

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, FEBRUARY 6, 2006

PRESENT: Councillor Stephen D. Adams, *Chair*
Councillor Debbie Hum, *Vice-Chair*
Councillor Linda Mosher
Deputy Mayor Russell Walker
Councillor Mary Wile

STAFF: Ms. Karen Brown, Municipal Solicitor
Ms. Chris Newson, 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 - January 9, 2006

MOVED by Councillor Hum, seconded by Deputy Mayor Walker that the minutes of the regular meeting of January 9, 2006 be approved as circulated. MOTION PUT AND PASSED.

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

MOVED BY Councillor Mosher, seconded by Councillor Wile that the agenda be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items:

4.1.1 Rock Pile - 182 Milsom Avenue, Halifax

Councillor Mosher, although declaring a conflict as she is a resident of Milsom Avenue, advised that the General Manager for the Halifax Regional Water Commission (HRWC) has been in contact with her. Deputy Mayor Walker, who is representing the residents on her behalf, will meet with HRWC staff and the resident for a site visit.

4.1.2 Request to Have the Reclaimed Parkland at the Corner of Parkland Drive and Langbrae Drive Named in Honour of the Year of the Veteran.

- An Information Report dated January 30, 2006 was before Community Council.

Councillor Wile requested a deferral until she is able to meet with MLA Diana Whalen on this matter.

4.1.3 Welcome to Halifax Sign - St. Margaret's Bay Road

Councillor Mosher requested that this matter be sent to Civic Addressing Staff and RPAM

(Real Property Asset Management - Park Planning) as a capital budget request for repairs/upgrades to the sign and landscaping around the sign.

4.1.4 Bus Service - Stoneridge

- An Information Report dated January 13, 2006 was before Community Council.

Councillor Mosher thanked staff for the prompt response. She requested Metro Transit re-assess this request as Walter Havel Drive is to be connected within a year. Mr. Ken Silver, Manager, Transit Planning & Development, Metro Transit advised that he will review the request in light of the new information.

4.1.5 Time Lines re: Re-Submission of Identical Planning Applications for Consideration by Community Council

Councillor Mosher advised that a report was requested addressing the issue of how an identical planning application could repeatedly come forward to Community Council for consideration. How many times does the community have to be subjected to the same public hearing/process when there are no changes to the application. Clarification is requested from Legal Services.

4.1.6 Permission to Install a Sign on HRM Property at the Corner of Regency Park Drive / Lacewood Drive

Councillor Wile advised that HRM Staff are meeting with representatives of Theatre Halifax for more information on exact placement of the sign as well as the size, shape and intended content of the sign. Staff are concerned with safety and aesthetics of the sign.

A report is expected.

4.1.7 Request for a Trail in Hemlock Ravine Park and other HRM Parkland Areas to be Named in Memory of Mr. Colin Stewart.

Councillor Hum advised that it may be a few months before the request is finalized. HRM staff are finalizing the three entrance signs to Hemlock Ravine Park which will soon be installed.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. PUBLIC HEARINGS

8.1 Case 00852: Amendment to Development Agreement, Stoneridge on the Park

Subdivision, Halifax

The following written submissions were received prior to the Community Council meeting and circulated to Councillors and Staff:

- An e-mail dated January 8, 2006 from Mr. Jim Connolly.
- An e-mail dated January 8, 2006 from Eleanore & Keith Eddy.
- An e-mail dated January 8, 2006 from Lei Jiang & Juan Zhou.
- An e-mail dated January 8, 2006 from Gary & Kathy MacDonald.
- An e-mail dated January 8, 2006 from Shannon Mahar & Jason Brown.
- An e-mail dated January 9, 2006 from Maria Dlutek.
- An e-mail dated January 9, 2006 from Robert Grant.
- An e-mail dated January 11, 2006 from Nancy & Richard Legge.
- An e-mail dated January 23, 2006 from William J. Brown.
- A fax dated January 26, 2006 from Mike Shacklock.
- An e-mail dated February 4, 2006 from Peter Twohig.
- An e-mail dated February 6, 2006 from Elden Wiebe.
- An e-mail dated February 6, 2006 from Shawn Murray.

