

**PENINSULA AND WESTERN REGION COMMUNITY COUNCIL**

**MINUTES**

**FEBRUARY 28, 2001**

THOSE PRESENT: Councillor Reg Rankin, Chair  
Deputy Mayor Blumenthal  
Councillor Dawn Sloane  
Councillor Sheila Fougere  
Councillor Gary Meade  
Councillor Sue Uteck

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Maya Ray, Planner  
Gary Porter, Planner  
Andrew Whittemore, Planner  
Rosemary MacNeil, Development Officer  
Jim Donovan, Planning Department  
Fred Wendt, Solid Waste Management  
Sandra Shute, Assistant Municipal Clerk

Also Present: Bernie Matlock, Department of Environment  
Approximately 25 members of the public regarding  
the C & D issue

**TABLE OF CONTENTS**

1. Call to Order ..... 4

2. Public Meeting - Construction and Demolition Waste Management ..... 4

3. Approval of Minutes

    3.1 Regular Meeting - January 24, 2001 ..... 4

    3.2 Special Council Session - February 13, 2001 ..... 4

4. Approval of the Order of Business and Approval of Additions and Deletions .... 5

5. Business Arising out of the Minutes

    5.1 Guidelines re the Term “Substantially in Conformance” ..... 5

6. Motions of Reconsideration - None ..... 5

7. Motions of Rescission - None ..... 5

8. Consideration of Deferred Business

    8.1 Regional Stadium for Halifax ..... 5

    8.2 Status of Community Council ..... 6

    8.3 Request from residents regarding re-establishment of the  
    Planning Advisory Committee for the Halifax Peninsula ..... 6

9. Public Hearings

    9.1 Case 00284 - Application for a Development Agreement to  
    Permit Construction of Six Tourist Cabins at 10376 Highway 3,  
    Hubbards ..... 6

10. Correspondence, Petitions and Delegations

    10.1 Presentation - Possible Plan Amendment to Convert 5515-  
    5519 Inglis Street to a proposed 46 unit condominium  
    development ..... 7

11.	Reports	
11.1	Case 00197 - Request for an Amendment to Section IX of the Halifax Municipal Planning Strategy (Spring Garden Road Commercial Area Plan) and the Halifax Peninsula Land Use By-law	8
11.2	Case 00296 - Proposed Wireless Communication Equipment on the Oxford Theatre Building at the Intersection of Oxford Street and Quinpool Road, Peninsula Halifax	9
11.3	Request to Amend the Glen Arbour Development Agreement to Eliminate the Requirement for a Second Vehicular Access to the Adjacent Subdivision by Glen Arbour Homeowners Association (DA-FEN-04-96-18)	10
11.4	Case 00071 - Request for Approval of an Amendment to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville within the Glen Arbour Golf and Residential Community	11
11.5	Case 00238 - Application to Rezone a 46 acre parcel of land in Timberlea from R-1 (Single Unit Dwelling) to CDD and to Enter into a Development Agreement for a Commercial/Residential Development (deleted)	12
11.6	Case 00330 - Application to Erect a 200' Free Standing Cellular Tower on Lands of Helen Alberta Fraser, 168 Fraser Road, Timberlea	12
12.	Motions - None	13
13.	Added Items - None	13
14.	Notices of Motion - None	13
15.	Public Participation	13
16.	Next Meeting Date	14
17.	Adjournment	14

**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.

**2. PUBLIC MEETING - CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT**

Mr. Jim Donovan, Planning Services and Mr. Fred Wendt, Solid Waste Management were in attendance for this item. They provided information on the following:

- Background on Integrated Waste Management Strategy
- Initiation of C & D Waste Management Strategy
- Establishment of Public Participation Process to Implement the Strategy
- Principles for C & D Management
- Key Issues
- Hierarchy of Uses - Transfer Stations, Recycling Facilities and Disposal Sites
- Location of C & D Recycling Facilities in HRM
- Current Definitions/Proposed Definitions
- Current Zoning
- C & D Strategy Implementation
- Municipal Planning Strategy and Land Use By-law Amendments
- Planning Options
- Public Participation Program

Following the presentation, Mr. Donovan advised that staff was now prepared to answer questions.

