

NORTH WEST COMMUNITY COUNCIL

August 9, 2007

MINUTES

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

**REGRETS:** 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 at 7:06 p.m. in the Fenerty Room, Sackville Library, 636 Sackville Drive.

**2. APPROVAL OF MINUTES:**

There were no minutes to approve.

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

Additions:

11.1 Staff Reports:

- 11.1.1 Case 00690: Development Agreement - Phase II, Crestview Commercial CDD, Bedford
- 11.1.2 Case 01000: Ice Cream Stands as Temporary Commercial Uses - Sackville Drive Land Use By-Law.
- 11.1.3 INFORMATION REPORT RE: Status Sheet 4.1.6 Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS

11.2 Councillor:

- 11.2.1 Signage of Home Occupations in District 19 - Councillor Johns
- 11.2.2 Bedford MPS and LUB Amendment to Extend the Mainstreet Commercial Designation and Zone - Request for Staff Report - Councillor Johns (on behalf of Councillor Martin)

**MOVED by Councillor Harvey, seconded by Councillor Johns 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

Councillor Harvey advised that the design work has been approved but he was not aware of how far along it was. This item is to remain on the Status Sheet.

4.1.2 Storm Drain Issue - Cavalier Drive

Correspondence dated July 9, 2007 from Mr. David Ellis, P.Eng., Sr. Environmental Engineer, HRM Engineering Services was submitted for information.

Councillor Harvey advised that the correspondence explains that since staff raised this issue with the Province a year ago, the Provincial contact has retired and there has been no progress. He noted that HRM staff have forwarded another letter to the Province in an attempt to try and reach a resolution. This item is to remain on the Status Sheet.

4.1.3 Shopping Cart Bylaw Report

Councillor Harvey advised that a public hearing pertaining to this matter was recently held at Regional Council wherein the Bylaw was approved. This item is to be removed from the Status Sheet.

4.1.4 Judy Avenue Pathway

There was no update to this matter. This item is to remain on the Status Sheet.

4.1.5 Union Street Flooding

There was no update to this matter. This item is to remain on the Status Sheet.

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

An information report dated July 25, 2007 was submitted.

Councillor Johns advised that the information report would be forwarded to Springfield Lake Watch and if they have any further comments, the group can bring the matter back. This item is to remain on the Status Sheet until the Springfield Lake Watch has had an opportunity to review the report and provide comment back to Community Council if they wished.

This matter was also dealt with later in the meeting under Added Items.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

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

**8. HEARINGS:**

**8.1 Public Hearings:**

**8.1.1 Case 01015 - Rezoning: 218 and 220 Old Sackville Road, Sackville**

A report from the Chair of the North West Planning Advisory Committee dated June 19, 2007 was submitted.

A staff report dated May 22, 2007 was submitted.

First Reading of this matter was given at a meeting of North West Community Council, held on June 21, 2007.

Ms. Leticia Smillie, Planner 1, addressed Community Council and outlined the application by Rick and Susan Paynter to rezone civic no.'s 218 and 220 Old Sackville Road from the R-6 (Rural Residential) Zone to the R-2 (Two Unit Dwelling) Zone to permit the conversion of an existing dental office to a second dwelling unit. In her remarks, Ms. Smillie noted that the applicant plans on retiring and wants to convert the dental office into an additional unit;

thus, making it a two-unit dwelling. Ms. Smillie reviewed the policies in the Municipal Planning Strategy which enable this rezoning to occur and she outlined the issues raised at the public information meeting. She advised that staff were recommending approval of the rezoning.

There were no questions by Community Council.

