

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

November 6, 2006

MINUTES

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

STAFF: Ms. Kirby Grant, Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

2. APPROVAL OF MINUTES

MOVED by Councillor Hum, seconded by Deputy Mayor Walker, that the minutes of September 11, 2006 and October 2, 2006 be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Information Report - Case 00845 - Rezoning - Ralston Street Area (Deputy Mayor Walker)
- 12.2 Truck Traffic - Mumford Road (Deputy Mayor Walker)

MOVED by Deputy Mayor Walker, seconded by Councillor Wile that the agenda as amended be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES:

4.1 Status Sheet Items:

4.1.1 Kearney Lake Dam Construction Project/Lowered Lake Levels

Councillor Hum noted that a response has not yet been received from the Annapolis Group. She requested the Legislative Assistant follow up with a letter asking for a report on the project which, as she understood, ended September 30, 2006. This item is to remain on the Status Sheet.

4.1.2 Request for Zoning Change - 21 Kidston Road

The Chair noted that a report has been submitted and the item is scheduled under 10.1.1 for later in the agenda. This item can be removed from the Status Sheet.

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

Councillor Hum noted that she does not anticipate a report on this until budget time. She indicated she would be corresponding with the appropriate staff regarding recommendations on this item. This item is to remain on the Status Sheet.

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

Councillor Wile noted that she spoke with a staff member involved with the theatre. She suggested deferring this matter for a while. This item is to remain on the Status Sheet.

4.1.5 Bus Service - Stoneridge

Councillor Mosher advised that last month Chebucto Community Council approved phase 1 of the development which will make it possible to have this bus service. She requested the Legislative Assistant forward an e-mail to the General Manager of Metro Transit requesting that he update the previous report on this matter that was submitted to Chebucto Community Council. Once the report is received, this item can be removed from the Status Sheet. This item is to remain on the Status Sheet at this time.

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

Councillor Mosher noted that previously, in conversation with the Coordinator of the Deputy Chief Administrative Officer, he advised that he would resolve this issue. She asked that an update be provided for Community Council's next meeting, and then the matter can be removed from the status sheet. This item is to remain on the Status Sheet at this time.

4.1.7 Rock Pile -182 Milsom Avenue

No update was provided. This item is to remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS- None

8. HEARINGS:

8.1 Public Hearing: Case 00871: Amendment to Development Agreement, Lot C-301B Osborne Street, Stanley Park/Stoneridge Subdivision, Halifax

A supplementary staff report dated October 20, 2006 was submitted.

Mr. Paul Sampson, Planner, addressed Community Council and noted that there were two reports pertaining to this case, the original report submitted at the October 2, 2006 meeting (Notice of Motion was given) and a supplementary report dated October 20, 2006, was submitted for this meeting.

Councillor Mosher pointed out that original report was not re-circulated in the Councillors' agenda packages nor were additional copies provided for the public for this evening's

meeting. She pointed out that it was customary that both reports be provided to the Councillors and available to the public. She requested that from here on in, the Legislative Assistant ensure this occurs.

Mr. Sampson outlined the application by W.M. Fares and Associates to amend the development agreement for Stanley Park/Stoneridge on the Park to allow a land use change on Parcel C-301B Osborne Street from a 2-storey commercial building to residential townhouses. In reference to the supplementary report, he advised that some minor changes were made to the staff report, as requested by Councillor Mosher at the October 2, 2006 meeting. As well, staff have suggested some minor changes to the site plan and text of the draft agreement to allow for more appropriate building locations in relation to the abutting commercial development. These include the following:

- Amending the site plan to re-align two of the townhouse buildings to allow for greater setbacks from Tim Horton's drive-thru;
- Replace the word 'substantially' with the word "generally" in Section 1 of the draft agreement to provide the Development Officer with more flexibility with regard to minor changes.

