

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, JUNE 27, 2005

PRESENT: Councillor Linda Mosher, Chair
Councillor Russell Walker, Vice-Chair
Councillor Debbie Hum
Councillor Mary Wile

ABSENT WITH
REGRETS: Councillor Stephen D. Adams

ALSO PRESENT: Mr. Paul Sampson, Planner
Mr. Angus Schaffenburg, Planner
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Chris Newson, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF THE MINUTES.	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	Status Sheet Items	4
4.1.1	Jack Lake Lands	4
4.1.2	Proposed Sign - Shoppers Drug Mart, Herring Cove Road	4
4.1.3	Rezone Ralston Avenue	4
4.1.4	Non-Truck Routes - Mumford Road	4
4.1.5	Designation of Property to Parkland/Conservation - Keyworth Lane area	4
4.1.6	Update on Melvin Road (Purcell's Cove area)	5
4.1.7	20 Forest Hill Drive, District 16	5
4.1.8	Landscape Plan for Case 00775: Application for Stage II Development Agreement, Lot 1-2B, 998 Parkland Drive, Halifax	5
5.	MOTIONS OF RECONSIDERATION - None	5
6.	MOTIONS OF RESCISSION - None	5
7.	CONSIDERATION OF DEFERRED BUSINESS	5
7.1	Case 00761: Amendments to Royale Hemlocks Stage II Development Agreements for Transom Drive (Formerly Boatswain Street)	5
8.	PUBLIC HEARINGS	6
8.1	Case 00647: Amendments to Development Agreement, Stoneridge on the Park Subdivision, Halifax	6
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	13
10.	REPORTS	13

11.	MOTIONS	13
12.	ADDED ITEMS	13
13.	NOTICES OF MOTION	13
14.	PUBLIC PARTICIPATION	13
15.	NEXT MEETING DATE	14
16.	ADJOURNMENT	14

1. CALL TO ORDER

The Chair called the meeting to order at 6:33 pm in the Breeding Room, St. James Anglican Church, 2668 Joseph Howe Drive, Halifax.

2. APPROVAL OF THE MINUTES - June 6, 2005

MOVED BY Councillor Walker, seconded by Councillor Hum that the minutes of June 6, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Deletion: 9.3 Delegations

9.3.1 Capital Health - Dr. Ed Kinley

MOVED BY Councillor Hum, seconded by Councillor Walker that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Jack Lake Lands

No update provided. Item to remain on the status sheet.

4.1.2 Proposed Sign - Shoppers Drug Mart, Herring Cove Road

No update provided. Item is to remain on the status sheet.

4.1.3 Re-Zone Ralston Avenue and Pearson Avenue from R2 General Residential to R1 Single Family Dwelling Designation

No update provided. Item is to remain on the status sheet.

4.1.4 Non-Truck Routes - Mumford Road

No update provided. Item is to remain on the status sheet.

4.1.5 Designation of Property to Parkland/Conservation - Keyworth Lane area.

No update provided. Item is to remain on the status sheet.

4.1.6 Update on Melvin Road (Purcell's Cove area).

No update provided. Item is to remain on the status sheet.

4.1.7 20 Forest Hill Drive, District 16

Deferred to September 12, 2005. Item is to remain on the status sheet.

4.1.8 Landscape Plan for Case 00775: Application for Stage II Development Agreement, Lot 1-2B, 998 Parkland Drive, Halifax.

*Upon further consultation with Councillor Linda Mosher, Chair, it was determined that this item has been addressed by the inclusion of a clause in the Development Agreement that a landscape plan must be brought to Chebucto Community Council. **Item to be removed from the status sheet.***

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 00761: Amendments to Royale Hemlocks Stage II Development Agreements for Transom Drive (Formerly Boatswain Street).

- A report dated May 19, 2005 was before the Community Council.

Mr. Angus Schaffenburg, Planner, was in attendance.

MOVED BY Councillor Hum, seconded by Councillor Walker that Chebucto Community Council:

- 1. Approve the amending Stage II Development Agreement for Royale Hemlocks as Attachment "A" of the report dated May 19, 2005 (approval of a Stage I agreement or an amendment thereto does not require a public hearing); and**

3. **Require the amending development agreement to be signed and returned 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 UNANIMOUSLY.

