

# **HALIFAX REGIONAL MUNICIPALITY**

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## **PENINSULA COMMUNITY COUNCIL MINUTES MARCH 4, 2002**

**PRESENT:** Councillor Sheila Fougere, Chair  
Councillor Sue Uteck, Vice-Chair  
Councillor Jerry Blumenthal  
Councillor Dawn Sloane

**STAFF:** Barry Allen, Solicitor  
Kulvinder Dhillon, Director, Public Works and Transportation  
Dave McCusker, Traffic Authority  
Gary Porter, Planner  
Sherryl Murphy, Assistant Municipal Clerk

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**1. CALL TO ORDER**

Councillor Fougere, Chair called the meeting to order at 7:15 p.m.

**2. APPROVAL OF MINUTES - Joint Meeting of January 28, 2002 and Regular Meeting of February 11, 2002**

**MOVED by Councillor Blumenthal, seconded by Councillor Uteck that the minutes of the joint meeting of Chebucto, Western and Peninsula Community Councils held on January 28, 2002 and the regular meeting of Peninsula Community Council held on February 11, 2002 be approved, as distributed. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the agenda, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**4.1 Status Sheet**

**4.1.1 1079 Queen Street - Extension of Development Agreement**

Staff is to provide a report for the April meeting of Peninsula Community Council.

**4.1.2 C-2 Zoning in District 1**

This matter will remain on the agenda, pending receipt of a staff report.

**4.1.3 Staff Response to Tania Li Presentation re Armview Corridor Traffic**

This matter will remain on the agenda, pending receipt of a staff report.

**4.2 Armview Corridor Traffic**

- An information report dated March 4, 2002 submitted by Kulvinder Dhillon, P. Eng, Director, Public Works and Transportation, was before Council for consideration.

In response to questions from Councillor Uteck, Mr. David McCusker, Traffic Authority, advised that staff is proposing two speed humps on Pryor Street at about the 1/3 and the 2/3 point along the block and two on Jubilee Road between the railway bridge and

Bloomingtondale Street. He went on to indicate that the speed humps will be installed according to the criteria as set out the Transportation Association of Canada.

In response to a question from Councillor Uteck regarding why speed humps were not considered for the section Armview Street on which the Police Department has identified the highest volume of speeding, Mr. McCusker indicated that the grade of the road constrained the location of speed humps on that particular stretch of the street. He further indicated staff believed the curvature of the road was a deterrent to speeding and although there is acceleration in that area it was not believed that speed humps would constitute a deterrent.

Referring to a suggestion that the speed hump presently located on Armview Avenue be modified to be an inverted speed hump, Councillor Uteck asked why this was not part of the proposal before Council this evening. Mr. McCusker indicated that staff was not convinced, upon reconsidering the matter, that there would be additional benefit to taking such action.

Mr. Kulvinder Dhillon, Director of Public Works and Transportation, addressed Council indicating that it is not possible to design a hump which will slow down all vehicles. Mr. Dhillon went on to clarify that staff does not support speed humps in this area. He indicated that staff, recognizing Council has considered/implemented a number of other options, have reluctantly agreed to support Council if it is necessary to resolve the difficulty at hand.

**MOVED by Councillor Uteck, seconded by Councillor Blumenthal that staff move forward, for a 6 month trial, with the installation of two speed humps on Pryor Street and two speed humps on Jubilee Road as per the Transportation Association of Canada standards and that the speed hump presently located on Armview Avenue be modified (carved out in the middle) to be an inverted speed hump; and further that subsequent to the trial period, staff come forward with a recommendation in this regard. MOTION PUT AND PASSED UNANIMOUSLY.**

In response to a question as to whether this matter has to be referred back to Regional Council, the Municipal Solicitor indicated that this is a recommendation from the Peninsula Community Council to the Traffic Authority.