Highlights of Mr. Sampson's presentation are as follows:

- the existing agreement calls for 20 parking spaces to be set aside for the HRM sportsfield, and additional space during non-business hours. Parks Planning staff were in favour of a change to this, and the new proposal is in the supplementary report.
- the existing agreement provided for 21 condominium townhouses which would be grouped. A 4-unit townhouse-type grouping has been changed to a 5-unit, and an 7-unit grouping has been changed to a 6-unit. The reconfiguration was to shift the back yards away from the Tim Horton's drive-thru lane.
- the condominium arrangement is such that access to the units will be through a private driveway.
- a 6ft. high fence will surround the perimeter of the site and providing a shield of the backyards, and will also shield the back yards along Bald Eagle Place.
- the parking lot on Tamarack Drive would be upgraded with sub-base asphalt, painting of lines, and a concrete pad for a portable toilet.

Mr. Sampson responded to questions of Community Council.

The Chair then opened the public hearing advising that anyone wanting to speak either for or against the proposal could do so at this time.

Mr. Cesar Saleh addressed Community Council advising that he was representing the developer and would respond to any questions.

Ms. Marie-Paule Laforge addressed community council and questioned if the 20ft. separation distance include decks.

In response, Mr. Sampson advised that the 20ft. setback is from the main wall of the building to the property line. He added that, if Council wanted a specified setback for the deck, it could request it in the agreement or if Council did not want any above-grade decks, it could be put in the agreement. Mr. Sampson pointed out that, under the by-law, ground level patios can be considered landscaping, therefore, they have no requirement.

Mr. Andrew Faulkner, Development Officer, further added that the setback is 20ft. clear, if the deck is 24 inches off grade.

In response to additional questions by Ms. Laforge, Mr. Sampson advised that individual owners will be responsible for the maintenance of the fence; and that the draft agreement does not specify what types of plants are to be planted. He added that if Community Council wished to put some requirements in the agreement this could be done, and staff could follow up with a supplementary report.

Mr. Joe Morrison addressed Community Council and indicated that he supported the proposed changes regarding the parking spots. He advised that the parking spots that were originally planned would have caused him and his neighbours distress because there would have been no way to access the ballfield except to go through the walkway on Bald Eagle. He added that there is no pathway from Bald Eagle, therefore, people would be cutting through his yard.

The Chair called three times for anyone else wishing to speak and, there being none, it was **MOVED by Councillor Walker, seconded by Councillor Hum that the public hearing be closed. MOTION PUT AND PASSED.**

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

- 1. Approve the revised amending development agreement, included as Attachment A of the October 20, 2006 staff report, to permit a land use change on parcel C-301B Osborne Street from a 2-storey commercial building to residential townhouses;**
- 2. Require that the 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.**

Councillor Mosher advised that at the public information meeting, she was shocked that the residents seemed completely in support of this application because she felt that a commercial zoning would be preferable because it would be a daytime operation. She added, however, it appears the homeowners would prefer residential development. Councillor Mosher indicated she was pleased that the concerns she raised in regard to buffering, parking spots, and washroom facilities have been addressed. Councillor

Mosher expressed concern that the fence would encourage graffiti and she asked if some type of greenery, such a climbing vine could be put around the exterior of the fence as a way of discouraging graffiti.

MOVED by Councillor Mosher, seconded by Councillor Hum that the motion be amended to include that the developer be requested to consider including a clause in the agreement that would require a landscaping plan designed to discourage graffiti.

THE AMENDMENT WAS PUT AND PASSED.

THE MOTION AS AMENDED IS WAS PUT AND PASSED.

The Amended Motion now reads as follows:

1. **Approve the revised amending development agreement, included as Attachment A of the October 20, 2006 staff report, to permit a land use change on parcel C-301B Osborne Street from a 2-storey commercial building to residential townhouses;**
2. **Request the developer give consideration to the inclusion of a clause that would require a landscaping plan designed to discourage graffiti.**
3. **Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional 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.**

8.2 Variance Appeal Hearings:

8.2.1 60 Walter Havill Drive, Halifax

A staff report dated October 26, 2006 was submitted.

