

CHEBUCTO COMMUNITY COUNCIL

January 8, 2007

MINUTES

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

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

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

2. APPROVAL OF MINUTES

MOVED by Councillor Wile, seconded by Councillor Hum that the minutes of the Joint Public Hearing of September 18, 2006; the regular meeting of November 6, 2006; and the special meeting of December 12, 2006 be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 HRM Off Leash Strategy Public Consultation - Councillor Mosher
- 12.2 In Camera Recommendation: Geographical Encroachment (this item was moved from the regular agenda to the In Camera agenda)
- 12.3 In Camera Recommendation: Halifax Watershed Advisory Board - Appointments
- 12.4 Staff Support for the Spryfield and Area District Business Commission Planning Strategy
- 12.5 Election of Vice Chair

It was agreed that item 12.5 Election of Vice Chair would be dealt with immediately following the Approval of the Order of Business.

MOVED by Councillor Walker, seconded by Councillor Adams that the agenda, as amended, be approved. MOTION PUT AND PASSED.

12.5 Election of Vice Chair

MOVED by Councillor Adams, seconded by Councillor Hum that Councillor Wile be nominated as Vice Chair of Chebucto Community Council. MOTION PUT AND PASSED.

Councillor Wile accepted the nomination. There being no further nominations, the Chair advised that Councillor Wile was the Vice Chair of Chebucto Community Council for 2007.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items:

4.1.1 Kearney Lake Dam Construction Project/Lowered Lake Levels

A letter dated January 2, 2007 addressed to the Annapolis Group Inc. from Mr. Greg Snyder, P.Eng. Manager, Atlantic Region, SGE Acres was submitted.

In reference to the submitted letter, Councillor Hum advised that she was somewhat disappointed with its content because it did not address the questions which were outlined in the letter that Chebucto Community Council sent to Annapolis in August of 2006. Councillor Hum advised that the letter basically is a summation of what has taken place in regard to repairs to the Kearney Lake Dam, and that she wanted Annapolis to respond to the questions in the original letter.

MOVED by Councillor Hum, seconded by Councillor Walker that Chebucto Community Council recommend the letter dated August 16, 2006 be re-submitted to Annapolis Group Ltd. with a request that Annapolis respond in detail to the questions raised in the letter. MOTION PUT AND PASSED.

This item is to remain on the Status Sheet.

4.1.2 Request for a Trail in Hemlock Ravine Park and other HRM Parkland Areas to be Named in Memory of Mr. Colin Stewart

No update was provided. This item is to remain on the Status Sheet.

4.1.3 Permission to Install a Sign on HRM Property at the Corner of Regency Park Drive / Lacewood Drive

Councillor Wile noted that the proponent is looking at other options, as the Traffic Authority is not supportive of the suggested locations. This item is to remain on the Status Sheet.

4.1.4 Bus Service - Stoneridge

No update was provided. This item is to remain on the Status Sheet.

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

No update was provided. This item is to remain on the Status Sheet.

4.1.6 Rock Pile -182 Milsom Avenue

Councillor Adams noted that a response from the Halifax Regional Water Commission will be provided for the next meeting. This item is to remain on the Status Sheet.

4.1.7 Appeal of Ralston Street Area Rezoning

No update was provided. This item is to remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS- None

8. HEARINGS:

8.1 Public Hearing:

8.1.1 Case 00961: Stage 1 and 11 Development Agreement Amendments, Block Z-1, Regency Park Drive, Halifax

Notice of Motion for this matter had been given at a special meeting of Chebucto Community Council held on December 12, 2006.

A staff report dated November 27, 2006 was before Community Council for its consideration.

Mr. Paul Sampson, Planner I, addressed Community Council and outlined the application by Clayton Developments Limited, on behalf of Mount Olympus Realty, to amend the Stage 1 and 11 development agreements for Block Z-1, Regency Park Drive, Halifax to allow for a transfer of population density, resulting in 13 additional dwelling units in a multiple unit residential building, for a total of 158 units. In his remarks, Mr. Sampson advised that should Community Council approve the Stage 1 agreement, then following this coming into effect, staff will bring back the matter of the Stage 11 agreement to Community Council.

In his presentation, Mr. Sampson pointed out that the overall density application will not be exceeded.

The Chair opened the public hearing to anyone wishing to speak either in favour or against the proposal.

Mr. Walter Labukie, addressed Community and advised that he was the Director of Engineering of CHUM Ltd. , the company that owns the lot beside the subject property. Mr. Labukie questioned if Community Council's approval or rejection of the application would impact on his company if it wanted to do something similar.

In response, Mr. Sampson indicated that the application would be looked at independent of this one this evening and that should Mr. Labukie's company wish pursue something similar, the same processes would be required.

