

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES SEPTEMBER 9, 2002

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

STAFF: Barry Allen, Municipal Solicitor
Ms. Sherryll Murphy, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

2. **APPROVAL OF THE MINUTES - July 8, 2002**

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the minutes of July 8, 2002, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

12.1 Installation of Trial Four Way Stop at Jubilee Road and Vernon Street

MOVED by Councillor Uteck, seconded by Councillor Sloane that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

4.1 **Status Sheet**

4.1.1 **C-2 Zoning in District 12**

- An Information Report dated September 4, 2002 submitted by Paul Dunphy, Director of Development and Planning, was before Community Council for consideration.

MOVED by Councillor Sloane, seconded by Councillor Uteck that this matter be deferred to the October 7, 2002 meeting of Community Council pending an in depth review of the report with residents of District 12. MOTION TO DEFER PUT AND PASSED UNANIMOUSLY.

4.1.2 **Request to Establish a Planning Advisory Committee**

Councillor Fougere advised that she had met with Mr. Dunphy, Director of Planning and Development and a report would be available for the October 7, 2002 meeting.

Councillor Sloane asked that her question as to whether one District could have a Planning Advisory Committee be addressed in the report.

4.1.3 Presentation: All Way Stop Signs Jubilee Road

- An information report dated September 3, 2002 submitted by David McCusker, Traffic Authority, was before Community Council for consideration.

Mr. McCusker briefly reviewed the September 3, 2002 report noting that staff would be prepared, with instruction from Community Council, to implement a trial all way stop control at Jubilee Road and Vernon Street intersection given that the existing conditions are closer to meeting the warrant requirements than at Jubilee Road and Preston Street.

MOVED by Councillor Uteck, seconded by Blumenthal that staff implement a four way stop for a trial period at the intersection of Jubilee Road and Vernon Street.

In response to a question from Councillor Sloane regarding alternatives for the Jubilee Road and Preston Street intersection, Mr. McCusker indicated that monitoring of the intersection will continue, staff will undertake a review of the lighting of the approach and signage, and the collision history will be reviewed.

After a further short discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RECISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

8.1 **Case 00478: Land Use Bylaw Amendments, Shipping Containers**

- This matter was given First Reading at the June 10, 2002 meeting of Peninsula Community Council.

Mr. Bernard Moe, Planner, briefly reviewed the May 24, 2002 staff report advising that staff was recommending approval of the proposed amendments to the Halifax Peninsula Land Use Bylaw to regulate the use of shipping containers.

Mr. Hugh Pullen, 6262 Oakland Road

Mr. Pullen expressed support for the proposed amendments.

The Chair called three times for further speakers. Hearing none, it was **MOVED by Councillor Uteck, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council approve the amendments to the Halifax Peninsula Land Use Bylaw as shown in Attachment 1 of the May 24, 2002 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00370: Amendment to Development Agreement, 1343 Hollis Street, Halifax

- This matter was last considered by Peninsula Community Council on July 9, 2002.

Mr. Bernard Moe, Planner, briefly reviewed the June 17, 2002 staff report advising that staff was recommending approval of the development agreement for 1343 Hollis Street as contained in Attachment A of the June 17, 2002 staff report. Mr. Moe noted that the amendment has been considered and accepted by the Heritage Advisory Committee.

The Chair called three times for persons wishing to address Community Council with regard to this matter. Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Uteck that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Peninsula Community Council:

1. **approve the amendment to the development agreement for 1343 Hollis Street as found in Attachment A of the June 17, 2002 staff report; and**
2. **require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by 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.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

10. REPORTS

10.1 Housekeeping Amendments - Case 00497-Townhouses

- A staff report dated August 21, 2002 submitted by Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council give First Reading to the proposed amendments to the Halifax Peninsula Land Use Bylaw regarding townhouses as contained in Appendix A of the August 21, 2002 staff report and schedule a public hearing for October 7, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case #00457: Application for Lot Modification Development Agreement, 2912 Connolly Street, Halifax

- A staff report dated August 27, 2002 submitted by Paul Dunphy, Director of Planning & Development Services, was before Community Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Peninsula Community Council give Notice of Motion to consider an application by Paul Migel for a lot modification development agreement at 2912 Connolly Street, Halifax and schedule a public hearing for October 7, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Appeal of Decision re Application for a Variance - 2630 Fuller Terrace

- A staff report dated August 29, 2002 submitted by Steven Higgins, Development Officer, was before Community Council for consideration.

