

CHEBUCTO COMMUNITY COUNCIL

January 7, 2008

MINUTES

PRESENT: Councillor Mary Wile, Chair
Councillor Linda Mosher, Vice Chair
Councillor Russell Walker
Deputy Mayor Stephen Adams
Councillor Debbie Hum

STAFF: Ms. Kirby Grant, Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:04 p.m. by Councillor Linda Mosher.

2. ELECTION OF CHAIR AND VICE CHAIR

Councillor Mosher stepped down from the Chair.

The Legislative Assistant called for nominations for Chair.

MOVED by Councillor Mosher, seconded by Councillor Walker that Councillor Wile be nominated as Chair for 2008. MOTION PUT AND PASSED.

There were no further nominations, and Councillor Wile was declared Chair for 2008.

Councillor Wile then assumed the Chair.

The Chair called for nominations for Vice Chair.

MOVED by Councillor Walker, seconded by Deputy Mayor Adams that Councillor Mosher be nominated as Vice Chair for 2008. MOTION PUT AND PASSED.

There were no further nominations, and Councillor Mosher was declared Vice Chair for 2008.

3. APPROVAL OF MINUTES

MOVED by Councillor Walker, seconded by Councillor Hum that the minutes of October 15, 2007 and November 13, 2007 (special) be approved. MOTION PUT AND PASSED.

4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Addition:

13.1 65, 73, 75 Kearney Lake Road Appeal Process - Councillor Hum

MOVED by Councillor Mosher, seconded by Deputy Mayor Adams that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES:

5.1 Status Sheet Items:

5.1.1 Bus Service - Stoneridge

Councillor Mosher noted that she had not received a report to date and advised that the Kelly Street development is going forward as an as-of-right development, therefore Metro Transit should be able to accommodate Stoneridge. Councillor Mosher asked that a reminder be sent to Metro Transit, as this item has been on the status sheet for some time and that an update be requested.

5.1.2 Welcome to Halifax Sign - St. Margaret's Bay Road

Councillor Mosher asked that a reminder be forwarded to staff advising of Community Council's previous request that this item be included in the Capital Budget. She explained that the site where the former *Welcome to Halifax* sign was located is a gateway to the City and requires aesthetic improvements.

MOVED by Councillor Mosher, seconded by Councillor Adams that Chebucto Community Council request funds be placed in the Capital Budget for landscape improvements for the area of the former Welcome to Halifax Sign, on the St. Margaret's Bay Road. MOTION PUT AND PASSED.

5.1.3 Appeal of Ralston Street Area Rezoning

An information report dated December 11, 2007 was submitted.

Councillor Walker advised that he would like to keep this on the agenda for one more month.

5.1.4 Traffic Lights - Old Sambro Road/North West Arm Drive

An update via e-mail was submitted by Mr. Ken Reashor, Manager/Traffic Authority.

Referring to the submitted e-mail, Deputy Mayor Adams indicated he was pleased to learn that it was determined the traffic lights were warranted and will be installed next year.

MOVED by Deputy Mayor Adams, seconded by Councillor Mosher that a letter of appreciation be forwarded to the Minister of Transportation and Infrastructure Renewal. MOTION PUT AND PASSED.

This item is to be removed from the Status Sheet.

5.1.5 Tremont Park Alternate Main Entrance

Councillor Hum advised that this past July she raised with staff some concerns she had in regard to Tremont Park. The Councillor added that she received responses on most of her concerns, but was waiting to hear about an alternate main entrance to Tremont Park. She requested this item be placed on the Status Sheet until a staff response is received.

6. MOTIONS OF RECONSIDERATION - None

7. MOTIONS OF RECISSION - None

8. CONSIDERATION OF DEFERRED BUSINESS: None

9. HEARINGS:

9.1 Public Hearings:

9.1.1 Case 01013: Amending Agreements - Lots MC-1 and MC-2 on Masthead Court, Royale Hemlocks, Halifax

Notice of Motion for this matter was given at a Special Chebucto Community Council meeting held on November 13, 2007.

A staff report dated October 23, 2007 was before Community Council for consideration.

The following correspondence was submitted:

- C A letter received by FAX in the Municipal Clerk's Office on January 7, 2008 from Sharon Ross
- C E-Mail from George Holmans dated December 2, 2007
- C E-Mail from Bruce Paget dated November 29, 2007
- C E-Mail from Mark Briscombe dated November 21, 2007
- C E-Mail from Brian Boyden dated November 19, 2007

Ms. Randa Wheaton, Senior Planner, addressed Community Council and outlined the application by Paul Skerry Associates Limited, on behalf of PRIMO Properties Limited and Kimberly-Lloyd Developments Limited, to amend Stage I and Stage II Development Agreements for Lots MC-1 and MC-2 on Masthead Court, Phase 9 of the Royal Hemlocks Subdivision, Halifax, as outlined in the October 23, 2007 staff report.

