



**HALIFAX & WEST COMMUNITY COUNCIL
MINUTES
June 4, 2014**

PRESENT: Councillor Linda Mosher, Chair
Councillor Wayne Mason, Vice-Chair
Councillor Jennifer Watts
Councillor Russell Walker
Councillor Steve Adams
Councillor Reg Rankin

REGRETS: None

STAFF: Ms. Karen Brown, Solicitor
Mr. Liam MacSween, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/west/140604hwcc-agenda.php>

The meeting was called to order at 7:00 p.m. Community Council adjourned at 8:29 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – April 22, 2014

MOVED by Councillor Rankin, seconded by Councillor Walker that the minutes be approved as presented. MOTION PUT AND PASSED

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

Additions:

- 13.1 Heritage Advisory Standing Committee Report – Case 18078: Development Agreement for Lovett Lake Village, Beechville
- 13.2 Councillor Rankin – Request for Staff Report – Land Purchase for Public Access
- 13.3 Councillor Adams – Councillor Adams – Request for Written Update from Staff – Former Fire Hall and Recreation Centre – Herring Cove

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

4. BUSINESS ARISING OUT OF THE MINUTES

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 18232: Substantive Amendments to the existing development agreement for Brunello Estates, Timberlea

The following was before Community Council:

- *A staff recommendation report dated April 11, 2014*

Ms. Jillian MacLellan, Planner provided a presentation on Case 18232 regarding Substantive Amendments to the existing development agreement for Brunello Estates, Timberlea.

The Chair thanked Ms. MacLellan for her presentation and asked members of Community Council for questions of clarification. As there were none, the Chair read the procedures respecting public hearings and asked the applicant to come forward and address Community Council.

Mr. Rob Dexter, President of Brunello Estates gave a presentation and commented that he agrees with the recommendations as outlined in the staff report. He commented that a majority of the people who will be attracted to the Development are not interested in the golf course component but rather for the green space.

Mr. Dexter stated that work on the golf course is well underway and the design criteria are quite stringent with respect to the housing developments. He commented that the project requires landscaping for home owners aside from grass and noted that the set-backs for the developments are five to ten feet more than required, which enhances the architecture of the units. He provided details on the homes and townhomes which are available and explained that Brunello Estates is trying to bridge the price gap between townhomes and single unit dwellings.

The Chair thanked Mr. Dexter for his comments and asked for questions of clarification from Members of Community Council. As there were none, the Chair invited members of the public to come forward and address Community Council.

Mr. Allan Bardsley, of 19 Sienna Court in Brunello Estates commented that he is concern about the reduction the lot frontages for houses within the development. He commented that new homes in Brunello Estates will not have enough spacing between them, which will negatively impact the investment that he has made in his home. He commented that he is not interested in living in a neighbourhood that is too dense.

The Chair thanked Mr. Bardsley for his comments and called three times for further speakers. There were none.

MOVED by Councillor Mason, seconded by Councillor Adams that the public hearing be closed.

MOTION PUT AND PASSED.

The Chair invited the applicant to come forward and address Community Council for a final time.

Mr. Dexter stated that he understands the legitimate concerns of the speaker and noted that the 34 foot coverage will only be applied for town house and multi unit dwellings. He commented that because of the golf course, Brunello Estates will sell premium lots with frontages that are on the golf courses which have large frontages. He concluded by stating that he appreciates the speakers concern, but believes that the proposed changes will benefit the community.

MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax and West Community Council:

- 1. Approve the 9th Amending Agreement, as provided in Attachment A of the staff report dated April 11, 2014, to amend the requirements for single unit dwellings; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, 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.**

Councillor Rankin expressed his support for the amendments to the development agreement. He noted that there will be more single unit dwellings incorporated in the development and that the density requirements would not change. He noted that he is also very supportive of the green space and golf course components of the development and noted that it will be very beneficial to the community. He noted that Brunello Estates is a good news story for the area and has put Timberlea on the map.

Councillor Watts commented that there is no change in the density requirements for the area and that the proposed changes will offer more measures of affordability within the existing development. She noted that she is satisfied that the Developer will incorporate sound design characteristics for the development.

MOTION PUT AND PASSED.

