



**NORTH WEST COMMUNITY COUNCIL
MINUTES
May 13, 2019**

PRESENT: Councillor Matt Whitman, Chair
Councillor Lisa Blackburn, Vice Chair
Councillor Steve Streach
Councillor Steve Craig
Councillor Tim Outhit

STAFF: Roxanne MacLaurin, Senior Solicitor
Liam MacSween, Legislative Assistant

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

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 7:00 p.m. and adjourned at 9:22 p.m.

1. CALL TO ORDER

Councillor Matt Whitman, Chair called the meeting to order at the Bedford-Hammonds Plains Community Centre, 202 Innovation Drive, Bedford.

2. APPROVAL OF MINUTES – March 11, 2019

MOVED by Councillor Blackburn, seconded by Councillor Outhit

THAT the minutes of March 11, 2019 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions:

Item No. 16.1 Hammonds Plains Community Centre Area Rate Request

MOVED by Councillor Outhit, seconded by Councillor Blackburn

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 21873: Rezoning of 425 and 435 Hammonds Plains Road, Bedford

The following was before Community Council:

- A staff recommendation/information report dated January 11, 2019
- A memorandum from the North West Planning Advisory Committee dated October 4, 2018
- A staff presentation dated May 13, 2019

Meaghan Bacchus, Planner II provided a presentation on Case 21873.

In response to a question from North West Community Council, Bacchus advised that if the applicant chose to expand student residences on site, it would be considered a non-conforming use that is subject to a Land Use By-law amendment.

Councillor Whitman read the rules of procedures respecting public hearings, opened the public hearing and invited the applicant to address North West Community Council.

As the applicant for this matter is the Halifax Regional Municipality, the applicant chose not to address North West Community Council.

Councillor Whitman called three times for members of the public to address North West Community Council; there were no members present.

MOVED by Councillor Outhit, seconded by Councillor Streach

THAT the Public Hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Outhit, seconded by Councillor Blackburn

THAT That North West Community Council:

- 1. Adopt the amendment to Schedule A – Zoning Map of the Land Use By-law for Bedford, as set out in Attachment A of the staff report dated January 11, 2019.**
- 2. Approve, by resolution, the proposed Discharge Agreement, which shall be substantially of the same form as set out in Attachment B of the staff report dated January 11, 2019; and**
- 3. Require the Discharge 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.**

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case 21410: Appeal of Variance Approval - 21 Mandaville Drive, Middle Sackville

The following was before Community Council:

- A staff recommendation report dated October 18, 2018
- A staff presentation dated May 13, 2019
- Correspondence from Brenda Dean dated May 13, 2019

Connie Sexton, Development Officer provided a presentation on Case 21410.

Councillor Whitman read the rules of procedures respecting Variance Appeal Hearings and invited the appellant to address North West Community Council.

Brenda Dean, Appellant of 17 Mandaville Drive, gave a presentation on Case 21440. Dean provided commentary with respect to the impact of the neighbouring garage on 17 Mandaville Drive, advising that the excavation which took place during the time construction, has caused erosion issues over time. Dean further noted that the level of erosion has been exacerbated by water run off from the roof of the garage which has affected the safety, enjoyment, and value of the property. Dean commented that construction crews are unable to construct an adequate retaining wall between the two properties due to lack of access, caused by the current location of the garage. Dean stated that HRM staff had erred in the issuance of the original variance in 1997 and did not adequately follow up with the property owner during construction. Dean concluded by noting that the responsibility to respect property boundaries and the

intent of the Land-Use By-law ultimately lies the property owner and encouraged North West Community Council not to grant the variance.

In response to questions from Council, Dean clarified that the garage was not in existence when the home was purchased and the remaining space between the garage and property is not safe of accessible due to the erosion.

North West Community Council viewed photos via Google Street view of the neighbouring properties including the slope and grade of the neighbouring properties.

Janice Sutcliffe of 21 Mandaville Drive, Property Owner, advised that the necessary permits were obtained from the municipality in 1997 when the garage was constructed and noted that the non-compliance with the original variance was only made aware to the property owners after the 2017 survey study was conducted by the appellant. At that time, Sutcliffe was advised by HRM staff to apply for an additional variance to bring the garage into compliance. Sutcliffe noted that the garage had been in place for many years without a complaint.

In response to a question from North West Community Council, Sutcliffe advised that a contractor had constructed the garage and was aware of the original variance granted in 1997 at the time of construction.

In response to a follow up question, Sutcliffe advised that the only instance of erosion in recent memory was likely caused by downspout extensions installed at 17 Mandaville Drive which lead to the movement of soil in the partition between the properties. Sutcliffe further advised that at the time of construction, a drainage system was installed near the garage to capture and drain any water overflow from the gutters that may occur.

