

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COUNCIL MINUTES January 6, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Reg Rankin
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Bob Harvey
Peter Kelly
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Fitzgerald called the meeting to order at 7:15 p.m. with the Invocation.

2. **PUBLIC HEARING**

2.1 **Amend the MPS for Musquodoboit Valley - Dutch Settlement and the Subdivision By-Law for the former Halifax County Municipality**

With the use of overheads, Mr. Kurt Pyle, Planner, presented the staff report.

In response to a question from Councillor Schofield, Mr. Pyle stated Municipal Affairs would not approve this previously as the Department of Transportation would control the road. Now that the road is HRM's responsibility, Municipal Affairs will allow the amendment to go through.

Councillor Epstein asked if the choice had to be made between Alternatives 2 and 3, which would staff prefer. Mr. Pyle responded Alternative 3 would not be as poor a choice as Alternative 2. It would potentially affect approximately 400 lots, but not all would be eligible to use Section 14.1 (a) again. Councillor Epstein asked why staff reached the conclusion that this would not be a desirable configuration of the lots. Mr. Pyle replied sub-private roads would potentially be created that do not even meet the private road standards as defined in the subdivision by-law. He noted that Section 14.1 is applied throughout the Province, not just in HRM, and was designed as a cut-off in terms of date for such lots to be considered.

Councillor Cooper inquired what is to prevent this situation from reoccurring to which Mr. Pyle replied nothing at all. Councillor Cooper asked if the request came to HRM to take over these half-private roads would there be any requirement to ensure that they will be brought up to a certain standard. Mr. Pyle replied standards currently in the subdivision by-law allow private roads to jump up to public roads. Unfortunately, in the past when these standards were not in place, some private roads could not become public roads because of grade alterations, turns, etc.

Councillor Cooper asked when these roads are created, can the twenty foot access be limited to the first lot and by agreement the people behind can access it. Mr. Pyle replied this is one way to do it. Councillor Cooper noted this amendment will result in landlocked units.

Councillor Hendsbee stated Council should appreciate the uniqueness of the rural area and approve these amendments.

Mayor Fitzgerald called for speakers from the public either in favour or opposed to the amendment.

Mr. John Purcell, Upper Musquodoboit

Mr. Purcell spoke in favour of the amendments noting this matter is not the same situation as the landlock matter discussed earlier at the Committee of the Whole meeting. In this situation, a right of way is defined, but not mapped. Mr. Purcell stated he believes there would be a lot less than 400 lots. In closing, Mr. Purcell stated he hopes Council gives this its consideration and moves ahead with this matter this evening.

Mayor Fitzgerald called three times for additional speakers. No one came forward.

MOVED by Councillors Hetherington and Blumenthal that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Dooks spoke in favour of the amendments making the following points:

- The area being discussed is one-half the size of Prince Edward Island.
- The proper process has been followed and the Community Council, the MLA, and the community has given approval to these amendments.
- The amendments will give the District the opportunity to build residential units.
- Owners of private driveways on these lots would not wish them to become public roads.
- Staff's recommendation is not appropriate for the community.

MOVED by Councillors Dooks and Snow that Council approves and requests to amend the "Area of Land" date for the Musquodoboit Valley - Dutch Settlement area as Alternative #2 as outlined in the staff report.

Councillor Greenough spoke in favour of the motion, noting by amending the "Area of Land" date it will allow for a maximum of two additional lots. Councillor Dooks added each lot will need to have a twenty foot right of way to the public road.

With the use of an overhead, Mr. Pyle illustrated two examples of the subdivision of a lot showing the road frontage and access to the right of way, noting it could create two lots with no road frontage. Councillor Dooks noted the examples are two scenarios and the example of a lot without any access is not realistic and suggested the scenario is designed to speak against the motion. On a point of information, Councillor Hendsbee noted the first scenario is an example where there could be water access.

Councillor Epstein spoke opposing the motion stating Planning staff have examined this issue and are advising against what the motion is proposing. The Councillor stated he is in agreement with staff's comments. Councillor Epstein stated the motion will create problems similar as those HRM is facing with the Sutherland property discussed earlier at the Committee of the Whole meeting. He suggested Council should have a firmer grasp on what the planning future is for HRM before moving in this direction. The Councillor suggested it would be desirable to continue growth within the existing

serviced area. With respect to the motion, Councillor Epstein stated the expenses incurred need to be examined as well as the revenue gained.

Councillor Snow stated the rules have been followed and this issue has been examined by both the Community Council and the Planning Advisory Committee. The Councillor stated the motion conveys the recommendation from the Community Council and the residents' wishes, and, therefore, he has no problem with it.

Councillor Blumenthal stated if the residents and the Community Council want the amendments, he will support them 100 percent.

Councillor Cooper stated he would like to see the development take place, but did not think it should be at the end of a twenty foot driveway or become landlocked. He expressed concern with emergency vehicle access. The Councillor believed that HRM will eventually be asked to improve the road or take over responsibility of it. Although he understood the desire for families to have other family members build houses close to them, as a planning matter, he could not support the motion.

Councillors Schofield, Hetherington and Greenough spoke in support of the motion making the following points:

- There should be an easement rather than a right of way.
- It is a progressive step.
- The vast open space of the rural area lends itself to this type of development.
- A maximum of three lots does not cause concern.

Councillor Mitchell expressed concern with problems that may arise in the future and suggested each lot should have an easement. Councillor Harvey also expressed concern with the right of way and easements. He agreed with Councillor Schofield there is a need for each lot to have an easement.

**MOVED by Councillors Harvey and Mitchell that a decision in this matter be deferred for one week to allow staff time to clarify the easement situation.
MOTION PUT AND PASSED.**

3. FILE NO. PA-LM-09-97 - APPLICATION BY NORTH PRESTON COMMUNITY DEVELOPMENT ASSOCIATION TO AMEND THE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW FOR NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON TO PERMIT THE CONVERSION OF THE FORMER ALLEN EVANS SCHOOL IN NORTH PRESTON INTO A COMMUNITY COMMERCIAL DEVELOPMENT

- A report prepared for Councillor David Hendsbee, Chair, Marine Drive, Valley and Canal Community Council, regarding the above, was circulated to Council.

MOVED by Councillors Hendsbee and Hetherington that Regional Council approve the amendments to the Municipal Planning Strategy (MPS) and Land Use

By-Law (LUB) for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston attached to the staff report, dated December 10, 1997, as Attachment 2 & 3 (Pg. 7 & 8), and set a public hearing date for February 3, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Blumenthal and Hetherington that the meeting adjourn at 8:10 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Patti Halliday
Assistant Municipal Clerk