5. **MOTIONS OF RECONSIDERATION - NONE**
6. **MOTIONS OF RECISSION - NONE**
7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

## **8. PUBLIC HEARINGS**

### **8.1 Case 00367: Development Agreement, 6955 Bayers Road, Halifax**

- This matter received First Reading at the February 11, 2002 meeting of Peninsula Community Council. Correspondence dated February 16, 2002 from Marj White commenting on the proposed Development Agreement was distributed to Community Council.

Mr. Gary Porter, Planner, briefly reviewed the February 6, 2002 staff report dealing with this matter. Mr. Porter indicated that the Italian Canadian Cultural Association (ICCA) was seeking approval of a development agreement. He noted a development agreement approved in 1998 with the same applicant for this property had expired and the ICCA was seeking approval of a slightly amended agreement.

Mr. Porter, utilizing a site plan, provided an overview of the proposal. He further reviewed the changes to the design and layout as set out in the February 6, 2002 staff report. Mr. Porter indicated that the proposal complies with the relevant policy guidance for this property and advised that staff was recommending approval of the development agreement.

In response to a question from Councillor Sloane regarding the increase to traffic and associated problems, Mr. Porter noted that the Development Agreement includes a 'right out lane' which should improve blending of traffic into Bayers Road. Mr. Porter indicated that, like the previous proposal, this proposal is not expected to have a major traffic impact on Bayers Road. Mr. Porter further indicated that there was no vehicular exit to the rear of the building.

Responding to a question from Councillor Uteck, Mr. Porter provided further detail of the changes to the Development Agreement. He indicated that the proposal was a different design and the finishes are different from the previous design (i.e. wood as opposed to vinyl). The complex is unchanged, but the design differs. He noted that the increased residential portion would allow for 9 more units.

Mr. Porter responded to a variety of questions from Councillor Fougere with regard to the inconsistencies between the original Development Agreement and the amended Development Agreement. The following issues were identified as matters which should be reinstated in the Development Agreement:

- The hours of operation be stipulated in the Development Agreement as before 7:00 a.m. and after 1:00 a.m.
- Under the Special Provisions section of the Development Agreement that the following be added: "Written verification upon completion of all excavation on the

site shall be prepared by the qualified archeologists and submitted to the Development Officer”

- Maintenance of landscaping, as set out in the previous Development Agreement, be included in this Development Agreement

The Chair called for those wishing to speak for or against the development agreement.

Mr. Albert Vergi, 20 Lake Thomas Crescent, the past president of the ICCA addressed Council in favour of the proposal. Mr. Vergi explained that the ICCA had virtually been forced to amend the proposal for reasons of safety, liability and better use of the land. He indicated that the purpose and intent of the proposal has not changed and, in actuality, they have been enhanced by the changes. Mr. Vergi noted that he had no difficulty with the additions to the agreement proposed by Councillor Fougere. In conclusion, he requested that Community Council approve the amended development agreement.

Mr. Harry Daine, 3407 St. Andrew’s Avenue, addressed Council expressing concern that many of the seniors in the area use this property to access Bayer’s Road. Councillor Fougere indicated that she understood the walkway and gate would be retained and access continued as it is today.

Mr. Porter indicated that no changes were proposed to be made to the existing situation in this regard.

There were no further speakers wishing to address Council with regard to this matter.

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing be closed.**

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that:**

- 1. Peninsula Community Council approve the development agreement, with the following amendments, for 6955 Bayers Road, as attached in Appendix “A” of the February 6, 2002 staff report, to permit a combined citizen housing and cultural complex.**
- **The hours of operation be stipulated in the Development Agreement as before 7:00 a.m. and after 1:00 a.m.**
  - **Under the Special Provisions section of the Development Agreement that the following be added: “Written verification upon completion of all excavation on the site shall be prepared by the qualified archeologists and submitted to the Development Officer”**

- **Maintenance of landscaping, as set out in the previous Development Agreement, be included in this Development Agreement.**
- 2. **Peninsula Community requires 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 UNANIMOUSLY.**

**8.2 Appeal of Refusal of Application for Variance - 6882 Edward Arab Drive**

- A staff report dated March 4, 2002 submitted by Steven Higgins, Development Officer was before Community Council for consideration.

