

HALIFAX REGIONAL MUNICIPALITY

NORTH WEST PLANNING ADVISORY COMMITTEE Minutes

June 2, 2004

PRESENT: Ms. Ann Merritt, Chair
Mr. Delphis Roy
Mr. George Murphy
Ms. Gloria Lowther
Mr. Robert Morgan
Councillor Len Goucher

REGRETS: Mr. Roddy Macdonald
Ms. Karen Stadnyk
Ms. Jan Gerrow
Mr. Tony Edwards
Councillor Brad Johns

STAFF: Ms. Jill Justason, Planner
Mr. Andrew Bone, Planner
Mr. Richard Harvey, Planner II
Ms. Gail Harnish, Admin/PAC Coordinator
Ms. Sheilagh Edmonds, Legislative Assistant

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1. Call to Order

The Chair called the meeting to order at 7:00 p.m. in the Program Room, Sackville Library.

2. Approval of Agenda

MOVED by Mr. George Murphy, seconded by Councillor Len Goucher, the agenda as presented be approved. MOTION PASSED.

3. Approval of The Minutes

MOVED by Mr. George Murphy, seconded by Ms. Gloria Lowther, the minutes of April 7, 2004 and May 5, 2004 be approved as circulated. MOTION PASSED.

4. Business Arising From The Minutes - none

5. Case 00651 - Amendment to the Bedford Land Use By-law

- C a report dated May 19, 2004, prepared by Paul Dunphy, Director of Planning and Development Services, for the North West Planning Advisory Committee was submitted.

Ms. Jill Justason, Planner, addressed the Committee and reviewed the submitted report. She advised that staff initiated an amendment to the Bedford Land Use Bylaw to identify an existing two unit dwelling at 20 Emmerson Street (PID 00433631) in the RSU Zone. In her remarks, Ms. Justason noted that HRM's records indicate that the two-unit dwelling was legally constructed in 1962 and, as such, this property should be recognized as an existing two-unit dwelling; this change is supported by the MPS and staff is recommending that Council approve the amendment to the Bedford Land Use By-law as attached to the May 19, 2004 report.

MOVED by Ms. Gloria Lowther, seconded by Councillor Len Goucher that the North West Planning Advisory Committee recommend that North West Community Council:

- 1. Give first reading to the proposed amendments to the Land Use Bylaw for Bedford provided in Attachment 1 of the May 19, 2004 report and schedule the public hearing for June 24, 2004;**
- 2. approve the proposed amendments to the Land Use Bylaw for Bedford provided in the May 19, 2004 report.**

MOTION PUT AND PASSED.

6. Case 00626 - Amendments to Bedford South Neighbourhoods A and C

Development Agreement

- C a report dated May 19, 2004, prepared by Paul Dunphy, Director, Planning and Development Services, to the North West Planning Advisory Committee and the District 16 Planning Advisory Committee was submitted.
- C a report, dated June 2, 2004 prepared by Andrew Bone, Planner, to the Northwest Planning Advisory Committee was circulated.

Mr. Andrew Bone, Planner, addressed the Committee and advised that staff have initiated the request to amend the development agreements for Bedford South - Neighbourhoods A and C as contained in the submitted reports. He pointed out that the June 2, 2004 report which was circulated contained further amendments to the May 19 staff report. Mr. Bone noted that the staff report states there was not a public information meeting held, adding that, because the changes were minor, staff waived the public information meeting. However, in the policy review, staff discovered a clause that requires a public information meeting be held. Therefore, a public information meeting was held this past Monday night and, generally, there were no concerns with the amendments. He noted that a copy of the minutes of this meeting were attached to the June 2 staff report.

Mr. Bone then proceeded in reviewing the case and responded to questions from the Committee.

