



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
October 10, 2017**

PRESENT: Councillor Waye Mason, Vice Chair
Councillor Shawn Cleary
Councillor Russell Walker
Councillor Lindell Smith
Councillor Richard Zurawski

REGRETS: Councillor Stephen Adams, Chair

STAFF: Karen Brown, 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. adjourned at 7:33 p.m.

1. CALL TO ORDER

Councillor Mason, Vice Chair, called the meeting to order at 6:02 p.m.

2. APPROVAL OF MINUTES – September 12, 2017

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the minutes of September 12, 2017 be approved.

MOTION PUT AND PASSED.

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

Deletion:

10.2.1 Case 20624: Appeal of Variance Refusal – 1539 & 1541 Edward Street, Halifax

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 20231: Rezoning for Lands at 2728 Joseph Howe Drive, Halifax

The following was before Community Council:

- A staff recommendation report dated July 21, 2017
- Correspondence was submitted from: Brian Adams, Helen Anderson, Craig Chisholm, and Ken Flinn

Melissa Eavis, Planner 11, provided the staff presentation on the application by W. M. Fares to rezone lands at 2728 Joseph Howe Drive to enable a townhouse development. The presenter noted that there had been two previous planning applications on this site, and that one had been withdrawn, and the other had been considered and refused by Community Council.

Melissa Eavis responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for Public Hearings and opened the hearing, inviting the applicant to come forward.

Cesar Saleh, representing W.M. Fares, addressed Community Council and advised that the staff presentation described the proposal very well, and there was nothing further to add. Cesar Saleh added that the proposal was the best redevelopment proposal for the site and it is compatible with and maintains the integrity of the neighbourhood and referenced points in the staff report supporting this, which state that the proposal is similar in building height and massing of the neighbourhood, and will provide a transition from the more intense uses to the surrounding R-1 uses. Cesar Saleh noted, as well, that their proposal for townhouses provides a variety of housing types and increases housing affordability within the urban area. Cesar Saleh explained the difference in this proposal over the previous one that Community Council turned down, was that this one is more traditional in style to the previous proposal. Cesar Saleh noted that, at the last public hearing, there were comments that the proposal was too modern in style for the area.

The Chair called three times for members of the public who wished to speak on this matter to come forward; there being none, it was

MOVED by Councillor Walker, seconded by Councillor Zurawski

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 amendment to the Land Use By-Law for Halifax Mainland, as set out in Attachment B of the July 21, 2017 staff report

Councillor Cleary advised that the feedback received on this application has been mostly opposed, with some in favour. The Councillor indicated his support for the proposal, noting that the density is appropriate, it is close to a bus route, and within walking distance to services and amenities, and that there will not be huge traffic issues. Councillor Cleary added that this proposal will provide needed density in and near the core of the City.

MOTION PUT AND PASSED.

10.1.2 Case 20141: 10th Amendment to Brunello Estates Development Agreement, Timberlea

The following was before Community Council:

- A staff recommendation report dated August 29, 2017
- Correspondence was submitted from B. Doyle

Dali Salih, Planner II, provided the staff presentation on the application by WSP Canada Inc., on behalf of Canadian International Capital Incorporated, for substantive amendments to the existing Development Agreement for Brunello Estates to allow single unit dwelling lots with reduced frontage to be permitted on Boulevards and Modified Urban Minor Collector streets.

Dali Salih responded to questions of clarification from Community Council.

In response to a question from Councillor Cleary as to whether Chebucto Road is classified as an arterial road or collector road, Dali advised that she did not have this information at hand, however, she would contact the traffic engineering division and have a response provided.

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

Rob Dexter, President of Brunello Estates, addressed Community Council and spoke in support of the staff recommendation, advising that there are three basic reasons this will improve the project, as follows:

1. Affordability – allows greater access for people to the single-detached housing market.
2. Improved driveway spacing, street parking, and overall landscaping
3. Improved aesthetics

Rob Dexter concluded the presentation pointing out that it is worth noting that, under the provisions of the Development Agreement, 34-39ft frontage single detached units can only be permitted in areas where 18ft frontage townhomes are currently permitted.

