

WESTERN REGION COMMUNITY COUNCIL

MINUTES

AUGUST 25, 2003

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

ALSO PRESENT: Karen Brown, Municipal Solicitor
Angus Schaffenburg, Planner
Andrew Bone, Planner
Sandra Shute, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 6:25 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax. At a later point in the meeting, the Chair recognized MLA Bill Estabrooks, Timberlea/Prospect.

2. **APPROVAL OF MINUTES - JULY 14, 2003**

MOVED by Councillor Meade, seconded by Councillor Adams to approve the Minutes of meeting held on July 14, 2003 as circulated. MOTION PUT AND PASSED.

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

Added Items: Request for Update - Potential Development on Prospect Road
Tourist Accommodations in RA-1 Zone
Streetlighting Request for Realignment Road - Timberlea
Road Resurfacing - Timberlea/Beechville
Request for Additional Transit Service - Route 33
Bay Road Fire Department - Update to Parking Lot and Entrance

MOVED by Councillor Adams, seconded by Councillor Meade to approve the Order of Business as amended. MOTION PUT AND PASSED.

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

4.1 **Status Sheet Items**

4.1.1 **Proposed Amendments re Maximum Square Footage of Accessory Buildings for Districts 1 and 3 Plan, St. Margarets**

Angus Schaffenburg, Planner advised that a Public Information Session has been scheduled for October 2, 2003 in this regard.

Community Council requested that staff advertise in the Masthead News for this public session as well as any other sessions in the future for the area served by the Masthead News.

4.1.2 **Rezoning of HRM Lands - Moores Lakes Area**

No new information.

4.1.3 Pinedale Park Subdivision, Prospect Bay Road - Wells

No new information.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS**

8.1 **Case 00444 - Accessory Buildings in the Beaver Bank, Hammonds Plains and Upper Sackville and Sackville Plan Areas**

A Staff Report dated May 1, 2003 was before Community Council. This application had originally been scheduled for a Joint Public Hearing with North West Community Council on July 10, 2003. A quorum was not present for Western Region Community Council at that time. North West Community Council held its Public Hearing and approved the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as shown in Attachment 2 of the Staff Report dated May 1, 2003 subject to approval by Western Region Community Council.

Andrew Bone, Planner provided an overview of the application and advised that staff was recommending approval.

On a question from the Chair, the Legislative Assistant advised that there had been no correspondence received for or against the application. In the case of North West Community Council, no correspondence had been received and no one had spoken for or against the application at the Public Hearing.

The Chair then called three times for 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.

MOVED by Councillor Meade, seconded by Councillor Adams to approve the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as shown in Attachment 2 of the Staff Report dated May 1, 2003. MOTION PUT AND PASSED.

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

10. **REPORTS**

10.1 **Case 00536 - Trinity Way and Housekeeping Amendments for Westgate Community, Timberlea**

A Memorandum dated August 15, 2003 from Angus Schaffenburg, Planner was before Community Council. Community Council held a Public Hearing on July 14, 2003 and approved the rezoning of the lands on Trinity Way from C-2 (General Business) to CDD (Comprehensive Development District). The appeal period ended August 2, 2003. There were no appeals. Community Council was now in a position to approve the amendments to the Development Agreement for the Westgate Community.

On a question from Councillor Rankin regarding stormwater management, Mr. Schaffenburg advised that staff will discuss the stormwater management system with area residents as requested by Community Council on July 14, 2003. Staff is investigating other matters related to stormwater management in the area raised at the Public Meeting and Public Hearing.

MOVED by Councillor Adams, seconded by Councillor Meade to:

1. **Approve the Development Agreement as set out in Attachment A of the Memorandum dated August 15, 2003 to permit single unit dwellings on land off Trinity Way;**
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.

10.2 **Case 00600 - Rezoning Application - 502 Lucasville Road, Lucasville**

A Staff Report dated August 13, 2003 was before Community Council.

MOVED by Councillor Adams, seconded by Councillor Meade to give Notice of Motion to consider an application by Paul Parson to rezone 502 Lucasville Road from MU-1 (Mixed Use-1) zone to I-1 (Mixed Industrial) zone and schedule a Public Hearing for September 22, 2003. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Request for Update - Potential Development on Prospect Road**

MOVED by Councillor Adams, seconded by Councillor Meade that appropriate staff be requested to contact Councillor Adams directly to provide a status report on potential development in the Prospect Road area, across from an auto salvage business. MOTION PUT AND PASSED.

12.2 **Tourist Accommodations in RA-1 Zone**

Councillor Meade outlined concerns re permitted uses in the RA-1 zone. The RA-1 zone does not permit cabins and tourist accommodations yet there are cabins and tourist accommodations in the RA-1 zone throughout HRM.

MOVED by Councillor Meade, seconded by Councillor Adams to request a Staff Report on the feasibility of considering a plan amendment throughout HRM to allow cabins and tourist accommodations in the RA-1 zone. MOTION PUT AND PASSED.

12.3 **Streetlighting Request - Realignment Road, Timberlea**

Councillor Rankin outlined a request for improvements to streetlighting for the realignment road in Timberlea.

MOVED by Councillor Meade, seconded by Councillor Adams that appropriate staff be requested to provide continuous streetlighting along Route 3, more specifically for the new alignment road near the Ultramar to the Timberlea Collector. MOTION PUT AND PASSED.