Mr. Andrew Faulkner, Development Technician, briefly reviewed the August 29, 2002 staff report advising that staff was recommending that Community Council uphold the Development Officer's decisions to approve the variance.

Mr. Faulkner responded to questions from members of Community Council.

Ms. Rusty Neil, 2628 Fuller Terrace

Ms. Neil, the appellant, addressed the matter noting that the permit issued in the Spring of 2002 allowed for the construction of a deck with the stairs on north side of the 2630 Fuller Terrace. She went on to indicate that in the Summer of 2002 it became apparent that construction of the stairs was about to begin on the south side of the property. Ms. Neil suggested that the property owners had disregarded the permit issued. She went on to relate the sequence of events since that time.

Ms. Neil requested that a five (5) foot setback be maintained and no variance be granted. This setback bylaw is a standard feature of community zoning. The Bylaw regulations that affect this situation have been in place in this neighbourhood since the 1970s. The primary concepts underpinning the intent of this By-law are to: 1) maintain fire and safety standards; 2) help create a neighbourhood sense of space including the enjoyment of one's own property; and 3) maintain visual buffers to help create a visual sense of space. Ms. Neil indicated that a very simple solution to this situation is for the property owner at 2630 to build his deck and stairs as per the original permit.

Ms. Neil went on to outline the issues around the location of the stairs as follows:

Fire and Safety Hazard

- Her property is more vulnerable to fire
- Her property is more vulnerable to theft
- Concern regarding the impact to her insurance

Enjoyment of Property

- Integrity of foundation is a concern
- Stairs will cast shadow over her garden

Changing Nature of the Neighbourhood

- Large decks with stairs are relatively new development in the neighbourhood and are not in keeping with the modest working class homes

In conclusion, Ms. Neil asked that Community Council protect the sense of community and that her property rights and enjoyment of her property be protected.

Anthony Owen, 2634 Fuller Terrace

Mr. Owen, the property owner, addressed Community Council noting that the area of concern was a set of stairs. He went on to indicate that locating the stairs on the south side of the property was in keeping with the neighbourhood and would allow parking for two cars in the

driveway. Mr. Owen went on to note that locating the stairs on the south side would ease construction and indicated that it is not his intention to have the stairs any closer to the adjacent property than two (2) feet. Responding to concerns regarding the neighbouring property's foundation, Mr. Owen noted that digging has taken place around the foundation of his property. The digging is being undertaken to remove the soil which is presently right up to the shingles on the foundation and to develop a slope to allow for better drainage. Mr. Owen noted that he was willing to do the digging for the posts by hand rather than having the soil mechanically removed.

In conclusion, Mr. Owen indicated that his proposal fits nicely with the neighbourhood.

A brief discussion ensued and it was **MOVED by Councillor Blumenthal, seconded by Councillor Uteck that Peninsula Community Council uphold the decision of the Development Officer to approve the variance at 2630 Fuller Terrace.**

After a further brief discussion, the **MOTION WAS PUT AND PASSED.**

11. **MOTIONS** - None

12. **ADDED ITEMS** - None

12.1 **Installation of Trial Four Way Stop at Jubilee Road and Vernon Street**

This matter was dealt with under item 4.1.3.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Hugh Pullen, 6262 Oakland Road

Mr. Pullen, referring to the previous discussion regarding a four way stop at Jubilee Road and Vernon Streets, indicated that he would like a four way stop at Jubilee Road and Preston Street. Mr. Pullen commented that a safety issue was created, in part, by the fact the intersection is located on the crest of a hill and site lines are poor. Commenting that all of the streets discussed this evening are part of neighbourhoods, Mr. Pullen suggested that traffic on the Peninsula would eventually have to be limited. He thanked Community Council for the trial four way stop at the intersection of Jubilee Road and Preston Street.

