

WESTERN REGION COMMUNITY COUNCIL  
MINUTES

October 23, 2006

PRESENT: Councillor Stephen D. Adams, Chair  
Councillor Reg Rankin  
Councillor Gary Meade

STAFF: Ms. Chris Newson, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER .....	4
2.	APPROVAL OF MINUTES .....	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	4
4.	<u>BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET:</u> .....	4
4.1	<u>HRM Issues:</u> .....	4
4.1.1	Water Service Boundary - St. George Blvd., Kingswood	
4.1.2	Shiloe Road - Councillor Rankin .....	4
4.1.3	Construction of an Accessory Building on Property with Extreme Grades (Tantallon) - Councillor Meade .....	4
4.1.4	Western Common - Councillor Rankin .....	4
	(i) Stewardship Committee .....	4
	(ii) Re-zoning of I-3 Lands .....	4
	(ii) Moratorium on Developing I-3 Lands .....	4
4.1.5	Legal Definition - Public Consultation/Public Input .....	5
4.2	<u>Provincial Issues:</u> .....	5
4.2.1	Environmental Concerns - Paul's Point Fisheries Ltd., - Councillor Rankin .....	5
4.2.2	Request for Crosswalk - Intersection of St. Margaret's Bay Road and Timberlea Collector off Exit 3 - Councillor Meade .....	5
5.	MOTIONS OF RECONSIDERATION .....	5
6.	MOTIONS OF RESCISSION .....	5
7.	CONSIDERATION OF DEFERRED BUSINESS .....	5
8.	PUBLIC HEARING .....	5
8.1	Case 00857: Rezoning of 1109 St. Margaret's Bay Road .....	5
9.	<u>CORRESPONDENCE, PETITIONS AND DELEGATIONS:</u> .....	9

10.	<u>REPORTS</u> .....	9
10.1	<u>STAFF REPORTS:</u> .....	9
10.1.1	Case 00936: Eurobuilt Rezoning, Hubbards .....	10
10.2	<u>MEMBERS OF COUNCIL</u> .....	10
10.2.1	Transit for Sambro Loop .....	10
10.2.2	Building Communities Fund - District 22 & 23 .....	10
11.	MOTIONS .....	10
12.	ADDED ITEMS .....	10
13.	NOTICES OF MOTIONS .....	10
14.	PUBLIC PARTICIPATION: .....	10
15.	NEXT MEETING .....	11
16.	ADJOURNMENT .....	11

**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax, NS.

**2. APPROVAL OF MINUTES - September 25 , 2006**

**MOVED by Councillor Rankin, seconded by Councillor Meade, that the minutes of September 25, 2006 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Deletion:** Item 10.2.1 Transit for Sambro Loop as the matter is being dealt with at Regional Council.

**MOVED by Councillor Rankin, seconded by Councillor Meade that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET**

**4.1 HRM Issues**

**4.1.1 Water Service Boundary - St. George Blvd., Kingswood**

No update received. Item to remain on the Status Sheet.

**4.1.2 Shiloa Road - Councillor Rankin**

No update received. Item to remain on the Status Sheet.

**4.1.3 Construction of an Accessory Building on Property with Extreme Grades (Tantallon)**

- An Information Report dated October 5, 2006 was before Community Council.

The Western Region Community Council advised that they are in agreement with staff Option 2 (A Land Use By-Law Amendment to allow an increase in height in certain circumstance) as outlined on Page 2 of the Information Report dated October 5, 2006.

Councillor Meade advised that there would be a public meeting on this matter later in October. Item to be removed from the Status Sheet.

#### **4.1.4 Western Common - Councillor Rankin**

- (i) Stewardship Committee
- (ii) Re-zoning of I-3 Lands
- (ii) Moratorium on Developing I-3 Lands

**MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council request that staff place an advertisement in the next edition of the Masthead News in regard to the recruitment of members for the Western Common Stewardship Committee. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **4.1.5 Legal Definition - Public Consultation/Public Input**

No update received. To remain on the Status Sheet.