The following submissions were presented for the record at the meeting:

- A letter from Ms. Dianne Nickerson.
- A letter from Ms. Eleanore Eddy and copy of a petition signed by 43 Residents of the Stonebury.
- A letter from Mr. Jim Connolly dated February 6, 2006.
- Three documents from Ms. Esther Enns dated February 6, 2006 including statistical data on petition results and a copy of a petition signed by area residents.
- A Staff Report dated December 16, 2006 was before Community Council.

Mr. Paul Sampson, Planner, presented the report. He explained that in June 2005, staff recommended approval of the proposal but based on valid concerns and issues raised during the June 27, 2005 Chebucto Community Council session and the resulting decision of the Community Council, Planning Staff are now recommending refusal of the proposal. He indicated that staff from HRM's Real Property and Asset Management (RPAM) Business Unit, Mr. Tom Crouse and Mr. Robert Jahncke, Senior Parkland Planner, Real Property and Asset Management, were in attendance to speak to the issue of cash-in-lieu.

Councillor Mosher requested that RPAM staff provide comment on why 12,000 square feet of parkland was valued at only \$65,000.

Mr. Thomas Crouse, Team Leader, Real Estate, Real Property and Asset Management explained that Real Estate was asked to give an estimated value for the land. Staff determined a raw land value. He added that a specific appraisal was not requested for this case. He suggested a specific appraisal be done for the area and the immediate area to determine an estimated land value.

Councillor Mosher requested staff conduct a specific appraisal of the land for this specific site. She further requested that staff provide a breakdown as to how the \$65,000 figure for 12,000 square feet of parkland was determined.

Councillor Adams, Chair, reviewed the guidelines for the public hearing. He then called for speakers for or against the proposal.

Public Speakers:

1. Mr. Louis de Montbrun, Vice-President, United Gulf Developments Inc.

- He presented a PowerPoint presentation including aerial photographs of the area.
- He commented that he spoke to many people in the area who indicate that they love the area and homes.
- He indicated that a petition circulated in the community has an incorrect lot configuration. Lots are 40,000 square feet not 50,000 square feet.
- The seven lots are 30 m from any wetlands which is outside the buffers required by the By-laws (65 ' or 20m).
- He indicated that there are 200 square metres of parkland in the area and the 12,000 square feet of parkland for these seven lots will not be detrimental to the parkland.
- No trees will be disturbed around the lots . The trees will create a buffer.
- Since the June meeting, United Gulf has spent \$30,000 for fencing along the parkland at Hail Pond. The trail around the pond will be completed.
- This development agreement has a sunset clause (deadline) that the original development agreement did not have.
- No one will be able to move into the Waterton building until the trail is completed.
- There is no change in density.
- \$65,000 is in kind and is worth more to HRM.

2. Mr. Ross Miller, Ridgepark Lane

- He indicated that his was one of the first three homes built on Hail Pond.
- He questioned why this issue was before Community Council for the third time when it was defeated twice already. This is the third time he has offered comment on the issue.
- In regard to United Gulf wanting five more lots on the lake, he commented that he has not been able to swim in Hail Pond for the last two years.
- We will get a ten-storey building anyway. Why develop more on the lake.
- He added that when he informed United Gulf of his decision not to support this development, they informed him that they could put two four storey buildings there.
- Homes will be smaller but taller (skinnier and taller) and we will be able to see them, they will change the look of the park.
- He added that his tax assessment has gone up \$100,000 in the last three years.
- United Gulf did not tell the area residents what would happen at the lake site.

