



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
May 30, 2017**

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

STAFF: Donna Boutilier, Solicitor
Sheilagh Edmonds, 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 Chair called the meeting to order at 6:00 p.m.

2. APPROVAL OF MINUTES – April 18, 2015

MOVED by Councillor Smith, seconded by Councillor Walker

THAT the minutes of April 18, 2017 be approved.

MOTION PUT AND PASSED.

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

Additions:

16.1 Case 20156: Rezoning – Lands at Lynn Road and Elizabeth Drive, Halifax (First Reading)

16.2 Use of Prospect Road Recreation Association Governed Ball Fields as Off-season Dog Parks –
Councillor Walker (on behalf of Councillor Adams)

MOVED by Councillor Cleary, seconded by Councillor Zurawski

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

10.1.1 Case 20149: LUB Amendment and Development Agreement for 2856/2860 & 2866 Gottingen Street and 5516/5518 Macara Street, Halifax

The following was before Community Council:

- A staff recommendation report dated March 3, 2017.
- Correspondence was submitted from Dwight Mossman and Daniel Demers.

Mitch Dickey provided staff presentation on the application by WSP Canada Inc. for a land use bylaw amendment(LUB) and development agreement(DA) to enable the development of an eight-storey mixed use residential/commercial building at the southwest corner of Macara Street and Gottingen Street,

Halifax. In the presentation, it was noted that, this evening Community Council is holding the public hearing for both the land use bylaw amendment and development agreement, however tonight Community Council is considering approval of the land use bylaw amendment only; and if the LUB amendment is approved this evening, and if there are no appeals, then once it is in effect the development agreement would come back to Community Council approval.

There were no questions from Community Council.

Greg Zwicker, applicant, and a Planner with WSP, provided a presentation on their mixed-use development proposal for the site. The presenter advised that their vision for the site is for an urban infill, mixed use development that is compatible and respectful with the neighbourhood. The presenter advised that a public information meeting was held in February of 2016 and based on the feedback received, they revised some aspects of the proposal. The presenter reviewed the design elements of the development, noting:

- The building is 8 stories
- Includes 3-bedroom units suitable for families
- Simplified colour palette, materials and architectural elements
- Active commercial frontages along Gottingen Street
- Three-bedroom townhouse units along Macara Street with raised entrances and landscaping elements
- Landscaping included to enhance privacy and address a blank wall
- The building setback is 20 feet on the western boundary
- Aspects to improve the pedestrian experience along Gottingen Street include the planting of trees, awnings to protect from the weather, architectural detailing, and design that lightens the building's massing.

Greg Zwicker responded to questions of clarification.

The Chair called three times for anyone wishing to address Community Council on this matter; there being none it was

MOVED by Councillor Zurawski, seconded by Councillor Smith

That the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented in Attachment A of the March 3, 2017 staff report.

Councillor Smith advised that a number of his concerns with the proposal had been addressed but that he would like to see the setback, which is above the commercial story on Gottingen Street, and that is approximately two metres, to be increased.

Councillor Zurawski indicated his support for the development. The Councillor suggested the applicant consider the feasibility of modifying some of the units into micro units, thus helping to facilitate the housing needs of the area residents. Councillor Zurawski also advised that he agreed with Councillor Smith that the pedestrian experience would be enhanced if the setback above the commercial storey could be more than two metres.

Mitch Dickey addressed Community Council to clarify that, if it was Community Council's direction, staff can negotiate with the applicant on the points raised, and see if there is any flexibility on these concerns and report back when staff return with the supplementary report. Mitch Dickey added that staff would

need a motion from Community Council to proceed in this regard and that, should there be substantial changes, it would necessitate another public hearing.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Zurawski

That Halifax and West Community Council direct staff to investigate changes to the development agreement referenced in the March 3, 2017 staff report with the applicant, subject to the conclusion of the appeal period, which would include: Gottingen Street setbacks; pedestrian-friendly environment of the Gottingen Street streetscape; and Macara Street setbacks, as discussed at the May 30, 2017 public hearing and return to Community Council with a supplementary report as required.

MOTION PUT AND PASSED.

10.1.2 Case 20449: Amendments to the Clayton Park West Phase 5 Stage 1 Development Agreement, Halifax

The following was before Community Council:

- A staff recommendation report dated February 9, 2017.

Dali Salih, Planner 11 provided the staff presentation on the application by Arbor Vitalia Courtyard Properties Limited to amend the Stage 1 development agreement for Clayton Park West, Phase 5 to allow the development of 9 additional residential units at 372 Washmill Lake Drive, Halifax. Dali explained that the applicant proposes to amend the existing Stage I and Stage II Development Agreements for Clayton Park West Phase 5 to transfer an approximate population density of 20 persons from Block B to Block C in order to add nine (9) residential units within an existing clubhouse in Block C. This density transfer falls within the overall density bounds of the Clayton Park Phase 5 Agreements, and does not result in changing or altering the volume, size or exterior appearance of the current structure.

In conclusion, Dali advised that amendments to the Stage I Development Agreement, which include adjustments to the density allocations for Block B and Block C, is for consideration tonight. Should Community Council approve the request, once the amending Stage I Development Agreement is in effect, Community Council can consider amendments to the existing Stage II development agreements for the individual blocks. Dali also advised that it is important to note that amendments to the Stage II Development Agreements can only be considered once the Amending Stage I Agreement is approved and registered to the titles of the lands. A supplementary report will then be provided, which will include the proposed Amending Stage II Development Agreements. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Council.

Dali responded to questions of clarification.

The Chair reviewed the rules of procedure for public hearings and invited the applicant to come forward at this time.

