



**NORTH WEST COMMUNITY COUNCIL
MINUTES
March 21, 2016**

PRESENT: Councillor Steve Craig, Chair
Councillor Tim Outhit, Vice-Chair
Deputy Mayor Matt Whitman
Councillor Barry Dalrymple
Councillor Brad Johns

STAFF: Mr. Liam MacSween, Legislative Assistant
Ms. Kirby Grant, Solicitor

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/central/160321nwcc-agenda.php>

The meeting was called to order at 6:30 p.m. and adjourned at 8:30 p.m.

1. CALL TO ORDER

Councillor Craig called the meeting to order at Acadia Hall, 650 Sackville Drive, Lower Sackville.

2. APPROVAL OF MINUTES – NONE

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

Additions: None

MOVED by Councillor Outhit, seconded by Councillor Whitman,

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 February 29, 2016 – Case 18004: Rezoning – Highland Park Subdivision, Hammonds Plains

The following documentation was before North West Community Council:

- A staff report dated January 15, 2016

MOVED by Deputy Mayor Whitman, seconded by Councillor Outhit

THAT North West Community Council:

- 1. Direct staff to not further proceed with the rezoning application for the Highland Park subdivision on file as Case Number 18004.**

MOTION PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 19965: Amendment to Sackville Land Use Bylaw, C2-A (Minor Commercial) Zone, Middle Sackville

The following was before Community Council:

- A staff recommendation report dated January 4, 2016
- A Memorandum from the North West Planning Advisory Committee dated September 9, 2015

Ms. Erin MacIntyre, Planner provided a presentation with respect to Case 19452. Councillor Craig thanked MacIntyre for her presentation and requested questions of clarification from members of North West Community Council.

Councillor Outhit requested further information with respect to the proposed turning lane suggested by North West Planning Advisory Committee.

Ms. MacIntyre advised that the proposed turning lane will be addressed during the time of permitting.

Councillor Craig read the rules of procedure with respect to public hearings and invited the applicant to present in relation to Case 19452. He noted that both Councillor Johns and Councillor Dalrymple were absent for the staff presentation and would be unable to participate in the public hearing or vote on the staff recommendation.

The applicant chose not to address Community Council.

Councillor Craig opened the public hearing and invited members of the public to address Community Council respecting Case 19452.

Mr. Terry Kelsey, 1591 Sackville Drive, advised of his concern with respect to the impact on local traffic due to the installation of the Service Station.

Mr. Mike Hennigar of Lower Sackville noted his concern with the potential impact that the proposed development will have on traffic.

Mr. Warren Kelsey, noted concern with respect to the impact of the proposed development on the existing residential uses in direct proximity to the subject property.

Councillor Johns joined the meeting at 6:47 p.m.

Councillor Craig called three times for further speakers, there were none present.

Councillor Craig invited the applicant to briefly respond to points raised by the public during the public hearing. The Applicant chose to allow staff to respond to the points raised by the public.

Ms. MacIntyre advised that there is a need for infrastructure upgrades in relation to traffic which is recognized by both staff and the property owner. She advised that the traffic infrastructure upgrades will be part of the design guidelines for the proposed development.

Ms. MacIntyre further advised that the current planning policy speaks to compatibility with existing nearby residential zoning. She advised that that mitigating factors with respect to noise and lights will be included in the development agreement and advised that there have been no environmental concerns raised by Department of Environment.

MOVED by Councillor Outhit, seconded by Councillor Deputy Mayor Whitman

THAT the public hearing close. MOTION PUT AND PASSED.

MOVED by Deputy Mayor Whitman, seconded by Councillor Outhit

THAT North West Community Council approve the proposed amendment to the Sackville Land Use By-law, as contained in Attachment A of the staff report dated January 4, 2016, to permit service stations, excluding automotive repair and washing, within the C-2A (Minor Commercial) Zone.

MOTION PUT AND PASSED.

10.1.2 Case 19260: Development Agreement, Southeast Corner of Stokil Drive and Beaver Bank Road, Lower Sackville

The following was before Community Council:

- *A staff recommendation report dated January 15, 2016*
- *A Memorandum from North West Planning Advisory Committee dated November 6, 2014*
- *Correspondence dated March 21, 2016 from Betty O'Hallorhan*

Ms. Erin MacIntyre, Planner provided a presentation with respect to Case 19260. Councillor Craig thanked Ms. MacIntyre for her presentation and requested questions of clarification from members of North West Community Council. Councillor Craig noted that Councillor Dalrymple was not present for the staff presentation and would be unable to participate/vote on the staff recommendation after the public hearing is held.

