

CHEBUCTO COMMUNITY COUNCIL

MINUTES

JUNE 18, 2001

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

ALSO PRESENT: Paul Morgan, Planner
Gary Porter, Planner
Sandra Shute, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Council Chambers at 2750 Dutch Village Road.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - May 7, 2001**

MOVED by Councillor Fougere, seconded by Councillor Walker to approve the Minutes of Regular Meeting held on May 7, 2001 as circulated. MOTION PUT AND PASSED.

2.2 **Special Council Session - April 25, 2001**

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane to approve the Minutes of Special Council Session held on April 25, 2001 as circulated. MOTION PUT AND PASSED.

2.3 **Special Council Session - May 16, 2001**

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane to approve the Minutes of Special Council Session held on May 16, 2001 as circulated. MOTION PUT AND PASSED.

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

Added Items: Case 00213 - Plan Amendment and Development Agreement, Petro Canada Lands, North End Halifax
Councillor Walker: Information Item #1 re Enviro Depots
Information Item #3 re Halifax/Halifax County Waters Advisory Board

MOVED by Councillor Fougere, seconded by Councillor Whalen 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 Improvements to Kearney Lake Road at 102

No further information.

4.1.2 Herring Cove Road Project re Costing of Initiatives

Councillor Adams requested that information be made available on the status of this item for the next meeting.

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

Councillor Whalen advised that there will be some work done this summer, the extent of which has not been confirmed as yet. It was expected there would be a paved exit lane to the two ramps, coming out and going into the Park, and a temporary sidewalk under the overpass and probably around to Kent.

With regard to traffic lights, Councillor Whalen expected that provincial traffic lights will be coordinated with HRM traffic lights in about a month.

4.1.4 Feasibility of Removing Bed and Breakfasts in the R-1 Zone and Allow in R-3 Zone on Peninsula

No further information.

4.1.5 Number of Cellular Sites Already Situated on the Peninsula

Councillor Uteck advised that Grace Ho, Planner will be coming to Regional Council shortly with a series of recommendations. As well, Health and Safety Canada will be coming to Regional Council to make a presentation.

4.1.6 Status of Rooming House Regulations/By-law

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane that information on the status of this report be made available to Community Council by the September 10, 2001 meeting at the latest. MOTION PUT AND PASSED.

4.1.7 Guidelines re Term "Substantially in Conformance"

MOVED by Councillor Fougere, seconded by Councillor Sloane that staff address this issue at the September 10, 2001 meeting of Community Council at the latest by providing a report and staff attendance at the meeting. MOTION PUT AND PASSED.

4.1.8 Area Rate for Snow Removal from Sidewalks - Districts 12, 15, 16, 17 and 18

The Clerk indicated that the report is not yet ready.

Councillor Sloane indicated she was waiting for the report in order to have a meeting with residents to see if they are in favour of an area rate in this regard.

Councillor Mosher expressed concern that if the report is not ready soon, the snow will be on the ground and no decision will be made for the upcoming winter season.

MOVED by Councillor Walker, seconded by Councillor Sloane that staff be advised that the report MUST BE available for the meeting on July 16, 2001. MOTION PUT AND PASSED.

4.1.9 1079 Queen Street - Safety Features

No information available. Councillor Sloane advised that the information was required in order to assess the potential impact on the community.

4.1.10 Kidston Farm, Rockingstone Road - Initiation of Development Agreement Process

Gary Porter, Planner advised that the application has been assigned to Kevin Barrett, Planner. It could be available for the September meeting.

With regard to the overall Status Sheet, Councillor Adams advised he would send a letter to Mr. Meech, Chief Administrative Officer expressing frustration that items have been on the Status Sheet for a considerable amount of time and request information on when the issues will be resolved.

5. **MOTIONS OF RECONSIDERATION** - None
6. **MOTIONS OF RESCISSION** - None
7. **CONSIDERATION OF DEFERRED BUSINESS** - None
8. **PUBLIC HEARINGS** - None

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Presentations**

9.1.1 **Community Planning for Mainland South**

Ms. Kathleen Hall, Hall's Road, President of the Williams Lake Conservation Company, spoke to Community Council about the need for a review of the Mainland South Municipal Planning Strategy which dates back to 1987. She expressed concern about development taking place on land in the holding zone with larger lots on well and on-site septic. A previous presentation to Chebucto Community Council on the need for plan review and development moratorium in Halifax Mainland South was made on May 5, 1997 and the same message was being put forward at this meeting.

Ms. Carolyn Mont, Crabapple Mapping Project of Spryfield provided information on the mandate of Crabapple Mapping Project. She indicated the value of trails and green space which should be considered in the Municipal Planning Strategy for Spryfield. She urged the review of the outdated Municipal Planning Strategy.

The Chairman asked Mr. Porter to provide an update on the status of MPS reviews. In response, Mr. Porter provided information on staff resources at present. He suggested contacting Paul Dunphy, Director of Planning Services.

The Chairman then indicated he would write a letter to Mr. Dunphy asking when he expected the review of the Mainland South MPS to begin and information on funding for this review.

