



**HALIFAX AND WEST COMMUNITY COUNCIL
SPECIAL MEETING
MINUTES
March 30, 2021**

PRESENT: Councillor Lindell Smith, Chair
Councillor Kathryn Morse, Vice Chair
Councillor Shawn Cleary
Councillor Patty Cuttell
Councillor Iona Stoddard
Councillor Waye Mason

STAFF: John Traves, Municipal Solicitor
Meg MacDougall, Solicitor
Haruka Aoyama, Legislative Assistant
Alicia Wall, Legislative Support

These minutes are considered draft and will require approval by the Halifax and West Community Council at a future meeting.

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 6:04 p.m. and Community Council adjourned at 9:01 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:04 p.m.

2. APPROVAL OF THE MINUTES – February 16, 2021

MOVED by Councillor Cleary, seconded by Councillor Cuttell

That the minutes of February 16, 2021 be approved as circulated.

MOTION PUT AND PASSED.

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

MOVED by Councillor Cleary, seconded by Councillor Stoddard

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE

5. CONSIDERATION OF DEFERRED BUSINESS – February 16, 2021

5.1 Case 22051: Development Agreement for a service station at 1656 Prospect Road, Hatchet Lake

The following was before Community Council:

- Staff recommendation report dated February 3, 2021
- A private and confidential supplemental report dated February 18, 2021

The Municipal Solicitor advised that Community Council has been directed by the UARB to approve this application, that the appeal period has expired and that it has been determined that the development reasonably carries out the intent of the Municipal Planning Strategy.

MOVED by Councillor Cuttell, seconded by Councillor Cleary

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 of the staff report dated February 3, 2021, to enable a service station with an accessory convenience store and drive-through restaurant at 1656 Prospect Road, Hatchet Lake; and**
- 2. Require the development agreement be signed by the property owner within 240 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.

6. HEARINGS

6.1 Public Hearing

6.1.1 Case 23066: Development Agreement for 1029 Tower Road

The following was before Community Council:

- A staff recommendation report dated February 2, 2021
- Memorandum from Jason Cooke, Chair of Halifax Peninsula Planning Advisory Committee dated December 17, 2020
- A staff presentation dated March 30, 2021
- An applicant presentation dated March 30, 2021
- Correspondence from Bruce Bishop

First reading was given on February 16, 2021.

Seamus McGreal, Planner III, Regional planning presented case 23066. The applicant is requesting a development agreement to construction a 3-storey multi-unit building with a maximum of 8 units. The heritage building on the site known as the Dr. James Doull House will remain and be incorporated into the development. The heritage building is part of the Victorian streetscape and is about 800 square feet in size. The surrounding neighborhood consists of mixed residential uses. It was also noted that ownership of the property has changed.

There are 3 components to the development agreement which include the construction of the 3-storey mixed use building, the repositioning and restoration of the heritage building and the addition to the back of the heritage building. Substantial alterations to the heritage building were approved by Regional Council on November 17, 2020.

Public engagement was achieved through a mailout notification to 656 households, signage and a webpage. Seventeen responses were received, most being in support of the development. Concerns from the public included traffic impacts, construction noise and the reduction of on-street parking. A copy of the staff presentation is on file.

Community Council inquired as to whether or not a design review of the new building has been completed.

Seamus McGreal indicated that the new building must be complimentary and subordinate to the heritage building. The heritage building will be set back and it will appear as if the buildings are on two separate lots.

The Chair opened the Public Hearing and invited the applicant to come forward and address Community Council.

Connor Wallace, ZZap Consulting Inc., Applicant presented to Community Council and indicated the heritage building was slated for demolition at one point and is pleased with the efforts to preserve the building. The heritage building will be repositioned to face Tower Road and the addition on the back will be hidden behind the existing roofline. No vehicular parking is being proposed, however, bicycle parking is in an effort to promote active transportation.

The Chair reviewed the rules of procedure for public hearings and opened the floor for registered speakers to speak on the matter.

MOVED by Councillor Mason, seconded by Councillor Morse

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Cleary

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 except for amendments to reflect the change in ownership from Stefan Frent to the new property owner; and**
- 2. Require the agreement to 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.

