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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax. At a later point in the meeting, the Chair recognized Mary Ann McGrath, MLA for Halifax/Bedford Basin.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - January 7, 2002**

MOVED by Councillor Mosher, seconded by Councillor Walker to approve the Minutes of Regular Meeting held on January 7, 2002 as circulated. MOTION PUT AND PASSED.

2.2 **Special Council Session - February 5, 2002**

MOVED by Councillor Mosher, seconded by Councillor Walker to approve the Minutes of Special Council Session held on February 5, 2002 as circulated. MOTION PUT AND PASSED.

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

Deletion: Presentation - Supplementary Education Funding

Added Items: Winter Trail Maintenance - Power Lines in District 16, Regatta Point Walkway and access to Sir Sanford Fleming Park - Councillors Whalen and Mosher
Dogs Off Leash in Hemlock Ravine Park - Councillor Whalen
Herring Cove Service and Settlement Strategy - Councillor Adams
Storage of Recreational Vehicles and Boats in R-1 zones - Councillor Adams

Information Report re North West Arm Ferry was moved from 4.1.3 to 12.1.

MOVED by Councillor Whalen, seconded by Councillor Mosher 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 at 102**

An Information Report dated February 4, 2002 was before Community Council. Councillor Whalen provided an overview of this report and indicated that it appeared that lights would be installed at the inbound intersection in the coming year. This can be taken off the Status Sheet.

4.1.2 **Community Planning for Mainland South**

Councillor Mosher advised that community meetings have taken place; however, staff advises that no Municipal Planning Strategies will be changed until the Regional Plan is complete. This can come off the Status Sheet.

4.1.3 **North West Arm Ferry**

This item was dealt with under 12.1.

4.1.4 **Extending Public Participation for Planning - District 16**

A report from Planning is still outstanding.

4.1.5 **Day Care Centres**

An Information Report dated January 25, 2002 was before Community Council. Councillor Whalen referred to an application for 36 children which was ultimately withdrawn. It raised the question of whether or not large day care centres should be permitted in residential areas. The Information Report indicated there was no reason to change the current Plan as it was reviewed in detail in 1997. Large day care centres were not welcome as a rule in R-1 and R-2 areas and she felt they should be limited to 14 children and not entertain the idea of larger ones.

Since the report before Community Council dealt with the specifics of the Langbrae application which was withdrawn, Councillor Whalen requested an additional report addressing specifically the idea of amending the number of children allowed in R-1 and R-2 zones to 14 children as of right and not entertain numbers above that. As well, in the previous By-law there was a rule that there should be 500' separation distance between day care centres, which was dropped in 1997. She requested that this also be addressed in the report as to reinstatement as well as updated information on larger day care centres allowed since amalgamation throughout the Municipality.

MOVED by Councillor Whalen, seconded by Councillor Walker that a report be requested on the items raised by Councillor Whalen. MOTION PUT AND PASSED.

4.1.6 **Traffic Items - District 16**

Staff indicated that a report would be available for the March meeting.

4.1.7 Halifax/Halifax County Waters Advisory Board

No information was available.

4.1.8 Use of Salt and Grit on Roadways

An Information Report dated February 6, 2002 was before Community Council. This can be taken off the Status Sheet.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 Appeal of the Refusal of a Variance - 55 St. Margarets Bay Road

A Staff Report dated December 21, 2001 was before Community Council. Steven Higgins, Development Officer provided an overview of the report. This was with regard to a refusal of an application for a variance to relax a number of requirements of the Land Use By-law to allow the addition of a single residential unit on the second storey of a commercial building. The staff recommendation was for Community Council to uphold the decision of the Development Officer to refuse the request for a variance.

Councillor Mosher asked the difference between a single family residence and a business with regard to density. In response, Mr. Higgins advised that the commercial zones in the By-law do not regulate development density the way residential zones do. The C2-A zone is a minor commercial zone and permits local and medium scale businesses.

Councillor Mosher stated that if it were a business, there could be multiple vehicles to and from the location and people working at the business. If it were single family residential, the density could be smaller. In response, Mr. Higgins advised that density as regulated by the By-law is units per area of land, not the intensity of the activity. The residential use would be a 24/7 occupation as opposed to commercial which is limited by the nature of the business to the number of hours required for the business to function. The needs of a residential occupant for open space on property or for the reasons that density controls are put in place for residential areas are different from that of a commercial use.

