

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
December 12, 2018**

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Lindell Smith, Vice Chair
Councillor Shawn Cleary
Councillor Richard Zurawski

REGRETS: Councillor Waye Mason
Councillor Russell Walker

STAFF: Donna Boutilier, Solicitor
David Perusse, Legislative Assistant

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

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 6:00 p.m. and adjourned at 7:31 p.m.

1. CALL TO ORDER

The Legislative Assistant called the meeting to order at 6:00 p.m. in Halifax Hall, 2nd Floor City Hall, 1841 Argyle Street, Halifax.

1.1 Annual Election of Chair and Vice Chair

The Legislative Assistant called for nominations for the position of Chair of Halifax and West Community Council.

MOVED by Councillor Cleary, seconded Councillor Zurawski

THAT Councillor Steve Adams be nominated for the position of Chair of Halifax and West Community Council.

MOTION PUT AND PASSED.

The Legislative Assistant called three times for any further nominations. There being none, Councillor Adams was declared Chair of Halifax and West Community Council.

Councillor Adams took the Chair at 6:05 p.m.

The Chair then called for nominations for the position of Vice Chair of Halifax and West Community Council.

MOVED by Councillor Zurawski, seconded by Councillor Cleary

THAT Councillor Lindell Smith be nominated for the position of Vice Chair of Halifax and West Community Council.

MOTION PUT AND PASSED.

The Chair called three times for any further nominations. There being none, Councillor Smith was declared Vice Chair of Halifax and West Community Council.

1.2 TABLING OF 2018 ANNUAL REPORT

The following was before Community Council:

- A staff recommendation report dated December 3, 2018

The Chair opened the hearing and invited members of the public to come forward and address Community Council on the 2018 Annual Report.

The Chair called three times for anyone wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Smith, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT Halifax and West Community Council accept the 2018 Halifax and West Community Council Annual Report as presented.

MOTION PUT AND PASSED.

2. APPROVAL OF MINUTES – November 14, 2018

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT the minutes of November 14, 2018 be approved as presented.

MOTION PUT AND PASSED.

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

MOVED by Councillor Zurawski, seconded by Councillor Smith

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 21847: Time Extension to existing Development Agreement for PID 40306730, property adjacent to 1300 Prospect Road, Goodwood

The following was before Community Council:

- A staff recommendation report dated September 25, 2018
- A staff presentation on Case 21847: Time Extension to existing Development Agreement for PID 40306730, property adjacent to 1300 Prospect Road, Goodwood

Megan Backos, Planner II, Current Planning, provided Community Council with a presentation on Case 21847 to amend an existing Development Agreement to permit a four-year extension to the deadline for commencement of development and a five (5) year extension to the deadline for completion of development at PID 40306730, Prospect Road.

Responding to questions from members of Community Council, Backos and Carl Purvis, Major Projects Planner, noted that an environmental assessment was completed for the proposed development and was included as part of the original report in 2014.

The Chair opened the hearing and invited the Applicant to come forward and address Community Council.

Jack Bryant, on behalf of the property owner, 3232975 Nova Scotia Ltd., spoke to Community Council on Case 21847 to amend an existing development agreement to permit a four-year extension to the deadline for commencement of development and a five (5) year extension to the deadline for completion of development at PID 40306730, Prospect Road. They explained that the delay in the development timeline was a result of the developer's struggle to secure a water supply with adequate water quality necessary for the planned commercial uses for the development.

Responding to questions from members of Community Council, Bryant noted that they could not state whether the Developers would be open to eliminating the planned drive through for the property, but noted that it may be difficult for the economic viability of the development if it were to be excluded.

The Chair then called for anyone wishing to address Community Council on this matter.

Kristie Walker, 4 Peters Lake Road, expressed their concerns with the Development Agreement. They noted that although there was an initial environmental assessment conducted on the property, as it is now 2018, a new environmental lens is required that takes into account the current environmental challenges the Municipality is facing. They expressed concerns with storm water capacity, and the potential impacts on neighbouring properties. They suggested that the 20 meter buffer to the adjacent wetlands may no longer be sufficient, and asked that Community Council consider amending the Development Agreement to require a larger buffer.

The Chair then called three times for anyone else wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Zurawski, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

Responding to further questions from members of Community Council, Backos and Purvis noted that the 20 meter buffer in the current Development Agreement originates from HRM standards and requirements set out in the planning By-laws.

MOVED by Councillor Zurawski, seconded by Councillor Smith

THAT Halifax and West Community Council:

- 1. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated September 25, 2018; 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 Zurawski suggested that members of Community Council defeated the staff recommendation and proceed with Alternative 1 in the staff report; to request that staff return with a supplementary staff report that employs an updated environmental lens for the development.