8. PUBLIC HEARINGS

8.1 Case 00647: Amendment to Development Agreement, Stoneridge on the Park Subdivision, Halifax

- A staff report dated May 13, 2005 was before Community Council.
- A written (e-mail) submission was received from Dr. Esther Enns dated Friday, June 24, 2005.
- A written (e-mail) submission was received from Ms. Suzanne Boylan dated Monday, June 27, 2005.

Mr. Paul Sampson, Planner, presented the report. He indicated Mr. Rob Jahncke, Senior Parkland Planner, HRM's Real Property and Asset Management (RPAM) was also in attendance to respond to questions if required.

Councillor Mosher read the public hearing guidelines then called for any speakers for or against the proposed amendments.

Public Speakers:

1. Ms. Esther Enns, Halifax

Ms. Enns presented a written submission (e-mail dated June 24, 2005) with photo. The information is on file in the Municipal Clerk's Office.

Concerns outlined in Ms. Enns's submission include:

- **Environmental:** buffer between Hail Pond and the proposed lots, protection of natural amenities/environmental sensitive areas and lack of a landscaping plan.
- **Economic:** The terms of the transaction for the three "reserved parkland lots" to the developer appear to be in conflict with HRM's Real Estate Policy that capital assets be disposed of at fair market value. The scope and value of "in-kind services" offered by the developer has not been properly described. The staff report does not disclose how the property value was established. If Community Council decides to exchange the land for cash then it must be done through a

public tender process and anything less must be seen as a significant subsidy to United Gulf Developments. The scope and value of “in-kind services” offered by United Gulf are not adequately described.

- **Planning and Design**: Public parkland is an extremely important amenity and residents should not be asked to give up 12,000 square feet of this rare amenity. The back sides of several proposed dwellings will become a permanent visual fixture on the Hail Pond shoreline. The attached photograph shows clearly the proposal will change the landscape and diminish enjoyment of my property. The staff report minimizes the significance of this loss to the community.

Ms. Enns urged Chebucto Community Council to refuse the amending agreement.

2. Mr. Ross Miller, Halifax

- His property backs onto Hail Pond and he is offended as a business man and taxpayer that the three lots can go for so little money. \$65,000 is nothing in today’s world. Be more specific. We want more money for the property and a more concise presentation of what we will get for the \$65,000.
- Greater Homes/United Gulf have already put in water and sewer to those lots and this amendment has not yet been approved. This speaks ill of city planning and this Council as you are permitting this to happen.
- There is still garbage in the brook from the last phase of development and you cannot swim in it.
- The path was supposed to be completed around the lake but is still not done.
- The Community does not want a playground.
- Please read Dr. Enns’ information.

Councillor Mosher responded to a question from Mr. Miller that the issue of the “twin towers” will not be discussed at this time but staff will be available to discuss the matter after the public hearing.

3. Louis DeMontbrun, Vice-President, United Gulf Developments

- United Gulf purchased the land in 2000.
- Lot sizes were increased significantly to 50' wide as opposed to 32'.
- House designs and use of stone enhance the look and feel of the community.
- The seven (7) additional lots, three (3) of which are now parkland, are still owned by United Gulf and not yet deeded to HRM.
- Four lots are to be removed from the area for the multiple-unit buildings in Site C.
- \$65,000 will be given in kind toward design and construction of Hail Pond park. The form and location is up to HRM and the community. The work is to be completed within twelve (12) months of the approval for the subdivision of the seven (7) lots.
- Funding will enhance the park.

- Walter Havill Drive will be connected as part of the next phase of development.
- Majority of construction traffic for Waterton will be off Osborne Drive.
- Underground parking will be off Osborne and will limit traffic on Walter Havill Drive.
- The new lots will be 168' from Hail Pond.

4. Mr. David Johnstone, Halifax

- He is against the amendment.
- He expressed concern with the lack of development to the existing agreement as the walkway around the park is not complete. Expressed concern that the walkway is in some way connected to this latest amendment.
- View Plane is a concern.
- The Community is not sure where the "towers" will be so it is hard to determine the view plane. He added that he heard the "towers" will be in line with the seven lots and if that is not true, can it be clearly stated.
- His observation after living twelve years across from a public playground is that it is wonderful to see small children play there during the day but at night it is sex/drugs/rock'n roll. He added he is strongly against a playground until considerable thought has gone into this.

Councillor Mosher commented that the twelve (12) unit building will not be coming to Community Council as it was part of the 1995 agreement. Mr. Steve Higgins, Development Officer, commented that there is no application at this time. Mr. Sampson will speak to this issue after the public hearing.

