



**HALIFAX AND WEST
COMMUNITY COUNCIL
MINUTES
June 26, 2014**

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

STAFF: Ms. Karen Brown, Solicitor
Mr. Quentin Hill, 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/140626hwcc-agenda.php>

The meeting was called to order at 7:30 p.m., and Community Council adjourned at 9:35 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7: 30 p.m.

2. APPROVAL OF MINUTES – NONE

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

Additions: 13.1 –Councillor Rankin : Change of Street Infrastructure: Birchdale Avenue/Ashdale Crescent

13.2 Councilor Adams: Offleash Dog Park Regatta Point

13.3 Councillor Mason: Information Report – Peninsula Gyms

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

4. BUSINESS ARISING OUT OF THE MINUTES

Councillor Rankin commented that status sheet item # 29, Off leash dog park District 12 that two sites were identified. One of the sites was in the Western Commons or in the Exhibition Park. He requested that the record note that consideration be given for the dog park at the Exhibition Park site as there seems to be support in the Community. He also requested that this information be conveyed to the appropriate staff.

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 18078: Development Agreement for Lovett Lake Village, Beechville

The following was before Community Council:

- *A staff recommendation report dated June 2, 2014.*

Ms. Jillian McLellan, Planner presented the application from WSP Canada on behalf of Armco Capital Inc. to enable a mixed residential development and a local commercial use site on the lands on the Eastern side of Lovett Lake, Beechville.

In response to questions from Council, Ms. McLellan noted the following changes since the initial public information meeting:

- Reduced number of units
- Project to be completed in phases
- Reduction of cul-de-sacs
- Inclusion of the berm

The Chair called for the applicant to come forward and speak at this time. **Mr. Koresh Rad, Urban Planner with WSP Canada presented on behalf of Armco Capital.** He began by explaining the original application proposal was for 306 residential units and 150 of those would be single detached and the others would be townhouses and semi-detached units. He added that they were going to construct trail heads and some of the areas needed to be protected such as the baptismal path. The project now will have 253 residential units and the total density has gone down from 22 persons per acre to 20 persons per acre. Water and sewage will be connected to HRM services. Erosion and sediment control features are going to be included in the project for the protection of Lovett Lake. He added that they had done significant public consultation including door to door invitations, consultation with Beechville Baptist Church and HRM staff. He further advised that during the public information meetings, they had heard a lot of talk about the archeological significance of the area. The project had two archeological assessments done on the lands. They received approval from the provincial department of heritage to ensure they did the proper heritage assessments of the properties. They also named the streets as identified by the community. There is a strip of land also being donated from the Beechville Baptist Church to further ensure that none of the unmarked graves would be disturbed.

The Chair reviewed the rules of procedure for public hearings and opened the hearing for anyone wishing to speak.

Mr. Chris Downey, Beechville advised that he was at the public hearing to speak on behalf of the Beechville Baptist Church. He advised that a number of concerns regarding drainage and blasting had been forwarded to Ms. McLellan. He noted that there is concern regarding damage to the shared driveway access with the big trucks and the big trucks going through the area. It was further noted that the development is also causing wildlife to be stirred up with an increase of deer, racoon and rats in the area. In response to Councillor Watts, Mr. Downey advised there was significant support from the church to move the project forward and were comfortable with the archeological study.

Mr. David Banks, Beechville stated that he had two concerns. His first concern was around the calculation around open space for the development. He felt that there should be more open space provided. His second concern was that the reduction of trees in the area was a health concern. He added that the loss of the trees would also increase the air speed in the area.

Mr. Eric Drury, Beechville raised concern that the bus route was full every night. He questioned if HRM staff would be looking at increasing the number of Metro links running through the area.

Mr. Dennis Wright, Beechville advised that he did attend the public information meeting and was also familiar with the application before Council. He requested that it be noted that Munro subdivision is the oldest subdivision in the Beechville area and no one had been invited from the subdivision to the public information meeting. He stated that he was in touch with the developer and HRM staff when the archeological dig was scheduled in 2012 and was told he would be given any information from the assessment. He indicated that he has not been told anything from the archeological assessment and no idea if the unmarked graves have been located near the cemetery. He advised that it is a personal matter to him because he has ancestors buried in the area. He requested that no blasting or works to take place until the unmarked graves are located. He stated that he belongs to the non-profit society called Descendants of Beechville and they have a different stance on the proposed development than the Beechville Baptist Church.

Ms. Tamara Ash, Beechville stated that her main concern was that she felt most of the community was not made aware of the proceedings of the current meeting. She stated that most of the process has not been inclusive of the Munro subdivision. She noted that while the church is in agreement of the development there are other members of the community who are not. She felt that the community was being encroached on and want them to have their cultural identity respected.

