

**NORTH WEST COMMUNITY COUNCIL**

**July 5, 2007**

**MINUTES**

**PRESENT:** Councillor Brad Johns, Chair  
Councillor Robert Harvey

**ABSENT:** Councillor Gary Martin

**STAFF:** Ms. Karen Brown, Senior Solicitor  
Ms. Sheilagh Edmonds, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order 7:03 p.m. in the Fenerty Room, Sackville Library.

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Harvey, seconded by Councillor Johns that the minutes of June 21, 2007 be approved. MOTION PUT AND PASSED.**

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

Additions:

Information Items:

1. Information Report - Stonewick Cross Residents' Concerns
2. Update (e-mail) from Staff RE: Status of Lot Grading Bylaw

**MOVED by Councillor Johns, seconded by Councillor Harvey that the agenda 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. Community Council advised that this item will be left on the Status Sheet for tracking purposes.

**4.1.2 Storm Drain Issue - Cavalier Drive**

No update. This item is to remain on the Status Sheet.

**4.1.3 Shopping Cart Bylaw Report**

Community Council advised that a public hearing pertaining to this matter was scheduled for August 7, 2007, and it was agreed to leave this item on the Status Sheet until the public hearing has been held.

**4.1.4 Judy Avenue Pathway**

No update. This item is to remain on the Status Sheet.

**4.1.5 Union Street Flooding**

No update. This item is to remain on the Status Sheet.

**4.1.6 Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS**

No update. This item is to remain on the Status sheet.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. HEARINGS:**

Community Council agreed to switch the order of public hearings, as shown on the agenda.

**8.1 Public Hearings:**

**8.1.2 Case 00955: Rezoning and Development Agreements, Cobequid Road and Glendale Drive, Sackville**

- A report dated June 7, 2007 from the Chair of the North West Planning Advisory Committee was submitted.
- A staff report dated May 18, 2007 was submitted.
- First Reading of this matter was given at a meeting of North West Community Council on June 12, 2007.

Mr. Andrew Bone, Senior Planner, outlined the application by 3051129 Nova Scotia Limited for rezoning and development agreements for a proposed development consisting of a gas station with a convenience store and attached car wash; and a two storey commercial building at Cobequid Road and Glendale Drive, Sackville. In reviewing the proposal, Mr. Bone highlighted the following points:

- there was a previous application similar to this one, but was turned down by Community Council; the decision was appealed to the Utility and Review Board. The URB hearing was put on hold by the developer as he has revised the application to address some of the issues of the community.
- the land transaction may require another public hearing.
- the applicant has offered to make \$16,000 contribution toward the development of the remaining adjacent parkland.
- given the complexity of the application, staff are recommending that the developer be given up to one year (365 days) to sign and register the development agreement

Mr. Robert Grant, addressed Community Council advising he was a lawyer with Stewart McKelvie and was representing the applicant Hampton Holdings. He advised that after the previous application was turned down, the applicant went back and met with the residents to see how they could make the project more acceptable to the residents. Mr. Grant added that the application presented this evening was much improved and there is more support

from property owners who are most closely associated with the project. He noted the improvements to the application:

- moving the gas storage tanks further away
- \$16,000 toward the development of an HRM-owned pocket park
- improved architecture of the commercial building and there will be no windows facing residents homes
- a higher fence to provide better buffering between the residents and the commercial building
- the lighting throughout the site will be adequate for surveillance and it will be indirect lighting to reduce any adverse impact on the residents
- an additional traffic engineering study was done
- the lot has been widened to give better traffic flow and there will be a three-metre wide right-of-way along Glendale Drive granted by the developer in favour of HRM if it wishes to extend the trail system

Mr. Grant introduced the following individuals in attendance this evening who were also associated with the application: Mr. Mark Clark, Ultramar; Ms. Tara Hill, Subway Restaurant, and Mr. Ken O'Brien, Engineer, Atlantic Road and Traffic Management.

After reviewing the public hearing procedures, the Chair opened the public hearing to anyone wishing to speak.

Ms. Colleen Penny, Sackville, addressed Council and indicated that she lived near the proposed development and she was opposed to it. She questioned the need for an additional convenience store, pointing out that there were already two in the vicinity.

Ms. Penny advised that since the Cobequid Hospital opened, the traffic has increased and she questioned the results of the traffic study on shortcutting through Caudle Park. She expressed concern that there will be a driveway on Glendale Dr. In closing, Ms. Penny indicated that she found the entire process quite disappointing because, although the residents voiced their objection to the application previously, the matter appears to keep coming back until there is less and less objection.

