



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
January 16, 2024**

PRESENT: Councillor Waye Mason, Chair
Councillor Iona Stoddard, Vice Chair
Councillor Lindell Smith
Councillor Shawn Cleary
Councillor Kathryn Morse
Councillor Patty Cuttell

STAFF: Meg MacDougall, Solicitor
Andrea Lovasi-Wood, Legislative Assistant

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

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 6:00 p.m., Community Council adjourned at 7:34 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 6:00 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

2. APPROVAL OF MINUTES – December 5, 2023

MOVED by Councillor Smith, seconded by Councillor Stoddard

THAT the minutes of December 5, 2023 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

MOVED by Councillor Cleary, seconded by Councillor Morse

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case # 2023-00191: Development Agreement for Bellarosa Way, Halifax

The following was before Council:

- Staff report dated November 8, 2023
- Extract from the December 5, 2023 Halifax and West Community Council draft minutes
- Correspondence from Angela Jackson-Butt and Edward Alan Butt, Harriet King
- Staff presentation dated January 16, 2024

Jessica Harper, Principal Planner, Urban & Rural Planning Applications gave a presentation and responded to questions of clarification from Community Council. Harper confirmed a building permit was issued to the applicant to build in the location of a third dwelling prior to the lot's subdivision and that the building permit was separate from the current development agreement application. Harper confirmed that the original and subdivided lots share well and septic services.

The hearing opened at 6:21 p.m.

The Chair invited the applicant to come forward and address Community Council.

Lara Ryan, Applicant confirmed their intent not to use the building permit for the third dwelling on the original lot as they proposed to build a dwelling on the subdivided lot. Ryan spoke to the significant improvements performed on the properties they owned in the surrounding area including widening of access laneways, construction of retaining walls, upgraded septic systems, removal of oil tanks and deep energy retrofit of their current dwelling. Ryan confirmed the proposed dwelling building would be built with the same level of care and to a net zero energy standard. Ryan indicated that the lot subdivision resolved encroachment issues with neighbouring properties and allowed for improvements to the septic system.

The Chair reviewed the rules of procedure for public hearings. The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak; there were none.

MOVED by Councillor Cuttell, seconded by Councillor Cleary

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:25 p.m.

MOVED by Councillor Cuttell, seconded by Councillor Cleary

THAT Halifax and West Community Council:

- 1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated November 8, 2023; 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.**

Community Council noted the application addressed concerns of adjacent property owners regarding the development's impact on neighbouring wells through the remediation of derelict buildings, removal of old septic tanks and oil tanks from the property and that the past work done to the property would have greater impact to existing wells than the proposed development and construction.

MOTION PUT AND PASSED.

10.1.2 PLANAPP 2023-00651: Rezoning of 2 Marie Avenue, Halifax

The following was before Council:

- Staff report dated November 20, 2023
- Extract from the December 5, 2023 Halifax and West Community Council draft minutes
- Correspondence from Kathleen Hall and Martha Leary
- Staff presentation dated January 16, 2024
- Applicant presentation dated January 16, 2024

Paul Sampson, Planner II gave a presentation and responded to questions of clarification from Community Council. Sampson stated the intent of the H (Holding) zone in the back corner of the property was a temporary measure to ensure that part of the site could be serviced and there was no negative impact with rezoning the H zone to Institutional as the application did not include construction on that section of the property.

The hearing opened at 6:52 p.m.

The Chair invited the applicant to come forward and address Community Council.

Jenifer Tsang, on behalf of the Applicant spoke to the benefits of rezoning the property to Institutional and summarized the Province's regulation of the operation of privately-owned long-term care facilities. Tsang stated the proposed long-term care facility to be constructed on the property is meant to replace the existing Melville Heights facility. **Syd Dumaresq, on behalf of the Applicant** gave a presentation. Tsang responded to questions from Community Council regarding staffing ratios for the proposed long-term care facility and the use of property setbacks, landscaping and screening where the parking lot abuts neighbouring properties.

The Chair reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

Kathleen Hall, on behalf of the Backlands Coalition spoke to the Coalition's work to protect the habitat in the area surrounding the proposed development. Hall spoke in support of the application as the property was the ideal location for a long-term care facility and appreciated that most of the development was located on the front part of the property. Hall opposed the zoning change of the property's back corner from Holding to Institution as development of that section would negatively impact the habitats of adjacent parkland and nature preserves.

Martha Leary, on behalf of the Backlands Coalition spoke to the minimal environmental disturbances required by the wildlife and natural habitat in the area surrounding the proposed development. Leary stated that extreme caution, care and adequate buffers be used in the development of lands immediately adjacent to natural habitats. Hall responded to questions of clarification from Community Council.

Joseph Kirby, Dartmouth South spoke in support of the proposed development as it provided long-term health care and housing for 128 residents and opposed the use of zoning requirements to limit the building long-term care housing.

Gaby Sorenson, Bedford spoke in support of the proposed long-term care development as it provided much needed housing and long-term care for senior citizens. Sorenson stated that neighbourhood fit and compatibility were not adequate reasons to restrict the building of long-term care facilities due to the need for senior housing and health care.

The Chair invited the applicant to respond to questions raised by the public. The applicant chose not to respond.

MOVED by Councillor Cuttell, seconded by Councillor Cleary

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 7:25 p.m.

MOVED by Councillor Cuttell, seconded by Councillor Morse

THAT Halifax and West Community Council adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the staff report dated November 20, 2023.

Community Council acknowledged the value brought to the community by the application's provision of much needed long-term care spaces. Community Council stated they looked forward to future discussions between the applicant and the community to prevent bird kill in the surrounding area.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for items: 10.1.1 and 10.1.2.

For a detailed list of correspondence received refer to the specific agenda item.

11.2 Petitions – None

11.3 Presentation – None

12. PUBLIC PARTICIPATION

The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak; there were none.

13. INFORMATION ITEMS BROUGHT FORWARD – NONE

14. REPORTS

14.1 STAFF

14.1.1 Case 2023-01049: Suburban Planning Area Land Use By-law amendments to Interim Bonus Zoning Requirements for Applicable Plan Amendment Applications

The following was before Community Council:

- Staff report dated October 23, 2023

MOVED by Councillor Cleary, seconded by Councillor Morse

THAT the Halifax and West Community Council give First Reading to consider approval of the proposed amendments to applicable Land Use By-laws as set out in Attachment C of the staff report dated October 23, 2023, and schedule a public hearing to be held concurrently with Harbour East – Marine Drive Community Council and North West Community Council.

MOTION PUT AND PASSED.

14.1.2 Case 2023-00534 (formerly case 24638): Development Agreement for 6590 Bayers Road, Halifax

The following was before Community Council:

- Staff report dated December 22, 2023

MOVED by Councillor Cleary, seconded by Councillor Morse

THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated December 22, 2023, to allow relocation and redevelopment of an existing service station (gas station and accessory convenience store) and schedule a public hearing.

Kelly Greenland, Planner II responded to questions of clarification from the Community Council.

MOTION PUT AND PASSED.

15. MOTIONS – NONE

16. IN CAMERA (IN PRIVATE) – NONE

17. ADDED ITEMS – NONE

18. NOTICES OF MOTION – NONE

19. DATE OF NEXT MEETING – February 27, 2024

20. ADJOURNMENT

The meeting was adjourned at 7:34 p.m.

Andrea Lovasi-Wood
Legislative Assistant