Councillor Craig left the chair with Councillor Outhit assuming in his place.

Councillor Craig requested further information with respect to the provision of traffic signalization near the proposed development.

Ms. MacIntyre advised that a traffic impact study had been completed and reviewed as part of the applications and noted that staff did not find that there is merit in requiring mediation or adjustment to the existing traffic signalization. She noted that HRM's Traffic and Right-away services can further review the traffic signalization at the request of residents or council.

Councillor Craig reassumed the Chair and requested further questions of clarification from members of Community Council. There were no further questions from members of Community Council.

Councillor Craig read the rules of procedure with respect to public hearings and invited the applicant to provide a presentation in relation to Case 19260.

Mr. Ceasar Saleh, of WM Fares on behalf of the Applicant, thanked staff for their work on the application and advised of increased parking from 53 to 80 spaces as well as provisions for onsite snow removal and landscaping.

Councillor Craig thanked Mr. Saleh for his presentation and invited members of the public to address Community Council on Case 19260.

Mr. Walter Reagan, of the Sackville Rivers Association, advised that the subject property is located next to a very important wetland. He inquired if the applicant will ensure that a twenty metre setback from the wetland is respected as well as comprehensive stormwater management system is put in place. He advised that oil and grit separators should be incorporated as part of the wastewater system. He further noted that the proposed development would be helpful if it incorporated a delayed sewage pumping system. He concluded by stating that the landscaping on the subject property should include trees.

Mr. Doug Pilgrim, of Lower Sackville, raised concerns regarding traffic on Beaverbank Road. He advised that traffic keeps building up in the area due to increased development in the area and that an additional traffic study should be undertaken by the municipality.

Councillor Craig thanked the speakers for the comments and called three times for further speakers. There were no further speakers present.

Councillor Craig invited the applicant to briefly respond to points raised by the public during the public hearing.

The applicant did not wish to further address Community Council.

MOVED by Councillor Outhit, seconded by Councillor Johns

THAT the public hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Johns, seconded by Deputy Mayor Whitman

THAT North West Community Council:

- 1. Approve the proposed development agreement which shall be substantially of the same form as set out in Attachment A of the staff report dated January 15, 2016, to allow for a 51 unit multiple unit dwelling at the southeast corner of the intersection of Stokil Drive and Beaver Bank Road, Lower Sackville; and**
- 2. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Ms. MacIntyre advised that the subject property does not have an attached watercourse and stated that regulations require that development be located outside and not affect the wetland. She advised that under the current regulations, a setback is not required. She further advised that the developers will need to comply with municipal and provincial design guidelines with respect to stormwater management (quality and direction of flow) before a permit can be issued. Ms. MacIntyre noted that a certified landscape architect is required under the development agreement to undertake the designs for landscaping on the subject property.

With respect to traffic concerns, Ms. MacIntyre advised a traffic impact study had been completed and reviewed as part of the application. She noted that staff did not find merit in requiring mediation or adjustment to the existing traffic signalization in the area. She commented that there are other impacts on traffic with respect to additional development in the area and advised that further traffic concerns will not be reviewed by staff until direction is provided by Council for a more comprehensive study.

Councillor Craig requested that Councillor Outhit assume the Chair. Councillor Craig inquired about the siting of the driveway in terms of proximity to the intersection.

Ms. MacIntyre advised that Development Engineering staff have reviewed the plan and commented that generally, the proposal meets the specific design guidelines for access from the intersection. She advised that staff have allowed for some adjustments to ensure compliance when the work detailed design work is undertaken.

Councillor Craig reassumed the position of Chair.

MOTION PUT AND PASSED.

10.1.3 Case 19452: Amending Development Agreement for 67 Metropolitan Avenue, Lower Sackville

The following was before Community Council:

- *A staff recommendation report dated January 15, 2016*
- Memorandum from North West Planning Advisory Committee dated August 10, 2015

Ms. Stephanie Norman, Planner provided a presentation in relation to Case 19452. Councillor Craig thanked Ms. Norman for her presentation and requested questions of clarification from members of North West Community Council.

