

CHEBUCTO COMMUNITY COUNCIL

MINUTES

APRIL 8, 2002

THOSE PRESENT: Councillor Stephen D. Adams, Chair
Councillor Russell Walker
Councillor Diana Whalen
Councillor Linda Mosher

ALSO PRESENT: Barry Allen, Municipal Solicitor
Paul Sampson, Planner
Andrew Bone, Planner
Grace Ho, Planner
Paul Morgan, Planner
Kurt Pyle, Planner
Jim Bauld, Diversion Coordinator, Solid Waste
Sandra Shute, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	Call to Order	4
2.	Approval of Minutes	
2.1	Regular Meeting - February 21, 2002	4
2.2	Joint Meeting - March 4, 2002	4
3.	Approval of the Order of Business and Approval of Additions and Deletions ..	4
4.	Business Arising Out of the Minutes	
4.1	Status Sheet Items	
4.1.1	Speed Limits Bayview Avenue	4
4.1.2	Winter Trail Maintenance	5
4.1.3	Herring Cove Service and Settlement Strategy	5
4.1.4	Extending Public Participation for Planning - District 16	5
4.1.5	Storage of Recreational Vehicles and Boats in R-1 zone	5
4.1.6	Traffic Items - District 16	5
4.1.7	Halifax/Halifax County Waters Advisory Board	5
4.1.8	Dogs Off Leash in Hemlock Ravine Park	6
4.1.9	Feasibility of Local Traffic Lane on BiHi from Lacewood to Kearney Lake Road	6
4.1.10	Day Care Centres	6
4.1.11	North West Arm Ferry	6
5.	Motions of Reconsideration - None	6
6.	Motions of Rescission - None	6
7.	Consideration of Deferred Business	
7.1	Case 00317 - Application to Amend the Stoneridge on the Park (formerly Stanley Park) Development Agreement - Report from Halifax/Halifax County Watershed Advisory Board	6
8.	Public Hearings	

8.1	Case 00386 - Application to amend the Stage I Development Agreement for Glenbourne Subdivision, Phases 3B, 4A and 5A	7
9.	Correspondence, Petitions and Delegations	
9.1	Presentation	
9.1.1	Proposal re Performing Arts Space - J. L. Ilsley High School	12
10.	Reports	
10.1	Project 00082 - Construction and Demolition Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws	13
10.2	Case 00402 - Amendment to Royale Hemlocks Stage II Development Agreement	14
10.3	Case 00459 - Rooftop Antenna - 2 Barkton Lane (deleted)	15
10.4	Case 00462 - Amendment to the Existing Stage II Development Agreement for Phase 4C (Lots BC-6A and BC-6B), Clayton Park West, Halifax	15
10.5	Project 00086 - Secondary Planning Strategy for Wentworth under the Halifax Municipal Planning Strategy and Mainland Halifax Land Use By-law	16
11.	Motions - None	17
12.	Added Items	
12.1	Clutter and Construction Waste - Parkland Drive Area	17
12.2	Sir Sandford Fleming Park Issues	17
12.3	Correspondence re Halifax Harbour Clean Up	18
12.4	Herring Cove Road Project	18
13.	Notices of Motion - None	18
14.	Public Participation	18
15.	Next Meeting Date	20
16.	Adjournment	20
1.	<u>CALL TO ORDER</u>	

The meeting was called to order at 7:00 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax. At a later point in the meeting, the Chair recognized Mary Ann McGrath, MLA for Halifax/Bedford Basin.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - February 21, 2002**

MOVED by Councillor Walker, seconded by Councillor Mosher to approve the Minutes of Regular Meeting held on February 21, 2002 as circulated. MOTION PUT AND PASSED.

2.2 **Joint Meeting - March 4, 2002**

MOVED by Councillor Walker, seconded by Councillor Mosher to approve the Minutes of Joint Meeting held on March 4, 2002 as circulated. MOTION PUT AND PASSED.

