

**CHEBUCTO COMMUNITY COUNCIL**

**March 5, 2007**

**MINUTES**

**PRESENT:** Councillor Mary Wile, Vice- Chair  
Councillor Russell Walker  
Councillor Stephen Adams  
Councillor Debbie Hum

**REGRETS:** Councillor Linda Mosher, Chair

**STAFF:** Ms. Sheilagh Edmonds, Legislative Assistant  
Ms. Angela Jones-Rieksts, Solicitor

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. in the Keshen Goodman Library.

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Walker, seconded by Councillor Hum that the minutes of February 5, 2007 be approved. MOTION PUT AND PASSED.**

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

There were no additions or deletions to the agenda.

**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 February 5, 2007 from Michael Laycock, Assistant General Manager, Annapolis Group was submitted.

This item is to be removed from 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. 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**

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

**4.1.4 Bus Service - Stoneridge**

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

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

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

**4.1.6 Rock Pile -182 Milsom Avenue**

Councillor Adams advised that he had a letter from the Halifax Regional Water Commission which he will submit to the Legislative Assistant to circulate for the next Community Council meeting. This item is to remain on the status sheet.

#### **4.1.7 Appeal of Ralston Street Area Rezoning**

No update. 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 Hearings:**

##### **8.1.1 Case 00916: Rezoning of 65, 73, and 75 Kearney Lake Road**

First Reading of this matter was given at the February 5, 2007 meeting of Chebucto Community Council.

A staff report dated January 11, 2007 was before Community Council for its consideration.

The following correspondence was submitted:

- E-mail correspondence from Jack Weir, 43 Castle Hill Drive, in opposition to the proposed rezoning.
- E-mail correspondence from Tamara Franz-Odendaal, Wilson Boulevard, in opposition to the proposed rezoning.
- E-mail correspondence from Thomas Brown, 1 St. Laurent Place, expressing concern about the proposed rezoning.

Mr. Luc Ouellet, Planner I, addressed Community Council and outlined the application by Fares Miller to rezone property at 65 Kearney Lake Road from R-1 (Single Family Dwelling) to R-2 (Two Family Dwelling) Zone and properties at 73 and 75 Kearney Lake Road from R-1 (Single Family Dwelling) to R-2T (Townhouse) Zone.

In his remarks, Mr. Ouellet advised that the applicant's proposal is to demolish the existing single detached dwellings and to construct two semi-detached dwelling units at 65 Kearney Lake Road, four townhouse dwelling units at 73 Kearney Lake Road, and three townhouse dwelling units at 75 Kearney Lake Road. He noted that because this is a rezoning Attachments A, B, and C of the staff report (site plan, and front and rear elevation plans) are for illustration purposes only and that the proposal could undergo changes at the detailed design stage.

Mr. Ouellet advised that currently there are three driveways serving the subject properties and that the applicant proposes a common driveway with two accesses to service the townhouses at 73 and 75 Kearney Lake Road. He noted that staff had a concern about the potential impact of the additional driveway at civic number 65, however staff's opinion is that it will result in negligible impacts on Kearney Lake Road.

The Chair reviewed the rules of procedure for public hearings and then opened the hearing to anyone wishing to speak either in favour or in opposition to the proposal.

Ms. Nadia Baubeck, Glenn Drive, addressed Community Council speaking in opposition to the application. Her concerns are noted as follows:

- wording of the public hearing notice appears to favour the proposal
- upzoning erodes the character of the community
- the developer is making as much money as possible at the expense of the community.
- there is no benefit to the community at large with the upzoning.
- surrounding development has been built by the same developer.
- this area has had undergone enormous changes in small amount of time.

Mr. Fabian Boone, Wedgewood Park spoke in opposition to the change in zoning. Mr. Boone advised that the Kearney Lake area has gone through a lot of change recently, and that recommending the zoning because the precedent has been set is not a reason to do so. He suggested that there needs to be a vision for the Kearney Lake area and that it needs to be in place before any decisions are made on changes.

Ms. Mary Ann McGrath, Hamshaw Dr. expressed concern about traffic on Kearney Lake Road and the driveways associated with the proposal. Mr. McGrath advised that the driveways appear small driveways and the residents will either have to back in from Kearney Lake Road or back out onto Kearney Lake Road. She added that it would be very dangerous particularly given that it is on a hill and with winter conditions.