Speaking from the Chair, Councillor Adams expressed concern that the Land-Use By-law (LUB) and Municipal Planning Strategy (MPS) component of the development were already dealt with and approved when the matter originally appeared before Community Council. The MPS has not changed since the original development was approved, and as such, it is likely that the current decision dealing with environmental issues would be overturned if appealed to the Utility Review Board.

Councillor Cleary suggested that the alternative be moved requesting that staff provide a supplementary staff report on the possibility of increasing the buffer between the property and the adjacent wetlands from twenty (20) meters to thirty (30) meters.

Community Council voted on the staff recommendation on the floor at this time.

MOTION PUT AND DEFEATED.

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT Halifax and West Community Council request a supplementary staff report examining increasing the buffer between PID 40306730 and the adjacent wetlands from 20 meters to 30 meters.

MOTION PUT AND PASSED.

10.2 Variance Hearings

10.2.1 Case 21703: Appeal of Variance Approval – 12 Alderwood Drive, Halifax

The following was before Community Council:

- A staff recommendation report dated November 2, 2018
- A staff presentation on Case 21703: Appeal of Variance Approval – 12 Alderwood Drive, Halifax
- Correspondence submitted by Michael and Paula Hodson, and Sania Dorey

Tessa Williams, Planner I, provided a presentation on Case 21703 to allow an addition to a single unit dwelling located at 12 Alderwood Drive to accommodate additional living space consisting of an enclosed porch, expanded kitchen and additional bedroom for a total of three bedrooms. Williams noted the position of staff that there are sufficient constraints on the property that are not commonly shared by properties in the neighbourhood to justify granting the variance.

The Solicitor reviewed the rules of procedure for variance hearings and the Chair invited the Appellants to come forward and address Community Council.

It was noted by the Chair that the Appellant were not present.

Kathryn Illyas and Shehab Illyas, owners of 12 Alderwood Drive, spoke to Community Council about the variance, noting that they are looking for ways to increase the living space for their home to accommodate their growing family, rather than having to moved to a new residence. They noted that they have explored several different designs for the property to achieve this goal; however, with the property's constraints, the most practical and economic approach was the expansion on the south side of the building. They further noted that the abutting neighbours who would be most effected by the expansion supported their proposal. They noted that without the variance, they will likely have to relocate.

The Chair then called three times for anyone in the notification area wishing to address Community Council on this matter. There being none, it was MOVED by Councillor Smith, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Halifax and West Community Council allow the appeal.

MOTION PUT AND DEFEATED. (Development Officer's decision upheld.)

Members of Community Council expressed concerns to staff that the rules for third parties appealing variances need to be tightened up as an increasing amount of these appeals appear to be vexatious in nature, and result in real delays and consequences for the affected parties.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.2.1. This correspondence was circulated to Community Council.

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

11.2 Petitions - None

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Point Pleasant Park Mobile App

The following was before Community Council:

- A staff recommendation report dated November 22, 2018

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Halifax and West Community Council recommend that Halifax Regional Council direct staff to develop and embed a Story Map in the existing Point Pleasant Park web page as a pilot project within the Halifax.ca website for 2019, and monitor the usage and popularity for future consideration in other parks.

Responding to questions from members of Community Council, Alana Tapper, Superintendent Parks West, noted that although there are several options outlined in the staff report for technology that could be considered for delivering information to visitors to Point Pleasant Park, if the staff recommended option is successful, then the additional two (2) options will not be necessary.

MOTION PUT AND PASSED.

13.1.2 Case 21379: Municipal Planning Strategy and Land Use By-law Amendments for Planning District 4 (Prospect) to allow a church at 797 Prospect Road, Goodwood

The following was before Community Council:

- A staff recommendation report dated October 10, 2018

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Halifax and West Community Council recommend that Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 4 (Prospect), as set out in Attachments A and B of the staff report dated October 10, 2018, to allow for a church at 797 Prospect Road, Goodwood, and schedule a public hearing; and**
- 2. Adopt the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 4 (Prospect), as set out in Attachments A and B of the staff report dated October 10, 2018.**

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE)

15.1 APPROVAL OF IN CAMERA (IN PRIVATE) MINUTES – November 14, 2018

This matter was dealt with by the Community Council in public session.

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT the In Camera (In Private) minutes of November 14, 2018 be approved as presented.

MOTION PUT AND PASSED.

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

No one came forward to address Community Council during public participation.

19. DATE OF NEXT MEETING – January 8, 2019

20. ADJOURNMENT

The meeting was adjourned at 7:31 p.m.

David Perusse
Legislative Assistant