

HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES

September 23, 2013

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

REGRETS: Councillor Stephen Adams

STAFF: Ms. Karen Brown, Senior Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m. in the Captain William Spry Centre, 16 Sussex Drive.

2. APPROVAL OF MINUTES

MOVED by Deputy Mayor Rankin, seconded by Councillor Mason that the minutes of August 7, 2013 be approved. MOTION PUT AND PASSED

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

Additions:

- 12.1 Preventing Meeting Conflicts (Councillor Watts)
- 12.2 Agenda Planning for Community Council Meetings (Councillor Watts)

MOVED by Deputy Mayor Rankin, 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

There were no updates to the Status Sheet.

Deputy Mayor Rankin referred to a motion Community Council passed at its February 4, 2013 meeting in regard to item 10.1.1 *Slaunwhite Request to allow further subdivision of land without road frontage in Terence Bay*, and indicated that he would like an update as to when this matter is expected to come to Council and he asked that it be placed on the Status Sheet.

MOVED by Deputy Mayor Rankin, seconded by Councillor Walker that staff be requested to provide an update on the item from the February 4, 2013 Community Council meeting, entitled *Slaunwhite Request to Allow Further Subdivision of Land without Road Frontage in Terence Bay*. Further, this item be added to the Status Sheet. MOTION PUT AND PASSED.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

7.1 Case 18445: Appeal of Variance Refusal, 2046 Oxford Street, Halifax (deferred from August 7, 2013)

A staff report dated July 22, 2013 was before Community Council for consideration.

Correspondence was submitted from:

Paul Terrio
Cindy and Peter Burchell
Clark Wilkins
Jeffrey Miller
Allan Buchanan and Marylizabeth Lamie
Pamela Whelan

Mr. Sean Audas, Development Officer provided a presentation outlining the reasons why he refused to grant a variance for 2046 Oxford Street to permit the existing building to be renovated and expanded with a third storey addition for the purpose of converting the existing two unit dwelling to a four unit dwelling. In his presentation he advised that the proposed variance violates the intent of the Land Use Bylaw because the proposal represents a reduction of the required lot frontage, area, setbacks, and gross floor area ratio; the difficulty experienced is general to properties in the area as only two of the nineteen properties within the notification area contain more than two dwelling units. Mr. Audas noted that there was no intentional disregard for the requirements of the Land Use Bylaw.

The Chair outlined the Rules of Procedure for the Hearing and invited the property owner to come forward to speak.

Mr. Clark Wilkins, the property owner addressed Community Council and advised that he was not looking to increase the footprint of the building, but that he wanted to increase the height. He noted that, within this area he has been granted two other variances and did not have to go through this process. Mr. Wilkins assured Community Council that the building would be a quality product for the neighborhood, adding that he has done the same in other areas.

Ms. Judy Ashley LeBlanc, 2042 Oxford Street, addressed Community Council speaking in opposition of the variance request. She expressed concern about there being adequate parking spots on the site; as well as about increased noise with the building because it will have four balconies and that the proposed building will take up more square footage.

The Chair called three times for anyone else wishing to speak; there being none, it was **MOVED by Councillor Mason, seconded by Councillor Walker that the Variance Appeal Hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Watts, seconded by Deputy Mayor Rankin, that Halifax and West Community Council allow the appeal thereby allowing the variance requested for the purpose of converting the existing 2-unit dwelling to a 4-unit dwelling.

Councillor Watts indicated that she opposed the variance request based on the Development Officer's decision and from the correspondence submitted by the surrounding neighbours of concerns about maintaining the existing integrity of the neighbourhood.

MOTION PUT AND DEFEATED.

8. HEARINGS

8.1 Variance Appeal Hearings

8.1.1 Case 18137: Appeal of Variance Approval – 5677 Harris Street, Halifax, NS

A staff report dated September 9, 2013 was submitted.

Ms. Erin McIntyre, Development Technician, provided the staff presentation on the variance request which was approved by the Development Officer for 5677 Harris Street and subsequently appealed. In her presentation Ms. McIntyre advised that the owner is proposing to build a four storey 56 unit apartment building and a development permit has been issued for this. The applicant has requested, as an alternative to the proposal, consideration of a revised building design which requires the relaxation of the angle controls in eight areas of the building.

