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1. CALL TO ORDER

The Chair called the meeting to order at 7:06 p.m. in Council Chambers, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – September 23 & October 7, 2013

MOVED by Deputy Mayor Rankin and seconded by Councillor Walker that the minutes of September 23 & October 7, 2013 be approved as presented. MOTION PUT AND PASSED.

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

Additions:

Item No. 13.1 - **Case 18229:** Development Agreement for a Day Care Center - 60 Scotch Pine Terrace, Halifax (Supplementary Report).

MOVED by Deputy Mayor Rankin and seconded by Councillor Walker that the agenda be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

There were no updates to the status sheet.

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

The following documentation was before Halifax and West Community Council

- A staff report dated September 5, 2013
- Correspondence submitted from Larry Bradfield, Emma Pataki, Pasquale and Giulia Marcatilli, Steven and Diana Metledge, Houda Metlege, Ellen Foudoul,

Joseph and Mona Francis, Susan and Sayed Arab, Micheal C. Derrick, Malby Metlege, Antonios and Maroun Diab

The Chair read the rules and procedures with respect to Public Hearings and invited staff to begin the presentation on Case 18230.

Ms. Dali Salah, Planner, Community and Recreation Services explained that the applicants, William Holiday and Kathleen McNab have applied to re-develop the existing dwelling at 5 Wren Street, to four townhouse units. She noted that the proposal cannot be enabled under the current zoning of the property, R-1 (Single Family Dwelling) Zone, which led the applicants to request that the property be rezoned to the R-2T (Townhouse) Zone under the Halifax Mainland Land Use Bylaw to allow for the proposed development.

Ms. Salah displayed images of the subject site on Wren Street and other properties located close by. She remarked that the subject property is located in a predominately residential area and surrounded by a wide range of low to medium density residential uses that consist of single unit dwellings, duplexes, and townhouses. Ms. Salah stated that the property sits on a parcel of municipal land that has been retained by HRM for right-of-way purposes and commented that the parcel of land is undergoing a consolidation process which will result in the removal of the R-1 Zone.

Ms. Salah finalized her presentation by stating that Staff has reviewed and evaluated the proposed rezoning in relation to applicable Municipal Planning Strategy(MPS) policies and have concluded that the proposed rezoning is consistent with the intent envisioned by MPS and should be approved.

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

Councillor Walker presented a petition of twenty signatures, dated October 24, 2013 in favour of the application. The petition was accepted by Community Council.

Councillor Watts requested clarification as to whether R-4 zoning is applied to the abutting area of the property on Pioneer Avenue. Ms. Salah replied in the affirmative and noted that R-4 zoning (multiple unit dwellings) allows for the construction of townhouses.

The Chair asked if there were further questions from Community Council. As there were none, the Chair invited the applicant to come forward and address Council.

Ms. Kathleen McNab, 5 Wren Street, noted that it is her proposal to build four townhouses and demolish the existing dwelling that is currently on site. She stated her planned intention to sell three of the proposed townhouses and live in remaining unit and commented that she would not consider renting the units. She asserted that each unit will be 3120 square feet in size and will include a back deck and paved driveway.

She noted that the proposed cost for each Town House will be approximately \$400,000. Ms. McNab expressed that the rationale for project is to remove the existing home that is too old and not economically viable to repair. She concluded by stating that she has received considerable support for the project from the community and that her proposal will benefit the community.

The Chair thanked the applicant for her comments and invited residents for or against the application to the microphone, opening the public hearing.

Mr. John Tolson, noted that he is with the applicant and has been connected to the subject property for quite some time. He thanked Halifax and West Community Council for the opportunity to speak and noted that he views the proposed redevelopment of property as good for the city and non-detrimental to the neighbourhood.

Mr. Michael Dereck, 1 Starling Street, Halifax, commented that he and his family came to the area in 1983 because it was specifically zoned R-1 for single family dwellings. He remarked that he would not be interested in the other zoning being applied to the area and that if the proposed townhouses are built, they will “stick up like a sore thumb”.

Ms. Mona Francis, 60 Houda Court, Halifax, stated she lives in the property in front of subject area. She read the names of members of the community in opposition to the proposed development. She noted that the area should remain R-1 and that changing the zoning will negatively impact the character of the neighbourhood. Ms. Francis remarked that she owns the vacant lot across from the property and believes the proposed development will decrease the value of her property.

Mr. David Arab, 18 Houda Court explained that he lives behind the subject property and expressed concern that there will be less privacy in the area if the proposed development takes place. He remarked that a nearby house is rented by students who are noisy and if the proposed development proceeds, more people will move to the area increasing the level of noise. He further commented that he is against the proposed rezoning of the area.