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

Mr. Brian Hebert, Solicitor, on behalf of the applicant - James Doumakis - advised the following:

- This is an existing building that will be renovated. The upstairs is 1000 sq. ft. and proposed to be a loft style apartment.
- Density is defined as the number of units per lot. In this case, the density in terms of residential units on the property is one. If the intent of the By-law is to limit higher numbers of dwelling units on a lot, clearly one unit is the lowest number you can get. Therefore, it would not apply to this particular lot as higher numbers of dwelling units are not proposed.
- Dwelling unit is defined in the By-law as units which are designed or used for residential purposes.
- From the outside, the building will not change whatsoever. Although it does not fit squarely within the By-law section 14 (c), the unit in question was not being used as a residential unit when the By-law was passed in 1981. The building, however, was in use at that time.
- He could not see how this particular application could affect the intent of the By-law.
- This could be a positive change for the area in terms of the number of vehicles entering and exiting on this particular road.
- Notices went to adjacent landowners within 100' with no negative responses.

On a question from the Chair, the Clerk advised there was no correspondence received regarding this item.

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

MOVED by Councillor Mosher, seconded by Councillor Whalen to overturn the decision of the Development Officer and approve the request for a variance at 55 St. Margarets Bay Road. MOTION PUT AND PASSED.

Councillor Mosher explained she made the motion based on the traffic in the area. If the density can be reduced on St. Margarets Bay Road, it may make it safer for the residents in the area. A single dwelling unit of 1000 sq. ft. would be superior to a business.

8. **PUBLIC HEARINGS**

8.1 **Case 00399 - Application to Amend the Stage I Development Agreement for Clayton Park West, Phase 4**

A Staff Report dated January 3, 2002 was before Community Council. Grace Ho, Planner provided an overview of the application with the aid of overheads and advised that staff was recommending approval. During the course of her presentation, she advised that, if

approved, it would permit a total of 760 residential multiple units in buildings to a maximum of 12 stories high.

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

Mr. Mike Willett, Vice-President of Development, Clayton Developments provided information, with the aid of slides and aerial photos, on the proposal, what has taken place to date in the area and abutting areas and what is being proposed. As part of his presentation, he advised that multiple unit dwellings along the highway resulted because of the impact of the highway and there is a boundary where water pressure is not available for housing because of height of land and water tower. There are natural features such as a brook which have dictated the form and eventual concept of the lands.

Mr. Don Levy, Central Avenue stated that Mainland West with all its high density development will be the Mainland slum district in 25 years time. More immediately, however, he expressed concern with traffic and what plans HRM has to look after the next 1000 cars going to the Peninsula.

The Chair called three times for additional speakers for or against the application.

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

Councillor Whalen referred to the Public Information meeting where she and Councillor Walker raised a number of questions about density at that time. It was important to note that 460 units are already approved on the properties owned by Clayton and it is the addition of the Hall property which adds another 310. She acknowledged there was a certain sensitivity developed by residents of the area regarding the number of apartment buildings being built over the last year. One of the things pointed out at the Public Information meeting was that water pressure is low in the area and cannot service individual homes. If there were individual houses, there would have to be an actual pumping station for every street. She understood that Clayton Developments was looking at other types of uses. She asked Mr. Willett for clarification.

Mr. Willett indicated that Clayton Developments is pursuing senior citizens housing on a multiple site and there was also an office building envisaged.

Councillor Whalen advised that there had been hopes to see a Business Campus in the area but the market has collapsed and the new building at Parkland and Lacewood Drives was originally an office building but the applicant changed it to high density multi unit residential because there is no market for an office building. Another important item raised at the Public Information Meeting was the desire for HRM to have a right of way through the property in question for a tunnel under the highway that will connect to Bayers Lake

Business Park and relates to the traffic concerns of Mr. Levy. She noted, however, that traffic congestion in Bayers Lake has improved over the last few months when extra turning lanes were added and the lights were synchronized. A set of traffic lights will be installed at Lacewood Drive and Parkland as well.

MOVED by Councillor Whalen, seconded by Councillor Mosher to approve the amending Development Agreement, attached as Attachment II to the Staff Report dated January 3, 2002 to permit the development of the lands for multiple unit residential uses; and

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 Appeal of the Development Officer's Decision to approve an Application for a Variance - 199 Glenforest Drive, Halifax

A Staff Report dated January 28, 2002 was before Community Council. Steven Higgins, Development Officer provided an overview of the report. The staff recommendation was to uphold the Development Officer's decision to approve the variance.

