

**NORTH WEST PLANNING ADVISORY COMMITTEE  
MINUTES**

**February 6, 2006**

**PRESENT:**

Ms. Gloria Lowther  
Ms. Barb Grant, Vice Chair  
Mr. Walter Regan  
Mr. Joel Matheson, Chair  
Mr. George Murphy  
Ms. Ann Merritt  
Councillor Harvey

**REGRETS:**

Mr. David Grace (absent)  
Councillor Goucher  
Mr. Warren Hutt

**STAFF:**

Ms. Gail Harnish, Admin/PAC Coordinator  
Mr. Andrew Bone, Planner  
Ms. Stephanie Parsons, 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 ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The approval of the order of business was accepted.

**3. APPROVAL OF THE MINUTES**

**MOVED by Mr. Regan, seconded by Ms. Grant that the minutes of September 12, 2005 be approved as circulated. MOTION PUT AND PASSED.**

**MOVED BY Ms. Merritt, seconded by Mr. Regan that the minutes of December 5, 2005 be approved as circulated. MOTION PUT AND PASSED.**

It was noted that the minutes of December 7, 2005 should be corrected to identify that Mr. Matheson is the Chair.

**MOVED BY Ms. Merritt, seconded by Mr. Regan that the minutes of December 7, 2005 be approved as amended. MOTION PUT AND PASSED.**

**MOVED BY Ms. Merritt, seconded by Mr. Regan that the minutes of January 4, 2006 be approved as circulated. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES - None**

**5. REPORTS**

**5.1 Case 00674 - Rezoning and Development Agreements, Cobequid Road/Glendale Drive Sackville**

C A staff report dated February 1, 2006 was before the Committee for consideration

Mr. Andrew Bone advised that the application involves a rezoning application and two development agreements. Several properties will be consolidated and re-subdivided. The gas station site allows for development as of-right and would be zoned C-2 (Commercial Zone). The remainder of the site zoned urban residential can be developed as C-2 by development agreement. The R-2 portion is owned by HRM and subject to a purchase and sale agreement.

Mr. Regan raised concern regarding the existing pathway that kids use as a short cut to get to school. Mr. Bone advised that there are plans to develop walkways in the area.

Mr. Bone further noted the following:

- C The development agreement includes requirements for an erosion and sedimentation control plan, grading and drainage plans, protective catchment devices for any heating fuel and an oil water separator
- C An oil water separator is not required on the gas station property as it is allowed to be developed as -of-right. However, the development agreement does require the relocation of a sewer line and easement granted to HRM at the developers cost.
- C To address concerns regarding the compatibility of the uses with the surrounding residential area, surrounding vegetation and an opaque fence will be erected along the property line.
- C Three hundred and sixty five days have been granted for signatures due to the complexities of the documents.

The Committee raised the following questions:

1. Where will be the easement, be located?
2. What portion of the site can be built as of right?
3. Why are there so many parking spaces?
4. Will the lights be on twenty-four hours day, seven days a week, what if any are the lighting controls?
5. Can water be retained on the site?
6. Will the gas station offer waste oil service?

In response to the Committees questions Mr. Bone clarified that:

1. The easement will remain but will be on the opposite side of where it is currently located. The fencing will be about 6 feet high.
2. The gas station and the majority of the carwash can be built as-of- right, The building cannot be built without a development agreement, which covers 80% of lot two.
3. Given the size of the building the parking space requirements are standard.
4. There are no lighting controls on the gas station because it can be built as of right. General provisions such as indirect lighting can be imposed. The standard for gas

stations is to operate 24 hours a day, seven days a week.

5. Given that the majority of the site is hard surfaced, water cannot be retained on the site.
6. There is no proposed waste oil service. The proposal is for a gas bar, convenience store and car wash.

The Committee members raised the following concerns:

- A. Due to the adjacent properties, the hours of operation of the proposed subway may disturb the residential property owners.
- B. Allowing two driveways with right and left turns at a major intersection that crosses two lanes may affect the flow of traffic.
- C. It was suggested that an oil grit separator would be appropriate on the gas station site.
- D. Mitigative measures to reduce noise created from air conditioning and exhaust equipment should be included in the development agreement to prevent disturbing the residents adjacent to the property.