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

Deletion: Case 00459 - Rooftop Antenna - 2 Barkton Lane

Additions: Councillor Whalen - Clutter and Construction Waste - Parkland Drive Area
Councillor Mosher - Sir Sandford Fleming Park Issues
- Correspondence re Halifax Harbour Clean Up
- Herring Cove Road Project

MOVED by Councillor Walker, seconded by Councillor Whalen to adopt the Agenda as amended. MOTION PUT AND PASSED.

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

4.1 **Status Sheet Items**

4.1.1 **Speed Limits Bayview Avenue**

At the last meeting, staff was requested to examine the process for requesting the province to reduce the speed limit on specific streets - Bayview, Flamingo and other streets in the area along with certain streets in District 17. Councillor Whalen expressed concern that a meeting has not been held in nine weeks regarding Traffic Calming on Bayview and the public has not heard from Traffic Authority. She requested that staff be requested to communicate with the Committee members, who are all members of the public.

4.1.2 Winter Trail Maintenance

No report received.

4.1.3 Herring Cove Service and Settlement Strategy

No information received.

4.1.4 Extending Public Participation for Planning - District 16

No report received. A Workshop meeting will be held April 18 to look at lessons learned in development of Glenbourne and Clayton Park West.

4.1.5 Storage of Recreational Vehicles and Boats in R-1 Zone

Information Report received dated March 15, 2002. Councillor Adams requested that a copy of the report be sent to an individual's lawyer.

4.1.6 Traffic Items - District 16

An Information Report dated April 4, 2002 was received regarding three questions raised by a member of the public at a meeting in November, 2001. Councillor Whalen provided an overview of the report.

4.1.7 Halifax/Halifax County Waters Advisory Board

The report directed to Regional Council dated February 25, 2002 was provided to Community Council.

MOVED by Councillor Whalen, seconded by Councillor Mosher to request that staff undertake, in consultation with the present three watershed advisory groups, changes to the geographic boundaries to balance workloads and conform to watershed drainage boundaries, along with changes to better harmonize the present Terms of Reference, to be developed and returned to Regional Council for approval. MOTION PUT AND PASSED.

4.1.8 Dogs Off Leash in Hemlock Ravine Park

Mr. Peter Bigelow, Parks and Recreation provided an oral report regarding the fact that Hemlock Ravine Park is not appropriate for off leash. Hemlock Ravine is a watershed for many people who live below the park who are on wells. The Hemlock Ravine Management Plan was adopted which indicates that off leash should be avoided until such time as the

water supply for the residents in the area has been resolved. To that end, staff will explore alternatives for off leash in the area such as Glenbourne. Staff will come back with a recommendation at a future meeting with associated costs, if any.

Councillor Whalen requested that staff consider a portion of the Mainland Common as an off-leash area as well.

4.1.9 Feasibility of Local Traffic Lane on BiHi from Lacewood to Kearney Lake Road

A copy of a letter dated March 5, 2002 from staff to Department of Transportation and Public Works was provided. Staff requested that Department of Transportation consider this matter as part of its operational review of the Bicentennial Highway. This item can come off the Status Sheet.

4.1.10 Day Care Centres

A report is expected for the May meeting.

4.1.11 North West Arm Ferry

A report has not been received regarding the possibility of cost sharing through the Federal Infrastructure Program. Councillor Mosher indicated, however, that there is a private operator interested in establishing this type of ferry.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Case 00317 - Application to Amend the Stoneridge on the Park (Formerly Stanley Park) Development Agreement**

A Report from Halifax/Halifax County Waters Advisory Board was deferred from the March 4, 2002 meeting.

MOVED by Councillor Mosher, seconded by Councillor Walker to adopt the 11 recommendations contained in the report from Halifax/Halifax County Waters Advisory Board as described in the report dated February 22, 2002. MOTION PUT AND PASSED.

