

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL
MINUTES

July 4, 2011

PRESENT: Councillor Russell Walker, Chair
Councillor Debbie Hum, Vice Chair
Councillor Steve Adams
Councillor Mary Wile
Councillor Linda Mosher

STAFF: Ms. Kirby Grant, Solicitor
Ms. Shawnee Gregory, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:05 p.m. in the Keshen Goodman Library, Halifax.

2. APPROVAL OF MINUTES – June 13, 2011

MOVED by Councillor Adams, seconded by Councillor Wile that the minutes of June 13, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Deletion:

9.3.1 Ujamaa Council – Ms. Shelley Fashan

Addition:

4.1.3 Whimsical Lake Crescent – Briefing Form

12.1 Naming of a Geographical Feature – Cabin Lake – Councillor Hum

12.2 Fleming Park Management Practices and Fire Hazards, Westgate/Burns Drive Area - Councillor Mosher

MOVED by Councillor Hum, seconded by Councillor Wile that the agenda be approved as presented. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 J.L. Ilsley High School – Campus Opportunity

Councillor Mosher advised that she would have an update at the next meeting.

This item is to remain on the Status Sheet.

4.1.2 Keefe Drive – Emergency Concerns Due to Road Construction and Lack of Seawall

As there was no update, this item is to remain on the Status Sheet.

4.1.3 Whimsical Lake Crescent

A briefing form was submitted.

To remain on the Status Sheet.

4.1.4 Sherbrooke Drive Update

As there was no update, Councillor Hum requested that this item remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 16217: Heritage Development Agreement – 10 Kirk Road, Halifax i) Halifax Watershed Advisory Board Report

A report dated May 5, 2011 was before Community Council.

A report dated January 6, 2011 from the Halifax Watershed Advisory Board was before Community Council.

Correspondence was submitted by the following residents: Mr. Gerald Harris, Mr. Nick Ross, Ms. Maureen Nolan, Dr. S.A. Imran, Ms. Dorothy E. Moore and Ms. Patricia Goulet.

Ms. Mackenzie Stonehocker, Planner, provided the presentation on Case 16217: Heritage Development Agreement – 10 Kirk Road, Halifax.

The Chair reviewed the rules of procedure for Public Hearings and called for those speaking for or against Case 16217: Heritage Development Agreement – 10 Kirk Road, Halifax.

Mr. John Carter, Jubilee Road, indicated that he was also a co-owner of a home on Kirk Road and, upon reading the provided documentation, he was not clear as to how comments from the September public meeting and other correspondence provided to the city were addressed by the developer or in the staff report provided to HRM. He stated that it was hard to see the public process and how it affected the proposed design and construction. Mr. Carter expressed concern that the traffic impact study did not contain a clear assumption regarding the number of vehicles per household unit; noting assumptions used in the analysis were not clear. He advised that residents were concerned that the study focussed on the intersection of Parkhill and Purcell's Cove Roads; however, residents were actually more concerned about the potential for

additional traffic in their neighbourhood given the narrow streets. Mr. Carter asked what had changed in the design and construction process that reflects these concerns.

Ms. Stonehocker advised that staff reviewed the minutes from the September Public Information Meeting (PIM) as well as comments received and that those comments were incorporated into the negotiations for the development agreement. She stated that, as a result, the length of construction time was changed and the development agreement will be as strict as possible on the developer to minimize bother in the neighbourhood. Regarding the traffic analysis, she stated that the traffic engineer used a standard number of vehicles per unit size and found the results to be satisfactory and that the development would not negatively impact traffic. Ms. Stonehocker indicated that the four way stop at Parkhill and Williams Lake Roads had been the focus of the study as that would be most resident's route.

Ms. Dorothy Moore, McManus Road, advised that she had lost her voice and her daughter read her submitted correspondence dated June 28, 2011 into the record.