Mr. Frank Palermo, Glenn Drive, spoke in opposition to the rezoning. In his remarks he suggested that this was spot rezoning in the worst sense, advising that it is more intense development without any vision. He disputed whether the proposal conforms to adjacent uses noting, although it may conform to some, it does not conform to others. Mr. Palermo also expressed concern that the driveways would be on an uphill section of an extremely busy road.

Ms. Geri Deal, Kearney Lake Road, advised that she was the next door neighbour to 75 Kearney Lake Road and she was also concerned with the traffic issues expressed by Ms. McGrath. Ms. Deal advised that she did not support the rezoning to allow more multiple homes in the area and that she was very strongly opposed to having a duplex next door to her.

Ms. Ann Theriault, Broadholme Lane, advised that she has been a resident of the area for the past 16 years and during that time there has been a lot of change in her neighbourhood. Ms. Theriault expressed concern about the traffic and, noting that the proposal has the potential to put nine additional families into the area, she suggested that in order for Community Council to get the support of the community, it needs to get a handle on the traffic.

Ms. Barbara Sulbert, Robert Allen Drive, suggested that prior to making a decision, Community Council seek the opinion of the homeowner at 69 Kearney Lake Road. She noted that the proposal would have a significant impact on the property value of this address.

Mr. Cesar Saleh addressed Community Council and advised that he was with the design firm of Fares Miller, which is carrying out the design and planning of the project. Mr. Saleh began his remarks by pointing out that Mr. Wadeh Fares and his company has no connection whatsoever the condominium buildings the first speaker spoke about, nor any connection to this project. He explained that although they are the designers, they are representing another owner.

Speaking in support of the application, Mr. Saleh noted the following:

- the height they are proposing is the same requirement for R-1 use.
- as-of-right, the applicant can put five single-family unit dwellings on the site.
- they are proposing two townhouse blocks; one of three, and one of four; and a semi-detached building.
- proposing controlled access, i.e. controlled access of two driveways instead of four driveways for single tenant dwellings.
- HRM traffic engineer has reviewed their traffic drawings and they deem that there will be negligible traffic volume impact on Kearney Lake Road; have submitted a Stopping Site Distance Study to staff and have confirmed that the standard stop site distance can be easily achieved by the controlled access, as they are proposing (which is driving in and driving out).
- this proposed rezoning would not be precedent setting because each case has to be judged on its own merit.
- the resident of 69 Kearney Lake Road attended the Public Information Meeting and her concerns were addressed and this is why she did not attend this evening's meeting.

Mr. Justin Lockhart, Broadholme Lane advised that his property backs on Kearney Lake Road. He explained that the truck traffic is constant on Kearney Lake Road and additional traffic which will result from the proposal will further impede the trucks.

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

Mr. Ouellet addressed Community Council and clarified the following points:

- staff have spoken with the property owner of 69 Kearney Lake Road; they had a concern about their driveway being blocked during construction; staff assured the owner that the Municipality has regulations against blocking driveways and that this is controlled during construction.
- there will only be two access points to the Kearney Lake Road for the proposed seven units (therefore, no additional access from this part of the proposal). The only additional access would be with the two semi-detached buildings, i.e. two driveways instead of one.
- Stopping Site Distance Tests were carried out at a higher speed than the posted speed and the tests of those driveways met HRM standards.
- staff feel that the additional units as proposed would not have a stronger affect on traffic.

Mr. Ouellet and Mr. Saleh responded to questions from Community Council noting the following points:

- there is the potential for subdivision of the lots under R-1 zoning.
- the applicant visited the site after the public information meeting and have determined that they can maintain 15 ft. of buffer with regard to tree retention. The buffer will be very important for the proposed townhouse.
- although the applicant only has to submit conceptual plans at this stage, HRM engineering staff will maintain that the driveway has to be shared for a townhouse, and will not issue a permit that does not have a shared driveway.
- HRM staff requested that the stopping site distance study be done at a higher speed than usual; the test was carried out at 10 km/hr. higher than the posted speed, and all the accesses more than met the standards for HRM.
- at this stage, the applicant is only required to provide concept plans of the actual building structures; they may change, however, they would have to meet all the requirements of the R-2 and R-2T zoning.
- if this application were approved, and the proposed buildings constructed and then there was a change to the Municipal Planning Strategy and the zoning reverted to R-1, the use would become nonconforming.