There were no questions of clarification from members of North West Community Council.

Councillor Craig read the rules of procedure with respect to public hearings and invited the applicant to address Community Council. He advised that Councillor Dalrymple was absent for the staff presentation and would be unable to participate in the public hearing or vote on the staff recommendation.

Mr. Will Robinson-Mushkat, of KWR Approvals on behalf of the applicant provided a presentation in relation to Case 19452. He provided commentary with respect to the surrounding uses and amenities and advised of the proposed intention to add three additional units to the building in response to demand. He commented that there is ample space on the basement level to internally convert storage space to create the proposed additional units. He advised that there will be no changes to the exterior of the building as the work will be conducted internally. He provided an overview of the floor plan, the landscape plan including a nine meter vegetation buffer, the proposed drainage plan, and advised of additional parking spaces for both vehicles and bicycles. Mr. Robinson - Mushkat concluded his presentation by providing an overview of the traffic impact study taken as part of the application and noted that all of the recommendations suggested by the North West Planning Advisory Committee will be implemented as part of the development.

Councillor Craig thanked Mr. Robinson-Mushkat for his presentation and opened the public hearing.

Mr. Walter Reagan, Sackville Rivers Association advised that the proposed development presents itself as very good opportunity to include oil grit separators as part of its storm water management system to protect and improve the quality of First Lake.

Mr. Mark Bergman, owner of Milestone Properties thanked members of North West Community Council and the public for their comments and considering the application.

Councillor Craig called three times for further speakers, there were no speakers presented.

Councillor Craig invited the Applicant to briefly respond to points raised by the public.

Mr. Robinson-Mushkat advised that the developer will consider the installation of oil grit separators as part of the storm water management system.

MOVED by Councillor Johns, seconded by Councillor Outhit.

THAT the public hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Johns, seconded by Councillor Outhit

THAT North West Community Council:

- 1. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated January 15, 2016, to permit 3 additional units to an existing 36 unit multiple unit dwelling and implement non-disturbance requirements at 67 Metropolitan Avenue, Lower Sackville; and**
- 2. Require the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

In response to a follow up question from Councillor Johns, Mr. Ben Sivac, Planner advised that usage of phrase "which shall be substantially of the same form" in the report recommendation is to address small

typos and minor formatting changes within the language of the proposed development agreement. He advised that it is in response to past instances in which amending development agreements had to be brought back to Community Council to correct small typographical errors.

MOTION PUT AND PASSED.

10.1.4 Case 20082: Amendments to Bedford Land Use By-law – Light Industrial and Heavy Industrial Zones

The following was before Community Council:

- *A staff recommendation report dated January 15, 2016*
- A Memorandum from the North West Planning Advisory Committee dated October 13, 2015

Mr. Nathan Hall, Planning Intern, provided a presentation with respect to Case 20082.

Councillor Craig thanked Mr. Hall for his presentation and requested questions of clarification from members of North West Community Council. He advised that as Councillor Dalrymple was absent for the staff presentation he would be unable to participate in the public hearing or vote on the staff recommendation.

In response to a question from Councillor Outhit, Mr. Hall advised that staff have addressed the concern raised by the North West Planning Advisory Committee within the staff report. He noted that there are requirements within the existing zoning with respect to fencing and screening to buffer other existing uses. He further advised that the auto body repair use is permitted within the existing zoning.

Councillor Craig read the rules of procedure with respect to public hearings and invited the applicant to present in relation to Case 20082. The applicant did not wish to speak.

Councillor Craig opened the public hearing and invited members of the public to address Community Council on Case 20082.

Mr. Brian Murray, of Hammonds Plains inquired if the proponents are utilizing the most up to date technology to ensure that fumes from the auto body shop does not impact neighbouring residential properties.

Councillor Craig called three times for further speakers, there were none present.

Councillor Craig invited the applicant to briefly respond to points raised by the public during the public hearing.

Mr. Calvin Campbell, applicant and owner of Campbell Auto Body thanked Community Council and advised that his business uses the most up to date equipment such as charcoal filters to mitigate fumes and potential hazardous waste. Further he advised that waste is removed from the site on a daily basis.

Mr. Hall noted that provisions for the removal and mitigation of hazardous waste will be conducted at the permitting time.

