

CHEBUCTO COMMUNITY COUNCIL

MINUTES

APRIL 2, 2001

THOSE PRESENT: Councillor Stephen D. Adams, Chair
Councillor Diana Whalen
Councillor Russell Walker
Councillor Linda Mosher
Deputy Mayor Jerry Blumenthal
Councillor Sue Uteck
Councillor Sheila Fougere
Councillor Dawn Sloane

ALSO PRESENT: Roger Wells, Regional Coordinator, Planning Services
Gary Porter, Planner
Paul Sampson, Planner
Maya Ray, Planner
Sandra Shute, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	Call to Order and Swearing In	4
2.	Election of Vice-Chair	4
3.	Adoption of Rules of Procedure	4
4.	Approval of Minutes - March 5, 2001	4
5.	Approval of the Order of Business and Approval of Additions and Deletions	4
6.	Business Arising Out of the Minutes	
6.1	Status Sheet Items	
6.1.1	2232 Old Sambro Road - On-Going Flooding Problems	5
6.1.2	Improvements to Kearney Lake Road	5
6.1.3	C-2A Zoning - Mainland South	5
6.1.4	Herring Cove Road Project re Costing of Initiatives	5
6.1.5	Improvements to Traffic Flow to and from Bayers Lake Business Park	5
6.2	Disposition of Peninsula and Western Region Community Council Status Sheet	5
7.	Motions of Reconsideration - None	6
8.	Motions of Rescission - None	6
9.	Consideration of Deferred Business - None	6
10.	Public Hearings - None	6
11.	Correspondence, Petitions and Delegations	
11.1	Presentation - Nova Scotia Power - Customer Operations	6
12.	Reports	

12.1	Case 00303 - Application for an Amending Development Agreement to permit two additional small lot single unit dwellings on lots 49 and 50, Keyworth Lane, Halifax Mainland South	7
12.2	Case 00351 - Extension of Development Agreement Time Limit, 1079 Queen Street	8
12.3	Case 00350 - Zoning - Kearney Lake Road, Halifax (Deleted)	9
12.4	Case 7350 - Request for Amendments to the Halifax Municipal Planning Strategy and Land Use By-laws concerning By-Right Development of Non-Conforming Uses	9
12.5	Oral Update re Enviro Depots	10
13.	Motions - None	10
14.	Added Items	
14.1	Case 00341 - Application by Clayton Developments Limited for a Stage II Development Agreement to Permit Construction of Three Apartments Buildings on Parcel BC-2 (PID 40694853), Phase 4I, Clayton Park West, Halifax	10
14.2	Area Rate for Snow Removal from Sidewalks in Districts 15, 16, 17 and 18	11
14.3	Request for Special Meeting of Community Council for Public Hearing for an Application by Clayton Developments	11
14.4	Kidston Farm - Rockingstone Road	12
15.	Notices of Motion - None	12
16.	Public Participation	12
17.	Next Meeting Date	13
18.	Adjournment	13

1. **CALL TO ORDER AND SWEARING IN CEREMONY**

The meeting was called to order by the Chair at 7:00 p.m. in the Council Chambers at 2750 Dutch Village Road, Halifax. Subsequently, a Swearing-In Ceremony took place. Deputy Mayor Blumenthal swore in the following as members of Chebucto Community Council:

Councillor Sloane - District 12
Councillor Uteck - District 13
Councillor Fougere - District 14

Following the Swearing In, Deputy Mayor Blumenthal advised that he had been sworn in earlier in the day by Mayor Kelly.

2. **ELECTION OF VICE CHAIR**

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane to nominate Councillor Fougere as Vice Chair.

There being no further nominations, it was moved by Councillor Walker, seconded by Councillor Whalen that the nominations cease.

Councillor Fougere was declared Vice Chair.

3. **ADOPTION OF THE RULES OF PROCEDURE**

MOVED by Councillor Uteck, seconded by Councillor Fougere to approve the Rules of Procedure as circulated. MOTION PUT AND PASSED.

