

**NORTH WEST COMMUNITY COUNCIL  
MINUTES**

**April 10, 2008**

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

**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 7:00 p.m. in the Sackville Heights Community Centre.

**2. APPROVAL OF MINUTES:**

**MOVED by Councillor Johns, seconded by Councillor Harvey that the minutes of February 28, 2008 and March 18, 2008 be approved. MOTION PUT AND PASSED.**

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

There were no additions or deletions to the agenda.

**MOVED by Councillor Johns, seconded by Councillor Harvey that the agenda be approved as presented. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES:**

**4.1 STATUS SHEET ITEMS:**

- 4.1.1 Pinehill Street Stormwater Drainage
- 4.1.2 Storm Drain Issue - Cavalier Drive
- 4.1.3 Judy Avenue Pathway
- 4.1.4 Union Street Flooding

No updates were provided on the Status Sheet items.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

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

**8. HEARINGS:**

**8.1 Public Hearings:**

For the information of those in attendance, the Chair reviewed process and procedures for public hearings.

**8.1.1 Case 01088: Development Agreement for a Professional Centre, Sackville**

- A report dated March 7, 2008 from the Chair of the North West Planning Advisory Committee, with an attached staff report dated February 8, 2008 was submitted.

Mr. Joseph Driscoll, Planner, presented the application by Kassner/Goodspeed Architects Ltd., on behalf of Vimiga Enterprises Inc., to develop a two storey professional office building by Development Agreement on the property located between civic numbers 290 and 298 Cobequid Road in Sackville (PID 00355214).

Mr. Richard Kassner, addressed Community Council advising that he was representing the applicant and was available to respond to any questions. Mr. Kassner indicated that through the public meetings and staff negotiation, they feel they have created a proposal

that is a good design; is good management; and is good for the environment.

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

Mr. Driscoll responded to questions of Community Council.

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

1. **Approve the proposed development agreement, as set out in Attachment A of the staff report dated February 8, 2008 to permit a two-storey professional office building on the subject property; and**
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.**

#### **8.1.2 Case 00929: Development Agreement, Sackville Drive**

- A report dated March 7, 2008 from the Chair of the North West Planning Advisory Committee was submitted with an attached supplementary staff report dated February 15, 2008.

Mr. Andrew Bone, Senior Planner, addressed Community Council and outlined the application by Keizer's Auto Body Shop Limited to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Sackville to permit an auto body shop by development agreement.

Mr. Bone pointed out that a joint public hearing with Regional Council was held, but due to lack of a quorum of North West Community Council at that meeting, the Development Agreement was referred back to North West Community Council. He noted that in interim, the applicant had requested further amendments and staff feel they are consistent with the intent of the MPS and Policy UR-31. Mr. Bone advised that the amendments involve:

- revising building plans
- removing of the basement level (New storage compound)
- improved landscaping
- adding additional parking (at grade)
- expanding the issues under the non-substantive amendment section of the development agreement.

Mr. Bone responded to questions from Community Council.

The Chair opened the public hearing for anyone wishing to speak either in favour or in opposition to the proposal.

Mr. Nick Antoft, Waterstone Subdivision, raised questions concerning the stormwater treatment devices that will be used and if the building would be serviced by the municipal service program that is currently going on, so that any residues from the vehicle wash will receive primary treatment.

In response, Mr. Bone noted that the stormwater treatment will be an oil grit separator and the building will be serviced by municipal sewer/water. He added that until the municipal services are activated, the applicant cannot occupy the building. Mr. Bone advised that stormwater will not go into a municipal pipe system, and that it will go into ditches and have to be treated before it goes further.

Ms. Avis Taylor, Middle Sackville, raised questions on how the proposal would connect to the municipal services, and if there was currently a building on the property, to which Councillor Johns responded.

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

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

1. **Approve the proposed development agreement as provided in Attachment A of the staff report dated February 15, 2008, with amendments, to permit an autobody shop between 1676 and 1702 Sackville Drive, Middle Sackville; and**
2. **Require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreements by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

### **8.1.3 Case 00987: Townhouse Development Agreement, 156 Beaverbank Road, Sackville**

- A staff report dated February 7, 2008 from the Chair of the North West Planning Advisory Committee with an attached staff report dated January 15, 2008 was submitted.

Mr. Joseph Driscoll, Planner, provided a presentation on the application by the Terrain Group Inc. on behalf of Ramar Developments Ltd. to permit 28 townhouse units at 156

Beaver Bank Road (PID 00331595), Sackville, by development agreement.

Mr. Driscoll responded to questions of Community Council.

The Chair opened the hearing for anyone wishing to speak either in favour or in opposition to the proposal.

Ms. Sharon Johnson, Beaverbank Road questioned if there would be fencing erected.