3. Lei Jiang, Ridgepark Lane

- Indicated that their household strongly disagrees with the proposal by United Gulf.
- Requests that Chebucto Community Council refuse the application for amendment as there is no good reason for it to be approved.
- HRM has a policy to preserve parkland so why would Council still consider selling the Hail Pond parkland especially at such a low price.
- Converting of parkland to building lots would depreciate the value of all property in the area and degrade the standard of community life.
- The development proposed is not good for the environment.
- Hail Pond park should be completed as part of the original agreement.
- Why does the city need to sell our parkland in order to get money to have the park around Hail Pond finished? Why after all these factors are taken in to account would Chebucto Community Council want to approve this amendment?
- This is the third public hearing for the same matter. Why does HRM allow the same application to be filed, again and again. This is not a good way to use our taxpayers money.

4. Ms. Diane Nickerson

- This is environmentally sensitive land.
- Concern that development in Stoneridge area is happening at a dismaying speed and not without problems. There have been minor car accidents at area intersections.
- Broken promises that have been made by the developer who previously promised \$65,000 in improvements at the Stonebury discussions to get the bid to build a 17 storey. The 17 storey did not get our support but three buildings are there and they have created a wind tunnel which residents said would happen.
- She cited Great Britain as an example of how they have given sanctity to the land especially around waterways in that it is protected from development.
- She would like to continue exploring the area with her grandsons and protect the natural environment for ourselves and those that come after us.

5. Eleanore Eddy, Stoneridge

- Submitted a petition signed by 43 residents of the Stonebury Condominium asking Community Council to refuse the amendment.
- Commented that she lives directly across from Hail Pond but did not receive notice of this public hearing.
- Questioned how HRM can give away 12,000 square feet of designated parkland.
- Advised that she bought into the Roxbury Condominiums after being told of the benefits of the parkland which would always remain parkland.
- She questioned how Community Council could refuse the proposed amendment in June and approve it in January.
- Reasons for refusal: trees felled, park not finished, \$65,000 is below the true value of the land (the last lot in this area sold for \$150,000), where will wildlife (birds/deer) in the area go.
- Trees and parkland would be lost forever and as one elder said, we need trees

- to produce oxygen so we can breath.
- We have elected the Councillors to represent the best interest of the residents and residents of the Roxbury do not believe giving away parkland is in their best interest.
- There is no other accessible parkland unless we get in our cars and drive.
- She urged Councillors to refuse this amendment.

Councillor Adams read the petition into the record as follows: “*A petition to Chebucto Community Council requesting that it refuse to amend the Stoneridge on the Park Development Agreement to permit seven additional lots as described in Case 00852.*”

6. Patricia Jiang, Ridgepark Lane

- Indicated that she was speaking in support of the community and on behalf of the youth of today.
- She is against approval of this amendment. If approved, it would cause destruction of valuable parkland as 12,000 square feet will be clear cut.
- The number of trees in the world is declining and we need to keep them as they provide home/shelter for birds/animals.
- More houses will contribute to pollution.
- Council should be working for a healthier future.
- This matter is part of a global issue as once land is gone it is gone forever. Natures lands have to be preserved and HRM indicates that it wants to protect parkland.
- She concluded her comments indicating that she is against the construction of the seven lots especially of the three that would deprive the community of parkland.

7. Bill Brown, Walter Havill Drive

- Resident of Roxbury and Vice-President of the Condo Board.
- Submitted a petition signed by 40 residents of the Roxbury.
- He indicated that this issue could be brought forward every year and he will speak to it every time.
- He commented that Chebucto Community Council has no legal obligation to approve this request.
- Regarding the “proposed parkland” he commented that it is not “proposed parkland” as it is clearly indicated as parkland in the existing development agreement.
- The \$65,000 amount for the lots is so ludicrous an amount for this property as to not even be a debatable issue. An “in kind” agreement with someone is not a basis for good business at all.
- The environmental affects are debatable specifically in regard to the setback to the water course, the developer says the development is within 178' from the lake but some feel it is within 100' of the water course.
- The allowable population density for Stoneridge is 22 persons per acre. In areas of high population density, parkland is especially important.

