



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
June 28, 2016**

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

STAFF: Ms. Claire Gillivan, Solicitor
Ms. Phoebe Rai, 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/index.php>

The meeting was called to order at 6:02 p.m. and moved into an In Camera (In Private) session at 7:56 p.m. Community Council reconvened at 8:08 p.m. and adjourned at 8:10 p.m.

1. CALL TO ORDER

Councillor Adams, Chair called the meeting to order at 6:02 p.m.

2. APPROVAL OF MINUTES – May 17, 2016

MOVED by Councillor Watts, seconded by Councillor Mason

THAT the minutes of May 17, 2016 be approved as presented.

MOTION PUT AND PASSED.

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

Additions: 16.1 Information Item 3: Update on Point Pleasant Comprehensive Long Term Plan
 16.2 Control of Rosa multiflora
 16.3 Noise and Vibrations Caused by Heavy Truck Traffic on Barrington Street

Deletions: 13.2.1 Councillor Walker - Algae Around Kearney Lake

MOVED by Councillor Mosher, seconded by Councillor Rankin

THAT the agenda be approved as amended.

Two-third majority vote required.

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 - NONE

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case 20144: Appeal of Variance Refusal – 6164 North Street, Halifax

The following was before Community Council:

- A staff recommendation report dated June 15, 2016
- A staff presentation dated May 17, 2016
- A presentation from K.J. Gandhi on behalf of the applicant dated June 28, 2016

The Chair invited staff to present Case 20144. Ms. Laura Walsh, Planner delivered the staff presentation on the appeal of variance refusal as set out in the staff report dated June 15, 2016.

The Chair outlined variance appeal hearing procedures and opened the variance appeal hearing, inviting the appellant to come forward.

Mr. K.J. Gandhi of Innovation Architects spoke on behalf of the applicant (appellant) and provided a presentation to the Community Council. He provided information regarding the renovation and landscaping plans for the property in question. Mr. Gandhi advised that the property was assessed as a four-unit building in 1969 and property taxes have been consistently paid based on this assessment since the building was purchased by the applicant in 1979.

In response to a question from the Community Council, Ms. Claire Gillivan, Solicitor confirmed that staff does not reference the valuation assessment when considering a variance request. As outlined in the staff report, HRM records indicate this is a two unit dwelling and there is no evidence to suggest that the property has non-conforming rights.

The Chair read the rules of procedure respecting variance appeal hearings and called for members of the public within 30 metres of the appellant property or who can demonstrate that they are especially affected by the decision in a manner different than the general public who wish to speak to come forward.

The Chair called three times for speakers. There being none, it was MOVED by Councillor Watts, seconded by Councillor Mason

THAT the variance appeal hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Watts, seconded by Councillor Mason

THAT Halifax and West Community Council allow the appeal of the variance refusal for 6164 North Street, Halifax and overturn the decision of the Development Officer.

MOTION PUT AND DEFEATED.

10.2.2 Case 20161: Appeal of Variance Approval – 1 Alderwood Drive, Halifax

The following was before Community Council:

- A staff recommendation report dated June 15, 2016
- A staff presentation dated May 17, 2016
- A map provided by applicant Vassili Tsimiklis

The Chair invited staff to present Case 20161. Mr. Andrew Faulkner delivered the staff presentation on the appeal of variance approval as set out in the staff report dated June 15, 2016.

The Chair opened the variance appeal hearing and invited the appellants to come forward.

Ms. Sania Dorey, appellant, expressed concern regarding how the variance will alter the landscape of the surrounding area and affect the view from her property. She commented that for these reasons, she felt the dwelling would negatively affect the value of her property.

The Chair called three times for any additional appellants or members of the public who can demonstrate that they are especially affected by the decision in a manner different than the general public to come forward. There being none, the Chair invited the applicant to come forward.

Mr. Vassili Tsimiklis, applicant, provided the following information to Community Council:

- The variance was requested due to the triangular shape of the lot, which is not a difficulty that is general to properties in the area;

- The proposed development would not block the view of Chocolate Lake, and there is no public access to the lake from Alderwood Drive; and
- Immediate neighbours have expressed support for the development.

MOVED by Councillor Rankin, seconded by Councillor Walker

THAT the variance appeal hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Rankin, seconded by Councillor Walker

THAT Halifax and West Community Council allow the appeal of the variance approval for 1 Alderwood Drive, Halifax and overturn the decision of the Development Officer.

Community Council entered into a brief discussion regarding the variance and indicated that the difficulty experienced is not general to the area.

MOTION PUT AND DEFEATED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for items 13.1.2 and 16.2 and circulated to all Community Council members.

11.2 Petitions

11.2.1 Councillor Watts

Petition submitted containing 16 signatures requesting that Halifax Regional Municipality investigate and resolve the issue of noise and home vibrations caused by heavy truck/vehicle traffic on Barrington Street. Residents of the Barrington Street, Vestry Street and Lynch Street area are requesting the municipality seek options to minimize the negative impacts caused by the noise and vibrations.

