

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL
MINUTES

October 3, 2011

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

REGRETS: Councillor Steve Adams

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 7:01 p.m. in the Keshen Goodman Library, Halifax.

2. APPROVAL OF MINUTES – August 8 & September 13, 2011

MOVED by Councillor Mosher, seconded by Councillor Hum that the minutes of August 8 & September 13, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Addition:

- 12.1 Public Right Away (Tow Path) on the Northwest Arm - Maintenance and Access - Councillor Mosher
- 12.2 Request to Amend the C-1 Zone to Remove R-4 Uses Under the Mainland Land Use By-law – Councillor Mosher

MOVED by Councillor Wile, seconded by Councillor Hum that the agenda be accepted as amended. 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

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

4.1.3 Whimsical Lake Crescent

An information report dated August 11, 2011 was before Community Council.

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council accept the information report dated August 11, 2011 and remove this item from the Status Sheet. MOTION PUT AND PASSED.

4.1.4 Sherbrooke Drive Update

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

4.1.5 Sale of Land, Bayers Lake Business Park RFP#10-063

An information report dated September 1, 2011 was before Community Council.

MOVED by Councillor Wile, seconded by Councillor Mosher that Chebucto Community Council accept the information report dated September 1, 2011 and remove this item from the Status Sheet. MOTION PUT AND PASSED.

4.1.6 Graffiti on Chain of Lakes Trail – Northwest Arm Overpass

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

4.1.7 Chain of Lakes Trail - Surplus Lands

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

4.1.8 Restricting Signage on Dunbrack Street

Councillor Hum indicated that she hoped to have further information at the next meeting as she would soon be conducting a walk about with staff; noting that Councillors Wile and Walker would be included as well.

This item will remain on the Status Sheet.

4.1.9 Beech Tree Infestation on HRM Owned Trees- Fairmount Subdivision

An information report dated September 6, 2011 was before Community Council.

Councillor Mosher indicated that the information report dated September 6, 2011 was inconclusive and requested that this item remain on the Status Sheet pending further information.

4.1.10 Preserving or Establishing Formal HRM Owned Mountain Bike Trails in the Chebucto Community Council

As there was no update, Councillor Mosher 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 - None**
 - 8.2 **Variance Appeal Hearings**
 - 8.2.1 **Appeal of the Development Officer’s Decision to Refuse an Application for a Variance at 91 Douglas Crescent, Halifax**

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

A memorandum dated September 12, 2011 was submitted.

Ms. Brenda Seymour, Development Technician, provided on the presentation on the Appeal of the Development Officer’s Decision to Refuse an Application for a Variance at 91 Douglas Crescent, Halifax.

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and opened the hearing for the Appeal of the Development Officer’s Decision to Refuse an Application for a Variance at 91 Douglas Crescent, Halifax.

Mr. David Seller, Applicant, 91 Douglas Crescent, advised that he and his wife had bought their home at 91 Douglas Crescent approximately six months ago and decided to replace the deck as it was substandard. He indicated that the first question he asked the contractor was how close to the property line he could build and that he was told four feet; noting he designed the deck as he is an engineer. Mr. Seller stated that his wife’s cousin, who was also a contractor, also told him that the setback was four feet and that, since the deck was already built, he did not require a permit for an extension; noting that it was a neighbour who advised him to check with HRM once the footings for the deck had already been installed. Mr. Seller stated that he apologised in his appeal letter as he did not mean to break the law; advising that he was told there would be a one week turn around for response, however, due to employee vacations, he did not hear back in that time and he started building. He indicated that it was not until the latter part of August that he received a phone call from HRM questioning the cantilever beam and he responded that he had already spoken to someone as well as having reviewed this with HRM engineering staff in July. In closing, Mr. Seller advised that he had gotten signatures of approval from everyone within 30 metres of his home and had a letter from his next door neighbour as well.

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 Variance Appeal Hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Hum, seconded by Councillor Mosher that Chebucto Community Council uphold the Development Officer's decision to refuse the variance.

Discussion on the motion ensued.

Councillor Hum advised that Community Council had three strict criterions as set out in part 250(3) of the Halifax Municipal Charter where they were able to approve variances and, unfortunately, this appeal did not meet two of the three requirements.

Councillor Mosher referenced the submitted memorandum which included the correspondence from Mr. Seller to his neighbours. She advised that, contrary to a statement made in the correspondence, HRM had not recently changed its setback requirement from eight metres and; therefore, his neighbours had signed based on inaccurate information.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Mosher

Councillor Mosher submitted a petition containing 93 signatures on behalf of the residents of Fairmount who are opposed to an R3 development on Palmer Hill Road as it is not compatible with the Fairmount subdivision and would negatively affect the integrity of the existing neighbourhood.