Mr. Mike Hanusiak, representing Clayton Developments clarified that this application results from a rationalization of population density of Lots B, X, Y and Z, and that the population entitlement is 1163, however this application only brings it to 1138 people. This density was approved on Clayton Development lands, therefore, it should not affect adjacent properties whatsoever.

The Chair called three times for anyone wishing to speak to this matter. There being none, it was **MOVED by Councillor Adams, seconded by Councillor Walker, the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Wile declared a conflict of interest and retired from the meeting until this matter was dealt with.

Mr. Sampson and Mr. Hanusiak responded to questions from Community Council.

In response to a question by Councillor Walker, Mr. Sampson advised that he did not have information at hand which detailed the boundaries for Clayton Park West, however, he would provide this.

MOVED by Councillor Walker, seconded by Councillor Hum that staff provide an information report outlining the exact boundaries for Clayton Park West. MOTION PUT AND PASSED.

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

- 1. Approve the amending Stage 1 development agreement, included as Attachment A of the November 27, 2006 staff report, to allow a transfer of population density to Block Z-1, Regency Park Drive, Halifax to permit additional dwelling units in a multiple unit residential building;**
- 2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional 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.**

THE MOTION WAS PUT AND PASSED.

Councillor Wile returned to the meeting at 7:26 p.m.

8.2 Variance Appeal Hearings:

8.2.1 Case No. 13426 - Appeal of Variance Refusal - 269 Bedford Highway

A staff report dated January 2, 2007 was submitted.

Mr. Trevor Creaser, Development Officer, addressed Community Council and outlined the reasons for refusing the request for variance from the lot area, front yard setback and rear yard setback requirements of the Halifax Mainland Land Use Bylaw to permit conversion of a single unit dwelling to a three-unit dwelling. In his presentation, Mr. Creaser advised that the building is a triplex, however, it should be a single unit dwelling. He noted that construction permits that were issued in 1983 and 1985 stated the use of the building was as a single family dwelling. The purpose of the application for variance is to legalize the three unit dwelling.

Mr. Creaser responded to questions from Community Council.

The Chair opened the Hearing, and advised that the appellant and anyone who received a notice on this matter could come forward and provide comment at this time.

Mr. Dennis Dore addressed Community Council and advised that he was the executor of his brother's estate, and that he applied for the variance for the subject property. Mr. Dore explained that he has been trying to dispose of the property for some time, however, the only interest in the property is as a three-unit building. Speaking in support of his application, Mr. Dore pointed out that there are no single unit buildings within a kilometre of this property and that unless it can be sold as a triplex, the property has no real value. He expressed concern that if it can not be sold, it would become derelict. Mr. Dore noted that he would be prepared to remove the deck in order to meet the appropriate setback requirements.

Mr. Dore responded to questions from Community Council.

In response to a question by Councillor Hum, Mr. Dore advised that the three units are not rented at this time, adding that he ensured the units were vacant once the property went up for sale. He advised that his son lives there and acts as custodian for the building.

The Chair called three times for anyone wishing to speak. There being none, it was **MOVED by Councillor Adams, seconded by Councillor Wile that the variance hearing be closed. MOTION PUT AND PASSED.**

Mr. Creaser responded to questions.

In response to a question, Mr. Creaser explained that it appears that after construction permits were issued in 1983 and 1985, the units were added without authorization.

Councillor Walker noted that if the back deck were reduced in half then it would meet the requirements. Also, in 1994 the City expropriated some of the property in front for a turning lane, therefore, some of the square footage of the original property was lost. Councillor Walker expressed concern about the potential of the property being left unoccupied.

In response to a question, Mr. Creaser advised that zoning permits some commercial uses, however, there may be parking issues.

Councillor Hum indicated she supported granting the variance and that she would hope the back deck would be reduced so that it would meet the setback requirements.

MOVED by Councillor Hum, seconded by Councillor Walker that the decision of the Development Officer be overturned and the variance to permit conversion of a single unit dwelling to a three unit dwelling be granted. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS

9.1 Correspondence:

9.1.1 Correspondence from Kelly Greenwood dated November 28, 2006.

A letter sent via e-mail, dated November 28, 2006 from Ms. Kelly Greenwood, 8 Berkshire Close to Chebucto Community Council was submitted.

A letter sent via e-mail, dated November 30, 2006 from Mr. Roger Barnable, Berkshire Close was submitted.

MOVED by Councillor Wile, seconded by Councillor Walker that the letter from Ms. Kelly Greenwood be referred to staff. MOTION PUT AND PASSED.

