

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
PUBLIC HEARING
August 19, 1996

PRESENT:

Deputy Mayor Greenough
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Condo Sarto
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Russell Walker
Bill Stone
Ron Hanson
Barry Barnet
Robert Harvey
Reg Rankin
Jack Mitchell

ABSENT:

Mayor Walter Fitzgerald
Councillors: Bruce Hetherington
Howard Epstein
Stephen Adams
Peter Kelly

STAFF MEMBERS:

Mr. Barry Allen, Municipal Solicitor
Mr. Stephen Feist, Planner II
Ms. Susan Corser, Planner II
Mr. Kurt Pyle, Planner II
Mr. Mitch Dickey, Planner I
Julia Horncastle, Assistant Municipal Clerk

TABLE OF CONTENTS

1. PUBLIC HEARINGS:

1.1	Case 7153 - Amendment to Stage II Schedule "K" Development Agreement, Clayton Park West, Phase II	03
1.2	Amendment to the Subdivision By-Law for that portion of the Municipality formerly known as Halifax County Municipality	04
1.3	File No. RA-EPCB-06-96-06 - Application by Allison Ritcey to rezone property at 97 Cow Bay Road	05
1.4	Application by Memorial Gardens Canada Ltd. - Proposed New Funeral Home on Montague Road in Westphal	07

CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Deputy Mayor Greenough.

1. PUBLIC HEARINGS

1.1 Case 7153 - Amendment to Stage II Schedule "K" Development Agreement, Clayton Park West, Phase II

Mr. Stephen Feist, Planner II, with the aid of overheads, presented the staff report informing Council of Clayton's proposal as brought forward to replace the pumping station with a gravity sewer system, which would go through the extension of Parkland Drive connecting into the Wedgewood sewer system. He advised it would be the Municipality's responsibility to maintain that pumping station at a cost of \$15,000 to \$20,000 per year. He advised this was an amendment to the 1993 Development Agreement with Clayton Developments to remove the section referring to a 25% cost sharing for the interim pumping station and transferring that over to a lump sum payment which Clayton has suggested in the amount of \$150,000 plus GST.

In response to a question from Councillor Schofield, Council was informed that in 1993 one of the decisions for cost sharing of this pumping station was the realization that at some point Glenbourne was going to be developed and this would be a stop gap measure to ensure Phase III could proceed. Mr. Feist advised that Glenbourne is not contributing any monies to the pumping station but rather it is being paid for by Clayton Developments.

In response to a question from Deputy Mayor Greenough regarding the recovery of funds, Council was informed there would be no recovery.

SPEAKERS IN FAVOUR

Mike Willett, Clayton Developments addressed Council. He informed Council the original agreement for Clayton Park West was in 1988 and reviewed in 1993. He stated there is a mechanism whereby the Municipality will recover some of the costs, and there is a charge of \$0.30 per square foot on every building permit for buildings constructed in that area.

Councillor Stone informed Council this would provide better service to future residents.

In response to a question from Councillor Hendsbee as to what the total costs would be, Council was informed the estimated cost is \$400,000 to cross the Glenbourne lands

and approximately \$150,000 from Glenbourne up to the original pumping system.

SPEAKERS IN OPPOSITION - NONE

**MOVED by Councillor Cunningham and Stone that the Public Hearing be closed.
MOTION PUT AND PASSED.**

DECISION OF COUNCIL

MOVED by Councillor Stone and Walker that Halifax Regional Municipality:

- 1. Approve the request to amend the Stage II Schedule "K" development agreement for Clayton Park West - Phase II (signed 23 November 1993) to permit the transfer of the agreed upon cost sharing for an interim pumping station, in the amount of \$150,000 (plus GST) to the cost sharing of a gravity sanitary sewer system to be installed across a portion of the Glenbourne development;**
- 2. Provide the normal cost sharing for the construction of an oversized street (Parkland Drive) in the amount of approximately \$50,000 (plus GST) to Annapolis Pulp & Power; and**
- 3. Require that the amending agreement be signed within one hundred and twenty days or any extension thereof granted by Council on request of the applicant, from the date of final approval of Halifax Regional Municipality Council and any other bodies as necessary whichever approval is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

