



**NORTH WEST COMMUNITY COUNCIL  
MINUTES  
February 6, 2017**

PRESENT: Councillor Tim Outhit, Chair  
Councillor Matt Whitman, Vice-Chair  
Deputy Mayor Steve Craig  
Councillor Lisa Blackburn

REGRETS: Councillor Steve Streach

STAFF: Ms. Roxanne MacLaurin, 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/central/170206nwcc-agenda.php>*

*The meeting was called to order at 6:32 p.m. and adjourned at 9:08 p.m.*

**1. CALL TO ORDER**

Councillor Outhit, Chair called the meeting to order at the Bedford-Hammonds Plains Community Centre, 202 Innovation Drive, Bedford.

**2. APPROVAL OF MINUTES – January 9 & January 24, 2017 (Special Meeting)**

MOVED by Councillor Whitman, seconded by Councillor Blackburn

**THAT the minutes of January 9 & January 24, 2017 (Special Meeting) be approved as presented. MOTION PUT AND PASSED.**

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

Additions: None

MOVED by Councillor Whitman, seconded by Deputy Mayor Craig

**THAT the agenda be approved as amended.**

Two-third majority vote required.

**MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS**

**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 20747 – Development Agreement for 636 Bedford Highway, Halifax**

The following was before Community Council:

- A staff recommendation report dated October 24, 2016
- Correspondence from John Namnoum dated February 3, 2017
- Correspondence from Sharon Ross dated February 6, 2017
- Correspondence from Ken Brothers dated February 6, 2017

Councillor Outhit invited Mr. Andrew Bone, Planner III to provide a presentation on Case 20747. Councillor Outhit thanked Mr. Bone for his presentation and requested questions of clarification from members of North West Community Council.

In response to questions of clarification, Mr. Bone provided the following commentary:

- The proposed 8 story building reduces the height of the original proposal by ten feet. The building as it currently proposed will have an impact on the view.
- There are two buildings near the subject property that are seven stories under the schedule R policy.
- The policy can be amended to ensure that the building height does not exceed 93 feet, including the elevator shaft and the wing of the penthouse space.

Councillor Outhit read the rules of procedure with respect to public hearings, opened the public hearing and invited the applicant to provide a presentation.

**Mr. Greg Johnson**, on behalf of the applicant Bluenose Inns and Suites, provided a brief presentation advising that the applicant redesigned the building and dropped a floor from one of the pent house levels reducing the building by ten feet. He advised that the applicant has redesigned the building to ensure comfortable amenities and commercial space which would be positive for the community. He advised that he would be available to answer questions from Community Council should they arise after the public hearing.

Councillor Outhit thanked Mr. Johnson for his presentation and invited members of the public to address Community Council with respect to Case 20747.

**Mr. Ken Brothers** of Bedford, provided commentary on the changes made to the application since it was previously before North West Community Council. He noted that there has since been a very modest change in building height which is still inconsistent with the intent of the Land Use By-law. He noted that the Development Agreement application tables an 8-story, 100 foot structure, with the same number of residential units and commercial space, conflicting construction height figures, omissions in elevation details, inaccurate visual impacts portrayal and no reductions in overall density. He further advised that the building will cause traffic concerns in an area which is already congested.

**Elaine Godin**, Vice President and Community Development Coordinator at 94 Bedros Lane, noted her agreement with comments of the previous speaker. She advised that the current proposal is a basic mirror image of the one rejected a year ago. She noted that the existing development ranges for the area is 11 to 35 units per acre while the current proposal is for 44 units per acre. She concluded her submission by expressing her concern about the increased traffic in the area.

**Alan MacDonald**, of 94 Bedros Lane expressed his concern that the proposed development will cause an inherent problem to the traffic system by adding more vehicles along the Bedford Highway. He provided further commentary on the precedent that would be set by allowing a building of this height in the area and commented that North West Community Council should consider deferring the matter until another design is submitted.

**A Resident**, from Bedros Lane expressed concern regarding the removal of solid waste from the proposed development and the manner and frequency in which garbage trucks will be entering/exiting the site. He inquired if the residential units within the proposed development will be rentals or condominiums.