Ms. McIntyre responded to questions of clarification.

The Chair reviewed the Rules of Procedure and invited the appellants to come forward at this time.

Ms. Heather Breeze, 2379 Moran Street advised that she appealed the Development Officer's decision because of the impact on her property. She explained that the angle controls are put in place for aesthetic reasons for the adjacent property owners, and the variance will affect the amount of sunlight and privacy in her back yard. Ms. Breeze noted that the developer still has the ability to construct his building without the variance on the angles. In concluding her remarks, she expressed concern that the abutters only find out after the fact that a variance has been granted and that she felt the abutters should be informed prior to this.

The Chair called three times for any of the other appellants to come forward at this time to speak; there being none, she invited the property owner to come forward at this time.

Mr. Michael Napier addressed Community Council advising he was the architect for the project and he explained the reason for the variance request was that it would enable the apartments to be constructed without any unusual design to the rooms. He noted that angle controls, which have been removed from the Downtown Halifax Plan, resulted in creating strange, contorted shaped buildings.

The property owner of 5677 Harris Street addressed Community Council and provided details on his proposal advising that the building will be condominiums and that if Community Council upholds the decision of the development Officer it will allow for greater construction efficiency. He noted that the zoning of the property which is C-2 enables a 24-hour gas station, an office, or a store and the building could go as high as 50 ft. He pointed out that what he is proposing will add to the vitality of the neighbourhood.

MOVED by Councillor Mason, seconded by Councillor Watts that the variance appeal hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Watts, seconded by Councillor Walker that Halifax and West Community Council allow the appeal thereby refusing the variances requested.

Councillor Watts indicated that she was cognizant of the concerns raised in the letters from the appellants, and that it is important to note the types of businesses that can go ahead as-of-right. She added that she would not support the motion, noting that the building will not exceed permitted height, the density will not change and parking and other related aspects will meet the Land Use Bylaw requirements.

MOTION PUT AND DEFEATED.

8.1.2 Case 18502 – 130 Main Avenue

A staff report dated September 9, 2013 was submitted

Mr. Sean Audas, Development Officer provided the presentation on the variance appeal in regard to his approval of a variance request for 130 Main Avenue to construct a four storey building with a grocery store on the main level and three residential units on the upper levels. The variance requested was to relax the minimum lot area and left side yard requirements. His decision was appealed by five property owners within the notification area.

Mr. Audas pointed out a typographical error in the staff report for clarification for the record. He referred to page 4 of the report, in the table under Staff Response and advised that the sentence should state, "The proposed building does *not* exceed the maximum height . . . "

At this time, the Chair invited the appellants to come forward to speak.

Ms. Dorothy Noseworthy, 132 Main Avenue, advised that she and her husband have lived at this address for 58 years. Ms. Noseworthy's concerns were the impact the proposed building would have on her view, the impact an apartment building would have on a primarily quiet residential area, and the noise generated from two additional apartments. She advised that when the property owner lived in the current apartment, there were no issues, but once he moved out and rented the unit, there were issues with noise, loud music, and alcohol, and that these issues will be exacerbated with two additional apartments.

Mr. Don Scott, 4 Alex Street advised that he was against this proposal as it is out of scale with the street. He noted that all the houses surrounding it are single family dwellings.

Mr. George Noseworthy, 132 Main Avenue addressed Community Council and advised that it has been said that there was a petition circulating which stated the surrounding neighbours were against the store development and he wanted to clarify that the neighbours are not against the store--it is the apartments they oppose, as it will block their sunlight and the building will be 35 to 40 ft. in height.

Mr. James Power, 3 Skeena Street advised that he was opposed to the proposal because his property has been subjected to garbage, vandalism, and noise and he and his wife have had many sleepless nights due to the tenants in the current building. Mr. Power expressed concern with the possibility of additional rental units and further problems in this regard, and that the proposed building will be very close to his house.