Mr. Chuck Lienux, Purcells Cove Road, stated that he suggested at the PIM that HRM consider acquiring, with a deed rather than an easement, the towpath and inquired about whether this was considered. He advised that it would seem to be the best plan to have ownership of the land rather than a short term lease.

Ms. Stonehocker advised that staff did investigate the acquisition of parkland as opposed to an easement; however, HRM's Parkland Planning department indicated this was not the best use for the site as there was no way for HRM to access and maintain the land; noting that the high-water mark and seawall was under Port Authority jurisdiction which further complicates the matter.

Ms. Maureen Nolan, Marine Drive, indicated that she co-owned the property with her mother and that three of the proposed houses would be built along their property which would increase their insurance as they now received a break for having a hydrant so close. She expressed concern regarding snow removal as the street was only eight feet and advised that there should be no exception for home sites 7 and 13 as outlined in item 3.9.10 as rules should be applied across the board.

Ms. Stonehocker advised that home site 7 provides the future home owner to have access via Marine Drive or an internal private driveway as a result of steep grades. She stated that if they chose to have access via Marine Drive, the fire hydrant and also a power pole may have to be moved a distance of 20-25 feet. She indicated that there would still be room for snow removal and that, typically, there were no setbacks for driveways; however, given this is an existing neighbourhood, staff felt that a setback of eight feet would be appropriate, if space allowed.

Mr. Ezra Vangelder, Chipstone Close, requested further information regarding:

- The construction timeline

- If the developer planned to maintain the public towpath
- Whether each home site would have its own private driveway or a public common parking area
- What steps would be taken to ensure safe use of the private driveways, if developed
- The intended distance between the buildings from lots 1 to 4

Ms. Stonehocker advised that:

- Within three years, the site would be pad ready with all service work and driveways completed
- Maintenance of the towpath was at the developer's discretion
- There would be two main private driveways off Kirk and McManus Roads and each home would have its own private driveway
- The closest the homes could be, as set out in Schedule F, was 16 feet apart which would all depend on the property owners' designs

Mr. Nick Ross, Kirk Road, indicated that his property borders the proposed property and that while he was in favour of the development, he would like to see the density reduced for traffic and quality of life issues. He wondered if road widths had been taken into consideration as it seemed as though only the intersections at the largest road had been analysed; expressing concern that this may not have been properly addressed. Mr. Ross inquired as to how the development would affect his property value as residents wanted to share their way of life and not have it compromised and wondered if HRM had considered their properties and taxes.

Ms. Stonehocker clarified that the traffic engineers do take into account the size of streets when conducting traffic impact studies and they were aware that the Jollimore streets are undersize. She advised that the developer has asked to go through the development agreement process; noting if they had been willing to go as of right, they would have had enough space to build an equivalent amount of units.

Ms. Helen Lofgren, 47 Albion Road, agreed with many of the concerns already stated including the concern that the proposed development contained too many houses. She expressed concern regarding who would be responsible for noise complaints when the construction begins as it would effect people who are home during the day; noting recent construction on Albion Road as an example of such disruption. Ms. Lofgren also wondered what means of access the construction workers would use and suggested that materials be delivered by water. She requested that it be ensured that the HRM noise By-laws are observed during construction. She also wondered where guests visiting the new development would park as parking in the neighbourhood was already an issue.

Ms. Stonehocker stated that the property was large enough to accommodate parking for construction and delivery vehicles and that the noise By-law was enforced, by complaint, by the police; noting that staff could not regulate deliveries in the

development agreement. She indicated that there would be approximately 10 guest parking spots on site.