9.2 Petitions - None.

9.3 Presentations:

9.3.1 Mr. Ray Hunt - Fire Lane Designation of Bedros Lane

Mr. Ray Hunt addressed Community Council and advised that he was the President of Halifax County Condominium Corporation #249, 79 Bedros Lane. He circulated photos regarding his presentation, and outlined the sequence of events which lead up to Bedros Lane being designated as a Fire Lane. In his remarks, Mr. Hunt advised that, at one meeting he attended, the representative of the Fire Department advised that there could not be an parking on either side of the road because it did not meet width requirements. The only way it could be permitted was if the lesser width could be shown to be satisfactory. Mr. Hunt, referring to his photos advised that there are similar streets in Halifax. He went on to note that his research indicated that some of these streets were permitted due to grandfather clauses. In conclusion, Mr. Hunt requested that Community Council revisit this matter, indicating that if parking were permitted only on the south side of the street it would be adequate for emergency vehicles. He pointed out that, previously, there were problems when construction vehicles would park on the north side of the street as well.

A brief discussion ensued with Mr. Hunt responding to questions.

The Chair noted that it was her understanding that Community Council has no authority in this area, and that the responsibility lies only with the Fire Prevention Officer.

Councillor Hum addressed the matter advising that at the December 12, 2006 special meeting of Community Council, she requested that staff reconsider the fire lane designation. Councillor Hum indicated that she supported the idea of permitting parking on one side of the road, as well.

MOVED by Councillor Hum, seconded by Councillor Adams that Chebucto Community Council request staff reconsider its decision to prohibit parking on both sides of Bedros Lane and permit parking on one side of the road. MOTION PUT AND PASSED.

10. REPORTS:

10.1 STAFF REPORTS:

10.1.1 Case 00959: Stage II, Phases 2 and 3 Development Agreement - Mount Royale Residential Development - Main Avenue, Halifax

A staff report dated December 15, 2006 was submitted.

Ms. Randa Wheaton, Senior Planner, outlined the application by Byblos Development Group for a Stage II Development Agreement to permit three multiple unit apartment buildings, 50 townhouse units, 20 semi-detached units, 100 single family units, a Community/Neighbourhood Park hybrid (P1) and a District Park Entrance to the Mainland Common (P-2).

Ms. Wheaton responded to questions from Community Council

In response to a question by Councillor Walker, Ms. Wheaton advised that, at this time, she did not have the information on the size of the parkland that is part-owned by the Province and HRM in the area of this application but she would forward to the Councillor.

In response to another question by Councillor Walker with respect to ensuring there is no change to the height and density, Ms. Wheaton advised that if the applicant wanted to do something like this, it would be regarded as a substantive change and would require coming back to Community Council.

In response to a question by Councillor Wile, Ms. Wheaton advised that the applicant is not obligated to construct a runoff retention pond. She noted that when HRM develops the park, HRM will have to look at that issue. Ms. Wheaton advised that the park area, P1, is the only park of which the developer has an obligation.

Councillor Walker noted there were references in the report to the street being called 'Regency Park' and he pointed out that the street name has been changed Main Avenue.

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

- 1. Approve the proposed Stage II Development Agreement for Phases 2 and 3 of the Mount Royale Residential Development on Main Avenue, Halifax, presented as Attachment A of the December 15, 2006 report; and,**
- 2. Require the proposed Stage II Development Agreement be signed 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.**

MOTION PUT AND PASSED.

10.2 MEMBERS OF COMMUNITY COUNCIL:

10.2.1 Geographical Encroachment - Councillor Mosher

This item had been moved to the In Camera portion of the agenda. A recommendation from In Camera was ratified under Added Items - 12.2.

10.2.2 Approval of the 2007 Meeting Schedule

Copy of a proposed 2007 meeting schedule for Chebucto Community Council was submitted.

Councillor Walker noted that the June 4, 2007 meeting conflicted with the Federation of Canadian Municipalities meeting.

MOVED by Councillor Walker, seconded by Councillor Hum that the 2007 meeting schedule be approved with the amendment of rescheduling the June 4, 2007 meeting to June 11, 2007. MOTION PUT AND PASSED.

10.2.3 Bedros Lane - Staff Report on Process and Cost Implications of accepting Bedros Lane as an HRM Street - Councillor Hum

MOVED by Councillor Hum, seconded by Councillor Walker that staff provide a report on the process and cost implications of accepting Bedros Land as an HRM Street. MOTION PUT AND PASSED.

10.2.4 Building Communities Fund - Councillor Hum and Councillor Walker

MOVED by Councillor Walker, seconded by Councillor Adams that the Building Communities Fund for District 15 be allocated as follows:

- \$10,000 for the Centennial Arena Extension
- \$10,000 for the Bertin Ettinger Backstop
- \$5,000 for a dog park run in Mainland North

MOTION PUT AND PASSED.