Mr. Robert Boudreau, 12 Skeena Street, advised that he was opposed to the proposal for the same reasons stated by the previous speakers, and that he has been subjected to the same issues of tenants partying.

The Chair called three times for any additional appellants to come forward to speak; there being none, she advised that the property owner could come forward at this time.

Mr. Cesar Salah addressed Community Council on behalf of the property owner, Joseph Zucker. He referred to page 3 of the staff report and noted an error. He advised that the report states the variance difference is 290 square feet, when it is actually 190 square feet.

Mr. Salah advised that the owner has operated out of this location for the past 35 years and feels he has deep roots in the community. He added that this property is his main source of livelihood. He wants to reinvest in his business and needs all the help he can get because small convenience stores are struggling against the newer big box stores that are selling groceries. Mr. Salah pointed out that the proposal is short only 190 square feet, otherwise it would be an as-of-right scenario. He noted that he met with

four of the appellants and addressed their concern with the main entrance, moving it to the front of the store fronting on Main Avenue. Mr. Salah also noted that in an as-of-right scenario he can build something very similar with the only difference being that instead of a store and three units, it would be a store and one unit, and added that the setback, height, and volume would be the same with or without the variance.

MOVED by Councillor Watts, seconded by Councillor Walker that the variance appeal hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Walker, seconded by Councillor Mason that Halifax and West Community Council allow the appeal thereby refusing the variances requested.

Councillor Walker advised that he has worked with the property owner and residents to reach a consensus but the residents feel the two extra units are just too much for the neighbourhood. Councillor Walker indicated that he supported the residents who have expressed their concern, adding that it is the surrounding residents that have to live with this every day, therefore he would ask for Community Council's support for his motion.

MOTION PUT AND PASSED.

The meeting recessed at 7:01 p.m.

The meeting reconvened at 7:09 p.m.

8.2 Public Hearings

8.2.1 Case 17826: Substantive Amendment to the existing development agreement for Brunello Estates, Timberlea

First Reading of this matter was given at Community Council's July 22, 2013 meeting.

A staff report dated July 5, 2013 was submitted.

Ms. Jillian MacLellan, Planner I, presented the application by Genivar for a Substantive Amendment to the existing development agreement for Brunello Estates to enable the applicant to commercially develop the water tower lands subject to the C-2 Zone.

The Chair reviewed the Rules of Procedure for Public Hearings and opened the hearing. She invited the applicant to come at this time, if they wished.

Mr. Geoffrey Daigle, representing Genivar advised that he would respond to questions at the end of the hearing.

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

MOVED by Deputy Mayor Rankin, seconded by Councillor Walker that Halifax and West Community Council:

- 1. Approve the 8th amending agreement, as provided in Attachment A, to alter the Commercial Use boundary along Market Way Lane in Brunello Estates and implement housekeeping amendments; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Deputy Mayor Rankin advised that the Water Commission has declared the water tower redundant and the lands will now be repurposed for additional commercial lands. The Deputy Mayor advised that approving this is in the public's interest.

MOTION PUT AND PASSED.

8.2.2 Case 18699: Amendment to the Timberlea/Lakeside/Beechville Land Use By-law to permit larger Home Child Care Operations.

First reading of this matter was given at a Community Council meeting of August 7, 2013.

A staff report dated July 17, 2013 was submitted.

Mr. Kurt Pyle, Supervisor of Planning Applications provided the presentation on the proposed amendment to the Timberlea/Lakeside/Beechville Land Use By-law to increase the number of child care spaces permitted within a two unit dwelling from 3 to 5 children.

The Chair opened the public hearing.

Ms. Melissa Riley spoke in favour of the amendment. She advised that the population of Timberlea has exploded over the past few years and this amendment will allow more families to have the home child care experience. Also, she noted that this area is one of two areas in the HRM that permit only three children in an R-2 zone and she feels it is only fair to bring the number up to what other areas are permitted.

The Chair called three times for anyone else wishing to speak; there being none, it was **MOVED by Councillor Watts, seconded by Councillor Mason that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Deputy Mayor Rankin, seconded by Councillor Mason that Halifax and West Community Council approve the proposed amendment to the Timberlea/Lakeside/Beechville Land Use By-law, as contained in Attachment A of the July 17, 2013 staff report. MOTION PUT AND PASSED.

