



**NORTH WEST COMMUNITY COUNCIL
MINUTES
June 12, 2017**

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

STAFF: Ms. Roxanne MacLaurin, Senior Solicitor
Mr. Liam MacSween, 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 7:00 p.m. and recessed at 9:00 p.m. Community Council reconvened at 9:10 p.m. and adjourned at 9:38 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – May 8, 2017

MOVED by Councillor Whitman, seconded by Councillor Streach

THAT the minutes of May 8, 2017 be approved as circulated. MOTION PUT AND PASSED.

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

Additions: None

MOVED by Councillor Blackburn, seconded by Deputy Mayor Craig

THAT the agenda be approved as presented.

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 17602: Development Agreement - Monarch Drive and Majestic Avenue, Beaver Bank

The following was before Community Council:

- A staff recommendation report dated March 24, 2017.
- A memorandum from the North West Planning Advisory Committee dated June 29, 2015.
- An extract of minutes from the June 3, 2015 North West Planning Advisory Committee meeting.
- A revised copy of Map 2 of the March 24, 2017 staff report.

Jacqueline Belisle, Planner II provided a presentation with respect to Case 17602. Councillor Outhit thanked Belisle for the presentation and requested questions of clarification from members of North West Community Council.

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

- The delay in the application has a great deal to do with the HRM owned property located near the subject property. There were multiple stakeholders including the HRM real property and Halifax Water, the deals of which took some time to work out with the applicant.
- A traffic study and school study have been undertaken as part of this application. Staff have also checked in with both the Halifax Regional School Board and HRM Traffic Services to ensure that the studies are up to date.
- The access road to the water tower is owned by HRM and not by Halifax Water.
- Policy P4 is part of the criteria for a Comprehensive Development District.

Councillor Outhit read the rules of procedure with respect to public hearings, opened the public hearing and invited the applicant to address North West Community Council on Case 17602.

The applicant declined to speak.

Councillor Outhit invited members of the public to address Community Council on Case 17602.

Johnson, of Beaverbank spoke in favour of the development but noted concerns in relation to increased traffic near the subject property. Johnson inquired as to why the access road for the proposed development cannot be put out on the Beaverbank Road.

Rob Turnbull, of Beaverbank spoke in favour of the subdivision and reiterated a previous point with respect to the access to the subdivision being placed on the Beaverbank Road. Turnbull noted further concern in relation to stormwater management on the subject property to ensure that stormwater is removed and does not effect neighbouring properties. Turnbull further noted that the existing ditch infrastructure along Majestic Avenue is overgrown and has not been cleared out for sometime.

Councillor Outhit called three times for further speakers, there were none. Councillor Outhit invited the applicant to briefly respond to points raised by the public. The applicant requested that staff respond to the points raised by the public.

In response to points raised by the public, Jacqueline Belisle noted the following:

- There is privately owned land that blocks access to and from the subject property to the Beaverbank road.
- There is a stormwater management plan in place to ensure that there is no additional run-off impacting neighbouring properties.
- Residents can contact Halifax Water regarding overgrown ditches as it is an area of responsibility for Halifax Water.

MOVED by Deputy Mayor Craig, seconded by Councillor Whitman

THAT the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Blackburn, seconded by Councillor Whitman

THAT North West Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same for as set out in Attachment B of the staff report dated March 24, 2017; and

2. Require the agreement be signed by the property owner within 365 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.

10.1.2 Case 20506: Rezoning - 159 First Lake Drive, Lower Sackville

The following was before Community Council:

- A staff recommendation report dated April 25, 2017.
- A memorandum from the North West Planning Advisory Committee dated February 7, 2017
- An extract of Minutes from the February 2, 2017 North West Planning Advisory Committee
- Correspondence from Theresa Banks and Ray Newman dated June 1, 2017.

Darrell Joudrey, Planner II provided a presentation with respect to Case 20506. Councillor Outhit thanked Joudrey for the 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 address North West Community Council on Case 20506.

The applicant declined to speak.

Councillor Outhit invited members of the public to address Community Council on Case 20506.

Mike LaRue, of Lower Sackville, advised that the subject property is currently zoned R1 residential. La Rue noted concerns that some uses on the current site are not in compliance with the current zoning, in that there are several buildings and boats being stored on site illegally. La Rue noted further concern with respect to compliance with HRM's Noise By-law given that the Canoe club holds after hours events. La Rue inquired about potential enhancements to the club's security system as there have been issues with the alarm going off in the evening. La Rue concluded with raising concerns with respect to on street parking and litter.

