

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL SPECIAL SESSION/PUBLIC HEARING MINUTES February 3, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Reg Rankin
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Peter Kelly
Jack Mitchell

REGRETS:

Councillors Bruce Hetherington
Bob Harvey

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. INVOCATION

Mayor Fitzgerald called the meeting to order at 7:00 p.m. with the Invocation.

2. PROCLAMATION

2.1 African Heritage Month - February 1998

Mayor Fitzgerald proclaimed the month of February 1998 as African Heritage Month.

Acknowledgement

Mayor Fitzgerald acknowledged the presence in the gallery of Mr. Ivan Doncaster, Councillor, District 14, Cape Breton Regional Municipality.

At this point in the meeting, Council adopted the recommendation made earlier during the Committee of the Whole meeting, regarding the Award of Tender 97-385 - Oyster Pond Fire Station - Phase II.

MOVED by Councillors Dooks and Hendsbee, as recommended by Committee of the Whole, that Tender #97-385 Oyster Pond Renovations Phase II be awarded to the low bid of Kasco Construction for \$118,400.00, including taxes. MOTION PUT AND PASSED UNANIMOUSLY.

3. PUBLIC HEARINGS

3.1 6 Admiral Street, Dartmouth - Seniors Residence

- A staff report dated October 7, 1997, prepared for Dan English, Commissioner of Community Services, regarding the above, was previously circulated to Council.
- A staff report dated November 27, 1997, prepared for Dan English, Commissioner of Community Services, regarding the above, was previously circulated to Council.

Ms. Susan Corser, Planner, presented the staff report recommending that the Municipal Planning Strategy and Land Use By-law for Dartmouth be amended, as outlined in Attachments #5 and #6 of the staff report dated November 27, 1997, to allow for the consideration of a multiple unit dwelling specifically designed for senior citizens at 6 Admiral Street by development agreement.

Mayor Fitzgerald called from speakers either in favour or against the proposal.

Mr. Reid Josey

Mr. Reid Josey, resident, spoke in support of the proposal, noting he holds a petition with over 300 signatures in support of this project. Mr. Josey stated he believed this is a viable project for the area.

Ms. Catherine McCarthy

Ms. Catherine McCarthy, Major Street, spoke against the proposal, as the number of units is unlimited. She believed there is already enough development in this area, and this proposed project is too dense for this residential area.

Mr. Richard Kassner

Mr. Richard Kassner, Kassner/Goodspeed Associates Ltd., representing Gem Health Care, stated he was present to answer questions from Council, if necessary.

In response to questions from Councillor Blumenthal, Mr. Kassner stated the number of units would be specified in the development agreement. The first phase of the project proposes 60 beds, which is a combination of 12 one-bedroom units, and 48 studio units. Phase II will provide for 125 people. With respect to parking spaces, Mr. Kassner stated, currently, a total of 39 parking spaces is proposed for the site. Mr. Kassner noted a typical seniors' building would require 34 parking spaces, as most residents do not have vehicles.

Responding to questions from Councillor Cooper, Mr. Kassner stated the increase in the number of beds from 78 to 91 was due to feasibility studies performed by the developer to determine the number of beds to make the project viable. Councillor Cooper inquired if the change in number of beds was pointed out to the residents at the public meeting. Ms. Corser replied at the November 12, 1997 meeting, the residents were told the number of beds to be provided were 57 in Phase I and 53 in Phase II, for a total of 110.

Councillor Greenough stressed the importance of explaining the nature of the building. Mr. Kassner stated Phase I is enriched housing geared for seniors who are living independently but may require minor medical assistance. Phase II is currently proposed to be a personal care facility, which will have full time nursing on site. If personal care licenses are not available, the developers will apply for Level II nursing care, which provides a more intensive level of nursing care. With respect to meals, at least one meal per day is included in the rent, and more can be arranged, if required. Councillor Greenough noted all of these details will be specified in the development agreement, and the public will have input in this through the public hearing process. With respect to parking, Mr. Kassner stated the average percent of seniors living in enriched housing who own vehicles is 25 percent.

