

CHEBUCTO COMMUNITY COUNCIL

MINUTES

JULY 16, 2001

THOSE PRESENT: Councillor Stephen D. Adams, Chair
Councillor Dawn Sloane
Councillor Sheila Fougere
Councillor Russell Walker
Councillor Sue Uteck
Deputy Mayor Jerry Blumenthal
Councillor Linda Mosher
Councillor Diana Whalen

ALSO PRESENT: Wayne Anstey, Municipal Solicitor
Grace Ho, Planner
Gary Porter, Planner
Paul Sampson, Planner
Kulvinder Dhillon, Director, Public Works and Transportation
Dale MacLennan, Director, Financial Services
David McCusker, Manager, Traffic & Transportation Services
Kenny Silver, Planning & Development, Transit Services
Sandra Shute, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Council Chambers at 2750 Dutch Village Road, Halifax. At a later point in the meeting, the Chair recognized Howard Epstein, MLA for Halifax Chebucto.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - June 18, 2001**

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane to approve the Minutes of Regular Meeting held on June 18, 2001 as circulated. MOTION PUT AND PASSED.

2.2 **Special Council Session - June 26, 2001**

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane to approve the Minutes of Special Council Session held on June 26, 2001 as circulated. MOTION PUT AND PASSED.

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

Added Items: Supplementary Report re Case 00333 - Application for a Development Agreement for three free standing commercial buildings at 6990 Mumford Road (now West End Mall)

 Presentation - Dalhousie University re Plans for Houses owned by Dalhousie University (Conversion, Sale, Renovated)

 Case 00364 - Proposed Telecommunications Installation on the Gordon B. Isnor Building, 5565 Cornwallis Street, Halifax

 Case 00363 - Proposed Telecommunications Installation on 6969 Bayers Road, Halifax

 Case 00035 - Rezoning of Lands at the end of Forward Avenue from R-2 to R-1 (First Reading and Set Public Hearing Date)

MOVED by Councillor Mosher, seconded by Councillor Sloane to approve the Order of Business as amended. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES**

4.1 **Status Sheet Items**

4.1.1 Improvements to Kearney Lake Road

Councillor Whalen requested that a letter be written to the Minister of Transportation and Public Works asking when the lights will be installed at the intersection of Kearney Lake Road and 102 at the exit ramps.

4.1.2 Herring Cove Road Project re Costing of Initiatives

No information available.

4.1.3 Improvements to Traffic Flow to and from Bayers Lake Business Park

Councillor Whalen outlined traffic improvements that will be taking place during this construction season.

4.1.4 Feasibility of Removing Bed and Breakfasts in the R-1 Zone and Allow in the R-3 Zone on Peninsula

A report is expected for the next meeting.

4.1.5 Number of Cellular Sites Already Situated on the Peninsula

Councillor Uteck advised that a representative from Health Canada will be attending a Committee of the Whole meeting of Regional Council sometime in the future regarding health and safety aspects.

4.1.6 Guidelines re Term "Substantially in Conformance"

A report is expected for the next meeting.

4.1.7 Area Rate for Snow Removal from Sidewalks - Districts 12, 15, 16, 17 and 18

A Staff Report dated June 25, 2001 had been before Regional Council at its meeting held on July 3, 2001. This report provided information regarding Chebucto Community Council's request as well.

Mr. Kulvinder Dhillon, Director of Public Works and Transportation provided an overview of the report which had been before Regional Council, copies of which had been provided to Community Council. During the course of his presentation, he provided clarification on

the figures presented versus costs for Dartmouth and the County. He indicated the costs would reflect the service level provided.

Councillor Walker stated that his residents were looking for this service. He conducted a survey and 63% of the 400 surveys returned were in favour. He needed a rate to take to Regional Council this week for District 15 if no other Districts wanted to join in. He has been looking for a way to do this since January and it was necessary to go to Regional Council before Regional Council's summer break.

Ms. Dale MacLennan, Director, Financial Services explained the tax rate structure for general and area rates and guidelines regarding interim area rates. Interim area rates address all new rates being created and, therefore, would apply to snow removal rates. There was required, therefore, a public process which, in this case, would be lengthy enough to prohibit approval by Regional Council this week. The issue in this case is whether or not this service should be provided throughout the Municipality or accepted under area rates. She was suggesting it could be deferred until the fall for the budget process and addressed in its entirety for 2002/03.