8.1.2 Case 18107: Development Agreement, Prospect Road, Goodwood

The following was before Community Council:

- *A staff recommendation/information report dated April 21, 2014*
- *Correspondence submitted on behalf of Double D Construction dated, October 10, 2012*
- *Correspondence from Cleo Donohue dated May 19, 2014*
- *Correspondence from Shirley, Joseph and John Sampson, dated May 20, 2014*

Mr. Miles Agar, Planner, gave a presentation on Case 18107 in relation to a development agreement on Prospect Road in Goodwood.

The Chair thanked Mr. Agar for his presentation and asked Members of Community Council for questions of clarification from staff. As there were none, the Chair invited the applicant to come forward and address Community Council.

Mr. Shand, Urban Planner with WSP Group, noted that he is a representative for Wilson's Fuel which will develop the site. He provided a presentation and noted that the proposed development includes 10,000 square feet of retail developments (restaurant, office and retail space), a gas station, and a drive thru restaurant. He noted a wetland delineation which was undertaken in 2012 and well as a traffic assessment which indicated that traffic will not be significantly

impacted by the development. He provided background information on a Wastewater Treatment study undertaken in September of 2013 which noted that wastewater generated from the site will be treated and meets current Environmental standards. He concluded by stating that the proposed development will create jobs within the community and provides much needed services for that area.

Councillor Adams noted that chloroform was identified in the water which will service the development and inquired if the water will be drinkable and treated on site.

Mr. Shand commented that the water will be treated on site and that the presence of chloroform is not outside of the norm.

Councillor Adams inquired if the source of the chloroform identified. Mr. Shand replied that he did not have the information readily available but noted he can follow up and confirm the information requested.

The Chair thanked Mr. Shand for his presentation and opened the public hearing.

Mr. John Cascadden, 148 MacDonald Lake Drive, stated that he is in favour of the project and noted that a residential phase in close proximity to the subject area was proposed at the Public Information Meeting. He inquired if that proposed development will be under way in the near future. He further inquired if there is a fuel spill abatement plan that will go along with the development to capture any run off from the service station so that contaminants do not enter the ground water system.

Ms. Christine Walker, of 4 Peters Lake Road, stated that her home is in close proximity to the proposed development. She commented that the 20 meter buffer zone between the proposed development and neighbouring wetlands has not been maintained and she is concerned about the quality of the well water on her property. She commented that she is very much in favour of the development but is concerned about her water quality. She commented that she would like to see more monitoring by HRM to ensure that water quality is maintained.

The Chair called three more times for further speakers. As there were none, it was **MOVED by Councillor Mason, seconded by Councillor Watts that the public hearing be closed.**

MOTION PUT AND PASSED.

The Chair invited the applicant to come forward and address comments made during the public hearing.

Mr. Shand stated that there are substantial properties located behind the proposed development but there are no provisions with respect to residential development associated with the application. With regard to managing fuel spills, Mr. Shand noted that the fuel station will be in compliance with Nova Scotia Department of Environment regulations regarding fuel spillage. He commented that the service station has double walled fuel tanks to ensure that there is no leakage.

Mr. Shand commented that the twenty meter buffer zone will be maintained and no development will be permitted within that area. He concluded by stating that he can provide a ground level water analysis. With respect to fuel abatement, he deferred to Mr. Carl Brown with Wilsons Fuels to provide more information.

Mr. Carl Brown, Wilson Fuels, commented that the fuel nozzles which will be utilized in service station portion of the development are designed to prevent spillage. He noted that if an incident were to occur, staff is trained to deal with the spillage with materials designed to absorb fuel. He noted that every effort is made to ensure that spillage does not get away from the area. He advised that in addition to double-walled tanks, the fuel lines leading to the tanks are also double-walled to further prevent leakage.

Mr. Miles Agar, Planner commented that no residential phasing can take place on the back lands as part of the development agreement. He noted that future plans to do so would require a change in policy. He further noted that the buffering between the development and the wetlands is shown on the schedule attached to the staff report and that the buffer will need to be adhered to as development takes place.

Councillor Adams stated that during the Public Information Meeting in 2012, concerns about industrial development would take place on the back lands.

Mr. Agar stated what is shown on the site plan is permitted. He commented that no uses are permitted on the back lands.

MOVED by Councillor Adams, seconded by Councillor Walker that that Halifax and West Community Council:

- 1. Approve the proposed development agreement, presented as Attachment A of the staff report dated April 21, 2014; and**
- 2. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, 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.