8.2.3 Case 18536 – Expansion of Non-conforming Residential Building – 2138-2140 Connaught Avenue, Halifax.

First Reading of this matter was given at Community Council’s meeting of August 7, 2013.

A staff report dated was before community council.

Ms. Dali Salih, Planner provided the staff presentation on the application by Catherine Stevens Doane on behalf of James and Rosemarie Drummond for a development agreement to expand an existing three-storey duplex on 2138-2140 Connaught Avenue, Halifax, by including a second dormer on the north side of the building.

Ms. Salih noted that recently staff discovered some minor issues with the proposed Development Agreement and she circulated a copy of the sections requiring revisions, and clarified them as follows:

- a) Replace all references to “60 Scotch Pine Terrace, Halifax” with “2138 and 2140 Connaught Avenue, Halifax”.
- b) Replace wording of Section 3.3.1 with the following:
“The Developer acknowledges that the existing use of the Lands is non-conforming to the property’s R-1 (Single Family Dwelling) Zone, under the Halifax Peninsula Land Use By-law, and that this Agreement serves only to allow the Lands to be further developed as per the requirements of Section 3.1 and not to authorize the existing use as conforming to the aforementioned by-law”;
- c) Replace Section 5.3.2 with the following:
“For the purpose of this section, commencement of development shall mean issuance of an Construction Permit for a dormer”;
- d) Replace Schedule D with the Attached Schedule D-1; and
- e) Replace all references to Schedule D with Schedule D-1”

With regard to the revised schedule D-1, Ms. Salih advised that the change pertains to the length of the proposed dormer, advising that on the first sketch it was incorrectly shown as 4'9", when it is actually 21'9".

In response to a question by the Chair, Ms. Salih confirmed that the advertisement contained the Connaught Avenue address.

Ms. Salih also confirmed that on page 4 of the staff report, para. 1, the GFAR should read as 275 sq. ft. and not 257 sq. ft.

The Chair opened the public hearing and invited the applicant to come forward at this time.

Ms. Catherine Stevens Doane representing the applicant addressed Community Council and advised that her clients were looking for an investment property to live in and they have been renovating the building in this regard.

There were no questions of clarification.

The Chair invited any member of the public who wished to speak on this matter to come forward at this time. Following three calls for speakers, and there being none, it was **MOVED by Councillor Walker, seconded by Councillor Mason that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Walker, seconded by Councillor Mason that Halifax and West Community Council approve the proposed development agreement as presented in Attachment A with the following revisions:

- a) **Replace all references to "60 Scotch Pine Terrace, Halifax" with "2138 and 2140 Connaught Avenue, Halifax".**
- b) **Replace wording of Section 3.3.1 with the following:
"The Developer acknowledges that the existing use of the Lands is non-conforming to the property's R-1 (Single Family Dwelling) Zone, under the Halifax Peninsula Land Use By-law, and that this Agreement serves only to allow the Lands to be further developed as per the requirements of Section 3.1 and not to authorize the existing use as conforming to the aforementioned by-law";**
- c) **Replace Section 5.3.2 with the following:
"For the purpose of this section, commencement of development shall mean issuance of a Construction Permit for a dormer";**
- d) **Replace Schedule D with the Attached Schedule D-1; and**
- e) **Replace all references to Schedule D with Schedule D-1**

- f) **In reference to page 4 of the staff report, that the GFAR be changed from 257 sq. ft. to 275 sq. ft.**

Require that the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner(s), 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.

8.2.4 Case 18229: Development Agreement for a Day Care Center – 60 Scotch Pine Terrace, Halifax

First reading of this matter was given at Community Council's August 7, 2013 meeting.

A staff report dated July 25, 2013 was before Community Council for consideration.

