

HALIFAX REGIONAL MUNICIPALITY

**CHEBUCTO COMMUNITY COUNCIL
MINUTES**

December 12, 2005

PRESENT: Councillor Linda Mosher, Chair
Deputy Mayor Russell Walker, Vice Chair
Councillor Debbie Hum
Councillor Mary Wile
Councillor Stephen D. Adams

STAFF: Ms. Chris Newson, Legislative Assistant
Ms. Karen Brown, Municipal Solicitor

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF 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	Re-Zone Ralston Avenue and Pearson Avenue from R2 General Residential to R1 Single Family Dwelling Designation	4
4.1.2	Update on Melvin Road (Purcell's Cove area)	4
4.1.3	20 Forest Hill Drive, District 16	4
4.1.4	Rock Pile - 182 Milsom Avenue, Halifax	5
4.1.5	Request to Have the Reclaimed Parkland at the Corner of Parkland Drive and Langbrae Drive Named in Honour of the Year of the Veteran.	5
5.	MOTIONS OF RECONSIDERATION	5
6.	MOTIONS OF RECISSION	5
7.	CONSIDERATION OF DEFERRED BUSINESS	5
7.1	Maintenance to the Welcome to Halifax Sign on the St. Margaret's Bay Road	5
8.	PUBLIC HEARINGS	6
8.1	Case 00795: As-of- Right Development Along the Bedford Highway ..	6
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	12
9.1	Correspondence	12
9.2	Petitions	12
9.3	Delegations	12
10.	REPORTS	12

10.1	STAFF REPORTS	12
10.1.1	Project 00718: Herring Cove Road Community Planning and Streetscape Project	12
10.1.2	Petition - Kearney Lake Road	12
11.	MOTIONS	12
12.	ADDED ITEMS	12
12.1	Chebucto Community Council 2006 Meeting Schedule	12
13.	NOTICES OF MOTION	13
14.	PUBLIC PARTICIPATION	13
15.	ELECTION OF CHAIR	13
16.	NEXT MEETING DATE	14
17.	ADJOURNMENT	14

1. CALL TO ORDER

The Chair called the meeting to order at 7:01 p.m. in the Keshen Goodman Library, Halifax.

2. APPROVAL OF MINUTES - November 7, 2005

MOVED by Deputy Mayor Walker, seconded by Councillor Hum that the minutes of the regular meeting of November 7, 2005 be approved as circulated. MOTION PUT AND PASSED.

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

Additions: 12.1 Chebucto Community Council 2006 Meeting Schedule

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items:

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

Deputy Mayor Walker advised that a public meeting is scheduled for the third week of January 2006. A letter of notification will be sent to area residents. Item **to remain** on the status sheet.

4.1.2 Update on Melvin Road (Purcell's Cove area)

- An e-mail, dated December 9, 2005, from Mr. Don Pellerine, Superintendent - Streets - HRM's Transportation and Public Works, was before Community Council.

Councillor Adams advised that staff have indicated that the upper portion of Melvin Road is a private driveway and HRM will not be plowing that portion. A report is expected for the

next meeting. Item **to remain** on the status sheet.

4.1.3 20 Forest Hill Drive, District 16

- A Staff Report dated December 2, 2005 was before Community Council.

Councillor Hum indicated that an information meeting was held with area residents at the Rockingham School on November 24, 2005 with twenty-five (25) members of the public in attendance. She added that 20 Forest Hill Drive was the originating property that precipitated this process.

Mr. Richard Harvey, Planner, presented the report. He indicated that the report, upon approval by Chebucto Community Council, would be forwarded to Regional Council requesting changes to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) to enable a review of that area of District 16. He added that the outcome may be to set a cap(s) on the number of bedrooms in respect to dwellings in that area.

MOVED BY Councillor Hum, seconded by Councillor Wile that Chebucto Community Council request that Regional Council initiate a process to consider amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-Law to amend the definitions related to dwellings and rooming houses in the vicinity of Mount St. Vincent University and; request staff to follow the public participation program as approved by Council on February 25, 1997. MOTION PUT AND PASSED.

Item **to be removed** from the status sheet.

4.1.4 Rock Pile - 182 Milsom Avenue, Halifax

- An e-mail from Mr. Peter Bigelow, Manager, Real Property Planning dated December 6, 2005 was before Community Council.

Deputy Mayor Walker advised that staff have noted that the land in question is Halifax Regional Water Commission (HRWC) land. A response is expected from HRWC in regard to this matter. Item **to remain** on the status sheet.