MOVED by Councillor Hum, seconded by Councillor Wile that the Building Communities Fund for District 16 be allocated as follows:

- \$25,000 for the future trail development at Kearney Lake.

In moving the motion Councillor Hum asked that when HRM discusses the trail development in this area that staff include in their discussions the Regional Trails group, Masqua Aquatic club and the Halifax North West Trails group.

MOTION PUT AND PASSED.

11. MOTIONS:

11.1 Councillor Mosher:

Councillor Mosher gave Notice of Motion at Chebucto Community Council's November 6, 2006 meeting.

MOVED by Councillor Walker, seconded by Councillor Adams that Chebucto Community Council request staff proceed with an amendment to the Land Use Bylaw for Mainland South and Mainland North to allow for provision of temporary real estate sales facilities. MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 HRM Off Leash Strategy Public Consultation

This was added to the agenda by the Chair.

Councillor Mosher referred to an e-mail staff sent to Chebucto Community Council regarding a public consultation on HRM's off leash strategy, and advised that staff would like Community Council to choose a date to hold the workshop.

MOVED by Councillor Walker, seconded by Councillor Wile that Chebucto Community Council agree to schedule a public consultation session on HRM's Off Leash Strategy for January 29, 2007 from 6:30 p.m. to 9:30 p.m. in the Keshen Library. MOTION PUT AND PASSED.

12.2 In Camera Recommendation - Geographical Encroachment

This item was addressed at an earlier In Camera session and was before Community Council for ratification.

MOVED by Councillor Adams, seconded by Councillor Mosher that Chebucto Community Council advise staff that there is a delineation of communities with Districts 17 and 18 and, although the two districts work closely together, they do not want to diminish the community identities that they serve. MOTION PUT AND PASSED.

12.3 In Camera Recommendation -Halifax Watershed Advisory Board - Appointments

This item was addressed at an earlier In Camera session and was before Community Council for ratification.

MOVED by Councillor Walker, seconded by Councillor Wile that Chebucto Community Council approve the re-appointment of Mr. Derrill Hynick to the Halifax Watershed Advisory Board as the District 15 representative; and Ms. Ellinor Williams' re-appointment to the Halifax Watershed Advisory Board under Clause 2.2

(c) of the Board's Terms of Reference, with their terms to expired November 2009.
MOTION PUT AND PASSED.

12.4 Staff Support for the Spryfield and Area District Business Commission Planning Strategy

This item was added to the agenda at the request of Councillor Adams.

Councillor Adams advised of a meeting he attended, along with Councillor Mosher, a representative from the Spryfield and Area Business Association, and members from the HRDA/GHP to discuss an economic plan for the Community of Spryfield and surrounding area, particularly the Herring Cove Road. The purpose of the meeting was to look at ways of enhancing planning and zoning along Herring Cove Road in order to attract business to the community. Councillor Adams advised that, on behalf of the group, he was requesting Community Council's support in asking that staff support, (i.e. a Planner) be provided to the group to help with the review of the zoning issues in the Spryfield and surrounding area.

MOVED by Councillor Adams, seconded by Councillor Walker that Chebucto Community Council recommend staff support (Planner) be provided to the group studying ways of enhancing planning and zoning along Herring Cove Road to help with the review of the zoning issues in the Spryfield and surrounding area. MOTION PUT AND PASSED.

12.4 (ii) 209 Herring Cove Road

Councillor Adams, on Councillor Mosher's behalf, added this item.

Councillor Adams advised that the building at 209 Herring Cove Road (former Harvey's Restaurant building) has become run down and is derelict, and requested Community Council's support to have staff look into this matter and see if there is a process by which the property could be downzoned, and if there are alternate uses. He noted that this would be in keeping with the Herring Cove Streetscape Study.

MOVED by Councillor Adams, seconded by Councillor Walker that Chebucto Community Council requests staff review the land use designations along the Herring Cove Road and see if there is a process by which the property at 209 Herring Cove Road could be downzoned, and if there are alternate uses. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Reg Horner addressed Community Council and, on behalf of the business community in Spryfield and the business district, he expressed appreciation for the survey promise of land use and for the action Community Council was taking on 209 Herring Cove Road. He noted that the Business Commission also discussed an adjacent building (Speedy Muffler)

and the graffiti attached to that building, and will be sending a letter of concern to the Speedy Muffler national headquarters because of their lack of participation in looking after the problem of graffiti.

The Chair advised that, as the Councillor for this area, she would be pleased to also write a letter and she will ask for the endorsement of the Mayor and Councillor Adams.

15. NEXT MEETING DATE: February 5, 2007

16. ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Sheilagh Edmonds
Legislative Assistant

The following item was submitted as information:

- Copy of correspondence dated November 17, 2006 to Annapolis Group Inc.