

HALIFAX & WEST COMMUNITY COUNCIL

MINUTES

July 22, 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. Jennifer Chapman, Planner
Ms. Jillian MacLellan, Planner
Mr. Miles Agar, Planner
Ms. Dali Salih, Planner
Ms. Jane Cooper, Operations Manager, Development Approvals
Mr. Rudy Vodicka, Coordinator, Real Property Policy
Mr. Ted Aubut, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Community Multipurpose Room at the Captain Spry Community Centre, 16 Sussex Street, Halifax.

2. APPROVAL OF MINUTES – May 13, 2013 & June 10, 2013

MOVED by Councillor Walker, seconded by Councillor Mason that the minutes of May 13, 2013 and June 10, 2013 as well as the in camera minutes of June 10, 2013 be approved, as presented. MOTION PUT AND PASSED.

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

Additions:

12.1 Councillor Walker - Parking on Saskatoon Drive

Deletions:

10.1 Councillor Appointments to Planning Advisory Committee for District 7 & 8

15.2 Citizen Appointments to Planning Advisory Committee for District 7 & 8

MOVED by Councillor Adams, seconded by Councillor Watts that the agenda be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

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

- October 3/2011: Poppy decals on street signs in Westmount Subdivision, Halifax
- September 26/2011: Change in parkland name, Charles Street, Timberlea
- June 10/2013: Potential Purchase of Property PID 00377861

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

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

A supplementary staff report dated May 11, 2013 was before Community Council.

The Chair invited staff to present Case 17599.

Ms. Jennifer Chapman, Planner, explained that the applicant, Morah, Ronald and Bruce MacEachern, wished to rezone 114 Hebridean Drive from the P-2 (Community Facility) Zone to the HCR (Herring Cove Residential) Zone in order to develop a residential dwelling with an accessory unit. The site currently houses a vacant post office.

Ms. Chapman reminded Community Council that a hearing was held on April 22, 2013 to consider rezoning the subject property from P-2 (Community Facility) to F-1 (Fishing Industry). Community Council, in light of concerns raised by residents, directed staff to explore the possibility of rezoning from P-2 to HCR.

Ms. Chapman described the history and location of the property, noting that it falls within the Herring Cove Village Centre area and is surrounded by properties zoned HCR and F-1. Next, she read from Policy VCC-1, which encourages the retention of the fishery and the preservation of the physical character of Herring Cove Village Centre. She believed the proposed rezoning was consistent with this policy as HCR permits residential units and fishery support uses, like the storage of fishing equipment and the sale of an individual's catch.

Finally, Ms. Chapman explained that the HCR Zone permits up to two dwelling units so long as there is 150 feet of frontage. The subject property only has 120 feet. However, because the property predates the land use by-law by 22 years, the frontage requirement does not apply.

Ms. Chapman concluded her presentation by recommending that Community Council rezone the subject property from P-1 to HCR, as outlined in Attachment A of the report before them.

The Chair thanked Ms. Chapman for her presentation and asked members of Community Council if they had questions of clarification. There being none, she read the rules of procedure and invited the applicant to the microphone.

Mr. Bruce MacEachern, the applicant, had no comment.

The Chair invited residents for or against the application to the microphone. She called three times for speakers. There being none, it was **MOVED by Councillor Adams, seconded by Councillor Walker that the hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Adams, seconded by Councillor Walker that Halifax & West Community Council approve the proposed rezoning of 114 Hebridean Drive, Herring Cove as set out in Attachment A of the supplementary staff report dated May 1, 2013.

Councillor Adams thanked staff for responding quickly to this matter.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS

9.1 Correspondence - NONE

9.2 Petitions - NONE

9.3 Presentations - NONE

10. REPORTS

10.1 Case 18216: Rezoning of 4 York Redoubt Crescent, Fergusons Cove

A staff report dated July 3, 2013 was before Community Council.

MOVED by Councillor Adams, seconded by Councillor Mason that Halifax & West Community Council give First Reading of the proposed rezoning of 4 York Redoubt Crescent, Fergusons Cove, from the P-2 (Community Facility) Zone to the R-2a (Residential Home Occupation) Zone, as contained in Attachment A of the staff report dated July 3, 2013 and schedule a public hearing.

MOTION PUT AND PASSED.

The public hearing was scheduled for August 7, 2013.

10.2 Case 17826: Substantive Amendment to the existing Development Agreement for Brunello Estates, Timberlea

A staff report dated July 5, 2013 was before Community Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Mason that Halifax & West Community Council give Notice of Motion to consider approval of the 8th Amending Agreement, as provided in Attachment A of the staff report dated July 5, 2013, to alter the Commercial Use Classification boundary along Market Way Lane of Brunello Estates and implement housekeeping amendments and schedule a public hearing.