4.1.5 Request to Have the Reclaimed Parkland at the Corner of Parkland Drive and Langbrae Drive Named in Honour of the Year of the Veteran.

Councillor Wile advised that no update has been received. Item **to remain** on the status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Maintenance to the *Welcome to Halifax Sign* on the St. Margaret's Bay Road -

Councillor Adams advised that HRM's Civic Addressing staff have indicated signs will not be replaced until the Civic Addressing project is completed for that area.

Councillor Adams requested a time line for the completion of the civic addressing project for the area and that, in the interim, the planter and surrounding area by the sign be cleaned-up.

MOVED BY Councillor Adams, seconded by Deputy Mayor Walker that Chebucto Community Council request that the area around the Welcome to Halifax Sign on the St. Margaret's Bay Road be enhanced and that funding be included in the budget for proper signage and landscaping at that location. MOTION PUT AND PASSED.

8. PUBLIC HEARINGS

8.1 Case 00795: As-of-Right Development along the Bedford Highway

C A supplementary staff report dated October 20, 2005 was submitted.

Mr. Angus Schaffenburg, Planner, presented the report. He advised that the proposed amendments are outlined in Attachment "A" of the supplementary staff report dated October 20, 2005 and include; a provision to limit the height of buildings to 35' in the zones outlined and to repeal the exemption requiring the use of service by either municipal water or municipal sewer for that portion of land from Kearney Lake Road to the boundary of the Bedford Plan.

Councillor Mosher reviewed the guidelines/procedure for public hearings then opened the public hearing calling for anyone wishing to speak, for or against this matter, to come forward at this time.

Public Speakers:

1. **Tony Vanbommel**

Indicated he supports the height limit of 35'. He requested clarification on the following:

- Whether the property located in front of his, zoned MDR, would be in the 35' zone?
- When could there be an R3 zone in an MDR rated area?
- How is the 35' height measured (from top of ground to peak of roof pitch)?
- Could a property owner add an additional 10' - 15' to get the building to street level if the property is below street level (for example: the Wedgewood Motel property has sections below street level).

Mr. Schaffenburg responded that:

- MDR (Medium Density Residential) has an R2 zoning and only R3 zones would be affected by this LUB amendment re: height restrictions. (MDR refers to the future land use designation and not the zoning).
- An R3 zone is normally in a commercial/highway commercial/high density residential designated area.
- Height is defined in the Land Use By-law as *“the vertical distance of the highest point of roof above the mean grade of the surface of all streets adjoining the building...”*. The height would include decks and air conditioning units that would be located on a rooftop if they are more than 10% of the roof area. He further advised that he would have to review the specifics of the Wedgewood Motel site before commenting as there are a number of issues to be addressed/considered.

2. Mr. Gary Cookson

- Inquired what is planned for the church property at the corner of Dakin Drive/Kearney Lake Road as his property is across from that location. He expressed concern as he has lost the view and privacy in his backyard due to another as-of-right development.
- There could be water problems (underneath property/wells) if a development goes ahead as the church property used to be a lake. There is still an underground spring or lake.
- Expressed concern with impact of traffic on the Kearney Lake Road with more development.
- Further expressed concern with the view of Bedford Basin being blocked from everyone except those in the townhouses/condos built along the basin.
- He added that he has lost everything due to as-of-right development in the area.

Mr. Schaffenburg responded that:

- The area in question is zoned C2B which allows for 35' of commercial development. He added that prior to this amendment the area would have allowed an R3 use of up to 50' in height.
- If and when the church does sell the property, there is a permitting process and standards for that zone must be met in order to obtain the permit. The Development Engineer would include the water issue in his review.
- There is a Harbour Plan in progress that will include a more in depth review of the issue of the view of the Bedford Basin. He added there may be a study commissioned early in 2006 to look at those issues.

Councillor Hum added that discussion of this issue was held at a townhall meeting in May 2005 to determine how best to proceed. The amendments presented this evening to a the LUB is one way to address the concerns. The Harbour Plan will include a review of these issues in more depth. The Regional Plan will also provide an opportunity for residents to express their concerns/options regarding the community plan.

3. Mr. Bruce Hill, Atlantic Acura

- Are people compensated for properties they purchased two or three years ago when they could build to 50' in height as they will now be losing money with the reduction to 35'. Has there been any property exchange or refund?
- Requested clarification on whether the Atlantic Acura property would be affected by this amendment.
- Indicated that there is a mean grade from the property to the road (at the Atlantic Acura property) and a cliff behind. He questioned whether they could go to 80' - 90'

Ms. Karen Brown, Municipal Solicitor, responded that part of the process this evening is the opportunity for members of the public to speak for or against the amendments and to inform the area Councillors if they are in favour of the amendments or not. She added that she is not aware of any compensation package. She suggested that Mr. Hill may wish to discuss the matter with an independent solicitor.