With regard to the proposed amendments, Mr. Bone advised as follows:

- C the 30 ft. tree spacing requirement does not provide flexibility and staff agree it is difficult to achieve. Staff is proposing to go with HRM requirement, which is 60 ft. or one tree per lot.
- C street tree program - staffs' recommendation is to remove the clause requiring Real Property Planning and Nova Scotia Power to review the street tree plan for the development - this clause is redundant because HRM specifications already require any street tree planting to be approved by NSP and Real Property Planning.

Councillor Goucher expressed disappointment that Nova Scotia Power now wanted to remove itself from reviewing the street tree plan, noting that the Corporation had addressed the Committee in the past and emphasized the importance of their review. He suggested that the Committee, through the Planning staff, write to NSP and express their disappointment.

Mr. Bone clarified that staff is suggesting that it's 'not providing any value' because NSP has already pre-approved the trees.

Mr. Bone continued with his review of the proposed amendments as follows:

- C originally, staff proposed to allow for bonding for a second lift of asphalt which allows the developer not to lay down the second lift of asphalt until after most of

the construction is done in order to protect the road. Upon further review and looking at the practices in Halifax and Dartmouth, staff is recommending to allow for bonding of all primary and secondary services. Mr. Bone explained that this speeds up the amount of time between completion and when HRM will take it over, and it allows the developer to sell lots sooner.

- C Section 2.5.11 restricts the removal of trees from land prior to the issuance of final subdivision approval, making it difficult to undertake a detailed topographic survey of the site which is required for final subdivision. Staff is recommending the agreement be amended to enable selective tree cutting to occur in order to facilitate subdivision approval i.e. allow the developer to cut trees within the existing right-of-way as well as within the first 90 ft. of the lot. This will enable the developer to acquire detailed survey data on the ground to provide to HRM.

- C Additional proposed changes are in regard to Schedule B and are as follows:

1. change to the way the height of a building is calculated. Staff is proposing make a change to something similar to what had been placed in Papermill Lake subdivision agreement - calculated on the average grade around the house.
2. revision to the side yard requirement for townhouses and semi-detached dwellings to accommodate subdivision along a common wall between units.
3. provide more flexibility for driveway widths - staff is recommending that the width be based on the type of lot, i.e. townhouse, semi-detached.
4. in the original agreement there were a number of unrelated provisions combined on the same line; so staff is recommending an administrative change to put them on separate lines for clarification purposes.

In concluding his remarks, Mr. Bone noted that this agreement spans two Plan areas, therefore, this matter will also be going to the District 16 PAC, and Chebucto Community Council.

MOVED by Ms. Gloria Lowther, seconded by Mr. Delphis Roy that North West Planning Advisory Committee recommend that North West Community Council:

1. **Give Notice of Motion to consider an application by Halifax Regional Municipality to amend the development agreement for Bedford South - Neighbourhoods A and C, and schedule a public hearing.**
2. **Approve the amending development agreement for Bedford South - Neighbourhoods A and C, presented in Attachment 3 of the staff report dated May 19, 2004 as well as the memorandum dated June 2, 2004 to permit a number of administrative amendments.**
3. **Require that the amending development agreement be signed within 120 day, or any extension thereof granted by Community Council on**

request of the applicant, from the date of final approval by Community 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 PASSED.

Councillor Goucher referred to his earlier suggestion that the Committee should write NSP with regard to its concern that NSP no longer wants to be involved in the street tree plan review process, and he questioned if the Committee wanted to move a motion in this regard.

A brief discussion ensued, and it was agreed that the Committee would deal with this under the category of New Business.

7. Case 00611 - Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

- C a report dated May 14, 2004, prepared by Paul Dunphy, Director of Planning & Development Services, to the North West Planning Advisory Committee was submitted.

Ms. Jill Justason, Planner, addressed the Board and reviewed the submitted report regarding amendments to the Land Use By-law for Beaver Bank, Hammonds Plans and Upper Sackville. In her presentation Ms. Justason advised that on July 30, 2003 North West Community Council adopted a motion requesting staff to initiate amendments to the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville to permit the subdivision of two-unit dwellings along a common wall. She added that this request was in response to the construction of a semi-detached dwelling by Rines Construction Limited on a property in Beaver Bank. Ms. Justason further explained that the initial public information meeting on the matter prompted the residents of Tucker Lake Road to petition for rezoning of the area to prevent any future development of semi-detached dwellings; and on August 28, 2003 North West Community Council adopted a motion requesting staff to initiate amendments to the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville to prohibit two-unit dwellings along Tucker Lake Road.