Steven Dart, of Lower Sackville, reiterated the points raised by the previous speaker. He noted that he is in support of the proposed development but expressed concerns that video lottery terminals may be installed on site.

Mike Winning, of Lower Sackville noted expressed support for the club but raised concerns with respect to noise in the evenings and parking.

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

Branko Mizerit, on behalf of the applicant, advised that the design of the building is such that all activities that will take place in the club will be contained. Mizerit provided further detail with respect to the design of the club house and grounds explaining that a great deal of the property will be buffered so that there is minimal impact on existing residential uses. Mizerit noted that the current parking lot can accommodate 60 cars, and advised that the only time an overflow situation would take place would be for a special event. Mizerit commented that the club has an agreement with Sobeys to use the store's parking lot for overflow parking if it cannot be accommodated on the street.

In response to questions of clarification, Mizerit noted:

- There will be no video lottery terminals used on the subject property.
- Currently there are two containers on site in which boats are stored. All boat and equipment storage will be contained inside of the new building.
- There is a public walkaway from the parking lot to the new building. The new building was designed with security in mind.

MOVED by Councillor Blackburn, seconded by Councillor Whitman

THAT the public hearing be closed. MOTION PUT AND PASSED.

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

- The required number of parking spaces for the proposed use is sixty. Staff evaluated parking as part of the application and noted that proposed development meets the requirement of the Land Use-Bylaw. Joudrey further noted that staff is aware that overflow situations will arise due to special events and commented that the available on street parking and overflow arrangement with Sobey's will be adequate.
- The completion time for the project depends on various factors such as permitting and the required financing that the club needs to finish the project. A good estimate of construction time would be a two-years.
- The security issues need to be addressed by the club for their own safety and the preservation of the new building.
- Maintenance responsibility, including the disposal of litter, is up to the club and is not part of the development agreement.
- The club is bound by HRM's Noise By-law any complaints in this regard should be directed to 311 as it is a By-law compliance issue.

MOVED by Deputy Mayor Craig, seconded by Councillor Whitman

THAT North West Community Council adopt the proposed amendment to the Land Use By-law for Sackville, as set out in Attachment A of the staff report dated April 25, 2017.

MOTION PUT AND PASSED.

At the request of the Chair, Councillor Whitman, Vice-Chair assumed the position of Chair for the deliberation of Case 19910.

10.1.3 Case 19110 - Development Agreement for 592 Bedford Highway, Halifax

The following was before Community Council:

- A staff recommendation report dated March 10, 2017.
- Correspondence from Kevin Latimer, Q.C Cox & Palmer Law on behalf of Capriet Apartments Inc. dated June 8, 2017.
- Correspondence from Lisa Allen, dated June 12, 2017.

Andrew Bone, Planner III provided a presentation with respect to Case 19110. Councillor Whitman thanked Andrew Bone for the presentation and requested questions of clarification from members of Council. There were no questions of clarification.

Councillor Whitman read the rules of procedures with respect to public hearings, opened the public hearing and invited the applicant to address North West Community Council on Case 19110.

Kevin Riles, on behalf of KWR approvals, provided an overview and presentation on Case 19110 application. Riles noted the following:

- The applicant has worked with neighbouring property owners to develop a building that will work for the area.

- An extensive amount of work has taken place including comprehensive traffic, and wind studies to ensure that the proposed development fits within the community and has minimal impact on existing uses.
- The proposed building utilizes a unique design, which compliments bike and public transit uses.
- The design of the building incorporates a significant amount of landscaping.
- There will be no commercial uses for the building, only residential,
- The applicant has submitted a total of seven versions of the application, changes have been made based on the public information meeting discussions from neighbouring property owners.
- The applicant has dropped the height from ten to eight stories.
- The applicant is proposing infrastructure improvements in the future, such as a sidewalk which will be paid for by the developer.
- Teal Architects have undertaken a great deal of work to mitigate the impact of the building on neighbouring properties.
- Guest parking has been increased from seven to ten spaces.

Deputy Mayor Craig left the meeting at 8:31 p.m.

Tom Emodi of Teal Architects, provided an overview of the architectural design of the building highlighting the various elements such as buffering and landscape designs to reduce the impact of the proposed building on neighbouring properties.

Councillor Whitman thanked Kevin Riles and Tom Emodi for their presentation and invited members of the public to address North West Community Council on Case 19110.