#### **4.2 Provincial Issues**

##### **4.2.1 Environmental Concerns - Paul's Point Fisheries Ltd., Hackett's Cove**

- A letter dated October 13, 2006 from Minister Mark Parent, Department of Environment and Labour, was before the Community Council.

Councillor Rankin advised that Minister Parent's letter indicates that he has assigned staff to review the issues raised by the Western Region Community Council.

As there has been no response to date from the Department of Fisheries and Oceans, it was **MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council forward a second letter to the Department of Fisheries and Oceans in regard to this matter.** A copy of the original letter is to be included. **MOTION PUT AND PASSED UNANIMOUSLY.**

##### **4.2.2 Request for Crosswalk - Intersection of St. Margaret's Bay Road and Timberlea Collector (off Exit 3)**

This item is to be placed under Item 4.1 HRM Issues as it is an HRM responsibility. To remain on the Status Sheet.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. PUBLIC HEARING**

**8.1 Case 00857: Rezoning of 1109 St. Margaret's Bay Road**

- A report dated August 22, 2006 was before Community Council.

Mr. Luc Ouellet, Planner, presented the report.

Councillor Adams, Chair, reviewed the guidelines for public hearings. He then called for any speakers for or against the proposal to come forward at this time.

**Public Speakers:**

**Mr. Christopher Downey, Beechville**

- Representing himself and the Beechville Baptist Church.

In response to Mr. Downey's request for clarification on the C and R-1 zoning and why this property was not rezoned C-2 when the other lots were, Mr. Ouellet explained that there are a few lots currently zoned R-1 that did not have an existing commercial use. He referred to the map indicating that the lots in the back are in an urban residential environment fronting on a highway. The shaded area had a residential home when the rezoning originally occurred. Staff have advised that the area has been a commercial area since the 1960's. The lot was rezoned to future commercial with C-2 on the two other properties. The lot was transferred many times and was owned by an oil company and had a gas station on site. When the plan was developed (in the 1980's) the property was in use as commercial with two commercial buildings on the site. The plan came into effect in 1982.

Mr. Ouellet clarified for Councillor Adams that there are two lots toward the left that are zoned R-1. This is perhaps due to the back portion being urban residential and the front remained R-1. He advised that only the shaded area on the map would remain residential.

In response to Councillor Rankin's query regarding whether or not a commercial neighbourhood could take over an R-1 area if the residents wish to remain R-1, Ms. Mary Ellen Donovan, Municipal Solicitor, emphasised that at this time, a single property (shaded on map) is being considered for rezoning from residential to commercial. The said property happens to lie within a broader area bounding along the highway for a distance on either side of this property that; under the general land use policies, is

designated as current/future commercial use. The existence of those policies would support an application for rezoning from residential to commercial from anyone who happens to have a residential property in that area. She again emphasised that only one property was being dealt with at this time.

**Ms. Iona Duncan States, Clayton Park West (formerly of Beechville)**

- concerned that this will affect her church.
- the rezoning could set a precedent for other commercial activity in the area and would prohibit growth for residential. This would not allow the community to grow in the way it should grow.

Mr. Luc Ouellet responded to Councillor Rankin that the precedent was set at the policy level in regard to applications for rezoning to C-2 in this general area, within a commercial core designation.

**Ms. Germaine Howe Bundy, Beechville**

- expressed concern with the possibility that the commercial designation, if approved, could cross over to her family land at 1117 St. Margaret's Bay Road. She requested clarification on whether her land would have to be developed as commercial or residential if it were sold/developed.
- She inquired what the county plan was for the commercial designated strip.

Mr. Luc Ouellet responded to Ms. Bundy's concerns indicating that in the R-1 commercial core designation area, applications may be made for C-2 commercial use. The only way to prevent that would be to remove or shrink the commercial designation from those parcels of land that would be of concern to the community.

**Mr. Clarence Wright, Beechville**

- expressed concern that the map mailed to him did not clearly indicate the C-1 zone area. He suggested that the map should indicate familiar landmarks, such as the Irving Station and the Church, to make it clear which lot is being considered.

Councillors Rankin, Adams and Mr. Ouellet, clarified that there is only one parcel of land under consideration for rezoning this evening. Councillor Rankin outlined the area for Mr. Wright.

