

HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES

March 25, 2014

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

STAFF: Ms. Karen Brown Solicitor
Mr. Liam MacSween, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in Council Chambers, 3rd Floor, Halifax City Hall, 1841 Argyle Street.

2. APPROVAL OF MINUTES – None

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

Additions:

13.1 – Councillor Walker - Inclusion of Heat Pump Noise in By-Law N-200, Respecting Noise.

Councillor Walker requested that Information Item # 2, Memorandum from the Director of Community and Recreation Services dated February 24, 2014 re: Inclusion of Heat Pump Noise in By-Law N-200, Respecting Noise be moved up on the agenda for discussion.

13.2 – Councillor Walker – Halifax and West Community Council Meeting Dates

13.3 – Councillor Rankin –Request for Staff Report – Locations for an Off-Leash Dog Park in District 12

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

The Legislative Assistant provided updates on Status Sheet Items: 4, 5, 6, 11, 12, 14, and 19 and noted the staff recommendation regarding the removal of status sheet items 5 and 19.

Councillor Mosher noted that Status Sheet Item No. 19 – Cowie Hill Development Agreement (9-Chebucto) can be removed from the status sheet.

Councillor Rankin noted that Status Sheet Item No. 5 – Lovett Lake (Beachville) Development Agreement Process has been sufficiently addressed and can be removed from the status sheet.

Councillor Watts requested an update on Status Sheet No. 17 – Western Common Regional Park Implementation Committee.

Councillor Mason noted that Status Sheet Item No. 7 – Staff Report request detailing possible amendments to the Halifax Peninsula LUB to implement bedroom limits and/or gross floor area limits in the R2A zone was not sufficiently addressed at the last meeting of the Community Planning and Economic Development Standing Committee and requested an update on the matter.

4.2 Ratification of District 7 and 8 Planning Advisory Committee Appointment – October 2013

The following motion was passed:

MOVED by Councillor Watts, seconded by Councillor Walker that Halifax and West Community Council ratify the appointment of Ms. Sunday Miller to the District 7 & 8 Planning Advisory Committee for a term to November 30, 2015.

MOTION PUT AND PASSED.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Variance Appeal Hearings

8.1.1 Case 18757: Appeal of Variance Refusal – 34 Westgate Drive, Halifax

The following documentation was before Community Council:

- A staff report dated March 11, 2014
- A presentation dated March 25, 2014
- Correspondence from Stephen Handrahan and Menna MacIassac, dated March 25, 2014

The Chair invited Mr. Sean Audas, Development Technician to give a presentation on Case 18757.

Mr. Audas displayed the location map and noted that there are 7 properties within the notification area which are zoned R-1. He commented that the application is to construct an accessory building closer to the flankage yard than what is provided for in the Land Use Bylaw which has already been constructed.

Mr. Audas displayed the site plan proposal showing the accessory building and the requested variance of two (2) feet. He noted that the minimum requirement in the Land

Use By-law is for ten (10) feet. He proceeded to display photographs of the subject property and the accessory building.

Mr. Audas stated that the proposal was assessed in accordance with the requirements outlined in the HRM Charter. The requirements are as follows:

- The variance violated the intent of the development agreement or land use by-law;
- The difficulty experienced is general to properties in the area; or
- The difficulty experienced resulted from intentional disregard for the requirements of the development agreement or land use by-law.

Mr. Audas noted that it was decided by staff that the proposal did not meet two of the criteria and the proposal was refused. He commented the request for a variance is substantial and not necessary as there is sufficient room within the side yard to meet the minimum requirements. In addition to this, he commented that a permit was not applied for and it was brought to staff's attention as a compliance matter, which is why the proposal was refused for intentional disregard for the requirements of the land use by-law.

Mr. Audas concluded his presentation by reviewing the alternative recommendation provided in the staff report dated March 11, 2014. He further commented that he would be happy to answer questions from Community Council relating to the case.

Councillor Rankin asked for clarification as to whether or not Development Technicians look for two specific criteria violations in the Charter to determine intentional disregard of the Land-Use By-Law. Mr. Audas replied by stating that staff would refuse a permit if an applicant were to offend only one of the HRM Charter criteria.

