

HALIFAX & WEST COMMUNITY COUNCIL

MINUTES

January 21, 2013

PRESENT: Councillor Linda Mosher, Chair  
Councillor Wayne Mason, Vice Chair  
Deputy Mayor Reg Rankin  
Councillor Jennifer Watts  
Councillor Stephen Adams  
Councillor Russell Walker

STAFF: Ms. Karen Brown, Senior Solicitor  
Mr. Kurt Pyle, Supervisor of Planning Applications  
Mr. Paul Sampson, Planner  
Mr. Miles Agar, Planner  
Mr. Ted Aubut, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 pm in the Council Chamber at City Hall, 1841 Argyle Street, Halifax.

**2. APPROVAL OF MINUTES – January 7, 2013**

**MOVED by Councillor Adams, seconded by Councillor Mason that minutes of January 7, 2013 be approved, as presented. MOTION PUT AND PASSED.**

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

**MOVED by Councillor Walker seconded by Councillor Watts that the agenda be approved, as presented. MOTION PUT AND PASSED.**

Later in the meeting, upon the arrival of Deputy Mayor Rankin, the Community Council agreed to add the following item:

- 12.1 Deputy Mayor Rankin – Correspondence from Charles Metcalfe dated January 6, 2013 and related concerns in Washmill Lake Drive area

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet Review**

**MOVED by Councillor Mason, seconded by Councillor Watts that Halifax & West Community Council direct staff to include a timeline for completion of items on the status sheet to be presented at the next scheduled meeting.**

**MOTION PUT AND PASSED.**

**5 MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. HEARINGS**

Deputy Mayor Rankin arrived at 7:05 pm.

## **8.1 Public Hearings**

### **8.1.1 Case 17511: LUB Amendment and Development Agreement – 5534, 5558 Bilby Street and 2819 to 2827 Isleville Street, Halifax**

The following documents were before Community Council:

- A staff report dated November 16, 2012
- Correspondence from Catherine El-Tawil dated January 19, 2013

Mr. Paul Sampson, Planner, delivered a presentation on Case 17511, an application by Genivar on behalf of PFK Properties Limited, to enable the development of a 7-storey multi-unit residential building at 5534, 5558 Bilby Street and 2819-2827 Isleville Street, Halifax.

Mr. Sampson explained that the applicant wishes to remove existing buildings and structures on four properties at the corner of Bilby and Isleville streets to construct a 56-unit residential development. He showed an image of the existing building, which contains 9 apartments and 5 businesses, zoned General Business (C-2). He then showed an image of the surrounding area, noting its mix of land uses.

Mr. Sampson indicated that the proposed mixed-use building will include 8, 2-storey townhouses fronting and individually accessed from Bilby and Isleville streets. The entrance to the underground parking garage will be on Bilby Street. Sitting on top of the townhouses will be a residential tower containing the remaining units.

The applicant, he continued, is requesting that the subject lands be included on Schedule Q of the Land Use By-law so that the project can proceed by way of a Development Agreement. In reviewing the merits of the applicant's request, Mr. Sampson explained that staff had considered the following elements:

- Building design and neighbourhood compatibility;
- Landscaping and open space;
- Traffic and site access; and
- Impact on municipal services

On the first point, he noted that the townhouses provide numerous entrances and activities at street level. He found the scale of the development to be compatible with the surroundings, adding that the prominence of the building will be tempered by the at-grade townhouses and the front yard setbacks, which will mimic those of adjacent buildings.

On the second point, Mr. Sampson indicated that there would be light landscaping at street level. Moreover, the applicant intends to utilize the setback of the tower to create landscaped amenity space on a portion of the roof of the townhouses. He noted that individual private balconies are also incorporated into the design as well indoor amenity space.

Next, Mr. Sampson explained that a traffic study was carried out and deemed acceptable by staff. He noted that the entrance to the underground parking garage would front on Bilby Street and that it would be studied in greater detail at the permit stage to ensure safety standards are met.

Finally, regarding the development's impact on municipal services, Halifax Water had deemed it acceptable.

Mr. Sampson concluded by recommending to Community Council that it adopt the amendment to Map ZM-2 of the Halifax Land Use By-law as presented on Attachment A of the report before them.

The Chair thanked Mr. Sampson for this presentation and asked members of Community Council if they had questions of clarification.

Councillor Watts noted that General Business (C-2) zoning permits a building height of 80 feet. She wished to know how this translates in terms of number of storeys.

Mr. Sampson replied that for regular commercial development, the said height will accommodate approximately 6 storeys depending on angular plane requirements.

Referring to 5.1(b) of Attachment B of the staff report, Councillor Watts noted that the total number of multi-unit dwellings could increase 10% by way of a non-substantive amendment providing that neither the building size nor exterior changes. She asked staff to clarify whether such an amendment would come to Regional Council for review.

Mr. Sampson explained that the proposal is for 56 units. Should the applicant wish to increase this number by a maximum of 10%, then HRM staff would assess the request and make a recommendation to Regional Council.

There being no further questions of clarifications, the Chair invited the applicant to give a presentation.

Nathan Rogers, representing Genivar, thanked Community Council for the opportunity to present. He showed an image, taken one year ago, of the existing building that contains residential uses and commercial space, including a motor cycle shop and a dance studio. He described the building as being in a tired state.

Next, he showed a site plan of the proposed development. He explained that the existing building will be demolished, making way for a residential building with townhouses at street level. Each townhouse will be accessed individually from Isleville or Bilby streets. Trees will be planted along Isleville Street to improve pedestrian experience and to make the linkage with Hydrostone Park. The main entrance to the residential building, meanwhile, will front on Bilby Street as will the entrance to the underground parking garage, which will have a minimum of 1 stall per unit. He

explained that architectural detailing will enhance street-facing facades of the building as well as facades not directly facing public areas.

Mr. Rogers highlighted the setback above the townhouses, noting that it will provide a low scale feel to the neighbourhood. In addition to landscaping and tree planting, the developer, he noted, also intends to paint each townhouse a distinct colour to maintain the character of the neighbourhood.

As a point of comparison, he showed images of other developments in the neighbourhood, including Hydrostone Place Condominiums on Isleville Street and a mixed residential/commercial building on Kaye Street.

In his concluding remarks, Mr. Rogers showed before and after shots of the property, noting that he it had been a pleasure to work on, what he views, as one of the most exciting development projects in Halifax.

The Chair thanked Mr. Rogers for his presentation and invited members of Community Council to ask questions of clarification.

Councillor Watts asked the developer to confirm that the 7-storey building would include two setbacks.

Mr. Rogers explained that there will be a setback of 3-4 metres above the 2-storey townhouses and that vegetation will be planted on this perimeter. A second setback is planned above the 6<sup>th</sup> floor, acting as a wrap-around balcony for the penthouse floor.

The Chair then reviewed the rules of public hearings and invited residents, for or against the application, to the microphone.

Mr. Mike Cuvelier of Columbus Street liked the look of the building and in particular the townhouses fronting Bilby and Isleville streets. However, he was concerned about future maintenance of the building and wished to know what steps would be taken to ensure that it remains in good condition. He also commented on the transition underway in the neighbourhood and hoped that it would be managed appropriately so the community does not become a concrete jungle.

Mr. Fred Connors of Bloomfield Street and a founding member of the North-End Business Association explained that the neighbourhood is a commercial corridor with light industrial activity. Many of these and other well-established activities have been impacted by increased residential density. He provided, as an example, Gus' Pub on Agricola Street. A long-standing music venue, it now faces restrictions in terms of the entertainment it can offer as a result of the construction of an apartment building across the street.

Mr. Connors went on to explain that there are a number of furniture repair and automotive repair businesses in the neighbourhood as well as a brewery. All of these

activities can be smelly, and this is part of the ambiance of the neighbourhood. Residents moving into the neighbourhood, he continued, are not always prepared for this reality. Mr. Connors cautioned Community Council that the construction of new buildings, like that being proposed, will alter the feel of the neighbourhood and reduce the availability of affordable commercial space in the North-End.

Mr. Rogers indicated that ground floor commercial development was contemplated but not selected. It was his understanding that an occupant of the townhouses could apply for a home-based business.

**There being no further speakers, it was MOVED by Councillor Walker and seconded by Councillor Adams that the hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented on Attachment A of the report dated November 16, 2012.**

Councillor Walker wished to know if Community Council could proceed with recommendations 3-5 at this time instead of recommendation 3 only, as moved by Councillor Watts.

Ms. Karen Brown, Senior Solicitor, clarified that for Community Council to consider the Development Agreement, the property must be added to Schedule Q of the of the Land Use By-law which is the motion before members. After the appeal period has run its course, then staff could come back with a supplementary report and proposed development agreement.

Councillor Watts acknowledged receipt of correspondence from a resident concerned about the number and size of developments in the North-End, including 5 projects in close proximity to the site in question. Having considered these and other concerns raised at the public information meeting, Councillor Watts expressed support for the project. She appreciated the townhouse design and the careful attention paid to setbacks. Moreover, she found the building's placement on a major bus route to be a great advantage, adding that the installation of a bike lane along Isleville Street, currently under consideration by HRM, would add to transit options in the neighbourhood. As for the loss of commercial space, she indicated that the Centre Plan promotes mixed-use development on the peninsula, in turn requiring a measure of co-existence between new residential and existing light industrial uses.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE**

## **10. REPORTS**

### **10.1 Staff Reports**

#### **10.1.1 Case 17458: 5599 Fenwick Street – Phasing Developments**

A staff report dated December 4, 2012 was before Community Council.

**MOVED by Councillor Mason, seconded by Councillor Walker that Halifax & West Community move Notice of Motion to consider approval of the proposed amending development agreement, presented as revised Attachment A, to amend the phasing schedule for the comprehensive redevelopment of the Fenwick Tower property, and schedule a Public Hearing.**

Kurt Pyle, Supervisor of Planning Applications explained that revisions to Attachment A apply to clauses 3.6.2 and 3.6.4. Instead of referring to an occupancy permit, the revised clauses refer to the occupancy of the building.

The Chair asked that revised Attachment A be uploaded to the HRM website as soon as possible.

#### **MOTION PUT AND PASSED.**

It was subsequently decided that the public hearing will be held at City Hall on February 18, 2013.

#### **10.1.2 Commemorative Naming – Park Bridge at Captain William Spry Community Centre**

A staff report dated December 16, 2012 was before Community Council.

**MOVED by Councillor Adams, seconded by Councillor Walker that Halifax & West Community Council:**

- **Approve the bridge name, Irene (Reenie) Slauenwhite Bridge, for the unnamed bridge that spans Macintosh Run and connects the Herring Cove Road to the Captain William Spry Community Centre; and**
- **Request Regional Council to amend Administrative Order No. 46 to include park bridges within the HRM Asset Naming Policy.**

Councillor Adams explained that Ms. Slauenwhite, as a young girl, had rescued her friend from drowning near the site of the un-named bridge. Her daughter, Starr Bogue, with support from the community, was requesting that the bridge pay tribute to her mother. He asked that members join him in supporting this request.



Watts indicated that she had been moved by the community's collective memory of Ms. Slauenwhite's act of heroism and by efforts to preserve a piece of community history.

**MOTION PUT AND PASSED.**

**11. MOTIONS – NONE**

**12. ADDED ITEMS**

**12.1 Deputy Mayor Rankin – Correspondence from Charles Metcalfe dated January 6, 2013 and related concerns in Washmill Lake Drive area**

Correspondence from Mr. Metcalfe was before Community Council.