**Joe Collins**, of 94 Bedros Lane, inquired if the applicants would consider reducing the height of the building to seven stories so that it is consistent with the rest of the buildings in the area.

**Peter**, of 94 Bedros Lane noted that the building would be better if it was seven stories.

**Bonita Oxner**, of 79 Bedros Lane reiterated comments made by previous speakers and noted concern with the traffic problems that the proposed development will cause.

**Amar Hayter**, expressed concern that the traffic study which was completed as part of the application process for the subject property is too old and does not take into account recent growth within the area.

He suggested that any further consideration of the application should be put on hold until a new traffic study has been completed.

Councillor Outhit called three times for further speakers, there were none present. Councillor Outhit invited the applicant to respond to points raised by the public.

Mr. Johnson noted the following:

- The Development Agreement stipulates that a 95 foot maximum was the height limit, not including mechanical penthouses and elevator shaft. He noted that in total the building will be 93 feet including the mechanical pent houses. He further noted that depending on the systems that are put in place, the height may even be able to be reduced further.
- The grading of the site allows for a great deal of the height of the building to be absorbed within the landscape. The massing was designed to maximize views for current and proposed buildings in the area, with the elongated portion of the building running along the Bedford highway. He noted that the blockage effect of the building is not as dramatic as one would think.
- The applicant is proposing that the garbage room is located off the Bedford highway, in an area set back from the property line so that the truck can come in and out without disruption.

In response to a question of clarification from North West Community Council, Mr. Johnson advised that the units are currently proposed to be rentals at the present time.

MOVED by Councillor Whitman, seconded by Councillor Blackburn

**THAT the public hearing close. MOTION PUT AND PASSED.**

Mr. Bone noted the following in response to issues raised during the public hearing:

- The application has been resubmitted to have a ten foot story removed from the original proposal. He noted that the schedules within the development agreement must be complied with and suggested that a height maximum be locked down.
- Staff has indicated that the proposed density of the building is adequate based on its analysis which looks at future growth and traffic levels.
- The traffic study for the application was completed in 2011 and a follow up study was completed in 2015. Since that time, HRM's Traffic Services have completed follow up counts to ensure accuracy. It was determined by the Traffic Authority that a follow up traffic study for the application was not required.
- The Traffic Authority determines whether or not traffic lights or a crosswalk will be installed in any given area. Council and HRM Planning and Development have no influence other than to provide information to the Traffic Authority. A great deal of traffic information has been completed as part of this proposal, and the Traffic Authority is well aware of the development in the area.
- Council has significant latitude with respect to the allowable height for the area under the current Land Use By-law. He advised that every site is unique in its own right, and for this particular site staff recommends a building of eight stories.
- The applicants are required to meet the provisions noted in HRM's solid waste By-law. He commented that applicant has the ability to place the garbage facilities in an accessible spot. He further noted that it would be very difficult to regulate truck movements to and from the site.

- Staff or Council does not have the ability to regulate the tenancy of buildings; however they do have the ability to regulate the quality of the building that is being built.

In response to a question of clarification from a member of North West Community Council, Mr. Bone noted the following:

- There is a regulated left turn at Larry Uteck Boulevard, as such most people would use Larry Uteck boulevard to access the site, therefore it was determined that there is no need for a left hand turn lane.

MOVED by Councillor Whitman, seconded by Councillor Blackburn

**THAT That North 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 October 24, 2016; 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, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

The following amended motion was proposed:

MOVED by Councillor Whitman, seconded by Deputy Mayor Craig

**THAT North West Community Council amend the development agreement for Case 20747 to reflect the following:**

- a. **Clause 3.4.4 shall read:**

**The building height shall not exceed 93 feet as shown on schedule E including the elevator mechanical room and the peak top floor loft as shown on the schedules. Building floor heights shall be consistent with the schedules.**

- b. **Clause 3.4.5 shall read:**

**The Ground floor elevation of the building shall be no greater than 18.29 meters (60.0 feet) above Ordinary High Water Mark (OHWM) notwithstanding the previous statement, the Development Officer may permit a 0.5 meter (1.64 feet) increase in ground floor elevation provided all other requirements of the agreement can be met. Decreases in ground floor elevation are permitted. And;**

**AMENDED MOTION PUT AND PASSED.**

The motion now reads:

MOVED by Councillor Whitman, seconded by Councillor Blackburn

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 October 24, 2016; with the following amendments:**

c. **Clause 3.4.4 shall read:**

**The building height shall not exceed 93 feet as shown on schedule E including the elevator mechanical room and the peak top floor loft as shown on the schedules. Building floor heights shall be consistent with the schedules.**

d. **Clause 3.4.5 shall read:**

**The Ground floor elevation of the building shall be no greater than 18.29 meters (60.0 feet) above Ordinary High Water Mark (OHWM) notwithstanding the previous statement, the Development Officer may permit a 0.5 meter (1.64 feet) increase in ground floor elevation provided all other requirements of the agreement can be met. Decreases in ground floor elevation are permitted. 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, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**10.1.2 Case 19625: Substantive and Non-Substantive amendments to the Bedford West Sub Area 5 Development Agreement, Bedford**

The following was before Community Council:

- A staff recommendation report dated November 23, 2016

Councillor Outhit, Chair invited Mr. Andrew Bone, Planner III to provide a presentation on Case 19625. Councillor Outhit thanked Mr. Bone for his presentation and requested questions of clarification from members of North West Community Council.

There were no questions of clarification from North West Community Council.

Councillor Outhit read the rules of procedure with respect to public hearings, opened the public hearing and invited the applicant to provide a presentation.

**Mr. Kevin Neatt**, on behalf of West Bedford Holdings wished to respond to comments at the end of the public hearing.

Councillor Outhit invited members of the public to address North West Community Council on Case 19625.

**Mr. Walter Reagan** of the Sackville Rivers Association, inquired if oil grit separators will be incorporated within the storm water management system for the subject property. He advised that there is a good opportunity for green roofs, and the installation of a walking trail to Bedford as part of the development. He inquired if the developers would be willing to build a walkway under Highway 102.

**Ms. Catherine MacIntryre**, of 41 Amesbury Gate, expressed concern that that nature of the neighbourhood will change as a result of the proposed changes outlined in the staff report. She noted that when she purchased her lot, she was anticipating a quiet single family neighbourhood. She expressed

concern that if the density-swap takes place, that it could lead to 90 more residential units thereby increasing the amount of people in the neighbourhood.

**Mr. Frank Chambers**, of Six Arbour Way, Hammonds Plains, inquired about how the 90 residential units will materialize on the subject property. He inquired as to what will become of the land, and weather it will be returned to single family dwellings or parkland.

**Ms. Karen MacIntyre** of 41 Amesbury Gate, reiterated a previous speakers comments with respect to increased density and traffic flow within her neighbourhood if the application is approved. She advised that she was not made aware of the overall plan for the area when she purchased her home and noted that her decision to live there was based on the fact that it would remain single family residential and quiet.

**Mr. Blair Langille**, of Hammonds Plains reiterated the points raised by early speakers with respect to traffic and density and inquired how the developers will accommodate an additional 90 units.

Councillor Outhit thanked the speakers for their comments and called three times for additional speakers to come forward. There were no speakers present. Councillor Outhit invited the applicant to briefly respond to points raised by the public.

Mr. Kevin Neatt of West Bedford Holdings provided the following commentary:

- The applicant is striving to balance quality and quantity with respect to stormwater management. He advised that the proponent will ensure that lake monitoring and testing takes place when building on the subject property commences. He advised of his organization's good record in this regard.
- The current planning policies and regulations applicable to the subject property do not mandate green roofs; however West Bedford Holdings is in support of green developments.
- A walkway under the 102 is not under the jurisdiction of the applicant but noted that he would be open to discussions with Provincial Department of Transportation and Infrastructure Renewal on how to increase active transportation options within its holdings.
- The building shown in the Master Plan was part of the original concept for the area. He advised that the last thing that his organization would want to do to is surprise residents about future developments within their community.
- The additional units will be populated within the multi-unit dwelling indicated in the Master Plan. He advised that the massing of the building was approved within the master plan, what is taking place as part of the current application before Council is populating that building with density.
- The applicant has had a consultant prepare a traffic impact statement which indicated that the current infrastructure can effectively handle the increased density on the subject property.