The Chair read the procedures with respect to Variance Appeal Hearings and invited the applicant to come forward to address Community Council. She further noted that written correspondence that was received on this matter and will form part of the public record.

Ms. Sarah MacVicar, applicant, commented that she is the owner of the property at 34 Westgate Drive. She remarked that since she had purchased the property six years ago, it has been her goal to improve it. She commented that she has had pavers and landscapers come in to improve the property both internally and externally. With respect to the shed, she commented that she asked a carpenter to construct it similar to the design of the house. She commented that the carpenter had a discussion with her regarding the legal requirements of the structure and that she had informed the carpenter to make sure that it was in compliance with HRM By-Laws.

Ms. MacVicar noted that she received a letter from HRM six months after the structure was completed informing her that she was not in compliance. She remarked that she was aware that she was in violation but it was not intentional and stated that she would

never intentionally put herself in the situation that she is in now. She requested that Community Council consider allowing her to leave the shed where it is as it is not an eyesore and is not detrimental to the neighborhood.

Mr. Andrew Keener, of 30 Westgate Drive noted that he had taken some measurements of the structure and helped Ms. MacVicar apply for the variance. He commented that the structure is esthetically pleasing and does not pose any issues within the community. He commented that the structure is a great improvement over the shrubbery and weeds that were prevalent in the area prior to the construction of the shed.

Ms. Janet Spencer, of 33 Westgate Drive, commented that since Ms. MacVicar has taken possession of property is has improved significantly. She commented that she has done a beautiful job with the property and it is an improvement to the neighbourhood overall.

Ms. Melinda Josey, of 32 Westgate Drive, stated that the property is safer now that there is a shed in place of the shrubbery and the weeds. She commented that her daughter refers to it as the doll house next door.

The Chair called three more times for any further speakers, as there were none it was **MOVED by Councillor Watts, seconded by Councillor Walker that the variance appeal hearing be closed. MOTION PUT AND PASSED.**

Councillor Adams stated that he hopes Ms. MacVicar recognizes that the Development Officer was doing his job and had no choice in the matter. He commented that the property looks very good and that the shed it is not abutting a neighbour.

MOVED by Councillor Adams, seconded by Councillor Mason that Halifax and West Community Council allow the variance appeal. MOTION PUT AND PASSED.

8.1.2 Case 19001: Appeal of Variance Refusal – 1663, 1665 & 1667 Larch Street, Halifax

The following documentation was before Community Council:

- A staff report dated February 28, 2014
- A presentation dated March 25, 2014

The Chair invited Mr. Mark Innes, Development Technician to give a presentation on Case 19001.

Mr. Innes noted that he was filling in for Mr. Andrew Faulkner, Development Technician who was unavailable. Mr. Innes began his presentation by providing a brief overview of the subject property. He explained that the zoning that is applied to the subject area is R-2 (General Residential) Zone, which falls within the Peninsula Centre Secondary Plan, under the Halifax Peninsula Land Use By-Law.

Mr. Innes noted that the legal authorized use of the property is for a three (3) unit dwelling. He commented that the building is currently being used as a five (5) unit dwelling in which two of the units have not been permitted.

Mr. Innes noted that a variance application was submitted on Dec 3, 2013, for a reduction of lot frontage. He explained that the proposal of the applications is to renovate the existing dwelling and legalize a 4th residential unit, with removal of the 5th unit. He stated that the required lot frontage for four units is 60.0 feet, while the existing frontage of the lot is 49.5 feet.

Mr. Innes explained that to date, a permit application to complete the renovations has not been applied for by the applicant, who is also awaiting the outcome of the Variance.

Mr. Innes noted that the bedroom count remains an issue beyond the scope of the variance. He commented that there is not a variance option for bedroom count and that it is not a consideration under this application. He stated that currently, thirteen (13) bedrooms are shown on the existing floor plan.