Roxanne MacLaurin, Senior Solicitor, advised that a decision by North West Community Council on the variance for Case 21410 will not impact any civil litigation that may be currently underway between the property owners.

MOVED by Councillor Blackburn, seconded by Councillor Streach

THAT North West Community Council allow the appeal.

MOTION PUT AND DEFEATED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted correspondence received for agenda item 10.2.1. This correspondence was distributed to North West Community Council.

11.2 Petitions – NONE

11.3 Presentation – NONE

12. INFORMATION ITEMS BROUGHT FORWARD

12.1 Information report from the Director of Planning and Development dated January 7, 2019 re: Bedford West Water Quality Status Update – Fall 2018

The following was before Community Council:

- A staff information report dated January 7, 2019

Cameron Deacoff, Environmental Performance Officer gave an overview of the staff information report dated January 7, 2019.

In response to questions from North West Community Council, Deacoff advised that there is no policy direction set by HRM respecting environmental remediation outside of water quality testing for phosphorus. Deacoff provided further clarification on operating budget money set aside for the study of a potential monitoring project to determine municipal interests and what HRM should be doing with water quality testing.

13. REPORTS

13.1 STAFF

13.1.1 Case 18276: Development Agreement for 74 Union Street, Bedford

The following was before Community Council:

- A staff recommendation report dated March 7, 2019
- A memorandum from the North West Planning Advisory Committee dated April 6, 2018
- A staff presentation dated May 13, 2019

Thea Langille, Principle Planner, provided a presentation on Case 18276.

MOVED by Councillor Outhit, seconded by Councillor Streach

THAT North West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated March 7, 2019, to allow a residential development comprising of 12 townhouse units at 74 Union Street, Bedford, and schedule a public hearing.

In rendering its decision, North West Community identified the following rational for defeating the staff recommendation as outlined in the March 7, 2019 staff report:

- Site conditions including the lack of a second access point to the subject property;
- Proximity to an existing floodplain;
- Land Use compatibility (Townhouses as opposed to Single Family Homes);
- Traffic concerns;
- Shared access driveways and concerns with ongoing future maintenance.

MOTION PUT AND DEFEATED.

13.1.2 Case 19694: Amending Development Agreement for Coulter Crescent, Oakfield

The following was before Community Council:

- A staff recommendation report dated March 18, 2019
- A staff presentation dated May 13, 2019

Thea Langille, Principle Planner provided a presentation on Case 19694.

MOVED by Councillor Streach, seconded by Councillor Outhit

THAT North West Community Council give notice of motion to consider the proposed amending agreement, as set out in Attachment A of the staff report dated March 18, 2019, to reconfigure existing vacant lands within the bounds of the existing development agreement and add 23.8 hectares of land to allow an additional 23 lots off Coulter Crescent, Oakfield and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.3 Staff Presentation – Update on Regional Centre Secondary Municipal Planning Strategy and Land Use By-law (Package A)

The following was before Community Council:

- A staff presentation dated May 13, 2019.

Eric Lucic, Manager of Regional Planning, Ross Grant, Planner I and Mark Innes, Planner II provided a presentation an update presentation on the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law (Package A) and responded to questions from North West Community Council.

13.2. MEMBERS OF NORTH WEST COMMUNITY COUNCIL

13.2.1 Councillor Whitman - Hammonds Plains Common Area Rate Funding Request – Landscaping for Hammonds Plains Consolidated School

The following was before Community Council:

- A North West Community Council consideration form from Councillor Whitman dated May 13, 2019

MOVED by Councillor Blackburn, seconded by Councillor Streach

THAT North West Community Council recommend that Halifax Regional Council authorize a one time contribution of \$36,794.25 from the Hammonds Plains Area Rate surplus to the Hammonds Plains Consolidated School Parent Teacher Association to landscape the school grounds.

MOTION PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS

16.1 Hammonds Plains Community Centre Area Rate Request

The following was before Community Council:

- A staff recommendation report dated February 25, 2019

MOVED by Councillor Blackburn, seconded by Councillor Whitman

THAT North West Community Council recommend that Halifax Regional Council

1. approve financial support for the recapitalization of the Hammonds Plains Community Centre with \$150,000 in funding from the Hammonds Plains Common Area Rate to be allocated by March 31, 2021; and,

2. Direct the Chief Administrative Officer to direct staff to only release funds to the contractor when:

(a) the amounts are invoiced to Hammonds Plains Community Centre; and

(b) payment of invoice has approved by either Hammonds Plains Community Centre Board or a person authorized by the Board to approve it.

MOTION PUT AND PASSED.

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Councillor Whitman called three times for members of the public to address North West Community Council. There were no members of the public present.

19. DATE OF NEXT MEETING – June 10, 2019

20. ADJOURNMENT

The meeting was adjourned at 9:23 p.m.

Liam MacSween
Legislative Assistant