**Mr. Trevor Behan, St. Margaret's Bay Road area**

- submitted pictures he took of the subject property.
- objected to the intended use of the property by the current owners although he agrees that the property should be rezoned C-2, however; the use of a C-2 property for an excavation company and storage of equipment/tires is non-conforming to C-2 uses.
- does not understand how this could be placed in the community and then an application put forward to have the property rezoned C-2 to make it legal.

- the entrance to Beechville/Lakeside/Timberlea has been desecrated. It is disgraceful. There are dump trucks/excavators/fish & chip trucks/garbage/tires & rims/large plant machinery maintenance there. It is not C-2 use, it is industrial use.
- C-2 general business zoning is for specialist trade contractors (such as heating/plumbing) but not for an excavation company. Exterior storage is not permitted in C-2 and this has exterior storage.
- Current owner has not made it better, it is worse.

Mr. Luc Ouellet responded to Mr. Behan's request for clarification on what C-2 designated use the company could exist under, advising that it would fit under the service station model.

**Mr. Carson Jackson, Beechville**

- commented that he is confused with this request to rezone as a few years ago the community confirmed, at a public meeting, that the area would remain R-1 residential. Commercial was considered at that time and the community was willing to leave the existing commercial in the area as they had been there and had invested in the area.
- the residents said they did not want anything more or bigger in regard to commercial.
- Beechville Estates was approved as it was people/education/schools and does not take away from a community.
- Contractors have good intentions when they come in but they get out of kilter. Complaints were conveyed to the Councillor a year ago due to trucks coming in and out of the area and that there were too many rodents. The trucks were not being dumped due to the dumping fees so they were waiting for a full truck before dumping. If you dig in that area you will see junked cars. Attempts were made to get rid of them and now residents are faced with another struggle.
- land in the area is picked-up cheap but its beauty and growth is not maintained.
- requested that if the rezoning is approved, that the Community Council ensure it conforms with the success of the communities and beautifies the community.
- emphasis is on more residential not commercial.

**Ms. Donna Symonds, Fairview (formerly of Beechville)**

- members of the local church congregation see the mess at this property every Sunday
- members of the Community Council were urged to search for a feasible solution for the community as residents do not want their community to become a dump ground.
- concern that in future the community will be closed out and the area will be a back road dumping ground decreasing the value of homes in Beechville Estates.

**Mr. Brian Miller, Lakeside**

- 25 year resident of Lakeside and familiar with these types of zoning.



- 1982/83 area was zoned as residential and if there was an existing business, and it lapsed for six months, justification had to be given in order for that business to go further. Now, another person has to justify operating a business on this property.
- whether the business be excavation or an auto repair place, it can be changed. An auto repair place has to take responsibility for what it looks like. The tires down over the hill were from the previous company.
- appreciates having business in the community that residents can utilize such as auto repair, fruit & vegetable sales.
- the owners of the property said, at a Lakeside meeting, that there had been some improvements to the property but he has not seen evidence of that.

Mr. Ouellet responded to Mr. Miller that the auto repair/tire place was non-conforming but was there before the By-law so it may continue without being taken to court. If this request for rezoning is turned down, it is his understanding that staff would not be prosecuting the existing businesses but as the excavation place is new, it may be prosecuted.

**Ms. Carolyn Richart, Beechville**

- attended a meeting at Ridgecliff School regarding the rezoning
- the complexion of the community has not changed. It appears that Beechville will be commercial not residential and the objections from the residents seem to have not been heard.
- Community visioning, developers come out but it is in the ploy to get residents to buy into commercial.
- Development is done to us not with us. Community development includes industrial parks but has not provided employment for area residents.
- Another waste facility type business being brought here is disgraceful.
- Beechville is an historic black community - these types of uses were not to be brought to our area.

**Mr. Eric Murphy, Beechville/Timberlea**

- Commented that it is hard to believe an Excavating Company would be approved for Beechville.
- He inquired as to the process for a zoning change asking whether you first start a business, run it for a year, and then ask for rezoning?
- Containers have been in that area for years and people have complained to have them moved off the main road.

