

# HALIFAX REGIONAL MUNICIPALITY

---

## CHEBUCTO COMMUNITY COUNCIL

### MINUTES

MONDAY, AUGUST 25, 2003

PRESENT: Councillor Linda Mosher, Chair  
Councillor Diana Whalen, Vice-Chair  
Councillor Stephen D. Adams  
Councillor Russell Walker

ALSO PRESENT: Ms. Karen Brown, Prosecutor, Legal Services  
Mr. Angus Schaffenburg, Planner II  
Mr. Paul Sampson, Planner  
Mr. Steve Higgins, Development Officer  
Ms. Chris Newson, Legislative Assistant

**TABLE OF CONTENTS**

1. CALL TO ORDER ..... 4

2. APPROVAL OF THE MINUTES. .... 4

    2.1 Minutes of regular meeting July 7, 2003 ..... 4

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

4. BUSINESS ARISING OUT OF THE MINUTES ..... 4

    4.1 Status Sheet Items ..... 4

        4.1.1 Non-intersecting Walking Paths for Dog Walkers/General Users -  
Mainland Commons area ..... 4

        4.1.2 Off-leash Areas for Districts 17 and 18 ..... 4

        4.1.3 HRM Clearing/Flooding Lakes for Skating - *deferred to fall 2003* ..... 5

5. MOTIONS OF RECONSIDERATION - None ..... 5

6. MOTIONS OF RESCISSION - None ..... 5

7. CONSIDERATION OF DEFERRED BUSINESS ..... 5

    7.1 Variance Application 037260 - Old Lot 1 Purcell's Cove Road, Halifax .....  
    7.2 Chebucto Community Council Summer Meeting Schedule .....

8. PUBLIC HEARINGS ..... 5

    8.1.1 Case 00582: Amendment to Development Agreement, Stoneridge on the  
Park, Halifax ..... 5

    8.1.2 Case 00569: Application for Lot Modification Development Agreement,  
Withrod Drive, Halifax ..... 7

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None ..... 11

10. REPORTS ..... 11

    10.1 REPORTS FROM DISTRICT 16- PAC ..... 11

10.1.1	Case 00454: Amendments to Royale Hemlocks Stage I: Housekeeping .....	11
10.1.2	Case 00488: Stage I and Stage II Development Agreement - Lot 6F-A, Larry Uteck Boulevard, Halifax .....	11
11.	MOTIONS - None .....	12
12.	ADDED ITEMS .....	12
12.1	Crosswalks, District 16 .....	12
12.2	#14 Leiblin Park Bus .....	12
13.	NOTICES OF MOTION .....	12
14.	PUBLIC PARTICIPATION .....	13
15.	NEXT MEETING DATE .....	13
16.	ADJOURNMENT .....	14

**1. CALL TO ORDER**

The meeting was called to order at 7:05 pm in the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

**2. APPROVAL OF MINUTES**

2.1 Minutes of Regular Meeting July 7, 2003

**MOVED BY Councillor Whalen, seconded by Councillor Adams that the minutes of July 7, 2003 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions:

- 10.1.2 Case 00488: Stage I and Stage II Development Agreement - Lot 6F- A, Larry Uteck Boulevard, Halifax - report from District 16-PAC
- 12.1 Crosswalks, District 16 - Councillor Whalen
- 12.2 #14 Leiblin Park Bus - Councillor Adams

**MOVED BY Councillor Adams, seconded by Councillor Walker that the Order of Business be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

4.1 Status Sheet Items

4.1.1 Non-intersecting Walking Paths for Dog Walkers/General Users - Mainland Commons Area

Councillor Whalen advised that an e-mail response had been received from Mr. Peter Bigelow, Manager, Real Property Planning, indicating that a landscape architect had been hired and the trails in the Mainland Commons will be planned. She further added that a report is being prepared for November 2003. This item to remain on the Status Sheet.

4.1.2 Off-leash Areas for Districts 17 and 18

Councillor Adams advised that a report is being prepared for Regional Council regarding off-leash areas. This item to remain on the status sheet.

4.1.3 HRM Clearing/Flooding Lakes for Skating

This item has been deferred to the fall of 2003.

5. **MOTIONS OF RECONSIDERATION - None**

6. **MOTIONS OF RESCISSION - None**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 Variance Application 03720 - Old Lot 1 Purcell's Cove Road, Halifax

- A staff report dated April 1, 2003 was before the Committee.