6.1.2 Case 22709: First Amending Development Agreement for Lynnett Road, Halifax

The following was before Community Council:

- A staff recommendation report dated January 4, 2021
- A staff presentation dated March 30, 2021
- An applicant presentation dated March 30, 2021
- Correspondence from Alan Ruffman

First reading was given on February 16, 2021.

Brittney MacLean, Planner II, Urban Enabled Applications presented case 22709. The applicant is seeking a reconfiguration of a development that was previously approved in August of 2018. The site consists of two parcels of land and is located in a neighborhood of mixed residential uses. The land is currently vacant and is zoned Residential Development District (RDD). The applicant is further requesting a time extension to the commencement of construction. The reconfiguration is being sought due to unforeseen site grading constraints. It was noted that McIntosh Street is a private road to be accepted by Halifax Regional Municipality.

Public engagement was achieved through a mailout notification to 478 homes, signage on the site and a webpage. Feedback received included questions regarding when construction would start, concerns around access to mailboxes during construction and negative impacts due to construction such as noise or construction vehicles encroaching on existing properties. A copy of the staff presentation is on file.

Community Council expressed traffic concerns and noted that Lynnett Road does not appear to be up to HRM standards.

MacLean confirmed that Lynnett Road is a private street and that it is not up to HRM standards. The developer is proposing a cul-de-sac to allow room for emergency vehicles, etc. to turn around. Halifax Regional Municipality has not been contacted to take over Lynnett Road.

The Chair opened the Public Hearing and invited the applicant to come forward and address Community Council.

Stephen Adams, Applicant presented to Community Council and indicated the applicant is proposing the reconfiguration due to topographical challenges on the site. The revised proposal offers additional green space and residential units will be considered affordable under CMHC guidelines.

Tom Emodi, Teal Architect and Planners, Applicant indicated that the relocation of the townhouses assists with the transition between the single-family dwellings and multi-unit building. Emodi further stated that contour study results indicate that parking for the multi-unit building is best suited behind building with the building itself acting a screen for the parking lot. Pedestrian connections are being looked at. A copy of the presentation is on file.

The Chair reviewed the rules of procedure for public hearings and opened the floor for registered speakers to speak on the matter.

MOVED by Councillor Cuttell, seconded by Councillor Cleary

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Cuttell, seconded by Councillor Cleary

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; and**
- 2. Require the amending development agreement be signed by the property owner within 240 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.

6.2 VARIANCE HEARING

6.2.1 Case 23102: Appeal of Variance Refusal – 1891 Vernon Street, Halifax

The following was before Community Council:

- A staff recommendation report dated March 30, 2021
- A staff presentation dated March 30, 2021
- An appellant presentation dated March 30, 2021
- Correspondence from M. Peter Brown, M. Joan Sullivan & Maura A. Sullivan, Mary Simms, Sergey Missan and Joan Irvine

Brenda Seymour, Planner I, Current Planning presented case 23102 and indicated four variances are being requested. The variances are with respect to maximum lot coverage, minimum lot coverage, left side yard and gross floor area. The property is zoned R-2 and is a large corner lot. A copy of the staff presentation is on file.

MOVED by Councillor Cleary, seconded by Councillor Mason

THAT Halifax and West Community Council extend the meeting.

MOTION PUT AND PASSED.

The Chair opened the Variance Hearing and invited the applicant to come forward and address Community Council.

Rob Leblanc, Appellant presented to Community Council indicated there have been previous applications submitted for this site. Leblanc spoke to the proposal and feels it complies with the intent of Centre Plan.

Chris Crawford, Appellant stated the proposal is in scale with the existing neighborhood and would create the potential for more density in the future.

The Chair reviewed the rules of procedure for Variance Hearing and opened the floor for registered speakers within notification area indicated on Map 1 of the staff report dated March 30, 2021.