Mr. Joe Curry, Sackville, addressed Community Council and advised that he lived near the proposed development and that he still has the same concerns about the project that he voiced last time. Mr. Curry added that he was concerned about the traffic, and that this proposal hasn't changed from the previous one Community Council refused the last time. Mr. Curry questioned how this could go forward when it appears that things have not changed.

Mr. Nick Antoft, Hammonds Plains, addressed Community Council and noted that HRM is currently discussing a bylaw pertaining to limited access roadways. He explained that his impression was that Glendale Drive was originally designed as a limited access roadway, therefore, to put a driveway on it will deteriorate its limited access status. Mr. Antoft questioned if this aspect had been considered in this application.

In response to Mr. Antoft's question, Councillor Harvey advised that the Province is divesting itself of a lot of these roads in terms of access; and very recently Regional Council picked up those access issues with a bylaw. The Councillor added that, at that time, he asked this question of staff and the response was that this access is allowed.

Mr. Wayne MacPhee, Sackville, questioned if the majority of trees will be cleared in the area behind the garage.

In response, Mr. Bone advised that some trees would have to be cleared on a small section at the back of the lot.

Mr. MacPhee expressed concern about the negative environmental impact of clearing trees, noting that the trees act as a filtration system for carbon emissions.

In response to a question by the Chair regarding the maintenance of the easement next to the Subway Restaurant, Ms. Tara Hill advised that she maintains it. She explained that she pays someone to maintain the green space because she can get the work done more frequently than HRM would provide.

Mr. Warren Power, Sackville, questioned why, with this application, the storage facilities for gas have been moved to a corner that is closer to the intersection.

In response, Mr. Bone advised that this was done at the request of the Caudle Park residents.

Mr. Power expressed concern that the location of the storage facilities for gas were now closer to his home and he questioned if there are legalities concerning distance of gas storage facilities from a residential area.

Mr. Bone indicated that there were no regulations on how far from a residential area that gas storage facilities need to be.

Ms. Kris O'Reilly, Sackville, indicated that at a previous meeting staff confirmed that even without a rezoning, a gas station could be placed in the C-2 zone as long as it met the requirements.

Mr. Bone confirmed this point but emphasized that it would have to meet all of the Land Use Bylaw requirements.

Ms. Ann Merritt, a resident of Sackville and Chair of the North West Planning Advisory Committee questioned if the storage tanks were in the sewer right-of-way.

In response, Mr. Bone advised that in the proposal, the developer will be required to relocate the easement at their cost and they will then turn the easement over to HRM.

**The Chair called three times for anyone wishing to speak; there being none, it was MOVED by Councillor Harvey, seconded by Councillor Johns that the Public Hearing close. MOTION PUT AND PASSED.**

The Chair questioned if the applicant wanted to provided clarification on any issues raised.

Mr. Robert Grant, in referring to comments made on the traffic study, confirmed that the traffic study was done since the opening of the Cobequid Hospital. Mr. Grant also advised that it is typically not the case for gas stations and convenience stores to generate traffic. He added that these customers come as 'pass by' traffic. Mr. Grant noted that the *Trip*

*Generation Handbook* of the Institute of Transportation Engineers indicates that less than 15% of trips to a gas bar are primary trips.

The Chair noted that one speaker indicated that he felt there were no significant changes to this application over the last one. The Chair questioned what steps staff have taken in regard to consultation with the residents.

Mr. Bone advised that staff received comments at the Public Information Meeting and over the telephone. He added that the residents most affected by the application worked closely with the developer and a lot of the changes in the application came from those residents. Mr. Bone added that there were a number of significant changes which include: architecture; lighting standards; fencing height; location of mechanical equipment; and building design.

Councillor Harvey advised that there were similar elements with this application over the previous one but that he felt this was an improved application. He added that he believed it is compatible with the surrounding area and he was prepared to move a motion to approve the proposal.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council:**

1. **Approve the rezoning of PID#00361493 and a portion of PID#00637652 from P-1 (Community Facility) Zone to C-2 (Community Commercial) Zone as provided in Attachment "A" of the May 18, 2007 staff report;**
2. **Approve the development agreements as set out in Attachment "B" of the May 18, 2007 staff report to permit the establishment of a gas station on a portion of the property, and Attachment "C" of the May 18, 2007 staff report to permit the establishment of a commercial building, subject to the sale of HRM lands and the creation of Lots 1 and 2 through the subdivision process. (the development agreement cannot be approved until the rezoning is in effect.)**
3. **Require that the development agreement be signed and registered within 365 days, or any extension thereof granted by Council on request of the developer, 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.**

**MOTION PUT AND PASSED.**

The meeting recessed at 7:55 p.m. and reconvened at 8:00 p.m.

