

NORTH WEST PLANNING ADVISORY COMMITTEE
Minutes

April 6, 2005

PRESENT: Ms. Ann Merritt, Chair
Mr. George Murphy
Ms. Barb Grant
Mr. Rob Batherson (7:09 p.m.)
Councillor Brad Johns
Deputy Mayor Len Goucher (7:19 pm)

ABSENT: Mr. Walter Regan (regrets)
Ms. Gloria Lowther (regrets)
Mr. Warren Hutt (regrets)
Mr. Joel Matheson

ALSO PRESENT: Mr. Andrew Bone, Planner
Ms. Jill Justason, Planner
Councillor Robert Harvey

TABLE OF CONTENTS

1.	Call to Order	3
2.	Approval of the Minutes	3
3.	Approval of the Agenda	3
4.	Approval of the Order of Business	3
5.	Consideration of Deferred Business	3
6.	Reports	3
6.1	Case 00760 - Rezoning - PID 00376848, Sackville Drive	3
6.2	Case 00773 - Amendments to the Super Store Development Agreement - 745 Sackville Drive	5
6.3	Case 00653: Development Agreement/Rezoning Walker Avenue, Sackville	6
7.	Status Updates	7
8.	Added Items	7
9.	Next Regular Meeting Date - May 4, 2005	7
10.	Adjournment	7

1. Call to Order

The Chair called the meeting to order at 7:08 p.m. in the Program Room, Sackville Library, Sackville without quorum present. Quorum presented at 7:19 pm.

2. Approval of the Minutes - January 19, 2004, March 2, 2005, March 3, 2005 public meeting and March 3, 2005 regular meeting.

MOVED BY Councillor Johns, seconded by Mr. Robert Batherson that the minutes of January 19, 2005, March 2, 2005, March 3, 2005 public meeting and March 3, 2005 regular meeting, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. Approval of the Order of Business and Approval of Additions and Deletions

The Committee approved the agenda as presented.

4. Business Arising from the Minutes

None.

5. Consideration of Deferred Business

5.1 Memorandum received from Environmental Engineering Services re: Sackville Service Boundary

- A Memorandum dated January 31, 2005 from Mr. David Ellis, Senior Environmental Engineer - Environmental Engineering Services, was before the Committee.

No further action required.

6. Reports

6.1 Case 00760 - Rezoning - PID 00376848, Sackville Drive

- A staff report dated March 22, 2005 was before the Committee.
- An e-mail dated April 5, 2005 from Mr. Walter Regan outlining his comments for this application was before the Committee.

Mr. Andrew Bone, Planner, presented the staff report.

Questions/comments of the Committee:

Mr. Bone responded to Councillor Johns' question indicating there is no guarantee that what is proposed will be built but it would still have to meet the requirements. He added this is a rezoning matter only and not a development agreement and there are controls regarding the look of the building. The Sackville Drive plan also has restrictions as to buffers and all

landscaping would have to be put in place no matter what is put there. Councillor Johns confirmed that the facade facing Sackville Drive has to meet aesthetic requirements.

Mr. Robert Batherson asked what guarantees there are to ensure the suggestions passed on from the Waters Advisory Board to the Developer will be followed through? (See Mr. Walter Regan's e-mail). Mr. Bone responded there are no guarantees as the comments from the Waters Advisory Board are strictly suggestions. Mr. Bone commented that the proposed building could be built today with only one outdoor display and other than the addition of one more outdoor display, everything else is okay.

Mr. Bone clarified for Deputy Mayor Goucher that the P3 zone currently in the plan would be the 1 in 100 year zone from the 1998 data. He added the 1998 data is more accurate than the 1986 data but there was no great change.

Mr. Kevin Kingston, Developer, confirmed that the building will be built as proposed. He added the steel has already been priced for the project and the building will look similar to what is proposed. Mr. Kingston added he takes offence to this process as the proposal meets the criteria and this is the location that auto related businesses are requested to locate. He commented that this project represents his life's work and life's saving. Further, he hopes the space will be 50% leased before beginning, if not, that will be the deciding factor. There will be approximately seven retail units.

Mr. Bone added the only risk is that the building may be a bit smaller. Deputy Mayor Goucher commented that if the rezoning is approved, the developer could put almost what he wants on that site.

Ms. Merrit left the Chair to pose the following question: Is the property capable of being rezoned in this way? Technically that is the last piece of land in that designation for that use (outdoor display court). Mr. Bone responded that technically anything that has PC on it has that potential from Pinehill Road down but not Pinehill Road up. If the adjacent property owner came in with a similar proposal, he would not be able to do it.

MOVED BY Mr. Robert Batherson, seconded by Mr. George Murphy that the North West Planning Advisory Committee recommend the North West Community Council:

- 1. Give first reading to consider an application by Kingston Investments Limited to rezone a portion of PID 00376848 from PC (Pinehill / Cobequid) Zone to ODC (Outdoor Display Court) Zone and schedule a public hearing; and**
- 2. Approve the rezoning of a portion of PID 00376848 from PC (Pinehill / Cobequid) Zone to ODC (Outdoor Display Court) Zone as illustrated in Attachment F of the report dated March 22, 2005.**

MOTION PUT AND PASSED UNANIMOUSLY.