Correspondence was submitted from:

Akbar Khan
Patrick Hobeiche
Paul and Nancy Wilson
Peter and Diane van der Horden
Xiaochen
Linda Feng Liao
Taotao Shen
Yolanda Ocampo
Weaam Keshta
Bill Michalos

Ms. Dali Salih, Planner presented the application by Linda Liao for a development agreement for a day care centre at 60 Scotch Pine Terrace, Halifax. In her presentation Ms. Salih explained that the applicant currently provides day care services for children and she is looking to expand the day care to provide services that include a two-hour after school program for a maximum of 18 children from different age groups in conjunction with a single-unit dwelling.

There were no questions of clarification.

The Chair reviewed the Rules of Procedure and opened the hearing.

Mr. Bill Campbell, Consultant, addressed Community Council advising that he was representing the applicant. Speaking in support of the application Mr. Campbell, advised that the owner had 90 people sign a petition in favour of her request, noting that

it is an indication of the demand for child care services in the neighbourhood. With regard to concerns over traffic and parking, Mr. Campbell explained that the owner has written to the parents of the children in her daycare, asking that they ensure they adhere to parking regulations and that she has ensured that her employee parks her car in the driveway and not in the street. Mr. Campbell noted that, the proposal meets the test of the Municipal Planning Strategy and, if approved, the daycare will be subject to meeting provincial licensing requirements of the Nova Scotia Department of Community Services

Ms. Linda Liao, the applicant, addressed Community Council and provided background information on her qualifications as an early childhood educator and how she came to open her own child care centres, advising that she opened her own daycare in 2007. Ms. Liao advised that more families are moving to this area and are looking for childcare. She added that she understands the concerns that have been expressed in regard to traffic but noted that many parents walk their children to her centre. She also noted that there were marked crosswalks with crossing guards. With regard to concern of noise she advised that she has two outdoor playtimes from 10:00 a.m. – 11:00 a.m. and from 4:00 p.m. – 5:00 p.m. in which the children play in the back yard which is next to a park.

In response to a question from Councillor Watts, Mr. Campbell advised that the total number of children would be 18 at any one time.

Mr. Patrick Hobeiche, 53 Scotch Pine Terrace advised that he strongly opposed this proposal. He noted that the applicant has two daycare centres on the same street and with the additional children there will be additional traffic. He added that parents often park on the street in areas that are not designated for parking and this creates problems particularly in winter. Mr. Hobeiche referred to the staff report and said that it was incorrect in stating that there are sidewalks on both sides of Scotch Pine Terrace, and that there is only one sidewalk. With more children attending the daycare, he advised that it will result in more traffic and it will become more dangerous.

Ms. Rasha Alassud advised that she had two children that attend Ms. Liao's day care and she spoke about the benefits of having her two children in the daycare and indicated her support for Ms. Liao's application.

Ms. Yan Li advised that she has a daughter in grade 1 and she participates in the after school program at Ms. Liao's day care at 60 Scotch Pine Terrace. She added that she was very pleased at having this program in her neighbourhood, and that it is very convenient for families that live in the area.

Mr. Dimitri Iatrou addressed Community Council advising that he lived across the street from the daycare and was very much opposed to this application. He indicated that the impact of the daycare is that cars park in his driveway, the amount of traffic has increased on the street, and it has become more dangerous for children who live on the

street. Mr. Iatrou added that expanding the daycare will only exacerbate these concerns.

Ms. Maria Z. advised that she worked at the daycare and that in her view it was not the parents that were blocking the street but it was people who live on the street that were creating the problem by parking on-street. She noted that she has worked in the day care field for 26 years and has known Ms. Liao since 2005, and that she was supportive of this application.

Ms. Laura Blackmore advised that she was not against the daycare but that it was an area where the traffic was dangerous and she was concerned with additional children being able to attend the daycare.

Ms. Wendy MacDonald noted that there was a 'no parking' sign in front of the property in question and that she felt it should remain. She also questioned the percentage of building size permitted on a property lot for an R-1 single family dwelling, advising that this is a very large home on a small lot.

The Chair called three times for further speakers; there being none, it was **MOVED by Councillor Walker, seconded by Councillor Mason that the public hearing close. MOTION PUT AND PASSED.**

The Chair advised that the applicant had an opportunity to respond to any issues raised at this time.