5. Mr. Jim Connolly, Halifax

Mr. Connolly presented a written submission. A copy is on file in the Municipal Clerk's Office. He commented that his property backs onto hail pond and the image from his office window will be disturbed. He requested Community Council refuse the proposal for the following reasons:

1. The Community cannot afford to give up any of its parkland. The goals of the Regional Plan have a high priority placed on parkland by HRM residents. \$65,000 is too low. If sold, the sale should go to tender to establish the true market value.
2. Current proposal - lots are approximately 170' from the lake but this does not take into account the existing wetlands. A watershed impact assessment should be done and comments obtained from the Halifax Watershed Advisory Board.
3. Process leading up to tonight's meeting and objectivity of staff's report must be scrutinized. All this work has been done and it seems like an unusual risk for a Developer who thinks his development might be turned down. Road surface will be weakened during removal of underground services.

6. Ms. Alana Kerr, Halifax

- She commented that she could not make a good decision based on the information supplied in the staff report. Her concern is with the wetlands and buffer zones - designation is open water? She is not sure whether the land or the wetlands end there. She suggested city planning staff provide more topography of the land in order to make an informed decision.

7. Ms. Cathy Roberts, Halifax

- She questioned the process adding she has noticed that water (services) is already installed etc. She added it would be helpful for those present if Community Council could address the issue as to how the process works as the notion of a public hearing is to get input but the “process” has already started.

Councillor Mosher explained the public process indicating that staff receive a request for an amendment and the next steps are: 1. A public information meeting. 2. A public hearing is scheduled. 3. Public notification is sent out to residents in a 30 metre radius. Councillor Mosher indicated she added an additional thirty-two (32) streets to the notification area. She further explained that the public offer comment at the public hearing, then Community Council votes on whether the development meets the existing policies (MPS and LUB) and not whether people are for or against the proposal. She added some residents are commenting that this looks like a ‘done deal’ but it is not. She added that one seventeen (17) storey building was turned down. Councillor Mosher advised she will have staff comment on the water lines after the public hearing.

8. Mr. Ted Mitchell, Design Manager, United Gulf

- Responding to concerns raised regarding services being in the road already, he indicated that the amendment has been in the hands of staff for quite sometime.
- There was positive response during the public information meeting.
- The Developer had to build the road and had to make a decision, “Do we take a chance and put the services in while building the road or do we wait?” They took a chance and put the services in explaining that if they had waited, they would have had to tear up the road to put the services in later.

Councillor Mosher gave the third and final call for speakers for or against the proposed amendments. Hearing none it was **MOVED BY Councillor Walker, seconded by Councillor Hum that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Mr. Paul Sampson, Planner, provided the following comments in response to concerns raised by the public:

- buffer: proposed lots to water courses: current RDD guidelines in MPS require 30'

- setback from water courses - Hail Pond, streams and water courses.
- Regional plan: proposes greater setbacks - the current draft - 30 metre or 100' is the proposed setback. He explained the Regional Plan is a draft plan and staff have no idea if it will be approved in its present form. The draft Regional Plan has gone through the public participation process but has to come back to Regional Council.
 - The current MPS has no setback requirements from watercourses. Currently, when applications for water setback lots are received, staff send the application to the Department of Environment. There is no setback from the buildings other than what is in the Land Use By-Law (LUB) for property lines. Buildings could be as close as 8' from the rear property line. The nearest lot does meet the RDD guidelines for setback from watercourses.
 - Under the current development agreement, the Developer is required to provide water quality testing which is to be submitted to staff in report form. Staff then forward the reports to the Halifax Watershed Advisory Board (HWAB) for their information and comment. The reports are also sent to HRM's Sustainable Environment office. This particular proposal for the seven lots was not sent to the HWAB as staff felt it would not have a major impact on Hail Pond as the subdivision is already 2/3 complete. Mr. Sampson responded to Councillor Wile regarding the proximity of the Ridge Park Lane lots to Hail Pond indicating that some of the lots in that area are close to the water; the closest one about 20' from Hail Pond. He added the dwellings on those lots would be an additional distance back. He commented that he assumed this would have been reviewed as part of the subdivision approval by the City of Halifax in 1990.

Mr. Sampson clarified for the Community Council and residents in attendance that the work that has been done to date has been at the risk of the developer and if this application is not approved, the work would have to be redone (services possibly removed).