In response to a question from Councillor Epstein, Ms. Corser stated if the development agreement proposal goes forward, it will go to the Harbour East Community Council and will not be required to come back to Regional Council for approval. Ms. Corser

stated there are provisions for multiple unit residential development in certain zones in Dartmouth, however, not in the zone where this property is included. Councillor Epstein expressed concern with Council being asked to consider an amendment to the MPS in the context of a particular proposal. He inquired if it is the general intention of the Planning staff to want to see development agreements extended in all of the R2 zones. Ms. Corser replied a review of the Dartmouth Planning Strategy is planned. Currently, staff is putting together terms of reference to review commercial areas. Ms. Corser noted the approach used in planning reviews since amalgamation, is issue based reviews, and the Dartmouth plan has been amended on a site or issue specific basis. Staff are also looking at other areas such as residential and senior developments and if there should be overall policy changes. The approach being used for this particular project is an interim approach.

Councillor Schofield inquired what the parking ratio would be for a regular apartment building. Ms. Corser replied it is 1 1/2 parking spaces per unit.

Mayor Fitzgerald called three times for additional speakers either in favour or against the proposal. No one came forward.

MOVED by Councillors Greenough and Cunningham that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Greenough and Sarto that the Municipal Planning Strategy and Land Use By-law for Dartmouth be amended, as outlined in Attachments #5 and #6 of the staff report dated November 27, 1997, to allow for the consideration of a multiple unit dwelling specifically designed for senior citizens at 6 Admiral Street by development agreement.

Councillor Schofield stated he was in favour of the project, but expressed concern with the number of parking spaces as he did not believe the proposed number is sufficient.

Councillor Epstein spoke against the proposal as he did not believe it was a satisfactory approach to planning as it is clearly site specific. He suggested there should be a general overall look at the problem. The Councillor also expressed concern with the wording of the proposed MPS amendment as there is no real room for discretion.

Councillor Walker inquired if it would be more appropriate to rezone the land to R3. Ms. Corser replied there is no provision in the Dartmouth plan to allow for rezoning for multiple unit buildings and they all must go by development agreement. Councillor Walker also expressed concern with the parking, and stated he could not support the project.

Councillor Cooper expressed concern with the proposal, stating if the project is intended to include personal care units, this should be included in the amendment. The Councillor stated he would like to see more restrictive wording, as it is open

enough that the project could consist of only enriched units, or a multiple unit building designed for seniors.

Councillor McInroy expressed concern that the parameters or restrictions that are associated with R2 zoning are no longer the limits of what can be done. The Councillor expressed concern with parking, and stated there should be a very site specific proposal for this project.

Councillor Sarto stated Dartmouth is lacking this type of complex, and it will meet a need for this type of service. Based on past experience, the Councillor did not believe parking will be a problem with this proposal.

Councillor Blumenthal stated he could not support the proposal, expressing concerns for the residents who may not fully understand the impact of such a development in their area.

Councillor Cunningham expressed concern with the debate of the development agreement, which is not yet before Council, rather than the amendment to the MPS, which is the matter to be considered. Ms. Davis-Lohnes stated, in the future, plan amendments and development agreements will come before Council concurrently to avoid the confusion that has arisen at this meeting. Ms. Davis-Lohnes reported staff is putting together the framework and a time frame for a review of the Dartmouth MPS. She agreed with Councillor Epstein that site specific amendments are not the way to do planning. However, this application came forward, and staff had to deal with it as site specific amendment or delay the project until residential policies are amended, which could be a year or two down the road. With respect to parking, Ms. Davis-Lohnes stated it is identified in the proposed policy that parking will be addressed as part of the development agreement, and it will be contingent upon the number of beds, the type of beds, and staff research on this issue.

Councillor Cooper expressed concern with development agreements being brought to Council at the same time as policy amendments, as this would mean the development agreement is based on a policy that has not yet been approved.