8.2 VARIANCE APPEAL HEARINGS

8.2.1 Case 18820: Appeal of Variance Approval – 13 Round Tuit Road, Whites Lake

The following was before Community Council:

- *A staff recommendation report dated May 13, 2014*

Mr. Kurt Pyle, Planner commented that staff was delayed in sending out the notifications to area residents informing of the Variance Appeal Hearing. He commented that staff will ensure to the notifications will be sent

MOVED by Councillor Adams, seconded by Councillor Rankin that Case 18820 be referred to the next regularly scheduled meeting of Halifax & West Community Council to be held on June 17, 2014.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

The Legislative Assistant noted correspondence received for Item No. 8.1.2 - Case 18107: Development Agreement, Prospect Road, Goodwood which was distributed to Community Council prior to the meeting.

9.2 Petitions – None

9.3 Presentation – None

10. REPORTS – NONE

11. MOTIONS

11.1 Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Watts that Halifax and West Community Council request the staff report regarding R-2A Bedroom Count Amendments for the Halifax Peninsula Land Use By-Law be expanded to include habitable room limits and other house-keeping amendments including but not limited to height, height precincts, and lot coverage

Councillor Mason commented that in reviewing this matter with staff, it was suggested that the proposed amendments be included with respect to the R-2A zone.

Councillor Rankin requested further details with respect to the motion.

Councillor Mason stated that bedroom limits and gross floor area limits that were applied to the R-1 and R-2 zones, several years ago, were not applied to the R2A zoning. He commented that the motion is to apply these provisions to the R-2A zone.

Further discussion ensued.

MOTION PUT AND PASSED.

12. IN CAMERA

12.1 Approval of In Camera Minutes – April 22, 2014

The following motion was passed in public session:

MOVED by Councillor Walker, seconded by Councillor Mason that the In Camera Minutes of April 22, 2014 be approved as circulated.

MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Heritage Advisory Committee Report – Case 18078: Development Agreement for Lovett Lake Village, Beechville

The following was before Halifax and West Community Council:

- *A recommendation report from the Heritage Advisory Committee dated June 2, 2014*
- *A handout from staff illustrating revisions to the Proposed Development Agreement*

Ms. Jillian MacLellan, Planner provided background information with respect to Case 18078 and identified several typos in the Proposed Development Agreement as presented in attachment A of the attached staff report dated May 15, 2014. She commented that staff will correct the following typos:

- The omission of PID # 41375940 on the cover page of the Proposed Development Agreement.
- The proper spelling of the word “abut” in section 3.5.8
- The deletion of the words “shall be delineated” in section 3.2.1 (b)

MOVED by Councillor Rankin, seconded by Councillor Mason that Halifax and West Community Council give Notice of Motion to consider the proposed development agreement, as contained in Attachment A of staff report dated May 15, 2014 staff report to permit a mixed residential development and a commercial site on the lands abutting Lovett Lake, in Beechville and schedule a public hearing.

Councillor Rankin commented that the public hearing for this matter will be scheduled for Thursday June 26th at 7:30 p.m.

MOTION PUT AND PASSED.

13.2 Councillor Rankin – Request for Staff Report – Land Purchase for Public Access – Governors Lake, Timberlea

MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax and West Community Council authorize staff to reinvestigate and evaluate the appropriateness of the

public value of a candidate portion of lands, its related sale price; and bring back at first opportunity with a recommendation on its possible acquisition.

Councillor Rankin stated that Halifax Regional Council authorized the acquisition of this property in 2000 and noted that the deal fell through due to a disagreement on price. He commented that new ownership of the property invites staff to take another look at its possible acquisition.

He further noted that the lands in question are located on St. Margaret's Bay Road adjacent to the Ultramar Service Station.

MOTION PUT AND PASSED.

13.3 Councillor Adams – Request for Written Update from Staff – Former Fire Hall and Recreation Centre – Herring Cove

Councillor Adams noted that he would like an update regarding the transfer of the former Herring Cove Fire Hall and Recreation Centre to the Community of Herring Cove.

MOVED by Councillor Adams, seconded by Councillor Walker that Halifax and West Community Council request a written update from staff regarding the status of the transfer of the former Herring Cove Fire Hall and Recreation Centre from HRM to the Community of Herring Cove.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION – NONE

15. PUBLIC PARTICIPATION

Public Participation held and closed. No speakers present.

16. DATE OF NEXT MEETING – June 17, 2014

17. ADJOURNMENT

The meeting was adjourned at 8:29 p.m.

Liam MacSween
Legislative Assistant