

HALIFAX REGIONAL MUNICIPALITY

NORTH WEST PLANNING ADVISORY COMMITTEE Minutes

September 1, 2004

PRESENT: Ms. Ann Merritt, Chair
Mr. Delphis Roy
Ms. Karen Stadnyk
Mr. Roddy Macdonald
Mr. Tony Edwards
Councillor Len Goucher

ABSENT: Mr. George Murphy
Mr. Robert Morgan (regrets)
Ms. Jan Gerrow (regrets)
Ms. Gloria Lowther (regrets)
Councillor Brad Johns

STAFF: Ms. Gail Harnish, Admin./PAC Coordinator
Ms. Jill Justason, Planner
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 Fenerty Room, Sackville Library.

2. Approval of the Agenda

MOVED by Mr. Delphis Roy, seconded by Councillor Len Goucher, the agenda as presented was approved. MOTION PASSED.

3. Approval of the Minutes

MOVED by Councillor Len Goucher, seconded by Mr. Roddy Macdonald, the minutes of July 7, 2004 be approved as circulated. MOTION PASSED.

4. Business Arising from the Minutes

None

5. Case 00629 - Development Agreement - 380 Cobequid Road

C A report dated August 18, 2004 to the North West Planning Advisory Committee, from Paul Dunphy, Director, Planning & Development Services, was submitted.

Ms. Jill Justason, Planner, addressed the Committee and presented the application by James and Karen Bingham to enter into a development agreement to permit a community commercial use, specifically, a retail book store at 380 Cobequid Road, as outlined in the submitted staff report. Ms. Justason noted that Mr. Bingham was in attendance, and would respond to any questions the Committee may have.

In her remarks, Ms. Justason advised that in reviewing this application, staff focussed on three issues: 1. access and egress; 2. site/building analysis and compatibility with the neighbourhood; and 3. municipal services. She added that the development engineer has concluded that stopping sight distance requirements can be met on the site; the proposal is deemed compatible with adjacent land uses; and to further reduce the impact on existing adjacent development, requirements have been placed in the development agreement in regard to landscaping, fencing, signage, parking and hours of operation. With regard to municipal services, Ms. Justason indicated that research had to be carried out to determine whether the property had municipal sewer service. The development engineer determined that the property was not located within the serviceable boundary; however, after various inspections and excavation work, it was determined the property was connected to the central sanitary sewer in Judy Anne Court. Ms. Justason noted that a public information meeting was held and no concerns were raised. She concluded her presentation by advising that the proposal meets the policy criteria under policies UR-24 and IM-13 of the Sackville MPS, therefore staff is recommending approval.

Ms. Justason then responded to questions from the Committee.

In response to a question by Councillor Goucher, Ms. Justason advised that she wasn't certain if there was a sewer easement across one of the properties, noting that when staff researched whether there was a connection to municipal sewer services, they found out there was a connection but couldn't find a record of how the line was put in. She advised that she would contact legal services RE ramifications of this issue.

Councillor Goucher suggested that a buffer of trees or shrubs be planted along the backside of the parking lot for the benefit of the single family homes in that area.

A brief discussion ensued regarding allowable signage and concerns were expressed that current regulations would permit a sign 25 feet in height. The Committee agreed that design controls should be in place to prevent the possibility of such a sign, particularly because it is in a residential neighbourhood.

Mr. Bingham, the applicant, pointed out that he, too, was surprised to learn that such a sign would be permissible, and indicated that he was not intending to have signage as obtrusive as this.

Ms. Justason advised that she would contact the developer the following day to address this issue.

In concluding the discussion, the Chair referred to the matter of the sewer line and pointed out that she wondered how many other properties may be in a similar situation, i.e. no record by HRM that a sewer line was installed and yet they have municipal sewer connections.

MOVED by Mr. Macdonald, seconded by Councillor Len Goucher that North West Planning Advisory Committee recommend North West Community Council:

- 1. Give Notice of Motion for the proposed development agreement, as contained in Attachment 'A' of the August 18, 2004 staff report, to permit a community commercial use at 380 Cobequid Road and schedule a public hearing for September 30, 2004.**
- 2. Approve the development agreement (Attachment 'A' of the August 18, 2004 staff report) to permit a community commercial use at 380 Cobequid Road; with an amendment that limitations be placed on signage, at the discretion of the Development Officer, to ensure the signage is compatible with the residential neighbourhood.**
- 3. Require the development agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said Agreement by the North**

West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise this approval shall be void and obligations arising hereunder shall be at the end.

MOTION PASSED.

There was further discussion regarding the sewer easement and Ms. Justason, noting that she would be contacting legal services, advised that she would respond to this at the Public Hearing.

6. Case 00707 - Amendments to Bedford South Neighbourhood A and C Development Agreement

- C A staff report dated August 19, 2004 to the North West Planning Advisory Committee by Paul Dunphy, Director, Planning & Development Services was submitted.

Ms. Jill Justason, Planner, presented the request to amend the development agreement for Bedford South - Neighbourhoods A and C by Clayton Developments, as outlined in the submitted staff report.

In her presentation, Ms. Justason advised that area residents raised concerns of increased traffic and future shortcutting from the next phase of the Bedford Waterfront Development to the proposed interchange at the Bicentennial Highway. She explained that the Bedford Waterfront Development Corporation in consultation with HRM have identified the location of the second main access for the Bedford Waterfront, and it is anticipated that this access will intersect the Bedford Highway near Glenmount Avenue. Traffic Services reviewed the situation and are concerned about shortcutting, which could be problematic for Bedford South.