Mr. Schaffenburg responded that the Atlantic Acura property would be affected by the proposed amendments as all lands along the Bedford Highway that are C2A and C2B zoned would lose the ability to build to 50'. He further added that under the existing R3 zone there would most likely only be three residential stories not four due to the height limitation of 35' with approval of this amendment. He explained that he would require more information to determine specific development abilities for that site.

4. Mr. Philip Bastille, Lodge Drive

- Requested clarification on what will change in regard to the second portion of the proposed amendment "*to repeal the provision allowing development on septic and wells along the Bedford Highway.*"
- Questioned if there would be sufficient (sewer/water) capacity to develop these sites and asked if a study had been done to determine if there was enough capacity.
- Suggested that the two portions of the amendment be split and voted on separately, one motion/vote for the height restriction and one motion/vote for the water/sewer matter.

Mr. Schaffenburg explained that properties located at this portion of the Bedford Highway may be developed on septic and wells and are not presently required to be on municipal sewer/water. If the amendment is approved, municipal sewer and water will be required for developments along the Bedford Highway. Wells and septic systems will not be permitted for new developments. There is municipal water and sewer service to Larry Uteck Boulevard. When the interceptor/sewer line was developed from Kearney Lake Road to the Royal Hemlocks development it was built to accommodate Bedford South and the existing development rights along the Bedford Highway.

Councillor Mosher added that the area is under extensive review (as part of the Regional

Plan/Harbour Plan projects) and a study does exist.

Councillor Hum and Mr. Schaffenburg provided further clarification indicating that 3/4 of the area is now on municipal sewer/water and it does not seem reasonable to continue to allow septic and wells when municipal services are available. Over the next year, there will be full municipal water/sewer service in the area.

Councillor Adams commented that if someone is willing to invest in septic/well to develop the area, and they meet the requirements with an engineered system, who are we to decide what is best for them. In the Bedford area it is \$600 + per foot for sewer/water infrastructure. He added that the municipality was given \$11.8 m, over the next five years, for infrastructure (including sewer and water) but it may take years for the funding to come through. He asked what is the short term and what are staff basing that on? He further commented that height restrictions and septic/wells are very different and the recommendation is not constant.

Mr. Schaffenburg responded that the short term is whenever funding becomes available. He added that new development on septic and wells along the Bedford Highway is not encouraged. He explained that if you had a property in Fern Park that was vacant and you wanted to develop that property on septic, the Department of Environment requirements would have to be met regarding septic fields. A large property is needed to meet the requirements for a septic field. Staff's perception is that it is prudent at this time to not allow development on septic and wells to continue although it may take ten years to have full service along the Bedford Highway. He added that there was a development done on septic/wells along the Bedford Highway that was not able to provide adequate service even though there were engineering reports indicating there was adequate water service.

Councillor Mosher advised that the recommendation could be split, upon a motion of Community Council, and a separate vote taken for the height restriction amendment and the septic/well amendment.

5. Mr. Rob MacPherson, Kimberly Lloyd Developments

- Opposed to proposed amendment as it penalizes property owners with a broad stroke solution to what some may consider inappropriate or intrusive development.
- The approach is unfair as there are varied uses and topography along the Bedford Highway. In many instances a multi-storey, combined commercial/residential use would not fit well.
- Reducing height of residential uses in the C2A and C2B zones now only punishes property owners.
- If Community Council feels it must support this amendment to protect existing residents from as of right developments, then a provision should be made to allow

residential uses in the C2A/C2B zones to exceed the 35' height restriction by way of a development agreement. Or, amendments be made to the policy to enable a development agreement. This would provide some level of fairness to landowners to develop projects that are compatible to adjacent uses and existing topography.

6. Mr. Jim O'Conner, Rockingham area

- In favour of reducing height from 50' to 35' however, there is a lot of investment in residential properties along the Bedford Highway and where there is a higher density, he would like to see less than 35' considered (perhaps 20') and no development agreements. Specifically around the Wedgewood area as all those homes were built for the views.

Councillor Mosher gave the third and final call for anyone wishing to speak. There being no further speakers it was **MOVED BY Councillor Adams, seconded by Deputy Mayor Walker that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED BY Councillor Hum, seconded by Deputy Mayor Walker that Chebucto Community Council approve the proposed amendments to the Mainland Area of the Halifax Land Use By-Law as contained in Attachment "A" of the Supplemental Report dated October 20, 2005 to limit the height of residential buildings in the C-2A and C-2B Zones to 35 feet; and to repeal the provision allowing development on septic and wells along the Bedford Highway.

