



**NORTH WEST COMMUNITY COUNCIL
MINUTES
June 13, 2016**

PRESENT: Councillor Steve Craig, Chair
Councillor Tim Outhit, Vice-Chair
Deputy Mayor Matt Whitman
Councillor Brad Johns

REGRETS: Councillor Barry Dalrymple

STAFF: Mr. Randolph Kinghorne, Solicitor
Mr. Liam MacSween, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/central/160613nwcc-agenda.php>

The meeting was called to order at 7:00 p.m., and recessed at 8:00 p.m. and reconvened at 8:10 p.m. p.m. Community Council adjourned at 8:52 p.m.

1. CALL TO ORDER

Councillor Steve Craig, Chair called the meeting to order at Acadia Hall, 650 Sackville Drive, Lower Sackville.

2. APPROVAL OF MINUTES – May 16, 2016

MOVED by Councillor Johns, seconded by Deputy Mayor Whitman

THAT the minutes of May 16, 2016 be approved as presented.

MOTION PUT AND PASSED.

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

Additions: None

MOVED by Councillor Whitman, seconded by Councillor Johns

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION

7.1.1 May 16, 2016 - Case 18781 Development Agreement for Bedford West Sub Areas 7 and 8, Hammonds Plains

Councillor Outhit provided background information in relation to the proposed motion of rescission advising that HRM Legal Services had reviewed the May 16, 2016 motion passed by North West Community Council in relation to Case 18781. He advised that HRM's Legal Services, Engineering Services and the Traffic Authority have determined that the motion was out of order given that Council does not have jurisdiction over traffic and roadway decisions.

MOVED by Councillor Outhit, seconded by Councillor Craig

THAT North West Community Council waive the rules of order with respect to notice for a motion of rescission.

Two-third majority vote required.

MOTION PUT AND PASSED.

MOVED by Councillor Outhit, seconded by Councillor Craig

THAT North West Community Council rescind the motion passed at the meeting of May 16, 2016 regarding Case 18781 Development Agreement for Bedford West Sub Areas 7 and 8 Hammonds Plains.

MOTION PUT AND PASSED.

MOVED by Councillor Outhit, seconded by Councillor Craig

THAT North West Community Council waive the rules of order with respect to notice of motion.

Two-third majority vote required.

MOTION PUT AND PASSED.

MOVED by Councillor Outhit, seconded by Councillor Craig

THAT North West Community Council North West Community Council:

- 1. Approve the proposed development agreement which shall be substantially of the same form set out in Attachment A of the supplementary staff report dated April 28, 2016, to develop a residential/commercial development at Bedford West Sub Areas 7 and 8, Hammonds Plains.**
- 2. Require the Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

In response to commentary from Councillor Johns, Ms. Thea Langille, Principal Planner advised that staff will undertake a mail-out/email campaign to the residents of Bell Street to provide clarity around the planning process and the requirement for the motion of rescission. She further advised that staff will also publish a notice of approval advertisement which is legislatively required and outlines the appeal process to the Nova Scotia Utility and Review Board.

MOTION PUT AND PASSED.

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 20290: Amending Development Agreement for Sobeys Food Store at 80 First Lake Drive, Lower Sackville

The following was before Community Council:

- *A staff recommendation report dated April 28, 2016*
- *An extract of minutes – North West Community Council May 26, 2011*
- *A memorandum from the North West Planning Advisory Committee dated April 6, 2016*
- *Correspondence dated June 10, 2016*
- *Correspondence from Laura Napke, dated June 13, 2016*

Councillor Craig invited Mr. Nathan Hall, Planner to present on Case 20290. Mr. Hall gave a presentation in relation to Case 202290. Councillor Craig thanked Mr. Hall for his presentation and requested questions of clarification from members of Community Council. There were no questions of clarification at this time.

Councillor Craig read the rules of procedure with respect to public hearings and invited the applicant to address Community Council.

Mr. Cesar Saleh, of W.M Fares noted his representation on behalf of the applicant. He thanked staff and Community Council for their consideration of the application noting that both the staff presentation and report was adequate in addressing the proposal. He advised of his availability to answer questions from Community Council should any arise after the public hearing is held.