Mr. Innes commented that the applicant will have to convert three existing bedrooms to another type of room in order to create a four unit dwelling, which can have a maximum of ten (10) bedrooms. Or, convert five (5) rooms to another type of room in order to permit the use of a three unit dwelling, as the maximum is eight (8) bedrooms for a three unit dwelling. He further noted that all other Land Use By-Law provisions are satisfied for a four unit dwelling and all Land Use By-Law requirements are in conformance for the existing legal three units

In consideration of the proposal, Mr. Innes noted that staff referred to section 250 of the Halifax Regional Municipality Charter which states the guidelines that a Development Officer must consider when reviewing a variance application:

He commented that a variance may not be granted where:

- (a) the variance violates the intent of the development agreement or land use by law;
- (b) the difficulty experienced is general to properties in the area;
- (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law.

Mr. Innes noted that the proposal violates the intent of the Land Use By-law.

He commented that the Land Use By-law intends that lot size requirements and side, flank and rear yard setbacks are in place for both aesthetic purposes and practical reasons. He stated that lot sizes and setbacks generally increase proportionally to the number of units and floor area, and provide visual separation from the street, area for future street expansion, and adequate separation between dwellings. He noted that the Land Use By-law carries out this intent through the application of zoning that contains

provisions respecting land use; building setbacks, lot size, lot area, height, and building mass relative to lot area.

Mr. Innes commented that to legalize a 4th residential unit would require a minimum lot size of 6,000 square feet , and a minimum frontage of 60 feet, as per Section 43E of the Halifax Peninsula Land Use By-Law and that the request for a reduction in frontage for a 4th unit is substantial. To entertain a variance for a reduction in the frontage to allow a 4th residential unit is in direct violation of the intent of the Land Use By-law which would take a conforming situation out of conformance.

Mr. Innes stated that of the 19 properties within the neighbourhood with the same zoning, none have a four unit dwelling. He noted that the only exception is a large legal non-conforming the apartment building, named Commodore Apartments, located at 1676 Larch Street. He remarked that properties within the neighbourhood generally conform to the lot size required by the Land Use By-Law for the amount of units these properties contain. He noted that the difficulty the subject property has in regards to the lack of frontage available for a 4th residential unit is common to properties in the neighbourhood. Therefore, he explained, the difficulty experienced on the subject property appears to be general to properties in the area.

In conclusion, Mr. Innes remarked that staff had reviewed all the relevant information with respect to the variance proposal. As a result of that review, the variance request was refused as it was determined that the proposal conflicts with the statutory criteria provided by the HRM Charter.

The Chair thanked Mr. Innes for his presentation and asked for questions of clarification from Members of Community Council

Councillor Adams asked inquired how long there have been five units within the subject property.

Mr. Innes commented that the information regarding the addition of fifth unit was unclear. He commented that the last time a permit was issued on the property was in 2002 for the addition of a third unit. He further commented that the original permit for the dwelling was issued in 1958.

Councillor Adams asked if it was the same owner as in 2002. Mr. Innes replied in the affirmative.

The Chair asked for further questions of clarification, as there were none, she requested that the applicant come forward to address Community Council.

Mr. Matthew Murphy, property owner, stated that R-2 zoning allows for four units on the building. He commented that if you look around the area there are other four unit buildings which do not violate the Land Use By-law. He stated that there are many other examples of properties that have been granted minor variances over the years that are

similar to his property that do not meet the requirements. He further commented that the shortage of lot frontage minor in nature.

Mr. Murphy noted that the building will be brought in to compliance no matter what the outcome of the decision may be. He asserted that buildings such as his were designed in the 1920's and 1930's to accommodate large families. In a measured way the buildings can adapt to the families of today.

Councillor Adams inquired how long the five units were in the building.

Mr. Murphy stated that the five units have been in place since 2005 and that he had bought the building in 2001.

Councillor Rankin inquired if Mr. Murphy lives in the subject property. Mr. Murphy replied that he does not.

The Chair thanked Mr. Murphy for his comments and asked three times for anyone speaking for or against the appeal to come forward. As there were no speakers, it was **MOVED by Councillor Mason, seconded by Councillor Watts that the variance appeal hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Mason and seconded by Councillor Walker that the Halifax and West Community Council to allow the variance appeal and uphold the decision of the appeal.

