



**NORTH WEST COMMUNITY COUNCIL
SPECIAL MEETING
June 14, 2021**

PRESENT: Councillor Paul Russell, Chair
Councillor Lisa Blackburn, Vice Chair
Deputy Mayor Tim Outhit
Councillor Cathy Deagle-Gammon
Councillor Pam Lovelace

STAFF: Roxanne MacLaurin, Solicitor
Thea Langille, Principal Planner, Rural Policy and Applications
Andrea Lovasi-Wood, Legislative Assistant
Liam MacSween, Legislative Support

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 6:02 p.m. and adjourned at 9:28 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m.

2. APPROVAL OF MINUTES – May 10, 2021

MOVED by Councillor Deagle-Gammon, seconded by Councillor Blackburn

THAT the minutes of May 10, 2021 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

North West Community Council agreed to move discussion of agenda item 11.3.1 to take place after discussion of agenda item 9.

MOVED by Councillor Lovelace, seconded by Deputy Mayor Outhit

THAT the agenda be approved as amended.

MOTION PUT AND PASSED.

Later in the meeting item 13.1.4 was deferred to a future meeting of North West Community Council due to time limitations.

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 23111: Amendment to the MU-1 (Mixed Use) Zone of the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

The following was before Community Council:

- A staff recommendation report dated February 17, 2021
- A staff presentation dated June 14, 2021
- An applicant presentation dated June 14, 2021
- A memorandum from the North West Planning Advisory Committee dated December 7, 2020
- Correspondence from Debra Lucas, Dennis Fortin

Shayne Vipond, Planner III, Rural Policy and Applications, presented Case 23111: Amendment to the MU-1 (Mixed Use) Zone of the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville. The application is by Brighter Community Planning & Consulting, on behalf of the property owner Slate Holdings Ltd, to add "School Bus Yard" to the list of permitted use within the MU-1 (Mixed Use) Zone of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law. The amendment to the MU-1 Zone is requested to legalize an existing School Bus Yard operation at 1155 Lucasville Road, Lucasville. A copy of the staff presentation is on file.

In response to questions from Community Council, Vipond noted that staff's review has concluded that a 200-foot buffering requirement is sufficient to help mitigate the impact of the bus yard on surrounding properties. Further, Vipond advised that staff do not have the authority under the HRM Charter to direct or restrict the idling of vehicles on site. With respect to the subject property, Vipond noted that a shed and natural tree buffer separate surrounding residents from the yard in addition to the 200-foot buffer.

In response to a follow up question, Vipond advised that the HRM Charter would enable staff to include additional fencing or buffering requirements in the Land Use By-law for school bus yard uses.

The Chair opened the public hearing and invited the applicant to address Community Council.

Chrystal Fuller, of Brighter Community Planning & Consulting, spoke on behalf of the applicant, Slate Holdings Ltd. A copy of the applicant's presentation is on file. Fuller provided an overview of the history of the uses on site noting that the applicant was unaware that the bus parking lot was not permitted. Fuller advised that the site will only be used for the parking of busses and that no maintenance will occur, only parking. Fuller concluded by noting that the school bus yard use has not seemed to be problematic, as most people in the community did not know that it was not permitted under the current zoning and that a bus yard is much less intensive than many of the permitted uses within the MU-1 zone.

In response to a question from Community Council, Fuller noted that there is no intention to grow the use on the subject property, rather the intention is to legalize it. Fuller further advised that the proposed 25% of the total eight-acre lot size is more than sufficient to accommodate the use.

Shayne Vipond and Thea Langille, Principal Planner, Rural Policy & Applications, responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for public hearings and called for the registered speakers to address Community Council.

Randy Wells, of Lucasville, expressed concern that the maps in the application do not accurately reflect the recent extensions of 9th and 11th Streets in the Timber Trails Home Mobile Park noting that residences on these streets may not be fully covered by the 200-foot buffer requirement. Wells expressed further concerns with the other 34-acre site across located across the road that has several hundred busses parked on it. Wells inquired if the rezoning passes, what will happen on the other site.

Responding to a question of clarification, Vipond noted that both a 260-meter separation distance applies to residents on both 9th and 11th Streets within the Timber Trails Mobile Home Park.

Debra Lucas, of Lucasville, expressed concern that the school bus yard is taking away the beauty and historic nature of the Lucasville area. Lucas noted that currently, there is a great deal of traffic and heavy truck traffic on the Lucasville Road which is not wide enough to accommodate it. Lucas concluded that the residents of Lucasville are not interested in more industrial uses in the community as it detracts from its unique history and the enjoyment of the residents who live there.

Iris Drummond, of Lucasville, representing the Lucasville Community Association, noted that many of the residents of Lucasville were surprised that the notification of the application was primarily circulated to residents of Timber Trails Mobile Home Park and not the broader community. Drummond questioned the

actual size of the subject property, noting that it is already at capacity and that derelict school buses should not be permitted on the site. Drummond further advised that the proposed zoning amendments will have implications on all MU-1 lots in Upper Sackville, Lucasville, Hammonds Plains and Beaver Bank, and that a public meeting should be held on these changes before a decision is made.

