

WESTERN REGION COMMUNITY COUNCIL

MINUTES

AUGUST 26, 2002

THOSE PRESENT: Councillor Reg Rankin, Chair
Councillor Gary Meade
Councillor Stephen D. Adams

ALSO PRESENT: Barry Allen, Municipal Solicitor
Gary Porter, Planner
Ernie Brennan, Parkland Planning
Sandra Shute, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. at the Keshen Goodman Library, 330 Lacewood Drive, Halifax. At a later point in the meeting, the Chair recognized Bill Estabrooks, MLA for Timberlea/Prospect.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - June 24, 2002**

MOVED by Councillor Meade, seconded by Councillor Adams to approve the Minutes of Regular Meeting held on June 24, 2002 as circulated. MOTION PUT AND PASSED.

2.2 **Special Council Session - July 16, 2002**

MOVED by Councillor Meade, seconded by Councillor Adams to approve the Minutes of Special Council Session held on July 16, 2002 as circulated. MOTION PUT AND PASSED.

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

Added Item: Information to the Public Prior to Tax Structure Public Meetings

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

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS**

8.1 Case 00466 - Rezoning - 1690 Prospect Road, Hatchet Lake

A Staff Report dated July 11, 2002 was before Community Council. Gary Porter, Planner provided an overview of the application with the aid of overheads and subsequently advised that staff was recommending approval of the application for a Day Care Centre.

Councillor Meade asked if there had been any correspondence received regarding this application. In response, both Mr. Porter and the Clerk advised there had not been any correspondence received.

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

Mr. Bill Estabrooks, MLA spoke in favour of the application by saying that the proposed day care is in a growing area and there is an obvious need. It will be well received and a valuable service to the community.

Ms. Trina Coxworthy raised the following points:

- She was the owner of the abutting property at 1684 Prospect Road.
- She had been unable to find out the location of the property in question. By asking questions in the community, she was able to ascertain that there was a day care going in down and across the road. She acknowledged that now there is a sign on the lot but previously she did not know the location. If the sign had been posted before the Public Meeting, she would have known the location.
- She suggested that there should have been a civic number on the vacant lot early in the process so she could have known the location of the proposal.
- She asked if there was other land in the area that had the proper zone to allow a day care centre and if the land in question was already purchased.
- She asked if there were any covenants regarding the land and felt that a day care centre would have an effect on the value of her property.
- Traffic from 42 children would generate about 40 cars both in the morning and the evening.
- She felt she missed out on the opportunity to put forward her views at the Public Meeting because she did not know what property was involved.

In response to Ms. Coxworthy's comments, Mr. Porter advised the following:

- There is an agreement of Purchase and Sale that the property will only be purchased if the land can be rezoned.
- He could not confirm there were vacant lots zoned P-2 but doubted there would be in the area.

- The letter that was sent out and the ad in the newspaper referred to the property as 1690 Prospect Road.
- The Regulations for day cares fall under the purview of the province. Municipal requirements would also have to be met with respect to setback. There is also a limitation for the disposal field. 42 children would be the maximum assuming the septic system can handle it.
- If the area continues to be a popular area, there should not be an effect on property values. It could discourage some people from owning the property but he did not think there would be an appreciable effect on the property value.
- If there are subdivision covenants, they are not enforced by the Municipality. It would be up to the other owners who share the covenants to enforce them.
- The sign under the Land Use By-law has to be posted within 10 days of the Public Hearing in this case. The sign announces the date of the Public Hearing. In the ad and in the letter sent out, the Planning Office telephone number was included if there were any questions.

Mr. Martin Caya, 6 Sandstone Drive raised the following points:

- The subdivision in question, lands of Drysdale Estates, had restrictive covenants that no commerce would be allowed.
- He expressed concern that there might not be enough supervision of the children, in relation to the undeveloped wooded lot, and asked what safety measures would be undertaken to ensure that the children do not go into the woods.
- He asked what would happen if, in two or three years, the Community Facility use was not a day care centre and what would be the implications.
- He expressed concern that the area had heavy traffic and what would prevent the children from getting out on the road.

