

**NORTH WEST COMMUNITY COUNCIL
MINUTES**

July 10, 2008

PRESENT: Councillor Robert Harvey, Chair
Councillor Brad Johns
Councillor Tim Outhit

STAFF: Ms. Karen MacDonald, Municipal Solicitor
Ms. Chris Newson, Legislative Assistant

TABLE OF CONTENTS

1. CALL TO ORDER 4

2. APPROVAL OF MINUTES 4

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS
AND DELETIONS 4

4. BUSINESS ARISING OUT OF THE MINUTES 4

 4.1 STATUS SHEET ITEMS 4

 4.1.1 Pinehill Street Stormwater Drainage 4

 4.1.2 Storm Drain Issue - Cavalier Drive 4

 4.1.3 Union Street Flooding 4

5. MOTIONS OF RECONSIDERATION 4

6. MOTIONS OF RECISSION 4

7. CONSIDERATION OF DEFERRED BUSINESS 5

 7.1 Case 01027: Development Agreement for Sunset Ridge Subdivision .. 5

8. HEARINGS 5

 8.1 Public Hearings 5

 8.1.1 Case 01118: Sackville Drive LUB - Watercourse Setbacks 5

 8.2 Variance Hearings 8

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS 8

 9.1 Correspondence 8

 9.2 Petitions 8

 9.3 Presentations 8

10. REPORTS 8

 10.1 Staff 8

 10.2 Members of Council 8

 10.3 North West Planning Advisory Committee 8

 10.3.1 See Item 8.1.1 Case 01118 - Sackville Drive LUB - Watercourse
Setbacks 8

 10.3.2 Case 01076 - MPS Amendments - Beaver Bank, Hammonds Plains
and Upper Sackville; and Development Agreement - 1725 Hammonds
Plains Road 9

 10.3.3 Case 01029 - Amendments to the Sackville MPS and LUB - C-1 Zone
..... 9

 10.4 North West Transit Advisory Committee 10

 10.5 Halifax Watershed Advisory Board 10

10.6	Bedford Watershed Advisory Board	10
10.6.1	Paper Mill Lake - Threshold Values for Quality	10
11.	ADDED ITEMS	11
12.	NOTICES OF MOTION	11
13.	PUBLIC PARTICIPATION	11
14.	NEXT MEETING DATE:	11
15.	ADJOURNMENT:	12

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. at the Sackville Heights Community Centre Gymnasium, 45 Connolly Road, Sackville.

2. APPROVAL OF MINUTES - May 22 & 26, 2008 and June 17, 2008

MOVED BY Councillor Johns, seconded by Councillor Outhit that the minutes of May 22 & 26, 2008 and June 17, 2008, as presented, be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

- Additions:**
- 11.1 Hammonds Plains / Kingswood Area Rate Funding - Waterstone - Councillor Johns
 - 11.2 Submission for **Item 7.1 Case 01027**: Development Agreement for Sunset Ridge Subdivision dated July 9, 2008 from Mr. Andrew Giles, Vice-President, Development, Armco Capital Corp.
 - 11.3 Submission for **Item 8.1.1 Case 01118**: Sackville Drive LUB - Watercourse Setbacks dated July 4, 2008 from Ms. Tara Hill, Chairperson, Sackville Drive Business Association.
 - 11.4 Correspondence: E-mail dated July 7, 2008 from Mr. Andy Conrad, General Manager, Springfield Lake Recreation Association re: new Community / Recreation Centre.
 - 11.5 Bike Lanes in Sackville - Councillor Johns
 - 11.6 Springfield Lake Beach Closure - Councillor Johns

MOVED BY Councillor Outhit, seconded by Councillor Johns that the order of business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

- 4.1.1 Pinehill Street Stormwater Drainage** - No update
- 4.1.2 Storm Drain Issue - Cavalier Drive** - No update
- 4.1.3 Union Street Flooding** - No update

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 01027 - Development Agreement for Sunset Ridge Subdivision

- A Supplemental Information Report dated June 20, 2008 was before Community Council.
- An e-mail dated July 9, 2008 from Mr. Andrew Giles, Vice-President, Development, Armco Capital Corp. was before Community Council.

