



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
July 25, 2017**

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

STAFF: Karen Brown, Senior Solicitor
Sheilagh Edmonds, 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: www.halifax.ca

The meeting was called to order at 6:00 p.m. and adjourned at 9:15 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m.

2. APPROVAL OF MINUTES – May 30, 2017

MOVED by Councillor Walker, seconded by Councillor Mason

THAT the minutes of May 30, 2017 be approved.

MOTION PUT AND PASSED.

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

Additions:

- 16.1 Case 20449: Stage II Development Agreement Amendments for Blocks B and C of Clayton Park West Phase 5, Halifax
- 16.2 Case 19535: Amendments to the MPS and LUB for Timberlea/ Lakeside/ Beechville - 1831 St. Margaret's Bay Road, Timberlea
- 16.3 Case 19858: Development Agreement for 6345 Coburg Road, Halifax
- 16.4 RP17-01: Proposed housekeeping amendment to the R-2P Zone within the Halifax Mainland Land Use Bylaw
- 16.5 Case 19722: Amendments to the Halifax MPS and Halifax Mainland LUB and Amending Development Agreement for 15 Shoreham Lane, Halifax

At the request of the Chair, **Community Council agreed** to deal with item 16.4 before the public hearings.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES:

4.1 Submission during Public Participation - May 30, 2017 – Bicycles on the barrier-free trails in the Western Commons Regional Park.

The following was before Community Council:

- A report dated June 22, 2017 submitted from the Legislative Assistant.

MOVED by Councillor Cleary, seconded by Councillor Walker

That Halifax and West Community Council request a staff report on the submission by John Cascadden during the public participation of the May 30, 2017 meeting.

Councillor Mason expressed concern that if Community Council approved the motion, it may be entering into operational issues and suggested that the matter be deferred and staff be asked to meet with the Advisory Committee to discuss the issues.

MOVED by Councillor Cleary, seconded by Councillor Mason

That the motion be deferred pending a meeting with staff and the Western Common Advisory Committee to discuss the issue.

MOTION TO DEFER PUT AND PASSED.

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

As agreed during the approval of the order of business, Community Council dealt with item 16.4 at this time, as follows:

16.4 RP17-01: Proposed housekeeping amendment to the R-2P Zone within the Halifax Mainland Land Use Bylaw

The following was before Community Council:

- A staff recommendation report dated July 7, 2017.

MOVED by Councillor Mason, seconded by Councillor Cleary

That Halifax and West Community Council give First Reading to consider approval of the proposed amendments to the Land Use By-law for Halifax Mainland, as set out in Attachment B of the July 7, 2017 staff report, to further clarify the requirements for semi-detached dwellings and accessory buildings within the R-2P Zone, and schedule a public hearing.

MOTION PUT AND PASSED.

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 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
- Correspondence was submitted from: Shelly Macleod,

Darrell Joudrey, Planner II provided the staff presentation on the application by WSP Canada for a land use bylaw amendment and development agreement for 2710 and 2712 Agricola Street and a vacant property on Fern Lane, Halifax, to enable the development of a 7-storey residential building with ground floor commercial uses on a site at the intersection of Agricola Street and May Street; and a 3-storey row house fronting on Fern Lane.

Darrell Joudrey responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for public hearings and invited the applicant to address Community Council.

Connor Wallace, Urban Planner with WSP, addressed Community Council and introduced Anna Sampson, from Architecture 49, and Valerie Evans, the property owner. The three individuals provided a detailed presentation to Community Council on their proposed mixed use development, highlighting that it will be constructed with Passive House principles. Overall, the development will be:

- A 7-storey mixed-use multi-unit building with 7,765 square feet of commercial space; 1,600 square feet of common rooftop amenity space; 65 residential units comprised of 40 one-bedrooms, 20 two-bedrooms, and 5 three-bedrooms.
- A 3-storey row house comprised of 1 one-bedroom and 2 three-bedroom units;
- 2,500 square feet of common outdoor amenity space at ground level.

The presenters responded to questions from Community Council.