Councillor Greenough expressed concern with the change in the number of units, but noted Council has control of this through the development agreement process. The Councillor noted, for the most part, the neighbourhood is in support of this project.

MOTION PUT AND PASSED.

RECESS

A fifteen minute recess was taken at 7:55 p.m. The meeting reconvened at 8:10 p.m.

3.2 PA-CHW-01-96 - Request by Alderney Consultants Limited to adjust the Service Boundary for Cole Harbour/Westphal

Mr. Mitch Dickey, Planner, presented the staff report and recommended that Council approve the application to amend the service boundary for the Smith Avenue/Cole Drive lands as shown on Map 1 of the Community Council report dated December 9, 1997, and to amend the boundary for the Bissett Road lands as shown on Map 2 of the staff report dated November 6, 1997.

Mayor Fitzgerald called for speakers either in favour or against the proposal.

Mr. Leo Brooks

Mr. Leo Brooks, Whitman Benn Ltd., spoke in favour of the development, stating the two parcels of land in question drain to the same sewage lift station and eventually to the treatment plant in Eastern Passage. If the lands in Bissett Lake Subdivision were to be developed, another lift station would be required and the Municipality would have on-going operating costs and maintenance. The lands being requested to be included in the serviceable boundary would flow by gravity into another gravity system. Part of the lands on the Bissett run would be left as a green area, and would act as a buffer for the existing development overlooking part of Bissett Lake. Mr. Brooks noted there were a number of drainage problems in Phase I of the Halo development due to the builder not following the proposed grading plans. However, if these lands are permitted to be developed, they will be designed in accordance with the lot grading by-law.

In response to a question from Councillor Cooper, Mr. Brooks confirmed it is the intention that this will be an R1 development until any such time the developer may come forward for any rezoning or a CDD.

Mr. Ross Sherring, 1 Gammon Crescent

Mr. Sherring questioned the use of the land being given to the Municipality as it is mostly swamp land. He suggested Council needs to decide whether the CDD is going to be in effect, or if it will be R1 zoning, before it decides if it will permit this to be brought into the serviceable boundary. Mr. Sherring questioned why the land below the park area would not be included in the serviceable boundary. With regard to the Bissett Road lands, Mr. Dickey replied they are low lying and wet. Portions could possibly be developed for residential use, but it would be very expensive to do so. However, when the boundary was established, a certain capacity for sewage was allotted to those lands. Therefore, the total flows to the treatment plant will not be taken off balance. With regard to the issue of laterals raised by Mr. Sherring, the developer will not proceed until they decide between R1 or the CDD. With respect to the proposed parkland, Recreation Services has indicated it would be pleased to accept it as there is a need for more playing field parcels of land in Cole Harbour, and this is seen as something that can satisfy that need.

Mr. Sherring questioned the need for additional parkland. He stated the residents want to know how much extra money will the Municipality reap if the CDD goes forward, as opposed to R1 zoning. The residents still have concerns with traffic, schools, water run

off problems and smaller lots. Mr. Dickey stated prior to proceeding with the CDD, a detailed evaluation of traffic, drainage, parkland issues, general design issues, etc., will be forwarded to Harbour East Community Council. However, this is a two step process and is separate from bringing the lands within the serviceable boundary.

Mr. Carl Filipps, Tamara Drive

Mr. Filipps stated the concern of the residents is it would be imprudent to go ahead and change the serviceable boundary without knowing how many dwellings will be put on this land and the implications of it.

Mr. Don Hubley, 15 Gammon Crescent

Mr. Hubley inquired what positive things did Mr. Dickey get from the residents at the two public meetings held in Cole Harbour that would lead him to recommend that a CDD be approved. Mr. Dickey responded there is a policy in the MPS for Cole Harbour/Westphal which lets Council put a CDD zone on a property, subject to five general criteria. This does not necessarily mean a development agreement would be approved, it only opens the door to negotiations. At this time, staff has no recommendation as to what might happen.

Mayor Fitzgerald called three times for additional speakers either in favour or against the proposal. No one came forward.