Mr. David Richard, Vernon Street

Mr. Richard indicated that he agreed with Mr. Pullen's comments and went on to refer to the survey of pedestrians and traffic carried out by the residents which has been deemed to be unofficial. He noted that he did not consider the data collection done on August 2, 2002 by HRM to be valid given that neither the schools or universities are in session. Mr. Richard went on to request some history on the determination of the 2 to 1 ratio used in the report. He went on to request the results of the data collection and whether the survey was carried out over a long enough period to be considered valid.

Noting that the report indicates that Community Council will take before and after traffic counts, Mr. Richard asked when the before traffic counts would be done and under what statistical method.

Councillor Blumenthal requested that Mr. McCusker provide a report responding to Mr. Richard's questions.

Councillor Uteck noted that traffic counters would be out in the near future. She noted that part of the reluctance on the part of staff is the fact that they did not wish to overload other residential streets. Mr. McCusker has agreed to this trial period, in part, to determine where the traffic is going. The Councillor commented that this was indeed an appropriate time to do the count, install the stop sign and re-do the count once the stop has been installed.

Eleanor Edmonds, Jubilee Road

Ms. Edmonds referred to the document entitled "Healthy Growth for HRM" and asked if the concepts included in the document had any meaning. She went on to indicate that residents of the area would continue to push for stop signs, speed humps and curb extension. Ms. Edmonds stressed that safety was the issue for residents. She went on to request that the Police monitor the speeds on Jubilee Road for a one week period.

Councillor Uteck indicated that she would follow up with the Police Department regarding this request.

Ms. Edmonds distributed to members of Community Council a submission made to HRM regarding the concerns of area residents. She went on to request that conditions at Jubilee Road and Preston Streets continue to be monitored and a collision history provided.

Dave Payzant, Jubilee Road

Mr. Payzant indicated that he lived in the vicinity of Preston Street and had seen many accidents at the intersection of Preston Street and Jubilee Road. He expressed concern with the trial four way stop at Jubilee Road and Vernon Street noting, that the Traffic Authority has indicated that traffic will divert on to other streets. Mr. Payzant indicated that this was not a

case of wanting to get the traffic problems off of Jubilee Road at the expense of other streets in the neighbourhood. He stressed that a comprehensive traffic solution is required.

Mr. Payzant noted that there are other streets into the city which should be considered as the access to the downtown, including Chebucto and Quinpool. Mr. Payzant referred to changes which should take place on these streets, for example, there is a left turn onto Quinpool which should be not allowed during peak hours. Mr. Payzant indicated that he would like to see this change made in concert with the trial four way stop.

Resident, 6490 Jubilee Road

A resident of 6490 Jubilee Road thanked members of Community Council for the trial four way stop at Jubilee Road and Vernon Street. She went on to indicate that she was very concerned about the intersection of Preston Street and Jubilee Road. There is a problem with both the site lines and speed at this intersection. The resident went on to ask how Traffic Services does its pedestrian counts and requested that Community Council consider the statistics provided by staff and how they were collected. She urged Community Council to include the Preston Street and Jubilee Road intersection in the trial.

Councillor Uteck requested that Mr. McCusker's response address whether HRM will be adhering to the TAC manual or not. She noted that the Preston Street/Jubilee Road intersection falls just under the TAC manual criteria.

15. NEXT MEETING

The next meeting will be held on Monday, October 7, 2002 beginning at 7:00 p.m.

16. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Sherryl Murphy
Assistant Municipal Clerk