**MOVED BY Councillor Adams, seconded by Councillor Walker that this item be deferred to October 6, 2003 and that it be dealt with at that time with or without the interested parties present. Further, that a letter be sent to the parties involved informing them of this action. MOTION PUT AND PASSED UNANIMOUSLY.**

8. **PUBLIC HEARINGS**

Councillor Mosher reviewed the guidelines/procedures for public hearings.

8.1.1 Case 00582: Amendment to Development Agreement, Stoneridge on the Park, Halifax

- ! A staff report dated June 9, 2003 was before the Community Council.

Mr. Steven Higgins, Development Officer, presented the report.

Councillor Mosher opened the public hearing and called for any speakers for or against.

**Public Speakers:**

**Mr. Jim Connolly, 61 Ridge Park Lane**

- ! question on procedure regarding notification. He and some of his neighbors did not receive notification. He read about this public hearing in the newspaper.
- ! residents in the area had said they did not want commercial in the building. What happened? Why is it coming up again tonight?

**Mr. Graeme Read, 19 Longwood Avenue**

- ! different interpretation of Page 2 of report, ability to vary the number of units was there to allow developer to vary units from one to two bedrooms. There is no inconsistency, this clause shows that number of units could be changed in relation to commercial.
- ! I think it should be rejected.
- ! density agreement was for 22 persons per acre, this should stay

**Mr. Kevin Riles, Vice-President, United Gulf Development**

- ! United Gulf is proposing a condominium development, not apartments
- ! clear from Public Information Meetings that public was concerned with height of the buildings as well as the commercial. We have as of right for 12 storeys but the building will only be 10 storeys with no commercial on ground floor of the Roxbury.
- ! 26 persons per acre will be honored regarding density.

**Ms. Christine Turko, 15 Walter Havill Drive**

- ! referred to notification map included in staff report stating that she resides just outside the notification area but will still be affected by the increase in traffic.
- ! there are no lights at Walter Havill Drive/Osbourne Drive and speed of traffic is high.
- ! no plan for parks or transit through this area so it will become dense with people with only two exits
- ! Question to Developer, are site "A" and "C" condominiums as well? Mr. Riles responded that Sites "A" and "C" were also condominiums.

Councillor Mosher responded that she has a report on the traffic issue and Metro Transit is planning to do a study in this area.

**Mr. Nels Larsen, 17 Walter Havill Drive**

- ! lives just outside notification area
- ! what is the total population density calculated for this area and what is the normal population density per acre for this type of development?

Councillor Mosher responded the population density for this area is 1496. Mr. Steven Higgins, Development Officer, added that for a mixed use development, the population density is typically 20 to 30 persons per acre.

- ! concerned with traffic in area of Osbourne/Havill intersection, need for lights or speed bumps but no chicanes.
- ! concern with taxis's/ambulances not knowing where Walter Havill Drive is located. The two sections of the road need to be connected
- ! small green belt and pile of rocks on Walter Havill Drive that is a danger to children.

Mr. Kevin Riles commented that Hail Pond will be a parkland area and the rocks are temporary as they are required for the road construction for Stage 3. He commented that the two ends of Walter Havill will be connected within the next year.

Councillor Mosher gave third and final call for speakers. On a **motion by Councillor Adams, seconded by Councillor Walker, the public hearing was closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED BY Councillor Adams, seconded by Councillor Whalen that Chebucto Community Council:**

- 1. Approve the amending development agreement, presented as Attachment I to this report.**
- 2. Require the amending development agreement to 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 UNANIMOUSLY**

8.1.2 Case 00569: Application for Lot Modification Development Agreement, 14 Withrod Drive, Halifax.

! A staff report dated June 20, 2003 was before Community Council.

Mr. Paul Sampson, Planner I, presented the report.

Councillor Mosher opened the public hearing and called for any speakers for or against.

**Public Speakers:**

**Ms. Gail Fitzgerald, 6 Pine Ridge Road**

! approached the City of Halifax regarding purchasing this land when she purchased her property at 6 Pine Ridge Road. The City indicated that the lot in question would be up for review in a few years and that it was not a building lot, it was surplus property. The City said it was an undersized lot as a portion of it had been used when Withrod Drive was widened. The City told her that the property owners on all sides of the lot would have the option of purchasing it when it did come up for sale.

! was surprised when the lot went up for sale and she was not contacted for first option to purchase.

! sent a letter to Chebucto Community Council (included in the Councillor's agenda packages) indicating these issues/concerns.

