

NORTH WEST COMMUNITY COUNCIL
May 10, 2007

MINUTES

PRESENT: Councillor Johns, Chair
Councillor Harvey
Councillor Martin

STAFF: Ms. Kirby Grant, Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:05 p.m. in the Basinview Community School, Bedford.

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

Additions:

5.1 Veterinary Clinics in the Light Industrial Zone - Councillor Martin

MOVED by Councillor Martin, seconded by Councillor Harvey that the agenda, as amended, be approved. MOTION PUT AND PASSED.

3. Public Hearings:

3.1 Case 00950: Bedford Land Use By-law Amendment - CHWY Zone

First Reading of this application was given at a meeting of North West Community Council, held on April 24, 2007.

E-mail correspondence dated May 10, 2007 was submitted by Omar Khartabil, Project Manager, MISSA Developments Ltd. in support of the application.

Mr. Andrew Bone, Senior Planner outlined the application by Mr. John Tolson to amend the Bedford Land Use By-law to add office uses as a permitted use in the CHWY (Highway Commercial) Zone, as illustrated in the March 12, 2007 staff report.

In his presentation, Mr. Bone advised that generally, office uses are permitted in other zones, and Bedford is the only commercial zone which does not permit it at this time. He added that the question staff looked at in considering this request is whether office use will affect land availability for other CHWY uses. Mr. Bone noted that the proposal is to allow office uses on the basement level or 2nd. or 3rd. floor, and not on the ground floor. As a result, staff feel the main floor will be reserved for Highway Commercial uses (e.g. restaurants). Therefore, staff do not anticipate that the change would affect land availability for other CHWY uses. He added that staff also believe that office uses would integrate well with other uses; this would not have a significant impact on growth in this area; and would have no impact on Oakmount Drive, as all the properties will have access to the Bedford Highway.

Mr. Bone also noted that there was a concern that allowing office uses would affect access to the Cushing Hill site. He advised that staff reviewed this aspect and do not feel there would be any major impact on the Cushing Hill site, to the north.

Mr. Bone responded to questions of Community Council.

The Chair reviewed the rules of procedure for public hearings and opened the hearing to

anyone wishing to speak either in favour or in opposition to the proposal.

Mr. Fred Walker, Oakmount Drive addressed Community Council and indicated that his property backed on the two properties owned by John Tolson. He questioned what the height restrictions are on these properties.

In response, Mr. Bone advised that the height restrictions are 35 ft. which is, essentially, a single-family house.

Councillor Martin pointed out that these particular properties are sloped and asked for clarification on what point the 35 ft. height restriction would be in effect.

Mr. Bone explained that the 35 ft. would be based on an average around the building, even if it included a grade. With regard to placing a building on the lot, he advised that the minimum setbacks would have to be met, and it could then be located anywhere within the site. Mr. Bone noted that the site referenced has a considerable grade from the properties on Oakmount and, at a minimum, they would have to be 40 ft. back from the property line.

In response to a further question, Mr. Bone indicated that the owner could infill, however it was highly unlikely as the cost would be prohibitive, and pointing out that the owner has already taken away a lot of fill. Mr. Bone noted, as well, that the building would probably be located as close to the highway as possible for visibility reasons.

Mr. Walker advised that site preparation work on these properties has been done over the past couple of years, including cutting the banks and placing large stones as wall against his property to prevent eroding. He expressed concern that the property owner may be able to build up the property 8 or 10 ft. and then construct a building from that point.

Mr. Bone clarified that the exposed level permitted would be 35 ft. , adding that staff do not have any details at this time as to what is proposed for the site. He explained that tonight's public hearing is to consider adding a single use, it is not looking at changing the parameters.

A resident of Oakmount Drive addressed Community Council and advised of his concerns about the slope of the properties which back onto Oakmount Drive noting that he has grandchildren and he was concerned for their safety. He also questioned if there were any privacy requirements for commercial properties against residential properties.

In response, Mr. Bone advised that aside from 40 ft. setback, which is double the planning standard for the height of the building, there are no specific zone requirements in the Land Use Bylaw that discuss fencing or landscaping between commercial and residential.

Mr. Harold Tomlinson of Oakmount Drive requested clarification that the meeting was not about Cushing Hill, to which Mr. Bone concurred.

Mr. Glen Mason, Oakmount Drive expressed concern about the slope of the properties that were referenced by previous speakers and he questioned what the long term plan was to ensure the bank would not erode. He noted that three years ago, plastic fencing was erected after hundreds of truckloads of fill was hauled away, and he suggested it was time

HRM stepped in and do something to the property.

Mr. Bone explained that he did not have this information, and that it was something that HRM's Engineering staff would be able to comment on, and that he could bring it back to Community Council.

In response to questions of, Mr. Bone clarified the following points:

- the applicant would have been required to obtain proper permits for the grading - HRM and the Nova Scotia Department of Environment have had discussions on this aspect.
- Mr. Bone did not have information at this time on the current status of Mr. Tolson's application with HRM.
- staff do not have an application for Cushing Hill.
- staff would not grant commercial access to Oakmount, as typically, with a commercial zoned property, HRM would not grant access across land where the commercial use is not permitted.
- staff do not have an application at this time regarding the Cushing Hill site, but there have been discussions about this property, and the Province has indicated they would not a grant a full highway access to the Cushing Hill site, which essentially precludes any commercial development on site.