4. **APPROVAL OF MINUTES - MARCH 5, 2001**

MOVED by Councillor Walker, seconded by Councillor Mosher to approve the Minutes of meeting held on March 5, 2001 as circulated. MOTION PUT AND PASSED.

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

Added Items: Case 00341 - Application by Clayton Developments Limited for a Stage II Development Agreement to permit construction of three apartment buildings on Parcel BC-2 (PID 40694853), Phase 4I, Clayton Park West, Halifax

Request for Staff Report for Area Rate for snow removal from sidewalks in Districts 15, 16, 17 and 18

Request for Special Meeting of Chebucto Community Council for a Public Hearing for an application by Clayton Developments

Kidston Farm - Rockingstone Road

Deletion: Case 00350 - Zoning - Kearney Lake Road, Halifax

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

6. **BUSINESS ARISING FROM THE MINUTES**

6.1 **Status Sheet Items**

6.1.1 2232 Old Sambro Road - On-Going Flooding Problems

To be deleted from the Agenda. Councillor Adams will pursue this issue himself.

6.1.2 Improvements to Kearney Lake Road

No new information available.

6.1.3 C-2A Zoning - Mainland South

See information under Item 12.5.

6.1.4 Herring Cove Road Project re Costing of Initiatives

Councillor Adams is dealing with staff regarding this issue.

6.1.5 Improvements to Traffic Flow to and from Bayers Lake Business Park

Councillor Whalen advised that a proposal for paving of an extra lane towards the exit ramp leaving Bayers Lake Business Park is in the "parking lot" of Regional Council's budget for 2001/02. Budget deliberations are on-going at this time.

6.2 **Disposition of Peninsula and Western Region Community Council Status Sheet**

MOVED by Councillor Fougere, seconded by Councillor Sloane that the Peninsula and Western Region Community Council items pertaining to the Halifax Peninsula, be added to the Status Sheet and to the Agenda. MOTION PUT AND PASSED.

7. **MOTIONS OF RECONSIDERATION** - None
8. **MOTIONS OF RESCISSION** - None
9. **CONSIDERATION OF DEFERRED BUSINESS** - None
10. **PUBLIC HEARINGS** - None
11. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**
11. **Presentation - Nova Scotia Power**

The following representatives from Nova Scotia Power were in attendance:

Allan Sullivan, Corporate Government Relations
Judith Balch, Customer Service Manager
John Hawkins, Regional Manager

A presentation was made by these individuals which covered such items as community involvement, Good Neighbour program, community safety initiatives, reliability, vegetation/right of way management, price stability, customer service initiatives, street lights, and NSPI impact on HRM.

In response to questions from Community Council, the following information was provided:

- Discussion has been taking place with HRM staff regarding decreasing the clearance between trees and power lines. The wider the gap, the more reliable and safe the power system will be. In newer subdivisions, they were asking for 20' instead of 10'. The old standard was 6'. 99% of main distribution line outages were on feeders with the old standard. The new standard of 10' had almost no interruptions. The additional 4' of clearance seems to be providing a significant impact.
- It was not so much a matter of going in and cutting down trees but extending the area around the power lines from 6' to 10' which would have a significant impact on the reliability of power supply.
- When new businesses consider relocation to HRM, NSPI receives considerable calls from engineering firms they hire, and government offices, asking for outage statistics.

There is an economic impact, particularly with regard to companies who have a requirement for high power availability.

- NSPI staff will check into the status of Point Pleasant Park re the power outage last weekend. Point Pleasant Park is closed at this time.
- Foresters employed by NSPI have identified trees that will only grow to a certain height. They will not need to be trimmed in coming years. When a tree has to be taken out, for whatever reason, NSPI replants with a tree that has been identified.
- The Rockingham capital project involves replacement of insulators.
- All distribution and transmission lines are inspected on a regular basis.
- With regard to signage on power poles, this is a safety issue for crews climbing the poles. NSPI is not in favour of using the utility poles for anything other than for what they are intended.