Ioannis Paliatsos, the applicant addressed Community Council and advised that staff provided a good presentation and he had nothing further to add, and that he would respond to any questions Community Council may have.

There were no questions from Community Council.

The Chair call three times for any further speakers; there being none, it was

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Zurawski, seconded by Councillor Walker

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 February 9, 2017 staff report; and
2. Require the Amending Stage 1 Agreement be signed by the property owners of Block B and Block C within 120 days, or any extension thereof granted by Council on request of the property owners, 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.

10.2 VARIANCE APPEAL HEARINGS - NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant advised that correspondence was submitted in regard to items 10.1.1. and 13.1.5.

11.2 Petitions - None

11.3 Presentation- None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

At 7:08 p.m. Councillor Mason entered the meeting.

13.1.1 Expansion of District 7 & 8 PAC

The following was before Community Council:

- A staff recommendation report dated January 16, 2017.

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Halifax and West Community Council adopt the amendments to the Terms of Reference for the Planning Advisory Committee for Districts 7 & 8, as set out in Attachment 3 of the January 16, 2017 staff report, to include a portion of District 9 and to rename the PAC the Halifax Peninsula Planning Advisory Committee.

MOTION PUT AND PASSED.

13.1.2 Case 20868: Rezoning – 968 Herring Cove Road, Herring Cove

The following was before Community Council:

- A staff recommendation report dated March 3, 2017.

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT Halifax and West Community Council give First Reading to consider the proposed amendment to the Land Use By-law for Planning District 5, as set out in Attachment A of the March 3, 2017 staff report to rezone 968 Herring Cove Road, Herring Cove from the HCR (Herring Cove Residential) Zone to the R-2a (Residential Home Occupation) Zone, and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.3 Case 20183: LUB Amendment (Schedule Q) and Development Agreement for 2710 and 2712 Agricola Street and a vacant property on Fern Lane, Halifax

The following was before Community Council:

- A staff recommendation report dated February 15, 2017.
- A memorandum dated July 12, 2016 from the Chair of the Districts 7 and 8 Planning Advisory Committee.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council:

- 1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law, as contained in Attachment A of the February 15, 2017 staff report, to include 2710 and 2712 Agricola Street and a vacant property on Fern Lane (PID 40346363), Halifax, in Schedule Q and schedule a public hearing for;**
- 2. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment B of the February 15, 2017 staff report, to allow for a 7-storey residential building containing ground floor commercial uses and a 3-storey row house and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

MOTION PUT AND PASSED

13.1.4 Case 20100: Rezoning and LUB Amendments, 214, 216 and 218 Herring Cove Road, Halifax

The following was before Community Council:

- A staff recommendation report dated February 13, 2017.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council give First Reading to consider approval of the proposed rezoning of 214, 216 and 218 Herring Cove Road, Halifax from R-2P (General Residential Zone) to R-3 (General Residential and Low Rise Apartment Zone), and the proposed text amendments to the R-3 Zone of the Land Use By-law for Halifax Mainland, as contained in Attachment A of the February 13, 2017 staff report and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.5 Case 20854: HRM-initiated application to consider amendments to the Halifax Peninsula Land Use By-law to protect the character and form of Young Avenue, Halifax

The following was before Community Council:

- A staff recommendation report dated April 24, 2017
- A memorandum dated November 29, 2016 submitted from the Chair of the Districts 7 and 8 Planning Advisory Committee.

MOVED by Councillor Mason, seconded by Councillor Walker

THAT Halifax and West Community Council give First Reading to the Land Use By-law for Halifax Peninsula regarding the development of lots fronting along Young Avenue, as set out in Attachment A of the April 24, 2017 staff report and schedule a public hearing.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS

16.1 Case 20156: Rezoning – Lands at Lynn Road and Elizabeth Drive, Halifax (First Reading)

The following was before Community Council:

- A staff report dated May 15, 2017.

MOVED by Councillor Cleary, seconded by Councillor Walker

That Halifax and West Community Council give First Reading to consider the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the May 15, 2017 staff report to rezone lands at Lynn Road and Elizabeth Drive from the R-1 Zone to the R-2 Zone and schedule a public hearing.

MOTION PUT AND PASSED.

16.2 Use of Prospect Road Recreation Association Governed Ball Fields as Off-season Dog Parks – Councillor Walker (on behalf of Councillor Adams)

MOVED by Councillor Walker, seconded by Councillor Zurawski

That Halifax and West Community Council request a staff report with recommendations to address the Prospect Road Recreation Association's request that all local ball fields under their purview cease operation as off-season dog parks, due to the lack of care by dog owners, leaving waste to accumulate and allowing the destruction of the fields by dogs.

MOTION PUT AND PASSED.

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

John Cascadden, Lewis Lake addressed Community Council, read and submitted a presentation with regard to barrier free trails within the Western Commons Regional Park. The presenter requested that Community Council put forward a motion to Regional Council that it approve bicycle use on the Barrier Free Trails within the Western Commons Regional Park and request a staff report to determine the appropriate width for bicycles, pedestrian and wheelchair traffic to safely share such a trail, and that the Western Common Wilderness Common Master Plan be amended to incorporate the construction of this type of trail.

MOVED by Councillor Mason, seconded by Councillor Zurawski

THAT the submission by John Cascadden be forwarded to staff for review and that staff be requested to attend the next meeting to speak to the issues raised in the submission.

MOTION PUT AND PASSED

19. DATE OF NEXT MEETING – June 27, 2017

20. ADJOURNMENT

The meeting adjourned at 7:31 p.m.

Sheilagh Edmonds
Legislative Assistant