

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

October 15, 2007

MINUTES

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

STAFF: Mr. Randolph Kinghorn, 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. in St. James Church Hall, 2668 Joseph Howe Drive, Halifax.

1. APPROVAL OF MINUTES

MOVED by Councillor Wile, seconded by Councillor Hum, that the minutes of September 10, 2007 be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Case 01052: Telecommunications Tower 295 Lacewood Drive, Halifax
- 12.2 Daycares - Councillor Walker

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

3. BUSINESS ARISING OUT OF THE MINUTES:

4.1 Status Sheet Items:

4.1.1 Bus Service - Stoneridge

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

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

Councillor Adams noted that a summary of information pertaining to Community Council's request for updates on this item had been forwarded to the Chief Administrative Officer. This item is to remain on the Status Sheet.

The Chair thanked the Legislative Assistant for compiling the information.

4.1.3 Rock Pile -182 Milsom Avenue

Councillor Mosher advised that she met with the Chief of Engineering of the Halifax Regional Water Commission and HRM staff regarding a joint project, which will be going to tender soon. She advised that this item can be removed from the Status Sheet.

4.1.4 Appeal of Ralston Street Area Rezoning (update from Solicitor)

An e-mail update from Ms. Kirby Grant, Solicitor, was read by Mr. Kinghorn.

The update advised that HRM Counsel was attempting to have the case dismissed on a preliminary jurisdiction issue and that it was to be heard the following week except the Appellant's Council has not responded. The update further noted that there is no deadline once the appeal is filed.

Councillor Walker pointed out that this matter has been ongoing for one year and one month and he believed it should be thrown out. He added that he hoped a decision would be made by next month and requested that this item be kept on the Status Sheet for an additional month.

4.1.5 Traffic Lights - Old Sambro Road/North West Arm Drive

Councillor Adams asked the Legislative Assistant to follow up and obtain an update from staff on this item. This item is to remain on the Status Sheet.

4. MOTIONS OF RECONSIDERATION - None

5. MOTIONS OF RECISSION - None

6. CONSIDERATION OF DEFERRED BUSINESS: None

7. HEARINGS:

8.1 Public Hearings:

8.1.1 Case 01033: Development Agreement - 10 Berts Drive and 91 Main Avenue, Halifax

Notice of Motion of this matter was given at a meeting of Chebucto Community Council on September 10, 2007.

A staff report dated August 17, 2007 was submitted.

Correspondence dated October 15, 2007 from Popi Pavlounis was submitted.

Mr. Luc Ouellet, Planner I, addressed Community Council and outlined the application by Fares Miller to consider a combination of a 16-unit townhouse development and a 14-unit apartment complex by development agreement at 10 Berts Drive (PID #00321224) and 91 Main Avenue (PID #00321216), Halifax. In his remarks, Mr. Ouellet advised that during the Public Information Meeting, the major concern was potential blasting. He explained that the developer hired a consultant and a geotechnical report was produced, and this is available to the public. He noted that the report indicates there will not be a need for blasting, but there may have to be some rock breaking.

Mr. Ouellet responded to questions of Community Council.

In response to a question by Councillor Wile, Mr. Ouellet advised that there will be one walkway, and that the easement shown on the map is for the residents to access the back

yard of their townhouses. Mr. Ouellet explained that, due to time constraints, staff asked the developer on short notice to prepare drawings which contain the easement and walkway. He added that Councillor Walker brought to his attention that the drawings showed it as a walkway corridor easement. Mr. Ouellet added that this evening he provided a potential motion to Councillor Walker, should Community Council want to change the text, and noted that the text would supersede the drawings. Mr. Ouellet advised that it was never the intention of staff or the developer to have the walkway to the end of the property line; it was simply that the drawings were not very clear.

The Chair reviewed the rules of procedure for public hearings and opened the hearing for anyone wanting to speak. The Chair noted that written correspondence on this issue has been submitted.

Mr. Ronald Grantham advised that at a meeting in June he requested a copy of the geotechnical report as he is interested in the amount of rock that is present, and how deep the developer will have to dig to install water and sewer services. Mr. Grantham pointed out that the last time blasting was done in the area, every house on his street suffered damage. Mr. Grantham added that he would like confirmation that there will be no blasting.

Mr. Ouellet indicated that in the geotechnical report staff received, it is not anticipated that blasting will occur, but rock breaking will occur.

In response to another question by Mr. Grantham, Councillor Walker advised that the walkway will come in from Main Avenue and stop at T5, and that revised text has been prepared by staff to reflect this, should Community Council make a motion to approve this matter.

Mr. Clary Romans addressed Community Council and requested clarification on the distance the proposed apartment building will be from Lot 94 Plymouth Street.

In response, Councillor Walker advised that the distance is 33 ft. from corner of building to the property line.

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

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

1. **Amend the development agreement, included as Attachment "A" of the staff report dated August 17, 2007 by repealing Subsection 2.5.10 and replacing it with the following:**

2.5.10 A hard surfaced walkway connecting the apartment building with Main Avenue shall be provided by the Developer along the eastern property boundary of the apartment building lot. The walkway shall have a width of 1.5 m(5 ft.) and shall run from Main Avenue to the northern

property boundary of townhouse lot T5. The walkway shall have a finished hard surface such as concrete, paving blocks or an acceptable equivalent in the opinion of the Development Officer, but shall not be surfaced with asphalt.