Councillor Walker expressed concern that no one had told him of the need for a public process until just recently which did not allow time for him to hold a public meeting. At this point in time, he was willing to consider an area rate for one year only and look at it again in the fall. If it was not done tonight, he could not do it for 2001/02.

Ms. MacLennan said there were two issues. If it was done internally, the equipment would have to be bought and might have to be sold after a year and it would have to be based on costs, not on a rate. The area rate guidelines have been in place since January, 2000.

Deputy Mayor Blumenthal asked if true activity costs would be considered in September. In response, Mr. Dhillon advised that a report will be coming forward to Regional Council in September.

Deputy Mayor Blumenthal then asked if Councillor Walker should go forward with a motion and it goes to Regional Council, would there be enough staff available for Councillor Walker's District. In response, Mr. Dhillon advised that it would be necessary to obtain additional external resources.

Deputy Mayor Blumenthal then stated that he was not interested for his District since he had about 100 km. of sidewalk

Councillor Mosher referred to different costs in different areas and asked if exact costs would be determined in the future. In response, Mr. Dhillon said that a certain level of service would have to be provided which would have to be covered by an area rate. It was hard to provide numbers based on the uniqueness of different areas.

Councillor Mosher asked if it was possible to increase the rate in areas now being provided with the service so that the cost burden can be shared. In response, Mr. Dhillon advised that if it was going to be a general/standard service, there would be a uniform rate across HRM which most likely would be out of the general rate.

Ms. MacLennan cautioned that there might be difficulties if the issue is brought to Regional Council in a hurried fashion. The ideal situation would be to bring it to Regional Council as a typical area rate problem coupled with service issues when the budget process gets underway. She pointed out that it seemed last winter that the unhappiest taxpayers were the ones with the service. If Regional Council decides that this is a standard service, then it should not be area rated.

Councillor Mosher asked if there would be a thorough public participation process held similar to the C & D process to make sure there is appropriate feedback. In response, Ms. MacLennan advised that individual Councillors could work through their Districts with Newsletters and talk with their constituents and staff could host individual sessions this fall. It would be necessary, however, to see how much of an undertaking it would be.

Councillor Uteck explained problems with sidewalks in her area and advised that she could not go forward with this service with no guarantee that it could be provided. She provided information on services from Youth Live. She felt that sidewalks should be repaired first before they can be considered for plowing.

Councillor Whalen said her concern was with inequities in the provision of service and subsidization of costs. She did not have a problem with a District wanting to add an interim area rate but she was not in a position to introduce one in District 16 at this time. Councillor Sloane stated she could not proceed with an area rate at this time because she could not hold a meeting.

MOVED by Councillor Walker, seconded by Councillor Mosher to recommend that Regional Council set an area rate of .0063 on both residential and commercial rates for one year (2001/02) to raise \$40,000 in District 15 of Halifax Regional Municipality to clear sidewalks. MOTION PUT AND PASSED.

4.1.8 1079 Queen Street - Safety Features

Follow up to be sent.

4.1.9 Possibility of Zoning CN and DND Lands Residential or Recreational

No information provided as yet.

5. **MOTIONS OF RECONSIDERATION** - None
6. **MOTIONS OF RESCISSION** - None
7. **CONSIDERATION OF DEFERRED BUSINESS** - None
8. **PUBLIC HEARINGS**
- 8.1 **Case 00337 - Application to Amend the Stage I and II Development Agreements for Clayton Park West, Phase 4 to Permit a Licenced Lounge in Conjunction with an Existing Restaurant**

A Staff Report dated May 31, 2001 was before Community Council.

Paul Sampson, Planner provided an overview of the application with the aid of overheads. Staff was recommending approval of the application.

The Chair called for speakers for or against the application.

Mr. Ron Bachur, majority operator of Swiss Chalet in question, provided the following information:

- The concept of the Swiss Chalet "Roost" is new to the Maritimes and he would like the option of being able to provide alcoholic beverages without the necessary purchase of food. It is another avenue to expand the business.
- Hours of business would not be late-night cabaret style.
- Sound level may not go past the exterior perimeter of the patio.
- VLTs will not be included. They are not in the Swiss Chalet tradition.