- ! was told the price of the lot was \$34,000.00 but the Real Estate agent told her \$31,000.00, was the price lowered?
- ! was told she would have to apply for a variance request and that house plans would have to be submitted in order to purchase the property.
- ! 12' setback from street but this does not include the 4' landing and porch which would make only an 8' setback from road.
- ! Withrod Drive is a very dangerous, very well travelled zone and with addition of the apartment complex at the top of the hill, traffic will increase.
- ! HRM placed a dangerous curve sign in front of 14 Withrod Drive indicating that drivers are to slow down. This is a very dangerous, slippery, steep stretch of road.
- ! property was acquired by the City of Halifax in 1991. She read section 4.6 (b) of the By-Law and questioned the legality of what has happened as it appears to be a conflict of interest since HRM is selling the property and the undersized lot is a result of their expropriation to widen Withrod Drive, also, she was originally told that it was not a building lot.
- ! The adjacent property owners were very interested in purchasing this lot to maintain as a green space as there is not a lot of green space in this area.
- ! Staff report indicates that houses in this area are close to the road. The majority of houses are not close to the road, only a handful are and that is due to the widening/reconfiguration of Withrod Drive.
- ! size of the house, page 3 of report indicates it is 22', but the house is 32' wide.
- ! found statements in staff report were slanted to encourage approval.

**Mr. James Sullivan, 20 Withrod Drive**

- ! owner of the small triangular piece of driveway mentioned in the staff report. This area has been re-surveyed, therefore, the lot is smaller yet again.
- ! There is a guideline for a lot to be 5000 square feet for development and we should not be here if it is under that.
- ! Safety issue, with new apartment at top of hill, traffic will be magnified significantly. Where my lot and this lot meet, it is the worst spot on the road as it is shaped like an "S" and there is a blind spot on the top and a blind spot on the bottom.
- ! The proposed driveway will be beside his and he cannot back into his driveway without almost getting hit. He added they are supposed to back into their driveways which requires backing across two lanes to square up the vehicle. Suggests that someone from the City go to his home and try to back into his driveway during rush hour to see how dangerous it is.
- ! Traffic lights eliminated by Chocolate Lake by Purcell's Cove Road which lets the increased traffic volume flow faster and not cause tie-ups. This is a major safety issue.

Councillor Mosher requested Mr. Sullivan supply his mailing address after the meeting so information could be mailed to him as to why the traffic lights were removed. She further clarified that it is understood traffic is an issue in this area, which has been extensively



studied, and there is data available. She added that radar has been set-up on this street more than any other in the west region which includes five districts. Councillor Mosher clarified that what is before the Community Council this evening is an application for a development agreement for a single family home. She concluded that the traffic issue can be addressed globally irrespective of this application.

**Mr. Gary Robertson, Civic Lot 12, Withrod Drive, north abutting property**

- ! prime concerns are safety related
- ! driveway is situated at north end of property and with elevation of driveways, if they have a vehicle parked in their driveway, I won't be able to see traffic coming.
- ! no problem with the residence being built.

**Mr. Graeme Read, 19 Longwood Avenue**

- ! reasonable at times to permit lot modifications to allow development even if it does not meet all the requirements of the Land Use By-laws.
- ! traffic concerns, number 12 Withrod Drive blocks the view of vehicles accelerating up Withrod from Herring Cove Road. To make a left turn onto Elizabeth Drive, you have to come to an almost complete stop plus watch for cars coming down Withrod Drive who are still in the Northwest Arm Drive speed mode.
- ! level of future traffic may require HRM to come in and move the house at 12 Withrod Drive back from road to allow a better sight line but this would not be possible if the proposed building goes in as it would still block the sight line.
- ! a smaller footprint, a storey and a half rather than a bungalow, could give you the 20' setback to ensure there is adequate sight lines for the future.
- ! reinstallation of stop sign where Mayo meets Withrod Drive could slow vehicles down.

**Mr. Nels Larsen, 17 Walter Havill Drive**

- ! travels on Withrod Drive 2-3 times per day and knows from experience that you have to get a bit of speed going in the winter to make it up the hill on Withrod Drive. If there is something that is going to impair your vision to any great extent you will have to slow down which could cause cars to stall on the hill.
- ! high volume of traffic going up and down this road - a proper view is very important.