Mr. Higgins addressed Council briefly reviewing the March 4, 2002 staff report. Mr. Higgins indicated that the owner of the subject property wishes to obtain a development permit to allow a 4' x 8' shed to be located in his rear yard. The regulations relating to accessory buildings in this area (Westmount Subdivision) are unique and would not permit the applicant to locate his shed as he wishes. Mr. Higgins noted that in May of 2001 staff became aware that a shed was located on the property for which a development permit had not been issued. In addition, the shed was in contravention of the regulations. The owner was ordered to remove the shed. An inspection determined that the shed had not been removed and staff forwarded the matter to the legal department for formal charges. Mr. Higgins went on to indicate that in January 2002, the owner opted to apply for a variance from the requirements. The application to relocate the shed approximately 110 feet from Edward Arab Avenue was refused, thus this appeal is before Community Council.

In response to a question from Councillor Uteck regarding the restrictions in the By-law and their impact on the location of accessory buildings, Mr. Higgins indicated that the By-law assumed that the orientation of the homes in the area would be to the green belt rather than the street. He indicated that it did not appear that the By-law considered the possible subdivision of lots within the By-law. Mr. Higgins further advised, in response to a question from Councillor Uteck, that attached to the application for variance was a sketch bearing the signatures of six property owners indicating they had no difficulty with the location of the shed.

The Chair called for those wishing to speak for or against the appeal.

Ms. Kia Lahey, 3215 Beaton Street, addressed Community Council on behalf of the

applicant, her uncle. Ms. Lahey indicated that she agreed with Mr. Higgins that the problem was unique to Westmount subdivision. Ms. Lahey went on to indicate that the plan brought to Council this evening brings the location of the shed more in line with the intent of the By-law. She suggested that there had been a misunderstanding and went on to explain that in 1994, the applicant applied for a Building Permit to erect an 8' x 4' shed in the backyard rather than the variance referred to in the report. Ms. Lahey indicated that apparently if one applies for a Building Permit the variance application, if required, occurs automatically. Ms. Lahey went on to indicate that there was no intentional disregard of the By-law, merely a misunderstanding.

Ms. Lahey noted that 16 neighbours who abut the property have no problem with the situation. She provided a picture of the proposed shed as it compared to the neighbours shed. She commented that the requirements were quite arbitrary given the subdivision of this lot and the orientation of her uncle's home. Ms. Lahey went on to note that the shed had been moved to bring it in line with the By-law as much as possible.

Mr Mike Sheppard, 2901 Woodbine Avenue, indicating that he has lived in the community for 12 years and has supported the community during that time. He indicated that his property was located behind the shed. Mr. Sheppard indicated that prior to the shed being erected, it had been practice for the neighbours to discuss the location of accessory buildings, etc. before moving ahead with construction. He indicated that in this case that had not occurred. Mr. Sheppard indicated that the shed created a blockage of his view of the park. The shed also creates a safety issue regarding his daughter and other children playing in the green area. Mr. Sheppard advised that he was unable to see his daughter when she is playing in that area.

Mr. Sheppard indicated that he believed there were other areas on the property on which a shed could be located. He further indicated that if the shed is approved as it exists it will be a source of aggravation and create a safety issue. Mr. Sheppard indicated that the area is unique with greenery and pathways abutting the backyards of the homes. Additionally, the way in which the three properties are lined up are unique and should be given consideration.

Mr. Sheppard provided clarification to members of Community Council regarding his comments.

**MOVED by Councillor Uteck, seconded by Councillor Blumenthal that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Fougere advised that on March 27, 2002 she was hosting a community meeting to discuss issues as they relate to the unique requirements of the By-law. She indicated that a number of area residents had sheds the legality of which are in question. She went on to indicate that she would be reviewing with the residents of

Westmount whether or not these regulations are still relevant or not. She suggested that deferral of the decision on this appeal might be appropriate pending the outcome of the March 27, 2002 meeting.