Councillor Mason stated that he respects the words of the proponent and the development officer. He stated that the neighbourhood in which the subject property is located works well for families because of the provisions within the Land Use By-law which ensures lot sizes, and bedroom counts. Councillor Mason stated that he cannot support the variance application.

MOTION PUT AND DEFETED.

8.2 Public Hearings - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

The Legislative Assistant noted correspondence received on agenda Items 8.1.1 and 10.1.4 which had been circulated to Regional Council prior to the meeting.

Councillor Adams submitted a report from the Williams Lake Conservation Company regarding the Ecological Assessment of the Plant Communities of the Williams Lake Backlands and requested that it be forwarded to Susan Corser, Project Coordinator, Planning and Infrastructure.

9.2 Petitions

9.3 Presentations

9.3.1 Proposed McIntosh Run Watershed Association Singletrack Trail System

The following documentation was before Community Council:

- A presentation dated March 25, 2014
- Correspondence from Melanie Cameron, L.L.B, Manager of Disposal and Acquisitions, Nova Scotia Department of Natural Resources, dated March 6, 2014

The Chair invited Ms. Kaarin Tae, President of the McIntosh Run Watershed Association to give a presentation regarding a proposed Singletrack Trail System

Ms. Tae introduced Mr. Dick Evans Vice-President, of the McIntosh Run Watershed Association (MRWA) and gave a presentation on the proposed McIntosh Run Watershed Association SingleTrack Trail System.

Ms. Tae noted that the MRWA is a volunteer community group based in Spryfield whose chief mandate is to protect the McIntosh Run River and its watershed. She commented That the MRWA is proposing approximately 27 km of single track trails for non-motorized recreation between Spryfield and Herring Cove which will showcase the McIntosh Run and the surrounding lands.

Ms. Tae commented that the plan supports the mandate of the association to protect the river and watershed by providing appropriate access to the wild lands surrounding the river, increasing appreciation and fostering stewardship. She commented that the group is seeking permission from HRM Council to design, build and operate the portions of this trail system that are on HRM land.

Ms. Tae noted a signed a Letter of Authority from the Department of Natural Resources for which grants authority for the MRWA to begin construction on Phase 1 of the trail portions located on NS Crown Land. She further commented that the proposed trail system will be the first of its kind in HRM.

Ms. Tae stated that the trail will be used for non-motorized active recreation, particularly hiking, running, biking and snowshoeing. She noted that key design features include a trail tread of natural materials that is the width of one non-motorized user and good sight lines.

Ms. Tae stated that the proposed trail system has broad support. She commented that MRWA held a Public Consultation session in November of 2012 at which the concept Plan for the trail system was presented. She noted that the majority of the 190 attendees support this vision for the trail system. She further commented that

representatives of all 3 levels of government were present at the public consultation and all voiced support for the project.

Ms. Tae referenced partner organisations such as Hike Nova Scotia, Bicycle Nova Scotia and the Halifax Trail Runners, representing many trail users and volunteers. She commented that the proposed trail system will provide health and economic benefits to the surrounding communities as well as the opportunity for healthy active recreation. She further remarked that evidence from elsewhere in North America shows that trail systems strengthen local economies and attract new residents.

Ms. Tae stated that the concept plan for the proposed trail system provided a rough cost estimate of \$750,000 - \$1,000,000 if the trail system were to be built entirely by paid contractors. She advised that the proposed trail system can be built with trained volunteer labour and that the MRWA anticipates that much of the construction and maintenance will be carried out by volunteers. She noted that this will significantly reduce the capital and maintenance costs of the project.

With respect to funding, Ms. Tae indicated that the MRWA anticipates significant funding through the NS Department of Health and Wellness which helped pay for the Concept Plan. She further stated that she expects funding from private sources, such as businesses and individuals.

Ms. Tae noted that at the current time, the MRWA is not requesting funding from HRM to build the trail system. She noted that the MRWA is requesting permission to use HRM lands for this trail system. She commented that the permission must come through a Motion from HRM Council a recommend approval of this request by the full HRM Council.

