

HALIFAX REGIONAL MUNICIPALITY

NORTH WEST PLANNING ADVISORY COMMITTEE PUBLIC MEETING DECEMBER 2, 2002 MINUTES

PRESENT: Delphis Roy, Chair
Ann Merritt
Gloria Lowther
Tony Edwards
Jan Gerrow
Karen Stadnyk
Councillor Len Goucher

ABSENT
WITH REGRETS: George Murphy

STAFF: Ms. Julia Horncastle, Assistant Municipal Clerk

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1. CALL TO ORDER

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

2. PUBLIC PARTICIPATION: CASE 00511 - AMENDMENTS TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW RE: APPROPRIATE DESIGNATION AND ZONING OF THE WATERFRONT AREAS ALONG THE BEDFORD BASIN, THE FLOODWAY AREA OF THE SACKVILLE RIVER, AND GENERAL HOUSEKEEPING AMENDMENTS

Ms. Thea Langille-Hanna, with the aid of overheads, outlined the areas under discussion and the proposed zoning for each area.

WATERFRONT

Ms. Langille-Hanna advised Waterfront Comprehensive zoning should be placed on this area. She advised there is no zoning on the property at this time and staff was suggesting WCDD be placed on the property. Ms. Langille-Hanna noted this only requires change to the zoning map and no policy change would be required.

Walter Regan indicated where the two culverts are under the tracks and questioned whether there can be infilling in front of them.

Ms. Langille-Hanna responded that infilling is regulated through provincial legislation. She advised Municipal documents must be put in place to deal with land use issues.

Walter Regan said there should not be any infilling in this area.

Don Lowther questioned whether these issues should be brought to the Bedford Waters Advisory Committee.

Ms. Langille-Hanna advised the items will be coming forward to Bedford Waters Advisory Committee in the future. She noted there is policy that says comments should be provided by BWAC and issues of infill be examined by the waters advisory committee.

Bob Kerr asked if there was a water course in there does it have to follow the Bedford MPS requirements.

Ms. Langille-Hanna advised that if there is a water course that is identified in the MPS then there is a process that has to be followed but this is not a watercourse.

In response to Mr. Kerr, Ms. Langille-Hanna advised they do not know what the final

configuration of the culvert will be. Mr. Kerr stated the Municipality should say any streams should be above ground.

In response to a resident, Ms. Langille-Hanna advised this was here tonight to ask the general public if they felt it was time to put the zoning on the property. She noted infilling is happening and the appropriate restrictions should be put on the property.

Ms. Langille-Hanna advised the Municipality has no authority over infilling. The municipal responsibility is to put appropriate zoning and land use regulations on this property so that when the Waterfront Development is ready to do their development the appropriate zoning and regulations will be in place. It will have land use controls. She noted Waterfront Development is infilling and have received approval to do so. She advised the only thing left is to put on the map what zoning is on the piece of property. There has to be a zone on the property to issue permits for development. She advised the municipality is aware infilling is happening. It is now time to put zoning on property noting, the zoning proposed does involve a public process.

Mr. Bill Campbell, Waterfront Development Corporation, advised they are filling in and have all the approvals to do so. They are planning Phase 2 and will be holding meetings in new year. He advised they are doing some technical and engineering work at the present time. They will have to go through a development agreement process. He advised the current plan is not to fill in the culverts.

Ms. Langille-Hanna advised there are no land use regulations in place at present time.

Mr. Murray asked who owns property.

Ms. Langille-Hanna advised it belongs to the Waterfront Development.

Mr. Murray received confirmation that this was essentially a housekeeping matter.

Tom Blackmore asked what is happening in this area.

Ms. Langille-Hanna stated there are no regulations on the property. There should be a list of land uses applied to the property and, once zoning is placed on the property, concept plans are submitted to the municipality to work out details of what is being proposed. She noted the proposal is for commercial, residential and water related uses. This zoning was chosen through consultation with the residents, staff and the former Council of Bedford. She noted there will be view planes that have to be looked at as well.

Mr. Don Lowther stated there are view planes that need to be incorporated into Phase 2 and questioned whether the residents can be assured that the view planes will stay as view planes.

Ms. Langille-Hanna advised the view planes are in the policies. She advised the view plane has been identified and there will be no development in that area.

In response to Mr. Bob Kerr, Ms. Langille-Hanna advised that the zoning has been established but has not been applied.

In response to Mr. Kerr as to the uses, Ms. Langille-Hanna outlined these.

Ms. Gloria Lowther stated 15% of all land that is created is given to HRM and we can say that can be part of the view plane.

Ms. Langille-Hanna stated it should be clarified that the zoning does not include any industrial or highway commercial uses.

In response to Mr. Kerr, Ms. Langille-Hanna said the MPS does define the permitted uses as well as the waterfront development zone. On further question, Ms. Langille-Hanna stated yes staff was suggesting the zone be put on the land as infilling has started.

Mr. Kerr suggested the most restrictive zone be placed on the property.

Ms. Langille-Hanna said the document stated this is the most appropriate time to put a zone on the property. If infilling is happening this is right time to put the zone on the property which will restrict development to those uses listed.

In response to Ann Merritt, Ms. Langille-Hanna said there will be no development on those lands until there is a public hearing.

Mr. Murray asked how much land will be infilled. In response, Ms. Langille-Hanna advised approximately 25 to 30 acres.

A resident asked if the public hearing process has any impact on anything that is planned. Ms. Langille-Hanna explained that any meetings would be about actual development of the area such as type of building, land uses, access points and traffic etc.