11.3 Presentation - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Plan Dutch Village Road

The following was before Community Council:

- A staff recommendation report dated April 1, 2016

MOVED by Councillor Walker, seconded by Councillor Watts

THAT Halifax and West Community Council recommend that Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS), the Halifax Peninsula Land Use By-law (LUB) and Halifax Mainland Land Use By-law as set out in Attachments A, B and C of the report dated April 1, 2016 and schedule a public hearing;**

2. **Approve the proposed amendments to the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-law and Halifax Mainland Land Use By-law as contained in Attachments A, B and C of the report dated April 1, 2016; and**
3. **Direct staff to undertake preliminary design work to confirm the cost and feasibility of providing pedestrian and bicycle infrastructure, and potentially other streetscape elements where needed, on Dutch Village Road and report back to Regional Council. If it is approved by Regional Council the project should be considered for future delivery through the active transportation capital program and will include a public engagement process.**

Ms. Jennifer Chapman, Planner, Urban Design provided information regarding the history of the planning process for Dutch Village Road. She presented the policy goals, highlighting the planned transition from commercial areas to the surrounding residential community. Ms. Chapman identified an error in the staff report, noting that staff recommends working within existing policies rather than replacing them. She clarified that the process would create nonconforming uses and structures, but existing industrial uses could continue to operate.

MOTION PUT AND PASSED.

13.1.2 Case 19353 – Amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law and Development Agreement, 2470 and 2480 Maynard Street, Halifax

The following was before Community Council:

- A staff recommendation report dated April 20, 2016
- A Memorandum from the Districts 7 & 8 Planning Advisory Committee dated April 28, 2015
- Correspondence from Phil Pacey dated June 27, 2016

MOVED by Councillor Watts, seconded by Councillor Walker

THAT Halifax and West Community Council recommend that Regional Council:

1. **Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as set out in Attachments A and B of the staff report dated April 20, 2016 and schedule a joint public hearing with Halifax and West Council;**
2. **Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of the staff report dated April 20, 2016.**

THAT Halifax and West Community Council:

3. **Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of the staff report dated April 20, 2016 to permit the development of a multiple dwelling unit building at 2480 Maynard Street, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

Community Council members noted that the Planning Advisory Committee (PAC) had serious concerns regarding the proposal and did not recommend its approval at their meeting held on April 27, 2015. Mr. Richard Harvey, Principal Planner, advised that the staff report provides responses to some of the concerns expressed by the PAC.

Councillor Watts spoke in favour of amending the Development Agreement in advance of the public hearing such that the hours of operation of the restaurant are reduced to 7:00 a.m. to 10:00 p.m. Sunday to Thursday and 7:00 a.m. to midnight on Friday and Saturday. Community Council agreed to accept the amendment as friendly.

Ms. Claire Gillivan, Solicitor, indicated that Community Council cannot consider the Development Agreement until after the Municipal Planning Strategy and Land Use By-law amendments come into

effect. Councillors expressed interest in the changes being applied prior to the public hearing in order to provide as much information as possible to the public.

Community Council heard that residents had expressed concern with the height allowance at earlier public meetings.

MOVED by Councillor Watts, seconded by Councillor Mason

THAT the motion be amended to reduce the maximum height allowance from eighty (80) feet to sixty (60) feet.

MOTION TO AMEND PUT AND DEFEATED.

The question was called on the motion as follows:

THAT Halifax and West Community Council recommend that Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as set out in Attachments A and B of the staff report dated April 20, 2016 and schedule a joint public hearing with Halifax and West Council;**
- 2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of the staff report dated April 20, 2016.**

THAT Halifax and West Community Council:

- 3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of the staff report dated April 20, 2016 to permit the development of a multiple dwelling unit building at 2480 Maynard Street, as amended such that the hours of operation of the restaurant be 7:00 a.m. to 10:00 p.m. Sunday to Thursday and 7:00 a.m. to midnight on Friday and Saturday. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

AMENDED MOTION PUT AND PASSED.

13.1.3 Case 18322 – Development Agreement – 6124 Coburg Road and 1460, 1462, 1470 and 1474 Seymour Street, Halifax

The following was before Community Council:

- A supplementary recommendation report dated June 7, 2016

MOVED by Councillor Mason, seconded by Councillor Walker

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, to permit the development of a mixed residential and commercial building at 6124 Coburg Road and 1460, 1462, 1470 and 1474 Seymour Street, Halifax; and**
- 2. Require that the proposed 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.

13.2 MEMBERS OF COMMUNITY COUNCIL

13.2.1 Councillor Walker - Algae Around Kearney Lake

The following was before Community Council:

- A Request for Community Council's Consideration form provided by Councillor Walker

This matter was deleted from the agenda during the approval of the order of business.