Councillor Hum advised that she would like more time to consider this application and that she may have more questions for staff to respond. In this regard, she indicated that she would like to defer any decision on this matter.

**MOVED by Councillor Hum, seconded by Councillor Adams, that decision on this matter be deferred to the next regular meeting of Community Council. MOTION PUT AND PASSED.**

**8.2 Variance Appeal Hearings: None**

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS:**

**9.1 Correspondence:** None

**9.2 Petitions:** None

**9.3 Presentations:**

**9.3.1 Friends of the Public Gardens**

Ms. Sheila Stevenson and Ms. Leslie Armstrong, representing the Friends of the Public Gardens provided a presentation to Community Council. A copy of their presentation can be found in the official file of this meeting.

In their presentation, they commended staff and Council for Phases 1 and 2 of the clean up of the Public Gardens following Hurricane Juan. They noted the importance of Phase 3, which is the development of a comprehensive management plan for the Public Gardens and hoped it would be completed as soon as possible. In this regard, they advised that

HRM staff confirmed that capital funds placed in the 2006 budget but that were not spent, would be carried over to 2007. They urged HRM to place a high priority on Phase 3 so that it would be completed in 2007. It was also noted that they were consulted on the initial planning of Phase 3, and expressed the desire to continue working with staff. Other points of interest were noted as follows:

- The Friends of the Public Gardens will have a revised publication on the Gardens for sale, and this is expected for late spring;
- The 'Friends' received a bequest of over \$100,000 which is to be dedicated towards a capital project in the Public Gardens; and they would like to work with the appropriate HRM staff to develop a plan for these funds.

**10. REPORTS:**

**10.1 Staff Reports:**

**10.1.1 Information Report: Temporary Real Estate Sales Trailers**

An information report dated February 6, 2007 was submitted. No further action was taken.

**10.1.2 Information Report: Case 00852: Amendment to Development Agreement, Stoneridge on the Park Subdivision, Halifax (*URB decision to uphold Community Council approval*)**

An information report dated February 14, 2007 was submitted.

**11. MOTIONS:** None

**12. ADDED ITEMS:** None

**13. NOTICES OF MOTION:** None

**14. PUBLIC PARTICIPATION:**

Mr. Claude Isaacs, Douglas Avenue, addressed Community Council with a concern over the work staff is carrying out in regard to changing street names, pointing out that his street is proposed to be changed from Douglas Avenue to Dillon. He indicated that the reason he was given for changing the names was to avoid service delivery problems. Mr. Isaacs advised that he and neighbours he spoke with have never encountered such problems. He added that, should his street name be changed from Douglas to Dillon, it will result in having to send out 109 'Change of Address Cards'. Additionally, personal identification will have to be changed. Mr. Isaacs advised that this was a huge inconvenience, totally unnecessary, and any perceived signage problems could be addressed with adequate signage. Mr. Isaacs suggested that staff were not dealing with the issue in an equitable manner either, as there were other streets in similar situations but there was no proposal to rename them. As example, he noted that Edward Laurie Drive forms a crescent with Beechwood Terrace.

Councillor Russell Walker advised that his comments would be forwarded to staff.

Councillor Hum advised that she would ask staff to contact him directly, and that she would like a response on the specifics of this situation.

Ms. Mary Ann McGrath, Hamshaw Drive referred to a recent advertisement in the newspaper about an exercise HRM is going through on Municipal Election Boundaries and explained that comments continue to arise in the community that Kearney Lake Road is becoming a natural divider in the community. She advised that the Community had no say about the street, which was once a two-lane street, becoming a four-lane street, and the community is gradually being severed from its neighbours by something which they have no control over. Ms. McGrath added that each time there is an electoral review the community has to fight to maintain from being split in half by a street which is growing through no control of the residents. She pointed out that the community feels the street is being used as a scapegoat for the traffic woes the City and previous County created by unimpeded growth. Ms. McGrath advised that the residents of the community do not want the Kearney Lake Road to sever the community in any way and that staff should be informed of this point.

**15. NEXT MEETING DATE:** April 2, 2007

**16. ADJOURNMENT:**

The meeting adjourned at 8:09 p.m.

Sheilagh Edmonds  
Legislative Assistant