The Chair asked if there were any questions from Community Council. There were none. The Chair then invited the public to come forward to comment on the presentation. No one came forward.

**3. APPROVAL OF MINUTES****3.1 Regular Meeting - January 24, 2001**

**MOVED by Councillor Uteck, seconded by Deputy Mayor Blumenthal to approve the Minutes of Regular Meeting held on January 24, 2001 as circulated. MOTION PUT AND PASSED.**

**3.2 Special Council Session - February 13, 2001**

**MOVED by Councillor Uteck, seconded by Deputy Mayor Blumenthal to approve the Minutes of Special Council Session held on February 13, 2001 as circulated. MOTION PUT AND PASSED.**

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

Added Item: Presentation - Mr. Alberto Menendez on behalf of Wm. Fares and Associates: Possible Plan Amendment to convert 5515-5519 Inglis Street to a proposed 46 unit condominium development

Deletion: 11.5 - Case 00238 - Application to Rezone a 46 acre parcel of land in Timberlea from R-1 (Single Unit Dwelling) to CDD and to Enter into a Development Agreement for a Commercial/Residential Development

**MOVED by Councillor Uteck, seconded by Deputy Mayor Blumenthal to approve the Order of Business as amended. MOTION PUT AND PASSED.**

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

5.1 **Guidelines re the Term “Substantially in Conformance”**

Councillor Fougere noted that the Community Council's request for a report and for staff to be in attendance was not on the Agenda in any way.

Councillor Rankin asked for comments from Planning staff who were present. The staff present did not have any information.

**MOVED by Councillor Fougere, seconded by Councillor Sloane that staff be strongly requested to provide this report for the next meeting and be in attendance regarding this item. MOTION PUT AND PASSED.**

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Regional Stadium for Halifax**

Councillor Uteck provided information on the revitalization plan by St. Mary's University - what has taken place to date and the plans for the future. Part of the plan will be a proposal for a new Husky Stadium with seating for approximately 8000 and an eight-lane international track. Presently, a staff member from Parks and Natural Services is serving on the Committee. She asked for an endorsement in principle from Community Council to support the revitalization of Husky Stadium. Since HRM has a very active partnership regarding the use of Husky Stadium, she wanted to see this relationship continue.

**MOVED by Councillor Uteck, seconded by Councillor Sloane to endorse in principle support for the revitalization of Husky Stadium, recognizing it is a regional recreational facility. MOTION PUT AND PASSED.**

## 8.2 Status of Community Council

As per approval by Regional Council, changes in the Community Council structure will take place effective April 1, 2001. Districts 11, 12, 13 and 14 will join Chebucto Community Council. That portion of District 18 in the former City of Halifax will remain with Chebucto Community Council. That portion of District 18 in the former County of Halifax will join with District 22 and 23 to form Western Region Community Council. There will no longer be a Peninsula and Western Region Community Council as of April 1, 2001.

## 8.3 Request from Residents Regarding Re-establishment of the Planning Advisory Committee for the Halifax Peninsula

This item will be deferred until the new Chebucto Community Council takes over.

## 9. PUBLIC HEARINGS

### 9.1 Case 00284 - Application for a Development Agreement to Permit Construction of Six Tourist Cabins at 10376 Highway 3, Hubbards

A Staff Report dated January 29, 2001 was before Community Council. Ms. Maya Ray, Planner provided an overview of the application with the aid of overheads. She advised that staff was recommending approval of the application.

Letters in support of the application were received from Charlotte Peach and Russell and Sue MacLean. In addition, during her presentation, Ms. Ray advised that she had received telephone calls from three separate property owners in support of the application.

There were no questions from Community Council members.

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

Ms. Madeline Myers, the applicant, advised that she wanted to expand her business. The tourist industry has increased in Nova Scotia and the additional cottages will have an impact on the economy. The cottages were designed as high-end cottages. Spin offs would include tourism dollars and jobs in the community.

Deputy Mayor Blumenthal asked if the cottages would be long term or overnight accommodation.

Ms. Myers advised they could be either but they would be year-round accommodation.

The Chair then called for further speakers in favour. There were no further speakers.

The Chair then called three times for speakers against the proposal. There were no speakers in opposition.