12. **REPORTS**

12.1 **Case 00303 - Application for an Amending Development Agreement to Permit Two Additional Small Lot Single Unit Dwellings on Lots 49 and 50, Keyworth Lane, Halifax Mainland South**

A Supplementary Report dated March 14, 2001 was before Community Council. At the last meeting, Community Council approved the rezoning of portions of lots 49 and 50 from H (Holding) to RDD (Residential Development District) and a Development Agreement for Lots 1 through 48 and Lots 51 through 54 to allow for 52 single unit dwellings at Keyworth Lane and Theakston Avenue.

Mr. Paul Sampson, Planner advised that the appeal period has expired with regard to Community Council's approval at the last meeting. No appeal was received. Community Council was now in a position to approve the amending Development Agreement for the two lots.

MOVED by Councillor Mosher, seconded by Councillor Whalen to:

1. **Approve the amending Development Agreement attached as Appendix "A" to the Supplementary Report dated March 14, 2001 to permit two additional small lot single unit dwellings on lots 49 and 50 Keyworth Lane;**
2. **Require that the amending Development Agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community 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 (by those who were members of Chebucto Community Council as of March 5, 2001).

12.2 Case 00351 - Extension of Development Agreement Time Limit, 1079 Queen Street

A Staff Report dated March 9, 2001 was before Community Council. Mr. Gary Porter, Planner provided an overview of the application. A letter dated March 30, 2001 from the Peninsula South Community Association was also before Community Council.

In response to questions from Community Council, the following information was provided by Mr. Porter:

- Underground parking will be provided.
- Other than the 81' of frontage, the project meets all the requirements that would normally be found in the By-law.
- A traffic study has not been carried out for the area.
- There was some concern expressed that the R2-A zone allowed the front properties to be reduced in size. This has since been changed in the By-law and cannot happen again.

Mr. John DiCostanzo, Legal Counsel for the applicant, provided the following information:

- The two year extension has been requested because the project has to be finalized by the extension date. This requires resolution of the title issues, approval of financing and completion of the project. The applicant does not want to have to come back to Community Council for another extension.
- He was not aware of any opposition to the project.

Councillor Uteck, referring to Councillor Sloane's question as to whether or not it would be possible to have a traffic study done, stated that she was pleased the entrance to the development is not on Victoria Road but on Queen Street. There is a long-standing issue about how traffic proceeds down the hill and comes around the corner. She had no problems requesting a traffic study.

Councillor Uteck continued that the applicant has been working on this project for quite a long time. The original application was to tear down and ready the lot for development. The applicant has lost income for five years in order to get the development under way.

MOVED by Councillor Sloane, seconded by Councillor Uteck to amend the Development Agreement with Thomas Themelis and Anthoula Themelis, recorded

at the Registry of Deeds at Halifax in Book 6251, Pages 77-81 to extend the completion date to April 2, 2001. **MOTION PUT AND PASSED.**

MOVED by Councillor Uteck, seconded by Councillor Sloane that Traffic Authority be requested to provide a Staff Report with regard to safety features that should be considered in that area. MOTION PUT AND PASSED.

12.3 Case 00350 - Zoning - Kearney Lake Road

This was deleted from the Agenda.

12.4 Case 7350 - Request for Amendments to the Halifax Municipal Planning Strategy and Land Use By-laws concerning By-Right Development of Non-Conforming Uses

A Staff Report dated March 6, 2001 was before Community Council. Gary Porter, Planner provided an overview of the application and the recommendation.