8. **PUBLIC HEARINGS**

8.1 **Case 00386 - Application to Amend the Stage I Development Agreement for Glenbourne Subdivision, Phases 3B, 4A and 5A**

A Staff Report dated February 28, 2002 was before Community Council. Paul Sampson, Planner provided an overview of the report. During the course of his presentation, he advised that staff was recommending in favour of the proposed amendments with one exception. He explained that it had been brought to staff's attention that as a result of Phase IV B which was already approved in Glenbourne for Rhodora Court, last week some trees were removed which staff determined should have been saved in the Development Agreement.

Mr. Sampson continued that staff was, therefore, proposing an additional clause in the agreement. It was proposed to change Clause 9 in the proposed agreement to Clause 10 and replace Clause 9 as submitted to clarify how the buffers would be protected on the site abutting Edward Laurie Drive and Marlwood Drive and also the site behind the apartment building. The proposed clause also indicates that the developer will be responsible for tree and vegetation replacement if some trees are removed accidentally or otherwise.

In response to a question from Councillor Whalen regarding the possibility of having included in the Development Agreement the fact that the 80-unit building would be a condo, Mr. Barry Allen, Municipal Solicitor advised that the ownership is irrelevant from a planning point of view; what Community Council was concerned with is the land use. Ownership is not what is regulated under the Act. He advised not putting things in the agreement other than those covered under the Act and the Municipal Planning Strategy.

In response to a question from Councillor Mosher regarding time limitations for trees to fall or die, Mr. Sampson advised there is provision to clear out trees that are dangerous but no ability to protect them if they fall down on their own.

In response to a question from Councillor Mosher regarding the definition of suitable replacement vegetative buffering, Mr. Sampson advised that the clause would provide protection now at the time of Public Hearing. At Stage II, it would be possible to get into more detail. Stage II would also be coming to Community Council.

Referring to the agreement stating now that 3" trees and above are to be kept, Councillor Whalen stated she would like to see a non-disturbance zone. In response, Mr. Sampson advised this could be done but it would require further negotiation with the developer.

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

Ms. Ann MacMillan advised the area in question was immediately behind her house. It was important to the immediate abutters that the building become a condominium. She noted that a change in the agreement was with Annapolis Group Incorporated but dealings have

been with Mr. Fares. She referred to page 6 of the report re Clause 3(e) and quoted from same. She indicated that she was against R-0 in the area.

In response, Mr. Sampson advised the amendment deals with Road F as well. R-0 pertains to Road F. PQ is single family dwellings. If Community Council wished to make a change to clarify, the wording could be R-O development on Road F and R-1 development on Road PQ.

Councillor Whalen referred to the fact that she understood that Rhodora Court would have large R-1 homes. If so, there was no need to leave R-0 in the agreement. In response, Mr. Sampson advised that the Stage II Development Agreement for Rhodora Court (Road F) was approved last summer and development is underway. The agreement allows for 22-26 single family homes. The developer opted for 22 and, as a result, some of the lots will be large.

Ms. MacMillan stated she did not want to see R-0 lots sometime down the road for behind her house. In response, Mr. Sampson advised that the wording he proposed would solve Ms. MacMillan's concern.

Mr. Wadih Fares, President, W. M. Fares & Associates raised the following points:

- C He provided information on the meetings with the residents which resulted in the proposal before Community Council which had the agreement of the neighbourhood.
- C He did not have a problem with a non-disturbance zone.
- C The intent was to build a condo but it cannot be specified legally. The cost of such a building would not be feasible for rental purposes.

Mr. Thomas Hackman, 6 Robert Allen Drive referred to the spare lot on Edward Laurie Drive which was agreed to be a residential lot and asked for confirmation of same.

In response to Mr. Hackman, Mr. Sampson advised that the lot would be able to support a single family dwelling. The walkway, if deemed to be necessary, would still allow room for a single family dwelling. The zoning of the parcel is R-1 and the land does not form part of this Development Agreement. The Stage I proposal was for an easement and a walkway. If it is determined that neither are necessary, then neither would be put in. Because there were two cul de sacs originally, there was a walkway and a service easement linking the two ends of the cul de sacs through to Edward Laurie Drive. The walkway is approved under the Stage I agreement.