2. Approve the development agreement, included as Attachment "A" of the August 17, 2007 staff report, with the aforementioned amendments; and,
3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Chebucto Community Council on request of the applicant, from the date of final approval by Chebucto 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 requested that staff respond to the concerns outlined in the submitted correspondence.

Mr. Ouellet provided the following clarification points:

- with regard to parking, the townhouse units will have separate driveways and garages which will allow for the parking of upwards of 3 cars; there are 16 parking spaces provided for the apartment building, two of which will be marked as special needs parking.
- garbage - townhouse garbage pickup will be done by the Municipality, as the units front on a public street; the apartment building will be responsible for obtaining private pick up and providing space for three stream source separation.
- in regard to the question about vacancy rate, the developer has proposed that the 14-unit building will be for senior citizens; the Municipality cannot mandate that it be for senior citizens only, and this is why staff refer to it as an 'apartment building'.
- in regard to concerns about teenagers - Constitutionally, teenagers, youths, or senior citizens can not be excluded from living in a particular community.

Councillor Hum referred to the section in the Development Agreement concerning the landscape plan and noted that it requires a solid wood fence. She suggested that this was an invitation for graffiti.

In response, Mr. Ouellet advised that none of the fencing will abut the street properties. He added that the fencing will be in residents' back yards and, therefore, the chances of graffiti damage is low.

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings: None

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS:

9.1 Correspondence: None

9.2 Petitions:

Councillor Walker served a petition opposing the start up and operation of a third childcare facility proposed for 69 Sunnybrae Avenue, Halifax. Councillor Walker advised that he would address this matter later on in the agenda, under Added Items.

9.3 Presentations: None

10. REPORTS: None

11. MOTIONS: None

12. ADDED ITEMS:

12.1 Case 01052: Telecommunications Tower 295 Lacewood Drive, Halifax

A staff report dated October 3, 2007 was submitted.

Mr. Brian White, Planner 1, outlined the application by Bell Aliant Regional Communications to install a 23 metre high telecommunications tower on land adjacent to 295 Lacewood Drive, Halifax, as contained in the submitted staff report.

MOVED by Councillor Wile, seconded by Councillor Walker that Chebucto Community Council forward a positive recommendation to Industry Canada supporting the proposal by Bell Aliant Regional Communications, thereby allowing for the construction of a new 23 metre (75 feet) high self supported (monopole) telecommunications tower on land adjacent to 295 Lacewood Drive, (PID 40582439) Halifax, as shown on Map 2 attached to the October 3, 2007 staff report. MOTION PUT AND PASSED.

12.2 Daycares - Councillor Walker

Referring to the petition submitted earlier in the meeting, Councillor Walker advised that it has come to the attention of the residents in the neighbourhood of Sunnybrae Avenue and Central Avenue that a daycare is proposed for Civic No. 69 Sunnybrae Avenue. He added that this would be a third daycare centre beside two other daycare centres.

MOVED by Councillor Walker, seconded by Councillor Hum that staff provide a report for Community Council's next regular meeting on the process to amend the Land Use Bylaw for Mainland North in R-1 and R-2 zones as follows:

- 1. The owner must occupy the residence which has up to 14 children in the daycare;**
- 2. There must be 500 feet between daycares;**
- 3. If the daycare is not owner occupied or has more than 14 children, then a development agreement must be in place.**

Councillor Walker noted the frustration by the residents in regard to daily traffic congestion and disruption on the street. He advised that a fence which separated Civic No.'s 65 and

67 Sunnybrae Avenue is no longer in place and, as a result, it has become one large back yard in which upwards of 75 children play; and if the third daycare becomes operational it will result in, at least, another 14 children.

In seconding the motion, Councillor Hum advised that this issue has also come up in her district and she would like staff to consider the same amendments in her area. Further, she would like staff to respond to the idea of daycare centres by Development Agreement; and that she would like it re-affirmed that homes in her area that are used for daycares have to be owner-occupied and that the policy is consistently applied and, if it is not, then an explanation be provided.

MOVED by Councillor Adams, seconded by Councillor Walker that the motion be amended to include Mainland South in addition to Mainland North. MOTION PUT AND PASSED.

Amended Motion:

MOVED by Councillor Walker, seconded by Councillor Hum that staff provide a report for Community Council's next regular meeting on the process to amend the Land Use Bylaw for Mainland North and Mainland South in R-1 and R-2 zones as follows:

1. The owner must occupy the residence which has up to 14 children in the daycare;
2. There must be 500 feet between daycares;
3. If the daycare is not owner occupied or has more than 14 children, then a development agreement must be in place.

THE MOTION AS AMENDED WAS PUT AND PASSED.

13. **NOTICES OF MOTION:** None.

14. **PUBLIC PARTICIPATION:**

There was no one wishing to address Community Council.

15. **NEXT MEETING DATE:** November 5, 2007 - Keshen Goodman Library, Halifax

16. **ADJOURNMENT**

On a motion **MOVED by Councillor Wile, seconded by Councillor Hum, the meeting adjourned at 7:45 p.m.**

Sheilagh Edmonds
Legislative Assistant

INFORMATION ITEMS

The following information reports were submitted:

1. Information Report dated October 2, 2007 RE: HRM Visitor Services Mapping
2. Information Report dated July 16, 2007 RE: Herring Cove Road Streetscape Program