Councillor Brad Johns, in reference to the letter from ARMCO, clarified that he was not the Councillor when the lands were rezoned. He explained that he has reviewed all issues with staff and accepts as fact the information provided in the staff reports. Due diligence has been done on behalf of the community. There is a need for more housing opportunities in Middle Sackville. The concern in regard to the buffer next to the road has been addressed by staff. He added that he would not like to see a future Council rezone the area back to R1 as it would be in everyone's best interest for that section to remain a buffer and not driveways.

MOVED BY Councillor Johns, seconded by Councillor Outhit that North West Community Council:

- 1. Approve the revised development agreement attached to the Supplementary Report dated May 12, 2008 (Attachment "A") to permit a mix of residential uses and a convenience commercial use in Middle Sackville; and,**
- 2. Require that the agreement be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by the Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 01118: Sackville Drive LUB - Watercourse Setbacks

- A report from the North West Planning Advisory Committee dated June 13, 2008 was before the Community Council.
- An e-mail dated July 4, 2008 from Ms. Tara Hill, Chairperson, Sackville Drive Business Association was before the Community Council.

Councillor Bob Harvey, Chair, introduced Ms. Karen MacDonald, Municipal Solicitor, and Ms. Chris Newson, Legislative Assistant. He then called upon Mr. Andrew Bone, Planner, who presented the information.

Following staff's presentation, Councillor Harvey called for questions of clarification from members of the Community Council. Hearing none, Councillor Harvey explained the Rules of Procedure for a public hearing then opened the public hearing.

Speakers:

Kevin Kingston, Sackville: expressed concern that many people are affected by the policies and if there are changes made there is a cost involved to change back. He referenced the mobile sign By-law and height restrictions that were put in and then subsequently changed. He suggested that the setback should be 66' or left at 50'.

Terry Panoeseotakos, Sackville: commented that it was difficult to digest the flood plains data of 1988 and then see nothing done for 10 years. He expressed concern that if the setback was brought back to 66' he would still not be able to anything because of the 1988 flood plain line.

Paulette Shore, Sackville: advised that she is the owner of a business at 466 Sackville Drive whose property is over 20% affected by the setback and that is quite a bit of property to be taken from a business owner trying to make a living. 100' takes almost half the open space property. She commented that the setback should be reduced to 50' in some areas where the grade is higher. The property owner loses more land due to the way the measurements are done; measurements are taken straight down from the top of the hill. She added that it is time the 1998 data was used as the 1988 data is quite a ways behind.

Nick Antoft, Lucasville: inquired whether an existing conforming structure, such as an accessory building, would have to adhere to the new watercourse setbacks. Mr. Andrew Bone responded that under the current proposal, an accessory building could go in the setback of 20 metres but there would be no obligation to change an existing situation as it would be grandfathered. He clarified that anything legally established will remain. In some circumstances, outlined in the plan, there would be limited ability to be from 0-66' from the river permitted the building was no closer than an existing building.

John Gianopos, Sackville Drive: inquired if the 66' requirement was for all watercourses in HRM. He commented that if, approved, they would be on the same level as all of HRM.

Councillor Harvey clarified that the setback requirement would be the same for the four categories outlined in the report. A setback reduction was possible in the legislation but the criteria was vague and required some discretion by the development officer. The proposal clearly sets out four (4) cases when a setback reduction could occur.

Mr. Gianopos suggested that the North West Community Council approve the recommendation as presented and then in future drop the setback requirement down to

50' or less.

Don Burton, Sackville Drive: commented that it is critical that the floodplains be considered in conjunction with this proposal and suggested perhaps two separate applications. He explained that a person may be eligible for one, or, all four of the proposed exemptions.

Hector Johnson, Sackville: inquired if the proposal will affect the area of Contessa Court as the Sackville River was approximately 10' from his property. Mr. Bone responded that the proposed changes would only affect commercial properties on Sackville Drive and not residential properties on Contessa Court. The existing buildings on Contessa Court are under the Sackville Drive Plan with a required (20 meter) 66' setback. He further responded to Mr. Johnson that any existing structures would be grandfathered but these changes would not affect his property directly.

Peter Foye, Sackville Realtor: commented that he was baffled by the 1988 and 1998 (data) situation considering that it is now 2008, twenty years later, and he would like to recommend that the Community Council take a stand and put the issue forward properly. He explained that he has properties that he cannot sell due to the 1988 floodplain regulations. He added that Sackville as a whole seems to be taking a step backward.