Natalie Downey, of Lower Sackville, acknowledged that the subject property is located in Mi'kma'ki, the ancestral and traditional lands of the Mi'kmaq people. Downey noted the Lucasville community is also very important to people of African ancestry given that the Lucasville area was settled by Black Loyalists. Downey expressed concern that most of the public consultation on the proposal was conducted with residents of the Timber Trails Mobile Home Park who pay their rent to the applicant which creates a potential conflict of interest. Downey concluded by cautioning members of Community Council to fully consider the cultural and historical nature of the Lucasville Community before allowing more industrial uses within the MU-1 zoning.

Chrystal Fuller reminded Community Council and members of the public that there was no mal intent with respect to the rezoning application as the school bus yard use evolved naturally over the past fifteen years out of an initial request. Fuller acknowledged that the concerns from the community are well understood and the applicant was truly unaware that they were non-compliant, choosing to try and rectify the situation immediately. Fuller advised that the planning documents that cover the area are older and outline a community vision which considers light industrial and residential uses for the area. Fuller noted that the applicant has applied for the rezoning with this aspect of the planning strategy in mind.

MOVED by Councillor Blackburn, seconded by Deputy Mayor Outhit

THAT the public hearing be closed.

MOTION PUT AND PASSED.

In response to a question from Community Council, Shayne Vipond and Thea Langille responded to questions of clarification from Community Council.

MOVED by Councillor Blackburn, seconded by Councillor Lovelace

THAT North West Community Council adopt the amendment to the Land Use By law for Beaver Bank, Hammonds Plains and Upper Sackville, as set out in Attachment A of the staff report dated February 17, 2021.

MOTION PUT AND PASSED.

10.1.2 Case 23061: Development Agreement for an outdoor dog run at Lot 2 Glen Arbour Way (PID 41480120), Hammonds Plains

The following was before Community Council:

- A staff recommendation report dated March 29, 2021
- A staff presentation dated June 14, 2021
- An Applicant presentation dated June 14, 2021
- A memorandum from the North West Planning Advisory Committee dated February 8, 2021
- Correspondence from Reggie and Viola Stallard, Charlene Muldoon

Peter Nightingale, Planner II, Rural Policy and Applications, presented Case 23061: Development Agreement for an outdoor dog run at Lot 2 Glen Arbour Way (PID 41480120), Hammonds Plains. The application is by Tier Too Properties Incorporated, on behalf of the property owner, for a development agreement to permit an outdoor dog run at Lot 2 Glen Arbour Way, Hammonds Plains. A copy of the staff presentation is on file.

Nightingale responded to questions of clarification from Community Council.

The Chair opened the Public Hearing and invited the applicant to come forward and address Community Council.

Craig Duinick, of Tier Too Properties Inc., provided a presentation on behalf of the property owners. A copy of the applicant's presentation is on file. Duinick noted that the business owners have put a great deal of time and effort into the application to ensure that they will lessen the impact of the dog run on neighbouring homes and businesses. Duinick advised that all of the recommendations from the North West Planning Advisory Committee have been incorporated into the development agreement and advised of measures put in place to ensure cleanliness, the proper storage and removal of dog waste, and noise mitigation.

In response to a question from North West Community Council, Duinick advised that runoff from the mats in the dog run area will be managed by a drainage system and regular cleaning. Duinick further noted that even with these measures in place, some run off may occur, but it would be minimal.

The Chair reviewed the rules of procedure for public hearings and called for the registered speakers to address North West Community Council.

Reggie Stallard Jr., of Hammonds Plains, noted ownership of a retail property located next door to the proposed development. Stallard Jr. raised concerns with the noise level that the dog run will create and its impact on neighbouring businesses and residences. Stallard Jr. favoured the original proposal to contain it within the existing development and expressed concern that the new location's soundproofing (berm with vegetation) is not sufficient.

Charlene Muldoon, of Hammonds Plains, recently moved to a property that is adjacent to the subject property and expressed concern is with storage and disposal of dog feces. Muldoon advised that rats and other pests are attracted to dog feces that will be stored in containers on site. Muldoon expressed further concern with noise, and the operation taking space away from existing businesses in Hammonds Plains.

Responding to points raised by the public, Community Council discussed the possibility of fencing around the dog run to offer more noise protection and visual screening.

Craig Duinick thanked members of the public for providing their feedback and advised that a six-foot solid fence around the property is being proposed in addition to the berm and existing vegetation to provide visual screening and noise mitigation. Duinick further noted that the storage and disposal of dog feces will be well controlled as it is not in the interest of the property owners and their tenants to have vermin in or around the site.

MOVED by Councillor Lovelace, seconded by Councillor Blackburn

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Lovelace, seconded by Councillor Blackburn

THAT North West Community Council extend the meeting past 9:00 p.m.