- Given the low density of population in Nova Scotia, we do not pay enough attention to what we do have, other places such as San Antonio, Texas, residents have to drive ½ an hour to find a walking area.
- He urged Community Council to refuse this amendment.

8. Jim Connolly, RidgePark Lane

- He submitted his comments in writing.
- He urged Community Council to refuse to amend the development agreement.
- This is the third time the public have spoken on this matter and the third time he has had to come before Community Council to ask that they not approve rezoning of Hail Pond parkland for residential use. He listed the following reasons for refusal:
 - 1. HRM does not have a legal obligation to grant the amendment.
 - 2. Environmental effects of building on this site have not been properly described or understood.
 - 3. United Gulf's offer in exchange for 12,000 square feet of lakefront land is grossly inadequate ((\$65,000)).
 - 4. Stoneridge Homeowners pay more than enough property tax to provide park infrastructure.
 - 5. Loss of parkland and property values; the land in question is not proposed parkland as it is clearly designated as parkland in the existing development agreement.
 - 6. Reduced quality of community life: In areas of high population density, parkland is very important, especially to those who live in apartment style accommodations.
- He concluded by indicating that the proposed amending agreement does not comply with a number of HRM policies and does not represent good value for HRM or the residents of Stoneridge.

9. Esther Enns, Resident of Stoneridge

- She circulated two sets of documents (a map and a petition) to Community Council and submitted her comments in writing for the record. She added that she is frustrated that this request is coming forward for the third time and is speaking against the proposal.
- A vast majority of Stoneridge residents do not want the parkland sold. She referred to the coloured map she circulated to Community Council indicating single family dwelling residents also against the amendment.
- There is a lack of environmental analysis and no plans for environmental protection submitted by United Gulf.
- An already poor ratio of density to green space is worsened by this proposal.
- The one contiguous parcel of land for future parkland development is comprised if the "chunk" is taken out.
- The proposal is a poor business deal for HRM. The price offered by United Gulf is too low and the in kind deal is too vague.
- The proposed amendment changes the terms under which residents bought their

- property. There was to be land in reserve for park use.
- The plan disregards the fact that land jutting out behind the proposed residential development is wetland and not suitable for parkland.
- She implores the Community Council to not sell off the land.

10. Helen Stewart , Walter Havil Drive

- She purchased her condominium with the express view of enjoying Hail Pond.
- She expressed concern with the local wildlife (herons , kingfishers , ospreys , deer) that would be disturbed by construction as they have just returned to the area.
- She does not want the land sold.
- She commented that she has 1300 square fee that is assessed at \$178,000 so the value for money HRM would be getting is not great. She commented that United Gulf made many promises to her when she bought her property but they have not come to fruition. She suggested that the promises being made be obtained in writing.
- She suggested development of the parkland be under the control of Community Council or the Stoneridge residents themselves.

Councillor Adams called for any further speakers for or against the proposal. Hearing none, the Proponent was invited to come forward at this time for summary remarks.

Mr. Louis de Montburn, Vice-President, United Gulf, provided a summary at this time.

- He advised that he spoke to a community member regarding the petition that was circulated and indicated that the information attached to the petition regarding what was proposed was actually incorrect.
- In regard to the value of the land, United Gulf is in the business of land development and does understand land development. An agreement with HRM staff, who understand real estate, was negotiated and the true value of those lots after the cost of development was determined.
- He referred to an aerial photo of the area indicating that the proposed lots are well in excess of the required setbacks to any wetlands/watercourse.
- He commented in response to comments made by a previous speaker, that if a person is not pleased with a real estate agent there are mechanisms within the real estate board to hold that person accountable.
- He responded to comments made referring to treatment/protection of land in London, England indicating that he lived in London and these types of parcels of land are non-existent in London (the size of Peninsula HRM).

Mr. Louis de Montbrun, United Gulf, clarified for Councillor Adams that there are no lakefront lots here only lake access. He further clarified for Councillor Mosher that no trees would be disturbed surrounding the lots but some trees would have to be removed on the lots to construct the homes.