9.1.2 **The Youth Justice Dialogue Project - Principles of Restorative Justice and/or Youth Issues**

Ms. Angela Richard, Youth Alternative Society provided information on the Youth Justice Dialogue Project, the principles and philosophy of restorative justice and relevant statistics. Subsequently, a question and answer period took place.

10. **REPORTS**

10.1 **Case 00226 - Zoning - Lot D-3 Memorial Drive, Halifax**

A Staff Report dated May 2, 2001 was before Community Council. A Joint Public Hearing was held with Regional Council on June 5, 2001.

Gary Porter, Planner provided an overview of the application and advised that Regional Council had approved the street closure and land exchange with Longwave Enterprises Limited on June 5, 2001.

Deputy Mayor Blumenthal explained that at the Public Hearing held on June 5, 2001, two members of the public had missed the opportunity to speak and a decision had been made by Regional Council. He requested that Community Council hear the presentations at this time.

Deputy Mayor Blumenthal explained further that the developer originally planned to build a high-rise apartment building but would agree to develop a townhouse development if Council agreed to the land exchange/sale issues and the rezoning was approved as quickly as possible. As far as he was concerned, and most of the community, the proposal was the best possible solution.

Given the circumstances, Community Council members agreed to hear the presentations.

Ms. Cheryl Little, Memorial Drive raised the following points:

- It was unfortunate that the street closure was approved by Regional Council without all residents of Memorial Drive having the opportunity to provide input.
- If the R-2T zone is adopted, the developer can build as many or few lot clusters as he wishes. It was understood that the townhouses in question were also proposed about a year ago.
- Because HRM will get walking trails and the developer will get frontage on Memorial Drive, she felt it was reasonable to gain development which is consistent with her side of the street.
- She requested that the R-2T zone not be adopted and adopt R-2. If it is not possible to adopt R-2, then the matter should be deferred because:
 - a) No preliminary drawings have been submitted.
 - b) To ascertain if the purchase and sale agreement can include a clause to install fully mature trees.
 - c) To allow time to investigate the appeal process through the Utility and Review Board.
- The R-2T zone will allow multi unit dwellings which may have a negative effect on property values and place a wall between her neighbourhood and the view of Bedford Basin.

Mr. Ken McCarthy, Memorial Drive raised the following points:

- There was no desire to stop the development but to get the best option for the community and make sure no corners are cut in the process.

- The street closure process took place very quickly which did not allow the residents much time to deal with the issue.
- He wanted to be able to understand the best options available to the community.
- He expressed concern that mature trees will be removed, the possibility of a large apartment building going across the street from his home and 416 people living there.
- He wanted time to ensure that all residents of the community understand the various options and the implications of same.
- He asked for a delay in the decision of the rezoning in order to open up discussion on the development and become more informed on the issues.

Subsequently, Mr. Porter raised the following points as a result of the presentations and questions from Councillors:

- This would be an as-of-right situation, not a Development Agreement.
- Since the potential is there to build something that could be less compatible with the neighbourhood, HRM does not have a strong case to push the developer very far. The developer might decide not to sell a portion of his land to HRM and proceed to build something allowed in the C-3 zone, which could be a worse situation.
- If the land is rezoned to R-2T, an apartment building cannot be built.
- In the Townhouse zone, there is a height limit of 35'. On the other hand, there is no specific height limit for an apartment building; it is based on the setback of the building. The greater the setback, the higher the building can be.
- There would be greater protection allowed to the neighbourhood by rezoning to R-2T. The developer could walk away from the deal if the rezoning is other than R-2T and there would likely be an apartment building.
- As far as a deferral is concerned, the question is whether or not the applicant is prepared to wait. There is no signed agreement of purchase and sale. The developer is anxious to proceed.
- The land being acquired by HRM from the developer and the land the developer is acquiring from HRM are about equal in area. The developer would still have sufficient land to proceed with some kind of development.
- Planning Department might be able to arrange a location for an Information Meeting for the developer to explain to the neighbourhood what is being proposed. It would be up to the developer to agree, however.
- The developer has 45-50 townhouses in mind, in six or eight clusters.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane that given that Halifax Regional Council approved the street closure and land exchange to Longwave Enterprises Limited, to approve the zoning of Lot D-3 Memorial Drive to R-2T (Townhouse Zone) as shown on Map 2 of the Staff Report dated May 2, 2001. MOTION PUT AND PASSED.

Deputy Mayor Blumenthal advised he would be working with staff to see if the developer will meet with the neighbours and listen to their ideas.

Councillor Walker pointed out that this particular proposal came forward because CN sold its excess lands in that area. He requested that staff look at zoning of all CN lands to Residential even though there are tracks on those lands.

Mr. Porter noted that the Municipality can rezone the lands to whatever it wants but the problem is that the Federal government does not have to abide by it. Once the land is sold, however, then the zoning would apply. All CN lands and, as well, DND lands, could be reviewed.