14. MOTIONS

14.1 Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Watts

THAT Halifax and West Community Council request a staff report regarding current steps being taken to provide rodent control in municipal streets, parks, and Halifax Water infrastructure, with recommendations for improvements in the program, coordination with other stakeholders, and education.

MOVED by Councillor Watts, seconded by Councillor Mason

THAT the motion be amended such that the staff report also explores options with By-Law Services to address rodent infestations when assessing dangerous and unsightly premises.

Councillor Watts indicated that the amendment was intended to address rodent infestations in unoccupied dwellings.

MOTION TO AMEND PUT AND PASSED.

The question was called on the motion as amended:

THAT Halifax and West Community Council request a staff report regarding current steps being taken to provide rodent control in municipal streets, parks, and Halifax Water infrastructure, with recommendations for improvements in the program, coordination with other stakeholders, and education, and exploring options with By-Law Services to address rodent infestations when assessing dangerous and unsightly premises.

AMENDED MOTION PUT AND PASSED.

15. IN CAMERA (IN PRIVATE)

Halifax and West Community Council agreed to consider In Camera (In Private) items later in the meeting. Please see page 9 for details.

16. ADDED ITEMS

16.1 Information Item 3: Update on Point Pleasant Comprehensive Long Term Plan

The following was before Community Council:

- A Request for Community Council's Consideration form provided by Councillor Mason, with attached staff information report dated June 21, 2016

MOVED by Councillor Mason, seconded by Councillor Walker

THAT Halifax & West Community Council forward the staff report “Update on Point Pleasant Park Comprehensive Long Term Plan” to Point Pleasant Park Advisory Committee for discussion and comment.

MOTION PUT AND PASSED.

16.2 Control of Rosa multiflora

The following was before Community Council:

- A Request for Community Council’s Consideration form provided by Councillor Mason
- Correspondence from David Patriquin dated June 24, 2016 and from Peter Duinker dated June 26, 2016

MOVED by Councillor Mason, seconded by Councillor Watts

THAT Halifax & West Community Council request a staff report regarding an urgent response and financial implications to appearance of Multiflora Rose (*Rosa multiflora*) in Point Pleasant Park, including work to GPS sites and schedule cutback and/or removal by early Sept. 2016 with follow-up and monitoring for new sites in subsequent years.

Councillor Walker suggested that the motion be amended to replace the word “urgent” with “expedited” and to add “and other areas” after “Point Pleasant Park.” The amendment was accepted as friendly.

The question was called on the motion as follows:

THAT Halifax & West Community Council request a staff report regarding an expedited response and financial implications to appearance of Multiflora Rose (*Rosa multiflora*) in Point Pleasant Park and other areas, including work to GPS sites and schedule cutback and/or removal by early Sept. 2016 with follow-up and monitoring for new sites in subsequent years.

MOTION PUT AND PASSED.

16.3 Noise and Vibrations Caused by Heavy Truck Traffic on Barrington Street

MOVED by Councillor Watts, seconded by Councillor Walker

THAT Halifax & West Community Council request a staff report regarding noise and vibrations caused by heavy truck traffic on Barrington Street.

MOTION PUT AND PASSED.

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Public participation held and closed; no speakers were present.

15. IN CAMERA (IN PRIVATE)

MOVED by Councillor Mason, seconded by Councillor Watts

THAT Halifax and West Community Council convene to In Camera (In Private) to consider items 15.1.1 and 15.1.2.

MOTION PUT AND PASSED.

Community Council recessed at 7:54 p.m. and reconvened at 8:08 to ratify the following motions.

15.1 Personnel Matter

15.1.1 Citizen Appointment District 7 & 8 Planning Advisory Committee – Private and Confidential Report

This matter was considered during the In Camera meeting and ratified in public session as follows:

MOVED by Councillor Watts, seconded by Councillor Mason

THAT Halifax and West Community Council:

- 1. Proceed to appoint one (1) citizen to the District 7 & 8 Planning Advisory Committee, as discussed during the In Camera (In Private) meeting held on June 28, 2016, to fill an unexpired term and extend the term to November 30, 2018.**
- 2. It is further recommended that the citizen appointment be released to the public following ratification and notification of the successful candidate.**

MOTION PUT AND PASSED.

15.1.2 Citizen Appointment Point Pleasant Park Advisory Committee – Private and Confidential Report

This matter was considered during the In Camera meeting and ratified in public session as follows:

MOVED by Councillor Mason, seconded by Councillor Walker

THAT Halifax and West Community Council:

- 1. Proceed to appoint two (2) citizens to the Point Pleasant Park Advisory Committee, as discussed during the In Camera (In Private) meeting held on June 28, 2016, to fill unexpired terms and extend the terms to November 30, 2018.**
- 2. It is further recommended that the citizen appointments be released to the public following ratification and notification of the successful candidates.**

MOTION PUT AND PASSED.

19. DATE OF NEXT MEETING - July 12, 2016 *if required; otherwise September 13, 2016

20. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Phoebe Rai
Legislative Assistant