MOVED by Councillor Outhit, seconded by Councillor Johns

THAT the public hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Outhit, seconded by Councillor Johns

That North West Community Council approve the proposed amendments to the Bedford Land Use By-law to amend the ILI and IHI Zones, as shown in Attachment A of the staff report dated January 15, 2016.

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS – NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted correspondence received for agenda Item No. 10.1.2 and advised that it was previously distributed to members of North West Community Council.

11.2 Petitions – NONE

11.3 Presentation – NONE

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 19056: Amendments to the Sackville MPS and LUB and associated development agreement, Walker Service Road, Lower Sackville

The following was before Community Council:

- *A staff recommendation report dated February 23, 2016*
- *A Memorandum from the North West Planning Advisory Committee dated August 7, 2014*

MOVED by Councillor Johns, seconded by Councillor Outhit

THAT North West Community Council recommend that Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB), as contained in Attachments A and B of the staff report dated February 23, 2016 to allow the proposed comprehensively planned development at 26 and 34 Walker Service Road, Lower Sackville, and schedule a joint public hearing with North West Community Council;**
- 2. Approve the proposed amendments to the Sackville MPS and LUB, as contained in Attachments A and B of the staff report dated February 23, 2016, to permit the proposed comprehensively planning development at 26 and 34 Walker Service Road, Lower Sackville.**

It is further recommended that North West Community Council:

- 3. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment C of the staff report dated February 23, 2016, to permit the development of 34 townhouses and a 4 storey, 52 unit multiple unit dwelling at 26 and 34 Walker Service Road, Lower Sackville. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation #1 of the staff report dated February 23, 2016.**

MOTION PUT AND PASSED.

13.1.2 Case 19768: Rezoning - Lands on Montague Road, Montague Gold Mines

The following was before Community Council:

- *A staff recommendation report dated February 26, 2016*

MOVED by Deputy Mayor Whitman, seconded by Councillor Outhit

THAT North West Community Council give First Reading of the proposed rezoning, as contained in Attachment A of the staff report dated, February 26, 2016 to rezone lands located on Montague Road, Montague Gold Mines from R-7 (Rural Estate) to R-6 (Rural Residential), and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.3 Councillor Appointment to Grants Committee

The following was before Community Council:

- *A motion memo dated March 21, 2016*

MOVED by Deputy Mayor Whitman, seconded by Councillor Johns

THAT North West Community Council appoint Councillor Outhit from the North West Community Council membership to the Grants Committee to fill an unexpired term to November, 2016.

MOTION PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION

18. PUBLIC PARTICIPATION

Mr. Brain Murray, of Hammonds Plains requested further information with respect to the process of scheduling an additional public hearing (if required) if changes to a proposed planning application are deemed substantial after a public hearing is held.

Councillor Craig advised that if there is a substantial change to a planning application proposed by the applicant after the public hearing on the matter is held, a determination is made by staff in consultation with HRM Legal Services to determine whether or not the proposed changes are determined to be substantive enough to require another public hearing.

Councillor Dalrymple joined the meeting at 8:00 p.m.

Mr. Walter Reagan, Sackville Rivers Association, noted that active transportation recreation is underfunded in HRM. He inquired if there is a method to access \$500,000.00 to assist active transportation groups. He further noted that increases to active transportation staff would be helpful in this regard. He requested an update on the progress of the Lot Grading Bylaw. He noted a recent example of erosion sedimentation into the in the nine mile river due to construction work and inquired as to why the sediment/erosion flow plan for the nine mile river was never implemented.

Councillor Craig advised that further funding for Active Transportation can be considered in the 2017/18 budget. He further advised that staff are engaged in looking at trails resources and support for trails groups. With respect to the Lot Grading By-law, Councillor Craig advised that Council requested a supplementary report on the matter in late 2015 and noted that the report should be ready for Council's consideration within the next month.

Deputy Mayor Whitman advised that a public meeting hosted by the local MLA regarding the sedimentation and erosion plan is forth coming.

Ms. Thea Langille, Major Project Planner advised that the erosion sedimentation took place due to work that had taken place without the proper permits. She advised that Development Engineering staff is currently on site to ensure compliance.

19. DATE OF NEXT MEETING – April 11, 2016

20. ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

Liam MacSween
Legislative Assistant