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

Councillor Harvey spoke in support of the staff recommendation, noting that there is rigorous criteria in place to rezone to R-2 and this application meets that criteria.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council approve the rezoning of Civic No.'s 218 and 220 Old Sackville Road from the R-6 (Rural Residential) Zone to the R-2 (Two Unit Dwelling) Zone. MOTION PUT AND PASSED.**

The Solicitor retired from the meeting

**8.2 Variance Hearings:** None

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence:** None

**9.2 Petitions:** None

**9.3 Presentations:** None

**10. REPORTS:**

**10.1 Staff Reports:**

**10.1.1 Supplementary Report: Case 00950: Bedford Land Use By-Law Amendment - CHWY Zone**

A supplementary staff report dated July 9, 2007 was submitted.

Mr. Andrew Bone, Senior Planner, addressed Community Council and indicated that at the May 10, 2007 North West Community Council meeting, staff was requested to go onsite and view the safety and stability of an earthen bank on the Tolson properties.

Mr. Bone advised that the excavation took place a number of years ago and there has been no recent excavation. He added that HRM's Development Engineer went to the site and identified issues and forwarded a letter to Mr. Tolson advising of the concern relating to the stability of the slope and recommended that he get an engineer to look into this matter. In addition, Mr. Bone noted that staff were informed that Provincial staff have been in discussions with the property owner in regard to implementing some measures. Mr. Bone pointed out that HRM staff have taken as much action on this issue as is authorized and anything further falls under Provincial jurisdiction. He pointed out that those issues are unrelated to the policy request change with this application, which is

before Community Council and staff is recommending approval of the proposed amendment.

Councillor Harvey advised that he was satisfied the concerns raised have been addressed and was prepared to support the staff recommendation.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council approve the proposed amendment to the Bedford Land Use By-law to add office uses as a permitted use in the CHWY (Highway Commercial) Zone as shown in Attachment "A" of the July 9, 2007 staff report. MOTION PUT AND PASSED.**

## **10.2 North West Planning Advisory Committee Report:**

### **10.2.1 Case 01038: Bedford Land Use By-law Amendment - Veterinary Clinics**

A report dated August 1, 2007 was submitted by the Chair of the North West Planning Advisory Committee.

A staff report dated July 10, 2007 was submitted.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council give First Reading to the proposed amendments to the Bedford Land Use By-law to add veterinary clinics as a permitted use within the CGB (General Business District) Zone, as shown in Attachment "A" of the July 10, 2007 staff report, and schedule a public hearing for September 27, 2007. MOTION PUT AND PASSED.**

## **11. ADDED ITEMS:**

### **11.1 Staff Reports:**

#### **11.1.1 Case 00690: Development Agreement - Phase II, Crestview Commercial CDD, Bedford**

A supplementary staff report dated July 24, 2007 was submitted.

Mr. Andrew Bone, Senior Planner, addressed Community Council and advised that this matter had been brought before Community Council on May 24, 2007. At that meeting Councillor Martin expressed concern over several issues and the matter was deferred pending staff further negotiating with the property owner to improve provisions relating to fencing and water service to surrounding properties and other minor issues.

Mr. Bone reviewed the issues of concern and the mitigating actions which were included in the development agreement. He noted that the applicant has agreed to the proposed changes and that the development agreement is much more rigorous than the previous agreement. In his remarks, Mr. Bone advised that, via e-mail, Councillor Martin contacted him in regard to Clause C of 4.54. He added that staff included this clause as it allows for the provision of a temporary water supply in case there was a problem, noting that it can

take time to resolve these type of issues. He explained that if there were damage, a temporary water supply could be provided and under the development agreement, the developer would be liable for this. Mr. Bone pointed out that Councillor Martin has not responded to his e-mail as to whether he is comfortable or not with this provision.

Mr. Bone responded to questions.

Councillor Harvey advised that the Development Agreement as attached to the supplementary report is substantially improved, and he commended Councillor Martin in his efforts in seeking a better agreement. Councillor Harvey also expressed appreciation to Mr. Bone for his work on the supplementary report, and the applicant for his willingness to re-negotiate the changes in the agreement.