Ms. Wheaton advised that staff is satisfied the proposal and terms of the proposed amending agreements for this development are consistent with the policy framework, previous approvals for this subdivision, and that they ensure sound land use planning. She noted that construction of one of the buildings is underway but a 'Stop Work' order has been issued to prevent construction above the fourth floor. Ms. Wheaton pointed out that the issue of construction beyond the limits of the building permit will rest with the courts.

Ms. Wheaton responded to questions from Community Council.

In response to a question by Councillor Hum, Ms. Wheaton advised that the interchange at Larry Uteck Boulevard is still undergoing design work and is budgeted for construction within the next two years, and that the second building cannot be constructed until the interchange is built.

Mr. Paul Skerry, architect for the project, addressed Community Council and explained that they are proposing to reduce the footprint of the four storey building, and extend it in height an additional two floors. He added that the reason behind the request was that they determined the footprint of the four storey units would create the visual effect of a wall of apartments and believe it would be more attractive to reduce the footprint of the building and extend it to six stories.

In response to a question about work continuing on the building after 'Stop Work' order had been issued, Ms. Wheaton explained that the developer received a building permit to build only four stories, but that they constructed beyond the 4th floor. She added that they can continue to work on the first four floors because it is within the bounds of the permit, however, they are not permitted at this time to build beyond the fourth floor.

Mr. Skerry and Mr. James Kanellakos, the developer of the project, responded to further questions of clarification from Community Council.

The Chair reviewed the rules of procedure for public hearing and opened the hearing for anyone wishing to speak either in favour or against the application.

Mr. Ray Hunt, Halifax advised that he found the process intriguing as he took a picture of the building when the fifth storey was completed. He questioned how a four storey building could be approved; and then the developer comes back and asks for six, at a time when they have five completed.

Mr. Andrew Giles addressed Community Council and advised that he lived across from the proposed development. Mr. Giles expressed concern about the additional stories and the overshadowing this will create on surrounding buildings. He questioned if the calculations of the footprint include underground parking or if the building alone is taken into account for the footprint.

Mr. Chris Young, Halifax, expressed concern about the additional stories proposed. He noted there were a number of townhouses along Transom Drive that have been sold but have not yet been constructed and pointed out that those people who bought a townhouse would have done so with the assumption that the building would only be four stories tall. He suggested that the six storey building will overshadow those homes. Mr. Young questioned what would happen if, with the current footprint for a six storey building, the developer wanted to maintain the same number of apartments and has to make the footprint larger.

Mr. Haroum Sayyed addressed Community Council and noted that he was currently building on Transom Drive and advised that when he bought his property, he assumed there would be

more units. He indicated that his concern about the project has to do with the size of Transom Drive, adding that it is only nine metres wide, and suggested that it should be the same size as Starboard Drive.

Ms. Benita Oxner, Halifax, questioned how the developers can get approval for four stories, build five stories, and then seek approval for six stories. She suggested that this process makes the original plans meaningless.

Mr. Paul Skerry and Mr. Kanellakos, addressed Community Council and, using diagrams, noted the following:

- C a six storey building is much better fit on the land and will provide more open space.
- C the developer submitted an application to change it to six stories last February; due to economic pressures, the developer proceed to develop the four stories with the assumption that by the time the four were finished, they would have approval for six stories.
- C there was miscommunication between the developer and his general contractor about approval and once a 'Stop Work' order was issued, they complied immediately, and never intended to disrespect or circumvent the process.
- C in regard to concerns about overshadowing created by a six-storey building, the diagram of the four-storey building shows a pitched roof, which essentially rises up to the same height as the six-storey building.
- C it was noted that the fifth-storey concrete slab has not been poured; only some columns have been poured.

The Chair called three times for anyone wishing to speak; and, there being none it was **MOVED by Councillor Walker, seconded by Councillor Mosher that the public hearing close. MOTION PUT AND PASSED.**

Ms. Wheaton provided the following points of clarification in response to concerns raised by the speakers:

- C the parking structure extends beyond the building; it is very low to the ground and will be treated as landscape and it will be landscaped.
- C those who bought townhouses on Transom Drive received notification of this public hearing—Councillor Hum had requested that the area of notification be enlarged to include the whole subdivision, and almost 700 notifications were mailed.
- C the density is not changing; the proposal is for a building design change rather than an increase in density.

MOVED by Councillor Hum, seconded by Councillor Walker that Chebucto Community Council:

1. **Approve the fourth amending Stage 1 Development Agreement, presented as Attachment A to the October 23, 2007 revised staff report,**

for Lots MC-1 and MC-2 on Masthead Court, Phase 9 of the Royale Hemlocks Subdivision, Halifax, to allow an increase in height from four to six stories;

2. Following the coming into effect of the amending Stage 1 amending agreement, approve the fourth amending Stage 11 Development Agreement for Royale Hemlocks, Phases 1B, 3, 4, 5, 6, 7, 8 and 9, presented as Attachment B to the October 23, 2007 staff report, to allow the two previously approved four storey 65 unit multiple residential buildings to be redesigned and increased in height to six storeys; and
3. Require the Amending Agreements for Stage 1 and Stage II, Phase 9, be signed and delivered 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, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Councillor Hum noted that the process has been troubling, however, staff have advised that the issue of the 'Stop Work' order is separate from this process. Councillor Hum expressed concern that if the four-storey building were to go forward, it would have the extended addition, and it and the other building will create a 'V'-shape of apartment units on the property. She indicated that she supported the application because the six storey building will reduce the footprint by 33 percent and this will be open space, and that there will be no increase in traffic and density.