Ms. Gloria Lowther agreed with putting one zone on the property but expressed concern with view plane protection. Ms. Langille-Hanna said this would be addressed under the public consultation process.

SHORE DRIVE

Ms. Langille-Hanna advised these are pre or post confederation lots and when infill activity happens HRM would take the residential single unit zone and move it over to cover the new area created. When someone infills in the water the existing zone and apply it to new piece of land.

Ms. Gloria Lowther asked if someone infilled could they subdivide and make a flag lot.

Ms. Langille-Hanna advised it is not possible. It would have to be existing land, can't infill and create a new flag lot.

In response to Mr. Donovan, Ms. Langille-Hanna said if you infill on your property you could build a shed if it meets the requirements of that zone.

In response to Mr. Murray, Ms. Langille-Hanna said if infill happens the abutting zone would apply to the infilled area.

Ms. Langille-Hanna confirmed these are housekeeping matters but they need to be addressed and a zone needs to be put in place.

In response to Mr. Robert Grant whether RSU boundary follows shoreline, Ms. Langille-Hanna confirmed that it does.

Mr. Walter Reagan asked if there was any way to stop infilling. Ms. Langille-Hanna advised there is not as the approval comes from the federal government and the municipality has to follow the Municipal Planning Strategy regulations.

A resident as if someone infills a couple of feet for a wall would you have to consolidate with the current lot. Ms. Langille-Hanna advised it would be more of an issue if someone building a boat house or shed.

In response to a resident, Ms. Langille-Hanna stated the zone would only be placed on new land that is created.

FLOODWAY

Ms. Langille-Hanna advised a floodway area was omitted and needs to be put on the map and staff is recommending this be fixed advising they are required through provincial law to do so.

Ms. Merritt advised the public that there are rules and regulations governing building in a floodplain.

Ms. Langille-Hanna advised that the floodplain areas have to be shown on the maps as there may be an issue of liability to the Municipality if they are not clearly identified.

Mr. Walter Regan advised the Waters Advisory Board are in support of this.

SETBACK FROM WATERCOURSES

Ms. Langille-Hanna advised institutional has not been mentioned and should have the same setback requirements as a commercial zone does. She suggested 100 ft setback from watercourses be added for institutional uses.

Mr. Walter Regan advised the Waters Advisory Board are in support of this.

VARIOUS ISSUES AND DISCREPANCIES

Ms. Langille-Hanna advised some of the proposals to address discrepancies are:

- All senior care facilities in Bedford of 11 or more residents go by development agreement.
- Sandy Lake academy should be institutional.
- “Seniors Residents Complex” instead of “Seniors Apartments” be the wording in LUB.

MOIRS MILL POND

Ms. Langille-Hanna advised the future land should be designated.

Mr. Lowther stated the property should have Parkland designation applied to it.

Mr. Murray asked if we could put a moratorium on development in the area.

Ms. Langille-Hanna advised a holding zone could be put on noting there is a legal requirement to have a use applied to every zone.

In response to a resident of Shore Drive who advised the original proposal was to infill the pond, Ms. Langille-Hanna stated that Sobeys are keeping a channel so there would only be partial infilling.

A resident noted this is not covered under the Sobeys development agreement.

Ms. Langille-Hanna confirmed that this was correct and identified the boundary noting, there is a development agreement but it does not cover the pond.

Mr. Bob Kerr said people are opposed to the infilling of the pond. He suggested the area be examined as future recreational use and suggested it be zoned recreational and maybe it will not be infilled if it has that zoning. He suggested putting a zone on that would not make it appealing to developers to develop.

Ms. Langille-Hanna noted there are financial obligations if it is zoned recreational. The

municipality would have to purchase it after a period of time.

Ms. Lowther said it was an environmentally sensitive area and it should remain in its natural state.

Ms. Langille-Hanna explained that if Federal approval is given to infill then that approval would supersede municipal regulations.

In response to Ms. Lowther regarding the easement adjacent to the pond, Ms. Langille-Hanna advised she is not sure of the status of the easement as it has not come before Regional council to date.

Mr. Brian Todd stated he feels commercial development would be a good thing. It should be commercial at this location because this is one place where the traffic can be controlled. He stated commercial development in this area would be an enhancement to the community.

Ms. Langille-Hanna advised staff will come back to a future meeting with options.

Mr. Walter Regan stated if infilled he would like to see it zoned CCDD.

Ms. Lowther stated that if it was to be infilled then the zone should be the most restrictive zone in the area. Ms. Langille-Hanna she would come back with options and policy wording.

Councillor Goucher advised the province is interested in putting heritage designation on the pond.

Mr. Grant, Sobeys, advised Sobeys is interested in filling in portions of the pond, noting there is debris in the pond as a result of the previous business in the area. He advised Sobeys has applied to infill 50% of the pond. Many areas of the pond are stagnant. Environmental assessment has been completed and awaiting approvals. They will improve the environmental quality of the rest of the pond. Sobeys is off the understanding that it be CDD zone and it would require a public hearing process. He stated it should be zoned in accordance with adjacent properties.

In response to Mr. Murray it was confirmed that Sobeys have the deed to the property.

3. CLOSING COMMENTS

Mr. Roy thanked those in attendance for their participation and input advising this was the first step in the process and they would have opportunity to provide additional input during the public hearing process.

4. ADJOURNMENT

There being no other business, the meeting was adjourned at 9:00 p.m.

Julia Horncastle
Assistant Municipal Clerk