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

Councillor Martin indicated that with the points raised this evening about the Tolson properties, he had concerns and he was not satisfied with staff's response on the stability of the bank and safety. He advised that before Community Council makes a decision on this application, he would like engineering staff to inspect the site, determine if it is suitable for safety reasons and, should a building be constructed, advise as to what is required to make it safe for the residents.

MOVED by Councillor Martin, seconded by Councillor Harvey that this matter be deferred for further information and staff report back to Community Council

The Chair advised that this matter would be deferred to the June 21, 2007 meeting of Community Council.

3.3 Case 01021 - Sackville Land Use By-law Amendment BP and BP-1

First Reading of this matter was given at a meeting of North West Community Council held on April 24, 2007.

A staff report dated March 13, 2007 with an attached report from the North West Planning Advisory Committee dated April 17, 2007 was before Community Council for its consideration.

Mr. Andrew Bone, Senior Planner presented the application by Ramar Properties Limited to amend the Sackville Land Use By-law to add stone and acceptable equivalents as cladding options in the BP (Business Park) and BP-1 (Business Park-1) Zones as outlined in the March 13, 2007 staff report.

In his remarks, Mr. Bone advised that Ramar Developments is constructing a new office on lands on Temple Terrace in the Sackville Industrial Park and they would like to clad a portion of their building using stone. He noted that, currently, zone requirements do not permit the use of stone as a cladding material. Mr. Bone explained that when the zoning provisions were drafted, stone was not an economically viable option, however through the use of stone veneers, the cost is reduced, and has made this a viable cladding option.

Mr. Bone advised that staff have reviewed this amendment with Nova Scotia Business Inc. and the Board of the Sackville Industrial Park, and they are in agreement with the addition of stone as a cladding option.

Councillor Harvey referred to the inclusion of 'acceptable equivalents' and suggested that this was too broad to include in the amendment.

In response, Mr. Bone advised that as building technology changes, there are new products developed which are similar to the current options, but not identical, and would not meet the strict definition currently in the LUB. He added that staff were requesting this as it gives staff some flexibility, and most of the other Land Use Bylaw's have this provision.

The Chair called three times for anyone wishing to speak either in favour or in opposition; there being none, it was **MOVED by Councillor Harvey, seconded by Councillor Martin that the public hearing close. MOTION PUT AND PASSED.**

Councillor Harvey advised that he would support a motion to approve adding stone as a cladding option, but he was not supportive of including 'acceptable equivalents'.

MOVED by Councillor Harvey, seconded by Councillor Martin that North West Community Council approve the proposed amendment to the Sackville Land Use By-law to add stone as a cladding option in the BP (Business Park) and (BP-1 Business Park-1) Zones. MOTION PUT AND PASSED.

3.4 Case 00963 - Sackville Drive Land Use By-law Amendment - LS (Large Scale Commercial Zone)

First Reading of this matter was given at a meeting of North West Community Council on April 24, 2007.

A staff report dated March 15, 2007 with an attached report from North West Planning Advisory Committee dated April 17, 2007 was before Community Council for its consideration.

Ms. Leticia Smillie, Planner 1, outlined the proposal to amend the Sackville Drive Land Use

By-law to permit service and personal service shops in existing multi-unit dwellings in the large Scale Commercial (LS) Zone.

In her presentation, Ms. Smillie advised that the Large Scale Commercial zone permits service and personal service shops only in big box stores or strip mall/shopping plazas and that by limiting these shops to the larger retail complexes, excludes them and other small scale businesses from being located within large, multi-unit dwellings. She added that once Community Council became aware of this, staff was asked to initiate a process to amend the bylaw.

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

MOVED by Councillor Harvey, seconded by Councillor Martin that North West Community Council approve the proposed amendment to the Sackville Drive Land Use By-law to permit service and personal service shops in existing multi-unit dwellings in the LS (Large Scale Commercial) Zone, as shown in Attachment A of the March 15, 2007 staff report. MOTION PUT AND PASSED.

4. Councillor Johns - Lighting at Riverside and Sackville Drive

MOVED by Councillor Harvey, seconded by Councillor Johns that North West Community Council request that the traffic light at Sackville Drive/Riverside Drive be turned into a flashing turn signal all the time instead of only a flashing turn signal during the afternoon rush hour traffic. MOTION PUT AND PASSED.

5. Added Items

5.1 Veterinary Clinics in the Light Industrial Zone

This item was added at the request of Councillor Martin

MOVED by Councillor Martin, seconded by Councillor Harvey that North West Community Council request staff initiate a planning process to investigate the possibility of adding veterinary clinics to the list of permitted uses in the Light Industrial Zone. MOTION PUT AND PASSED.

6. Adjournment

The meeting adjourned at 7:50 p.m.