Councillor Adams requested clarification on what could be developed on these properties now and also inquired what prompted the amendments. Mr. Schaffenburg responded that most of the properties have a height limit of 35' with the exception of R3 and R4 zoned properties which are unaffected and untouched by this amendment. The C2B and C2A zones are affected (as they allow R3 uses) and now have a maximum of 50' height. The amendment was prompted by a question from Councillor Hum regarding concerns with as of right development along the Bedford Highway. Staff explored the issue and because of the Harbour Plan/Regional Plan it was thought best to bring forward this policy. He added that he was uncertain as to how many properties this amendment would affect.

Councillor Adams commented that this amendment would be taking away something that was understood to be there as part of the zoning and some individuals will be penalized if this amendment goes through. He added that he is not comfortable with the restriction on wells/septic and therefore would not be supporting the motion.

Councillor Hum explained that the amendments are a result of a townhall meeting where a number of residents brought forward concerns in regard to the height of developments, continued rapid development, traffic congestion and the impact to existing property owners in regard to development along the Bedford Highway. Those concerns were

forwarded to the Planning & Development Department. Chebucto Community Council requested a report on as of right development along the Bedford Highway. She further explained that some of the homes are heritage properties and their views are now totally blocked and a number of residential homes have had a negative impact due to ongoing development. In discussions with staff, it became apparent that planning staff were interpreting the height as 50' as the LUB indicate that C2A and C2B zones are compatible with R3. This amendment will make the policy more clear.

Deputy Mayor Walker commented that these amendments came about due to two condo buildings that were built on the Bedford Highway, as of right, and the residents wanted to know how the buildings could be built there as they did not want any development on that land. He added that you cannot say no to development but you can limit the height to 35'. At same time we threw in the septic and wells as there was a problem with a previous development that had problems with septic/wells. He added he supports this motion as he heard the resident's comments.

Councillor Hum clarified that if a Developer would like to bring forward an extension of the sewer and water they may do so.

Councillor Adams suggested that the matter be referred to staff for clarification on how the 35' height is measured as well as further information on the issue of whether or not there would be compensation for landowners who would be negatively affected by these amendments.

Councillor Mosher, Chair, agreed that more information would be appreciated and she supports the deferral.

Councillor Hum advised that she does not support a deferral as this matter has been ongoing for a long time and needs to be addressed. She added that as to the issue of compensation, existing landowners have not been compensated for the devaluing of their property.

Councillor Mosher requested Deputy Mayor Walker assume the Chair at this time in order for her to provide comment on the issue. Deputy Mayor Walker took the Chair at 8:00 pm.

MOVED BY Councillor Adams, seconded by Councillor Mosher that the matter be referred to staff for clarification on how the 35' height is measured as well as further information on the issue of whether or not there would be compensation for landowners who would be negatively affected by these amendments. A staff report is requested for the January 9, 2006 meeting.

Councillor Mosher commented that many are negatively impacted by development, trees being cut down for example, and there is no compensation. She requested a legal opinion from the Municipal Solicitor. Ms. Brown, Municipal Solicitor, commented that

there is an opportunity for everyone to speak whether they believe the development will negatively impact them or not. There is also the opportunity for an aggrieved person to appeal a decision (of Community Council) to the UARB (Utility and Review Board) with respect to an amendment to the LUB (Land Use By-Law) and that procedure is in the MGA (Municipal Government Act). The amendment to the LUB must be reasonably consistent with the MPS (Municipal Planning Strategy). Community Council is also able to request further information from staff and legal services.

Councillor Mosher indicated that she would reluctantly go along with the motion but would prefer a deferral for one month to obtain more information from engineering services regarding why no development on septic systems at this location. She added that Purcell's Cove has restrictions on septic systems and has holding zones. A legal opinion from the Municipal Solicitor would be helpful as well. She further added that this was not a clear public hearing.

Without a vote being taken on the motion to defer, Councillor Mosher resumed the Chair at 8:04 pm and the **MOTION TO DEFER WAS LOST.**

In response to Councillor Hum, Mr. Schaffenburg clarified that if the amendments, as presented in the staff report, are approved, and there is a lot on the Bedford Highway not serviced by municipal water and sewer, a new home is not permitted to be built on septic/wells at that location along the Bedford Highway. He further added that the area affected by the restriction is quite a small area. In regard to the height restriction, he added that each individual property has to be judged on its own as it is difficult to say the exact height of a building permitted for a particular property without more information regarding the topography.