Ms. Tae concluded her presentation by stating that the proposed trail system will be a world-class gem for Spryfield and Halifax. She commented that Halifax & West Community Council's support for permission to design, build and operate the trail system on the HRM lands is a very important step to making the plan a reality.

The Chair thanked Ms. Tae for her presentation and asked for questions of clarification from members of Council

Councillor Adams thanked Ms. Tae and Mr. Evans for their presentation and noted his support for the proposed trail system. He noted that Community Council can forward a recommendation on this matter to Regional Council and stated that a staff report will need to be undertaken.

MOVED by Councillor Adams, seconded by Councillor Mason that Halifax and West Community Council endorse the position of the McIntosh Run Watershed Association to design, build and operate the proposed Singletrack Trail System on HRM lands located between Spryfield and Herring Cove and request a staff report addressing this proposal for the consideration of Regional Council

Councillor Mason expressed his support for the efforts of the McIntosh Run Watershed Association and thanked the group for their hard work.

Councillor Watts thanked Ms. Tae and Mr. Evans for their presentation and requested further information regarding a staff report on the proposal.

Mr. Richard MacLellan, Manager of Energy and Environment, Planning & Infrastructure commented that the staff report will contain additional information regarding the McIntosh Run Watershed Association's proposal for the trail system.

MOTION PUT AND PASSED.

10. REPORTS

10.1 Staff

10.1.1 Case 16367: Herring Cove Road MPS and LUB Amendments and Development Agreement for 286/290 Herring Cove Road, Halifax

The following documentation was before Community Council:

- A staff report dated February 24, 2014

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

- 1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax (MPS) and the Land Use By-law for Halifax Mainland (LUB) as set out in Attachments A and B of the February 24, 2014 staff report and schedule a joint Public Hearing with Halifax and West Community Council; and**
- 2. Approve the proposed amendments to the Halifax MPS and the Halifax Mainland LUB, as contained in Attachments A and B of the February 24, 2014 staff report.**
- 3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of the February 24 staff report to permit an apartment house development at 286 and 290 Herring Cove Road, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

Councillor Adams noted concern with the second recommendation in the motion and stated that recommending approval of the proposed MPS and LUB amendments in relation to Case 16367 illustrates a predetermined outcome.

Mr. Kurt Pyle, Major Project Planner, stated that recommendation of the proposed amendments is standard with respect to process. He explained that Halifax and West

Community Council is not making a final decision on the matter, but rather is forwarding a recommendation for the consideration of Regional Council. He further explained that Regional Council has the sole authority to make amendments to a Municipal Planning Strategy, as such the ability to make a final decision in that regard is that of Regional Council. He further commented that a decision on the proposed Development Agreement will be that of Halifax and West Community Council.

Councillor Rankin commented that the recommendation suggests that Regional Council approve the proposed amendments to the Municipal Planning Strategy. He commented that it is only the proposal that Regional Council will consider and that ultimately Regional Council will make final decision as to whether or not to amend the MPS.

Councillor Watts inquired as to the status of the planning exercise that has been undertaken as part of this case.

Mr. Miles Agar, Planner, noted that the proposed amendments are for a study area which includes lands on the east-side of Herring Cove Road. In response to a follow up question from Councillor Watts, Mr. Agar noted that hatched in area on Map 1 of the staff report are included in the study area and are outlined in the report.

MOTION PUT AND PASSED.

10.1.2 Case 18555 – LUB Amendment and Development Agreement – 2857-2863 Isleville Street and 5559 Bilby Street, Halifax

The following documentation was before Community Council:

- A staff report dated February 27, 2014
- A Memorandum from the District 7 & 8 Planning Advisory Committee dated, November 6, 2013.

MOVED by Councillor Watts and seconded by Councillor Mason that Halifax and 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 2857-2863 Isleville Street and 5559 Bilby Street, Halifax, in Schedule Q, as presented on Attachment A and Maps 1 and 2 of the February 27, 2014 staff report, and schedule a public hearing.**
- 2. Move Notice of Motion to consider the proposed development agreement as contained in Attachment B of the February 27 staff report to allow for an 8-storey residential 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 inquired if there were any changes made to the application as a result of at the Public Information Meeting or the Planning Advisory Committee Meeting.