The Chair invited members of the public to come forward to address Community Council on this hearing.

John Crace, Halifax, addressed Community Council and advised that he was an architect and has taken training on Passive House and that he fully supported the project. The speaker added that the project was appropriate in scale for the area and that it looks interesting; and with passive house design it provides a shift toward higher quality construction. The speaker concluded by stating that this project demonstrates excellence and asked Community Council to approve the project.

Kourash Rad, Halifax, advised that in a previous employment position he worked on this project and was very supportive of the development. The speaker strongly supported the principles of Passive House and added that this project would be exceptionally designed. The speaker also noted that there had been great public engagement on this project.

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

MOVED by Councillor Mason, seconded by Councillor Walker

That the public hearing close.

The Chair provided an opportunity to the applicant to address Community Council; the applicant declined the opportunity.

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 February 15, 2017 staff report.

Councillor Smith noted two concerns, i.e. that Community Council does not have any authority in policy to hold the developer accountable to ensure they carry out the development according to Passive House principles as they have indicated they would; and that the height of 7 stories was a concern.

Councillor Mason advised that he would support the proposal but shared the same concerns as Councillor Smith.

Councillor Cleary expressed support for the proposal, and added that, over time, he hoped policy would develop such that Community Council would be able to hold developers accountable.

Councillor Zurawski advised that wood construction would be preferable over concrete as concrete was not a good environmental material. The Councillor added, though, the project was setting a new environmental standard and, therefore, was supportive of the application.

Councillor Walker indicated support for the application.

MOTION PUT AND PASSED.

10.1.2 Case 20100: Rezoning and LUB Amendments, 214, 216 and 218 Herring Cove

The following was before Community Council:

- A staff recommendation report dated February 13, 2017
- Correspondence was submitted from: Bruce Holland, Dan Doherty, Jeff Gregg and Sandra Gregg, Donald Martin, and Debora Pollock

Carl Purvis, Planning Applications Program, provided the staff presentation on the application by Ekistics Planning and Design to rezone 214, 216 and 218 Herring Cove Road, Halifax and to amend the R-3 Zone of the Halifax Mainland Land Use By-law to allow the development of a mixed use, residential and commercial building. Carl pointed out during the presentation that if Community Council approved the application, the applicant could construct any development that matched the rules of the zone.

Carl Purvis responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for public hearings, and invited the applicant to come forward to address Community Council.

Norman Nahas, the applicant addressed Community Council and indicated the intent of the development was to fill a void for commercial development in this area of Spryfield as well as provide residential development that may encourage residents of the area to stay within the area when they decide to down-size to small accommodations.

Jeff Gregg, Spryfield, advised of an issue with the height of the proposal. The speaker pointed out that the homes and buildings in the area have balconies and decks and this proposed building would have a looming presence and impact on privacy. The speaker noted that the proposal includes a 6-foot opaque fence, however it would not block out a 48-foot building. The speaker also expressed concern about the commercial aspect of the proposal, advising that there is already a lot of commercial space available in the area and questioned what would happen to the commercial component if it was unable to obtain a renter.

Kathy Melvin, Spryfield, expressed concern that the proposal did not adequately address parking, and that it would result in parking issues on the surrounding side streets.

The Chair called for other speakers; there being none, he invited the applicant to respond to any comments raised by the speakers.

Norman Nahas advised that the proposed parking meets the requirements, and suggested that the days of apartment units having two cars are no longer the case. With regard to environmental concerns, the speaker advised that construction would be of wood, and that with regard to height, it fits within the height of the adjacent property.

In response to a question regarding the amount of commercial space available in the area, Norman Nahas advised that the commercial space available in the area was older, and there was nothing new in the area. The speaker suggested that new commercial space would bring in new investment to the area.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council adopt the amendments to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the February 13, 2017 staff report.

Councillor Cleary advised of his support for the application providing the following reasons:

- the buffer zone was enhanced to 20 feet and this was a reasonable accommodation in his view;
- the commercial space for more small businesses along Herring Cove Road is needed
- this area is well serviced by transit
- the parking requirement is satisfactory
- it will be a 4-storey building.