Mr. Channing Davis, Beechville, he concurred with previous speakers that Munro sub-division were not consulted with the development. He was also a member of the Descendants of Beechville Society. He stated that in a community survey residents stated that they did not want a walking trail built over the baptismal path and wanted the baptismal path to remain as it was.

The Chair called three times for any further speakers. There being no further speakers, the Chair requested that the applicant come forward to address any of the comments brought forward during the public hearing.

Mr. Rad introduced Mr. Chris Miller to come forward on behalf of the applicant to address some of the questions surrounding the archeological assessment.

Mr. Miller advised that there had been an archeological assessment was done in 2009 and they had acquired the information when they purchased the property. He noted that when they held public information meetings there was further comment from the community about unmarked graves outside the church property. Since there was the possibility of burials outside the church property boundaries they decided to do a further extended assessment which was completed by Mr. Bruce Stewart. He obtained a permit from the province in 2013 and they had asked him to meet twice with the community. The Church board of trustees and womens executive as a group they could look to connect with the local community. The summary of the assessment findings showed there were no graves outside the church boundary. The CRM report was confirmed by the province as being accurate and the province identified that the recommendation related to the homestead site, that if the development was to affect the homestead site a further detailed archeological assessment would be required. In November 2013 the province accepted an interim report on the evaluation of the homestead site and the final work to complete the second permit is currently underway which includes the preservation of artifacts found on the site. Mr. Miller

further stated that they have shared any findings with the working group and could provide additional information with residents. He added that the reports become property of the province.

Councillor Watts questioned if there are any unmarked graves outside the church property and if there are would they be preserved.

Mr. Miller advised that in the findings of the two reports was that there were no unmarked graves outside the property. He added that the marked graves outside the church property would be given back as a parcel of land back to the church. He noted that there has been no blasting in the area but had been a removal of some trees, none of the trees have been removed from areas identified as parkland. Any soil that has been exposed has been hydro seeded.

MOVED by Councillor Walker, seconded by Councillor Adams that the Public Hearing be closed.

MOTION PUT AND PASSED.

Councillor Rankin requested clarification on the requirement of notification for the public hearing.

Ms. Maclellan outlined the area of notification of the public hearing on map 3 of the report. She added that staff are required to notify residents within 30 meters and could be different depending on the application. She also added that residents who attend the public information meeting would be notified if they signed up. She noted that for this application the notification area was expanded beyond the typical scope.

In response to questions from Council, Ms. Maclellan stated that the items of concern identified in the letter from the Church, the proposal would require a storm water management plan before it could go forward. She stated that the buffer would have to be vegetative along the church property. Any blasting will require a blasting permit and HRM has conditions around that permitting process. The large vehicles being used cannot be dictated through the development agreement process. She noted that the applicant has been working on the archeological assessment and findings are shared with the community, but that process is overseen by the province. There were no studies or reports done on the effect on wildlife in the area that she was aware of.

Councillor Rankin noted that the concerns raised by the community were recognized and that the municipality and developer were sensitive to those issues.

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

- 1. Approve the proposed development agreement as contained in Attachment A of the May 15, 2014 staff report; and**
- 2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the applicant,**

from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

Councillor Rankin submitted a list of amendments as requested by the developer for the record but noted that they could not be considered as they are substantive in nature.

Ms. Karen Brown, Solicitor clarified that the amendments put forward were substantive amendments and would require a new Public Hearing be advertised and held if Council decided to bring them forward.

Further discussion ensued.

MOTION PUT AND PASSED.

Councillor Rankin requested that the information received that was considered major amendments be forwarded to staff as part of the official record.

Ms. Brown noted that the information was never brought forward as amendments. They would be included in the record noting that Councillor Rankin introduced them at the meeting.

8.2 VARIANCE APPEAL HEARINGS – NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence – None

9.2 Petitions – None

9.3 Presentation – None

10. REPORTS

10.1 STAFF

10.1.1 Supplementary Report – Case 17491: Development Agreement Amendment for 2894 St. Margaret’s Bay Road, Timberlea

The following was before Community Council:

- *A staff report dated June 10, 2014*
- *A motion memo for the consideration of Halifax and West Community Council on June 26, 2014*

Councillor Rankin advised that he cannot vote on the matter because he was not present at the joint public hearing with Regional Council on April 15, 2014. The Chair, in consultation with the Solicitor, noted that Councillor Rankin can speak on the matter after the vote has been held.