MOVED by Councillor Whalen, seconded by Councillor Sloane that staff be requested to examine the lands now held by CN and DND within the Municipality with the intent of zoning them Residential or Recreational. MOTION PUT AND PASSED.

10.2 **Case 00337 - Application to Amend the Stage I and Stage II Development Agreements for Clayton Park West, Phase 4 to Permit a Licensed Lounge in Conjunction with an Existing Restaurant**

MOVED by Councillor Whalen, seconded by Councillor Mosher to give Notice of Motion to consider an application by Pacrim Developments Limited to amend the Stage I Development Agreement for Clayton Park West, Phase 4 and schedule the Public Hearing for July 16, 2001. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Case 00213 - Plan Amendment and Development Agreement, Petro Canada Lands, North End Halifax**

A Staff Report dated June 7, 2001 was before Community Council. Paul Morgan, Planner provided a brief overview of the application.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane to:

1. **Recommend to Regional Council that Regional Council give First Reading to the amendments to the Halifax Municipal Planning Strategy and Peninsula Halifax Land Use By-law, presented as Attachments II and III to the Staff Report dated June 7, 2001, and schedule a Public Hearing for July 17, 2001;**

2. **Move Notice of Motion to consider approval of the proposed Development Agreement, presented as Attachment VII to the Staff Report dated June 7, 2001, and schedule a Joint Public Hearing with Regional Council for July 17, 2001;**
3. **Recommend to Regional Council that the amendments to the Municipal Planning Strategy and Land Use By-law be approved.**

Contingent upon the Municipal Planning Strategy and Land Use By-law amendments being approved by Regional Council and becoming effective pursuant to the requirements of the Municipal Government Act, Chebucto Community Council will consider:

1. Approval of the proposed Development Agreement, and
2. Give the applicant one hundred and twenty (120) days to sign the agreement from the date of approval by Community Council, or the date of any other approvals required to sign the agreement as the case may be, unless any 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.

12.2 Information Item #1 re Enviro Depots

An Information Report dated May 23, 2001 was before Community Council.

MOVED by Councillor Walker, seconded by Councillor Whalen to request staff to prepare a report to Regional Council regarding:

1. **Amendments to the Fairview Secondary Plan area, Bedford Highway area and city-wide policies of the Municipal Planning Strategy and Mainland Land Use By-laws to include recycling depots in minor commercial areas.**
2. **The redesignation of the zoning of the western portion of Lot BB, Civic #5 Rosedale Avenue, Fairview Secondary Planning Strategy from Low Density Residential to Minor Commercial and R-2 General Residential Zone to C-2A Minor Commercial respectively.**

MOTION PUT AND PASSED.

12.3 Information Item #3 - Composition of the Halifax/Halifax County Watershed Advisory Board

An Information Report dated May 31, 2001 was before Community Council.

Councillor Walker noted the report indicated there were 14 vacancies on the Board and, as well, none of the Community Councils have appointed a Councillor. He indicated that either the spots should be filled or a change should be made to the Terms of Reference. As to the quorum of 25%, since there was a potential for 34+ members on the Committee, then a quorum could be nine.

After discussion, it was agreed that individual Councillors would move forward to fill the vacant positions under the jurisdiction of Chebucto Community Council as soon as possible.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Ms. Melanie Kidson, 52 Rockingstone Road, Spryfield pointed out there was a temporary building boom because of natural gas and expressed concern that there would be nobody to fill the major developments after that. She supported the review of the Municipal Planning Strategy for her area.

Mr. Hiram Tiller, 4 Thackeray Close raised the following points:

- He expressed appreciation for the improvements which will be undertaken at Lacewood and the 102.
- He suggested consideration of entering into dialogue with Department of Transportation for a local traffic lane on the 102 between Lacewood and Kearney Lake ramps.
- He suggested that traffic control on Dunbrack have sensors rather than being timed.
- He acknowledged HRM's national award for streamlining the permit process. He suggested other departments of HRM could also streamline their operations.

With regard to the third lane for the 102 from Lacewood to Kearney Lake, Councillor Whalen pointed out that the needs of the area would be met when Parkland Drive runs all the way to Kearney Lake Road as it will be parallel to the BiHi. This could be two years away.

Ms. Beverly Miller, 6182 South Street raised the following points:

- She offered to provide through the Clerk a series of articles on handling graffiti from the City of Chicago. Community Council members expressed interest in receiving same.
- She outlined the procedure for Public Hearings in the former City of Halifax where the decision was delayed a week from the date of the Public Hearing. This would allow time for Councillors to consider the input from the public before making a decision or

to obtain additional information if required. She asked that Council consider such a system.

- She supported additional streamlining of HRM operations.

Mr. Arthur Kidston, Rockingstone Road, Spryfield raised the following points:

- He noted the need for a region wide planning strategy and a Planning Advisory Committee.
- He expressed concerns re the land assembly at Kidston Lake.

15. **NEXT MEETING DATE**

Monday, July 16, 2001.

16. **ADJOURNMENT**

On a motion from Councillor Fougere, the meeting adjourned at 9:00 p.m.

Sandra M. Shute
Assistant Municipal Clerk