



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
December 5, 2023**

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

STAFF: Meg MacDougall, Solicitor
Krista Vining, Acting Deputy Clerk
Kim Johnson, Legislative Support

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 6:00 p.m. and adjourned at 7:45 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 6:00 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

1.1 Annual Election of Chair

Krista Vining, Acting Deputy Clerk called for nominations for the position of Chair of Halifax and West Community Council.

MOVED by Councillor Stoddard, seconded by Councillor Cleary

THAT Councillor Mason be nominated as Chair of Halifax and West Community Council.

MOTION PUT AND PASSED.

Vining called three times for further nominations; there were none.

Councillor Mason accepted the nomination for Chair.

MOVED by Councillor Stoddard, seconded by Councillor Cleary

THAT Councillor Mason be appointed as Chair of Halifax and West Community Council.

MOTION PUT AND PASSED.

Councillor Mason was declared Chair of Halifax and West Community Council.

Councillor Mason assumed the Chair.

1.2 Annual Election of Vice Chair

The Chair called for nominations for the position of Vice Chair of Halifax and West Community Council.

MOVED by Councillor Morse, seconded by Councillor Smith

THAT Councillor Cuttell be nominated as Vice Chair of Halifax and West Community Council.

MOTION PUT AND PASSED.

Councillor Cuttell accepted the nomination for Vice Chair.

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Councillor Stoddard be nominated as Vice Chair of Halifax and West Community Council.

MOTION PUT AND PASSED.

Councillor Stoddard accepted the nomination for Vice Chair.

The Chair called three times for further nominations, there were none.

A vote was taken by secret ballot to elect one member for the position of Vice Chair. As provided for in section 120 (3) (d) and (e) of Administrative Order One, Respecting the Procedures of the Council, there being a second vote resulting in an equal number of votes, the Solicitor drew a name, and Councillor Stoddard was declared the successful nominee.

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Councillor Stoddard be appointed as Vice Chair of Halifax and West Community Council.

MOTION PUT AND PASSED.

Councillor Stoddard was declared Vice Chair of Halifax and West Community Council.

1.3 Tabling of 2023 Annual Report

The following was before Community Council:

- Staff report dated November 24, 2023

Public Participation – Annual Report

The Chair noted there were no registered speakers and called three times for any members of the public wishing to speak on the matter; there were none.

MOVED by Councillor Smith, seconded by Councillor Cuttell

THAT Halifax and West Community Council table the 2023 Halifax and West Community Council Annual Report as presented.

MOTION PUT AND PASSED.

2. APPROVAL OF MINUTES – November 21, 2023

MOVED by Councillor Morse, seconded by Councillor Stoddard

THAT the minutes of November 21, 2023 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

MOVED by Councillor Cleary, seconded by Councillor Cuttell

THAT the agenda be approved as presented.

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 PLANAPP 2023-00465: Rezoning of 4 Cherry Lane, Halifax

The following was before Community Council:

- Staff report dated October 30, 2023
- Extract from the November 21, 2023 Halifax and West Community Council draft minutes
- Staff presentation dated December 5, 2023
- Applicant presentation dated December 5, 2023

Paul Sampson, Planner II gave a presentation and responded to questions of clarification from Community Council.

The hearing opened at 6:18 pm.

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

Kevin W. Riles, KWR Approvals Inc., on behalf of the applicant gave a presentation and responded to questions of clarification from Community Council.

Peter Henry, Architect, on behalf of the applicant responded to questions of clarification from Community Council.

Meg MacDougall, Solicitor clarified that the decision of Community Council was regarding the rezoning of the property.

The Chair reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

Steve Forewell, applicant thanked planners for their work completed to date. As a resident of Spryfield active in apartment rentals, Forewell stated that this application provided opportunity to maximize density in the area and to transition the property from an automotive repair shop.

The Chair called three times for any other members of the public wishing to speak; there were none.

MOVED by Councillor Cleary, seconded by Councillor Cuttall

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:35 p.m.

Sampson responded to questions of clarification from Community Council regarding access to the property and related intersections, indicating no concerns were raised by the traffic impact study. Regarding traffic calming, Sampson deferred to Traffic Management to clarify status of efforts in this neighbourhood. Regarding stormwater, Sampson clarified that a lot grading plan was required at the permit stage of the project to manage stormwater on the site.

Peter Henry, Architect, on behalf of the applicant responded to questions of clarification for Community Council, indicating that one third of the units were accessible, exceeding standards for residential construction, and that parking plan included accessible parking immediately adjacent to the front of the building.

MOVED by Councillor Cleary, seconded by Councillor Cuttell

THAT Halifax and West Community Council adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the staff report dated October 30, 2023.

Community Council noted this location provided opportunity for a modest increase to density, was situated close to key amenities, and welcomed a reduction in complaints regarding current use of the property. Some adjacent streets were traffic calmed, others were assessed as below the threshold for traffic calming, and others were too short to qualify for traffic calming.