1.2 Amendment to the Subdivision By-Law for that portion of the Municipality formerly known as Halifax County Municipality

Mr. Kurt Pyle, Planner II, presented the staff report. He informed Council the amendment will ensure the requirements of the Subdivision By-law for private roads are clearly defined and are consistent with the intent of the Municipal Planning Strategy for Musquodoboit Valley - Dutch Settlement area.

SPEAKERS IN FAVOUR - NONE

SPEAKERS IN OPPOSITION - NONE

MOVED by Councillor Cunningham and Blumenthal that the Public Hearing be closed. MOTION PUT AND PASSED.

DECISION OF COUNCIL

MOVED by Councillor Sarto and Snow that the Municipal Subdivision By-law for that portion of the Municipality known as Halifax County Municipality be amended by deleting subsection 2.15(b). MOTION PUT AND PASSED.

1.3 File No. RA-EPCB-06-96-06 - Application by Allison Ritcey to Rezone Property at 97 Cow Bay Road

Ms. Susan Corser, with the aid of slides, presented the staff report, informing Council the I-3 (Local Service) Zone had been applied to the property. She stated the C-2 (General Business) Zone being requested would be consistent with the intent of the Municipal Planning Strategy for Eastern Passage and would permit used vehicle sales in conjunction with a residential property. She advised the Department of Transportation and Communications has reviewed the application and is satisfied with the access to the property. Council was informed that some recommendations had been made with regards to widening the driveway for customer parking and provision of a turning area at the end of the driveway.

In response to a question from Councillor Cunningham regarding the crosswalk, Council was advised that the elimination of the crosswalk was not being proposed. Ms. Corser also advised the house is set back 37 feet from the roadway.

In response to a question from Councillor Schofield, Council was advised the surrounding properties are zoned C-2 (General Commercial).

In response to a question from Councillor McInroy, Council was informed that the School Board was not consulted with regards to student use of the crosswalk.

In response to a question from Councillor Blumenthal, Council was advised parking would be in the paved driveway which would be extended to the property line. Ms. Corser informed Council a business this size was required to have two customer parking spaces.

Councillor Cooper asked if it would be possible to look at having the section from the Sandpiper Mall area to McCormacks Lane designated as a no stopping area.

In response to a question from Councillor Schofield, Council was informed that the applicant would have to stay ten (10) feet back from the property line. Ms Corser informed Council staff does not limit the number of cars if the area is available.

SPEAKERS IN FAVOUR

Mr. Allison addressed Council, informing Council this endeavour was to be a retirement initiative and his intent was to have no more than three cars at one time. He stated Council there is a crosswalk guard present during the school year.

Councillor Stone confirmed this was a "downzoning" for Mr. Ritcey.

Mr. Eugene "Jeep" Deveaux, Main Road, Eastern Passage, addressed Council, informing Council all other properties located on the same side of the street as that of Mr. Ritcey are zoned C-2. He informed Council there is a crosswalk guard in attendance during school hours, noting that traffic generated by this small business would be negligible. He stated Mr. Ritcey has always kept his property in excellent condition.

SPEAKERS IN OPPOSITION

Ms. Joyce Treen, 96 Cow Bay Road, Eastern Passage addressed Council. She noted there are perceived problems which will be caused by this business. She stated the residence in question is situated at a corner of a very busy traffic and pedestrian intersection on one of the major thoroughways of Eastern Passage. The Crosswalk is not only used by cyclists and local residents but also by many young students who attend a primary school located four houses away on the opposite side of the street. She indicated that many parents feel that as long as this school is in existence there is a serious potential traffic hazard. Further, the business would devalue the surrounding properties and many residents have expressed concern that if the property is used for the purpose of used car sales, it would detract from the neighbourhood. She submitted a petition containing 100 names from the residents voicing their disapproval of this application. Ms. Treen advised that the crosswalk in question was extensively used as the sidewalk stops at this point and continues on the opposite side of Cow Bay Road.