Ms. Karen Colp, 199 Glenforest Drive raised the following points:

- She submitted a Petition signed by everyone in the 100' radius except for the appellant as well as two letters from Glenn Munroe and Phyllis Lasky and Ian and Carole Rankin. She read the two letters.
- The new shed is 2' back from the previous, less encroaching now than it was.

Ms. Nancy Bryne, 197 Glenforest Drive, the appellant raised the following points:

- There is a driveway in common.
- In May, 2001 she was in contact with HRM questioning the By-law with regard to what she was allowed to do or not to do on her own property. She wanted to take her shed from its present location and turn it alongside of the fence - the property line. She did not want to do anything that would negatively affect the neighbours.
- A Building Inspector came to her property and, while there, made an observation that Ms. Colp's shed was wrongly located. She understood that Ms. Colp would have to move her shed even though she continued to work on it. Subsequently, she called the Municipality to see if something was going to be done about it. In August,

Ms. Colp got a letter asking her to move her shed and it was insinuated that Ms. Byrne complained.

- The report submitted by Mr. Higgins is not accurate because the shed that Ms. Colp put up is different from the size of the original shed. The original was 10 x 10 and placed on a concrete slab which is 3' away from the fence that is the boundary line between the two properties. The shed she put up is 12' x 8' and extends 2' closer to the fence between the properties.
- When she questioned the site sketch accompanying the request for variance, the explanation given by HRM was that it was the math. She questioned that it was 2' in front of the back of the house when, in fact, it was 4' and she questioned the foot on the right side of the shed since there is not actually a foot there.
- Her primary concern is that there did not seem to be a lot of validation to the information submitted. She wondered, therefore, how credible the By-law or enforcement of same would be because of this.

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

Councillor Walker acknowledged hearing all the information and receipt of the signatures from the residents saying they have no trouble with the application. He pointed out that this was not the only case in his District. In Clayton Park in general, all the storage sheds underneath carports are illegal. The sideyard aspect was prevalent in his District. Since the Development Officer did not have a problem with the variance, he made the following motion:

MOVED by Councillor Walker, seconded by Councillor Whalen to uphold the Development Officer's decision to approve an application for a variance at 199 Glenforest Drive, Halifax. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Presentations

9.1.1 Supplementary Education Funding

This was deleted from the Agenda.

9.1.2 Proposed Amendments to the Royale Hemlocks Development Agreement to expand the lands of Hemlock Ravine by the Friends of Hemlock Ravine

Mr. Colin Stewart, Vice-President, Friends of Hemlock Ravine with the aid of prepared text, provided an overview of the proposal to amend the Royale Hemlocks Development Agreement by amending the Stage I agreement and subsequently the Stage II agreement

for the turning over of additional lands to be added to Hemlock Ravine Park. This would include modifying parts of the plan to maintain the density. He sought the cooperation of Community Council and staff in achieving these objectives and, as well, the waiving of any associated fees.

Mr. Andrew Bone, Planner was also in attendance regarding this matter.

Councillor Whalen stated that she felt the proposal was worthwhile and would add additional protection to the Ravine, which is the most environmentally sensitive part of the Park and is regional in nature. She acknowledged the working relationship developing between the Friends of Hemlock Ravine and Kimberley Lloyd. Kimberly Lloyd indicated a willingness to investigate this further and she was in support of the proposal.

MOVED by Councillor Whalen, seconded by Councillor Walker to request a Staff Report for the next meeting of Community Council that would deal with the waiving of the fees for this application by Friends of Hemlock Ravine and the process to be utilized regarding the proposal to amend the Stage I Development Agreement to expand the lands of Hemlock Ravine. MOTION PUT AND PASSED.

10. REPORTS

10.1 2002/03 Budget Consultation

Ms. Dale MacLennan, Director of Financial Services and Mr. Bruce Fisher, Manager, Financial Planning were in attendance for this item. They provided an overview of the current finances of HRM which included the following:

- HRM budget
- HRM as a Diverse Operation
- Where the money is spent
- Amounts paid to the province and for education
- Applying Capital Priorities
- Capital Budget for 2001/02
- Debt as a Share of Capital
- Amount of HRM debt
- Summary of the Financial Outlook for 2002/03
- Impact of inflation on HRM
- Impact of growth on HRM
- Tax Base in 2000, 2001 and 2002
- Residential Assessment
- Commercial Assessment
- HRM's Tax Burden Strategy
- Impact on the average house for 2001/02

- Residential assessment growth rates
- How much debt HRM will have
- Financial summary
- Purpose of budget consultation
- Timeline for budget process
- Survey questions