Mr. Hiram Tiller, 4 Thackeray Close asked what was being done about traffic control from Parkland over to the street abutting Swiss Chalet. He referred to Minutes last fall when it was indicated that traffic lights would be installed at Parkland and Lacewood but this has not happened yet.

The Chair then called three times for additional speakers. There were none.

MOVED by Councillor Uteck, seconded by Councillor Mosher to close the Public Hearing. MOTION PUT AND PASSED.

MOVED by Councillor Whalen, seconded by Deputy Mayor Blumenthal to approve the amending Stage I Development Agreement, attached as Appendix A to the Staff Report dated May 31, 2001 to permit the use of the lands for a licenced lounge in conjunction with an existing restaurant (Swiss Chalet);

Require that the amending Development Agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

8.2 Case 00355 - Application to Rezone 1070 Barrington Street from RC-2 (Residential/Minor Commercial) to RC-3 (High Density Residential/Minor Commercial)

A Staff Report dated June 15, 2001 was before Community Council. Paul Sampson, Planner provided an overview of the application with the aid of overheads and advised that staff was recommending approval.

Councillor Uteck expressed concern that this is the third development in less than a year at the T intersection. In addition, it is across the street from the Atlantic Superstore and there are no crosswalks or lights. This part of Barrington Street is fairly narrow. She wanted to see a crosswalk in that area.

Councillor Sloane indicated she understood there were problems with water mains in the area.

Councillor Mosher, a member of the Halifax Regional Water Commission, advised that the Water Commission is dealing with the water main issue.

The Chair then called for speakers for or against the application.

Mr. Tony Maskine, on behalf of the proponent, provided the following information:

- Commercial space will be included in the site, largely for professional use. It will be a high-end building.
- There is parking on Barrington Street but facilities will be provided indoor for the requirements of the building and more.
- The entrance to the building was moved further down which should help with access.
- There will not be spaces available for visitors other than those inside. If there is a traffic issue, he will have to give serious consideration to the tenant.
- Residents in the area were supportive of the proposal and felt it was an enhancement to the area.
- Currently the proposal is for 49 parking spaces with the addition of a partial second level. The original proposal was 34.

At the request of Community Council, Mr. David McCusker, Traffic and Transportation Services provided the following information:

- Staff has been aware of this proposed development and several other developments in the area and requested traffic impact statements from Development Services.
- Staff has concerns with provision of parking in the area and the ability of some of the intersections. Staff hopes to generate additional information as part of the developments.

The Chair then called three times for additional speakers for or against the application. There were none.

MOVED by Councillor Sloane, seconded by Councillor Walker to close the Public Hearing. MOTION PUT AND PASSED.

MOVED by Councillor Sloane, seconded by Councillor Uteck to approve the rezoning of 1070 Barrington Street, Halifax (PID #s 41019076, 41019068, 00103861) from RC-2 (Residential/Minor Commercial) to RC-3 (High Density Residential/Minor Commercial) as shown on Map 1 of the Staff Report dated June 15, 2001 to permit the construction of an apartment building on the property. MOTION PUT AND PASSED.

8.3 Case 00361 - Application to Amend the Height Precinct for 5620 South Street, Halifax from 100 Feet to 190 Feet

A Staff Report dated June 15, 2001 was before Community Council. Gary Porter, Planner provided an overview of the application with the aid of overheads. During the course of his presentation, he advised that the site is designated for high density development in the MPS and zoned for an apartment building. A development permit has already been issued for 186 units. The first 11 stories would be as of right. He also provided information on shadowing effects of the proposal. He advised that staff was recommending approval of the application.

In response to questions from Community Council, Mr. Porter provided the following additional information:

- Fenwick Towers is 33 floors. There is a certain time of day when the shadow from Fenwick Towers will cover the shadow from the proposed building.
- He understood the proposed building would be a quality building. He was not sure about the materials to be used on the outside, however.

- The size of the apartments themselves would be increased under the proposal. The number of people allowed in an R-3 zone is based on the size of the lot. The lot is not getting any bigger.
- Since this is an as-of-right development, parking provisions would have to meet the Land Use By-law requirements.
- Even though the proposal is to add extra height, it would not mean more open space at the bottom. The eight floors would be going on top of the as-of-right portion.

The Chair then called for speakers for or against the application.