#### **8.1.1 Case 00949: Development Agreement - 91 Dartmouth Road, Bedford**

A report dated June 8, 2007 from the Chair of the North West Planning Advisory Committee was submitted.



A staff report dated May 22, 2007 was submitted.

Notice of Motion of this matter was given at a meeting of North West Community Council held on June 12, 2007.

Mr. Andrew Bone, Senior Planner presented the application by Christine Dib-Kahil and Philip Kahil to create a flag lot by development agreement at 91 Dartmouth Road in Bedford.

Highlights of Mr. Bone's presentation are as follows:

- with this proposal the flag lot would have 30ft. of frontage along Dartmouth Road, 100 ft. in length to the back of the property and the lot would be approximately 6,000 sq. ft.
- the existing house on the property would be subdivided into its own lot and would meet the subdivision standards for a single-family home
- the proposal is for a single-unit dwelling on the flag lot and staff have determined that the maximum building height would be 26 feet and a footprint of 1189 sq. ft.; the sideyards will be 12 feet and existing trees and vegetation will be maintained on the side yards.
- the driveway will be shared between the existing property and flag lot
- there will be a requirement for civic renumbering on Dartmouth Road and, as a result of this, a \$50 fee will be paid by the applicant to some of the adjacent property owners to accommodate address changes.

Mr. Bone pointed out that one issue which arose was that in order for the proposal to meet the minimum sideyard requirement, which is 8 ft from the property line, a portion of the existing house would have to be removed, or the house moved. He advised that, in this situation, staff feel there is no negative impact in not meeting the requirement and leaving the property as is, and staff are proposing a reduction in the sideyard of 8 ft. Mr. Bone explained the rationale for this decision is based on the standard variance process, in which the Development Officer has the power to vary the sideyard. Staff feel it is reasonable to do so in this agreement given that there is no significant impact on the surrounding properties. Mr. Bone noted that the owner may have to carry out some changes to the property to meet building code because of the reduced separation distance.

In addition, Mr. Bone also advised that staff are recommending a change in the Development Agreement concerning Section 3.1.2 to require the applicant to apply any parkland dedication requirements consistent with the subdivision bylaw prior to subdivision approval.

The Chair asked if the applicant wished to provide anything further to the staff presentation. The applicant had nothing further to add, but indicated they would respond to any questions Community Council may have.

The Chair reviewed the rules of procedure and then opened the public hearing for anyone wanting to speak either in favour or against the proposal.

Mr. Jeff Dykeman, addressed Community Council and advised that he was the property owner of 93 Dartmouth Road. He expressed concern with the timelines for construction

and with the cost to change addresses. He noted that his property was a rental unit and he was concerned about the impact of construction on his tenant as well as the costs associated for he and his tenant to change their address information, particularly as it relates to legal documentation. Mr. Dykeman questioned where the \$50 figure came from.

At the request of the Chair, Mr. Bone responded. He advised that HRM's Civic Addressing staff suggested a standard fee of \$50 based on previous experience.

Mr. Art Pritchard, an adjacent neighbour of the property in question, addressed Community Council and expressed concern about having to change his civic address as a result of this application.

The Chair asked three times if there was anyone else wishing to speak to this matter; there being none it was **MOVED by Councillor Harvey, seconded by Councillor Johns that the public hearing close. MOTION PUT AND PASSED.**

In response to a question by the Chair, Ms. Christine Dib-Kahil, the applicant, advised that if Community Council determined that \$50 compensation for change of addresses was not adequate, she was willing to work with Planning staff to come up with a satisfactory resolution for all concerned.

Mr. Bone advised that the \$50 was a suggestion by staff and if Community Council wished, with the consent of the applicant, they could increase the figure.

The Chair noted that Mr. Dykeman's other concern was the timeline for construction and he questioned if the Development Agreement can stipulate that the construction timeframe be six months.