Ms. Dali Salah, Planner, stated that there were no changes to the application as a result of the Public Information Meeting. She noted that the District 7 & 8 Planning Advisory Committee made recommendations respecting ensuring adequate pedestrian circulation space and esthetic upgrades to the street wall. She noted that the recommendations can be found on page 7 of the staff report dated February 27, 2014 and have been included in the Development Agreement.

MOTION PUT AND PASSED.

10.1.3 Case 18591 – LUB Amendment and Development Agreement – 5530-5532 Bilby Street, Halifax

The following documentation was before Community Council

- A staff report dated February 27, 2014
- A memorandum from the District 7 & 8 Planning Advisory Committee dated November 6, 2013.

MOVED by Councillor Watts and seconded by Councillor Mason that Halifax and 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 5530-5532 Bilby Street, Halifax, and the abutting vacant property to the west in Schedule Q, as presented on Attachment A of the February 27, 2014 staff report and Maps 1 and 2 of the February 27, 2014 staff report, and schedule a public hearing.**
- 2. Move Notice of Motion to consider the proposed development agreement as contained in Attachment B of the February 27, 2014 staff report to allow for an 8-storey building with residential and commercial uses and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

Councillor Watts inquired if there were any changes made to the proposal as a result of at the Public Information Meeting or the Planning Advisory Committee Meeting

Ms. Dali Salah, Planner, commented that there were some changes made to the proposal as a result of the Public Information Meeting. She commented that the public provided some feedback to allow for commercial space and community space on the ground level. She noted that the District 7 & 8 Planning Advisory Committee had several recommendations for inclusions in the Development Agreement which are outlined on page 7 of the staff report dated February 27, 2014.

MOTION PUT AND PASSED.

10.1.4 Case 18565: MPS & LUB Amendments for 1034, 1042, 1050, & 1056 Wellington Street, Halifax

The following documentation was before Community Council:

- A staff report dated March 4, 2014
- A Memorandum from the District 7 and 8 Planning Advisory Committee dated January 31, 2014.
- A presentation dated March 25, 2014
- Correspondence from Rebecca A. Jamieson and Kevin Beaumont dated March 25, 2014

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

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to enable development of a multiple unit residential building at 1034, 1042, 1050 and 1056 Wellington Street, Halifax by development agreement, as set out in Attachments A and B of the staff report dated March 4, 2014; and**
- 2. Approve the proposed amendments to the Halifax MPS and the Halifax Peninsula LUB, as contained in Attachments A and B of the staff report dated March 4, 2014.**

Councillor Mason proposed the following amendment to the main motion:

MOVED by Councillor Mason and seconded by Councillor Watts that Halifax and West Community Council modify the proposed amendment to Attachment A and B of the March 4 staff report so that 7.7B.1 reads “which would not exceed 16.8 meters in height (above grade) and a maximum total of 70,000 square feet of Gross Floor Area”.

Councillor Rankin stated that he would need more information from planning staff with respect to the amendment before he could support the motion.

Councillor Mosher inquired if the proposed amendment can be considered by Community Council. She noted that substantial amendments may require a further public hearing.

Mr. Mitch Dickey, Planner, stated that at the current stage in the process, Community Council can make a motion to modify the staff recommendation. He commented that the revised motion can proceed to Regional Council for a first reading and to schedule a

public hearing. He commented that the decision undertaken by Regional Council would determine whether or not a second public hearing is warranted.

MOTION PUT AND DEFETED.

With respect to the main motion, Councillor Rankin inquired if a Development agreement in relation to this case would be included with the proposed amendments to the Municipal Planning Strategy and Land Use By-Law when it is forwarded to Regional Council for a public hearing. Mr. Dickey explained that a Development agreement for this particular case has not yet been drafted and that Regional Council will only be considering amending the Land-Use Bylaw and Municipal Planning Strategy to allow for development.