Councillor Craig opened the public hearing and invited members of the public to address Community Council.

Mr. Gregory Publicover of Polara Drive, Lower Sackville noted his support for the proposed application.

Councillor Craig called three times for members of the public to address Community Council. There were no speakers present.

Councillor Craig invited the applicant to briefly respond to concerns raised by the public. Mr. Saleh did not wish to address Community Council.

MOVED by Councillor Johns, seconded by Councillor Outhit

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Johns, seconded by Councillor Outhit

THAT That North West Community Council:

- 1. Approve the proposed amending development agreement which shall be substantially of the same form set out in Attachment A of the staff report dated April 28, 2016, to permit liquor sales within the Sobeys Food Store at 80 First Lake Drive, Lower Sackville; and**
- 2. Require the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS – NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted correspondence received in relation to Item No. 10.1.1 and Item No. 13.1.2 which was previously distributed to members of Regional Council.

11.2 Petitions

11.3 Presentation

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 18993 - Development Agreement for 636 Bedford Highway, Halifax

The following was before Community Council:

- A supplementary staff recommendation report dated May 20, 2016
- A staff recommendation report dated October 30, 2015

Mr. Andrew Bone, Planner III provided a presentation on Case 18993. Councillor Craig thanked Mr. Bone for his presentation and requested questions of clarification from members of North West Community Council.

In response to questions of clarification from members of North West Community Council, Mr. Bone provided the following commentary:

- The original height proposal for the proposed building was ten stories. It has since been reduced to nine stories, and redesigned which has reduced the overall height by approximately 20 feet.
- Staff had originally proposed that the building be reduced by two stories, for a total of eight stories.

Mr. Bone displayed comparison photographs of existing buildings in the vicinity of the subject property from the staff presentation and provided commentary that the proposal is at the high end of what would be considered acceptable under the MPS in terms of massing.

North West Community Council took a break at 8:00 p.m. and reconvened at 8:10 p.m.

MOVED by Councillor Outhit, seconded by Deputy Mayor Whitman

THAT North West Community Council:

1. **Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the supplementary staff report dated May 20, 2016, to develop a mixed use building at 636 Bedford Highway, Halifax.**
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.**

Several Councillors expressed concern that the proposed development agreement does not reasonably carry out the intent of the Municipal Planning Strategy under the following policy criteria: 1.8.1 (a) relationship of new building with existing buildings in the area and 1.8.1 (c) architectural design of building relating to massing.

In response to a question of clarification, Mr. Bone advised that if the staff recommendation were defeated by North West Community Council, the Developer has the ability to appeal the decision to the Nova Scotia Utility and Review Board. He further advised that developer can also come forward with a new proposal for the subject property. He noted that in this instance the planning process would likely move quicker given that much of the work has been completed. He advised that if this scenario were to take place, another public hearing would need to take place.

MOTION PUT AND DEFEATED.

13.1.2 Case 20154: Land Use By-law Amendment for 800 Sackville Drive, Lower Sackville

The following was before Community Council:

- *A staff recommendation report dated May 30, 2016*
- *A memorandum from the North West Planning Advisory Committee dated February 5, 2016*
- Correspondence from Michelle Champriss, dated March 23, 2016

Councillor Craig requested that Councillor Outhit assume the position of Chair. Councillor Outhit assumed the position of Chair.

MOVED by Councillor Craig, seconded by Councillor Johns

THAT North West Community Council:

1. **Give First Reading to consider approval of the proposed amendments to the Sackville Drive Land Use By-law, as contained in Attachment A of the staff report dated May 30, 2016, to permit a Drive-thru Restaurants and Motel/Hotel/Guest Homes in the DC-1 (Downsview Complex-1) Zone, and schedule a public hearing.**

MOTION PUT AND PASSED.

13.2 MEMBERS OF COMMUNITY COUNCIL

13.2.1 Councillor Craig – Funding Request – Friends of First Lake Society - First Lake South Side Trail Development

The following documentation was before Community Council:

- A Councillor request form dated June 13, 2016

MOVED by Councillor Craig, seconded by Councillor Johns

That North West Community Council approve an allocation of \$23,725.00 from the Sackville Landfill Compensation Fund to the Friends of First Lake Society to assist with the completion of the First Lake South Side Trail Development

MOTION PUT AND PASSED.

