

HALIFAX & WEST COMMUNITY COUNCIL
MINUTES

November 18, 2013

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

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 7:02 in the Community Room at the Canada Games Centre, 26 Thomas Raddall Drive, Halifax.

2. APPROVAL OF MINUTES – NONE

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

Additions:

- 13.1 Deputy Mayor Rankin - Lovett Lake (Beechville) Development Agreement planning process
- 13.2 Councillor Mosher - Halifax Mainland Land Use Bylaw respecting side yard set backs for R2-P Zone.
- 13.3 Deputy Mayor Rankin – Request for a staff report regarding the lack of signalization at the intersection of Timberlea Village Parkway and St. Maraget's Bay Road
- 13.4 Deputy Mayor Rankin – Consideration of the Installation of an additional Lane on the Kearney Lake Exit outward bound off of Highway 101

MOVED by Deputy Mayor Rankin and 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

The following motion was passed with respect to the status sheet:

MOVED by Councillor Mason and Seconded by Councillor Watts that staff continue to comment on anticipated completion times for all items on the status sheet and that all items on page 5 of the status sheet pertaining to matters with CN are consolidated and an update provided. MOTION PUT AND PASSED.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS –NONE

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 18191: Development Agreement - 25 Convoy Avenue, Halifax

Please see pages 5 and 6.

8.2 Variance Appeal Hearings - None

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Submission from Soil & Water Conservation Society of Metro Halifax re: Phosphorus: Details on LCC (Lake Carrying Capacity)

The following documentation was before Halifax and West Community Council:

- A letter dated November 13, 2013 from the Soil & Water Conservation Society of Metro Halifax.

Halifax and West Community Council acknowledged receipt of the letter submitted by the Soil and Conservation Society of Metro Halifax.

9.2 Petitions - None

9.3 Presentation - None

10. REPORTS

10.1 Staff

10.1.1 Case 17759: Development Agreement – Northeast Corner of Dutch Village Road and Andrew Street, Halifax (Supplementary Report)

The following documentation was before Halifax and West Community Council:

- A supplementary staff report dated November 3, 2013

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

1. Approve the proposed development agreement, presented as Attachment A in the November 3 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 inquired as to whether or not changes were made to the Development Agreement after the public hearing had taken place.

Ms. Dali Salah, Planner, stated that no changes have been made to the development agreement after the Public Hearing was held.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Watts

MOVED by Councillor Watts and seconded by Councillor Mason that Halifax and West Community Council request that Planning Services redesign the variance written notification so that the process is clearly explained to proponents and residents about what is required to make an appeal, the process at the appeal hearing is fully explained (who speaks first, for how long, who gets to speak, etc.) and is more user friendly.

Councillor Watts noted that the current written notification gives minimal detail of what is required when appealing a variance but does not provide enough information with respect to the process. Councillor Watts further suggested that the redesigned guidelines should be posted to the website for accessibility purposes.

Deputy Mayor Rankin expressed his support for the motion and noted that making the notification letters user friendly is important.

Councillor Mason stated that simplifying the legal language contained in the notification letters would better inform the public and would likely assist in streamlining the variance appeal process.

Ms. Kelly Denty, Manager of Development Approvals noted that staff will draft new notification letters with regard to the variance appeal process and that a draft for will be circulated in the near future for approval.

MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 18191: Development Agreement - 25 Convoy Avenue, Halifax

The following documentation was before Community Council:

- A staff report dated September 27, 2013

The Chair invited Ms. Jennifer Chapman, Planner to give a presentation on Case 18191.

Ms. Chapman stated that the Applicant currently has a development agreement which was registered in January 1989 for a four unit building with an attached non-conforming grocery store and pizza take out at 25 Convoy Avenue in Fairview. She noted that the applicant is now seeking to discharge the existing agreement and enter into a new agreement to replace the non-conforming commercial uses with additional residential dwelling units (5 units in total).

Ms. Chapman displayed photos of the subject property and the surrounding area. She remarked that the applicant is not seeking to extend the building and would achieve the additional residential unit through internal conversion. She noted that within the terms of the current zoning that is applied to the property, the maximum number of residential uses that can be considered within the zone is four units. However, Council could consider this application through Policy 3.14 of the Halifax Municipal Planning Strategy (MPS) which enables the consideration of a change to a non-conforming use, provided that the resulting change is less intensive than the existing non-conforming use.