During the course of the presentation, members of the public raised their questions and provided their comments; however, the residents did not identify themselves. These questions/comments were dealt with in two ways. Ms. MacLennan and/or Mr. Fisher provided the information at that time or Councillor Whalen took the names and addresses and indicated she would be following up after the meeting to ensure that the information requested is provided.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **North West Arm Ferry**

An Information Report dated January 11, 2002 was before Community Council. Kenny Silver, Planning and Development, Transit Services provided an overview of the report. Councillor Mosher asked if it would be possible to add this to the list of Infrastructure projects. In response, Bruce Fisher, Manager, Financial Planning advised that he would have to check to see if it would be possible because, for instance, transit buses were not eligible unless they were alternative fuel types. If it was possible, the issue could be brought to Regional Council when staff comes back with other infrastructure issues. He pointed out that if it is possible to fund capital costs of the ferry through the infrastructure program, there would still be the operating costs.

On a question from Councillor Mosher as to where population data had been obtained, Mr. Silver advised it was from the 1996 Census based on traffic zones in the Spryfield area.

Councillor Mosher asked that the information be updated once the new Census comes out. Stoneridge on the Park will have over 1400 people within two years and there will be 700 more homes on Herring Cove Road, pending water and sewer. Even with maximum ridership, which she felt was under represented, there were still more passengers per day than the Woodside route.

In response to Councillor Mosher, Mr. Silver advised that the Woodside ferry is only at peak hours whereas the proposed ferry is all-day service.

Councillor Mosher stated she agreed to updating aging equipment and facilities but, at the same time, there were 3200 more homes approved in Timberlea plus a lot of development outside the core which will be using the Armdale Rotary and further deteriorating the infrastructure. This could fit within the Regional Planning Policy which will be developed within the next two to three years.

Mr. Silver, in response, stated that one of the goals of Regional Planning is to set priorities in terms of road infrastructure versus alternative forms of transportation in the Regional Planning exercise. At this time, however, there are issues with just maintaining the existing infrastructure.

Councillor Mosher asked if Mr. Silver would support the addition of the proposed ferry to the infrastructure list. In response, Mr. Silver advised he would support it but he had a concern if it means taking away from supporting the existing infrastructure.

MOVED by Councillor Mosher, seconded by Councillor Whalen to request that Finance staff look into the feasibility of including the proposed ferry in the next list for infrastructure funding and to forward the report to Regional Planning for consideration regarding transportation issues. MOTION PUT AND PASSED.

12.2 Winter Trail Maintenance

Councillor Whalen advised she has had requests for winter maintenance of the power line in the area of the Primary to Nine school. She requested a Staff Report indicating what the cost would be to include this. She added that with the new High School opening, it would become a link to the Mainland Commons.

As well, Councillor Mosher requested that the report to be requested include the Regatta Point walkway and access to Sir Sanford Fleming Park.

MOVED by Councillor Whalen, seconded by Councillor Mosher that a report be requested as to the cost of including these three items in winter trail maintenance. MOTION PUT AND PASSED.

12.3 Dogs Off Leash in Hemlock Ravine Park

MOVED by Councillor Whalen seconded by Councillor Mosher to request a Staff Report on whether or not it would be possible to have a portion of the Park dedicated to off leash or a time of day, taking into account the Hemlock Ravine Master Plan. MOTION PUT AND PASSED.

12.4 Herring Cove Service and Settlement Strategy

Councillor Adams referred to a situation that occurred in Herring Cove regarding an old fishing shack being converted. He requested that a Staff Report be obtained on how to prevent this happening in the future.

MOVED by Councillor Mosher, seconded by Councillor Walker to request a report in this regard.

12.5 **Storage of Recreational Vehicles and Boats in R-1 Zones**

Councillor Adams advised that he wanted to get information from staff to determine the process to change the Municipal Planning Strategy to allow recreational vehicles and sailboats on R-1 lots and the rationale as to why it is currently illegal to park these vehicles in R-1 zones.

MOVED by Councillor Mosher, seconded by Councillor Walker to request a Staff Report in this regard. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION**

None

14. **PUBLIC PARTICIPATION**

None other than under 10.1 above.

15. **NEXT MEETING DATE**

Monday, March 4, 2002.

16. **ADJOURNMENT**

On a motion from Councillor Mosher, the meeting adjourned at 9:25 p.m.

Sandra M. Shute
Assistant Municipal Clerk