In response to Mr. Caya, Mr. Porter provided the following information:

- With regard to the range of uses in the P-2 zone, normally the zoning would permit such things as churches or schools. A service station, for instance, would not be permitted.
- It is possible that a property can become vacant under the proposed zone. Vacancy will not prompt a change in zoning.

Mr. John Keiran, the husband of one of the applicants, advised that Regulations under Day Care Centres require a 4' fence surrounding the play area and the whole back of the area. There will be a 4' high chain link fence all the way around the back about 50' out and across the entire width of the building. Children must stay in that fenced yard.

Ms. Carol Finch, one of the applicants, advised the following:

- The day care down the road referred to by Ms. Coxworthy is a day care that will be in a person's home.
- She was not aware of any other available lots in the area.
- They were aware that there will be a fair amount of traffic. The driveway will facilitate the turning around of cars in the yard. This will hopefully eliminate cars backing out onto the road.
- The Day Care will be open from 7 a.m. to 6 p.m. There should not be any noise concerns.
- There is a need in the area. People have expressed interest for half the spaces already.
- There will be an appropriate amount of supervision of the children at all times.

Mr. Wayne Hatcher spoke in favour of the application. He was pleased to hear of any growth in the community.

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

MOVED by Councillor Adams, seconded by Councillor Meade to close the Public Hearing. MOTION PUT AND PASSED.

Councillor Meade asked that in future, staff consider having the civic number placed on the land in question so that the public would know the exact location of the property.

MOVED by Councillor Meade, seconded by Councillor Adams to approve the rezoning of 1690 Prospect Road (lot 2 Drysdale Estate), lands of Dorance France, from RB-1 (Residential B-1) to P-2 (Community Facility) as shown on Plan 003 of Case 00466. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00472 - Development Agreement - 2540 Prospect Road, Hatchet Lake

A Staff Report dated July 11, 2002 was before Community Council. Gary Porter, Planner provided an overview of the application and advised that staff was recommending approval.

Since there were no questions from Community Council members, the Chair called for speakers for or against the application.

Mr. Wayne Hatcher spoke in favour of the application. He believed the area in question is the next area of growth outside of Timberlea.

The Chair then called three times for further speakers for or against the application. There were none.

MOVED by Councillor Adams, seconded by Councillor Meade to close the Public Hearing. MOTION PUT AND PASSED.

Councillor Meade reiterated his concern, as in 8.1 above, regarding the need for the civic address to be on a vacant lot when the lot is under consideration.

MOVED by Councillor Meade, seconded by Councillor Adams to:

1. **Approve the Development Agreement (Attachment A to the Staff Report dated July 11, 2002) to permit senior citizen housing at 2540 Prospect Road, Hatchet Lake; 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 **Case 00498 - Amendment to MU-2 Zone of the Land Use By-law for Planning Districts 1 & 3 - Height**

A Staff Report dated August 19, 2002 was before Community Council.

MOVED by Councillor Meade, seconded by Councillor Adams to give First Reading to the proposed amendment to the MU-2 Zone of the Land Use By-law for Planning Districts 1 & 3 with respect to the permitted height as set out in Attachment A of the Staff Report dated August 19, 2002 and schedule a Public Hearing for September 23, 2002. MOTION PUT AND PASSED.

10.2 **Sunrise Park Cemetery**

Mr. Ernie Brennan, Parkland Planning circulated some background material regarding this issue and provided a verbal report as follows with the aid of a map of the area in question:

- In 2000, Regional Council approved the recommendation for staff to negotiate with three proponents who requested lands within the Western Common area - which was concurrent with application for a Plan Amendment to cover the Wilderness Common. These were New Life Baptist Church, Indian Lake Golf Course and the Sunrise Park Cemetery expansion.
- The existing cemetery comprises 3.5 acres; however, Mr. Hatcher, the proponent for Sunrise Park Cemetery, has been insistent on wanting 25 acres but the authority given by Regional Council was to negotiate for 10 acres. Staff has not been able to agree with Mr. Hatcher on the number of acres.
- Any sale of land in excess of \$10,000 must be approved by Regional Council.
- The EDM report indicates 10 acres for a cemetery.
- To move to 25 acres would mean a whole new process which would require public consultation as the policy would have to be changed.
- Part of the process in dealing with the Western Common lands is the establishment of a Stewardship Committee. A commitment has been made by staff of Parkland Planning to establish this Committee early in 2003.
- The earliest conceivable time to deal with Mr. Hatcher's request for 25 acres would be after the Stewardship Committee is established unless it was agreed to move specifically on Mr. Hatcher's case, which staff did not support.
- The reason this issue was before Community Council was to ask for input from Community Council because there is no agreement on how many acres to negotiate. Mr. Hatcher insists that he will only negotiate for 25 acres but the view of staff is that they cannot do that because they have no authority to go beyond 10 acres.

At this point, Community Council agreed to hear from Mr. Wayne Hatcher. Mr. Hatcher subsequently put forward the following points:

- He has been the Owner/Operator/President of Sunrise Park Cemetery Incorporated for approximately seven years. He outlined future plans for the cemetery.
- There has been a lot of correspondence going back to the time when the land was passed over to the former City of Halifax from the Water Commission.
- His biggest problem was changeover of staff. It takes time for new staff to determine what has taken place.
- The former Mayor Walter Fitzgerald and the former Councillor Mitchell talked about 25 acres of land.
- He was willing to go through another public process in order to follow through with 25 acres.

Councillor Rankin pointed out that Community Council was not authorized to make any decision on this matter but could make a recommendation to Regional Council; however, a report would be required.

Councillor Meade advised that the report that went to Regional Council in 2000 referred to negotiation for the three parcels of land, not sale. There was also mention of 10 acres for expansion of Sunrise Park Cemetery but the 25 acres for a cemetery was located across from Exhibition Park. He also referred to Minutes of Public Meetings in the area where there was reference to expansion of Sunrise Park Cemetery for 10 acres only. He indicated he contacted former Councillor Mitchell. Mr. Mitchell indicated it was 10 acres but there might have been a misunderstanding and he would check again with Mr. Mitchell.

MOVED by Councillor Meade, seconded by Councillor Adams to request a Staff Report for the September 23, 2002 meeting which will include options to be considered and a review of the appropriateness of a public process for the additional acreage. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Information to the Public Prior to Tax Structure Public Meetings**

Councillors provided those in attendance with verbal information regarding possible impacts of changes in taxation on the urban, rural and suburban rates and advised there might be changes in the rates in the Community Council area. A number of public meetings have been scheduled and there was concern expressed that the public might not attend the meetings unless they have prior knowledge of the impacts. Reaction over changes would be harder to deal with at a later date, after the public meetings.

MOVED by Councillor Adams, seconded by Councillor Meade to recommend to Regional Council that the tax structure proposals be out in plenty of time before the Public Meetings and disseminated so that people will clearly know the proposal and what the impacts are prior to the meetings. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Bill Estabrooks, MLA raised the following points:

- He expressed appreciation to Councillor Adams for indicating it is necessary for the provincial Department of Labour to step up and do testing of wells in neighbourhoods adjacent to schools with water problems.

- He offered to do anything possible, as Transportation Critic, to continue to extend the core area for transportation responsibility. This would be very well received by the huge majority of people as far as paving and snow removal are concerned.

Mr. Bill Estabrooks, 4909 St. Margarets Bay Road asked when traffic lights would be installed at the corner of Hammonds Plains Road and St. Margarets Bay Road in the vicinity of the new Atlantic Superstore.

MOVED by Councillor Meade, seconded by Councillor Adams to write a letter to the Minister of Transportation indicating that given the future traffic which will be the result of the new Superstore at Route 213 and Route 3, that Department of Transportation work in consultation with Atlantic Superstore to install a set of lights at this location. MOTION PUT AND PASSED.

15. **NEXT MEETING DATE** - September 23, 2002.

16. **ADJOURNMENT**

On a motion from Councillor Meade, the meeting adjourned at 8:20 p.m.

Sandra M. Shute
Assistant Municipal Clerk