**Mr. Glen Baker, Applicant**

- He reviewed the pictures submitted by Mr. Behan.
- He explained that he is under contract by Irving Oil to clean up the junk yard in the back of the property (pile of tires). That work is almost complete.
- There are currently no rodents. The rodents resulted from the former occupant's trucks not dumping their partial loads due to costly dumping fees.
- The clean up of the property has been a work in progress since he purchased it

and there has been some improvement.

**Ms. Veronica Marsman Murphy, Timberlea**

- Commented that community visioning needs to happen for this area as it cannot remain a bedroom community. She advised that she currently has a forty-five minute commute to work in Dartmouth.
- Decent pathways have to be created into and out of the city.

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

Councillor Rankin commented that the public raised valid comments during the public hearing. He explained that the question before the Community Council was the validity of this particular lot; what is relevant and not relevant. When the owner purchased the property, he thought the land was commercial. He added that since the 1960's there has been a commercial operation in that area (a former recycling site). In 1980 commercial designation was given to the area. It was not until 1993/94 that the community of Beechville made it clear that there be no further expansion of commercial activity in Beechville. Planning staff have advised that if the rezoning is not granted, the property owner does have legal recourse as he may appeal the decision of the Community Council to the Nova Scotia Utility and Review Board (NSUARB). Councillor Rankin advised that he has seen some modest improvement with the property.

**MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council approve the rezoning of 1109 St. Margaret's Bay Road, Beechville as shown on Map 1 in the staff report dated August 22, 2006, from R-1 (Single Unit Dwelling) Zone to C-2 (General Business) Zone. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**10. REPORTS:**

**10.1 STAFF REPORTS**

**10.1.1 Case 00936: Eurobuilt Rezoning, Hubbards**

- A report dated October 3, 2006 was before the Community Council.

**MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council give first reading and set a public hearing date for November 7, 2006. MOTION PUT AND PASSED UNANIMOUSLY.**

## **10.2 MEMBERS OF COUNCIL**

### **10.2.1 Transit for Sambro Loop**

This matter was deleted during the approval of the agenda. See page 3.

### **10.2.2 Building Communities Fund - District 22 & 23**

**MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council approve the allocation of \$7,500 from the District 22 Building Communities Fund and \$2,500 from the District 23 Building Communities Fund for the purchase of a radar display sign for the Tantallon RCMP detachment. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS - None**

**12. ADDED ITEMS - None**

**13. NOTICES OF MOTIONS - None**

## **14. PUBLIC PARTICIPATION**

### **Ms. Lisa Mullin, Chair, PROBE**

- advised that PROBE is continuing their petition for the rezoning of lands zoned heavy industrial (I-3) and have obtained 430 signatures to date.
- advised that the petition will be presented to Councillor Rankin when the staff report is presented on October 31<sup>st</sup>. She requested that PROBE be provided a copy of the staff report.

### **Mr. Danny Caines, PROBE**

- expressed concern with the crushing of vehicles in the Mill Subdivision, Goodwood by Ross & Sons Recycling and whether or not the contaminants and all fluids were contained when removed from the vehicles and disposed of properly.
- the windmill in the area attracts people and he has overheard some commenting about the mountain of crushed cars near that site.

Councillor Rankin advised that he has been in contact with staff in the development office and will take action in regard to the By-Law.

### **Mr. Christopher, Beechville Estates**

In regard to agenda item 4.2, request for crosswalk, he advised that there are over 300 children and a nearby church. A crosswalk would be greatly appreciated.

Councillor Rankin responded that he would like to be able to provide more crosswalks in the Beechville area but the lack of counts is the reason for non-approval. Staff are requested to respond to Mr. Christopher on this matter. **MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council request that the crosswalk near the Beechville Baptist Church be repainted. MOTION PUT AND PASSED UNANIMOUSLY.**

**Ms. Beth McGee, Seabright**

- Clarified that the Interpretive Kiosk suggested for the Drysdale Bog area was for consideration if the rezoning was approved as the area could then attach to the Western Common.

**15. NEXT MEETING** - November 27, 2006

**16. ADJOURNMENT** - The meeting adjourned at 8:25 p.m.

Chris Newson  
Legislative Assistant