Mr. Campbell addressed Community Council clarifying the following points:

- The transit Route #34 does not run on Scotch Pine Terrance anymore
- There is parking onsite for staff
- The catchment area for this daycare is the Clayton Park area
- The Department of Community Services has sanctioned this daycare.

MOVED by Deputy Mayor Rankin, seconded by Councillor Mason that Halifax and West Community Council approve the proposed rezoning of 60 Scotch Pine Terrace, Halifax, from Schedule K to the R-1 (Single Family Dwelling) Zone, as described in Attachment A of the July 25, 2013 staff report.

Deputy Mayor Rankin advised that he supported this application because the area has grown so much. With regard to traffic concerns he noted that these concerns were not particular to Scotch Pine Terrace and that they were general to the Clayton Park area and that it was an enforcement issue. Deputy Mayor Rankin advised that he couldn't justify refusing the application based on something that is an enforcement matter.

Councillor Watts indicated that she supported the application, but was well aware of the concerns about traffic and parking in a residential area. She encouraged the daycare owner to work on a traffic study and work with the parents and to keep the communication clear and creative.

MOTION PUT AND PASSED.

Community Council recessed at 8:39 p.m. Deputy Mayor Rankin retired from the meeting.

The meeting reconvened at 8:44 p.m.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions: None

9.3 Presentation - None

10. REPORTS

10.1 Case 17756: Development Agreement – 5659 Almon Street and 2814 Isleville Street, Halifax

A revised supplementary staff report dated September 6, 2013 was submitted.

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

- 1. Approve the proposed development agreement, presented as Attachment A to the September 6, 2013 supplementary report.**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

In response to a question from Councillor Watts, Ms. Salih advised that there have been no changes.

MOTION PUT AND PASSED.

10.2 Case 17456: Development Agreement – 3065 Robie Street, Halifax

A supplementary staff report dated August 28, 2013 was submitted.

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

1. **Approve the proposed development agreement, presented as Attachment A to the August 28, 2013 staff report; and**
2. **Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Watts made reference to the concerns she raised at the public hearing and indicated that she was not in favour of this moving forward, as is.

MOTION PUT AND PASSED.

10.3 Case 18254: Development Agreement – 2776-2778 Gottingen Street, Halifax

A supplementary staff report dated August 26, 2013 was submitted.

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

1. **Approve the proposed development agreement, presented as Attachment A of the August 26, 2013 staff report, and:**
2. **Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

In response to a question, Mr. Miles Agar, Planner advised that there were no changes.

MOTION PUT AND PASSED

10.4 Case 18230: Rezoning 5 Wren Street, Halifax, from R-1 (Single Family Dwelling) Zone to R-2T (Townhouse) Zone.

A staff report dated September 5, 2013 was submitted.

MOVED by Councillor Walker, seconded by Councillor Mason that Halifax and West Community Council give First Reading of the proposed rezoning of 5 Wren Street, Halifax, from R-1 (Single Family Dwelling) Zone to R-2T(Townhouse) Zone,

as contained in Attachment A of the September 5, 2013 staff report and schedule public hearing. MOTION PUT AND PASSED.

10.5 Case 18149 – LUB Amendment and Development Agreement – corner of Gottingen Street and Bilby Street, Halifax.

A staff report dated September 5, 2013 was submitted.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax and West Community Council give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use Bylaw to include PIDs 00127530, 0012548, and 00127555 located at the north-west corner of Gottingen Street and Bilby Street, Halifax, in Schedule Q, as presented on Attachment A and Maps 1, 2 and 3 of the September 5, 2013 staff report and schedule a public hearing. MOTION PUT AND PASSED.

Community Council briefly discussed public hearing dates for this item and item 10.4 with Councillors Walker and Mosher advising that they would not be able to attend the scheduled October 21, 2013 meeting. Community Council also noted the importance of ensuring that public hearings are held within the community impacted by the hearing.

It was agreed that the Clerk would consult staff and the Community Council the next day and re-schedule the October 21, 2013 meeting to a more suitable date.