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

1. **Approve the proposed discharging agreement to discharge the existing Crestview Commercial Comprehensive Development District agreement from PID# 00430298 and 40741480 as provided in Attachment A of the July 24, 2007 supplementary staff report.**
2. **Approve the proposed new development agreement to permit a 52 unit residential building at PID#40741464, 00430298 and 40741480 as provided in Attachment B of the July 24, 2007 supplementary staff report.**
3. **Require that the development agreement be signed and registered 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.**

**MOTION PUT AND PASSED.**

**11.1.2 Case 01000: Ice Cream Stands as Temporary Commercial Uses - Sackville Drive Land Use By-Law.**

A Supplementary staff report dated July 31, 2007 was submitted.

Mr. Andrew Bone, Senior Planner, explained that this matter was dealt with by Community Council at a public hearing held May 24, 2007. He added that there was a typographical error in the staff recommendation contained in the original staff report which referenced the wrong section. He noted that the report referenced Section 16 when it should have stated 'Section 20'. Mr. Bone advised that staff consulted legal services, and was advised that another motion by Community Council confirming the correct section would be adequate.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West**



**Community Council confirm its motion of May 24, 2007 to permit ice cream stands as a temporary commercial use within the Sackville Drive Land Use By-law as outlined in Attachment "A" of the July 31, 2007 Supplementary staff report. MOTION PUT AND PASSED.**

**11.1.3 INFORMATION REPORT RE: Status Sheet 4.1.6 Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS - Information Report**

This matter had been raised earlier in the meeting under Status Sheet Items.

An information report dated July 25, 2007 was submitted.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council accept the report and forward a copy to Springfield Lake Watch. MOTION PUT AND PASSED.**

**11.2 COUNCILLOR:**

**11.2.1 Signage of Home Occupations in District 19 - Councillor Johns**

This item was added to the agenda at the request of Councillor Johns.

Councillor Johns advised that he has been approached by a number of residents who have small businesses and are not permitted to have signage. He added that he would like for staff to provide a report, with a recommendation if possible, on whether the appropriate section of the R-1 zone in District 19 can be amended to permit home occupations to have signage.

**MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council request staff report back on whether Section 6.4 of the R-1 Zone for District 19 can be amended to permit home occupations to have small advertising signs, similar to what is currently permitted in District 20. MOTION PUT AND PASSED.**

**11.2.2 Bedford MPS and LUB Amendment to Extend the Mainstreet Commercial Designation and Zone - Request for Staff Report - Councillor Johns (on behalf of Councillor Martin)**

Mr. Andrew Bone, Senior Planner, indicated that this matter was raised with staff during the term of the previous Councillor from Bedford, i.e. Councillor Len Goucher, however at that time, Councillor Goucher was not supportive. Mr. Bone explained that another request has come forward from property owners along the Bedford Highway, between Holland Avenue and Locke Street. He advised that the properties are residential and relatively similar in nature to properties in the Mainstreet Commercial Zone. Mr. Bone added that given the lack of commercial space in Bedford and a long standing interest by many to use these properties as commercial, Councillor Martin is of the view that this is a reasonable extension. Mr. Bone submitted an e-mail from Councillor Martin for the official file indicating his desire to move this forward.

Mr. Bone responded to questions.

In response to a question by Councillor Johns, Mr. Bone confirmed that there will be an opportunity for a public hearing for the residents of Bedford. He further pointed out that even if Community Council decided to proceed, this matter is something that would be a Regional Council decision.

**MOVED by Councillor Harvey, seconded by Councillor Johns that staff provide a report which initiates the process of amending the Bedford Municipal Planning Strategy and Land Use By-law to extend the Mainstreet Commercial Designation and Zone along the Bedford Highway between 1094 Bedford Highway and Holland Avenue. MOTION PUT AND PASSED.**

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

13. **PUBLIC PARTICIPATION:**

There was no one in attendance during the public participation session.

14. **NEXT REGULAR MEETING DATE:** September 27, 2007

15. **ADJOURNMENT**

The meeting adjourned at 7:41 p.m.

Sheilagh Edmonds  
Legislative Assistant