Deputy Mayor Rankin explained that the property in question, bound by Highway 103, Marketway Lane and the Timberlea Village Parkway, had been earmarked for a water tower. As this is no longer required, the applicant wishes to commercially develop the site. Deputy Mayor Rankin felt that this request was consistent with the development agreement and compatible with the existing commercial area to the south.

MOTION PUT AND PASSED.

Deputy Mayor Rankin indicated that the applicant was not available in August. Given this, the public hearing was set for September 23, 2013.

10.3 Case 18254: LUB Amendment and Development Agreement for 2776-2778 Gottingen Street, Halifax

The following documents were before Community Council:

- A staff report dated June 26, 2013
- Correspondence from Mr. Jeffrey Fish dated July 8, 2013
- Correspondence from Mr. Phil Pacey dated February 28, 2013

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

- 1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law to include 2776-2778 Gottingen Street, Halifax, in Schedule Q as presented on Attachment A and Maps 1, 2 and 3 of the staff report dated June 26, 2013 and schedule a public hearing; and**
- 2. Move Notice of Motion to consider the proposed development agreement as contained in Attachment B of the staff report dated June 26, 2013 to allow for a mixed-use development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

Councillor Watts asked staff to outline any changes made to the development agreement, including unit size and green space requirements, since the public information meeting of January 23, 2013.

Mr. Miles Agar, Planner noted the following:

- The design of the north facing façade has changed;
- Of the 70 units, at least 22 will be two bedroom suites; and
- There will be more landscaping in the parking lot, on Gottingen Street, and on the rooftop.

Councillor Watts, referring to the correspondence from Mr. Pacey, noted that residents have questions about angle plains and setbacks. She asked that staff be prepared to answer these questions at the upcoming hearing.

MOTION PUT AND PASSED.

The public hearing was scheduled for August 7, 2013.

10.4 Case 17756: LUB Amendment and Development Agreement for 5659 Almon Street and 2814 Isleville, Halifax

A staff report dated June 28, 2013 was before Community Council.

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

- 1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law to include 5659 Almon Street and 2814 Isleville Street, Halifax in Schedule Q as presented on Attachment A of staff report dated June 28, 2013 and schedule a public hearing; and**
- 2. Move Notice of Motion to consider the proposed development agreement as contained in Attachment B of the staff report dated June 28, 2013 to allow for a mixed-use development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

Councillor Watts asked staff to comment on any changes made to the development agreement since the public information meeting of October 2012.

Ms. Dali Salih, Planner, replied that the design plans remain the same. However, the proposed development agreement now has a clause requiring that the applicant address the blank wall overlooking the laneway off Isleville Street.

Councillor Watts asked Mr. Salih to clarify the size and location of the parking areas.

Ms. Salih indicated that two levels of parking are proposed: underground parking for 30 vehicles, which will be accessed from Isleville Street, and above-ground parking for 9 vehicles in the private lane. HRM Engineering reviewed and was satisfied with this plan.

Councillor Watts observed that development agreements are inconsistent when it comes to the number of units with two or more bedrooms. For instance, 43% of the units at Almon and Isleville streets will have two or more bedrooms whereas only 28% of the units on Gottingen Street (Case 18254) will have two or more bedrooms. She asked staff to comment on this.

Ms. Salih replied that HRM encourages a mix of unit sizes and styles in order to accommodate different demographics, including families.

MOTION PUT AND PASSED.

The public hearing was scheduled for August 7, 2013.

10.5 Case 17759: MPS/LUB Amendments and Development Agreement for the northeast corner of Dutch Village Road and Andrew Street, Halifax

A staff report dated July 5, 2013 was before Community Council.

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

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as set out in Attachments A and B of the staff report dated July 5, 2013 and schedule a joint Public Hearing with Halifax and West Community Council;**

Further, that Halifax and West Community Council:

- 2. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report to permit a minor increase in height for a multi-unit residential development at 3559, 3561, 3567 and 3573 Dutch Village Road, and 7179 and 7187 Andrew Street, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

Councillor Watts asked staff to confirm that this is a two-phased project.

Ms. Salih explained that the applicant, since filing the original application, has requested to add 2,000 square feet of commercial space to the building. To accommodate this change, staff felt it would be preferable to proceed in two phases. This means that Community Council will consider the commercial space at a later date and not at the upcoming public hearing, should it vote in favour of the motion.

MOTION PUT AND PASSED.

The public hearing will be set following First Reading at Regional Council.