11. MOTIONS

11.1 Councillor Mosher

Councillor Mosher stepped down from the Chair and Councillor Outhit assumed the position of Chair.

MOVED by Councillor Mosher, seconded by Councillor Watts that staff initiate the process to amend the Land Use By-law for Mainland Halifax to prohibit the parking of commercial vehicles over a specific weight in residential areas.

Councillor Mosher explained that for over a year there has been a large truck/trailer parked on a residential street and she felt this was inappropriate. She said that she had By-law Enforcement look into the matter, but their response was that there was nothing they could do to remove the truck, as it was in good shape. Councillor Mosher advised that her intent was not to prohibit all trucks, but to have staff look into the appropriateness of this, and added that she understood that this was addressed in other Land Use Bylaw's throughout HRM.

MOTION PUT AND PASSED.

Councillor Mosher assumed the Chair..

11.2 Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Watts that staff prepare a report detailing possible amendments to the Halifax Peninsula Land Use bylaw to implement bedroom limits and/or gross floor area limits in the R2A Zone.
MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Preventing Meeting Conflicts (Councillor Watts)

MOVED by Councillor Watts, seconded by Councillor Walker that Halifax and West Community Council requests that the Clerk's office send a note to all HRM Directors requesting that all public consultation dates must be checked with the Clerk's office prior to being advertised to prevent conflicts with already scheduled council meetings. **MOTION PUT AND PASSED.**

12.2 Agenda Planning for Community Council Meetings (Councillor Watts)

MOVED by Councillor Watts, seconded by Councillor Walker that Halifax and West Community Council recommends that, in the interest of better planning for the Community Council and the public, that Community & Recreation Services, Development Approvals be requested to consult in advance with the Clerk's Office in regard to development items for the agenda of the Halifax and West Community Council including but not exclusive to:

- Consulting on proposed meeting dates in advance of circulating notices in regard to Appeals

- Consulting at least 2 weeks prior to a scheduled Community Council meeting date as to the cases that are requested to come to Community Council so that consultation can occur with the Chair and appropriate notice can be provided to the public.

- And that the Clerk's Office apply the time lines in Administrative Order 1 for Regional Council to the meetings of the Halifax and West Community Council - with agendas being reviewed with the Chair the Monday prior to Community Council, reports available to the members no later than Wednesday noon and the agenda posted no later Thursday noon of the week prior to the Community Council meeting.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Mason

“Take Notice that at the next regular meeting of Halifax and West Community Council meeting, I propose to move the following: that Halifax and West Community Council recommend Regional Council request a staff report regarding steps, including public and stakeholder consultation, for possible implementation of a residential rental licensing program focusing on rental structures containing six or less units and on converted dwellings, on a municipality wide basis similar to programs such as those in London, Ontario, Oshawa, Ontario, and Waterloo, Ontario.”

14. PUBLIC PARTICIPATION

Wendy MacDonald, Warwick Lane.

Ms. MacDonald addressed Community Council and congratulated Council on webcasting the meeting this evening advising that it was a great opportunity for individuals to watch and listen at home. She expressed concern that HRM was having public meetings on dates that conflicted, citing a recent meeting of the solid waste strategy review was held on the same evening as a Metro Transit meeting on the Lacewood Terminal and, as a result, her Councillor did not attend the Metro Transit meeting. Ms. MacDonald also expressed concern of the lack of public meetings regarding a public review of transit. Ms. MacDonald noted that she recently learned that police cannot enforce the use of a bell on a bicycle and she suggested this needs to be changed. She also advised that Districts 10 and 12 have no recreational facilities or programs for family and youth and that there needs to be more common facilities in Districts 10 and 12.

15. NEXT MEETING DATE

The next regular meeting was scheduled for October 7, 2013.

Councillors Walker and Mosher advised that they would not be able to attend the scheduled October 21, 2013 meeting. The Clerk was requested to see if the October 21, 2013 meeting could be rescheduled to October 28, 2013.

16. ADJOURNMENT

The meeting was adjourned at 9:11 p.m.

Sheilagh Edmonds
Legislative Assistant