Peter Fower, of Cox and Palmer Law, noted his representation on behalf of Capreit Apartments and advised that the proposed development fails to meet the intent of several planning policies related to height, mass, setbacks and density. Fower further noted that the design of the proposed development is inconsistent with existing adjacent properties and fails to provide adequate mitigation and transition to adjacent properties through effective urban design.

Kerry Mclvor, of Bedford West, inquired as to how long construction on the proposed project will take. Mclvor advised that the construction period is detrimental to those who work shift work. Mclvor concluded by raising concerns with respect to traffic, and access to the Bedford Highway.

Elaine Godin, of Bedford West, raised concerns with respect to the height, massing and density of the proposed development. Godin advised that the original vision for the area included low density housing and the maintenance of a forested belt, which is currently not the case. Godin expressed concern with adding further high density development to the area which likely cannot be supported. Godin concluded by expressing concerns that the proposed development will negatively impact traffic and pedestrian safety and will lead to high vacancy rates in the area.

Lisa Allen, of Bedford West, advised that the Allen family has lived near the subject property for over 55 years. Allen expressed concern that the proposed development will negatively impact that property given that it is architecturally inconsistent with existing developments, and is too large for the site. Allen expressed concern about the impact of blasting on those who use well and septic systems. Allen noted that the Bedford highway is one of the busiest arterials in HRM and that the proposed development would cause a great deal of congestion and traffic issues. Allen concluded by noting that approval of the proposed development will remove a great deal of the existing vegetation remains near the subject property.

Catherine Downey, of Bedford West, reiterated points raised by previous speakers in relation to high density residential buildings being constructed in the area. Downey noted that HRM will likely have to deal with high vacancy rates in this area in the future as it is being overbuilt.

Councillor Whitman invited the applicant to briefly respond to point raised during the public hearing.

Kevin Riles, of KWR Approvals noted the following:

- HRM has one of the toughest blasting by-laws in all of Canada. If any damage occurs to a resident's property, the developer's insurance will cover the cost of repairs.
- The applicant respects the concerns raised by the public with respect to traffic. Two separate studies have been completed with respect to traffic and noted that both were approved by HRM traffic services.
- The applicant has worked with neighboring property owners including Capreit Apartments.

Tom Emodi, of Teal Architecture noted the following:

- The architects have worked with two traffic engineers in its design of the building.
- The building is set back 52 feet from the Bedford Highway and has one access in and one access out.
- A great deal of attention was paid to landscaping with a line of trees along the boundary of the building. Levels 1, 3, 5 and 8 are all landscaped for public access.

In response to questions of clarification, Andrew Bone noted the following:

- The developer has offered to install a sidewalk as part of the development.
- Traffic studies were completed, staff have requested that traffic services do more analysis on the area given public concern. It was concluded the proposed development does not require a left-hand turning lane.
- The building is setback 52 feet from the Bedford Highway. Staff has suggested that the building be set back further from the closest neighbouring building to minimize impact on neighbouring properties.
- The proposal meets the requirements of what could be considered by Council under schedule R for a development agreement.
- The municipality is growing at a conservative rate, that growth does require new units to be constructed. The application was reviewed by staff with growth in mind.

MOVED by Councillor Outhit, seconded by Councillor Blackburn

THAT the public hearing be closed.

MOTION PUT AND PASSED.

North West Community Council took a break at 9:00 p.m.

North West Community Council reconvened at 9:10 p.m.

The following motion was put forward:

MOVED by Councillor Outhit, seconded by Councillor Streach

THAT North West Community Council defer consideration of Case 19110 pending a supplementary staff report which will provide additional information on the massing, density and height of the residential multi-unit dwelling proposed for the subject property.

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS – NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Liam MacSween, Legislative Assistant noted correspondence received by the Municipal Clerk's Office in relation to agenda items 10.1.2 and 10.1.3 which were 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

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Walter Reagan, of Sackville request and update on the Pinehill and Glendale developments. Regan thanked members of Council for tree planting along roadways which has taken place in the Sackville area.

Brian Murray, of Hammonds Plains advised of a meeting with HRM staff in relation to a development moratorium in Hammonds Plains which was instituted a decade ago. Murray thanked members of North West Community Council for assisting in arranging that meeting and noted that a driveway non-compliance issue on the Hammonds Plains road which he reported some time ago has yet to be rectified.

19. DATE OF NEXT MEETING – July 17, 2017.

20. ADJOURNMENT

The meeting was adjourned at 9:38 p.m.

Liam MacSween
Legislative Assistant