In response to an inquiry from Councillor Rankin, Mr. Kurt Pyle, Major Project Planner noted if an applicant applied for a development agreement, the development agreement would have to come back to Community Council for approval.

Councillor Rankin expressed concern that a development agreement for case 18565 would not be made available for a public hearing as per the usual process. He noted increased benefit for both Council and the public of having a development agreement in place for the public hearing.

Mr. Dickey stated that drafting a development agreement prior to the required policy changes to allow for the proposed development would premature. He commented that in this particular case,

Further discussion ensued.

MOTION PUT AND PASSED.

10.1.5 Case 19065: Partial Discharge of Development Agreement – Cowie Hill Road, Halifax

The following documentation was before Community Council:

- A staff report dated February 28, 2014

MOVED by Councillor Adams and seconded by Councillor Mason that Halifax and West Community Council

- 1. By resolution, approve the discharging agreement as contained in Attachment A of the February 28, 2014 report, to allow for the discharge of a portion of the lands within Long Lake Village, located near Cowie Hill Road, Halifax, as shown on Map 1.**
- 2. Require the discharging 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.

11. MOTIONS – NONE

12. IN CAMERA – NONE

13. ADDED ITEMS

13.1 Councillor Walker – Inclusion of Heat Pump Noise in By-Law N-200, Respecting Noise

The following documentation was before Community Council

- An Information report dated February 24, 2014.

Councillor Walker stated that he expressed the desire to have the expressed definition of heat pumps included as a violation of By-law N-200, Respecting Noise.

MOVED by Councillor Walker, seconded by Councillor Mason that Halifax and West Community Council recommend that Halifax Regional Council direct staff to amend By-Law N-200, Respecting Noise to specifically address noise from heat pumps.

Councillor Watts proposed the following amendment to the main motion:

MOVED by Councillor Walker, seconded by Councillor Mason that Halifax and West Community Council recommend that Halifax Regional Council direct staff to amend By-Law N-200, Respecting Noise to specifically address noise from heat pumps and that a staff report addressing this matter be forwarded to the Environment and Sustainability Standing Committee for consideration prior to Regional Council

MOTION PUT AND PASSED.

13.2 Councillor Walker – Meeting Dates for April and May

Councillor Walker suggested that there be some resolution to the meeting dates for May and June. By consensus, it was concluded by Halifax & West Community Council that the next scheduled meetings will take place on April 8 and May 6, 2014.

13.3 Councillor Rankin – Request for Staff Report – Location for an Off-Leash Dog Park in District 12

Councillor Rankin noted that he has received requests from residents requesting an off-leash dog park for District of which there are currently none. He commented that he would like to have a staff report on this matter. He further noted possible locations for an off leash dog park such as the Atlantic Winter Fair Grounds and The Western Commons adjacent to the land fill area.

MOVED by Councillor Rankin, seconded by Councillor Mason that Halifax and West Community Council request a staff report outlining possible locations for an off-leash dog park in District 12.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION – NONE

15. PUBLIC PARTICIPATION

The Chair called for members of the public that wished to address Community

Mr. Chris Beaumont, of Wellington Street, stated that he wished to address Community Council regarding Case 18565: MPS & LUB Amendments for 1034, 1042, 1050, & 1056 Wellington Street, Halifax.

The Chair noted that this matter was dealt with earlier in the meeting. She allowed Mr. Beaumont to address Community Council regarding this matter but stated that his comments will not be recorded in the minutes.

The Chair asked three more times for further speakers wishing to address community Council. There were no further speakers.

16. NEXT MEETING DATE – April 8, 2014

17. ADJOURNMENT

The meeting was adjourned at 8:51 p.m.

Liam MacSween
Legislative Assistant

INFORMATION ITEMS

1. Memorandum from the Director of Planning and Infrastructure dated February 18, 2014 re: Effectiveness of the Armdale Rotary-to-Roundabout Conversion
2. Memorandum from the Director of Community and Recreation Services dated February 24, 2014 re: Inclusion of Heat Pump Noise in By-Law N-200, Respecting Noise