Ms. Juanita Flinn, 17 Edward Laurie Drive referred to the new buffer zone clause and marking the trees with a temporary marker. She noted as well that the term "temporary" is ambiguous. She asked if there was some way to have a line that would be agreed to by

the developer of what the buffer zone will be. She understood that 20' beyond the property line was at least going to be protected.

Ms. Michelle Fraser, 59 Edward Laurie Drive stated that it was too late for the trees in Phase IV as it happened last week. She commended the proposal for the new clause but stated that until it is known for sure how problems such as this will be rectified, then all future development should be halted. For all development along the BiHi, there should be a buffer zone.

Mr. Hiram Tiller, 4 Thackeray Close stated that Parkland Drive developed in an orderly fashion with apartment buildings 25-50' away from the road but now there are three large apartment buildings abutting the sidewalk which distracts from the road itself. He asked how far the proposed building would be from the road. In response, Mr. Fares advised it would be 25' to 35'.

Mr. Sampson pointed out that vegetation would be worked out at Stage II.

Mr. Peter Crowell, 23 Edward Laurie Drive asked what would happen if R-1 becomes unfeasible to construct even though this was what was approved. He did not want to see any changes after what could be approved tonight. In response, Mr. Sampson advised the developer would have to go through the same public hearing process again if more changes were proposed.

A letter was received from Ray Fiske with regard to this proposal.

The Chair then called three times for further speakers. There were none.

MOVED by Councillor Mosher, seconded by Councillor Walker to close the Public Hearing. MOTION PUT AND PASSED.

Councillor Whalen then raised the following points:

- C What happened last week with regard to tree cutting on Rhodora Court has severely undermined the confidence. Tree retention controls have to be in place, not only for this development, but for all subsequent developments.
- C The Development Agreement should indicate that there will be no cutting without a staff person or designate present. Prior to that, the area would be marked as a non-disturbance zone.
- She wanted to see a tree retention survey plan.

At this point, Councillor Adams requested that the solicitor comment on the proposed amendments.

Mr. Allen advised that the problem is that with a Public Hearing the public is given the opportunity to speak to what it is that Community Council might pass. If there is a change, you would have to consider whether or not there is something to be included in the agreement that the public should have a further opportunity to comment on, or the developer. The proposals all seem to be within the discussion that took place.

Mr. Sampson advised that a more detailed clause could be worked out prior to Stage II approval which would come before Community Council, if that was an option.

Councillor Mosher expressed concern regarding the proposal to have staff present when cutting in terms of costs to HRM.

In response, Councillor Whalen indicated that rather than a staff person, there could be a community group designated or the Councillor. She felt this could be worked out.

Mr. Sampson stated that the two phases that require buffering are the apartment building and the single family homes behind Wedgewood Subdivision. With regard to the apartment site, a minimum of 50' of treed buffer is proposed. On the other sites, it is 20'. Traditionally, buffers have been put in place between differing land uses to allow the lower density land use to be protected somewhat from the higher density land use. In this case, the two land uses are the same.

Councillor Whalen acknowledged the intent traditionally but stated that the intent in this case is environmental to protect trees.

Mr. Sampson stated that if the developer agrees to the non-disturbance, a clause could be agreed upon.

Mr. Allen stated there should be a general clause in the Stage I agreement which deals with a non-disturbance zone of 20' and the details on how that would be preserved would be contained in the Stage II agreement.

Councillor Whalen requested that the wording on the 3" trees be deleted and replaced with wording about a 20' non-disturbance buffer zone. As well, she requested a change in wording regarding the 50' non-disturbance buffer re Clause 6 on page 6.

It was agreed that items such as staff member or designate re tree cutting and taping of the non-disturbance zone should be included as part of the Stage II agreement. The final subdivision application and the building permit application will delineate buffer zones.

Mr. Sampson then read a proposed new clause re R-0 development on Road F and R-1 development on Road PQ.