In response, Mr. Driscoll advised that one fence is proposed. He noted that in previous public meetings, the preservation of vegetation was a big concern of the residents and to put up fencing would require the removal of vegetation.

Mr. Dan Mailman, Sunnyvale Crescent asked if the fence was already erected.

Mr. Driscoll advised that this would be an additional fence.

Mr. Keith O'Brien, Sunnyvale Crescent questioned if a playground was proposed.

In response, Mr. Driscoll advised that in this situation the Development Agreement is recommending that money be provided in lieu of parkland dedication and perhaps allocated within the district. He added that the funds would be deposited to HRM's Parkland Reserve account and a decision would be made by Regional Council.

Councillor Johns indicated that he and staff have been reviewing opportunities for a playground in the neighbourhood but the problem is that there is no available land. He advised that he would try to ensure the funds get back into the area.

Ms. Shirley Banfield, Sunnyvale Crescent asked a question regarding the buffer area.

In response, Mr. Driscoll advised that in some areas the buffer is 10 to 15 feet, and in other areas it is over 150 feet.

Ms. Michelle Allen, Boxwood Crescent asked about street access, to which Mr. Driscoll responded that one is adjacent to Boxwood Crescent

Mr. Nick Antoft, Waterstone Subdivision, expressed concern that there was nothing to prevent homeowners from removing trees in the buffer zones.

Mr. Driscoll advised that the Development Agreement states that the trees cannot be cut down unless approval is granted by the Development Officer.

Mr. Nick Pryce, representing the Terrain Group, addressed Community Council and advised that he was available to respond to any questions. With regard to the comments on the buffered area in the back of the development, Mr. Pryce noted that they have had extensive public consultations and that, in his view, the residents will want to keep their buffered area.

Mr. Bryce Reed, Millwood, asked what school the children of the development would go

to and he expressed a concern about the amount of traffic, and suggested a left hand turning lane was required off Beaverbank Road.

Mr. Driscoll advised that the School Board was contacted and they advised that the children in this development would go to Cavalier School and that there is sufficient capacity to handle the additional students. Mr. Driscoll also advised that there were no plans in the Development Agreement to establish a crosswalk.

Councillor Johns added that Traffic Services is well aware of the concerns and requests for crosswalks in this area but all have been denied.

Ms. Avis Taylor, Middle Sackville, suggested that the Development Agreement would not work in regard to maintaining and plowing roads because the Development Agreement is between the developer and HRM and not a condominium corporation. She explained that 28 individual homeowners will have to come to an agreement on fee structures for plowing roads and maintaining roads.

Mr. Driscoll responded that the Development Agreement is a legal contract that is enforceable.

Mr. Bill Graves, Boxwood Crescent expressed concerns in regard to the increased traffic which will be generated by the proposal, and the loss of green space and suggested that the four acres should remain as green space.

Councillor Johns pointed out that 'By Right' the developer could put 21 houses along the section, but by going through the route of a Development Agreement, it gives the ability to have the developer make some compromises. Councillor Johns added that, otherwise there would be 21 single driveways along the Beaver Bank Road, but with this proposal there are only two.

Mr. Dave Marsh, Fall River, advised that the lack of playground space was a valid point and suggested that it would be better to push the townhouses back into the green belt and have a centre space available for a playground or leave area in the top right corner to allow for park land.

Councillor Johns advised that the Beaverbank Road has 26,000 vehicles a day and staff do not recommend placing a park along the Beaverbank Road with this amount of traffic. He noted that Sunnyvale Subdivision would be ideal location if land were available.

Mr. Driscoll pointed out that the residents in the area have identified the importance of retaining trees, and to push the units back would mean losing some of the trees. In addition, he pointed out that to push back the units, would be putting them higher on the slope.

Mr. J.J. Surette, Sunnyvale Crescent, noted that the location would be an ideal place for a metro transit stop. He also suggested that, if the buffer zone does not have fencing, within five years residents will have erected their own fences, all of which will be constructed of different fencing materials.



The Chair called three times for further speakers; there being none, it was **MOVED by Councillor Johns, seconded by Councillor Harvey that the public hearing close. MOTION PUT AND PASSED.**

Councillors Johns advised that this proposal has gone through a number of evolutions, noting that there had been two Public Information Meetings held on the application. He added that the developer has listened to the concerns that were raised and made substantial changes. Councillor Johns advised that this proposal is more fitting to the area than a development of 21 single family homes, which the developer could build as-of-right. Councillor Johns noted that his only request would be if the developer would ensure that anyone purchasing one of the homes will be made aware that, if they have school-aged children they will be bused to Cavalier Drive School, as the assumption may be that the children would be attending the schools across the street and in behind the development.

In response, Mr. Kevin Marchard, the developer, indicated that they could provide an information bulletin to the purchasers.