**Mr. Steve O'Hearn, 14 Withrod Drive proposed Developer**

- ! original setback on property was 12' - before previous building was torn down.
- ! Withrod Drive curves so building is setback far enough not to interfere with sight lines.
- ! How will a single family dwelling drastically affect traffic volume?
- ! lower driveway will lead into a garage, no cars will be parked there. It is large enough to turn in - no backing onto the street. Upper driveway will allow us entry at ground level - without stairs, which could be an issue as we age.
- ! winter accidents, they happen where there are hills and one more house/car on the street will not change this.

**Mr. Sean Fitzgerald, 6 Pine Ridge Road**

- ! we built our home 5.5 years ago and we followed the rules for setbacks etc.
- ! this property had been for sale for a year and it gave the impression that it was difficult to sell but that is not the case as my wife and I, and our neighbour, were interested in purchasing the property but we never had the chance.
- ! Withrod Drive is a dangerous road.
- ! it is an undersized lot therefore this issue should not be here tonight.

Councillor Walker asked for clarification from Mr. Fitzgerald regarding the comment he was not given the opportunity to purchase the property. Councillor Walker referred to a letter faxed to the members of Chebucto Community Council by Mr. & Mrs. Sean/Gail Fitzgerald in which they state that in the fall of 2002 they had an opportunity to purchase the property but were not in a financial situation to do so. Mr. Fitzgerald responded they had wanted to purchase a vacant lot and not a building lot and there were a lot of conditions attached to the sale of the property. Ms. Fitzgerald clarified that she contacted Ms. Brenda MacPherson, Real Estate Agent, and tried to submit an offer but was told she could not because an offer had already been received.

Councillor Mosher gave third and final call for speakers for or against this application. There being no further speakers it was **MOVED BY Councillor Adams, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Adams requested clarification on the commonality with the neighbourhood, in regards to the setback concerning numbers 12 & 20 Withrod Drive, comparing what was there before and what is proposed. Mr. Sampson explained that number 20 is setback quite a distance and the site plan would show this but he is unable to confirm exactly the distance from Pine Ridge.

Councillor Whalen asked for clarification on whether HRM's Traffic Department raised any concerns regarding a double driveway on a street with heavy traffic? Mr. Sampson responded that Traffic raised no concerns and would have referred to the Streets By-Law, which allows property owners to apply for two driveways as long as all other rules are met.

Councillor Mosher requested a legal opinion from Solicitor Karen Brown on whether it is a conflict of interest for HRM to be selling the lot and also recommending the sale of an undersized lot. Ms. Karen Brown, Solicitor, responded that the question is more related to policy concerning the planning strategy. Mr. Paul Sampson, Planner I, referred to policy 4.6 (b) and responded that this is a unique circumstance as the Municipality does not usually purchase the entire lot but in this instance they did and demolished the old house (that was much closer to the road) and changed the property line. Mr. Sampson further added that this lot was not intended for parkland purposes, it was intended to be developed. He added that HRM took a piece from the property for the public good, to make the street safer, and has not

violated the policy.

**MOVED BY Councillor Walker, seconded by Councillor Whalen that Chebucto Community Council:**

- 1. Approve the development agreement, presented as Attachment 3 to the staff report dated June 20, 2003, to permit the subdivision of a single unit dwelling at 14 Withrod Drive, Halifax;**
- 2. Require that the 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.**

Councillor Walker commented that many of the homes in the Kline Heights neighbourhood are close to the road and this application for a single family dwelling is not out of character for the area.

**MOTION PUT AND PASSED.**

**MOVED BY Councillor Walker, seconded by Councillor Adams that staff consider sight lines and traffic concerns such as speed and traffic volume when issuing building permits. MOTION PUT AND PASSED UNANIMOUSLY.**

Ms. Gail Fitzgerald requested information on the appeal process. Councillor Mosher suggested Ms. Fitzgerald contact the Municipal Clerks Office and that further information may be obtained at end of the meeting.

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None**

**10. REPORTS**

**10.1 REPORTS FROM DISTRICT 16 - PAC**

10.1.1 Case 00454: Amendments to Royale Hemlocks Stage I: Housekeeping

- ! A Supplementary Report, dated August 11, 2003, was before the Community Council.
- ! A recommendation by the District 16-PAC, dated August 22, 2003, was before the Community Council.