The Chair asked Mr. Fares if he was in agreement with the changes. Mr. Fares indicated he was.

MOVED by Councillor Whalen, seconded by Councillor Walker to approve the amending Stage I Development Agreement, presented as Attachment II to the report dated February 28, 2002 to permit 39 single unit dwellings, an 80-unit apartment building and six semi-detached dwelling units in Glenbourne Subdivision with the following amendments:

- 1. Re item 3 on page 6 of the proposed Development Agreement, Clause 3 (e) of the existing Stage I Agreement and/or the First Amending Stage I Agreement shall be deleted and replaced with the following: "R-0 development on Road F and R-1 development on Road PQ abutting the Municipality's linear park or the Wedgewood Subdivision shall include a 20' non-disturbance buffer zone measured from the rear lot line;**
- 2. Re item 6 on page 6 of the proposed Development Agreement, R-0 development on Road N may be replaced by an 80-unit apartment building (now referred to as lot MU-10) not exceeding 180 persons in accordance with Schedule A-1. The apartment building shall not exceed four (4) stories in height. Architectural details, tree retention and landscaping features shall be provided at the time of Stage II approval in accordance with Clause 3(h) of the existing Stage I agreement. A minimum 50' non-disturbance buffer measured from the rear property line shall be provided. Parking for tenants shall be located below grade instead of by means of surface parking. Notwithstanding this, surface parking for visitors may be permitted, the details of which will be provided prior to Stage II approval;**
- 3. Item 9 on page 6 shall read: The developer agrees that the buffer zones described in clauses 3 and 6 of this agreement shall be delineated on all applications for final subdivision approval, development/building permit applications and be included in all applicable individual lot deeds. All buffer zones are to be temporarily marked on site for verification by the Development Officer prior to any site work being commenced. In the event that any existing trees within the buffer zone are destroyed, except as otherwise permitted by this agreement, the developer or lot owner, at their own expense, shall provide suitable replacement vegetative buffering as determined to be necessary by the Development Officer. Notwithstanding this, where a certified Arborist, Landscape Architect, Landscape Technologist or other person with equivalent qualifications engaged by the developer or lot owner certifies that a tree poses a danger to people or property, the Development Officer shall permit such tree to be removed.**

4. **A new item 10 will be included which shall read: All other terms of the existing Stage I agreement and the First Amending Stage I agreement shall remain in full force and effect.**

FURTHER, 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.

MOTION PUT AND PASSED.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 Presentation - Proposal re Performing Arts Space - J.L. IIsley High School

Ms. Willie Reid and Ms. Margie Heard were in attendance to make this presentation.

Ms. Willie Reid advised she works with the Spryfield Family of Schools. She provided information on the proposed project which seeks funding in the amount of \$25,000 from the district in support of capital costs to repair an existing structure and initiate the development of a multi-use school and community performing arts space. It was felt that the proposal satisfies the mandate of the District Capital Funds Policy.

Ms. Margie Heard, Co-Chair of the J. L. IIsley Parent Teacher Organization voiced support for the proposal or behalf of her organization and requested support from Community Council for the project.

Councillor Mosher indicated her support for the project but stated she understood that as far as capital projects are concerned, it cannot be something that is inside a school but something that everyone in the community can use. Community Council might be able to assist, as far as capital projects are concerned, with landscaping, walkways, benches and/or greenery.

MOVED by Councillor Mosher, seconded by Councillor Walker to request a Staff Report to see if there are any funds within HRM to contribute to this project, and for staff to identify any funds that include a line item in the upcoming capital budget. As well, to ascertain if there might be funds available through Grants Committee for next year. MOTION PUT AND PASSED.

10. **REPORTS**

10.1 **Project 00082 - Construction and Demolition Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws**

A Staff Report dated March 25, 2002 was before Community Council. Mr. Kurt Pyle, Planner and Mr. Jim Bauld, Diversion Co-ordinator, Solid Waste were in attendance for this item.