MOTION PUT AND PASSED.

10.1.2 PLANAPP-2023-00334: Development Agreement for 749 Herring Cove Road, Halifax

The following was before Community Council:

- Staff report dated September 26, 2023
- Extract from the November 21, 2023 Halifax and West Community Council draft minutes
- Correspondence from Steven Adams
- Staff presentation dated December 5, 2023

Alyson Dobrota, Planner II gave a presentation and responded to questions of clarification from Community Council.

The hearing opened at 6:53 p.m.

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

Stephen Adams, on behalf of the applicant spoke to the sign shop being active since 1990 and was purchased by the current owner in 2019. Adams noted that no comments or concerns were raised during public consultation, unsightly complaints about the property had ceased, and two property owners submitted letters of support for this hearing. Adams was confident the application was consistent with all applicable policies, would allow further improvements to an historically unsightly property, provided opportunity to increase local employment, and respectfully requested approval of the proposed development agreement.

The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak; there were none.

MOVED by Councillor Stoddard, seconded by Councillor Cuttell

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:56 p.m.

MOVED by Councillor Cuttell, seconded by Councillor Morse

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 September 26, 2023; 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, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Community Council noted that this was an established business with recent improvements to the property and supported the expansion of the business as presented.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for item 10.1.2.

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

11.2 Petitions - None

11.3 Presentations - None

12. PUBLIC PARTICIPATION

The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak; there were none.

13. INFORMATION ITEMS BROUGHT FORWARD – NONE

14. REPORTS

14.1 STAFF

14.1.1 Case # 2023-00191: Development Agreement for Bellarosa Way, Halifax

The following was before Community Council:

- Staff report dated November 8, 2023

MOVED by Councillor Cuttell, seconded by Councillor Morse

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 November 8, 2023, to allow a single unit dwelling on a lot that does not abut a public street off Bellarosa Way, Halifax, and schedule a public hearing.

MOTION PUT AND PASSED.

14.1.2 PLANAPP 2023-00417 (formerly 23741): Development Agreement for Reginald Court, Herring Cove

The following was before Community Council:

- Staff report dated November 9, 2023

MOVED by Councillor Cuttell, seconded by Councillor Stoddard

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 November 9, 2023, to allow 20 single detached homes on an extension of Reginald Court in Herring Cove and schedule a public hearing.

MOTION PUT AND PASSED.

14.1.3 PLANAPP 2023-00651: Rezoning of 2 Marie Avenue, Halifax

The following was before Community Council:

- Staff report dated November 20, 2023

MOVED by Councillor Cuttell, seconded by Councillor Cleary

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the staff report dated November 20, 2023, to rezone an existing 8.75 acre vacant lot at 2 Marie Avenue, Halifax from the R-1, R-2 and H zones to P (Park & Institutional) Zone and schedule a public hearing.

Paul Sampson, Planner II and Thea Langille, Manager of Planning Applications responded to questions of clarification from the Community Council around Municipal Planning Strategy, zone requirements and permitted uses.

Meg MacDougall, Solicitor clarified that Community Council's decision on the motion was appealable and that the Nova Scotia Utility and Review Board would determine whether Community Council's decision was reasonably consistent with the MPS.

MOVED by Councillor Stoddard, seconded by Councillor Cuttell

THAT Halifax and West Community Council defer first reading of PLANAPP 2023-00651 and request a supplementary report providing clarification on permitted uses under the Park and Institutional Zone for Halifax Mainland.

Sampson responded to questions of clarification from Community Council regarding controls and standards for the Parks and Institutional zone, and indicated that for-profit institutions are permitted use.

Langille shared that two emails and two phone calls were received during public consultation but understood concerns from Community Council regarding the scale that was possible for this application, and additional clarification for the public could be provided.

Community Council discussed the merits of and time required for submission of a supplementary report outlining zone requirements and permitted uses within the zone.

MOTION PUT AND DEFEATED.

The question was called on the main motion:

MOVED by Councillor Cuttell, seconded by Councillor Cleary

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the staff report dated November 20, 2023, to rezone an existing 8.75 acre vacant lot at 2 Marie Avenue, Halifax from the R-1, R-2 and H zones to P (Park & Institutional) Zone and schedule a public hearing.

MOTION PUT AND PASSED.

14.1.4 Proposed 2024 Meeting Schedule

The following was before Community Council:

- Proposed 2024 Meeting Schedule

MOVED by Councillor Cleary, seconded by Councillor Morse

THAT Halifax and West Community Council approved the proposed 2024 Halifax and West Community Council meeting schedule as outlined in the staff memorandum.

MOTION PUT AND PASSED.

15. MOTIONS – NONE

16. IN CAMERA (IN PRIVATE) – NONE

17. ADDED ITEMS – NONE

18. NOTICES OF MOTION - NONE

19. DATE OF NEXT MEETING – January 16, 2024

20. ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Kim Johnson
Legislative Support