In response to Deputy Mayor Walker, Mr. Schaffenburg indicated on the map that water is at the Glenmount area now and will be brought to Fern Park in the next fiscal year. Fern Avenue now has municipal water to the transfer station.

Councillor Hum added that the area affected by the no development on septic/wells is really quite small and there are partnerships with developers who are paying to continue the water service along the Bedford Highway. A Commercial property owner can bring water up to his property line which will ensure future development. could hook up.

MOVED BY Councillor Hum, seconded by Deputy Mayor Walker that Chebucto Community Council approve the proposed amendments to the Mainland Area of the Halifax Land Use By-Law as contained in Attachment "A" of the Supplemental Report dated October 20, 2005 to limit the height of residential buildings in the C-2A and C-2B Zones to 35 feet; and to repeal the provision allowing development on septic and wells along the Bedford Highway. MOTION PUT AND PASSED. (Councillor Adams voted against the amendment).

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Delegations - None

10. REPORTS

10.1.1 Project 00718: Herring Cove Road Community Planning and Streetscape Project

- An Information Report dated December 2, 2005 was before Community Council.
- A copy of the EKISTICS Herring Cove Road Community Development & Streetscape Planning Project dated July 13, 2005 was before Community Council.

Mr. Richard Harvey, Planner, presented the report. He advised that acceptance of the report does not commit Community Council to undertake any of the proposals contained within as it is a conceptual document devoted towards improving the character and functionality of the community area.

Councillor Adams added that the projects indicated in the report/study are also subject to budget availability.

Mr. Harvey indicated that some initiatives are already underway such as the installation of street benches and other amenities initiated through HRM's streetscape program.

10.1.2 Petition - Kearney Lake Road

- An Information Report dated November 30, 2005 was before Community Council.

Councillor Hum advised that she had filed the petition not Councillor Wile as is indicated in the Information Report. No further action required.

11. MOTIONS - None.

12. ADDED ITEMS

12.1 Chebucto Community Council 2006 Meeting Schedule

MOVED BY Councillor Adams, seconded by Deputy Mayor Walker that the Chebucto Community Council 2006 meeting schedule be approved as presented. MOTION PUT AND PASSED.

The 2006 meeting dates are: January 9, February 6, March 6, April 3, May 1, June 5, July 3 (if required), (no meeting in August) September 11, October 2, November 6 and

December 4.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

1. Marjorie Willison, Spryfield

Ms. Willison advised that there is a new initiative by the Board of the Captain William Spry Centre (Spryfield). The program is **Healthy Housing - Healthy Community**. The program is to raise public awareness of the link between urban design (building environment) and the health and well being of the public. She outlined the following:

1. Urban design based on car reliance is contributing to obesity and lack of exercise. Providing housing/development designs with a multitude of routes for pedestrians and cyclists to reach a variety of destinations would make it easier for people to walk or cycle and reduce incidents of obesity.
 2. Link between teenage depression and isolation of those teenagers who live in communities with "low-walkability" and lack of transportation at a critical stage in their development when they should be getting out and getting involved/to know their community.
 3. Social support network: width of streets - narrow streets make it easier to know your neighbours, house fronts set closer to the sidewalk make it easier to converse with people, size of lots/mixture of housing for different ages, income levels and family types, mix of uses all contribute to CONVIVIALITY and sense of connection with neighbours.
 4. Purpose of the project is to explore these links with local residents/city planners/developers to look at ways to incorporate these considerations in the planning approval process when evaluating housing developments and community design to ensure healthier communities.
- She advised that Kate Thompson has been hired, (a planner who has worked on this type of planning issue).
 - January to April 2006 - there will be small group discussion in Spryfield and area to raise awareness of this project.
 - Goal is to then try to use this tool to encourage planners/developers to use these considerations in the planning approval process.
 - Potentially this will benefit all areas in HRM.

Councillor Mosher requested Regional Planning staff meet/discuss with Ms. Willison on this matter. Deputy Mayor Walker advised that Draft #2 of the Regional Plan is available on line.

15. ELECTION OF CHAIR

Councillor Adams was nominated as Chair for the Chebucto Community Council for 2006/2007 and Councillor Hum was nominated as Vice-Chair.

16. NEXT MEETING DATE - Monday, January 9, 2006.

17. ADJOURNMENT

The meeting adjourned at 8:27 p.m.

Chris Newson
Legislative Assistant