Mr. Andrew Faulkner, Development Officer, outlined reasons why staff refused the application for variance at 60 Walter Havill Drive. In his presentation, he noted the following points:

- the property currently has a construction permit to erect a multi-unit dwelling.
- the request was to vary the front yard setback to 0 feet, from a requirement of 20 feet, and the right yard setback to 0 feet, from a requirement of 8 feet, to correct siting deficiencies.

- a request for a building permit to place a 10 ft. x 48 ft. sales trailer was refused by staff because it did not meeting the front and right setback requirements
- the trailer was placed on the property in July, and not after the time when notice was given to the owner, as is indicated in the staff report.

Mr. Faulkner responded to questions clarifying the following points:

- there would be loss of some vegetation if the trailer were pushed back further on the property.
- the neighbouring properties are owned by the same property owner.

The Chair asked that if there was anyone who received notification on this matter who wished to address Council, to come forward at this time.

Mr. Louis de Montbrun, Vice President of United Gulf Developments addressed Community Council and circulated colour photographs. He indicated that the photos attached to the staff report were in black and white and that the colour photos may provide a better visual look at the site in question.

Mr. de Montbrun, in referring to the photos, pointed out that the sales trailer has been landscaped and that there were large trees immediately behind it that would have to be removed if the trailer was to be pushed back. In addition, he pointed out there was a large amount of rock behind the trailer. Mr. de Montbrun advised that Osborne Street is a better location for a sales trailer because it would keep the additional traffic on Osborne and off Walter Havill Drive. He also noted their intention is to bring construction traffic in on Osborne Street. He pointed out that there is a steep, tree-covered hill area on Osborne and this is designated as a tree retention area. Mr. de Montbrun advised that for these reasons, they determined that the only location for the trailer to be placed, is where it is currently situated.

There were no further persons wishing to address Community Council on this matter.

In response to a concern raised by Councillor Mosher, Mr. Faulkner clarified that the trailer was placed on the site in July without a permit. However, once notified by staff, an application was submitted. The permit was refused due to siting, and the variance was subsequently refused for the reasons outlined in the staff report.

Councillor Mosher advised that in her view this application shows intentional disregard for the Land Use Bylaw. She added that she feels she is in a position whereby she has to support overturning the Development Officer's decision because, otherwise, the residents of Walter Havill Drive will be impacted by additional traffic. As well, she pointed out that a number of trees would be required to be cut down if the Development Officer's decision is maintained. Councillor Mosher advised that she feels she is forced to overturn the Development Officer's decision for the betterment of the neighbourhood.

MOVED by Councillor Mosher, seconded by Councillor Wile that the decision of the Development Officer to refuse the variance at 60 Walter Havill Drive be overturned and the appeal be granted.

Councillor Mosher advised that she would like to see something placed in the land use bylaw for Mainland South that would address temporary real estate trailers and she questioned if staff would follow up on this idea.

The Chair suggested Councillor Mosher pursue this through Notice of Motion.

THE MOTION WAS PUT AND PASSED.

8.2.2 29 Dickson Avenue, Halifax

A staff report dated October 26, 2006 was submitted.

Mr. Andrew Faulker, Development Officer, addressed Community Council and outlined the reasons why staff refused a variance at 29 Dickson Avenue, Halifax. He explained that the variance would reduce the left side yard setback to 4 feet for the proposed habitable addition to the single unit dwelling. The required left yard setback is 8 feet for habitable floor area and 4 feet for a garage or carport.

Mr. Faulkner responded to questions.

In response to a question of clarification by Councillor Hum, Mr. Faulkner advised that the issue before Community Council is the side yard setback, i.e an additional foot would be fine.

Councillor Hum questioned when the 4-foot wide covered walkway would have been constructed.