The Chair called three times for any members of the public wishing to speak on this matter; 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 amending development agreement, which shall be substantively of the same form as provided in Attachment A of the August 29, 2017 staff report; and**
- 2. Require the amending development 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.**

Councillor Zurawski spoke in support of the amendment to the Development Agreement, advising that it is a nice addition to the area and aesthetically pleasing.

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case 20624: Appeal of Variance Refusal – 1539 & 1541 Edward Street, Halifax

This was deleted during the approval of the order of business.

10.2.2 Case 20399: Appeal of Variance Approval – 2890 Connolly Street, Halifax

The following was before Community Council:

- A staff recommendation report dated September 22, 2017/

The Chair reviewed the rules of procedure for Variance Appeals.

Andrew Faulkner, Development Officer, presented the report outlining the reasons for approving the request for variances to relax the minimum lot area and gross floor area requirements, to enable the

demolition of an existing dwelling and the construction of a new two-unit dwelling at 2890 Connolly Street, Halifax.

Andrew Faulkner responded to questions of clarification.

The Chair invited the appellant to come forward at this time.

Nathan Rogers, the appellant, advised Community Council of concerns of the size and scale of the proposal relative to the existing community. The appellant advised that the parcel is 32 percent smaller than permitted for a two-unit building as well as the Gross Floor Area being 20 percent larger than permitted. The appellant suggested that although a two-unit building is proposed there is no ability to control this in the future and there are no floor plans available to verify. The appellant also pointed out that the property had not been demolished.

The Chair then invited the property owner to come forward.

Greg Kelly, property owner of 2890 Connolly Street addressed Community Council and advised that demolition of the property was awaiting this evening's decision by Community Council. Greg Kelly explained that the house is old and has a number of issues; and the intent is to put something on the property that is fitting with the community and appeals to smaller families.

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT the Variance Appeal Hearing close.

MOTION PUT AND PASSED.

For clarification, the Solicitor explained that in accordance with Administrative Order 1, Community Council is required to put a motion forward to allow the appeal. Community Council would then vote to approve the appeal or vote to defeat the appeal.

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Halifax and West Community Council allow the appeal for Case 20399 - 2890 Connolly Street, Halifax.

Andrew Faulkner responded to questions.

MOTION PUT AND DEFEATED.

The Chair advised that the appeal has been defeated, and the decision of the Development Officer to grant the variance is upheld.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was submitted for items 10.1.1. and 10.1.2.

11.2 Petitions - None

11.3 Presentations: None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 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

MOVED by Councillor Smith, seconded by Councillor Zurawski

THAT Halifax and West Community Council

- 1. Approve the proposed development agreement as contained in Attachment B of the February 15, 2017 staff report; and**
- 2. Require that the development 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.**

MOTION PUT AND PASSED.

13.1.2 Case 20758: Non-Substantive Amendments to the Rockingham South Development Agreement, Halifax

The following was before Community Council:

- A staff recommendation report dated August 1, 2017

MOVED by Councillor Walker, seconded by Councillor Zurawski

THAT Halifax and West Community Council

- 1. Approve, by resolution, the proposed amending agreement, which shall be substantially of the same form as contained in Attachment B of the August 1, 2017 staff report, to allow a service station within Phase 3 of the Rockingham South development; and**
- 2. Require the amending 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.**

MOTION PUT AND PASSED.