In response to questions of clarification from members of North West Community Council, Mr. Neatt noted the following:

- The developers strive to keep medium scale in the area to maintain the character of the neighbourhood.
- The HRM red book notes that a local road can carry 3000 vehicle trips per day, the traffic assessment undertaken on the subject property is within this limit.

- Clayton Developments sells lots and groups of lots to builders and takes good care to ensure that future plans for the area are well communicated. He advised that the builders have a duty to inform perspective buyers of this information through real estate agents. He noted that the master plan for the area should have been made available to all residents during the time of sale.
- The application before Community Council does not change the vision for the subject area with respect to density but rather the land-use mixture on the subject area.
- The existing vegetation buffer between the proposed development and existing single family homes is adequate and further buffering is not required.
- Staff from Clayton Developments have met with both the province and HRM respecting proposed roundabouts to provide access and breaks in traffic.

Councillor Outhit thanked Mr. Neatt for his comments.

MOVED by Councillor Whitman, seconded by Councillor Blackburn

**THAT the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Whitman, seconded by Deputy Mayor Craig

**THAT North West Community Council:**

**1. Approve the proposed substantive development agreement amendments, specifically items 1 through 3, which shall be substantially of the same form as set out in Attachment A of the staff report dated November 23, 2016;**

**2. Approve, by resolution, the proposed non-substantive development agreement amendments, specifically item 4, which shall be substantially of the same form as set out in Attachment A of the staff report dated November 23, 2016, to permit the transfer of density from one sub area to another of this report; and**

**3. Require that the proposed amending development agreement be signed and delivered within 120 days, or any extension thereof granted by Council on request of the applicant, 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.**

In response to a question of clarification from Community Council, Mr. Bone noted that the Master Plan for the area is registered to the deed of each property sold in the area and should have been communicated to the consumer at the time of sale through their lawyers. He noted that HRM mandates that all master plans applicable to a subject property are registered to the property.

**MOTION PUT AND PASSED.**

## **11. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **11.1 Correspondence**

Mr. Liam MacSween, Legislative Assistant noted correspondence received by the Municipal Clerks Office in relation to agenda items 10.1.1 which was previously distributed to members of North West Community Council.

### **11.2 Petitions – NONE**



11.3 Presentations – NONE

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF – NONE

13.2 MEMBERS OF NORTH WEST COMMUNITY COUNCIL

13.2.1 Councillor Whitman – Funding Request – Hammonds Plains Tennis/Pickle Ball Courts

- A Councillor Request for Consideration Form dated February 6, 2017

MOVED by Councillor Whitman, seconded by Deputy Mayor Craig

**THAT the That North West Community Council approve an allocation of \$50,000.00 from the Hammonds Plains Common Area Rate for the construction of the Hammonds Plains Tennis/Pickle Ball Courts.**

**MOTION PUT AND PASSED.**

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE)

15.1 Approval of In Camera Minutes – January 9, 2017

The following motion was passed in public session:

MOVED by Deputy Mayor Craig, seconded by Councillor Blackburn

**THAT North West Community Council approved the In Camera Minutes of January 9, 2017 as circulated.**

**MOTION PUT AND PASSED.**

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Councillor Outhit invited members of the public to address North West Community Council during public participation.

**Tim Chesnutt** of Dartmouth advised of his involvement with Epic Dartmouth, provided an overview of Epic Dartmouth's planned events for the Canada 150 celebration in 2017. He thanked members of North West Community Council for their continued support and provided commentary regarding the various runs, swims and community events hosted by Epic Dartmouth and their partners.

**Stacey Chesnutt**, of Dartmouth noted her involvement with the Sole Sisters race in Dartmouth. She provided background information with respect to the various initiatives being undertaken by Sole Sisters including a new race which encourages young females to get involved in running and walking.

**Mr. Walter Reagan** of the Sackville Rivers Association requested further information regarding ongoing with respect to the Pine Hill and Cushing Hill developments. He concluded his submission by encouraging members of North West Community Council to support increased support for HRM Trails and Active Transportation funding.

Councillor outhit called three times for further speakers, there were none present.

**19. DATE OF NEXT MEETING – March 20, 2017**

**20. ADJOURNMENT**

The meeting was adjourned at 9:08 p.m.

Liam MacSween  
Legislative Assistant