Mr. Bauld provided an overview of the report and provided information on the on-going initiative to place a C & D Waste Management Strategy throughout HRM. There are two areas within the jurisdiction of Chebucto Community Council: Bayers Lake Industrial Park and south of that in Harrietsfield.

MOVED by Councillor Mosher, seconded by Councillor Walker to recommend that Halifax Regional Council:

- (i) **Move First Reading and schedule a Public Hearing to consider proposed amendments to the MPSs and LUBs within the jurisdiction of Chebucto Community Council;**
- (ii) **Approve amendments to the Municipal Planning Strategies and Land Use By-laws within the jurisdiction of Chebucto Community Council, as outlined in Attachments II to V inclusive in the Staff Report dated March 25, 2002, to implement HRM's C & D Waste Management Strategy; and**
- (iii) **Amend HRM's C & D License By-law (L-200) as outlined in Attachment VI (amendments shown in italics and underlined) of the Staff Report dated March 25, 2002.**

MOTION PUT AND PASSED.

10.2 **Case 00402 - Amendment to Royale Hemlocks Stage II Development Agreement**

A Staff Report dated March 4, 2002 was before Community Council. Andrew Bone, Planner provided an overview of the application. Staff was recommending approval of the application.

In response to a number of questions from Councillors, Mr. Bone also advised the following:

- At the present time, there is a right to build 118 units on the site. Given the configuration of the site, they are unable to get all of them in. The developer would like to transfer 36 units across the street.

- There is no change in density. The Development Agreement allows up to 20 persons per acre.
- With regard to difference in grades, there is flexibility in the agreement to allow staff, at the detailed engineering stage, to determine where the best location for services is.
- There was every assurance, with the Development Agreement in place, that Larry Uteck Boulevard will be built complete with all its services and in place by September, 2003 to the property line and potentially oversized.
- Regarding oversizing, this will have to go to Regional Council for a commitment of funds. 90 days is allowed for that, if required.
- Any commitment made by Regional Council regarding oversizing, would be through Capital Cost Contributions in future.

Mr. Frank Medjuck requested permission to address Community Council in this matter. Community Council recognized that this was not a Public Hearing, because the matter before Community Council is a Stage II application. Community Council, however, agreed to hear from Mr. Medjuck.

Mr. Medjuck stated that the Planner alluded to the redundancy that might occur in servicing. He expressed concern that there will not be servicing to adjoining properties to the north. This concern should be addressed.

A representative from Kimberley Lloyd, on request of Community Council, advised there were undertakings made both under Stage I and II agreements to cover Larry Uteck Boulevard and they would abide by those agreements. They were obliged by September 17, 2003 to have the water and sewer services in the road constructed to the boundary.

Mr. Bone advised that the Municipality has the power, under the agreement, if the work is not completed by that time, to go in and complete the work and place a lien on the property. He indicated there were rumours that the street would never be built but the Development Agreement says it has to. The Water Commission has made amendments to ensure that a high pressure water line is constructed which will be extended. He was given no indication, in talking to the Development Officer, that there was any way to get out of it.

Mr. Medjuck then requested to speak further; however, Councillor Adams stated it was more appropriate for him to speak during Public Participation.

Mr. Bone advised that a letter to Paul Dunphy had been received from Mr. Medjuck outlining his concerns. Staff was in the process of preparing a response.

Councillor Whalen stated she appreciated the concerns raised by Mr. Medjuck although it is not a Public Hearing. She indicated she felt assured both from staff members and

from the representative from Kimberley Lloyd that what is in the agreement will be upheld.

Mr. Bone referred to Clause 7.1(c) of the existing Stage II Development Agreement and quoted from same.

MOVED by Councillor Whalen, seconded by Councillor Walker to approve the proposed amendments to the Stage II Development Agreements for Phases 1A and 2, and Phases 1B and 3 to 9 for Royale Hemlocks, as attached in Attachment #2 and Attachment #3 of the Staff Report dated March 4, 2002, to permit the construction of townhouses in Phase 1A.