13.1.3 Case 20149: Development Agreement for 2858/2860 & 2866 Gottingen Street and 5516 Macara Street, Halifax

The following was before Community Council:

- A staff recommendation report dated August 1, 2017
- A Memorandum from the Chair of the Districts 7 and 8 Planning Advisory Committee dated February 24, 2016

Maggie Holm, Principal Planner, provided a presentation outlining the supplementary staff report in regard to the Development Agreement for an 8-storey residential building with 66 residential units and

ground floor minor commercial uses on the site. A public hearing had been held May 30, 2017 and during this process Community Council directed staff to investigate several changes to the development agreement with the applicant. Maggie Holm reviewed the requested changes and the applicant's response, noted below:

- Gottingen Street setbacks – the applicant has agreed to recess the commercial frontage along Gottingen Street by 1 metre to provide additional sidewalk space.
- Macara Street setbacks – due to the late stage of design development, it is difficult to step back the building from the adjacent property; however, to address perceived issues of privacy the applicant has agreed to add a section to the Development Agreement which would require a privacy screen of at least 1.5 metres in height to be added to the amenity area and private terrace of the proposed building that face 5524 Macara Street.
- Pedestrian-friendly environment of the Gottingen Street streetscape – proposal for a 1 metre increase to the setback of the building along its Gottingen Street frontage will improve the pedestrian experience; the applicant may investigate further minor changes to the building façade inclusive of door and window orientation.

Maggie Holm concluded the presentation advising that should Community Council wish to adopt these changes, Community Council would need to replace recommendation 1 with a recommendation presented in the body of the supplementary report.

MOVED by Councillor Smith seconded by Councillor Walker

That Halifax & West Community Council:

1. Approve the proposed revised development agreement as contained in Attachment A of the August 1, 2017 supplementary staff report to enable an 8-storey mixed use building containing 66 residential units and ground floor commercial space with the exception that Schedules for the Agreement are replaced with those found in Attachment B of the staff report and that Section 3.6.3 (iii) of the Development Agreement is deleted and replaced with the following: “on the second floor outdoor common amenity area and private outdoor terrace located on the western edge of the building that are shown on Schedule D, supplemented by privacy screening at least 1.5 m in height screening the amenity area and private terrace from the adjacent dwelling at 5524 Macara Street.

2. Require that the development 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.

Councillor Smith advised that, although an 8-storey building is daunting on the street, the concern about setback was being addressed.

MOTION PUT AND PASSED.

13.2 COMMITTEES:

13.2.1 Western Common Advisory Committee – Annual Reporting on the progress towards the implementation of the Western Common Wilderness Common Master Plan

The following was before Community Council:

- A recommendation report dated September 27, 2017 from the Chair of Western Common Advisory Committee

MOVED by Councillor Zurawski, seconded by Councillor Walker

THAT Halifax and West Community Council recommend Halifax Regional Council direct staff to report annually on progress toward the implementation of the Western Common Wilderness Common Master Plan, similar to a requirement to produce an annual report on steps undertaken with respect to the creation of the Blue Mountain – Birch Cove Lakes Regional Parks.

For greater clarity on the reporting process, Councillor Walker proposed a friendly amendment that staff report back to Halifax and West Community Council, **to which it was agreed.**

THAT Halifax and West Community Council recommend Halifax Regional Council direct staff to report annually to Halifax and West Community Council on progress toward the implementation of the Western Common Wilderness Common Master Plan, similar to a requirement to produce an annual report on steps undertaken with respect to the creation of the Blue Mountain – Birch Cove Lakes Regional Parks.

MOTION PUT AND PASSED.

13.3 COUNCILLORS:

13.3.1 Councillor Walker – Change of November Meeting Date

The following was before Community Council:

- *A Request for Community Council Consideration* form submitted by Councillor Walker

MOVED by Councillor Walker, seconded by Councillor Zurawski

THAT Halifax and West Community Council reschedule the November meeting from Tuesday, November 21, 2017 to Wednesday, November 15, 2017.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

No one came forward to address Community Council during Public Participation.

19. DATE OF NEXT MEETING – November 15 2017

20. ADJOURNMENT

The meeting was adjourned at 7:33 p.m.

Sheilagh Edmonds
Legislative Assistant