Mr. Chris Young, Duffus Romans Architects, provided the following information on behalf of the applicant:

- His company was asked by the proponent to consider what the impacts of the proposed extension would be on the neighbourhood.
- By way of overheads, he provided information on a series of shadow studies on four dates of the year - the Spring and Fall Equinox, the Summer Solstice and December 21st which is the shortest day and the day on which shadows are the longest. The shadows of three buildings were considered: Fenwick Towers, Seniors Citizens and the proposed building.

Mr. Steve Tsimiklis, developer of the property, raised the following points:

- The proposal will fill a niche in the rental market because he wants to construct quality larger studio units aimed at young professionals and hospital employees on a prime multi-residential site on the Peninsula.
- The site has been designated for high density residential development through the MPS.
- There will only be a short term seasonal shadowing effect on smaller properties north of South Street and an insignificant shadowing effect south of South Street.
- The proposal will be economically viable and an asset to the neighbourhood.
- He is looking into the possibility that the bottom floor will have a commercial component.

Mr. Hugh Pullen, 6262 Oakland Road, President, Peninsula South Community Association and speaking on behalf of Allan Hayman as well, who is opposed to the development, raised the following points:

- Mr. Hayman feels the proposal will establish a bad precedent for the South End.
- Fenwick Towers started off as a high-rise luxury building but failed. It was subsequently bought by Dalhousie as a high-rise student residence. He suspected that young professionals and hospital workers would translate into a second high

- rise for students as young professionals and hospital workers tend to have low incomes. To be able to live in this building, they would have to double up.
- There was no objection to the building at 11 stories. It might attract the senior citizen component, and there is a demand in the South End.
 - MacKeen Manor is behind the location in question and concerns have been expressed from them regarding the increase in traffic.
 - This area has suffered from “high rise parties” which occur three times in the year: at the start of the university school year, just before Christmas and just before final exams.
 - It will bring more foot traffic to the area.
 - The proposal will change the character of the development. 11 stories was optimum height for a quality development.

Ms. Ann West, 1161 South Park Street raised the following points:

- She lived due west of Fenwick Towers and noted the discussion regarding shadowing.
- She was concerned with the sheer scale of the proposed building; Fenwick Towers was, in her opinion, probably the worst example of development that has taken place in Halifax. Subsequent to Fenwick Towers, planning guidelines were brought in to prevent something like this happening again. The height regulation was set for the area at 11 stories, which was fair and reasonable for the area.
- The neighbourhood is mixed - residential/commercial and professional - but the character overall is residential with a mix of single family, apartment buildings and condominiums.
- She could accept 11 stories but a sudden jump of eight additional stories makes nonsense of organized planning rules and is inappropriate for the neighbourhood.
- Just because Fenwick Towers was allowed is no reason to allow this type of development to occur again.

Mr. Howard Epstein, 2396 Clifton Street raised the following points:

- He agreed with the previous speakers about Fenwick Towers. It is a negative example of a building that has not worked. The proposal is for a virtual doubling of an allowable height on the site.
- The proposed height is not desirable anywhere and to push what is a city with a long tradition of buildings on a human scale to exceed 11 stories is wrong.
- The density calculations given are incorrect. The Staff Report indicates the allowable density on a per acre basis should not exceed 210 persons but because there is an as of right for 11 stories for bachelor units, 186 are already spoken for.
- The Staff Report does not say what the size of each additional floor is. There could be three bachelor units and it could show that the allowable density will be exceeded. If they are larger units, there could be two people.

- Along with density, goes servicing and traffic flows. There is an assumption that there will be no problem because there will be no more than 210 persons in the building. His calculations were that there could be close to 300 persons.
- There is an assumption in the Staff Report that an 11 storey building will be built on the site. He understood the proponent has an option to buy the site which is conditional on certain things. It may be that no 11 storey building will be built on the site.
- Even though a Development Agreement is not now possible, it is open to Council at any time to amend those areas of HRM to which they wish to see Development Agreements apply.
- He was concerned with shadowing as even 30 minutes lost during the winter months is significant. Shadowing is not only an impact on whether the grass can grow but it affects heating bills as well.

