

HALIFAX REGIONAL MUNICIPALITY

**WESTERN REGION COMMUNITY COUNCIL
MINUTES
NOVEMBER 22, 2004**

Present: Councillor Steve Adams, Chair
Councillor Gary Meade
Councillor Reg Rankin

Staff: Mr. Barry Allen, Solicitor, Legal Services
Ms. Patti Halliday, Legislative Assistant

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1. CALL TO ORDER

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

2. ELECTION OF CHAIR

The floor was opened for nominations for the position of Chair.

MOVED by Councillor Rankin, seconded by Councillor Meade, that Councillor Adams be nominated for the position of Chair of the Western Region Community Council.

There being no further nominations, the following motion was put:

MOVED by Councillor Rankin, seconded by Councillor Meade, that nominations cease. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Adams was declared Chair of the Western Region Community Council for 2004-05.

3. APPROVAL OF MINUTES

3.1 September 27, 2004

MOVED by Councillor Meade, seconded by Councillor Rankin, that the minutes of September 27, 2004, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 13.1 Councillor Adams - Renaming of Sambro Ballfield
- 13.2 Councillor Adams - Proposed Fire Station, Williamswood (request for update)
- 13.3 Councillor Meade - Request for Update re: Transfer of Roads
- 13.4 Councillor Meade - Westwood Hills Subdivision, Second Entrance/Exit
- 13.5 Councillor Rankin - Clean Up of Lands, Brookside Junior High School

- 13.6 Councillor Rankin - West Dover Area, Request for Land Transfer to HRM
- 13.7 Councillor Rankin - Request for Express Transit Route, Exit 5, Hwy 103 (this was addressed under Public Participation)

MOVED by Councillor Meade, seconded by Councillor Rankin, that the agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING FROM THE MINUTES

5.1 Status Sheet Items

Councillor Meade advised the Community Council that a public meeting will be held on December 2, 2004, 7:00 p.m., Tantallon Library, regarding the rezoning of a portion of St. Margaret's Bay Village.

Councillor Rankin requested that follow-up letters be sent to NSDOT regarding the following two items:

- C Request for Flashing Green Light at Intersection of St. Margaret's Bay Road/Prospect Road
- C Condition of Hubley and Hubley Lake Roads

Councillor Adams requested that the dates of the Status Sheet requests be included on the agenda for the next meeting.

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

9. PUBLIC HEARINGS

9.1 Case 00679 - Amendments to Prohibit Shipping Containers being used as Accessory Buildings

- C A staff report dated September 27, 2004 regarding the above was previously circulated to Community Council.

C The proposed amendments passed First Reading on September 27, 2004 and were now before Community Council for a public hearing.

Mr. Luc Ouellet, Planner, presented the staff report to Community Council.

Councillor Adams called for members of the public wishing to speak either in favour of or against the amendments.

Mr. Steven Taylor, Lr. Sackville

Mr. Taylor stated he agrees with the amendments with respect to residential properties, but he would not want to see this affect commercially zoned properties. However, he noted some exceptions may need to be made with respect to residential properties, ie. moving companies

In response, Mr. Ouellet stated similar amendments have been made in all other areas of HRM. He noted that commercially zoned properties abutting residential properties would not be allowed to have shipping containers on their property.

Mr. Ross Evans, Hammonds Plains

Mr. Evans stated he may need to use a small shipping container for storage while raising a barn building. He also noted that insurance companies require steel containers for paint storage at Enviro Depots.

Mr. Carl Spinney, Windsor Junction

Mr. Spinney addressed Community Council noting that shipping containers are very useful as they are fireproof , neat and organized, and easy to use. Therefore, he stated he did not understand what the problem would be.

Councillor Adams called three times for any further speakers. Hearing none, the following motion was put:

MOVED by Councillor Meade, seconded by Councillor Rankin, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COMMUNITY COUNCIL DECISION

In response to concerns expressed by Mr. Evans, Mr. Ouellet stated properties would be permitted to have shipping containers during construction phases.

Responding to a question of Councillor Rankin, Mr. Ouellet stated any future amendments would require a public hearing.

MOVED by Councillor Meade, seconded by Councillor Rankin, that Western Region Community Council approve the proposed amendments to the Land Use By-Laws for Planning Districts 1 & 3 (St. Margaret's Bay) and Planning District 4 (Prospect) as shown in Attachments "A" and "B" of the staff report dated September 27, 2004.

Councillor Rankin inquired if it would be possible to make an amendment this evening to exclude commercial properties abutting residential properties. Mr. Allen advised that this may be a significant matter to an abutting property owner and would, therefore, require another public hearing. Mr. Ouellet noted this section is the same in the other plan areas. Since the issue is addressed consistently across the municipality, Councillor Rankin agreed not to put forth such an amendment.