Councillor Harvey concurred that the current data needs to be taken into account and that consideration was clearly being addressed during this meeting.

Ms. Michelle Champais, Chair, Sackville Drive Business Association: Read the letter from the Sackville Drive Business Association into the record. She also requested more accurate information than the 1998 flood plain data and inquired if the 1998 data could be implemented and then updated when more information became available.

The Chair gave the third and final call for speakers, hearing none, it was **MOVED BY Councillor Outhit, seconded by Councillor Johns that the public hearing be closed. MOTION PUT AND PASSED.**

In response to Councillor Johns, Mr. Bone explained that the recommendation before Community Council only reduces the setback to 66' in the four situations/conditions outlined in the report. The flood plains issue would not be resolved by this motion but could be addressed by a separate planning process as they are separate issues.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council approve the proposed amendments to the Sackville Drive Land Use By-Law to identify situations where the 30 metre (100 foot) setback from watercourses may be reduced as set out in Attachment "A" of the staff report dated May 20, 2008.

Councillor Harvey advised that the Halifax Watershed Advisory Board had recommended no change to the watercourse setbacks. Through discussions with the Sackville Drive Business Association and business owners it became evident that there was a degree of

vagueness in how water setbacks could be reduced. North West Community Council initiated the process that resulted in the report/motion under consideration. He explained that the four categories for reduction are broad enough that most issues could be addressed through one of the four categories. Once the motion has been considered, any outstanding issues would be reviewed. The most current data available was the information that should be used.

Councillor Johns added that Community Council tries to represent the residents who elect them. A few years ago, there was no one to speak on behalf of the business community and now the Sackville Drive Business Association has been representing businesses along Sackville Drive very well and is a very appreciated voice.

MOTION PUT AND PASSED.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council request that staff pursue the implementation of the most recent data (1998) in regard to floodplain information along the Little Sackville River (watercourse setbacks) and that the issues be dealt with on a case by case basis so that property owners may have their issues addressed as they come forward.
MOTION PUT AND PASSED.

8.2 Variance Hearings - None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

9.1.1 Springfield Lake Recreation Association

- An E-mail dated July 7, 2008 from Mr. Andy Conrad, General Manager, Springfield Lake Recreation Association, was before Community Council.

Councillor Johns acknowledged an E-mail received from Mr. Conrad advising of the Springfield Lake Recreation Association's intent to form a Committee that would assist with the strategic planning for a new community / recreation centre. Councillor Johns advised that he has met with staff in regard to the strategic planning process for a new facility as the current building is inadequate to meet the needs of the growing community. He has requested that HRM staff advise him of any available or upcoming funding opportunities in relation to this project.

9.2 Petitions - None

9.3 Presentations - None

10. REPORTS

10.1 Staff - None

10.2 Members of Council - None

10.3 North West Planning Advisory Committee

10.3.1 Case 01118 - Sackville Drive LUB - Watercourse Setbacks

This item was dealt with in conjunction with the Public Hearing Item 8.1.1 Case 01118: Sackville Drive LUB - Watercourse Setbacks. See page 5.

10.3.2 Case 01076 - MPS Amendments - Beaver Bank, Hammonds Plains and Upper Sackville; and Development Agreement - 1725 Hammonds Plains Road

- A North West Planning Advisory Committee report dated July 3, 2008 was before Community Council.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council recommend that Regional Council:

- 1. Give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law as provided in Attachments A and B of the staff report dated May 29, 2008, with an amendment to proposed Policy P-26A of Attachment A to include wording to address the number of dogs that can be at a facility at any given time, and schedule a joint public hearing; and**
- 2. Approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law as provided in Attachments A and B of the staff report dated May 29, 2008, with an amendment to proposed Policy P-26A of Attachment A to include wording to address the number of dogs that can be at a facility at any given time.**

MOTION PUT AND PASSED.

10.3.3 Case 01029 - Amendments to the Sackville MPS and LUB - C-1 Zone

- A report from the North West Planning Advisory Committee dated July 3, 2008 was before Community Council.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council recommend that Regional Council:

- 1. Give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and the Land Use By-Law as provided in Attachments A and B of the staff report dated June 17, 2008 with an amendment to proposed**

clause (m) in Attachment A to state that “the architectural design is compatible with the surrounding residential neighbourhood”, and schedule a public hearing; and

2. Approve the proposed amendments to the Sackville Municipal Planning Strategy and the Land Use By-Law as provided in Attachments A and B of the staff report dated June 17, 2008 with an amendment to proposed clause (m) in Attachment A to state that “the architectural design is compatible with the surrounding residential neighbourhood”

MOTION PUT AND PASSED.