Ms. Wheaton pointed out that tonight, Community Council was only approving Stage 1 and two week appeal period is required following approval of Stage 1 before the Development Agreement for Stage II is approved. She noted that a public hearing is not held for Stage II, but the matter will come back to Community Council next month for approval.

MOTION PUT AND PASSED.

9.2 Variance Appeal Hearings: None

10. CORRESPONDENCE, PETITIONS AND PRESENTATIONS:

10.1 Correspondence: None

10.2 Petitions: None

10.3 Presentations: None

11. REPORTS:

11.1 Councillor:

11.1.1 201 Herring Cove Road - Councillor Mosher

Councillor Mosher advised that within the past year she received an information report from staff when she raised the issue previously, however, the report did not meet her concerns. She noted that the property, which had been a fast-food outlet has been boarded up for some time, and even though the property owner is aware of the deteriorating condition of the property, no action has been taken to rectify it.

MOVED by Councillor Mosher, seconded by Councillor Walker that staff immediately start the process to re-zone 201 Herring Cove Road from Commercial to Residential (R-2) and to notify the property owner.

MOTION PUT AND PASSED.

11.1.2 250 Anniversary of the Sambro Island Lighthouse - Councillor Mosher/Deputy Mayor Adams

Deputy Mayor Adams noted that Councillor Mosher has taken initiative on this event and he was fully supportive. He explained that they have received a request from the Nova Scotia Lighthouse Preservation Society and Mainland South Heritage Society to support their efforts in seeking funding opportunities for the 250th. Anniversary of the Sambro Island Lighthouse.

MOVED by Deputy Mayor Adams, seconded by Councillor Mosher that Chebucto Community Council endorses the Nova Scotia Lighthouse Preservation Society and Mainland South Heritage Society in their efforts in seeking funding opportunities for the 250th. Anniversary of the Sambro Island Lighthouse; and that this matter be forwarded to staff to see if there is any assistance in which HRM can provide in regard to the Anniversary. MOTION PUT AND PASSED.

11.2 Staff:

11.2.1 Proposed Dates for 2008 Chebucto Community Council Meetings

A memorandum dated November 26, 2007 from the Legislative Assistant was submitted.

MOVED by Councillor Walker, seconded by Councillor Adams that the meeting dates as presented in November 26, 2007 memorandum be approved. MOTION PUT AND PASSED.

11.2.2 Case 01005: Amendment to Halifax MPS and Development Agreement for 11 Ramsgate Lane, Halifax

A staff report dated December 14, 2007 was submitted.

MOVED by Councillor Mosher, seconded by Councillor Walker that Chebucto Community Council recommend Regional Council give First Reading to the proposed amendments to the Halifax MPS as provided in Attachment "A" of the December 14, 2007 staff report, and schedule a joint public hearing with Chebucto Community Council. MOTION PUT AND PASSED.

11.2.3 Case 01004: MPS/LUB Amendments and Development Agreement, Former BC Silver School, Halifax (Spryfield)

A staff report dated December 20, 2007 was submitted.

MOVED by Deputy Mayor Adams, seconded by Councillor Walker that Chebucto Community Council recommend Regional Council give First Reading to the proposed amendments to the Halifax MPS and Halifax Mainland LUB presented in Attachment C of the December 20, 2007 staff report and schedule a joint Public Hearing with Chebucto Community Council. MOTION PUT AND PASSED.

12. MOTIONS: None

13. ADDED ITEMS:

13.1 65, 73, 75 Kearney Lake Road Appeal Process - Councillor Hum

Councillor Hum advised that an appeal hearing for 65, 73, 75 Kearney Lake Road was originally scheduled for September 13, 2007 but was cancelled. She added that it was rescheduled for October 25, 2007, however, she as the area Councillor or Chebucto Community Council were not notified of this rescheduled date.

Councillor Hum requested a staff report concerning the appeal hearing notification process as it relates to Community Council and the Councillor of the district in question.

Ms. Kirby Grant, Solicitor indicated that she would provide a report. In regard to the appeal, she noted that the Utility and Review Board has not yet provided a decision.

14. NOTICES OF MOTION - NONE

15. PUBLIC PARTICIPATION:

Mr. Doug Boudreau

Mr. Boudreau provided a brief presentation on the Mainland Common Recreation Centre project, encouraging Community Council to work together with the other levels of government and the community to get the project finished.

16. NEXT MEETING DATE: February 4, 2008

17. ADJOURNMENT

The meeting adjourned at 8:22 p.m.

Sheilagh Edmonds
Legislative Assistant

The following items were submitted for information:

1. Information Report - Amendments to the Halifax Peninsula Land Use By-law Gross Floor Area Requirements.
2. Memorandum from S. M. Mandaville Re Water Quality Basics - Biotic Integrity and Biodiversity