MOTION PUT AND PASSED.

Responding to a question from Community Council, Peter Nightingale clarified the mixed used designation that is applied to the subject property noting that it incorporates a variety of uses. Nightingale advised that staff have asked for the greatest mitigation factors with respect to neighbouring businesses and properties and that in staff's view, the applicant has done the most mitigation they can.

MOVED by Councillor Lovelace, seconded by Councillor Blackburn

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 March 29, 2021; and**
- 2. Require the development agreement be signed by the property owner within 240 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 HEARING – NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for items: 10.1.1, 10.1.2 and 11.3.1. This correspondence was circulated to Community Council.

For a detailed list of correspondence received refer to the specific agenda item.

11.2 Petitions – NONE

11.3 Presentation

11.3.1 Important Need for Dry Floor Sport Facility - Wolves Lacrosse Association

The following was before Community Council:

- A request for presentation form dated June 1, 2021
- A presentation from the Wolves Lacrosse Association dated June 14, 2021
- Correspondence from Catherine Martin

Catherine Martin and Pam Glode-Desrochers on behalf of Wolves Lacrosse Association, provided a presentation for a Proposal for Dry Floor Sport Facility in the HRM area. A copy of the presentation is on file.

The presentation provided an overview of the need for a dry floor sports facility in HRM given the rapid growth of the sport in recent years, partnership opportunities with the Mi'kmaq Community to celebrate the community, host events, and display traditional pieces of equipment in a culturally inviting manner, and potential tourism benefits to the region. Martin concluded by requesting that North West Community Council support the application to enable the use of Community Facilities on the lands which are being donated to the Wolves Lacrosse association by the developer.

Responding to a question from Community Council, Thea Langille, Principal Planner, Rural Policy and Applications, advised that the subject property does not align with the community planning direction contemplated in the Regional Plan. Langille advised that the upcoming Regional Plan Review will consider these lands as an industrial and commercial land supply and staff will evaluate whether it can be used for a Community Facility design. Langille estimated that this work could be complete within 18 months.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 23405: Accessory Buildings in the Sackville Plan Area

The following was before Community Council:

- A staff recommendation report dated May 11, 2021

Peter Nightingale, Planner II, Rural Policy and Applications, provided a presentation on Case 23405. A copy of the staff presentation is on file.

MOVED by Councillor Lovelance, seconded by Councillor Deagle-Gammon

THAT North West Community Council direct the Chief Administrative Officer to return to North West Community Council with amendments to the Sackville Land Use By-law to allow for a larger maximum footprint for accessory structures on large lots.

Nightingale responded to questions of clarification from members Community Council.

MOTION PUT AND PASSED.

13.1.2 Case 21996: Municipal Planning Strategy amendments for 18 Scotia Drive, Bedford

The following was before Community Council:

- A staff recommendation report dated May 14, 2021

Sean Gillis, Planner II, provided an overview of Case 21996.

MOVED by Deputy Mayor Outhit, seconded by Councillor Deagle-Gammon

THAT North West Community Council recommend that Halifax Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Bedford, as set out in Attachments A and B, to designate the former Sunnyside Elementary School (Waverley Road Site), 18 Scotia Drive, Bedford, as R (Residential) and apply the RTU (Two Dwelling Unit) Zone, and schedule a public hearing; and**
- 2. Adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Bedford, as set out in Attachments A and B.**

In discussing the matter, North West Community Council requested that staff prepare maps and information that would show the impact of applying the RTH (Townhouse) zone to the former Sunnyside Elementary School (Waverley Road Site), 18 Scotia Drive, Bedford when this matter is forwarded to Regional Council.

MOTION PUT AND PASSED.

13.1.3 Case 22980: Development Agreement for 112 Ledgegate Lane, Bedford

The following was before Community Council:

- A staff report dated May 6, 2021

MOVED by Deputy Mayor Outhit, seconded by Councillor Deagle-Gammon

THAT North West Community Council give notice of motion to consider the proposed amending development agreement, as set out in Attachment A of the staff report dated May 6, 2021, to amend the existing development agreement to substitute an approved multiple unit dwelling with townhouses and schedule a public hearing.

Jamy-Ellen Klenavic, Planner II, Current Planning, provided an overview of Case 22980 and responded to questions of clarification from Community Council.

MOTION PUT AND PASSED.

13.1.4 Staff Presentation - Draft Regional Centre Secondary Municipal Planning Strategy (RCMPS) and Land Use By-law (RCLUB) Review

MOVED by Deputy Mayor Outhit, seconded by Councillor Lovelace

THAT North West Community Council defer Item 13.1.4 until a future meeting of North West Community Council due to time limitations.

MOTION PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION – NONE

19. DATE OF NEXT MEETING - July 12, 2021

20. ADJOURNMENT

The meeting was adjourned at 9:28 p.m.

Liam MacSween
Legislative Support