Mr. Michael Moore, Solicitor for the applicant, raised the following points:

- From a legal perspective, the test of approving amendments is whether or not they are consistent with the Municipal Planning Strategy. This piece of property has been designated for high density residential development, not for townhouses or single family houses.
- As of right, there is no question that 11 stories can be built.
- As of right there would be 186 persons. If the proposal is approved, which would allow an eight-storey tower on that portion of the land not subject to viewplane, there would be 210 bachelor units.
- The building is not being built for students. The studio apartments are designed for high-end larger bachelor apartments that are affordable.
- There will be no significant increase in traffic, no increase in servicing, no cost to the Municipality.
- The developer is asking for eight stories in addition to the permitted level, not anywhere near Fenwick Towers.
- The project is consistent with the MPS. In the South End area, Plan Policy 1.1, residential neighbourhoods are to be maintained and expanded by permitting new stock through infill and complimentary development.
- He also referred to Policy 1.2.

As a result of questions from Councillors, Mr. Tsimiklis provided the following additional information:

- He is targeting rental rates of around \$650-705 for smaller units and \$795-950 for larger units at this time.
- A studio apartment would consist of a living room 20' x 15', kitchen 10' x 10' and bath 6' x 8' with no separate bedroom.

Mr. Gaston Chagnon, 1165 Tower Road disputed the fact that the developer owns 28,000 sq. ft. of the property. He indicated there might be a mistake because he felt he owned 200 sq. ft.

The Chair then called three times for additional speakers for or against the application. There were none.

MOVED by Councillor Fougere, seconded by Councillor Uteck to close the Public Hearing. MOTION PUT AND PASSED.

Councillor Uteck then made the following comments:

- It was a valid point that the allowable density could be exceeded. Density is a problem currently being experienced throughout District 13.
- The proposal will fill a different type of niche.
- An 11-storey building will take place as of right.
- Density allowed is no more than with the addition on it.
- The residents attending the Public Information Meeting found out the effects of shadowing and left the meeting feeling satisfied.
- It was consistent with the MPS but concerns were with traffic and parking.
- She did not like what the building looks like but it is filling a niche.

MOVED by Councillor Uteck, seconded by Councillor Sloane to approve the amendment to the height precinct for 5620 South Street (Lot Y-S-T), Halifax to increase the permitted height from 100' to 190' as shown on Map 1 of the Staff Report dated June 14, 2001.

Mr. Porter provided the following information in answer to questions from Councillors:

- With regard to what protection is there not to exceed maximum density, this is an as of right development. The maximum density permitted is 250 persons per acre. Density is based on the number of habitable rooms in a building. HRM would have no control over the number of people who would be in a room. The habitable room count, however, will not exceed the 250 persons per acre based on the size of the lot. No more than 210 would be allowed in this particular building.
- With regard to consideration of a Development Agreement, not every area allows for Development Agreements since the Secondary Plan was completed for the Peninsula.
- There is a certain amount of open space required.

Councillor Fougere then advised she would be voting against the application for the following reasons:

- She referred to zoning By-laws referred to in the Staff Report and limitations to ensure appropriate development on any given lot.
- The application for an increase in height would almost double the height. The limitations were put there for a purpose.
- Fenwick Towers is the single tallest building in all of HRM. It is highly inappropriate. This is something that happens from time to time - somebody gets an exception to the rule and everyone behind that would apply their appropriateness based on the previous decision. She believed that Fenwick Towers was highly inappropriate and anything coming close to that height was also inappropriate. Apartment buildings with 8, 9, 10 and 11 stories are appropriate. Anything within the immediate area does not go beyond the 11 stories permitted on the site.
- Where developments are based on previous developments, it tends to deteriorate the neighbourhood and spread.
- An 11 storey building will maintain and expand residential use and expand residential property where previously there has been none. It meets that intent without going the additional eight stories.
- With regard to shadows, the limited hours of sunlight during December are at a minimum and adding a half hour to an hour out of that is significant.
- Only four out of 16 residential properties on Wright Avenue were represented at the Public Information Meeting. It might be that the others did not know, did not care or, when the building finally goes up, they will wonder how it got there.
- She could see that people would sublet to others to make ends meet.
- She did not dispute the use but sometimes things do not go in the way intended.

Deputy Mayor Blumenthal advised he would be supporting the motion. There are not enough quality units now. HRM is continuing to grow and there are a lot of professionals moving into the community looking for quality housing. Mr. Tsimiklis has built quality buildings in the past.

Councillor Sloane advised that the residents of her District did not seem to have objections to the application and, therefore, she would be supporting the motion.