Mr. Glen Harrison, Parkhill Road, expressed disappointment that in the supporting documents for this matter, it did not appear that the developer considered the single overriding concern expressed by 81 residents. He stated that, according to his notes, only two people spoke in favour of the development at the PIM and neither lived in the area. Mr. Harrison indicated that residents were concerned that the neighbourhood could not support the infrastructure of such a development. He expressed concern regarding traffic issues along the functional laneways in the neighbourhood; noting he could not believe that HRM would allow a subdivision and 14 houses on a site where there used to be one. Mr. Harrison indicated that he did not know how traffic studies worked; however, Council should have been provided with photos of the laneways and that there was not even a stop or yield sign at Parkhill and Kirk Roads; noting there was also no room for parking or heavy equipment. He requested that Council redirect this issue back to staff as they had not addressed density, traffic or the concerns of residents. In closing, Mr. Harrison stated that maintaining a few rock walls and bushes was all well and good; however, this development was not in keeping with the neighbourhood and he requested that the development be modified to suit the neighbourhood.

Ms. Stonehocker advised that, in staff's opinion, the proposed development does a much better job in keeping with the neighbourhood than an as of right development would and that the lot size was comparable to those throughout Halifax; noting that the heritage development agreement also provides a good product with regards to density.

Ms. Stonehocker indicated that, under as of right construction, the development would include:

- The mandatory construction of a public street to municipal standards off which there would be 50 feet of frontage with between 14 and 16 lots
- The HRM Parkland division would decide if they wanted to create parkland in the subdivision or take cash in lieu
- The orientation of a cul de sac bulb would mean losing all existing buildings on the current lot

Ms. Stonehocker stated that existing buildings and landscaping features would be maintained within the development agreement approach and that staff also had the ability to regulate architecture and the scale of buildings.

Mr. Dick Evans, Parkhill Road, advised that he was a 35 year resident of Jollimore and had submitted correspondence as well. He stated that he was in support of the development for the reasons just addressed by Ms. Stonehocker as the alternative was an as of right development. As a lawyer, Mr. Evans indicated that he realized he had limited control over what people do with their property. He requested an explanation on

the difference between the potential area of land on each lot that could be built upon and the footprint of each unit as some seemed bigger; noting that the footprint needed to be less than the allowable area on which owners could build. He advised that the development was only enforceable by HRM, not by individuals. Mr. Evans also requested clarification as to why HRM staff initially recommended 12 units rather than 14 and ended up agreeing with the developer's request of 14 in the end.

Ms. Stonehocker advised that the development agreement does limit the size of buildings in several ways as set out in Schedule F; noting that, as these buildings were bareland condos, the setbacks were not the same as on owned lots. She stated that there was also a requirement for a maximum footprint and all this was included in the development agreement and enforced by HRM as part of the building permit process; however, HRM did not regulate condominium By-laws. Ms. Stonehocker advised that staff did ask the developer to limit the number of units; however, after discussion and site visits where they saw the size of the home sites, staff were comfortable with the requested 14 units.

Ms. Regina Maass, Albion Road, wondered where the plough would put snow now that there would be a private driveway at the end of Marine Drive as that was where the snow was usually pushed. She stated that she was puzzled by the information on page 4 of the report regarding a traffic impact statement that the development would not impact the neighbourhood and wondered if it was a conflict of interest that the developer had been responsible for the study. Ms. Maass advised that she liked the idea of a heritage development; however, she did not like the impact such a development would have on Jollimore and wondered at what point traffic would become such an issue that pedestrians and walkers in the neighbourhood would become displaced. She expressed concern regarding higher taxes being put upon the community and that their quality of life would be diminished as a result.

Ms. Stonehocker advised that the snow removal would not cause an issue in the right of way. She also stated that HRM does not conduct traffic impact studies as they were always the developer's responsibility; noting these studies were done according to international standards and were reviewed by staff.

The Chair called three times for additional speakers. Hearing none, the following motion was passed:

MOVED by Councillor Wile, seconded by Councillor Hum that the Public Hearing be closed. MOTION PUT AND PASSED.