Further, require that the agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

10.3 Case 00459 - Rooftop Antenna - 2 Barkton Lane

Deleted from the Agenda on the request of the applicant.

10.4 Case 00462 - Amendment to the Existing Stage II Development Agreement for Phase 4C (Lots BC-6A and BC-6B), Clayton Park West, Halifax

A Staff Report dated March 28, 2002 was before Community Council. Grace Ho, Planner provided an overview of the application. Staff was recommending approval of the application to increase the total population on Lots BC-6A and BC-6B from 324 persons to 333 persons.

MOVED by Councillor Whalen, seconded by Councillor Mosher to approve the amending Stage II Development Agreement, presented as Attachment III to the Staff Report dated March 28, 2002, to increase the total population on Lots BC-6A and BC-6B from 324 persons to 333 persons; and

Require that the amending 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.

MOTION PUT AND PASSED.

10.5 **Project 00086 - Secondary Planning Strategy for Wentworth under the Halifax Municipal Planning Strategy and Mainland Halifax Land Use By-law**

A Memorandum dated April 5, 2002 was before Community Council which listed a package of documents for consideration by Community Council and included a Staff Report dated April 2, 2002. Paul Morgan, Planner provided an overview of the application to date which resulted in the recommendations from staff contained in the April 2, 2002 report.

Following the overview of the application, Mr. Morgan advised that Halifax/Halifax County Waters Advisory Board's recommendations were still being finalized. The policy amendments before Community Council incorporate the amendments recommended for Bedford. Some of the amendments for Bedford were specific for the Bedford Plan but some were generic as well, such as a master watershed plan to be prepared before any Development Agreement is approved.

Mr. Morgan indicated that if Community Council agrees to forward the proposed recommendations on to Regional Council, three things will have to come together:

1. The Land Use Policy amendments for Bedford;
2. The Land Use Policy amendments for Halifax; and
3. The Financial Plan and amendments to the Subdivision By-laws to implement infrastructure charges.

Councillor Whalen asked for clarification that if Community Council moves it forward to Regional Council tonight, would there still be opportunity to raise questions at Regional Council. There was still a Public Meeting to be held for the Halifax area on April 24, 2002.

In response, Mr. Morgan agreed that anything resulting from the Public Meeting could be brought up at First Reading.

MOVED by Councillor Whalen, seconded by Councillor Mosher to recommend that Halifax Regional Council:

1. **Give First Reading and schedule a Public Hearing to consider amendments to the Halifax Municipal Planning Strategy and Mainland Halifax Land Use By-law, presented as Attachments III and IV of the Staff Report dated April 2, 2002;**
2. **Approve the amendments to the Halifax Municipal Planning Strategy and Mainland Halifax Land Use By-law, presented as Attachments III and IV of the Staff Report dated April 2, 2002.**

MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Clutter and Construction Waste - Parkland Drive Area**

Councillor Whalen outlined problems that have been experienced over the last two weeks with clutter and construction waste in the Parkland Drive area.

MOVED by Councillor Whalen, seconded by Councillor Mosher to request a Staff Report regarding the feasibility of considering additional measures to cope with construction waste, by considering changes to the appropriate By-law. MOTION PUT AND PASSED.

12.2 **Sir Sandford Fleming Park Issues**

Councillor Mosher outlined problems being experienced in the Park area and put forward the following motions:

MOVED by Councillor Mosher, seconded by Councillor Walker to request that Parks staff prepare an assessment of the location of the approved washroom facilities at Sir Sandford Fleming Park, including the suitability, cost efficiency, safety and accessibility. This assessment should include two locations: 1) adjacent to the canteen and 2) across the street from the canteen, by the white HRM parks building. And further, that this project not go to tender until the committee has time to assess the report. This report to be completed in time for the April 24 meeting of the Friends of Sir Sandford Fleming Park Committee. MOTION PUT AND PASSED.