Ms. Justason advised that in response, the developer is proposing to terminate Street 11 and Glenmount Avenue as cul-de-sacs and construct an emergency access road between Streets 3 and 11 and Millview Avenue and Crosby Street. Staff are recommending reconfiguration of the road network as shown on Schedule C2(a) of Attachment D of the submitted staff report. She added that the second proposed amendment pertains to the non-disturbed areas. Ms. Justason explained that the developer has requested increased flexibility in the creation of non-disturbance zone on larger lots within the Bedford portion of Neighbourhood C. This proposal would decrease the non-disturbance zones on large lots to a minimum of the last 20 feet of the lot, thus allowing for larger useable areas. She added that because there are large areas of protected open space and the proposal will enable easier administration of the agreement, staff are recommending approval.

In concluding her remarks, she pointed out that all proposed changes to the agreement fall solely within the jurisdiction of North West Community Council and further changes to the agreement within the jurisdiction of Chebucto Community Council may proceed via a separate report to that Council.

Mr. Mike Hanusiak, General Manager, Clayton Developments briefly addressed the Committee and pointed out that the net impact of the setback is not intended to create a loss of trees; it enables them to push the houses back on the lots. He added that this won't impact on the open space identified or existing houses.

A brief discussion ensued.

Ms. Justason referred to the proposed agreement and advised that, before the Committee moves a motion, she had minor typographical revisions to note, and they are as follows:

1. page 1 of the staff report, 2nd recommendation - Attachment 3 should read Attachment **D**
2. page 15 of the proposed Development Agreement, attached to the staff report, No. 8 should read as: Clause **2.7.17 (i)** of the development agreement shall be added after clause 2.7.17 as follows: **2.7.17 (i)** Notwithstanding . . .
3. in the header of the proposed amendments, the date should read September 1, 2004.

MOVED by Mr. Tony Edwards, seconded by Mr. Delphis Roy that North West Planning Advisory recommend that North West Community Council:

1. **Give Notice of Motion to consider an application by Clayton Developments Limited to amend the development agreement for Bedford South - Neighbourhoods A and C, and schedule the public hearing for September 30, 2004;**
2. **Approve the amending development agreement for Bedford South - Neighbourhoods A and C, presented at Attachment D to the report of August 19, 2004, to permit a reconfiguration of the proposed road lay and changes to non-disturbance areas;**
3. **Require that the amending development agreements be signed within 120 days, 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.

7. **Case 00695 - Amendments to the Superstore Development Agreement - 745 Sackville Drive**

C A staff report dated August 18, 2004 to the North West Planning Advisory Committee

by Paul Dunphy, Director, Planning & Development Services was submitted.

Ms. Jill Justason, Planner, reviewed the application by IPCF Properties Inc. to amend an existing development agreement to permit a service station and temporary garden market on the subject property located at 745 Sackville Drive, as presented in the August 18, 2004 staff report.

In her presentation, Ms. Justason advised there is currently an existing development agreement on the property. She noted the main elements of this application are as follows:

- S a temporary garden market and service station;
- S includes parking spaces for 600; access will be provided from Sackville Drive and the existing 'right out only' egress point on Old Beaverbank Road will be widened.
- S a pocket park will be provided; and landscaping will consist of several street trees and will be located on Sackville Drive.

Ms. Justason noted that the Watershed Advisory Board reviewed this application and expressed a concern of storm water flow. She advised that the proposed amending agreement requires that a storm water collection system be designed and installed which collects the water from the proposed service station and garden market and treats it in an oil and grit separator. She also pointed out that Nova Scotia Department of Environment and Labour will review the application and may make further recommendations.

A discussion ensued with Ms. Justason responding to questions.

The discussion concluded with the Committee concurring with two areas of concern with the proposal, i.e. additional landscaping, and traffic congestion concerns. The Committee agreed to an amendment to the recommendation requesting additional trees and shrubbery along the Old Beaverbank Road, along the grassy knoll area. Although it was noted that issues pertaining to the movement of traffic in the parking lot was outside the jurisdiction of this proposed amending agreement, the Committee wanted it noted that it was concerned about traffic congestion which will occur given the complexity of the traffic patterns in the parking lot.

MOVED by Mr. Roddy Macdonald, seconded by Mr. Delphis Roy that North West Planning Advisory Committee recommend North West Community Council:

- 1. Give Notice of Motion for the proposed amending agreement, as contained in Attachment A of the August 18, 2004 staff report, to permit a service station and temporary garden market and to schedule a public hearing date for September 30, 2004;**
- 2. Approve the amending agreement (Attachment A of the August 18, 2004 staff report) to permit a service station and temporary garden market at 745**

Sackville Drive, with an amendment to the landscaping requirements to increase the amount of trees and shrubbery on the grassy knoll along the Old Beaverbank Road and the pocket park area, and;

- 3. Require the amending agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said Agreement by the North West Community council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise this approval shall be void and obligations arising hereunder shall be at the end.**

MOTION PASSED.

8. Status updates

8.1 Monthly status sheet

Circulated for information.

8.2 Decisions of Community Council

Information pertaining to North West Community Council's decisions on Cases 00657, 00622, 00626, 00651 were submitted for information.

9. New Business - None

10. Next Regular Meeting Date - October 6, 2004

11. Adjourn

The meeting adjourned at 8:25 pm.

Sheilagh Edmonds
Legislative Assistant