10.6 Case 17840: Application to rezone 3601 Windsor Street, Halifax

A staff report dated July 5, 2013 was before Community Council.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council *refuse* the proposed rezoning of 3601 Windsor Street, Halifax from the R-2 (General Residential) Zone to the R-3 (Multiple Dwelling) Zone to enable the development of a 55-unit residential building.

Councillor Watts agreed with the reasoning outlined in the staff report and, on these grounds, did not support the rezoning. Moreover, she was disappointed that the applicant had requested a rezoning instead of proceeding by development agreement. She reminded colleagues that with a rezoning, HRM would have no control over the design and features of the building.

MOTION PUT AND PASSED.

10.7 Case 17456: LUB Amendment and Development Agreement for 3065 Robie Street, Halifax

A staff report dated June 26, 2013 was before Community Council.

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

- 1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law to include 3065 Robie Street, Halifax in Schedule Q, as presented on Attachment A and Maps 1 and 2 of the staff report dated June 26, 2013, and schedule a public hearing; and**
- 2. Move Notice of Motion to consider the proposed development agreement as contained in Attachment B of the staff report dated June 26, 2013 to allow for a mixed-use development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**
- 3. Schedule the public hearing in September 2013.**

Councillor Watts requested that the public hearing take place in September to ensure that as many residents as possible can attend. It being the summer, she was concerned that there would be a lower than normal turnout.

Councillor Mosher stepped down as chair at 7:32 p.m. Councillor Mason assumed the Chair.

Councillor Mosher was concerned that if the hearing for Case 17456 was deferred to a future meeting, then it would not be heard until September 23rd at the earliest. Out of fairness to residents and applicants, she felt that all the hearings should be scheduled for August 7th or all of them should be held off until September 23rd.

Councillor Watts noted that the August 7th agenda would be heavy, which was another reason why Case 17456 should be deferred until September. She requested that Community Council split the motion, thereby voting on Recommendations 1 and 2 together, followed by Recommendation 3. Her request was deemed in order.

Councillor Mosher returned to the Chair at 7:35 p.m.

The Chair noted that the August 7th meeting will begin at 6:00 p.m. instead of 7:00 p.m. in order to accommodate the hearings. As for the September 23rd meeting, it too will be heavy because the Purcell's Cove Water Services Extension Feasibility Study will be tabled.

Councillor Watts proposed that Community Council hold a second meeting in September.

The Chair indicated that this option had already been considered but that scheduling made it difficult.

Deputy Mayor Rankin supported the idea of holding a second meeting in September at which time Case 17456 could be heard. He felt this would alleviate the concerns raised by Councillor Watts, who represents the district in which the application has been made.

Councillor Mason was also in support of deferring the hearing. At 18 storeys, the development would significantly change the neighbourhood at a time when the Robie Street Corridor consultation is only partially complete. He was concerned that holding all the hearings on August 7th would jeopardize prudent decision-making.

Councillor Mosher stepped down as Chair at 7:44 p.m. Councillor Mason assumed her responsibilities.

Councillor Mosher reminded her colleagues that most developments are controversial. In this respect, Case 17456 is no different and should follow the normal process and schedule. If Community Council believed that holding hearings in the summer jeopardized decision-making, then no hearings should be scheduled in the summer. Selecting one hearing over another, as she felt was happening here, would be unfair.

Ms. Jane Cooper, Development Operations Manager, indicated that staff will be available on August 7th or at any date Community Council deems appropriate for their next meeting.

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

RECOMMENDATION 1 and 2 PUT AND PASSED.

RECOMMENDATION 3 PUT AND DEATED as a result of a tie vote.

Later in the meeting, Councillor Watts proposed a motion of reconsideration. Given that the motion to schedule the public hearing was defeated, the Councillor's motion of reconsideration was out of order as she had not voted on the prevailing side.

10.8 Recommendation Report regarding Western Common Regional Park Committee

A staff report dated May 1, 2013 was before Community Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Adams that Halifax & West Community Council defer consideration of the establishment of a Western Common Regional Park Advisory Committee until staff has met with the Five Bridge Wilderness Heritage Trust and the Five Bridge Lake Wilderness Area Stewardship Coalition.

Deputy Mayor Rankin asked that staff reach out to the above-noted community groups and report back to Community Council. Community Council will then be in a position to consider the need for an advisory committee.

Councillor Adams was of the understanding that when this issue originally came forward, staff had been directed to establish a committee yet the motion before them was simply to consider establishing one. He asked that the Clerk review past minutes to clarify this.

MOTION PUT AND PASSED.