Jacob Glover, Burchells Law on behalf of Judith Wright, Halifax, indicated that Judith has been opposing development on this site since 2015 and would like Community Council to uphold the development officer's decision. It was noted that Centre Plan is not the legislation in effect currently, therefore does not apply in this case. It is felt this will create adverse impacts on Judith's property.

Victor Goldberg, Cox & Palmer Law, on behalf of Nadiah and Ali Alwarith, Halifax, indicated that the applicant has done everything they could to address the concerns of neighbors. This development would allow for a multigenerational family to reside on this site and also create much needed housing.

Patsy Jones, Halifax, expressed support for the application.

Mary Evans, Halifax, has lived in the area since 2005 and is in favour of the proposal. It was noted that the applicant has been considerate of the neighbors and has a strong sense of community.

Community Council felt that variances being requested are reasonable.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the variance hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal.

MOTION PUT AND PASSED.

7. CORRESPONDENCE, PETITIONS & DELEGATIONS

7.1 Correspondence

The Legislative Assistant noted that correspondence was received for items 6.1.1, 6.1.2 and 6.2.1.

The Legislative Assistant also noted that general correspondence was received from Joan Fraser.

This correspondence was circulated to Community Council.

For a detailed list of correspondence received refer to the specific agenda item.

7.2 Petitions - None

7.3 Presentations - None

8. REPORTS

8.1 Staff

8.1.1 Case 22898: 13th Amendment to Brunello Estates Development Agreement, Timberlea

The following was before Community Council:

- A staff recommendation report dated February 17, 2021

Community Council noted this area does not appear to be a complete community as per HRM's standards, that it is very car dependent and does not have many amenities/services for residents.

Councillor Stoddard indicated that green space and sidewalks are being proposed.

MOVED by Councillor Stoddard, seconded by Councillor Cleary

THAT Halifax and West Community Council give notice of motion to consider the proposed amending development agreement, as set out in Attachment A, for the development of a multi-unit building.

MOTION PUT AND PASSED.

8.1.2 Case 22396: Rezoning and Development Agreement for Lands off Elm Grove Avenue and Myra Road, Timberlea

The following was before Community Council:

- A staff recommendation report dated February 17, 2021

MOVED by Councillor Stoddard, seconded by Councillor Cleary

THAT Halifax and West Community Council:

- 1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Timberlea/Lakeside/Beechville, as set out in Attachment A of the staff report dated February 17, 2021, to rezone PIDs 40143380, 40162547, 40162588, 40162406, 40162513, 40162471, 40162430, 40162398, and 40143299 and schedule a public hearing;**
- 2. Give notice of motion to consider the proposed development agreement, as set out in Attachment B of the staff report dated February 17, 2021 and schedule a public hearing for the development agreement which shall be held concurrently with that indicated in Recommendation 1.**

MOTION PUT AND PASSED.

8.1.3 Case 20871: Development Agreement for Lands located at Almon and St. Albans, Halifax

The following was before Community Council:

- A staff recommendation report dated March 10, 2021

MOVED by Councillor Mason, seconded by Councillor Cuttell

THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated March 10, 2021, to develop a mixed-use development on lands located on Almon Street and St. Albans Street, and schedule a public hearing.

MOTION PUT AND PASSED.

9. MOTIONS

9.1 Councillor Cuttell – Amending the Western Common Advisory Committee’s Terms of Reference

The following was before Community Council:

- A Councillor Consideration from by Councillor Cuttell dated March 30, 2021
- Motion Memo from the Clerk’s Office dated March 30, 2021

Councillor Cuttell would like to see a standing seat on the Committee for a representative from the Resource Opportunities Centre as they are an important part of this community.

MOVED by Councillor Cuttell, seconded by Councillor Cleary

THAT the Halifax and West Community Council recommends that Halifax Regional Council request a staff report on amending *Administrative Order Number 2016-001-GOV* Respecting the Advisory Committee on The Western Common to include a representative from the Resource Opportunities Centre located in the Prospect Road Community Centre.

MOTION PUT AND PASSED.

10. IN CAMERA (IN PRIVATE) – NONE

11. DATE OF NEXT MEETING – April 13, 2021

12. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.

Alicia Wall
Legislative Support