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

**MOVED by Councillor Meade, seconded by Deputy Mayor Blumenthal to approve the Development Agreement, attached as Attachment 1 to the Staff Report dated January 19, 2001 to permit construction of six tourist cabins at 10376 Highway 3 (PID 40315301), Hubbards.**

**Further, the applicant be given one hundred and twenty (120) days to sign the Development Agreement from the date of approval by Council, or the date of any other approvals required to sign the Agreement as the case may be, unless an extension thereof is granted by Council at the request of the applicant; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

10. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

10.1 **Presentation - Re Possible Plan Amendment to Convert 5515-5519 Inglis Street to a Proposed 46 Unit Condominium Development**

Mr. Alberto Menendez, on behalf of Wm. Fares and Associates, provided information on the above-noted proposal which would replace two existing buildings. He advised he sent out 60

invitations to residents in the area advising that this presentation would take place and invited them to attend the meeting tonight. He provided renderings of the proposal.

Councillor Uteck advised that one of the reasons she asked Mr. Menendez to make a presentation was because of her concern with the scale of the building, the appearance of the streetscape and the heritage aspects.

The Chair indicated that residents could provide feedback and comment either to Mr. Menendez directly at Wm. Fares and Associates or to Councillor Uteck. Depending on public comment, a request for a Plan Amendment could go forward.

## 11. **REPORTS**

### 11.1 **Case 00197 - Request for an Amendment to Section IX of the Halifax Municipal Planning Strategy (Spring Garden Road Commercial Area Plan) and the Halifax Peninsula Land Use By-law**

A Staff Report dated February 15, 2001 was before Community Council. Mr. Gary Porter, Planner provided an overview of the application with the aid of overheads.

**MOVED by Councillor Sloane, seconded by Deputy Mayor Blumenthal to recommend to Regional Council:**

1. **That Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law (text and map) as contained in Appendix A of the Staff Report dated February 15, 2001 and to schedule a Public Hearing for April 17, 2001;**
2. **That Regional Council approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law (text and map) as contained in Appendix A of the Staff Report dated February 15, 2001, namely:**
  - a) **Redesignate 1469 Birmingham Street from RC (Residential/Commercial Mix) to C (Commercial);**
  - b) **Rezone 1469 Birmingham Street from RC-2-V (Residential/Minor Commercial within a view plane) to C-2D-V (General Business Zone - Spring Garden Road Area within a view plane);**
  - c) **Amend the parking requirements for small residential developments within the C-2D zone.**



**MOTION PUT AND PASSED.****11.2 Case 00296 - Proposed Wireless Communication Equipment on the Oxford Theatre Building at the Intersection of Oxford Street and Quinpool Road, Peninsula Halifax**

A Staff Report dated February 16, 2001 was before Community Council. Mr. Gary Porter, Planner provided an overview of the application. He provided actual photographs of the area and an artist's rendering of what the equipment would look like. Initially, six antenna would be installed with provisions made for an additional six at a later date, if needed. Staff was recommending that Community Council support the application.

Councillor Uteck pointed out that previously Community Council requested a report from staff on how many cellular sites are already situated on the Peninsula. She was hesitant to make any decision tonight because the report was not available.

Mr. Porter advised he was taking Paul Morgan's place with regard to this application and could not provide information on the request.

Councillor Fougere said that as with the last application that came before Community Council, Industry Canada has authority over the installation. Community Council is being asked to comment on the aesthetics but it was important to note that approval should include a proviso that the concerns expressed with this particular type of installation, as opposed to a free standing tower, are not aesthetic concerns but health concerns. This should be reinforced with every application.

**MOVED by Councillor Uteck, seconded by Councillor Fougere that Community Council support the proposed installation of wireless communication equipment on the Oxford Theatre Building at the Intersection of Quinpool Road and Oxford Street, Peninsula Halifax and write to Industry Canada requesting some clarification on the ability to comment on health issues as well.**

Councillor Rankin stated it would also be in order for Industry Canada to provide a representative when these applications are being discussed.

Councillor Sloane asked if residents in the area were contacted.

Mr. Porter advised that over 100 letters went out to people within 250'. There were a number of phone calls received.

Deputy Mayor Blumenthal stated that there should be something in writing to Industry Canada that residents are concerned about health issues.