MOVED by Councillor Fougere, seconded by Councillor Walker to recommend to Regional Council that:

- 1. Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Peninsula and Mainland Halifax Land Use By-laws, as contained in Appendix A of the Staff Report dated March 6, 2001 and schedule a Public Hearing for May 1, 2001.**
- 2. Regional Council approve the amendments to Halifax Municipal Planning Strategy and the Halifax Land Use By-laws as contained in Appendix A of the Staff Report dated March 6, 2001, namely:**
 - (i) Add Policy 3.21 to the Municipal Planning Strategy, which enables the Land Use By-law to be amended to permit certain additions to structures containing non-conforming uses, for residential purposes;**
 - (ii) Delete the definition of non-conforming use from the Halifax Mainland Land Use By-law; and**
 - (iii) Pursuant to the proposed Municipal Planning Strategy Policy 3.21 above, add provisions in the Land Use By-laws to permit minor additions, for residential purposes, to buildings containing non-conforming uses.**

MOTION PUT AND PASSED.

12.5 **Update re Enviro Depots**

Mr. Paul Sampson, Planner provided an update on the proposal to amend the C-2A zoning for Mainland South for Enviro Depots. In this regard, a Public Information Meeting was held on March 8, 2001 where it was agreed that staff would look at other areas of the former City of Halifax as well.

By way of a map, Mr. Sampson indicated the zones that currently allow Enviro Depots. There are six in all at present on the Peninsula and Mainland. He explained that based on preliminary findings, staff felt that it would be more appropriate to look at a plan amendment for just the one area - Fairview.

After further discussion, the following motion was passed:

MOVED by Councillor Walker, seconded by Councillor Fougere to request that staff prepare a report for Community Council incorporating the findings of staff's oral presentation of April 2, 2001 concerning potential amendments to the Municipal Planning Strategy for the siting of Enviro Depots within areas of Halifax other than Mainland South. MOTION PUT AND PASSED.

13. **MOTIONS** - None

14. **ADDED ITEMS**

14.1 **Case 00341 - Application by Clayton Developments Limited for a Stage II Development Agreement to Permit Construction of Three Apartment Buildings on Parcel BC-2 (PID 40694853), Phase 4I, Clayton Park West, Halifax**

A Staff Report dated March 2, 2001 was before Community Council.

Prior to the presentation by staff, Mr. Mike Willett, Clayton Developments Limited provided background information with the aid of a map on the development of Clayton Park from its beginning in 1959 to present. During the course of his presentation, he commented on the parkland dedication and density of Clayton Park West, as outlined in the Staff Report.

Subsequent to Mr. Willett's presentation, Ms. Maya Ray, Planner provided an overview of the application with the aid of overheads. Staff was recommending approval of the application.

MOVED by Councillor Whalen, seconded by Deputy Mayor Blumenthal to approve a Stage II Development Agreement, included as Attachment I to the Staff Report dated March 2, 2001, to permit the construction of three apartment buildings on Parcel BC-2 (PID 40694853), Clayton Park West, Halifax;

Further, that the applicant be given one hundred and twenty (120) days to sign the Development Agreement from the date of approval by Community Council, or the date of any other approvals required as the case may be, unless an extension thereof is granted by Community Council at the request of the applicant. Otherwise, this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

14.2 Area Rate for Snow Removal from Sidewalks in Districts 15, 16, 17 and 18

MOVED by Councillor Walker, seconded by Councillor Mosher to request staff to provide a report for the next meeting on the implications of an area rate for snow removal from sidewalks for Districts 15, 16, 17 and 18 with the costing to be spread out over both residential and commercial. This report to include the procedure to begin implementation for the fall of 2001. MOTION PUT AND PASSED.

14.3 Request for Special Meeting of Chebucto Community Council for Public Hearing for an Application by Clayton Developments

Mr. Roger Wells, Regional Coordinator, Planning Services provided information on the reason for a request for a Special Meeting of Chebucto Community Council to hold a Public Hearing on Block BXY and Parcel AB of the Mainland Common, which would be exchanged, in part, for the extension of Regency Park Drive further to the south. He explained the time constraints involved, particularly with regard to construction of the school involved.