Deputy Mayor Rankin explained that Mount Royale Subdivision, where Mr. Metcalfe lives, is next to a Halifax Water facility that houses pipes and other suppliers used to complete repairs. Staff travels to and from the facility at all hours, including late at night, to respond to watermain breaks and other problems as they arise. This traffic has resulted in a number of noise complaints, leading Halifax Water to consider moving to another site.

Deputy Mayor Rankin felt that the concerns raised by Mr. Metcalfe touch on a number of issues, the first being by-law enforcement. By-law officers do not work on the weekend and therefore problems that arise Friday night through to Sunday night cannot be dealt with until Monday. He noted, as a second problem, the friction that has resulted from building residential units next to an industrial zone. Finally, having reviewed this matter further, he had found that the residential development lacked a number of amenities including park space and guest parking.

**MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax & West Community Council direct staff to:**

- **Proceed as quickly as possible with the Development Agreement involving Halifax Water land off Washmill Lake Drive;**
- **Prepare a report outlining options for enhanced by-law enforcement on the weekends, including the possibility of scheduling by-law officer shifts on Saturdays and Sundays; and outlining lessons learned from Mount Royale Subdivision, including noise concerns, illegal garbage disposal, and undeveloped park space**

The Chair offered to bring the issue of weekend by-law enforcement to the Executive Standing Committee.

Councillor Watts observed the similarities between Case 17511 and the matter raised by the Deputy Mayor, namely the tensions that can result from building residential units

close to light industrial spaces. She noted that in this particular case, the impacted business is a big enough that it can move to a different site. However, relocation may not always be an option, particularly for a small industrial business that pre-existed residential development. Even for Halifax Water, she added, relocation is disruptive to operations. She went on to explain that HRM needs to be cognisant of the implications of coupling new residential with existing industrial. Residents, too, need to understand the realities of the neighbourhoods in which they live.

Councillor Walker was unsure whether part 1 of the motion would solve the problem, noting that the Development Agreement relates to 2 parcels of land that would not affect the location of the depot. He explained that the industrial facility predates residential intrusion, making it unfair that Halifax Water should have to relocate to satisfy residents.

Councillor Mason indicated that it is inconsistent with modern planning strategies to have medium-rise residential up against light industrial. He found it strange that the residential development was allowed. He wished to know more about the Halifax Water site, including when the depot was built and what options the utility has going forward. On the issue of by-law enforcement, he noted that he has heard a number of complaints from residents around the lack of weekend by-law enforcement, especially around garbage collection.

Councillor Watts asked that HRM Planning ensure that there is a wider buffer area between residential and light industrial to avoid future problems.

Deputy Mayor asked staff to consider Washmill Lake Drive as a case study on the difficult co-existence between residential and light industrial. He believed it was unfair to blame residents for not knowing about the noise issues before moving to the area. He wished to know why the residential development was approved to begin with. Finally, he noted his frustration over the lack of by-law enforcement on weekends and wondered if staff could adjust their hours to fill this gap.

Councillor Walker indicated that complaints involving unsanitary conditions can be dealt with on weekends.

Deputy Mayor Rankin responded that he wished to know the protocol around contacting by-law officers on the weekend.

**MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION**

**13.1 Councillor Mason**

*“Take notice that at the next regular meeting of Halifax & West Community Council I intend to move a motion requesting that the District 12 Planning Advisory Committee be dissolved and that a District 7 and District 8 Planning Advisory Committee, with the same Terms of Reference as the former District 12 Planning Advisory Committee, be established no later than March 31, 2013.”*

**14. PUBLIC PARTICIPATION**

There were no questions from the public.

**15. NEXT MEETING DATE – February 4, 2013**

Councillor Walker requested that the venue for the meeting of February 4, 2013 be large enough to accommodate 150 people.

The Community Council agreed that the public hearing for Case 17458, 5599 Fenwick Street – Phasing Developments, be held at City Hall on February 18, 2013.

**16. ADJOURNMENT**

The meeting was adjourned at 8:09 pm.

Ted Aubut  
Legislative Assistant