MOTION PUT AND PASSED.

At 9:20 p.m. it was agreed to a recess. The meeting resumed at 9:30 p.m.

8.4 Case 00333 - Application for a Development Agreement for Three Free Standing Commercial Buildings at 6990 Mumford Road (Now West End Mall)

A Staff Report dated June 21, 2001 was before Community Council along with a Supplementary Report dated July 9, 2001. Grace Ho, Planner provided an overview of the application with the aid of overheads. Staff was recommending approval of the application as per the Supplementary Report.

As a result of a question, Ms. Ho advised that the transit terminal will be approximately 1500 sq. ft., part of which will be allocated for staff and part for the public.

As a result of questions from Community Council members, Mr. Dave McCusker, Manager of Traffic and Transportation Services provided the following information:

- With regard to installation of traffic lights at Mumford Road south of St. Agnes School, a traffic impact study indicates the projected volumes do not warrant installation of signals at that location. He acknowledged it was a difficult intersection to get out of but there are other opportunities within the site to redirect your trip to where signals are located.

With regard to Leppert Street, Councillor Uteck expressed concern that Leppert Street could end up being a short cut.

The Chair then called for speakers for or against the application.

Mr. Robert Yamamoto, 20 VIC Management Inc., representing the proponent, provided the following information:

- Halifax Shopping Centre owns the property and wants to be able to consolidate and control what happens across the street. The property in question will be a complimentary retail project to coincide with the enclosed shopping centre.
- He sensed a lot of the issues related to what was happening with the bigger building but the issue before Community Council was with the three out parcel buildings.
- When the proposal was put together, there was an attempt to respect the amount of traffic and address concerns including short cutting. He was confident that short cutting would be eliminated. It would not be easy for people to short cut because of the nature of the use.
- A Traffic Study has been done and is available. In addition, they went the next step and provided a ten-year traffic study along Mumford Road from Chebucto to Romans. He provided further information on this study.

Mr. Howard Epstein, 2396 Clifton Street advised he was not speaking against the proposal but had some concerns:

- Traffic calming is a subject of a study in one part of this area.
- In terms of Leppert Street, he requested that the whole area should be the subject of traffic calming because of the intense development now taking place as of right plus the proposal before Community Council.
- With regard to pedestrian traffic, it was not clear there was a satisfactory plan to ensure safe pedestrian movement in and around the new transit stop and other nodes of transit on the periphery of the development to the stores.

- He questioned if there was a link with any potential commuter rail stop. He understood there had been talk about a commuter rail stop immediately behind West End Mall, should it go ahead. Linkage to other forms of public transit was important.
- There is nothing in the Development Agreement that obliges the developer to pay all costs of the transit shelter and associated uses. There is mention of it in the Staff Report.

With regard to the new transit terminal, Mr. Yamamoto advised it is not a requirement of the Development Agreement but his company worked with transit staff to come up with a solution. For the good of the project, it was decided to build a combined shelter to house the transit employees and an enclosed waiting area for transit riders. His company was paying all the capital costs. It is not included in the Development Agreement because the construction is underway.

Mr. Hugh Pullen, 6262 Oakland Road stated that the transit shelter seems to be half way between two buildings. It was not designed for people but for buses.

Mr. Kenny Silver, Planning and Development, Transit Services provided the following information:

- The location was selected because it allows quick and easy access to Mumford Road. It is a major location for transfers, there is a better feeling of security in being able to provide a place inside for transit riders to wait out of the elements.
- This new facility is something Transit Services would like to have at all terminals.
- This provides amenities to the public that were not available previously.
- The only stop will be at the terminal. There is no plan for a second stop because of the driveway configuration.

MOVED by Councillor Fougere, seconded by Councillor Whalen to close the Public Hearing. MOTION PUT AND PASSED.

Councillor Sloane expressed concern for accessibility for seniors who would have to get from the transit terminal to the retail stores, particularly on storm days. She asked if any concession could be made for Manor buses, for instance.

In response, Mr. Silver advised it was something that staff could discuss with the developer. There was no question about the walking distance but he felt it was not inconsistent with other malls which do not have transit service at the door.

The Chair called three times for additional speakers for or against the application. There were none.