In concluding her remarks, Ms. Justason advised that, in light of the fact that Rhines Construction obtained a valid permit to construct a semi-detached dwelling which prompted this application, it would be reasonable to make some accommodations for their building to be sub-divided in order to allow each unit to be owner-occupied. However, provisions should also be made in the Land Use By-law to prevent a proliferation of semi-detached dwellings that are opposed by the community. She added that staff are therefore recommending that the Land Use Bylaw be amended to permit existing semi-detached dwellings to be subdivided along a common party wall, subject to minimum lot requirements established under the Land Use By-law; and remove semi-detached dwellings as an option wherever two unit dwellings are listed in the Land Use By-law as a permitted use.

A discussion ensued and Ms. Justason responded to questions from the Committee. There

was general consensus of concern about the ramifications of approving these amendments, noting that the residents would be controlling the future land use of a very large area. Concern was also expressed that the semi was constructed with the owner's knowledge that he would not be permitted to sub-divide, however, after this fact he went seeking sub-division approval. Subsequently, it was agreed that the Committee was not prepared at this time to move the matter forward to Community Council, and that additional information and other options be provided by staff. Councillor Goucher also noted that at the next meeting Councillor Johns could be present and maybe able to shed some light on the situation.

MOVED by Mr. Robert Morgan, seconded by Councillor Len Goucher that this matter be deferred to the July 7 meeting, pending additional information on the impact the amendments will have, and other possible options which might be available. MOTION PASSED.

8. Presentation by United Gulf - Paper Mill Lake CDD Application

Mr. Terry Drisdelle, Senior Development Planner, United Gulf Developments Limited, using a computer slide presentation, outlined the proposal for The Courtyard at Papermill. Highlights of his presentation are as follows:

- < the site is 23 acres and borders the Hammonds Plains Road and Bi-centennial Highway
- < inspiration for the project is the concept of a traditional 'Village Square'
- < accessible to 100-series highways; access to residential areas of Bedford but not located in town so as not to create traffic problems
- < key objectives of the project include: encouraging business and commercial; minimize neighborhood intrusion; pedestrian access, with a pedestrian oriented core area
- < goal is to create a place where people want to live, work, and carry out their recreation.

In concluding his presentation, Mr. Drisdelle provided information packages of his presentation to the members and indicated that he would come back to the Committee and provide updates, as the process moves along.

The Chair thanked Mr. Drisdelle for his presentation.

9. Case 00660 - Discussion on Possible Changes to the Home Occupation Allowances in Bedford

- C A report dated April 21, 2004 by Richard Harvey, Planner II, to the North West Planning Advisory Committee was submitted.

Mr. Richard Harvey, Planner II, addressed the Committee and indicated that his report was in response to the Committee's last discussion on the matter, in which the consensus appeared to be to increase restrictions placed on home occupations. He indicated that the

report essentially discussed having home occupations that would have no impact on their surroundings. He added that this is being floated for discussion purposes, and if this is the direction in which the Committee would like staff to move, then this could be a starting point. Also, staff could begin on the other side of the matter by developing a development agreement policy.

A brief discussion ensued, however, due to the late hour the Chair advised that the Committee would have to adjourn.

10. Status Updates

10.1 Monthly Status Sheet

The monthly status sheet was submitted for information.

10.2 Decisions of Community Council

Information pertaining to North West Community Council's motions on Case No 00535 and Case 00622 were submitted for information.

11. New Business - None

12. Next Regular Meeting Date - July 7, 2004

13. Adjournment

The meeting adjourned at 9:00 p.m.

Sheilagh Edmonds
Legislative Assistant