Mr. Mike Hanusiak, Clayton Developments Limited provided information on the purchase and sale agreement with HRM and advised that the Public Hearing was really the part that was required at this time.

Mr. Wells also explained that the purchase and sale agreement is contingent upon approval of Regional Council but the Public Hearing was for the use of the land and was not contingent or tied to the sale of the property to Clayton Developments. The idea was that the Public Hearing would consider the blocks of land in question against the policies of the Municipal Planning Strategy and whether or not it is consistent with the Business Campus and the Stage I agreement. Land ownership was not a prerequisite for holding the Public Hearing.

Councillor Whalen advised she supported the request for a Special Meeting and asked that Community Council agree to hold a Special Meeting of Chebucto Community Council on April 10, 2001 to give Notice of Motion for a Public Hearing later in April.

MOVED by Councillor Whalen, seconded by Councillor Mosher to hold a Special Council Session on April 10, 2001 in order to give Notice of Motion for a Public Hearing to be held on April 25, 2001. MOTION PUT AND PASSED.

14.4 **Kidston Farm - Rockingstone Road**

MOVED by Councillor Mosher, seconded by Councillor Walker that Planning staff be requested to initiate a Development Agreement approval process to consider the use of a portion of this Registered Heritage property for use as a community garden and produce sales. Further, that because this proposed use is to be developed and operated by a community-based organization, that Council waive the application/processing fees associated with the approval process. MOTION PUT AND PASSED.

15. **NOTICES OF MOTION** - None

16. **PUBLIC PARTICIPATION**

Mr. Hugh Pullen, 6262 Oakland Road asked that Community Council consider moving the Public Participation portion of the meeting to an earlier point on the Agenda.

After discussion, it was agreed to discuss this issue at the next regularly scheduled meeting of Community Council - on May 7, 2001.

Mr. Hiram Tiller, 4 Thackeray Close raised the following concerns with traffic control at the top of Lacewood onto the 102:

- The non-synchronization of the two lights at the exit/entrance to the 102 and the lights at Fairfax. He understood the two lights near the 102 were owned by Department of Transportation.
- The fact that there was no funding approved for providing a right turn lane on Lacewood onto the ramp onto the 102 and also coming out of the Business Park going into Halifax.
- In his opinion, Community Council and HRM should be more proactive, rather than reactive, in providing proper traffic controls in the area.
- People coming out of the Business Park have a left blinking light to make a left turn which is controlled by time, not traffic flow. Sometimes the light going down Lacewood

is flashing green and traffic going into the park is stopped but there is no traffic turning left.

- HRM staff should meet with Department of Transportation staff to try to remedy some of the traffic situations.
- HRM should be looking into a right turn lane from Lacewood onto the BiHi and a right turn lane from the Business Park onto the BiHi.

Councillor Whalen reiterated the information she provided earlier that she had asked Regional Council, regardless of the fact that it is not HRM property or HRM's responsibility, to include money in the budget for a lane to exit the Park, where already people have made an unofficial third lane. She did not know if she would receive support from the members of Regional Council, however.

Councillor Walker stated the intersection in question was the MLA's. At the same meeting where Councillor Whalen put \$25,000 in the "parking lot", the provincial government downloaded another 140 km. of roads onto HRM and will not cost share. Now Mr. Tiller was asking HRM to use HRM money to upgrade Department of Transportation's intersection.

Mr. Tiller stated that he was concerned with the safety of the public.

It was agreed that a letter would be sent to Department of Transportation, with a copy to the MLA for the area, advising of the concerns being continuously raised by the public and that the public is demanding answers.

17. **NEXT MEETING DATE** - May 7, 2001

18. **ADJOURNMENT**

On a motion from Deputy Mayor Blumenthal, the meeting adjourned at 9:00 p.m.

Sandra M. Shute
Assistant Municipal Clerk