MOTION PUT AND PASSED.

At 7:48 p.m. Community Council recessed.

At 7:53 p.m. Community Council reconvened.

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

The following was before Community Council:

- A staff recommendation report dated March 3, 2017

Jacqueline Belisle, Planner 11, provided the staff presentation on an application by Laura James to rezone 968 Herring Cove Road to enable a larger home occupation. The presenter noted that the home occupation is currently in violation of the provisions of the HCR Zone, and this application, if approved, would enable the business to continue operating as it is currently.

The Chair reviewed the rules of procedure for public hearings and invited the applicant to come forward to address Community Council.

Laura Janes, the applicant, advised that the application is to enable the small office that is used for administration of their commercial cleaning business to continue to be used as such. The speaker advised that the business has been in operation for 17 years, opening in 2000 and at that time the administrative office was located in the basement of the house. Later a separate building onsite was constructed and the office was moved.

Bernard Young, Herring Cove, addressed Community Council and advised that he was representing his mother, Edith Young who lives near the site in question. The speaker opposed the application, advising that the applicant owns three lots to the west of his mother's property and the three lots have been used as one lot, which are, in his view, used for the business. The speaker advised that there are various types of equipment—landscaping as well as for the cleaning business—in and out of the property creating excessive traffic, dust, and noise, and that although this may seem like a small change being requested, it would actually result in a commercial operation in a residential neighbourhood. The speaker asked Community Council to refuse the application and require the office to be moved.

The Chair called three times for any further speakers. There being none, the Chair invited the applicant to respond to any comments that were raised.

Laura Janes, responding to the previous speaker's comments advised that there is an abutting building however, it is a personal garage used mostly by her son and son's friends for recreational purposes and in no way is associated with the business.

Councillor Adams stepped down from the Chair to address this matter; Councillor Mason assumed the Chair.

Councillor Adams questioned if there was a landscaping business associated with the other cleaning business, and in response Laura Janes advised that the landscaping is subcontracted and there is no landscaping equipment that comes into the property.

MOVED by Councillor Adams, seconded by Councillor Walker

That the public hearing close.

MOTION PUT AND PASSED.

Councillor Adams addressed concerns expressed by Bernard Young of noise, dust, and traffic and explained that those will not change if the zoning remains the same because the garage is used as a personal garage by her son. Councillor Adams advised that this matter is before Community Council as a result of a complaint that the office was not in compliance. By adding 750 square feet it will allow the property to be compliant. The Councillor spoke in support of the application explaining that there are between 130 and 150 jobs relying on the zoning, and that it will allow no other work to occur on the site other than administrative work.

MOVED by Councillor Adams, seconded by Councillor Cleary

THAT Halifax and West Community Council adopt the amendment to Schedule A of the Land Use By-law for Planning Districts 5 (Chebucto Peninsula), as set out in Attachment A of the March 3, 2017 staff report.

Councillor Adams returned to the Chair.

Councillor Mason indicated that he was supportive of the application as long as it was being used as presented; however, he cautioned that anytime it is used outside of the permitted uses of the zone, it would be a bylaw infraction.

Councillor Zurawski concurred with Councillor Mason's remarks.

MOTION PUT AND PASSED.

10.1.4 Case 20156: Rezoning – Lands at Lynn Road and Elizabeth Drive, Halifax

The following was before Community Council:

- A staff recommendation report dated May 15, 2017
- Correspondence was submitted from: Bonnie McEachern

Darrell Joudrey, Planner II, provided the staff presentation on the application by DePint Developments Ltd. to rezone lands at Lynn Road and Elizabeth Drive, Halifax to enable the development of two semi-detached dwellings. In the presentation, it was noted that where this was a request for a rezoning and not a development agreement, if approved, the lands could be developed for any permitted use under the R-2 Zone.

Darrell Joudrey responded to questions of clarification from Community Council.