In response, Mr. Faulkner explained that it was not known when it was constructed, and added that if it happened at the time, in 1994, it would have been considered a carport because it would not be habitable floor area.

The Chair opened the floor to anyone wishing to speak to this matter who received notification of the Development Officer's decision.

Mr. Bob Foster, 29 Dickson Avenue, addressed Community Council and spoke in support of his request for a variance. In remarks, Mr. Foster noted that he has the support of his neighbours for the addition he wants to put on the house.

There was no one else wishing to speak to this matter.

MOVED by Councillor Hum, seconded by Deputy Mayor Walker that the decision of the Development Officer to refuse the variance be overturned and the appeal be granted.

Speaking in support of the motion, Councillor Hum advised of the following reasons:

- the location of the existing garage will not impede access from that side
- the abutting neighbour has 30 feet clearance and a sloped grade

Councillor Hum noted that she visited the site, and after viewing the proposed work, she is very comfortable in recommending approval of the variance request.

THE MOTION WAS PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations - Captain William Spry Centre - Staff Presentation

An e-mail dated October 18, 2006 from Margaret Soley requesting deferral of this matter was submitted. The request was to defer the item until such time that staff have completed a report on proposed improvements/changes to the facility.

Community Council agreed to defer this matter.

10. REPORTS:

10.1 STAFF REPORTS:

10.1.1 Case 00960: MPS and LUB Amendment for the Urban Farm Museum at 21 Kidston Rd (PID 00327452)

A staff report dated September 20, 2006 was submitted.

MOVED by Deputy Mayor Walker, seconded by Councillor Mosher that Chebucto Community Council recommends that Halifax Regional Council:

- 1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy (MPS) and Mainland Land Use Bylaw (LUB) to allow expansion of the Urban Farm Museum to 21 Kidston Road (PID # 00327454); and**
- 2. Instruct that the Municipal Planning Strategy amendment process include a public participation program in accordance with the Public**

**Participation Resolution adopted by Halifax Regional Council on
February 25, 1997.**

MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL - None

11. MOTIONS - None

12. ADDED ITEMS:

12.1 Information Report - Case 00845 - Rezoning - Ralston Street Area (Deputy Mayor Walker)

Deputy Mayor Walker noted an information report was submitted advising that the decision of Community Council to approve a downzoning for the Ralston Street area has been appealed. He requested that this item be placed on the Status Sheet.

12.2 Truck Traffic - Mumford Road (Deputy Mayor Walker)

Deputy Mayor Walker advised that it has come to his attention that large, container trucks are using the route between Olivet Street and Joseph Howe Drive. He noted that truck route signs are posted on Chebucto Road, however, he would like additional signage that actually states that no trucks are permitted, other than local trucks.

**MOVED by Deputy Mayor Walker, seconded by Councillor Mosher that staff be requested to erect signs which state that all trucks, except local trucks are prohibited on Mumford Road, between Olivet Street and Joseph Howe Drive.
MOTION PUT AND PASSED.**

13. NOTICES OF MOTION:

13.1 Councillor Mosher

Take Notice that at the next meeting of Chebucto Community Council to be held on Monday, December 4, 2006 I intend to introduce a motion to amend the Land Use Bylaw for Mainland South to allow for provision of temporary real estate sales facilities.

Deputy Mayor Walker requested that Mainland North also be included, to which Councillor Mosher agreed.

14. PUBLIC PARTICIPATION

Mr. Michael Shatlock addressed Community Council and advised that he was a resident of Walter Havill Drive. Mr. Shatlock made reference to a minor variance that was discussed earlier and indicated that he was disappointed with the apparent disregard for

the bylaws the developer has shown for this area. He also noted that the developer has a tractor trailer parked on a gravel pad advertising the development they are planning to construct.

15. NEXT MEETING DATE: December 4, 2006

16. ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Sheilagh Edmonds
Legislative Assistant