In response, Mr. Bone advised that staff can not specify a completion date. He added that when staff issue a building permit, it is good for two years from the date of issuance. Mr. Bone noted that the construction activity would be subject to the noise bylaw, as well as having to meet the hours of permitted work.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council:**

1. **Approve the proposed development agreement provided as Attachment "D" to the May 22, 2007 staff report with the following amendments:**
  1. **Section 3.1.2 be amended to read that, prior to subdivision approval, the Developer shall provide the Municipality with a cash-in-lieu of parkland dedication in an amount determined by the Development Officer according to the applicable provisions of the Subdivision By-law;**
  2. **Section 3.3.3 be amended to read that, prior to obtaining subdivision approval for the proposed flag lot, the Developer**

shall provide the property owners of civic addresses 93 and 95 Dartmouth Road with monetary compensation in the amount of \$150 each to offset the inconvenience of having their properties assigned new civic addresses.

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

**MOTION PUT AND PASSED.**

**8.2 Variance Hearings:** None

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:**

**9.1 Correspondence:**

**9.1.1 Sackville Drive Business Association - Community Council's Decision to Change Zoning in Pinehill/Cobequid Zone**

A letter dated May 15, 2007 from Mr. Adam Buckle, Chairperson of the Sackville Drive Business Association in regard to Community Council's decision to change the zoning in the Pinehill/Cobequid Zone in order to allow the former Cobequid Health Centre to be changed to a mental health facility was submitted. No further action was taken by Community Council.

**9.2 Petitions:** None

**9.3 Presentations:** None

**10. REPORTS:** None

**11. ADDED ITEMS:**

**11.1 Information Report - Stonewick Cross Residents' Concerns**

An information Report dated June 18, 2007 pertaining to the Stonewick Cross Residents' Concerns was submitted. No further action was taken by Community Council.

**11.2 Update (e-mail) from Staff RE: Status of Lot Grading Bylaw**

An e-mail dated June 25, 2007 from Denise Schofield, Acting Manager, Development Engineering, Community Development was submitted which provided a status report on the Lot Grading Bylaw. No further action was taken by Community Council.

12. **NOTICES OF MOTION:** None.

13. **PUBLIC PARTICIPATION:**

**Nick Antoft**, Chair, Waterstone Neighbourhood Association. Mr. Antoft explained that on the Old Sackville Road between Lucasville and the Beaverbank extension, in the area west of the Ellis Estates, the roadway was severely damaged by contractors putting in water services for that subdivision. Mr. Antoft questioned if the road was going to be repaired and if there was a bylaw or, if not, should there be a bylaw that prevents or assesses damage to a roadway during construction.

In response, Mr. Andrew Bone, Senior Planner advised that the Streets Bylaw would cover this issue and added that, typically, inspections are done and generally contractors wait until they finish their construction before they go back and make repairs.

The Chair indicated that Mark McGonnell was the HRM Engineer for this particular project and suggested the concern be forwarded to him.

Mr. Antoft pointed out that at the intersection of Lucasville and the Old Sackville Road there is a piece of asphalt that has been cut out and should either be gravelled or temporarily patched.

The Chair advised that he would contact Mark McGonnell, the HRM Engineer looking after this project and have him contact Mr. Antoft.

**Ms. Ann Merritt**, a resident of Middle Sackville, questioned what the response time was for fire and ambulance for the subdivision development on Lakeview Avenue. She noted that she lived approximately 2.5 kilometres in the subdivision, on Lakeview Avenue, and that the development goes at least an additional kilometre beyond her property, with the side branches of this development back as far as railroad tracks which run down from Beaverbank. Ms. Merritt advised that there is only one entrance and exit. She also pointed out that there are close to 1000 homes in the area. She indicated that this was a concern to her and that she would like to know the response times for emergency vehicles.

The Chair indicated that the question as it pertains to HRM Fire Services would be forwarded to staff for comment.

On a second point, Ms. Merritt noted that HRM was now carrying out its Community Visioning exercise in various districts. She expressed concern with the amount of development going on in District 19, and that it was being done without proper infrastructure. Ms. Merritt strongly encouraged Community Council to take measures to ensure that Sackville gets started on either a Secondary Plan or a Community Visioning exercise.

The Chair concurred with Ms. Merritt. He advised that when the community visioning project idea was presented at Regional Council, he asked that District 19 be involved right away. The Chair added that staff have advised him that if the community is prepared to proceed with the 'visioning' then staff would be prepared to assist. The Chair indicated that he would follow up with staff in this regard.

14. **NEXT REGULAR MEETING DATE** - August 9, 2007 - Fenerty Room, Sackville Library

15. **ADJOURNMENT**

The meeting adjourned at 8:42 p.m.

Sheilagh Edmonds  
Legislative Assistant