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

Malcolm Pinto, the applicant, addressed Community Council and advised that at one time he lived at the residence in question, but now he lives in Clayton Park. The Applicant explained that his goal is to enhance the neighbourhood and to construct two semi-detached buildings and live in one and have a unit for each of his children. The applicant advised that there is a pathway and an easement on the property and he does not intend any changes in this regard.

Stephanie Jones, a resident of the area, expressed concern that the four units on one lot, where there was once one home, would be too much for the neighbourhood.

Robin Roslyan, a resident of the area, advised of a concern in regard to the pathway and water draining along the path. The speaker noted that she lives on a hill and is aware that a lot of water runs down that path and is concerned over who will ultimately be responsible for maintaining the path.

Tim Meadows, a resident of the area also expressed concerned about the path. The speaker advised that the information provided to the surrounding residents was confusing. The speaker also expressed that the application would enable two semi-detached buildings on a lot that was too small and that it would not fit within the neighbourhood.

The Chair called three times for anyone else wishing to address Community Council on this matter; no one came forward. The Chair then invited the applicant to address any comments raised by the speakers.

Malcolm Pinto advised that the existing house was an old farmhouse and it does not suit the present need. The speaker added that, as a structural architect, it is his hope to bring a development that would enhance the neighbourhood. The speaker also added that he intends to keep the pathway and there will be landscaping on the north of the property where there are currently bushes.

In response to a question, Malcolm Pinto advised that he cannot change existing grading of existing pathway, but by landscaping some of the area south of the path it would enhance the water flows. The speaker added that he has contracted a land surveying and consulting engineering firm to work on those projects.

MOVED by Councillor Cleary, seconded by Councillor Walker

That the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT Halifax and West Community Council adopt 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.

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS - NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant advised that correspondence had been submitted in regard to items: 10.1.1, 10.1.2, and 10.1.4

11.2 Petitions - None

11.3 Presentation - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 WESTERN COMMON ADVISORY COMMITTEE

13.1.1 Removal of all Derelict, Dangerous, and/or Unsightly Campsites within the Western Common Regional Park

The following was before Community Council:

- A recommendation report dated May 29, 2017 submitted from the Chair of Western Common Advisory Committee.

MOVED by Councillor Mason, seconded by Councillor Zurawski

THAT Halifax and West Community Council recommend Halifax Regional Council request staff to remove all derelict, dangerous, and/or unsightly campsites within the Western Common Regional Park.

MOVED by Councillor Mason, seconded by Councillor Zurawski

That the motion be deferred pending a meeting between staff and the Western Common Regional Advisory Committee.

MOTION TO DEFER PUT AND PASSED.

13.1.2 Western Common Regional Park Signage

The following was before Community Council:

- A recommendation report dated May 29, 2017 submitted from the Chair of Western Common Advisory Committee.

MOVED by Councillor Mason, seconded by Councillor Zurawski

THAT Halifax and West Community Council recommend Halifax Regional Council request staff to post signage at major entry points to the Western Common Regional Park; the signs to include the name of the park, a phone number or e-mail address for obtaining more information, and listing some of the basic rules of conduct within the park.

MOVED by Councillor Mason, seconded by Councillor Walker

That the motion be deferred pending a meeting between staff and the Western Common Regional Advisory Committee.

MOTION TO DEFER PUT AND PASSED.

13.2 STAFF

13.2.1 Case 20996: Amendments to the Existing Development Agreement for Bedford West Sub Area 9, Bedford and Halifax

The following was before Community Council:

- A staff recommendation report dated June 3, 2017.