Mr. Shayne Vipond, Senior Planner provided background information in relation to Case 17491. He noted that a Joint Public Hearing with Regional Council was held on April 15, 2014 at which Regional Council approved amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law (MPS and LUB) enabling the expansion of the existing self-storage use on the subject property by adding an outdoor commercial vehicle storage area at 2894 St. Margaret's Bay Road. He noted that the purpose of the amendments to the MPS and LUB was to authorize what was then an un-authorized existing commercial vehicle storage area.

Mr. Vipond advised that an amending development agreement regarding the vehicle storage expansion was presented for the consideration of Halifax and West Community Council at the April 15, 2014 Joint Public Hearing. He noted that the proposed development agreement was subject to the amendments to the MPS and LUB taking effect. He remarked that as of June 23, 2014 the amendments to the MPS and LUB came in to effect and, as such, the amended development agreement, as contained in Attachment A of the supplementary staff report dated June 10, 2014 is before Halifax and West Community Council for consideration.

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

- 1. Approve the proposed development agreement as contained in Attachment A of the June 10, 2014 report, and;**
- 2. Require the amending agreement be signed by the property owner within 120 days, or any extension thereof granted 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.

Councillor Rankin commented that the developer of the subject property has agreed to maintain the buffering between the subject area and the lands which are located opposite to it. He reiterated that the buffer area will be left intact as part of the development agreement and expressed his regrets for not being present at the joint public hearing on this matter which was held at Regional Council on April 15, 2014.

10.1.2 Supplementary Report – Case 18591: LUB Amendment and Development Agreement – 5530 – 5532 Bilby Street, Halifax

The following was before Community Council:

- *A staff report dated June 10, 2014*

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax and West Community Council:

- 1. Approve the proposed development agreement as contained in Attachment A of the May 27, 2014 staff report, and;**

- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted 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.

10.1.3 Case 18771: Substantive Amendments to Development Agreement, Gladstone and Almon Streets, Halifax

The following was before Community Council:

- *A staff report dated May 29, 2014*

MOVED by Councillor Watts, seconded by Councillor Walker that Halifax and West Community Council give Notice of Motion to consider an application by Westwood Developments Limited to amend the development agreement for 2723 - 2761 Gladstone Street and 6136-6150 Almon Street, Halifax, to allow for the replacement of two semi-detached dwellings with a surface parking lot and landscaped open space, as provided in Attachment A of the staff report dated May 29, 2014 and schedule a public hearing

Councillor Mosher noted that there was a motion memo from District 7,8 Planning Advisory Committee.

MOTION PUT AND PASSED.

11. MOTIONS

12. IN CAMERA - NONE

13. ADDED ITEMS

13.1 Councillor Rankin – Permanent Curb at Intersection of Birchdale Avenue and Ashdale Crecent

Councillor Rankin advised that there is ongoing concern about the upkeep of the barrier at the intersection of Birchdale Avenue and Ashdale Crescent.

MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax and West Community Council request a staff report to consider construction of a permanent curb at the intersection of Birchdale Avenue and Ashdale Crecent to delineate the streets and avoid annual upkeep.

MOTION PUT AND PASSED.

13.2 Councillor Adams – Off Leash Dog Park – Regatta Point

MOVED by Councillor Adams, seconded by Councillor Walker that staff initiate public consultation of Regatta Point for an off leash dog park.

MOTION PUT AND PASSED.

13.3 Councillor Mason -Gymnasia Analysis – Peninsula Halifax

Councillor Mason advised that he has heard from the community is there is not enough full court gym space available for many recreation activities in the area with the closures of YMCA, St. Pats Alexander and Bloomfield gymnasiums. There is also issue with access during prime time and hard to house programs. He requested that Councillors attend the next Community Planning and Economic Development meeting to discuss the report. He added he was disappointed that the report before Council did not include costs.

In response to Councillor Mason, Ms. Cathy Nearing Regional Recreation Planning, advised that the community is still able to access the Halifax Regional School Board gyms. The service exchange agreement was being updated but there was nothing precluding the community from using the gym while those discussions are ongoing. She noted that there are over 10,000 hours available that are not being used and that is mostly related to costs.

Councillor Mosher felt the report did not properly capture the districts it affects. She felt that there was not enough consultation with Councillors before the report was written in the areas affected by the report.

14. NOTICES OF MOTION

15. PUBLIC PARTICIPATION

Public Participation held and closed. No speakers present.

16. DATE OF NEXT MEETING – August 6, 2014

17. ADJOURNMENT

The meeting was adjourned at 9:38 p.m.

Quentin Hill
Legislative Assistant