**MOVED BY Councillor Whalen, seconded by Councillor Walker, that Chebucto Community Council give Notice of Motion to consider the housekeeping amendment to amend the Stage I development agreement for Royale Hemlocks, and schedule a public hearing for October 6, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2        Case 00488: Stage I and Stage II Development Agreement - Lot 6F-A, Larry Uteck Boulevard, Halifax

- !        A staff report dated, August 7, 2003 was before Community Council.
- !        A recommendation from the District 16-PAC, dated August 22, 2003, was before Community Council

**MOVED BY Councillor Whalen, seconded by Councillor Adams that Chebucto Community Council move notice of motion for the proposed development agreement, presented as Attachment IV, for Lot 6F-A Larry Uteck Boulevard, Halifax, and to schedule a public hearing for October 6, 2003.**

**MOVED BY Councillor Walker, seconded by Councillor Whalen that the motion be amended to remove the section on Sewer Redevelopment Charges, third paragraph on page 4 of the staff report dated August 7, 2003.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Walker requested staff provide a chronology of this development including previous and current owners of the subject site property. Mr. Angus Schaffenburg, Planner, responded that he will provide a memo to Councillor Walker with this information.

**11.    MOTIONS - None**

**12.    ADDED ITEMS**

12.1    Crosswalks District 16

**MOVED BY Councillor Whalen, seconded by Councillor Walker that a staff report be prepared for the October 6, 2003 meeting regarding crosswalks at three locations in District 16;**

- !        **Parkland Drive and Farnham Gate Road - entrance to Parkland Drive mini-mall. Four way stops to be investigated for this area as well.**
- !        **Fairfax at Parkland Drive - there is a Senior's residence in the area.**
- !        **Willett Street at West Ridge - close to transit and bus stops and a heavily**

populated area.

**MOTION PUT AND PASSED UNANIMOUSLY.**

12.2 #14 Leiblin Park Bus

**MOVED BY Councillor Adams, seconded by Councillor Whalen that the Transit Department investigate and prepare a report for the October 6, 2003 meeting on the possibility of using the area Irving Station for a turnaround and layover point for the # 14 Leiblin Park Bus so as not to disturb area residents and to allow for easier access. MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION**

**Mr. Jim Connolly, 61 Ridge Park Lane**

! raised a question as to process and asked what the minimum threshold was for notification of a public hearing in order for it to be considered legitimate.

Mr. Angus Schaffenburg, Planner, responded to the notification issue advising that a section has been added to the staff reports which includes a map of the notification area, an area which can be enlarged by the Councillors if they wish. Councillor Mosher added that a notification area has been broadened in the past by request of a Councillor.

! expressed concern with a request for an amendment by United Gulf that was made last year and turned down yet the request reappears again regarding commercial on the ground floor of this development. He understood that the commercial was turned down.

Councillor Mosher clarified that the commercial was approved in 1990 and was not an amendment. Councillor Walker added that the commercial was included as one of the twenty storeys in the original application.

**MOVED BY Councillor Adams, seconded by Councillor Walker that Planning Staff prepare a report on the chronology of amendments to the Stoneridge on the Park application and also to include information on the requirements for notification for public hearings. MOTION PUT AND PASSED UNANIMOUSLY.**

**Mr. William Phillips, 9 Crestview Drive**

! traffic lights at intersection of Purcell's Cove Road and Herring Cove Road were removed a few months ago and currently there is no pushbutton for the overhead

- pedestrian light on the Purcell's Cove Road side. This is a concern with the number of people who travel across that road to Chocolate Lake/Recreation Centre.
- ! a lot of traffic coming into the rotary, inbound on Herring Cove Road, during peak hours and if you are traveling out the Purcell's Cove Road and wanted to make a left-hand turn onto Herring Cove Road, you have a difficult time.
- ! concern with Circle Drive pavement being torn up in two different locations only six months after paving.

Councillor Adams explained that there was an unforeseen drainage problem at one of the properties.

- ! centre line joint is not good between the two parallel piles of pavement (due to paving being done in December), and commented he hoped staff is looking at coverage under warranty.

#### **15. NEXT MEETING DATE**

**Monday, October 6, 2003.** *(The September 8, 2003 meeting was cancelled by a motion made at Chebucto Community Council on July 7, 2003).*

#### **16. ADJOURNMENT**

Upon completion of the Order of Business, Councillor Walker congratulated Councillor Whalen on her election to the Provincial Government and further thanked her for her cooperative efforts with Chebucto Community Council. He added that Councillor Whalen has been a tremendous asset to Chebucto Community Council and has worked well in the Community Council forum. Councillor Walker stated that Councillor Whalen will be missed and on behalf of Chebucto Community Council, wished her every success with her future endeavours.

The meeting was adjourned at 9:00 pm.

Chris Newson  
Legislative Assistant