Ms. Chapman noted that it is the recommendation of staff to approve the discharging agreement and development agreement as the proposal to convert the property to a five unit residential building is less intensive than the current commercial use.

The Chair opened the public hearing at 7:20 p.m. and read the public hearing procedures.

Mr. Donald Curry, Applicant, stated that the subject property was a commercial property but this is no longer viable. He noted that he and other members of the community would like the property to be fully residential.

The Chair called three times for any further speakers. Hearing none, it was **MOVED by Councillor Walker and seconded by Councillor Mason that the Public Hearing be closed. MOTION PUT AND PASSED.**

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

- 1. Approve the proposed development agreement, as contained in Attachment A of the September 27, 2013 staff report;**
- 2. Require that the proposed development agreement be signed and delivered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end; and**
- 3. Approve, by resolution, the discharging agreement, as provided in Attachment B of September 27, 2013 staff report.**

MOTION PUT AND PASSED.

12. IN CAMERA – NONE

13. ADDED ITEMS

13.1 Deputy Mayor Rankin - Lovett Lake (Beechville) Development Agreement planning process

The Deputy Mayor noted that this matter is related to a parcel of land and a proposed development project that was discussed at a Public Information Meeting held in September of 2012. He referenced a proposal by the Armco Group regarding the development of a residential development in Beechville. Deputy Mayor Rankin also commented that his son had worked with that organization for a period of time in a separate division, but is no longer employed with the company.

The Deputy Mayor further commented that the proposal for the development has been vetted by the community through various public consultation sessions and that there is a significant interest to see the development go forward.

MOVED by Deputy Mayor Rankin and Seconded by Councillor Mason that Halifax and West Community Council request a staff report to bring this matter forward for First Reading at a Special Meeting of Halifax and West Community Council to be held on or before December 18, 2013.

Councillor Watts noted that the special meeting would have to be advertised in advance of special meeting if one were to take place.

Further discussion ensued.

MOTION PUT AND PASSED.

13.2 Councillor Mosher - Halifax Mainland Land Use Bylaw respecting side yard set backs for R2T Zone

The Chair requested that the Vice-Chair take over the meeting. Councillor Mason assumed the position of Chair.

Councillor Mosher remarked that she had consulted with staff from Legal Services and Planning on this matter and stated that the intent was to allow for 8 foot sideyards as opposed to the 5 foot sideyards with respect to R2-P zoning applied to semi-detached dwellings under the Halifax Mainland Land Use By-Law.

MOVED by Councillor Mosher and seconded by Councillor Watts that Halifax and West Community Council direct staff to initiate the amending process to clarify side yard set-backs for semi-detached dwellings within the R-2P Zone as outlined

in Section 28 (AB)(1) and Section 28(AD) of the Halifax Mainland Land Use By Law.

MOTION PUT AND PASSED.

Councillor Mosher thanked Councillor Mason and reassumed the position of Chair.

13.3 Deputy Mayor Rankin – Request for a staff report regarding the lack of signalization at the intersection of Timberlea Village Parkway and St. Maraget’s Bay Road

MOVED by Deputy Mayor Rankin and seconded by Councillor Mason that Halifax and West Community Council request a staff report regarding the lack of signalization at the intersection of Timberlea Village Parkway and St. Margaret’s Bay Road.

Deputy Mayor Rankin noted concerns from the community with respect to the lack of signalization at the intersection of Timberlea Village Parkway and St. Margaret’s Bay Road and requested that staff prepare a report addressing these concerns.

MOTION PUT AND PASSED.

13.4 Deputy Mayor Rankin – Consideration of the Installation of an additional Lane on the Kearney Lake Exit outward bound off of Highway 101

Deputy Mayor Rankin addressed concerns regarding the installation of an additional lane on the Kearney Lake Exit and requested that Halifax and West Community Council contact the Province to consider the matter.

MOVED by Deputy Mayor Rankin and seconded by Councillor Adams that the Chair of Halifax and West Community Council forward a letter to the Provincial Minister of Transportation considering the installation of an additional lane on the Kearney Lake Exit outward bound off of Highway 101.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION – NONE

15. PUBLIC PARTICIPATION

No members of the public came forward for public participation.

16. NEXT MEETING DATE – December 2, 2013

17. ADJOURNMENT

The meeting was adjourned at 7:41 p.m.

Liam MacSween
Legislative Assistant

INFORMATION ITEMS