- The original development agreement had a plan attachment with landscape features and environmentally sensitive areas showed an area of steep slopes abutting the brook leading into Hail Pond. The areas south of Hail Pond were identified as a vegetative area that should be maintained. The trail is yet to be constructed around the south end of Hail Pond and has to be done before the property is deeded to HRM. The draft development agreement does include a clause in relation to the timing of that work. HRM would receive bonding/security as an extra insurance that the work will be done (by the Developer or HRM). Existing deficiencies on existing trail; railings need to be put in, landscaping at northern end has to be done

- In response to environmental concerns, those areas are covered off by the MPS and the original Development Agreement which were unfortunately not included in the staff report.
- Regarding concerns of visual disturbance to residents of Ridge Park Lane: there will likely be portions of the houses visible from the backyards of Ridge Park Lane. Some trees will come down as a result of this development.
- Value of land: Staff arrived at the \$65,000 figure as follows: the value is worth more in terms of work by the developer as it would cost HRM more to do the work themselves. The developer has the equipment on site on a regular basis and can cover off that cost easier. When land is sold, work needs to be done to get those lots to a sellable condition.

Mr. Sampson advised that Mr. Rob Janhncke, RPAM Planning Group, could best respond to the matter of the proposed "tower".

Mr. Rob Janhncke, RPAM Planning Group

He explained that HRM's Real Estate Policy is only applicable to lands HRM currently owns. Further, this particular park is classified as a community park (approx. 1 km). Hail Pond is a natural feature of this park and the park is for recreational use (passive). As part of the \$65,000 HRM will be approving the design by United Gulf. There will be public participation. He added the playground is not a foregone conclusion. The natural feature of the pond and vegetation play a heavy role. He further explained that the \$65,000 figure was reached with a formula using \$10 per square foot as the amount for serviced land. There will be a cost to the Developer to bring the lots to a sellable level.

Councillor Mosher requested staff explain the drop from \$120,000 (using the \$10 per square foot figure) to \$65,000. Mr. Janhncke explained the Developer has to provide a certain amount, 40-50% of the cost in this instance, to bring the lots to market ready value. That cost (40-50% of \$120,000) was deducted from the total which left the sum of \$65,000.

Councillor Mosher commented that regarding economies of scale, the \$65,000 is the cost to the developer. She requested further clarification from staff on the "value in kind/economies of scale" and added that a detailed break down of "in kind services" would be appreciated. Ms. Mary Ellen Donovan, Municipal Solicitor, advised that Legal Services could provide some changes to the wording to better explain the concept being presented.

Mr. Sampson referred the Community Council to Clause "F", page 7, in the draft amendment agreement.

MOVED by Councillor Walker, seconded by Councillor Wile that the following rider be included as an amendment to the motion:

- 1. Require existing deficiencies along the Hail Pond Trail be rectified before the seven additional lots are developed.**

MOTION PUT AND PASSED UNANIMOUSLY.

AMENDED MOTION:

MOVED BY Councillor Walker, seconded by Councillor Wile that Chebucto Community Council:

- 1. Approve the amending agreement, included as Attachment A of the report dated May 13, 2005 to permit seven additional lots, with no increase in overall density, in exchange for additional park infrastructure;**
- 2. Require existing deficiencies along the Hail Pond Trail be rectified before the seven additional lots are developed.**
- 3. Require that the amending agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Hum expressed the following concerns:

- Why were staff not more prudent in negotiating more of a buffer around the watercourses such as the draft Regional Plan's recommended 100' buffer?
- Concern was expressed by the residents regarding environmental and landscaping requirements, have these concerns been adequately addressed?
- Is it normal for a developer to put in services before the amendments have been approved such as was done for the seven (7) lots in question?
- Was the servicing of these lots a substantial financial investment on the part of the Developer? If so, how much was invested in the servicing of the seven (7) lots prior to the matter coming before Community Council for approval? Did this substantial investment have any bearing on the negotiations regarding the \$65,000 value placed on the lots.

- What happens if this development agreement is not passed? What are the opportunities for the developer?

Councillor Mosher expressed the following concerns:

- Tree retention, non-disturbance and visual disturbance issues: If this amendment does not go through, what are the as-of-right potentials for the Developer? Will there be any protective measures?
- Clarification requested on the \$10 per square foot real estate value placed on the lots in question. The value was \$120,000 but staff dropped the amount by half to \$65,000. Why and how was that amount determined? Councillor Mosher requested detailed clarification on the Economies of Scale to determine the worth of the property.