Councillor Craig reassumed the position of chair.

13.2.2 Councillor Johns - Active Transportation Trail Development - Springfield Lake Development Association

The following documentation was before Community Council:

- A Councillor request form dated June 13, 2016
- Correspondence from the Springfield Lake Development Association dated June 2, 2016

MOVED by Councillor Johns, seconded by Councillor Outhit

That North West Community Council approve an allocation of \$25,000 from the Sackville Landfill Compensation Fund to Springfield Lake Development Association for the construction of a walking trail between Springfield Lake Road and Lakeview Avenue.

MOTION PUT AND PASSED.

14. MOTIONS

14.1 Councillor Johns

MOVED by Councillor Johns, seconded by Councillor Outhit

That North West Community Council request a staff report outlining the necessary amendments to the Sackville Landfill Bursary Program to allow schools to recommend student awards of up to \$1000.00 at their discretion.

Councillor Craig requested that the staff report examine the tax implications for scholarship recipients.

Councillor Johns suggested that staff consult with the Chair of the Scholarship Award Committee for Millwood High for further information.

MOTION PUT AND PASSED.

15. IN CAMERA (IN PRIVATE)

1. Private and Confidential Information Report dated June 9, 2016 re: Legal Advice

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Mr. Colin Chennells, of Windsor Junction provided commentary with respect to the extension of water rights to the Marquee project on Windgate Drive and requested if there have been plans to utilize the Beaverbank Road sewer system as a backup measure.

Councillor Johns advised that there have been discussions about onsite sewer treatment for that particular project. He advised that there are no plans to utilize the Beaverbank Road sewer system as a backup measure for that area.

Mr. Water Regan, of the Sackville Rivers Association commended Council for passing a new lot grading By-law. He advised that funding for additional Active Transportation staff is badly required in HRM and advised that it should be considered in during upcoming budget discussions. He further advised that Active Transportation recreation also needs to be considered in upcoming budgetary discussion.

Mr. Brian Murray, of Hammonds Plains noted his opinion that the motion of rescission in relation to Case 18871 needs to be well communicated to the residents in the area. He provided further commentary regarding the perception of transparency within the planning process.

Ms. Pamela Lovelace, of Hammonds Plains noted that she is candidate for District 13 in the upcoming municipal election. She invited members of North West Community Council as well as the public to attend the dedication ceremony for the cenotaph monument at Uplands Park at 11:00 a.m. July 2, 2016. She

further noted that the complaints system for Halifax Water was moved from 311 to Halifax Water recently. She further noted that the tracking system for the complaints line was not moved and as such Halifax Water staff does not have access to tracking system that was in place when it was handled by 311 staff. She provided further commentary in relation to the upcoming burning ban discussion at Regional Council and noted that Council should pay attention to invalid 911 calls.

Councillor Craig advised that he will look in to the Halifax Water complaints system.

Mr. Reg Jones, of Voyager Lakes, inquired about the proposed rebuilding at the intersection at the Hammonds Plains Road and the Lucasville Road. He provided further commentary with respect to the quality of the patchwork on the Lucasville Road.

Deputy Mayor Whitman advised that he will inquire about the status of the road work on the Hammonds Plains and Lucasville Roads.

Ms. Leslie MacNeil of the Friends of First Lake Society thanked North West Community Council for their ongoing Trails work. She inquired if there will be a set of lights installed at the intersection of Chandler and Glendale Avenue. She advised that signalization is badly needed in that area.

Ms. Linda Hefler, of Hammonds Plains commented that residents of Timber Trails and parts of Lucasville Road have received letters regarding a possible address change, she requested an update. She further noted that bus is required for the Lucasville Road.

Councillor Johns advised that the civic addressing changes will go to Regional Council. He provided further commentary regarding an upcoming proposal by the Boys and Girls Club for peak service time transit services for the Lucasville Road as well as community transit. He advised that the bus would be a community based bus service and is intended to begin as a pilot project in September or October.

19. DATE OF NEXT MEETING – July 11, 2016

20. ADJOURNMENT

The meeting was adjourned at 8:52 p.m.

Liam MacSween
Legislative Assistant