9.3 Presentations - None

10. REPORTS

10.1 Staff

10.1.1 Case 17001: Discharging Agreement - Royal Hemlocks, Halifax

A report dated September 19, 2011 was before Community Council.

MOVED by Councillor Hum, seconded by Councillor Wile that Chebucto Community Council:

- 1. By resolution, approve the discharging agreement, presented as Attachment A to the report dated September 19, 2011, for lands located at the intersection of Larry Uteck Blvd. and Bedford Highway in 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 will be void and obligations arising hereunder shall be at and end.**

MOTION PUT AND PASSED.

10.1.2 Case 01254: MPS/LUB Amendments and Development Agreement, 3620 Dutch Village Road, Halifax

A report dated September 20, 2011 was before Community Council.

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

- 1. Move Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment B to allow for a mixed use development, and schedule a joint public hearing with Halifax Regional Council; and**
- 2. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law contained in Attachment A of the staff report dated September 20, 2011 and schedule a joint public hearing with Chebucto Community Council.**

MOTION PUT AND PASSED.

Councillor Mosher advised the public that all correspondence regarding this matter should be forwarded to the Municipal Clerk's Office to be circulated to all members of Council at the upcoming Public Hearing.

10.2 Councillor

10.2.1 Deadman's Island - National Historic Site Application, Memorials, and 200th Anniversary of the War of 1812 – Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Wile passed that Chebucto Community Council endorse HRM staff to liaise with the various stakeholders to determine the appropriate commemoration of the Bicentennial of the War of 1812, and make an application to the Department of Canadian Heritage for funding based on the recommended approach. MOTION PUT AND PASSED.

10.2.2 Pocket Park - Crown Drive and Brook Street - Private Property and Parking Issue – Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council endorse the appropriate HRM Parks and Real Estate staff to assess the purchase of the privately owned corner parcel at the intersection of Crown Drive and Brook Street in order to complete the park and/or offer handicap on street parking and assessable access to the Chain of Lakes Trail. MOTION PUT AND PASSED.

10.2.3 Glades Nursing Home - 25 Alton Drive - Future Land Use of This Property – Councillor Mosher

Councillor Mosher indicated that this facility was no longer going to be used as a provincially granted nursing home and the residents would be moving to two facilities by March 2012. She stated that residents in the area were concerned about the future re-development potential of this parcel which was currently zoned Parks & Institutional.

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council request an information report from Planning staff describing the existing zoning and the by right potential as well as the process that would be followed should the property owner of 25 Alton Drive wish to rezone this parcel of land. MOTION PUT AND PASSED.

10.2.4 100th Anniversary of the Completion of the Memorial Tower - Sir Sandford Fleming Park – Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Hum that Chebucto Community Council request a report as to the potential funding grants available to commemorate the 100th anniversary of the completion of the Memorial Tower and also an update on the status of the restoration of the Tower. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Public Right Away (Tow Path) on the Northwest Arm - Maintenance and Access - Councillor Mosher

Councillor Mosher indicated that at a recent Public Information Meeting regarding Northwest Arm viewplanes, residents made several comments and queries about the HRM public lands along the Northwest Arm from the Dingle Park towards Purcell's Cove; making note of areas that were completely washed out and not accessible by foot. In addition, there were questions about the status or plan of future land acquisition along the water's edge.

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council request that staff investigate the condition of the HRM owned portions of the walkway along the Northwest Arm, from Sir Sandford Fleming Park towards Purcell's Cove and report on future restoration as well as plans for continued acquisition of shoreline property. MOTION PUT AND PASSED.

12.2 Request to Amend the C-1 Zone to Remove R-4 Uses Under the Mainland Land Use By-law – Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Hum that Chebucto Community Council request a staff report regarding the possibility of amending the Halifax Mainland Land Use By-law to remove the R-4 (Multiple Dwelling) Zone uses from the list of permitted uses in the C-1 (Local Business) Zone.

Councillor Hum requested a friendly amendment to also include C-3 areas in the motion and report. Councillor Mosher agreed.

The motion now reads:

MOVED by Councillor Mosher, seconded by Councillor Hum that Chebucto Community Council request a staff report regarding the possibility of amending the Halifax Mainland Land Use By-law to remove the R-4 (Multiple Dwelling) Zone uses from the list of permitted uses in the C-1 (Local Business) Zone and that C-3 areas be included as well. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Ms. Tamara Lorincz, Fairview, indicated that she was the co-founder of Imagine Fairview and submitted her presentation which she reviewed for the record. Ms. Lorincz also submitted 121 additional signatures for the petition which she submitted at the June 13, 2011 Community Council meeting in opposition to the proposed development of the former Halifax West High School site located at 3620 Dutch Village Road, Case 01254.