In response to the concerns raised by the Committee Mr. Bone advised of the following:

- A. The development agreement does not control the hours of operation.
- B. Traffic services have indicated that there would be no significant increase in traffic and that the flow of traffic would not be interrupted. Allowing two driveways is standard for gas stations. The original proposal included a drive thru and four driveways but staff recommended against the drive thru to reduce disturbance to adjacent residents. Staff was able to negotiate two driveways.
- C. An oil grit separator will be located on the Subway site as per the development agreement and one at the car wash which is a mandated requirement. Staff cannot enforce an oil grit separator at the gas station because they can build as of right. Further that there is a 20-foot buffer to accommodate the sewer easement.
- D. There are no terms in the development agreement to deal with specific noise mitigation measures. There is the possibility of designing the building so that those features are not on the side adjacent to the residential properties. More research would be required.

In response to the Chair, Mr. Bone commented in closing that there are five properties with different owners that have to be negotiated. You cannot create lot one without lot two. Lot two needs to be created first because the easement needs to be relocated and be free of encumbrances.

The Chair provided an overview of the concerns raised by the committee

Mr. Bone advised that staff would provide a supplementary report to Community Council with draft amendments to the agreement to address the hours of operation, and noise control, while ensuring that the development agreement meets the requirements of the municipality and developer.

**MOVED BY Ms. Merritt, seconded by Ms. Grant that the North West Planning Advisory Committees recommend that the North West Community Council approve the rezoning and development agreement as proposed in the staff report dated January 23, 2006 subject to the proposed amendments to the development agreement as set out in Attachment “D” as follows:**

1. That the hours of operation are identified.
2. That mitigative measures are taken to reduce noise from the proposed Subway building, specifically, air conditioners, and exhaust equipment.
3. That maintenance reports of oil grit separators are submitted to the Watershed Advisory Board.

**MOTION PUT AND PASSED.**

**MOVED BY Mr. Regan, seconded by Mr. Murphy that the North West Planning Advisory Committee request staff to review the bylaw amendments to control commercial lighting and other uses of the Sackville Land Use Bylaw. MOTION PUT AND PASSED.**

**6. Letter from Bedford Volunteer Recognition Committee**

**MOVED BY Ms. Lowther, seconded by Ms. Merritt that Councillor Goucher put forward a nominee from the North West Planning Advisory Committee for the Bedford Volunteer Award. MOTION PUT AND PASSED.**

**7. STATUS UPDATES**

**7.1 Monthly Status Sheet**

- C A copy of Central Region status updates for planning applications were submitted for information.

Mr. Regan asked for updates on Cases 00495, 00701, 00833.

**Cases 00495 and 0071** - Ms. Harnish advised that the development agreements are in the process of being executed.

**Case 00833** - Mr. Bone advised staff is in the process of addressing the concerns that have been raised by the community. There is an issue with downstream flooding, caused by infilling

by the prior owner. Staff is currently looking at mitigative measures for storm events. There are also endangered species issues.

Ms. Merritt commented that if there are issues then maybe the development agreement should not proceed. Mr. Bone advised that staff provides information to the applicant to deal with the concerns. It is of staffs opinion that the concerns can be addressed, it is up to the developer to go forward with the application.

**Case 00838** Mr. Bone advised that an internal staff review has been completed, at a staff report will be brought forward to the Committee for review.

## **7.2 Decisions of Community Council**

Ms. Harnish advised that Councillor Harvey was appointed to the Committee. She further advised that North West Community Council approved the discharge of Development agreement Case 00842.

**8. ADDED ITEMS** - None.

**9. NEXT REGULAR MEETING DATE** - March 1, 2006

**10. ADJOURNMENT**

The meeting adjourned at 8:02 p.m.

Stephanie Parsons  
Legislative Assistant