**MOVED by Councillor Uteck, seconded by Councillor Blumenthal that the decision on the appeal of the refusal of an application for variance at 5882 Edward Arab Drover be deferred for a two month period pending a community meeting to be held on March 27, 2002 with regard to the appropriateness of the unique portions of the By-law relative to Westmount which govern the location of sheds, etc. MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE**

**10. REPORTS - NONE**

**11. MOTIONS - NONE**

**12. ADDED ITEMS - NONE**

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

**Ms. Julie Ross, 1755 Armview Avenue**, addressed Community Council indicating that she had been involved with the Armview shortcutting process for approximately 8 years. Ms. Ross complimented Community Council on finally passing a motion to install speed humps and indicated that she hoped the number being installed would be sufficient to correct the situation.

Ms. Ross went on to comment that at the corner of Connaught and Jubilee unused lights still remained. Ms. Ross indicated that these lights had been installed on August 15, 1999 and the trial period for these lights ended in August of 2000. She noted that the lights have been unused for almost two years. Ms. Ross noted that when those lights were operational, traffic problems in the area had increased. Ms. Ross asked if, in the foreseeable future, these lights could be removed.

In response Councillor Uteck indicated that she had discussed this matter with senior staff and it was their position that these lights would not be reactivated and had committed that the lights would be removed by the beginning of May. This matter will be added to the status sheet pending removal of the lights.

**Mr. Hugh Pullen, 6262 Oakland Road**, addressed Community Council noted that with the coming of Spring the garbage has become very apparent throughout the City. He went on to ask if there was a possibility that HRM could approach the companies that

produce Tim Horton cups, plastic wrappers and other packaging with regard to funding of a clean up program. Mr. Pullen specifically referred to the amount of garbage around the Gorsebrook School. He went on to note that there were individuals within the city that picked up recyclable garbage on a routine basis as a means of generating personal income and suggested that these individuals might be utilized in this clean up program. He further suggested that funding should be sought from these companies for an education program. Noting that today's world is a throw away society, he believed it was very necessary to institute such an ongoing program.

In response, the Chair advised that each Spring HRM runs a Spring Clean up Program. This program involves community groups cleaning up with HRM providing them with garbage bags. She indicated that this clean up would probably not take place until April.

Councillor Sloane indicated that Clean Nova Scotia supports clean up days by providing garbage bags and signage. Referring to the matter of the level of garbage created by coffee cups and other packaging, Councillor Sloane noted that this issue has been discussed at the Solid Waste Resource Advisory Committee. She went on to indicate that her greatest concern was the accumulation of household garbage which can be found in the back yards of homes after the winter months. She suggested, in light of the fires which have been happening in the south end of the city, that a reprieve day be granted which would allow all garbage to be brought to the curb for pick up.

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the possibility of a Reprieve Day for the placing of accumulated household waste at the curb be referred to the Solid Waste Resource Advisory Committee. MOTION PUT AND PASSED.**

Councillor Uteck encouraged Mr. Pullen to look to the Community Association in his area to plan and implement a clean up day. Referring to the garbage problems experienced in previous years as a result of students moving, Councillor Uteck noted that for the first time this year Dalhousie has a program in place whereby students can accumulate their "junk" for inclusion in a large yard sale. In addition, for the second year a special, unadvertised pick up will occur to address the accumulation of garbage as a result of students moving. Councillor Uteck noted that she would address the Gorsebrook School garbage problem.

The Chair indicated that Carol Macomber of the Capital District Task Force would be meeting this week with Public Works and Parks and Recreation regarding the Spring Clean up.

Mr. Pullen noted that this was indeed encouraging, but these efforts were after the fact. He suggested that the Province be approached regarding the possibility of placing a deposit on at least coffee lids.

The Chair noted that as indicated by Councillor Sloane discussions of this regard were ongoing. There has been some hesitation on the part of the Province to institute such a program.