Ms. Kirby Grant, Solicitor, advised that, as this matter was scheduled to go to Public Hearing, remarks regarding Case 01254 should be given at that time or submitted to the Municipal Clerk's Office as correspondence rather than during Public Participation.

Mr. Bob McDonald, Warwick Lane, spoke regarding the sale of lands in the Bayers Lake Business Park; noting that he believed the information report submitted under item 4.1.5 was not as thorough as it could be considering the negotiations that are taking place and that he was unsure if it had been a highly public process. He stated that the intended development had been changing and he hoped that the maps illustrating the development area were correct. Mr. McDonald advised that in July 2011 HRM awarded a substantial contract to investigate two watersheds, one of which was Birch Cove Lake; noting it was a 12 to 18 month process which was ongoing and that some members of the public made the assumption that no development would occur in that area until the process was complete. He stated that the watershed study was called for by HRM and came out of a request for a secondary planning strategy by the Regional Plan Advisory Committee; noting the second part of the study was for the Regional Park. He expressed concern that the northern part of the Bank development which seeks to expand the business park, would take place in the watershed and compromise wetlands. Mr. McDonald advised that Susies Lake and Quarry Lake were the most pristine lakes in HRM and that the Halifax Northwest Trails Association's (NWTa) recommendation would be for HRM staff to set aside land for the Regional Park first before they sell all HRM owned lands in the Bayers Lake expansion area and negotiate with the developer. He indicated it was his understanding that the proposed developer was agreeable if HRM would like to save some of the land for park use which was good.

Councillor Hum requested that Mr. McDonald's comments be forwarded to staff; noting that this was exactly the kind of thing that Regional Park and Planning Services staff were discussing. She advised that the land that is part of Bayers Lake was always meant for development; noting that the boundaries would undergo further negotiation and discussion; however, not as part of this sale of land but via a separate process.

Mr. Bruce Smith, Forsyth Crescent, indicated that he was a board member of the NWTa and commented on the information report submitted under item 4.1.5. He referenced the positive wording in the report regarding the parkland dedication section in particular which discusses the importance of preserving some of this land which would be a great step forward; however, he was cautious that words get translated into action. In closing, Mr. Smith advised that they would continue to work towards ensuring that the Regional Park boundaries are protected, that the watershed is protected and the developer gets what he needs.

Mr. Cory Garnier, Fairview, spoke about the proposed development of the former Halifax West High School site located at 3620 Dutch Village Road, Case 01254. He advised that he was part of the parent teacher association in the community and wanted to ensure there was smart development in the area.

Those present were reminded by Ms. Grant and Community Council that comments regarding Case 01254 should be made at the Public Hearing rather than during Public Participation.

Ms. Diana Whalen, MLA Halifax Clayton Park, commented on the sale of lands in Bayers Lake which will roughly double the size of the business park. She stated that the Province was excited as the development would provide them with an entrance to the wilderness area which was a big contribution on their part; noting this was done also because HRM had the foresight as part of its Regional Plan to put a Regional Park in place. She indicated that the development does provide the opportunity for a proper trail head and entrance; however, at the same time, she asked the Municipality to again consider a review to see whether the Regional Park boundary could be amended to not only make it more environmentally sensitive to protect the lakes from runoff and to provide a good buffer, and an HRM contribution to lands. Minister Whalen advised that the Province was requesting that more of this developable area remain as HRM owned land; noting that the Province had come up with 33 acres to protect and was looking for a similar gesture from HRM to a smaller extent. She stated that the Minister of the Environment had written Mayor Kelly as they were concerned about the opportunity before them. In closing, Minister Whalen indicated that there was a role for Councillors to say to staff that this is important and a win win situation; noting that the Public Information Meeting showed a positive response from the public.

Councillor Hum requested that Minister Whalen's comments be forwarded to staff.

Ms. Wendy McDonald, Warwick Lane, provided the following comments:

- The quality of maps attached to some recent staff reports has been insufficient
- Hope that community engagement would be the norm once the Regional Park is finally declared and that it informs on how land is to be used
- Remind those present of the Polling District Boundary Review Public Information Meeting at the Canada Games Centre on October 5, 2011.

15. NEXT MEETING DATE – November 7, 2011

16. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Shawnee Gregory
Legislative Assistant

Information Item

1. Fleming Park Management Practices and Fire Hazards, Westgate/Burns Drive Area