MOVED by Councillors Schofield and Blumenthal that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Cooper and Hendsbee that Council approve the application to amend the service boundary for the Smith Avenue/Cole Drive lands as shown on Map 1 of the Community Council report dated December 9, 1997, and to amend the boundary for the Bissett Road lands as shown on Map 2 of the staff report dated November 6, 1997.

Councillor McInroy noted the application was originally combined with a request for a CDD designation. The Councillor made a motion at the Harbour East Community Council that the requests be separated so that the transfer to the serviceable capacity has no connection with any other development other than R1. However, a request can come forward at a future time that it be designated as CDD. If and when this happens, it will be dealt with differently as it now has to stand on its own.

In closing the debate, Councillor Cooper stated this amendment will protect the R1 development status in the area, which was the main concern of the residents. The Councillor noted the drainage problems from the first phase contributed to many of the residents' concerns.

MOTION PUT AND PASSED UNANIMOUSLY.

3.3 PA-LM-09-97 - Amendments to the MPS and LUB by North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston to permit the conversion of the Former Allen Evans School into a community commercial development

Mr. Kurt Pyle, Planner, presented the staff report, noting the total commercial floor area will be approximately 4,500 square feet. The building is approximately 5,000 square feet. The initial staff report indicated it to be 18,000 square feet which is incorrect. Mr. Pyle stated staff is recommending that Council approve the amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston as attached to the staff report, dated December 10, 1997, as Attachments 2 and 3.

Mr. Seymour Grant

Mr. Grant, who lives next door to the former Allen Evans School, spoke against the amendment expressing concern with garbage blowing from this site onto his property, which he reported two weeks ago. Mr. Grant stated he was not compensated for the land when it was obtained by the School Board in the 1960s. Mr. Pyle stated the Municipality conveyed the land to the North Preston Community Development Association in December 1996. Mr. Grant's major concern is the actual ownership of the property and not being compensated for it when it was expropriated.

Councillor Hendsbee stated North Preston is designated by the Province as a land clarification zone as there has been a problem with title clarification for many generations in North Preston. Councillor Hendsbee noted when the school became surplus in 1995, the community requested that this land be transferred as an opportunity to provide an economic lever for the community. The Councillor inquired if the land claim would have an effect on the rezoning application. He suggested if there is a legitimate claim for compensation, it could be addressed in another manner. Mr. Anstey agreed these are two separate issues. With respect to the compensation claim, Mr. Anstey stated an application would have to be made by Mr. Grant to Utility and Review Board. Since the compensation is a separate issue, Mr. Anstey suggested Council proceed with the public hearing and make a decision with respect to amendments to the MPS and Land Use By-Law. The other matters can be dealt with at another time.

Mrs. Velda Grant, expressed concern with the closeness of the school to her house and the problem it creates with respect to garbage. She suggested a fence should be installed between the properties. Councillor Hendsbee stated it would be a condition of property ownership that the property is kept in a neat and tidy manner.

Mr. Grant stated he has complained in the past about the garbage and the problem continues.

Mr. Ernest Simmonds, Chairman, North Preston Development Association

Mr. Simmonds spoke in favour of the proposal, as it will provide opportunities for jobs and business expansion in the community.

Ms. Madeline Downey

Ms. Downey spoke in favour of the proposal stating she will be one of the tenants moving into the centre. She stating she is willing to put up with a little noise for the sake of a much needed development in the community. With respect to the garbage, Ms. Downey said the tenants just need to come together to deal with this problem, and it should not stand in the way of progress for North Preston.

Mayor Fitzgerald called three times for additional speakers either in favour or against the proposal. No one came forward.

MOVED by Councillors Hendsbee and Greenough that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Hendsbee and Schofield that Council approve the amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston as attached to the staff report, dated December 10, 1997, as Attachments 2 and 3. MOTION PUT AND PASSED UNANIMOUSLY.

4. ADJOURNMENT

MOVED by Councillors Blumenthal and Uteck that the meeting adjourn at 9:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk