

HALIFAX & WEST COMMUNITY COUNCIL

MINUTES

June 10, 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
Ms. Gayle MacLean, Civic Addressing Coordinator
Ms. Jillian MacLellan, Planner
Mr. Miles Agar, Planner
Mr. Sean Audas, Development Officer
Mr. Kurt Pyle, Supervisor of Planning Applications
Mr. Ted Aubut, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:01 p.m. in the Council Chamber at City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – May 13, 2013

Community Council agreed to defer approval of minutes of May 13, 2013 to the next meeting in order for the Clerk to add more details to item 8.1.1.

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

Additions:

- 12.1 Case 16417: Municipal Planning Strategy & Land Use By-law Amendments for 2570 Windsor Street, 6225 Willow Street and 6233 Willow Street, Halifax
- 12.2 Councillor Watts – Off-leash dog park in Africville Park
- 12.3 Councillor Adams – Property PID 00377861

Deletions:

- 15.2 Legal Matter (In Camera)

The agenda was approved, as amended.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

Community Council requested that the following items be removed from the status sheet:

- April 22/2013: Construction of a replica Dockyard Clock

The Chair then called on staff to provide an update on the street sign project in Westmount subdivision, Halifax.

Ms. Gayle MacLean, Civic Addressing Coordinator reminded Community Council that Councillor Watts, in October 2011, had requested that a poppy decal be added to street signs in Westmount. Many of the streets in this west-end neighbourhood are named after servicemen who lost their lives in World War II. She noted that HRM has received permission from the Royal Canadian Legion to use the poppy and is moving ahead with community consultations. Proposed signs will be modeled after the Irishtown signs installed in downtown Halifax. That is, small inserts will clip on top of existing street

signs. She indicated that she will continue to keep the area Councillor, Councillor Mosher, up to date on the project.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 17885: Development Agreement to permit a change in use to a non-conforming use at 2347 Agricola Street, Halifax

The following documents were before Community Council:

- A staff report dated May 6, 2013
- Correspondence from Lawrence McEachern dated May 31, 2013

The Chair reviewed the rules of procedure and invited staff to present Case 17885.

Ms. Jillian MacLellan, Planner, delivered a presentation on Case 17885, an application to enter into a development agreement to allow for a café use at 2347 Agricola Street. A laundromat currently occupies the site.

Ms. MacLellan described the location of the subject property, noting that it sits at the corner of Agricola Street, which has many commercial spaces, and Woodill Street, comprised of single and two-unit dwellings. As the property is zoned R-2 (General Residential), it can have up to four residential units.

Next, she addressed the issue of the laundromat, which has occupied the first floor since the 1950s. R-2 zoned properties do not allow commercial spaces. However, the building was not zoned R-2 until the 1980s. Since that time, the laundromat has been considered a non-conforming use. Policy 3.14 of the Municipal Planning Strategy allows for the consideration of a development agreement to change a non-conforming use to a less intensive use not otherwise permitted within the zone.

Ms. MacLellan indicated that the application put forward by Geoff Keddy Architects is to convert the laundromat into a café. She believed that the proposed development agreement would minimize the intensity of the café by:

- Prohibiting outdoor storage
- Limiting the hours of operation from 6:00 am to midnight
- Ensuring the entrance to the café will be on Agricola Street rather than on Woodill Street

She then outlined the changes made to the proposed development agreement since it was last reviewed by Community Council:

- The basement or second floor can be used for a home occupation but not as a Bed & Breakfast. She noted that this is typical of R-2 properties in the area.
- No outdoor storage, including for waste refuse, is allowed.
- The hours of operation, as described earlier, have been set at 6:00 am to midnight to be consistent with other restaurants.

Ms. MacLellan concluded her presentation by recommending that Community Council approve the proposed development agreement, thereby permitting a change to the non-conforming use at 2347 Agricola Street.

The Chair thanked Ms. MacLellan for her presentation and invited members of Community Council to ask questions of clarification.

Councillor Watts, having reviewed the transcript of the Public Information Meeting of September 2012, noted that residents had a number of questions about windows, awnings and propane tanks. She wished to know if these items had been addressed in the development agreement.

Ms. MacLellan replied that the development agreement is not overly detailed to ensure a level of flexibility in terms of building design. However, in the case of awnings, the encroachment by-law specifies what is permitted and at what fee.

There being no further questions of clarification, the Chair invited the applicant to the microphone.

Mr. Nicholas Fudge of Geoff Keddy Architects noted that they plan on giving the building a facelift by installing, among other things, black cedar shingles and large storefront windows. The main level will be opened up. Upstairs, bathrooms will be added and the apartments, renovated.

The Chair thanked Mr. Fudge for his comments and invited residents, for or against the rezoning, to the microphone.

Mr. Hugh Gillis, though supportive of the project, worried about noise from the café. He noted that while the building faces Agricola Street, it is also on Woodill Street, which is a quiet residential neighbourhood. He wondered if the development agreement could be changed so that the closing time is 11:00 pm instead of 12:00 midnight. He also suggested that provisions requiring window glazing or restricting late night entertainment be considered.

Ms. Meghan Blanchard expressed support for the application, but asked for clarification regarding:

- Garbage storage: Her understanding was that it would be placed in the shared alley, potentially blocking the emergency fire stairwell that descends from a neighbouring building.
- The addition of an entrance from the café into the alley: She noted that this had been part of the initial plan but had not been discussed in staff's presentation.
- The hours of operation: She worried that midnight was late given that there are many families, with young children, in the area.

Mr. David Lee explained that the subject building and the abutting building are adjoined by a 100-year old structure. While he was supportive of the development, he was nevertheless concerned that the adjoining structure posed a fire hazard. He wondered if this could be addressed in the development agreement.

Mr. Alex Livingstone expressed support for the project, albeit reiterating concerns about noise. He noted that fans on a nearby pizzeria generate a lot of noise, and wondered if the same thing could happen at the café. He asked Community Council to consider adding a clause to the agreement ensuring that quiet fans and/or technologies are installed. He believed this to be particularly important given that the café backs onto a residential street.

The Chair called three more times for additional speakers. There being none, she invited the applicant to respond to point raised.

Mr. Nicolas Fudge noted that his client will store garbage in the building rather than in the alley.

MOVED by Councillor Adams, seconded by Councillor Mason that the hearing be closed. MOTION PUT AND PASSED.

Deputy Mayor Rankin enquired about on-site entertainment at the café.

Ms. MacLellan confirmed that the café, like other restaurant uses, could have entertainment. The applicant would have to apply to the Alcohol and Gaming Division of Access Nova Scotia for a liquor licence. She clarified that the proposal is for a café/restaurant, and not for a lounge.

Deputy Mayor Rankin asked if HRM could regulate the hours of entertainment and the fans used.

Ms. MacLellan replied in the affirmative to the first question. As for the second, she noted that HRM cannot regulate the mechanics of a fan. However, it can require that the fan is enclosed to muffle noise.

Councillor Watts wished to know if closing time could be at 11:00 pm instead of 12:00 midnight. She also wished to know if there would be the flexibility to reinstate the 12:00 closing time if, in the future, it is deemed appropriate.

Ms. MacLellan replied that closing time could be set at 11:00 pm and later, by way of a resolution, be changed to 12:00 midnight. Such a change would not require a public hearing. Instead, a sign would be placed on the subject property notifying neighbours of the application.

Ms. Karen Brown, Solicitor, confirmed that Council could consider extending the hours to midnight through a non-substantial amendment.

Councillor Watts asked staff to comment on the fire-related concerns raised by residents.

Ms. MacLellan noted the following:

- There is no requirement that the alley be used as a fire escape.
- Even if garbage is stored in the alley, there would still be room for people to come and go.
- The applicant no longer wants to build an exit from the café into the alley.

Councillor Mason reminded Community Council that an updated noise by-law will be before Council shortly.

Deputy Mayor Rankin, concerned about noise in the immediate neighbourhood, wished to know what kind of entertainment would likely be in the café:

Ms. MacLellan replied that the café was not intended to be an entertainment venue. However, staff wished to provide some flexibility for small-scale musical acts. She noted that some residents expressed interest in having acoustic guitarists at the café.

Deputy Mayor Rankin suggested that the closing time be set at 11:00 pm.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council:

- 1. Approve the proposed development agreement, as contained in Attachment A of the staff report dated May 6, 2013**
- 2. Require that the proposed development agreement be signed and delivered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOVED by Councillor Watts, seconded by Councillor Mason that Part 1 be amended to take into account issues raised, namely that:

- **3.3.1(b) and 3.4.6 clarify that the site can be used for a home occupation, but not as a Bed and Breakfast.**
- **3.4.4 clarify that the hours of operations for the restaurant will be from 6:00 am until 11:00 pm. In the future, Council may consider extending hours to midnight through a non-substantial amendment.**
- **3.8 clarify that outdoor storage, including for refuse, will not be permitted.**
- **A clause be added stipulating that efforts should be made to reduce fan noise.**

Councillor Watts expressed support for the application, noting that the café will be a great addition to the neighbourhood without being intrusive. She reiterated that the property owner could apply to HRM in the future to have the closing hours changed from 11:00 pm to 12:00 midnight.

Councillor Mason thanked the applicant for his commitment to the neighbourhood and reassured residents that protections are in place to respond to noise violations.

MOTION TO AMEND PUT AND PASSED.

At this time, Community Council was prepared to vote on the amended motion:

1. **Approve the proposed development agreement, as contained in Attachment A of the staff report dated May 6, 2013 with the following amendments:**
 - **3.3.1(b) and 3.4.6 to clarify that the site can be used for a home occupation, but not as a Bed and Breakfast.**
 - **3.4.4 to clarify that the hours of operations for the restaurant will be from 6:00 am until 11:00 pm. In the future, Council may consider extending hours to midnight through a non-substantial amendment.**
 - **3.8 to clarify that outdoor storage, including for refuse, will not be permitted.**
 - **A clause be added stipulating that efforts should be made to reduce fan noise.**
2. **Require that the proposed development agreement be signed and delivered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8.1.2 Case 18017: Application to rezone the north-east corner of Connolly Street and Dudley Street, Halifax

A staff report dated April 24, 2013 was before Community Council.

The Chair invited staff to present Case 18017.

Mr. Miles Agar, Planner explained that the property owner wishes to develop three townhouse units at the corner of Dudley and Connolly streets. To do this, he is requesting that HRM rezone the property from the R-2 (General Residential) Zone to the R-2T (Townhouse) Zone.

Mr. Agar noted that the subject property is a vacant lot of 18,000 square feet. The immediate neighbourhood has a variety of housing types. To the east is a single unit dwelling and to the north, two four-unit dwellings. Windsor Park, a Canadian Forces base, is located across the street and includes multi-unit residential buildings of three storeys.

Mr. Agar then described the housing types permitted in the R-2 Zone, noting that developments can range from single and two-unit dwellings to three and four-unit apartment houses. The R-2T Zone allows all of these uses plus townhouses – three townhouses, in this case, given the lot size. Mr. Agar noted that the minimum setbacks are the same for R-2 and R-2T as is the maximum height. The only difference, other than housing type, is a 5% differential in the maximum lot coverage.

Mr. Agar reminded Community Council that the application is to rezone, not to enter into a development agreement. This means that the applicant is not bound by the design before them today. He must, however, ensure that all zoning requirements are met.

Mr. Agar was of the opinion that the scale of development proposed is compatible with adjacent uses and that the townhouses would provide an appropriate transition between the varied housing types. Moreover, he noted that the Municipal Planning Strategy enables Council to rezone property to permit a variety of residential uses. On these grounds, he recommended that the rezoning be approved.

The Chair thanked Mr. Agar for his presentation and invited members of Community Council to ask questions of clarification. There being none, she invited the applicant to the microphone.

Mr. Nicholas Fudge, representing the property owner, described the materials used on the exterior of the building and emphasized the fact that only three townhomes would be built. He believed this to be a good option considering that, under current zoning, the applicant could develop a four-unit apartment building.

The Chair thanked Mr. Fudge for his comments and invited residents, for or against the rezoning, to the microphone.

Mr. Jerry Blumenthal, former Councillor for the area, expressed support for rezoning the lot, which has been vacant for many years. He noted that the townhouse design was preferable to a four-storey building and that it would be a nice addition to the community.

The Chair called three times for other speakers; there being none, it was **MOVED by Deputy Mayor Rankin, seconded by Councillor Walker that the hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council approve the proposed rezoning of the vacant lot at the north-east corner of Connolly Street and Dudley Street, Halifax, from the R-2 (General Residential) Zone to the R-2T (Townhouse) Zone, as provided in Attachment A of the staff report dated April 24, 2013.

Councillor Watts thanked Mr. Blumenthal for his comments and for his service to the community. She felt the project was consistent with the neighbourhood and would provide housing options to families as the peninsula increases its density. On these grounds, she would be supporting the rezoning.

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings

8.2.1 Case 18170: Appeal of a Variance Refusal at 6168 North Street, Halifax

A staff report dated May 24, 2013 was before Community Council.

The Chair outlined the rules for variance appeals before inviting staff to make their presentation.

Mr. Sean Audas, Development Officer explained that the applicant wishes to convert and expand the existing building at 6168 North Street into a two-unit dwelling. In order to do so, he has requested that the minimum lot area, lot frontage and side yard requirements be relaxed.

Mr. Audas indicated that the dwelling sits on a 3,300 square foot lot on North Street, between Windsor Street and Gladstone Street. He showed a site plan highlighting the two additions proposed – one on the front and another off the back of the house, noting that the goal is to create a two-unit dwelling. Property owners within 30 metres of the building were notified that a variance had been filed. They were subsequently notified when the variance was refused.

Mr. Audas reminded Community Council that Section 250(3) of the *HRM Charter* sets the following criteria by which the Development Officer may not grant variances to requirements of the land use by-law:

1. If a variance violates the intent of the development agreement or land use by-law
2. If the difficulty experienced is general to properties in the area
3. If the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law

Mr. Audas found that the proposal violated the intent of the land use by-law because the lot is not sufficiently large to accommodate the desired density.

- For the project at hand, the Halifax Peninsula Land Use By-law (LUB) requires a lot of at least 5,000 square feet. The lot is 3,300 square feet.
- The LUB requires a minimum front yard setback of 50 feet. The proposal calls for a 33.27 foot setback.
- The LUB sets a minimum left side yard of 5 feet; the applicant wants this relaxed to 2.79 feet.

On these grounds, Mr. Audas had rejected the application for variance.

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

Councillor Adams observed a discrepancy in the allowable lot coverage. The applicant, in his letter of December 3, 2012 indicated that it is 3,000 square feet while in the report, staff indicated that it is 5,000 square feet. He asked for clarification.

Mr. Audas replied that the lot coverage for a single-unit dwelling is 3,000 square feet; lot coverage for a two-unit dwelling is 5,000 square feet.

Councillor Adams noted that the variance refusal was issued in November 2012. He asked staff to account for the delay in bringing this to Community Council.

Mr. Audas explained that a change in the format of staff reports meant that it took longer than usual to reach the appeals stage.

Deputy Mayor Rankin drew attention to the staff report, which concluded that the application violated criteria 1 and 2. That is, it was contrary to the intent of the land use by-law and the difficulty experienced - the size and shape of the lot - was general to the area. He agreed with these conclusions and felt that allowing the variance would set a bad precedent.

Mr. Audas noted that the applicant could create an additional dwelling unit through internal conversion without the need for a variance.

There being no further questions of clarification, the Chair invited the appellant to come forward.

Mr. Tom Emodi explained that he is the property owner and architect. He thanked staff for their rigorous enforcement of the LUB but asked Community Council to consider the LUB in the context of the streetscape and densification goals.

Mr. Emodi showed a photo of the property, noting that the addition off the front is an open porch and roof area; only a small area is enclosed. He believed this to be in keeping with the look of neighbouring homes. Moreover, he felt this would bring symmetry to the block, by making front yard setbacks consistent. Currently, his home is set back further than abutting homes. He noted that he shared HRM's vision to encourage quality and financially viable housing on the peninsula, to return density to the urban centre, and to promote access to public transit. He believed his project did just that. In canvassing the neighbourhood, he had only received one negative comment.

Mr. Emodi then elaborated on his plans for the property, and the constraints he faced. The internal volume of the dwelling is slightly too small to create an additional and appropriate unit. The plan is to create a 2 ½ bedroom unit on the first floor and a 1 bedroom unit on the upper floor. The volume of the dwelling will only need to be increased by 8% to do this. He reminded Community Council that, without a variance, he could have designed a 5 or 6 bedroom house with more cars, more shadow, more noise and less open space.

The Chair called three times for more speakers. There being none, it was **MOVED by Councillor Watts, seconded by Councillor Mason that the appeal hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax and West Community Council allow the appeal of Case 18170.

Councillor Watts acknowledged that the project does not meet certain technical requirements. However, she found it in keeping with the character of the neighbourhood and consistent with the municipality's goals. She welcomed the renovations, noting that the additions would only increase the volume of the dwelling by 8%. On these grounds, she wished to see the project go forward and the Development Officer's decision, overturned.

MOTION PUT AND PASSED.

Approval of the appeal resulted in the overturning of the Development Officer's decision. The variance was approved.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS

9.1 Correspondence - NONE

9.2 Petitions - NONE

9.3 Presentations - NONE

10. REPORTS

10.1 Staff Reports

10.1.1 Case 17829: Development Agreement for 3090 Oxford Street, Halifax

A supplementary staff report dated May 24, 2013 was before Community Council.

Mr. Brandon Silver, Urban Designer, reminded Community Council that it had held a public hearing on Case 17892 on April 22, 2013 after which it had approved adding the subject property to Schedule L of the Halifax Peninsula Land Use By-law. The amendment has since taken effect and staff is recommending that Community Council now approve the proposed development agreement.

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

- 1. Approve the proposed development agreement, as contained in Attachment A of the staff report dated May 24, 2013; and**
- 2. Require that the proposed 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.

10.1.2 Case 17599: Rezoning of 114 Hebridean Drive, Herring Cove

The following documents were before Community Council:

- A supplementary staff report dated May 1, 2013
- A staff report dated February 28, 2013

MOVED by Councillor Adams, seconded by Councillor Walker that Halifax & West Community Council give First Reading to the proposed rezoning of 114 Hebridean Drive, Herring Cove, from the P-2 (Community Facility) Zone to the HCR (Herring Cove Residential) Zone, as set out in Attachment A of the supplementary staff report dated May 1, 2013 and schedule a public hearing.

Councillor Adams thanked staff for bringing this forward so quickly and asked his colleagues to support the motion.

MOTION PUT AND PASSED.

The hearing was scheduled for July 22, 2013 at the Captain William Spry Community Centre.

10.2 Committee Reports

10.2.1 Report from Transportation Standing Committee dated May 31, 2013 regarding North-South Peninsula Cycling Corridor

A Committee report dated May 31, 2013 was before Community Council.

Councillor Mason declared conflict of interest as he lives on the proposed bike route. He did not participate in the debate.

MOVED by Councillor Walker, seconded by Deputy Mayor Rankin that Halifax & West Community Council recommend that Halifax Regional Council approve the Windsor-Vernon-Seymour bike route option, with the sub-option to continue the bike lanes up to the intersection of Almon Street and North Street, as the first of up to three designated north-south, on-road cycling corridors on the peninsula.

Councillor Watts explained that the cycling corridor has been endorsed by the Active Transportation Advisory Committee and the Transportation Standing Committee. Following review by Community Council, it will go to Regional Council. She expressed support for the plan all the while acknowledging its implications on parking along Windsor Street. She explained that staff is willing to look at alternatives to support businesses during this transition.

Deputy Mayor Rankin indicated that there is a lot of support for the Windsor-Vernon-Seymour route and requested that it be brought to Regional Council as soon as possible, ideally before summer break. As for the Agricola route, he noted that this option has been sent back to staff for further review.

The Chair asked that staff provide a brief presentation on the cycling corridor.

Ms. Hanita Koblents, Active Transportation Coordinator, explained that the project originated with a petition submitted in 2010 by the Halifax Cycling Coalition requesting a bike lane connecting the north and south end, and eventually the peninsula to Bedford. In response, staff evaluated 5 routes based on the following criteria:

- Connectivity
- On-street parking
- Intersections
- Street characteristics
- Public and stakeholder feedback

Ms. Koblents noted that the consultations were extensive. Staff met with the traffic authority, business associations, and hosted a number of stakeholder and public meetings after which two routes were dropped, including the Connaught route. Staff remained in close contact with the Active Transportation Advisory Committee during this process.

The recommended option is a 2.8 km long route in the centre of peninsula. It would run along Windsor Street from Young Street to the St. Patrick's High School site on Quinpool Road, cutting through Quingate Place. It would then connect to Vernon Street and Seymour Street, ending at Dalhousie University. Ms. Koblents indicated that the proposal ensures that bicycle lanes extend into the intersections, the only exception being at Windsor/Cunard/Chebucto intersection.

As noted earlier, on street parking was one of the elements studied. Ms. Koblents indicated that 76 parking spaces would be lost on Windsor Street though nearby, side street parking remains. Staff is exploring adding time limits to side street parking in an effort to compensate for lost parking on Windsor Street.

Ms. Koblents explained that staff feels that another north-south bike corridor is needed, possibly along Agricola Street. This will require further review, especially given the parking implications. Local street bikeways, such as along Isleville and Creighton streets may also be considered in the future, should Council wish to explore this.

The Chair thanked Ms. Koblents for her presentation.

At this time, Community Council was prepared to vote on the motion.

MOTION PUT AND PASSED.

10.3 Reports from Members of Community Council

10.3.1 Councillor Watts – Creation of a Planning Advisory Committee

A report prepared by Councillor Watts was before Community Council.

Councillor Watts reminded colleagues that on May 13, 2013 Community Council had approved the creation of two Planning Advisory Committees (PACs): one for District 7 and another for District 8. However, in subsequent discussions with staff, it became clear that the creation of a single PAC covering both districts would be preferable. To make this change, Community Council must rescind the applicable motions of May 13, 2013 and put a new motion on the floor.

MOVED by Councillor Watts, seconded by Councillor Adams that Halifax & West Community Council suspend the Rules of Order to consider rescinding two motions from May 13, 2013.

MOTION PUT AND PASSED with a two-thirds majority.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council rescind the following motion from May 13, 2013:

- **That staff initiate the process to establish a Planning Advisory Committee for District 8, Peninsula-North**

Deputy Mayor Rankin indicated that he was not in favour of creating PACs as they add another level to decision-making and slow down the planning approvals process. He believed there were many ways to engage with the public outside of the PAC model.

Councillor Watts replied that PACs are appropriate additions to the planning approval process, especially if their input is sought early in the process. Having discussed the matter with staff, she felt that one PAC for the peninsula would be more effective than two.