Councillor Fougere acknowledged that a lot of the issues surrounding this particular Development Agreement relate to the as-of-right development of Walmart and Sobeys, such as traffic and transit. One of the concerns raised concerned grocery pickup in front of Sobeys. As well, in terms of access to Walmart, the reality is that transit does not serve a particular retail vendor. In terms of commuter rail, the back of the building was not an appropriate place to wait after hours. The mall is accessible through a series of sidewalks. Halifax Shopping Centre is right across the street. There is no significant indoor pedestrian link. The Development Agreement is a compromise to meet the needs of the most people. About 50% of the people who use the Mumford Terminal are people using transfers, not making use of the shopping centre. The developer has shown to be a good corporate neighbour.

MOVED by Councillor Fougere, seconded by Councillor Mosher to approve the revised Development Agreement, presented as Attachment I to the Supplementary Report dated July 9, 2001, incorporating changes concerning acoustical barriers, lighting, advertising and landscaping.

Further, to require that the applicant sign the revised agreement within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise, this approval shall be void and any obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED UNANIMOUSLY.

In light of the concerns raised, Councillor Fougere then made the following motion:

MOVED by Councillor Fougere, seconded by Councillor Mosher to request a Staff Report on the options available in terms of how the growing traffic concerns in the area can be addressed, specifically: Mumford Road, MacDonald Street, Chebucto Road, Leppert Street, Romans Avenue, in light of not only this major development but changes in the ramps at Joseph Howe Drive, the movement of the municipal service centre and a number of other developments taking place that will add to the concern. This report to be available for the September meeting of Community Council. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Plans for Houses Owned by Dalhousie University (Conversion, Sale, Renovated)

Mr. Eric McKee, Vice-President, Student Services, Dalhousie University provided information on the plans for approximately a dozen houses owned by Dalhousie University

which are to be vacated mainly on the block behind the Dalhousie Arts Centre running up towards Coburg Road and Lamarchant Street. The houses to be sold will be sold on the open market. Subsequently, a question and answer period took place.

10. **REPORTS** - None

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Case 00364 - Proposed Telecommunications Installation on the Gordon B. Isnor Building, 5565 Cornwallis Street, Halifax**

A Staff Report dated July 5, 2001 was before Community Council with regard to the above.

MOVED by Councillor Walker, seconded by Councillor Mosher to support the telecommunications installation on the Gordon B. Isnor Building at 5565 Cornwallis Street, Halifax. MOTION PUT AND PASSED.

12.2 **Case 00363 - Proposed Telecommunications Installation on 6969 Bayers Road, Halifax**

A Staff Report dated July 5, 2001 was before Community Council with regard to the above.

MOVED by Councillor Mosher, seconded by Councillor Walker to support the telecommunications installation at 6969 Bayers Road, Halifax. MOTION PUT AND PASSED.

12.3 **Case 00035 - Rezoning of Lands at the End of Forward Avenue from R-2 (Two Family Dwelling) to R-1 (Single Family Dwelling), Halifax**

MOVED by Councillor Mosher, seconded by Councillor Walker to give First Reading to the proposed rezoning of the lands of United Gulf Development Limited located at the end of Forward Avenue, also known as 92 Williams Lake Road, from R-2 (Two Family Dwelling) to R-1 (Single Family Dwelling) and schedule the Public Hearing for September 10, 2001. MOTION PUT AND PASSED.

12.4 **Soccer Facilities at Springvale Avenue**

Councillor Mosher, for information purposes, provided information on the issues and the decision of the Wanderers Soccer Club to move to the J.L. Walker field.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Hiram Tiller, 4 Thackeray Close raised the following points:

- He referred to the July 28, 2001 Official Opening of the new Library on Lacewood and asked what HRM is doing to provide safe access to the Library when crossing Lacewood Drive and for traffic going into the Library if they have to make a left turn.
- He understood the improvements to Lacewood have not been approved by Department of Transportation yet nor have the traffic lights been turned over to HRM resulting in the fact that there have been no changes to date.

Mr. Hugh Pullen, 6262 Oakland Road asked if the Municipality has any data on the income levels of residents. Subsequently, it was suggested that Mr. Pullen wait until the new Census is complete to obtain up-to-date information at that time.

15. **NEXT MEETING DATE** - September 10, 2001.

16. **ADJOURNMENT**

On a motion from Councillor Walker, the meeting adjourned at 10:30 p.m.

Sandra M. Shute
Assistant Municipal Clerk