12.4 **Road Resurfacing - Timberlea/Beechville**

MOVED by Councillor Meade, seconded by Councillor Adams that Department of Transportation be asked to resurface the portion of road from the intersection of Lakeland and Highway 3 to Beechville as this is badly needed. MOTION PUT AND PASSED.

12.5 **Request for Additional Transit Service - Route 33**

MOVED by Councillor Meade, seconded by Councillor Adams that Transit Services be asked to provide a report on the feasibility/options for the provision of noon service for Route 33 Tantallon which now has peak service only. MOTION PUT AND PASSED.

12.6 Bay Road Fire Department - Upgrade to Parking Lot and Entrance

MOVED by Councillor Meade, seconded by Councillor Adams that Fire Services be requested to upgrade the condition of the parking lot and entrance to the Bay Road Fire Department as this area is in poor condition at present. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

14.1 Urban/Suburban Tax Rate

Ms. Diane Webster, 51 Oak Lane, Timberlea raised the following points regarding the suburban tax rate versus the urban tax rate:

- She petitioned Council five years ago for a suburban rate.
- She does not have any fire hydrants, water, sewer, plowing.
- On her latest tax bill, her suburban rate is gone because she is 1 km. from the bus route.
- She wanted to know how to appeal and intended to go round to her neighbours with a Petition.
- She lives on a private road and has to pay \$240 for snowplowing in addition to her taxes.
- There are about 46 residents in the Timberlea area who are affected.

Councillor Rankin raised the following points in response to the tax concerns:

- He referred to the enabling motion at the Regional Council meeting on December 17, 2002, specifically that Council accept in principle that all areas of HRM with access to Metro Transit should share equally in the cost of Metro Transit. Staff would return with a final list of such areas in the 2003/04 Proposed Budget.
- Subsequent to the motion above, he stated that staff came back with budget papers but he did not see the implication and relied that there would only be a tax for bus services. What happened, however, was that for administrative reasons, the urban rate was captured which goes beyond transit because suburban does not pay for

transit or sidewalks unless they have them. This meant that in addition to six cents, as part of the urban rate there would be another four cents. This was not the intent of the motion in December.

- It is objectionable that these residents are now being charged an urban rate.
- At a time when transit is being imposed, the very least to be done is to back away from the urban tax structure.
- He questioned if Councillor Meade's area was affected on the other side of the 103 as it relates to Route 33 Tantallon because they would be 1 km away.
- There would be limited opportunities for walking safely on portions of the road. "Reasonable access" should be a test.
- Having spoken with Bruce Fisher, Manager, Financial Planning, the position could be that Community Council is very concerned and finds that this goes too far based on the motion in December. Community Council could request that Mr. Fisher be available to meet with a number of the residents to discuss this issue.

Councillor Adams raised the following points:

- It appears that at the budget meeting discussions, the criteria utilized to determine rural/suburban/urban was that of a bus. If you had a bus and a sidewalk somewhere near, then you were urban.
- In Herring Cove, there is a bus every hour, a new sidewalk and an old sidewalk, a Volunteer Fire Department, no sewer or water, RCMP service, yet they have an urban rate, which is unfair.

Ms. Katherine Pelrine, 2735 St. Margarets Bay Road raised the following points:

- She is 2 km. away from a sidewalk.
- She uses the bus service but has to use a flashlight in the dark on the main road to get to the bus stop.
- There are streetlights on every second pole, not every pole.
- Snowplowing service is not adequate.
- She pays higher homeowner insurance because they do not have water and sewer.
- She was willing to pay for a bus. It would cost the Municipality a lot of money to provide the urban services that other urban communities have.

Councillor Rankin stated that the essence of the argument to staff would be that there was no understanding that areas on the periphery of transit would be captured and extended to the urban community. He recognized that whatever the tax structure is, there is always a grey area.

Councillor Adams then addressed MLA Bill Estabrooks, who was in attendance. He proposed to Mr. Estabrooks that once the tax structure is straightened out, that Mr.

Estabrooks give consideration to disbanding the Tax Assessment Department as it serves no useful purpose. The Councillor indicated a proposal that could be used in place of the mill rate and that Mr. Estabrooks could contact him directly.

MOVED by Councillor Adams, seconded by Councillor Meade that Bruce Fisher, Manager, Financial Planning be asked to look at the areas that were previously suburban but now have been changed to urban and the criteria under which this was done. Further, that Mr. Fisher be prepared to meet with community groups involved, with Councillor Rankin helping to facilitate the meetings. MOTION PUT AND PASSED.

14.2 **Provision of Additional Transit Service**

Ms. Pelrine outlined the need for additional service for Route 21 Lakeside/Timberlea for a 10:30 p.m. bus going to Timberlea.

MOVED by Councillor Meade, seconded by Councillor Adams that Transit Services be asked to look into the feasibility of additional service for Route 21 to Timberlea at 10:30 p.m. MOTION PUT AND PASSED.

15. **NEXT MEETING DATE** - September 22, 2003.

16. **ADJOURNMENT**

On a motion from Councillor Meade, the meeting adjourned at 7:25 p.m.

Sandra M. Shute
Legislative Assistant