Ms. Jennifer Corson, Project Manager for Marterra Inc., Applicant, thanked HRM staff for working hard on this fairly new development type; the heritage bareland condo. She indicated that her work was in the green architecture field with Solterre Design who have expanded their project design work to land development as they saw many opportunities to have greener development in HRM. She advised that from the last PIM

regarding this development, both support and concern was strong as Jollimore was a close knit neighbourhood and, while she understood the concerns, development was required to maintain the heritage aspects of the property; noting that Dr. Mathers built his estate from a number of cottages already on the land. She indicated that her role as a green developer was to put existing features before new development as they wanted to weave the new houses among existing heritage; noting that, under as of right, the property would have been demolished to construct a standard cul de sac like the one at Dead Man's Island. Regarding concern about the impact from construction and traffic, Ms. Corson clarified that the roads leading to the property would not be widened and there would not be curbs or gutters on the property. She advised that the traffic study was completed by an independent consultant and she was disappointed that Albion Road had not been included by the consultant as well. She stated that an as of right development of 16 units could have generated more trips and less public input in the process. She indicated that McManus Road was approximately 10 to 12 feet wide with a 66 foot wide public boundary; advising that they had started to take some trees down and would be widening the mouth of the property which would actually enable passing for improved access. Ms. Corson stated that the towpath was an important community link and they would maintain it during the summer months. She indicated that since the PIM there had been a request for additional work and an architectural view was now underway with CRM Consultants; noting it was unlikely there was much infrastructure there. Ms. Corson advised that she had been involved with this project for almost two years and that they have been renovating the main house and adjacent 1960's home; noting that, if the development agreement was approved, internal road work would commence over the next couple of months. She stated that the main water and sewer line work would take place on the development's roads so residents would not need to worry about equipment parking other than the widening of Roost Road. She indicated that they hoped to start selling the units in the spring of 2012. Regarding height, density and buildable areas, Ms. Corson advised that they had been working closely on ratios of approximately 1200 feet; noting that they wanted to protect the character of the property as well as the North West Arm pathway, current water frontage and viewplanes. She stated that Marterra Inc. wanted to provide opportunities for silver gain and they had modeled their units per acre on the existing community density in Jollimore.

MOVED by Councillor Mosher, seconded by Councillor Adams that Chebucto Community Council:

- 1. Approve the development agreement contained in Attachment A of the staff report dated May 5, 2011, to allow for one semi-detached dwelling and ten single-unit dwellings at 10 Kirk Road, Halifax; and**
- 2. Require the 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 shall be void and any obligations arising hereunder shall be at an end.

Councillor Mosher amended the staff recommendation from 12 to 10 single-unit dwellings as she understood the residents' concerns regarding this unique community; noting that something would be developed on the property and she preferred a development agreement over as of right as the latter would negatively impact the Jollimore community. She cited Policy 6.8 of the Heritage Resources section of the Halifax Municipal Planning Strategy and Policies CH-1(f) and IM-15 of the Regional Plan as her reasons for amending the motion. In closing, she stated that reducing the number of units by two was a compromise and the developer should look at the benefit, not only of a new development, but of integrating it into the existing community so it would be beneficial for all.

MOTION PUT AND PASSED.

8.1.2 Case 16333: Amending Development Agreement – Halifax Water Operations Centre, 450 Cowie Hill Road, Halifax

A report dated May 26, 2011 was before Community Council.

Ms. Mackenzie Stonehocker, Planner, provided the presentation on Case 16333: Amending Development Agreement – Halifax Water Operations Centre, 450 Cowie Hill Road, Halifax.

The Chair reviewed the rules of procedure for Public Hearings and called for those speaking for or against Case 16217: Heritage Development Agreement – 10 Kirk Road, Halifax.

Mr. Bill Campbell, Fife Lane, indicated that he was representing Rockcliffe Village and thanked the Water Commission for considering the community as they were a major neighbour to the proposed new site. He stated that the residents of Rockcliffe Village were concerned about maintaining the integrity of the master plan community and they believed they had secured appropriate amendments to the landscaping plan and section 2.5.7 of the proposed amending agreement which deals with the timing of road construction through Halifax Water lands to their common boundary with Rockcliffe Village. Mr. Campbell indicated that the community thinks that most details had been covered and, if not, he was sure that any kinks could be worked out over the next few days. In closing, he thanked Halifax Water for speaking to their principal neighbour and hoped this relationship would continue.