**MOTION PUT AND PASSED.**

**11.3 Request to Amend the Glen Arbour Development Agreement to Eliminate the Requirement for a Second Vehicular Access to the Adjacent Subdivision by Glen Arbour Homeowners Association (DA-FEN-04-96-18)**

A Staff Report dated February 20, 2001 was before Community Council. In attendance for this matter were Andrew Whittemore, Planner and Rosemary MacNeil, Development Officer.

Mr. Whittemore provided an overview of the request with the aid of overheads and staff's reasons for the recommendation for rejection. Staff was recommending that Carley Crescent be left as it is currently constructed.

Deputy Mayor Blumenthal asked how many lots were in question. In response, Mr. Whittemore advised there were 200 lots under the existing Development Agreement and there was an application in for approximately 180 units. The number of residents would be at least 1000 if the proposed additional development is approved.

Councillor Rankin stated that when Glen Arbour Subdivision was formed, it operated under a policy that did not stipulate a particular threshold of units. Today, however, the community is asking for an opportunity to identify what constitutes safety and an opportunity for a Development Agreement. A breakout barrier for Carley Crescent could address safety and that is what the community is asking for. The adjacent community goes to Pockwock Road which goes down to English Corner, where there is traffic signalization - controlled access onto Hammonds Plains Road. Glen Arbour, however, does not have signalization onto Hammonds Plains Road. By allowing incremental traffic to go into Glen Arbour and come out onto Hammonds Plains Road would be inviting problems and hastening the day for a request for signalization at Glen Arbour.

Discussion then took place on the request with regard to the breakout barrier, the elimination of the connection, traffic calming, whether or not Emergency Services has been asked to provide comment and safety considerations.

It was agreed to hear from representatives of Glen Arbour residents.

Mr. Tim Hill, Glen Arbour Residents Association stated the residents were asking for the opportunity to go through the public process and obtain input. This would involve the people from the adjacent subdivision. He had difficulty with the fact that staff was saying they could not begin the process because of the interpretation of a provision in the Municipal Planning Strategy.

Mr. Grant Mosher, Glen Arbour stated there was a problem trying to make a left hand turn out of Glen Arbour now onto Hammonds Plains Road. By opening up Carley Crescent, this would mean additional traffic from the Carley Crescent area and even White Hills Subdivision, which would make it even more difficult to get out of Glen Arbour, whereas those people have the advantage of the controlled access at English Corner. There is now a stop sign in Glen Arbour at Carley Crescent.

Ms. Rosemary MacNeil, Development Officer advised that the \$135,000 has been returned to the developer as the road has been accepted as a municipal road built to municipal standards and is in place with a full second connection.

At this time, Deputy Mayor Blumenthal took the chair.

**MOVED by Councillor Rankin, seconded by Councillor Uteck to undertake a substantial amendment process to consider alternative designs for secondary access at Carley Crescent pursuant to the discussions outlined in Attachment A of the Staff Report dated February 20, 2001. MOTION PUT AND PASSED.**

Councillor Rankin then resumed the chair.

11.4 **Case 00071 - Request for Approval of an Amendment to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville within the Glen Arbour Golf and Residential Community**

A Staff Report dated February 20, 2001 was before Community Council. Mr. Andrew Whittemore, Planner provided a brief overview of the request.

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Meade to recommend to Regional Council:**

- (a) **Regional Council give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville (Attachment 1 to the Staff Report dated February 20, 2001) and to schedule the Public Hearing for April 3, 2001;**
- (b) **Regional Council give Notice of Motion to consider approval of a proposed Development Agreement (Attachment 2 to the Staff Report dated February 20, 2001), pursuant to the proposed MPS amendments and schedule a joint Public Hearing for April 3, 2001;**