In response to concerns expressed by Councillor Adams regarding the need for these containers by Enviro Depots, Mr. Ouellet noted there are alternate metal containers that can be used.

Councillor Rankin inquired if there was a grandfathering clause included to which Mr. Ouellet responded in the affirmative.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Case 00667 - Governor's Glenn Rezoning and Development Agreement

C A staff report dated October 19, 2004, regarding the above, was before Community Council for its consideration.

Mr. Ouellet presented the staff report to Community Council and responded to questions of clarification.

Councillor Adams called for members of the public wishing to speak either in favour of or against the re-zoning and development agreement.

Mr. Ken Rayment, Halifax

Mr. Rayment expressed concern with the width of North Green Road as it is the only way out of the end of Governor's Glenn where he lives. Mr. Rayment also noted there is a blind corner at the bottom of North Green Road.

Mr. Rayment also expressed concern with snow clearing due to the narrow roads in the newly

developed area. He also inquired if there will be landscaping work on the shaded areas of the map as it will affect drainage on his property.

In closing, Mr. Rayment stated he has a real concern with the two top water line lots.

Ms. Heidi Fennel-Pike, Halifax

Ms. Fennel-Pike addressed Community Council requesting clarification on the number of proposed dwellings. Mr. Ouellet clarified there are 13 duplexes and 26 single dwelling units proposed for a total of 52 units.

Ms. Fennel-Pike also spoke about traffic concerns in the area.

With respect to the six homes at the end of Lakeside Drive, she inquired if the developer would be willing to install a wooden fence along the back to stop traffic from coming through that area.

Ms. Elizabeth George, Halifax

Ms. George expressed concern with regard to the safety of children in this development noting there are no sidewalks in the Governor's Lake area. She noted the homes are listed as starter homes and there are many young families living there yet there is no play space for the children. Therefore, many of them play in the streets creating safety hazards.

Mr. Derek Cann, Halifax

Mr. Cann requested that the changes made to the development agreement since the public meeting be outlined. Mr. Ouellet noted he was not working with HRM at the time of the public meeting, but stated he believed the tree retention plan would be the main difference.

Mr. Cann stated although he is not necessarily in support of the plan as it stands, it has some benefits compared to previous plans. Mr. Cann expressed concern with access to this subdivision and stated the community should be given a commitment that a second exit, which meets HRM standards, will be provided before this phase is approved and proceeds.

Mr. Cann also expressed concern with the number of concessions provided to the developer for a couple of extra feet of parkland area.

Mr. Robert MacPherson, Representative, Kimberly Lloyd Developments

Mr. MacPherson addressed Community Council with respect to the comments and concerns raised making the following points:

- C This development can proceed as of right with R1 development with no requirement for tree retention, parkland, nor upgrades to North Green Road.
- C Going to a CDD allows the developer to get a net difference of 13 additional units.
- C Benefits of this proposal are a developed waterfront park in the community, a higher level of tree retention and landscaping, and all roads will be designed with municipal standards.
- C His understanding is that the second access would connect to North Green road.

Councillor Rankin noted the map is not 100 percent accurate and requested that it be reflected in the minutes that the road will be continuous and that this be reflected in the contract.

With respect to the timing of the development, Mr. MacPherson stated the intention is to construct the project in one phase, and they would be willing to have something included in the agreement that the second access be constructed before house construction commences.

With regard to the request for a fence between Lakeside and Governor`s Lake, Mr. MacPherson stated he was not certain this would be permitted, but if it was, they would be willing to consider installing it if HRM was willing to maintain it.

Councillor Adams called three times for any other speakers. Hearing none, the following motion was put:

MOVED by Councillor Meade, seconded by Councillor Rankin, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COMMUNITY COUNCIL DECISION

Following a brief discussion regarding procedure, the following motion was put:

MOVED by Councillor Rankin, seconded by Councillor Meade, that Western Region Community Council:

- 1) **Approve the re-zoning of a portion of PIDs 40162497, 40346785, and 40346777 (proposed lots 405-433, and lots 445A-447B), as shown on Map 1, from R-1 (Single Unit Dwelling) Zone to CDD (Comprehensive Development District) Zone.**
2. **Recommend that the development agreement be amended, for consideration by Community Council after the re-zoning becomes law, in that the second**

access be constructed concurrently with this phase of the development and that it be completed before any occupancy permits are issued. MOTION PUT AND PASSED UNANIMOUSLY.

With respect to North Green Road, the following motion was put.