10.9 Memo from Clerk's Office regarding start time of next meeting

MOVED by Councillor Walker, seconded by Councillor Adams that Halifax & West Community Council commence public hearings at 6:00 p.m. on August 7, 2013 in order to accommodate the number of applications coming forward.

MOTIONS PUT AND PASSED.

10.10 Appointments to Planning Advisory Committee for District 7 & 8.

This matter was deferred to a special meeting scheduled for July 30, 2013.

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Walker - Parking on Saskatoon Drive

Councillor Walker reported that during a recent regatta on Kearney Lake, a number of residents were illegally parking their cars on Saskatoon Drive. This impeded the normal flow of traffic and would have made it difficult for an emergency vehicle, like an ambulance, to pass.

Councillor Adams noted a similar situation on Coolens Road in Shad Bay, that is, that residents were parking on both sides of the street in turn causing traffic problems.

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

- 1. Direct the HRM traffic authority investigate parking concerns on Saskatoon Drive resulting from regattas on Kearney Lake; and**
- 2. Request that the provincial traffic authority and the RCMP investigate parking concerns on Coolens Road resulting from activities on Shad Bay.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Allan Ruffman of Fergusons Cove noted that HRM repainted the bicycle lane along the Purcell's Cove Road but had not repainted the section near the Royal Nova Scotia Yacht Squadron. He asked that this be addressed. Next, he asked that HRM consider installing cement sidewalks along the Purcell's Cove Road instead of asphalt sidewalks. He felt the time was right to make this change, seeing as Heritage Gas is working in the right of way. Finally, Mr. Ruffman drew attention to a staff report dated July 25, 2013. In it, staff recommend that Regional Council seek permission from the Province to fast track the construction of the Nova Centre on Argyle Street. He urged Councillors to consider the implications of such a request. He circulated a document outlining his position.

The Chair noted that Nova Centre file will not be reviewed by Community Council. Instead, because of its regional implications, it will be reviewed to Regional Council. On these grounds, she ruled his last comment out of order.

Councillor Watts disagreed with the ruling, noting that the development in question is within the boundaries of Halifax & West Community Council.

Deputy Mayor Rankin was of the understanding that any issue affecting the municipality can be raised during public participation. He noted that there are few opportunities for the public to address Regional Council. In light of this, Community Council should be as accommodating as possible.

Councillor Mason expressed similar concerns over restricting residents' comments during public participation.

The Chair reiterated that the development of the Nova Centre is a Regional Council matter. Residents should therefore direct their comments and/or concerns to Regional Council.

Mr. Glenn Holland of Kearney Lake explained that he and his neighbours are waking up at 3:00 a.m. because of truck traffic in the area. He wished to know why there were trucks on the road at this hour and what HRM could do to remediate the noise, especially in the fall and winter when there are no leaves to buffer the sound. Referring to item 12.1, he agreed that illegally parked cars on Saskatoon Drive are causing traffic problems. HRM traffic enforcement was brought in to resolve the situation, but in fact they made it worse, towing cars which seemed to be parked legally. Mr. Holland offered to submit photos to the Clerk documenting what happened. Finally, he requested that HRM coordinate the timing of four 4 sets of lights on Kearney Lake. He felt they were out of sync as were lights at Northwest Arm Drive.

The Chair thanked Mr. Holland for his comments, noting that HRM will have the timing assessed on Kearney Lake Road. The lights on Northwest Arm Drive, however, are the purview of the Province.

Mr. Phil Pacey of Yukon Street was disappointed that Mr. Ruffman had been unable to finish his comments about the Nova Centre. He believed that public participation should be interpreted in the broadest sense. He asked that the Clerk read the rules regarding public participation as outlined in Administrative Order 1.

The Clerk replied that Administrative Order 1 does not stipulate what is permissible during Public Participation.

The Chair indicated that she would speak to the solicitor about this.

Mr. John Cascadden of the McDonald Lake Residents' Association noted that people are building fire pits along the shore of Nichols Lake. He deemed this to be very dangerous. He believed that RCMP patrols need to be strengthened and that appropriate signage needs to be installed.

The Chair indicated that she would bring this matter forward to the Board of Police Commissioners. The Fire Prevention Coordinator may wish to investigate this further.

15. IN CAMERA

15.1 Approval of In Camera Minutes – June 10, 2013

This matter was dealt with under item 2.

15.2 Personnel Matter

15.2.1 Citizen Appointments to Planning Advisory Committee for District 7&8

This matter was deferred to a special meeting scheduled for July 30, 2013

16. NEXT MEETING DATE – July 30, 2013 (Media Room)

17. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Ted Aubut
Legislative Assistant