Prior to Community Council putting forward a motion on this matter, Mr. Driscoll pointed out that there was a small revision to the site plan noting that a small buffer area was not shown in the original report. He requested, therefore, if Community Council puts forth a motion to approve, it include 'revised Schedule B which illustrates a buffer at 45 Hillsdale Crescent'.

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

1. **Approve the proposed development agreement, as contained in Attachment A of the staff report dated January 15, 2008 , to permit a 28 townhouse unit development on the subject property with revision of Schedule B showing as a buffer at 45 Hillsdale Crescent; and**
2. **Require the agreement be signed and delivered within 120 days, or any extension thereof granted by North West Community Council on request of 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 an any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

The meeting recessed at 8:32 p.m.  
The meeting reconvened at 8:38 p.m.

**MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council recommend to Regional Council that the park land allocation generated by this Development Agreement be placed in the Park Land Reserve for the Millwood Commons. MOTION PUT AND PASSED.**

**8.2 Variance Hearings: NONE**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence:**

**9.1.1 Letter dated March 3, 2008 from Mr. Fred Morley, Chair, Regional Plan Advisory Committee**

A letter dated March 3, 2008 from Mr. Fred Morley, Chair, Regional Plan Advisory Committee was submitted regarding the future Community Visioning project for Sackville.

The Chair requested a copy of the letter be sent to the Sackville Drive Business Association.

**9.2 Petitions: None**

**9.3 Presentations: None**

**10. REPORTS:**

**10.1 Councillor: None**

**10.2 North West Planning Advisory Committee:**

**10.2.1 Case 01027 - Development Agreement for Sunset Ridge Subdivision**

- A report dated March 7, 2008 from the Chair of the North West Planning Advisory Committee was submitted.
- A supplementary information report dated March 14, 2008 was submitted.
- Correspondence dated March 17, 2007 from Robert MacPherson, President, Armco was submitted.
- A report dated April 3, 2008, with an attached staff report dated February 18, 2008 was submitted by the Chair of the North West Planning Advisory Committee.
- A supplementary information report dated April 7, 2008.

**MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council move Notice of Motion to consider the proposed development agreement presented as Attachment "A" to the report dated February 18, 2008 and schedule a public hearing for May 22, 2008. MOTION PUT AND PASSED.**

Councillor Johns advised that this was a significant proposal and he requested that staff extend the usual notification area.

Mr. Kurt Pyle, Acting Supervisor, HRM Planning Applications, advised that staff would set up a meeting with the Councillor to go over the areas he wished to include in the notification.

**10.2.2 Case 01102: Ground Signs on Sackville Drive**

- A report dated April 3, 2008, with an attached staff report dated February 20, 2008 was submitted from the Chair of the North West Planning Advisory Committee.

**MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council give First Reading to the proposed amendments to the Sackville Drive Land Use By-law to amend the ground sign provisions for the PR and PC Zones, as shown in Attachment "A" of the staff report dated February 20, 2008, and schedule a public hearing for May 22, 2008. MOTION PUT AND PASSED.**

**10.2.3 Case 01090: Development Agreement - Neighbourhood D, Bedford South**

- A staff report dated March 20, 2008 was submitted.
- A report dated April 3, 2008, with an attached supplementary staff report dated March 31, 2008 was submitted.

**MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council give Notice of Motion to consider the proposed development agreement set out in Attachment "A" of the supplementary staff report dated March 31, 2008 and schedule a public hearing for May 29, 2008. MOTION PUT AND PASSED.**

**10.3 North West Transit Advisory Committee:**

**10.3.1 Standing Room Only - Route 86**

- A report dated March 20, 2008 from the Chair of the North West Transit Advisory Committee was submitted.

**MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council request from senior management staff that steps be taken to alleviate standing room only on route 86 on highway 102 as it may be a liability issue.**

In moving the motion, Councillor Johns advised that he would like a report back from staff identifying ways to resolve this issue.

**MOTION PUT AND PASSED.**

**11. ADDED ITEMS: None**

**12. NOTICES OF MOTION:**

**13. PUBLIC PARTICIPATION:**

Mr. Nick Antoft, Waterstone Subdivision

Mr. Antoft referred to the presentation by Mr. McCusker at the last meeting regarding Margeson Drive and questioned if anything was being done in regard to the points raised in the discussion.

In response, Councillor Johns advised that Mr. McCusker has taken those points under advisement. He suggested that Mr. Antoft could send a letter to Mr. McCusker on behalf of the Waterstone Residents Association through Community Council if he wished.

**14. NEXT REGULAR MEETING DATE:**

Thursday, May 22, 2008; and Monday, May 26, 2008.

**15. ADJOURNMENT**

The meeting adjourned at 8:55 p.m.

Sheilagh Edmonds  
Legislative Assistant

The following information items were submitted:

- E-mail update from Staff Re: West Point Park - wharf
- E-mail update from Staff Re: McCabe Lake water testing