MOVED by Councillor Mosher, seconded by Councillor Walker to request Parks staff provide a report as to what happened to the public pay telephone at Sir Sandford Fleming Park and if a new public telephone can be installed in a safe location that is accessible to all and has adequate street lighting and visibility. This report to be available for the April 24 meeting of the Friends of Sir Sandford Fleming Park Committee. MOTION PUT AND PASSED.

MOVED by Councillor Mosher, seconded by Councillor Walker to request that staff prepare an asset statement of the physical facilities at Sir Sandford Fleming Park. This report to include a listing of the current assets in the park, including but not limited to: the Memorial Tower, the canteen, Sir Sandford Fleming's former summer home, the outdoor centre, playground and bandstand. This report should include the life expectancy and maintenance costs. MOTION PUT AND PASSED.

12.3 **Correspondence re Halifax Harbour Clean Up**

Councillor Mosher read into the record an e-mail from Mike Kroger, Project Engineer, Halifax Harbour Clean Up which had been an answer to a resident's questions. She found the information quite informative and put it forward for the interest of those residents in attendance.

12.4 Herring Cove Road Project

MOVED by Councillor Mosher, seconded by Councillor Walker to request a Staff Report as to whether or not there is money allocated in the current budget year for a study for the Herring Cove Road project, similar to the study done for Sackville Drive. If not, a cost analysis for the study is requested. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Frank Medjuck, Robie Street referred to Item 10.2 above. He explained that Mr. Bone firmly believes there will be a lien against the property if Larry Uteck Boulevard is not finished and HRM has to do it. Referring to a lien against the "Property", Mr. Medjuck stated there was no definition of "Property" in the entire agreement. There was a definition of "Land". He stated there was no lien against the developer or any of his assets or property if he fails to build the extension. There is also no bond in place.

Mr. Medjuck continued that a gentleman from the developer's company stood outside a meeting and indicated the road would not be built. The gentleman in question was no longer with the company.

Mr. Medjuck advised he was also disappointed to not have the opportunity to address Item 10.5 as Emscote Limited owned a portion of the lands and there were items he wanted to address.

Mr. Medjuck stated as well that Stage II is not consistent with Stage I for Royale Hemlocks.

Mr. Medjuck submitted a copy of a letter dated March 21, 2002 to Paul Morgan, Planner and a copy of a letter dated March 22, 2002 to Paul Dunphy, Director of Planning and Development Services.

Councillor Adams requested that Mr. Medjuck's comments be forwarded to Legal Services for comment.

Mr. Hiram Tiller, 4 Thackeray Close raised the following points:

- C He stated that reducing the speed on Bayview would be better than speed bumps or chicanes. He pointed out that if you were going to control Bayview, you would also have to include Gateway and Meadowlark.

Councillors Walker and Whalen indicated to Mr. Tiller that these other streets have been included.

- C Rooftop antennas have been popping up everywhere. He could not understand why there was a proposal for 2 Barkton Lane when there was a tower so close at Geysers.

Councillor Walker explained there were blind spots so they would have to get around them.

- C With regard to Larry Uteck Boulevard purported to be wide at the bottom but not as wide all the way up, he stated this could mean another Bayview. If Larry Uteck Boulevard is going to be a connection to the BiHi, it should be the same width all the way up.

Mr. Mike Willett, Clayton Developments referred to the Royale Hemlocks agreement. He indicated that there is a Stage I and Stage II but the next stage is subdivision approval. This is where we can protect HRM and the other developers. When the townhouse sites come in for subdivision approval, it is mandatory that a bond be put on the street, not only a bond but the lots should not be subdivided without a 110% bond in place. The bond will guarantee delivery of the street.

It was agreed that Mr. Willett's remarks would also be forwarded to the solicitor.

15. **NEXT MEETING DATE**

Monday, May 6, 2002.

16. **ADJOURNMENT**

On a motion from Councillor Walker, the meeting adjourned at 9:55 p.m.

Sandra M. Shute
Assistant Municipal Clerk