- (c) **Regional Council approve a site specific plan amendment to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville (Attachment 1 to the Staff Report dated February 20, 2001) to allow higher intensity residential uses (two unit dwellings, townhouses and multiple dwellings) on lands known as Blocks A, B, C and D, Glen Arbour Integrated Golf Course and Residential Community, by means of Development Agreement;**
- (d) **Peninsula and Western Region Community Council, contingent upon the approval by Regional Council of the above MPS amendment and the approval or deemed approval of said amendment by the Minister, approve a new Development Agreement (Attachment 2 to the Staff Report dated February 20, 2001) to allow for the construction of higher intensity residential uses (two unit, townhouses and multiple dwelling uses) on revised Blocks A, B, C and D, Glen Arbour Integrated Golf Course and Residential Community;**
- (e) **Peninsula and Western Region Community Council discharge lands identified as “future residential development” from the existing Development Agreement #DA-FEN-04-96-18;**
- (f) **The new Development Agreement be signed within 120 days, or any extension thereof granted by Peninsula and Western Region Community Council on request of the applicant, from the date of final approval of said Agreement by Peninsula and Western Region Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise, this approval shall be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.**

11.5 **Case 00238 - Application to Rezone a 46 Acre Parcel of Land in Timberlea from R-1 (Single Unit Dwelling) to CDD and to Enter into a Development Agreement for a Commercial/Residential Development**

Deleted from the Agenda.

11.6 **Case 00330 - Application to Erect a 200' Free Standing Cellular Tower on Lands of Helen Alberta Fraser, 168 Fraser Road, Timberlea**

A Staff Report dated February 22, 2001 was before Community Council.

**MOVED** by Deputy Mayor Blumenthal, seconded by Councillor Uteck to forward a positive recommendation to Industry Canada supporting the proposal by Rogers AT&T to erect a 200' free standing cellular tower on lands of Helen Alberta Fraser, 168 Fraser Road, Timberlea, on the condition that the tower be a minimum of 450 feet from the eastern boundary of the Helen Alberta Fraser property, 168 Fraser Road and 500 feet from any existing dwelling as illustrated on Map 1 of the Staff Report dated February 22, 2001 and that provision be made for future co-location by other carriers on this tower. Further, that Industry Canada be advised that Community Council is concerned with health concerns expressed by residents.

Councillor Rankin advised he was in support of the recommendation because the alternative was for Charles Road, which would be closer to residents.

**MOTION PUT AND PASSED.**

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

Mr. Bob Hayes, Brussels Street expressed concern with the provincial government's proposal to take from this Municipality and give to the poorer municipalities.

Ms. Rachael Cassidy, Rogers Wireless advised she was in attendance for the cell tower application for Timberlea. She advised that her company was struggling as much as the Municipality as to how to educate people and properly address people's fears or lack of knowledge.

Deputy Mayor Blumenthal pointed out that residents are coming forward with health issues. Community Council wants to make sure that Industry Canada understands there are concerns about health issues.

Councillor Uteck advised that she was concerned that the Municipality does not have any policies in place regarding maximum height of clusters and how many there are in one area.

Councillor Fougere stated further that Industry Canada only allows the Municipality to comment on aesthetics but that is not what the concerns are from the public. It was important that Industry Canada be made aware of this.

Ms. Beverly Miller, 6182 South Street asked what steps have been taken to address garbage and by-law enforcement on the Peninsula.

Councillor Uteck, in response, advised that there are more By-law Enforcement Officers in the Western Region than anywhere else in the Municipality. The province has been requested to change the Municipal Rental Agreement to state that the landlord has to go through garbage regulations as part of the lease agreement and post the garbage schedule. By-law enforcement is complaint driven.

Ms. Beverly Miller also expressed concern re illegal rooming, lodging and boarding houses.

Councillor Sloane, in response, advised that the team reviewing District 9 at this time re Dangerous and Unsightly premises will soon be moving over to District 12. A Minimum Standards By-law is also under consideration at this time.

Mr. Steven Parsons, 2016 Oxford Street provided a written submission that he intended to submit under 11.2 - the cell tower proposal for the Oxford Theatre building. He expressed concern that the public was not asked to provide comments when this issue was under consideration by Community Council even though letters were sent out to abutting residents.

Councillor Rankin apologized, as well as Councillor Uteck, for not allowing time for input from the public. Councillor Uteck requested that Mr. Parsons' comments be included as part of the report.

16. **NEXT MEETING DATE**

It was agreed to poll members of Community Council to find out whether or not Councillors would be available for a meeting in March and, if so, on what date.

17. **ADJOURNMENT**

On a motion from Councillor Meade, the meeting adjourned at 9:15 p.m.

Sandra M. Shute  
Assistant Municipal Clerk

