in exiting Stoney Beach Road and the situation will worsen with the proposed development of seventeen (17) shops. He suggested that the provincial Department of Transportation and Infrastructure Renewal send someone to try and exit Stoney Beach Road in the mornings. He questioned why the residents had to travel all the way to Halifax for a meeting about the White's Lake area.

Ms. Judy Ray, Stoney Beach Subdivision, expressed concern with the water issues explaining that she had expected more information on what would be done to address the problems. She noted that in winter it was not always possible to stop when coming up over the hill on Stoney Beach Road. She expressed concern with exiting Stoney Beach Road

with a development of seventeen (17) proposed businesses in that location.

Mr. Don Ray, Stoney Beach Subdivision, stressed concern with an increase in traffic making it more difficult to exit Stoney Beach Road. The water runoff from the proposed development would tax the system even further. He inquired if there would be improvements to Stoney Beach Road to address the water runoff and culvert issues. The culverts on Stoney Beach Road are over 35 years old and in poor condition. He noted that the Department of Transportation and Infrastructure Renewal had visited the location and advised that the culverts were not due for replacement. Without improvements to the system, the runoff will cause driveways to collapse.

Mr. David Upsdell, Prospect Road, expressed concern with the structuring of the proposed turning lane indicating that there were school bus stops at the top of Stoney Beach Road meaning there would be children in the area during rush hour. He noted that although the traffic study was based on a volume to accommodate a Tim Horton's type business, drivers currently pass where they feel like with no enforcement; the police do not seem to be stopping drivers.

Mr. Cesar Sales, Engineer for Applicant, advised that following the public information meeting, held over one year ago, work has been done to address the issues raised in regard to: Stormwater Management, Groundwater (impact on area wells); Traffic issues; Types of uses permitted and Compatibility of Building. In response to these concerns, he noted that:

- Stormwater Management Plan - an expert was hired from Terrain Group to prepare a preliminary design that was forwarded to the authorities for review. The plan was scrutinized by the Department of Transportation and Infrastructure Renewal due to the site bordering the highway. The preliminary plan and has been approved. The information is very technical but can be made available to the public.
- Impact on Groundwater (wells) - An expert was hired to do a Level I study. The result was that there were no concerns, however; a Level II Groundwater Study was suggested to be done prior to construction permits being issued.
- Traffic - an expert was hired from Atlantic Road Management (ARM) to do a traffic impact study (TIS). The TIS was reviewed by HRM and the provincial Department of Transportation and Infrastructure Renewal; deemed acceptable and approved. The suggestion was to widen the Prospect Road to accommodate a turning lane so as not to impact traffic.
- The proposed development is in keeping with the Municipal Planning Strategy (MPS) which allows for a shopping center with neighbourhood commercial uses such as a convenience store, craft shop, family medical, offices, restaurants and retail stores. The building will be compatible with the area; one storey residential look with ample buffering; setback and tree retention buffer.

In response to Councillor Lund, Mr. Sales advised the he could not confirm at this time if a coffee shop would be located in the development. He explained that there was a neighbourhood commercial plaza with pad for a drive-through type restaurant included with the design. The Traffic Impact Study (TIS) was based on the volume of traffic that would be associated with a Tim Horton's type of service.

Councillor Adams called three times for any additional speakers for or against the proposal; hearing none, it was **MOVED BY Councillor Lund, seconded by Councillor Rankin that the Public Hearing be closed. MOTION PUT AND PASSED.**

During the ensuing discussion on the matter, the following motion was placed:

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council defer this item to the June 22, 2009 meeting pending a Supplementary Report responding to the following:

1. **Assurance that Section 4.4.2, page 18 of the staff report dated March 18, 2009, requiring a Level II Groundwater Assessment and its recommendations be carried out prior to development;**
2. **That Section 5.2 Stormwater Management System, page 19 of the staff report dated March 18, 2009, be done in advance of any development;**
3. **What precedents/business practices/remedies/remedial action would be in place in regard to what should be operating in relation to the two above noted clauses.**
4. **Assurance that if, post development, there are any traffic issues related to the Stoney Beach Road intersection, that the issues be mitigated immediately.**

MOTION PUT AND PASSED.

8.1.2 Case 01178: Development Agreement - Glen Baker Drive, Herring Cove

This item was deleted from the agenda and rescheduled for June 22, 2009.

The Community Council recessed at 7:50 p.m.

The meeting reconvened at 7:53 p.m.

8.1.3 Case 01259 - Amending Agreement Bayside Camp, Sambro Head

- A report dated April 27, 2009 was before Community Council.
- An e-mail dated May 22, 2009 from Murray and Phyllis Gray was circulated to Community Council at this time.

Mr. Brian White, Planner, presented the report. The report may be viewed online at: www.halifax.ca/Commcoun/wrcc/documents/Case01259Item8.1.3.pdf

Councillor Adams reviewed the procedures for public hearings then called for any persons wishing to speak to this development.

Mr. David Sellar, Project Manager for the Development, thanked the Community Council for their consideration of this application.

Councillor Adams gave the third and final call for speakers; hearing none it was **MOVED**

BY Councillor Rankin, seconded by Councillor Lund that the public hearing be closed. MOTION PUT AND PASSED.

Councillor Adams left the Chair at 7:58 p.m. Councillor Rankin assumed the Chair at this time.

MOVED BY Councillor Adams, seconded by Councillor Lund that Western Region Community Council:

- 1. Approve the amending agreement as contained in Attachment A of the staff report dated April 27, 2009;**
- 2. Require that the amending agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

Councillor Adams resumed the Chair at 8:00 p.m.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS - NONE

10. REPORTS

10.1 Staff

10.1.1 Case 01197 - Rezoning - Intersection of Hammonds Plains Road and Gatehouse Run - Northeast Corner, Hammonds Plains.

- A report dated April 20, 2009 was before Community Council.
- Attachment "E" was circulated at this time.

MOVED BY Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council give first reading to the proposed zoning of Lot G-5150 (PID 41185133) from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone and schedule a public hearing for June 22, 2009. MOTION PUT AND PASSED.

10.1.2 Case 01264 - Rezoning - 59 Seafarers Lane, Whites Lake

- A report dated April 30, 2009 was before Community Council.

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council give first reading of the proposed rezoning and schedule a public hearing for June 22, 2009. MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Lund - Request for Staff Report re: Proposed St. Margaret's Bay Coastal Corridor Planning Advisory Committee.

MOVED BY Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council request an information report regarding the creation of a St. Margaret's Bay Coastal Corridor Advisory Committee. The report is to include a proposed Terms of Reference with Committee Composition for review and approval by the Western Region Community Council and is to follow the Community Forum Report: At the Crossroads - Visioning a Village Community Forum, prepared by the St. Margaret's Bay Stewardship Association (May 2009). MOTION PUT AND PASSED.

10.2.2 Councillor Lund - Request for Staff Report re: Amendment to Land Use By-Law to Permit a Reduction in Parking Spaces for a Commercial Development, Tantallon.

This item was deleted from the agenda during the approval of the agenda.

11. MOTIONS - NONE

12. ADDED ITEMS - NONE

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Keith Ayling, Masthead News, requested that a copy of Information Item 1 be sent to the St. Margaret's Bay Chamber of Commerce.

15. NEXT MEETING

The next meeting was scheduled for Monday, June 22, 2009

16. ADJOURNMENT

The meeting adjourned at 8:08 p.m.

Chris Newson
Legislative Assistant