The Chair called three times for additional speakers. Hearing none, the following motion was passed:

MOVED by Councillor Adams, seconded by Councillor Hum that the Public Hearing be closed. MOTION PUT AND PASSED.

Mr. Jamie Hannam, Director of Engineering and Information Services with Halifax Water, provided a brief presentation, advising that Halifax Water required more space since taking over stormwater and waste water services from HRM in 2007. He indicated that staff conducted a facilities plan as well as a traffic analysis and traffic impact study which concluded there would be no negative impact by the modest amount of traffic created by the expansion. He stated that the development timeline was to submit the subdivision application within 30 days of the development agreement being approved and to work within the 12 month period to complete initial operations building the Cowie Hill extension.

Councillor Mosher moved the following amended motion as supported by both HRM and Halifax Water staff:

MOVED by Councillor Mosher, seconded by Councillor Adams that Chebucto Community Council:

- 1. Approve the amending agreement contained in Attachment A of the staff report dated May 26, 2011 to allow for an addition to the existing administrative building and a new operations building at 450 Cowie Hill Road, Halifax, with the following two revisions:**
 - **Include additional landscaping details as outlined on the provided Schedule C; and**
 - **Replace the text of Section 2.5.7 with the following: “The Developer shall submit a complete application for Final Subdivision Approval within thirty (30) days of the registration of this Agreement. The Construction Schedule contained in the Subdivision Agreement shall require a scheduled completion date for Primary and Secondary Services within twelve (12) months from the signing of the Subdivision Agreement.”**
- 2. Approve the discharging agreement contained in Attachment B to release 450 Cowie Hill Road, Halifax from the expired development agreements; and**
- 3. Require the 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 shall be void and any obligations arising hereunder shall be at an end.**

Councillor Mosher advised that Halifax Water had been a good partner and thanked staff as well; noting she received a letter from the consultants to clear up any landscaping and construction timelines and that the new building act as a sound barrier.

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings

8.2.1 Appeal of the Development Officer's Decision to Refuse an Application for a Variance – 15, 17, 19 & 21 Four Mile Lane, Halifax, Case #16989

Due to lack of time, this item was deferred to the August 8, 2011 meeting.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations

9.3.1 Ujamaa Initiative

This item was deleted under the Approval of the Order of Business.

9.3.2 Blue Mountain - Birch Cove Lake Wilderness Reserve – Mr. Bruce E. Smith, Halifax North West Trails Association

Due to lack of time, this item was deferred to the August 8, 2011 meeting.

10. REPORTS

10.1 Councillor

10.1.1 Graffiti on Chain of Lakes Trail – Northwest Arm Overpass Councillor Mosher

Due to lack of time, this item was deferred to the August 8, 2011 meeting.

10.1.2 Chain of Lakes Trail - Surplus Lands – Councillor Mosher

Due to lack of time, this item was deferred to the August 8, 2011 meeting.

10.1.3 Restricting Signage on Dunbrack Street – Councillor Hum

Due to lack of time, this item was deferred to the August 8, 2011 meeting.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Naming of a Geographical Feature – Cabin Lake – Councillor Hum

Due to lack of time, this item was deferred to the August 8, 2011 meeting.

12.2 Fleming Park Management Practices and Fire Hazards, Westgate/Burns Drive Area - Councillor Mosher

Due to lack of time, this item was deferred to the August 8, 2011 meeting.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Due to lack of time, this item was deferred to the August 8, 2011 meeting.

15. NEXT MEETING DATE – August 8, 2011

Councillor Wile announced that Stratford Way Park would be closed for the next five or six weeks while new gardens were being built.

16. ADJOURNMENT

The meeting was adjourned at 8:59 p.m.

Shawnee Gregory
Legislative Assistant