MOVED by Councillor Rankin, seconded by Councillor Meade, that the issue of North Green Road be forwarded to staff for consideration of upgrading in the 2005/06 Capital Budget process. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

10.1.1 Wood Stored in Exhibition Park

Councillor Adams noted that the Canadian Food and Inspection Agency is dealing with this issue. Councillor Rankin stated there was be some risks associated with this and expressed concern that no staff person was in attendance to address this issue, as requested.

MOVED by Councillor Rankin, seconded by Councillor Meade, that Western Regional Community Council formally request that Mr. John Simmons, Urban Forestry, Real Property and Asset Management attend the next meeting (Jan. 24/05) to address this issue. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Petitions - None

10.3 Presentations - None

11. REPORTS

11.1 Approval of Meeting Schedule - 2005

MOVED by Councillor Meade, seconded by Councillor Rankin, that the proposed meeting schedule for 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Councillor Adams - Renaming of Sambro Ballfield

Councillor Adams noted the late Mr. James MacPhee was instrumental in developing the first ballfield in Sambro. Therefore, he requested a staff report to outline and initiate the process to rename the Sambro Ballfield in honour of the him.

MOVED by Councillor Meade, seconded by Councillor Rankin, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 Councillor Adams - Proposed Fire Station, Williamswood (request for update)

District Chief Chris Charron provided a verbal update on this matter noting a potential site has been identified and a request for funding has been included in the 2005/06 Capital Budget.

13.3 Councillor Meade - Request for Update re: Transfer of Roads

MOVED by Councillor Meade, seconded by Councillor Rankin, that a letter be sent to Minister Barnet, copied to MLAs John Chataway & Bill Estabrooks & HRM staff, requesting an update on the transfer of roads, Nova Scotia Department of Transportation and Public Works to HRM, as per his visit to Western Region Community Council on Sept.20, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

13.4 Councillor Meade - Westwood Hills Subdivision, Second Entrance/Exit

Councillor Meade noted the second entrance/exit to the Westwood Hills Subdivision was constructed two years ago but never opened and the expansion of the St. Margaret's Community Center was designed to have access from this road.

MOVED by Councillor Meade, seconded by Councillor Rankin, that a letter be sent to Crombie Properties asking them when the road will be opened to the public. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Councillor Rankin - Clean Up of Lands, Brookside Junior High School

Councillor Rankin expressed concern about the need for clean up of the lands of Brookside Junior High School as a result of Hurricane Juan.

MOVED by Councillor Rankin, seconded by Councillor Meade, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

13.6 Councillor Rankin - West Dover Area, Request for Land Transfer to HRM

Councillor Rankin raised the issue of a request from the community of West Dover to have five parcels of land in the community of West Dover transferred from the Department of Natural Resources to HRM (releasing the ball field from its lease to a deed and the transfer of four adjacent lots to HRM for parking and community development.

MOVED by Councillor Rankin, seconded by Councillor Meade, that a letter be sent to the Province (copied to Mr. Peter Bigelow) urging them to grant the request of the community of West Dover. MOTION PUT AND PASSED UNANIMOUSLY.

13.7 Councillor Rankin - Request for Express Transit Route, Exit 5, Hwy 103

This was addressed under Public Participation.

14. NOTICES OF MOTION

None.

15. PUBLIC PARTICIPATION

Ms. Maureen Cyr, St. Margaret's Bay Road

Ms. Cyr submitted a petition containing over 1000 names requesting a bus route in the area and spoke in support of the request. Councillor Meade stated he would present the petition at Regional Council at its next meet to refer to Metro Transit for a response. for bus route in area. Pass on petition to MT for appropriate action. Will be delivering co

Ms. Linda Corkum, St. Margaret's Bay Road

Ms. Corkum also spoke in support of the request for bus service stating an express bus service into Halifax would be very advantageous.

Ms. Linda Withers, Sheldrake Crescent

Also speaking in support of the issue, Ms. Withers noted there are a number of university students in the area that have to pay for a bus pass but cannot use it. The service would also be beneficial for students working in Tantallon as well seniors.

MOVED by Reg Rankin, seconded by Councillor Meade, that the petition be forwarded to Metro Transit requesting that they develop a plan for an express bus service from Exit 5 to downtown Halifax during peak periods with a proposed area rate and frequency of service. MOTION PUT AND PASSED UNANIMOUSLY.

In response to a question of Mr. Keith Ayling, Councillor Rankin stated that all taxpayers pay the general tax rate and those receiving transit service pay an extra rate.

16. NEXT MEETING DATE - January 24, 2005

17. ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

Patti Halliday
Legislative Assistant