MOVED by Councillor Walker, seconded by Councillor Cleary

That Halifax and West Community Council give notice of motion to consider the proposed amending agreement, as set out in Attachment B of the June 3, 2017 staff report to allow hotel/motel/guest house uses within Sub Area 9 of Bedford West and schedule a public hearing.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS

16.1 Case 20449: Stage II Development Agreement Amendments for Blocks B and C of Clayton Park West Phase 5, Halifax

The following was before Community Council:

- A staff recommendation report dated July 10, 2017

MOVED by Councillor Zurawski, seconded by Councillor Walker

That Halifax and West Community Council:

1. **Approve, by resolution, the proposed Amending Stage II Development Agreement for Block B, as contained in Attachment B of the July 10 staff report, for 50, 70 and 90 Grandhaven Boulevard and PID No. 41363706, Halifax;**
2. **Approve, by resolution, the proposed Amending Stage II Development Agreement for Block C, as contained in Attachment C of the July10 staff report, at 372 Washmill Lake Drive, Halifax; and**
3. **Require the Amending Stage II Development Agreements be signed by the property owners 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.

16.2 Case 19535: Amendments to the MPS and LUB for Timberlea/ Lakeside/ Beechville - 1831 St. Margaret's Bay Road, Timberlea

The following was before Community Council:

- A staff recommendation report dated June 27, 2017.

MOVED by Councillor Zurawski, seconded by Councillor Cleary

That Halifax and West Community Council recommend that Regional Council:

1. **Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and the Land Use By-law for Timberlea/ Lakeside/ Beechville, as set out in Attachments A and B of the June 27, 2017 staff report, that would:**
 - re-designate 1831 St. Margaret's Bay Road to the Commercial Core Designation;
 - rezone 1831 St. Margaret's Bay Road to the C-2 (General Business) Zone to enable a proposed development with restaurant, retail uses and office uses;
 - reduce parking standards for restaurants;
 - require new or expanded commercial parking in the C-2 Zone to be visually screened from abutting properties zoned or used for residential or community uses;
 - require landscaping in the front yard of new or expanded commercial developments in the C-2 Zone, and schedule a public hearing; and
2. **Approve the proposed amendments to the MPS and LUB for Timberlea/ Lakeside/ Beechville, as set out in Attachments A and B of the June 27, 2017 staff report.**

MOTION PUT AND PASSED.

16.3 Case 19858: Development Agreement for 6345 Coburg Road, Halifax

The following was before Community Council:

- A staff recommendation report dated July 14, 2017.

MOVED by Councillor Mason, seconded by Councillor Zurawski

That Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the July 14, 2017 staff report, to allow for a five storey, multiple unit residential development at 6345 Coburg Road, Halifax and schedule a public hearing.

MOTION PUT AND PASSED.

16.4 RP17-01: Proposed housekeeping amendment to the R-2P Zone within the Halifax Mainland Land Use Bylaw

This was dealt with earlier in the meeting. See page 3.

16.5 Case 19722: Amendments to the Halifax MPS and Halifax Mainland LUB and Amending Development Agreement for 15 Shoreham Lane, Halifax

The following was before Community Council:

- A staff recommendation report dated June 28, 2017.

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 for Halifax (MPS) and to the Land Use By-law for Halifax**

Mainland (LUB), as set out in Attachments A and B of the June 28, 2017 staff report, to enable additional commercial land uses, including a restaurant, in an existing commercial/office building located at 15 Shoreham Lane, Halifax, and schedule a joint public hearing with Halifax and West Community Council; and

- 2. Approve the proposed amendments to the MPS and LUB, as set out in Attachments A and B of the June 28, 2017 staff report.**

That Halifax and West Community Council:

- 3. Give Notice of Motion to consider the proposed amending development agreement, as set out in Attachment C of the June 28, 2017 staff report, to permit neighbourhood commercial uses and select local commercial uses, including a restaurant, in an existing commercial/office building located at 15 Shoreham Lane, Halifax. The public hearing for the amending development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.**

MOTION PUT AND PASSED.

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

John Cascadden, Lewis Lake addressed Community Council advising that the Western Common Regional Park is a public park and decisions and recommendations by staff often differ from what the public would like, and issues of liability and the infrastructure should be consistent with how the public will use it. John Cascadden added that liability issues exist and if the Park is not developed appropriately up front then HRM puts itself at risk.

19. DATE OF NEXT MEETING – September 12, 2017

20. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Sheilagh Edmonds
Legislative Assistant