**Ms. Beverly Miller, 6128 South Street**, addressed Community Council indicating that a clean up was absolutely necessary. She went on to refer to an article that appeared in the Chronicle Herald on Saturday March 2 announcing that the City had received permission from the Province to float a bond issue to help finance the sewage treatment system. Ms. Miller indicated that she understood that HRM had signed an agreement with a consortium to design, build and operate these plants. If this is the case, she asked what HRM was paying for and why is HRM floating a bond issue for a deal for which HRM apparently had no financial responsibility.

Councillor Fougere indicated that HRM will own the sewage treatment plant. The consortium will design and build the plant, as well as, operate the plant after construction. The plant will be an HRM asset.

Ms. Miller asked what financial advantage is there to the company if the plant is an HRM asset.

Councillor Fougere indicated that the financial advantage for the consortium is their ability to form subsidiary companies to provide service to the treatment plant. For example, sludge treatment is the responsibility of the contractor for the Harbour Solutions Project. Sludge treatment can be done by a company owned by the operator. This service would be provided on a profit making basis. Councillor Fougere noted that a number of other components could be handled in the same manner.

Ms. Miller asked, as a property owner in the area (224 Maitland Street), if she could find out exactly what happened with respect to the HRM site. She referred to Deborah Grant's presentation to Council regarding the site of the treatment plant and a letter she had received as an area property owner from Anne Muecke. Ms. Miller indicated that the letter from Anne Muecke dated June 26, 2001 discusses the HRM property still being considered, however, notes that there is another larger property (the so called DND site) also being considered. Ms. Muecke referred to the DND site as the 'better' site. She went on to note that Deborah Grant in her presentation indicated that the BIDC has had discussions with the Base Commander and that he had indicated a willingness to continue to negotiate. The Commander had also indicated that this negotiation could be completed within 6 months. Ms. Miller asked what had happened that the DND site was not now being considered.

The Chair indicated that DND is certainly willing to go forward, however, they have placed qualifiers on that land which HRM is unwilling to pursue. HRM has abandoned that particular property as a site and has chosen the HRM site as the site for the treatment plant.

Ms. Miller asked, as a property owner, if she would have the right to know the exact nature of these conditions and why HRM rejected those conditions.

The Chair indicated that due to the legal delicacy of this matter, the Harbour Solutions team would respond to Ms. Miller's question in written form.

**Ms. Eleanor Reynolds** asked why there was a decision to build a sewage treatment plant in a residential area. Ms. Reynolds noted that the traffic in the downtown was extremely heavy and that a large container port was already located in a residential area. She indicated that she believed that in British Columbia a waste treatment facility had been located well away from residential areas. Ms. Reynolds further indicated that she believed most sewage treatment plants were located off of highways rather than off residential streets.

Ms. Reynolds indicated that it was her understanding that HRM was embarking upon Regional Planning and this decision was certainly one of regional significance. She asked why the decision was made before HRM was clear about the plan for the Region.

The Chair indicated that Regional Planning is a three year process. There are a number of projects which will move forward. HRM cannot cease to operate while a plan is being put in place. The Chair indicated that the plants had to be located near the harbour due to the configuration of our present outflow, our current collection system and because HRM wants to collect the material before it gets into the harbour. In terms of landscaping issues those are all part of the contract for building of the sewage treatment plant and they are all subject to public consultation. Councillor Fougere indicated there is planning involved as this project moves forward.

Ms. Reynolds indicated that the location of the treatment plant does not impact her personally, however, Halifax is a very important city and care should be taken in how it is developed. Ms. Reynolds indicated that she did not believe HRM was taking care.

#### **15. NEXT MEETING**

The next meeting of the Peninsula Community Council will be held on Monday, April 8, 2002 at 7:00 p.m. in the Council Chamber, City Hall

#### **16. ADJOURNMENT**

The meeting adjourned at 8:30 p.m.

Sherryl Murphy  
Assistant Municipal Clerk