Mr. Paul Sampson, Planner, clarified for Councillor Hum that the provincial Department of Environment and the Federal Department of Fisheries and Oceans have confirmed

that the water course leading into Hail Pond on HRM's current park parcel is considered a watercourse (a number of pipes under Walter Havel Drive - storm sceptres) and at the moment there is water there. At some periods during the year there may not be water at that location. Mr. Sampson further clarified for Councillor Adams that the lots still meet the setback requirements as well as the proposed Regional Plan requirements.

MOVED BY Deputy Mayor Walker, seconded by Councillor Mosher that the public hearing be closed. MOTION PUT AND PASSED.

MOVED BY Deputy Mayor Walker, seconded by Councillor Hum that Chebucto Community Council recommend to amend the development agreement for Stoneridge on the Park Subdivision, Halifax.

Councillor Mosher commented that she would like to see Chebucto Community Council maintain their earlier decisions on this matter and deny the amendments. Further, she requested clarification from Legal Services as to the number of times the same application can be brought before Community Council subjecting residents to return repeatedly to express their comments on an identical application.

She further commented that there has been valid information brought forward during this public hearing process. Residents bought their homes in the area based on the Hail Pond Park and the proposed development of parkland.

She added that:

- The loss of the parkland would result in a reduction in property value for area residents.
- There would also be a visual disturbance with the removal of some trees adding she is attempting to have a value assigned to trees as some other municipalities have done.
- Once the parkland is gone, it is gone.
- HRM needs a standard to measure parkland (cash in lieu or land). \$65,000 does not seem adequate.
- There is no detail of the in kind services.

Without a vote being taken on the motion on the floor the following motion was placed:
MOVED BY Councillor Mosher, seconded by Deputy Mayor Walker that Chebucto Community Council defer this matter for one month subject to:

1. **An appraisal of the land in the immediate neighbourhood and its potential value.**
2. **An explanation of the exact criteria for in kind services including specifics of what those in kind services are/will be.**
3. **Staff are to take into consideration all comments/concerns raised during the public hearing and determine if they are valid reasons under the MPS (Municipal Planning Strategy).**

Ms. Karen Brown, Solicitor, responded to Councillor Mosher that once information is received regarding the value of the land as per the requested appraisal, a decision would be made at that time on whether or not a new public hearing would be required.

Councillor Mosher commented that all submissions were submitted to the Legislative Assistant and are part of the public record.

MOTION TO DEFER PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Delegations

9.3.1 Public Safety - Lack of Sidewalks on Chain Lake Drive

Mr. Brandon McLennan, who requested to present to Community Council on this matter, was not in attendance at this meeting.

9.3.2 Long Lake Provincial Park Association (LLPPA)

Dr. Martin Willison and Mr. Alain Godbout presented on the Long Lake Provincial Park Association and their goal for a park management plan. Public consultations will begin in Spring 2006.

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 00873: Non-Substantive Amendment to Stage I Development Agreement - Main Avenue, Halifax

- A staff report dated January 24, 2006 was before Community Council.

MOVED BY Deputy Mayor Walker, seconded by Councillor Mosher that the Chebucto Community Council:

- 1. Approve the amendments to the Stage I Development Agreement for the Mount Royal Residential Development on Main Avenue, Halifax, presented as Attachment "A" to the report dated January 24, 2006.**
- 2. Require the Amending Agreement for Stage I be signed and delivered within 120 days, or any extension thereof granted by Council on request of this**

applicant, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED UNANIMOUSLY.

- 11. **MOTIONS** - None
- 12. **ADDED ITEMS** - None
- 13. **NOTICES OF MOTION** - None
- 14. **PUBLIC PARTICIPATION**

Due to time constraints, no public participation was held.

- 15. **NEXT MEETING DATE** - Monday, March 6, 2006.
- 16. **ADJOURNMENT**

The meeting adjourned at 8:50 p.m.

Chris Newson
Legislative Assistant