10.4 North West Transit Advisory Committee - None

10.5 Halifax Watershed Advisory Board - None

10.6 Bedford Watershed Advisory Board

10.6.1 Paper Mill Lake - Threshold Values for Quality

- A report from the Bedford Watershed Advisory Committee dated April 28, 2008 was before Community Council.

MOVED BY Councillor Outhit, seconded by Councillor Johns that the North West Community Council request a staff report outlining/clarifying what implications, if any, there may be in relation to the proposed threshold values for water quality in Paper Mill Lake as outlined in the Bedford Watershed Advisory Committee report dated April 28, 2008. MOTION PUT AND PASSED.

11. ADDED ITEMS

11.1 HAMMONDS PLAINS / KINGSWOOD AREA RATE FUNDING - WATERSTONE

MOVED BY Councillor Johns, seconded by Councillor Outhit, that the North West Community Council approve the Western Region Community Council’s motion to allocate funds from the Hammonds Plains Common Area Rate in the amount of \$12,000.00 for the Waterstone Group Playground and that \$2,500.00 of the allocated amount be used for rose bushes on the Waterstone Playground. MOTION PUT AND PASSED.

11.2 Submission for Item 7.1 Case 01027: Development Agreement for Sunset Ridge Subdivision dated July 9, 2008 from Mr. Andrew Giles, Vice-President, Development, Armco Capital Corp.

This item was dealt with under Item 7.1. See page 5.

11.3 Submission for Item 8.1.1 Case 01118: Sackville Drive LUB - Watercourse Setbacks dated July 4, 2008 from Ms. Tara Hill, Chairperson, Sackville Drive Business Association.

This item was dealt with under Item 8.1.1. See page 5.

11.4 Correspondence: E-mail dated July 7, 2008 from Mr. Andy Conrad, General Manager, Springfield Lake Recreation Association re: new Community / Recreation Centre.

This item was dealt with under Item 9.1. See page 8.

11.5 BIKE LANES SACKVILLE

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council request a staff report on obtaining ongoing funding for the implementation of bike lanes in the North West Community Council districts with immediate attention given to the areas of Beaver Bank Road, Glendale Drive and Cobequid Road in Sackville. MOTION PUT AND PASSED.

11.6 SPRINGFIELD LAKE BEACH CLOSURE

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council request a staff report on the reasons for the high level bacteria counts in Springfield Lake that resulted in the beach closure so early in the season and a comparison of that data with other HRM beaches that have also been closed for similar reasons. MOTION PUT AND PASSED.

11.7 REQUEST FOR FLASHING GREEN LIGHT

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council request a staff report on the implementation of flashing green lights at the Intersections of Stokil Drive, Millwood Drive and Beaver Bank Road (south to north) in Sackville, and; Meadowbank Drive, heading west, in Bedford during the hours of 4:00 p.m. to 7:00 p.m. MOTION PUT AND PASSED.

12. NOTICES OF MOTION - None

13. PUBLIC PARTICIPATION

Mr. Nick Antoff addressed the North West Community Council with the following comments/concerns:

- He thanked the North West Community Council for the parkland funding allocation.
- In reference to the issue with Springfield Lake, Mr. Antoff added that he would like to encourage a “nudge” in regard to the McCab Lake matter. Councillor Johns

responded that he believed a letter had been received in response to that issue indicating that it would be done. Mr. Antoff requested that the source of high faecal chloroform counts in the Sackville River be traced by determining whether it was introduced upstream or down.

- He commented that there does not appear to be any enforcement of truck traffic restrictions along the Lucasville Road. He expressed concern with the addition of Margeson Drive without the encouragement of proper truck route usage.
- He requested that the brush be removed from the ditch along the Lucasville Road. Councillor Johns responded that he would send a message to Mr. Don Pellerine in regard to the brush.

14. NEXT MEETING DATE - August 14, 2008

North West Community Council agreed to cancel the August 28th meeting and set a tentative meeting date for August 14th.

15. ADJOURNMENT

The meeting adjourned at 8:10 p.m..

Chris Newson
Legislative Assistant