Councillor Mason believed it was entirely appropriate to have a PAC for peninsular Halifax given the number and velocity of planning applications received.

MOTION PUT AND PASSED with a two-thirds majority.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council rescind the following motion from May 13, 2013:

- **That staff initiate the process to establish a Planning Advisory Committee for District 7, Peninsula-South-Downtown**

MOTION PUT AND PASSED with a two-thirds majority.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council direct staff to establish one Planning Advisory Committee that encompasses Districts 7 (Peninsula North) and 8 (Peninsula South-Downtown) with the exception of the HRM by Design area. All planning applications with Public Information Meetings after September 1, 2013 will be considered by the Planning Advisory Committee.

MOTION PUT AND PASSED.

11. MOTIONS – NONE

12. ADDED ITEMS

12.1 Case 16417: Municipal Planning Strategy and Land-Use By-law for 2570 Windsor Street, 6225 Willow Street and 6233 Willow Street, Halifax

A staff report dated May 27, 2013 was before Community Council as was correspondence dated June 10, 2013 from Ms. Judy Dubar.

Councillor Watts declared conflict of interest as she is a member of St. John's United Church, which submitted the application. She did not participate in the debate.

MOVED by Councillor Walker, seconded by Deputy Mayor Rankin that Halifax & West Community Council recommend that Halifax Regional Council *not* amend the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law to enable the re-development of the St. John's Church, located at 2570 Windsor Street/6225 Willow Street and 6233 Willow Street, Halifax, as per the staff report dated May 27, 2013.

Councillor Walker encouraged Community Council to defeat the motion so they could vote on Alternative 2 as outlined on page 8 of the staff report.

Councillor Mason indicated that he has received many emails about this case, the majority of which were negative.

MOTION PUT AND DEFEATED.

MOVED by Councillor Walker, seconded by Deputy Mayor Rankin that Halifax & West Community Council recommend that Regional Council give First Reading to consider amending the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law as set out in Attachment F and G of the staff report dated May 27, 2013 and schedule a joint public hearing.

Richard Harvey, Urban Design Project Manager, clarified that Regional Council has the authority to consider MPS and LUB amendments while Community Council has the authority to consider development agreements.

MOTION PUT AND PASSED.

12.2 Councillor Watts – Off leash dog park in Africville Park

MOVED by Councillor Watts, seconded by Councillor Walker that Halifax & West Community Council request that the Interdepartmental Off Leash Dog Strategy Committee consider the decommissioning of the off leash dog park at Africville Park and develop potential options for alternative off leash dog parks.

MOTION PUT AND PASSED.

12.3 Councillor Adams – Property PID 00377861

MOVED by Councillor Adams, seconded by Deputy Mayor Rankin that Halifax & West Community Council direct staff to prepare a report exploring the possibility

of purchasing property PID 0037861 off the Prospect Road to allow public waterfront access on White's Lake.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION – NONE

14. PUBLIC PARTICIPATION

There were no questions or comments from the public.

15. IN CAMERA

MOVED by Councillor Mason, seconded by Councillor Walker that Halifax & West Community Council convene in camera to discuss appointments to the Point Pleasant Park Advisory Committee. MOTION PUT AND PASSED.

Community Council convened in camera at 9:10 pm.

15.1 Personnel Matter

15.1.1 Citizen Appointments to Point Pleasant Park Advisory Committee

This matter was dealt with in camera.

Following in camera deliberations, Community Council, at 9:18 pm, reconvened in public session to ratify the following:

MOVED by Councillor Mason, seconded by Deputy Mayor Rankin that Halifax & West Community Council appoint three citizens identified in the private and confidential staff report dated June 3, 2013 to the Point Pleasant Park Advisory Committee and release their names once they have been notified. MOTION PUT AND PASSED.

15.2 Legal Matter

This matter was deleted from the agenda.

16. NEXT MEETING DATE – July 22, 2013 (Cpt. Spry Community Centre

17. ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Ted Aubut
Legislative Assistant