Councillor Walker commented that there is an appeal process to the decision made by Community Council whether it is for or against the amendment. He added the UARB (Utility and Review Board) will have the final word on the appeal.

The vote on the amended motion resulted in a tie vote. **AMENDED MOTION DEFEATED.**

Responding to comments raised by residents during the public hearing regarding another development site, further discussion ensued on the matter of the potential for “twin towers” being developed. Mr. Sampson, Planner, as requested by Councillor Mosher, explained that a twelve (12) storey or two (2) four storey buildings are permitted uses on that particular site. He added the total population issue has been addressed but the number of units has not been indicated. The final determination on what can be developed on that site will come from the Development Officer.

MOVED BY Councillor Walker, seconded by Councillor Wile that when a development application does come forward to planning staff for that particular site that the residents of the area be notified of that development.

Councillor Walker clarified for Mr. Sampson that residents who were notified of the public hearing for Case 00647: Amendments to Development Agreement, Stoneridge on the Park Subdivision, Halifax, are the residents who are to be notified of any development application submitted for the site in question.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Hum - District 16 Request for Re-zoning from R-2 Residential to R-1 Residential.

Councillor Hum submitted a petition on behalf of the residents of Forest Hill Drive #15-63, Rocky Hill Drive, Wren Street and Pioneer Drive requesting a re-zoning of the streets/civic addresses in Rockingham - District 16 as indicated from R-2 Residential to R-1 Residential. 55 signatures. Petition to be forwarded to Planning Staff at the West End Mall Planning Office.

9.3 Delegations

9.3.1 Capital Health - Dr. Ed Kinley

Deleted during approval of the agenda. See page 3. (*Deferred to September 12, 2005*).

10. REPORTS - None

11. MOTIONS - None

12. ADDED ITEMS - None

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Barry Langille, Clayton Park West

- Commented that he does not like the plan proposed for the Mainland Common Recreation Centre.
- He requested an update and assurances from the Councillors that this inadequate facility will not be area rated.

Councillor Walker commented that the matter is before the Board and he is unable to comment until after the next Board meeting.

Mr. Hiram Tiller, Halifax

- Commented in regards to the recreation facility for the Mainland Commons indicating the residents want nothing less than the Northcliffe Centre with the frills put in afterward. Do Phase II before Phase I. He requested the support of this

Community Council to bring that message to the Board loud and clear.

Councillor Hum commented that there will be a meeting with staff and a meeting of the Mainland Common Recreation Centre Board at which time all comments will be considered and will include a review of what can be done with the funding available. There will be continued efforts to obtain additional funding for the additional phases. She added that doing Phase II before Phase I was considered but the fiscal realities dictate Phase I will be first as \$8m is not enough to deal with what the community expects.

Mr. Chuck ?, Regency Park Drive

- Commenting in regards to the public meeting on the pool facility he indicated that the public meeting comments were not reflective of those who would actually be using the pool. Many comments were made by those who work for Northcliffe. He suggested there be more discussion as there appears to be a lack of information from staff to the Councillors. I think it is a great facility and look forward to helping complete it.
- Regency Park Drive: traffic formulation at corner of Lacewood Drive and Regency Park Drive. There is a bank being built on the corner and perhaps a *Second Cup*. Heading down parkland - if you make a right hand turn off lacewood going down parkland drive into the bank., there will be dangerous situations there. Dangerous close calls now with people trying to turn into Swiss chalet. Put bug in the ear, take a look at this area. NO turn signal on Regency Park Dive form Lacewood, Increased foot traffic there and increased density.

Councillor Hum commented that the issue of the left hand turns was analysed by traffic last year but she will request a follow-up with staff.

Ms. Wendy MacDonald

- Traffic patrol could be included in this review. She explained she lives in the Lacewood Drive area and hears sirens hourly.
- She rarely sees police enforcement when out walking and many drivers are going beyond the speed limit.

Councillor Mosher commented that Sergt. Greg Mosher, HRP Staff Sergeant, West Division, is to be copied on the issue of traffic and speed.

15. NEXT MEETING DATE - September 12, 2005

16 ADJOURNMENT

The meeting adjourned at 8:22 pm.

Chris Newson
Legislative Assistant