In response to a question from Councillor Blumenthal, Ms. Treen indicated there would be approximately 200 students using the crosswalk on their way to the Elementary School.

Councillor Snow asked if the residents were aware of what other business, by right, could be presently operated on the property. In response, Ms. Treen indicated that the

residents are aware.

In response to questions from Councillor Uteck, Mr. Ritcey said he was aware of what uses were permitted for his property but preferred the applied for use. He indicated he did not access his property from McCormack's Lane.

MOVED by Councillor Cunningham and Schofield that the Public Hearing be closed. MOTION PUT AND PASSED

DECISION OF COUNCIL

In response to a question from Councillor McInroy, Mr. Allen stated that rezonings cannot be made conditionally.

Councillor McInroy said he would consider pursuing some form of stopping signage through the traffic authority.

MOVED by Councillor Rankin and Mitchell that the application by Allison Ritcey to rezone property at 97 Cow Bay Road in Eastern Passage from I-3 (Local Service) Zone to C-2 (General Commercial) Zone be approved. MOTION PUT AND PASSED.

MOVED by Councillor Rankin and Walker that Council approve waiver of fees. MOTION PUT AND DEFEATED.

MOVED by Councillor Stone and Cunningham that the request for the waiver of fees be rejected. MOTION PUT AND PASSED.

1.4 Application by Memorial Gardens Canada Ltd. - Proposed New Funeral Home on Montague Road in Westphal

Mr. Mitch Dickey, Planner I, with the aid of slides, presented the staff report. He advised the property is currently zone R-1 (Single Unit Dwelling) which permits a cemetery, but not a funeral home. He indicated Memorial Gardens Ltd. wish to amend the provisions of the P-2 (Community Facility) Zone to permit funeral establishments and to establish site standards. The applicant wished to rezone Parcel K from R-1 (Single Unit Dwelling) to P-2 (Community Facility) Zone. Mr. Dickey stated the amendments would limit the scale of funeral homes, in the zone, by tying their size to the lot area, permit access from local streets, limit building height and require the provision of extensive setbacks and substantial visual buffering.

In response to a question from Councillor Cunningham, Mr. Dickey confirmed that Attachment #1 will apply to this and any future proposal for a P-2 Zone in Cole Harbour/Westphal area only. He was informed that existing funeral homes in Cole Harbour do not meet these requirements.

In response to a question regarding the height restriction of 25 feet, Council was informed this was to address resident concerns.

In response to a question from Councillor Cooper, Mr. Dickey informed Council Memorial Gardens has agreed to retain the trees as a buffer.

SPEAKERS IN FAVOUR - NONE

SPEAKERS IN OPPOSITION - NONE

**MOVED by Councillor Blumenthal and Downey that the Public Hearing be closed.
MOTION PUT AND PASSED.**

DECISION OF COUNCIL

MOVED by Councillor Cooper and Hendsbee that Regional Council:

- 1. Amend the provisions of the P-2 (Community Facility) Zone to permit funeral establishments and to establish site standards, as shown in attachment 2, p.7, to the staff report dated July 19, 1996, and**
- 2. Approve the request of Memorial Gardens Canada Limited to rezone Parcel K from R-1 (Single Unit Dwelling) to P-2 (Community Facility) Zone, as shown on Map 1, p.4. of the staff report dated July 19, 1996.**

MOTION PUT AND PASSED.

ADJOURNMENT

MOVED by Councillor Walker and Snow that the meeting be adjourned. MOTION PUT AND PASSED.

Jane Nauss
ACTING MUNICIPAL CLERK