Sackville Drive

- A report dated March 22, 2005 was before the Committee.
- An e-mail dated April 5, 2005 from Mr. Walter Regan outlining his comments for this application was before the Committee.

Ms. Jill Justason, Planner, presented the report. She advised the area is zoned large scale commercial and the business hours would be determined through the provincial legislation. She added a public information meeting was not held on this matter at the discretion of the area Councillor. The North West Community Council may choose to hold a Public Information Meeting and appropriate notification will be given.

Questions/comments of the Committee:

It was noted that Mr. Greg Zwicker is in attendance on behalf of Terrain Group representing IPCF Properties.

Ms. Justason responded to Councillor Johns that this is the third review of this development agreement (1. Creation of the Superstore, 2. Gas station and out door garden station, 3. This amendment to the hours of operation).

Councillor Johns inquired if the hours of operation were according to provincial legislation, could they be open 24/7? Ms. Justason responded that is a possibility but those hours would have limited impact on Sackville Drive.

Councillor Johns commented he is not opposed to the amendment but would like to see some of the more pleasing community aspects come forward first (which were discussed during the first amendment to the original development agreement) such as park benches and trees planted along Sackville Drive before more amendments are approved. Ms. Justason responded this will most likely go forward to North West Community Council this month. Landscaping delay is due to late approval (late fall) as you cannot plant trees in the late fall. She added she will check in the development agreement regarding the time frame and if the time frame is about to run out HRM will notify IPCF. There is a bond that can be cashed if the time runs out before landscaping is done.

Mr. Greg Zwicker, Terrain Group, confirmed the gas bar was finished on December 15th and HRM requested they wait until the thaw to do the landscaping. There is a \$6,000.00 bond.

Mr. Batherson commented that it is good to see some progress on the landscaping side as we do not want to see more pavement/buildings and less scenic vistas on Sackville Drive.

Mr. Murphy commented the landscaping can be quite affective between the shopping centre and the Old Beaver Bank Road. He added he does not see the addition of a gas bar and garden shop being a threat. People would like to see a bit of a green barrier along that highway.

Ms. Grant asked why there would be a need to initially put in restrictions for hours of business

for that type of operation? Ms. Justason responded that at the time of negotiations the Developer informed Planning what the business hours would be. The hours of operation did not appear to be much of an issue at the Public Information Meeting as the business would be located on Sackville Drive. The inclusion of the business hours is for the protection of HRM and the Developer and there is no obligation under the MGA to have them there. Ms. Justason explained staff discussed bringing this amendment forward and decided to do so now rather than go through this process in six months time.

MOVED BY Mr. Robert Batherson, seconded by Ms. Barb Grant that the North West Planning Advisory Committee recommend the North West Community Council:

- 3. Give Notice of Motion for the proposed amending agreement, Attachment "A" of the report dated March 22, 2005 to amend the hours of operation of the service station and schedule a public hearing;**
- 4. Approve the amending agreement (Attachment "A") to amend the hours of operation of the service station at 745 Sackville Drive; and**
- 5. 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 PUT AND PASSED UNANIMOUSLY.

6.3 Case 00653: Development Agreement/Rezoning Walker Avenue, Sackville

- A report dated March 29, 2005 was before the Committee.
- An e-mail dated April 5, 2005 from Mr. Walter Regan outlining his comments for this application was before the Committee.

Mr. Andrew Bone, Planner, presented the report.

MOVED BY Councillor Johns, seconded by Mr. Robert Batherson that the North West Planning Advisory Committee recommend the North West Community Council:

- 1. Give First Reading and move Notice of Motion to consider the proposed rezoning and development agreement, respectively, and schedule a public hearing.**
- 2. Approve the rezoning of 89, 99, 109, 119 and 129 Walker Avenue, as shown on Map 2, from R-4 (Multiple Unit Dwelling) Zone to CDD (Comprehensive Development District) Zone.**
- 3. Approve the development agreement as set out in Attachment "C" (The development agreement cannot be approved until the rezoning is in effect).**
- 4. Require that the development 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.

The Committee requested the following points be considered by staff and addressed at or before the public hearing:

- that every effort be made to ensure architectural control is considered during the development agreement stage as this would be an opportunity to ensure uniqueness of design and alleviate the “sameness” of multi-unit buildings.
- that the calculations used by the Halifax Regional School Board regarding children in multiple and semi buildings be confirmed. If the school board is calculating at zero, that this number be verified as there are currently many children who reside in multiple and semi buildings due to a change in demographics.
- that procedures be put in place to ensure compliance with specifications outlined in the development agreement (such as bonds).
- that HRM's Environmental Management staff be requested to present at the public hearing regarding concerns raised of possible sewer surcharges in the area and sewer capacity.
- Have sidewalk extend to other side of park land as well.
- Request fencing on park land side.
- Extend notification area for public hearing to Dresden Court (on Map 3) of the report and from the Old Sackville Road to Sackville Crossroad.

MOTION PUT AND PASSED UNANIMOUSLY.

7. Status Updates

7.1 Monthly Status Sheet

The monthly status sheet was before the Committee. No further action required.

7.2 Decisions of Community Council

The decisions of Community Council were before the Committee. No further action required.

8. Added Items - None

9. Next regular meeting date - May 4, 2005

10. Adjournment - The meeting adjourned at 9:05 p.m.

Chris Newson
Legislative Assistant