The Chair called three more times for those wishing to speak for or against the application. As there were none it was **MOVED by Councillor Mason and seconded by Councillor Adams that the public hearing be closed**. The public hearing was completed at 7:27 p.m.

Councillor Watts asked for the maximum allowable height for a structure under the R-1 zone.

Ms. Dali Salah, Planner, replied that the maximum allowable height is 35 feet under the R-1 zone and that the applicant meets this provision. She further noted that the maximum allowable height under the R-2T zone is also 35 feet.

The Chair invited the Applicant to the microphone for a final time to address Community Council on this matter.

The Applicant noted that the proposed development will not exceed the 35 foot height restriction and that students will not be considered for residency at 5 Wren Street.

MOVED by Councillor Walker and seconded by Councillor Watts that Halifax and West Community Council approve 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.

Councillor Walker commented that he has met with some of the residents and that the decision was not easy to make. He noted that a great deal of work has been completed in the area with respect to paving and the installation of sidewalk and that he does not believe that project will not negatively impact the character of the neighbourhood. Councillor Walker expressed his support for the staff recommendation.

MOTION PUT AND PASSED.

8.1.2 Case 18149 – LUB Amendment and Development Agreement – Corner of Gottingen Street and Bilby Street, Halifax

The following documentation was before Halifax and West Community Council:

- A staff report dated September 5, 2013.

The Chair asked staff to begin the presentation on Case 18149.

Mr. Mitch Dickey, Planner, noted that an application has been submitted by Michael Napier Architecture, on behalf of the property owner, Nick I. Holdings Ltd, to enable the development of a 7-storey, mixed-use building, containing multi-unit residential uses in conjunction with ground-level commercial space, at 2842 Gottingen Street, in Halifax.

Mr. Dickey noted that the subject area was most recently developed as convenience store and residential dwellings, however in 2011 the buildings were destroyed by fire and the properties have remained vacant since then. He commented that the proposal cannot be enabled through the existing zoning and that the applicant had requested that the subject site be included within Schedule “Q” of the Halifax Peninsula Land Use By-law (LUB), which would then allow the proposed mixed use building to proceed by development agreement.

Mr. Dickey noted that the surrounding area is comprised of the following commercial, residential, and institutional uses.

- Canadian Forces Base Stadacona;
- a two storey commercial building containing a locksmith shop;
- low and medium density residential uses;
- an Ultramar service station; and

- an auto repair use

He further noted that the subject property lies within Area 5 of the Peninsula North Secondary Planning Strategy, is designated for Major commercial development and is currently zoned C-2 (General Business) by the Halifax Peninsula Land Use By-Law.

Mr. Dickey displayed several photos of the subject property and the nearby area. He commented that the proposal pertains to schedule "Q" in which this site is requested to be added. He noted that to be added to schedule "Q", a site must be designated major commercial and that anything residential development over 4 units is allowed only by development agreement. Mr. Dickey further noted that the proposal before Community Council is for a 7 Storey mixed used development with maximum of 41 units with minor commercial uses with all required parking to be underground.

In conclusion, Mr. Dickey asserted that that the proposed Land Use By-Law (LUB) amendment and development agreement are in keeping with the objectives and policies of the Halifax Municipal Planning Strategy to develop the lands in a comprehensive manner and to address potential compatibility issues with the surrounding uses. Mr. Dickey stated that staff recommends the approval of the proposed LUB amendment and development agreement.

The Chair thanked Mr. Dickey for his presentation and asked if any members of Community Council had questions for clarification.

Councillor Watts asked for clarification with respect to the movement of parking garage from the first proposal.

Mr. Dickey noted that the movement of the parking garage equated to a slight reduction in parking spaces to accommodate increased residential and commercial space.

The Chair invited the applicant to come forward to address Community Council.

Mr. Michael Napier, of Napier Architecture stated that he is before Council on behalf of Nic I Holdings, the face of which is Mr. George Israel. He noted that Mr. Israel has been an important member of the community for many years and was the owner and operator of the pervious business and rental property which was lost to fire in 2011. Mr. Napier stated that the proposal strives to create a more relevant model for today and the future compared to the former buildings that were on site. He noted that mixed use concept will stay the same with commercial uses on the ground level with residential use above.

Mr. Napier commented that the proposal provides the opportunity to fulfill density requirements while utilizing energy efficient non-combustible material. He stated that the ground level will include the entire frontage of the Gottingen Street thoroughfare to accommodate the commercial aspect of the building while the residential access will be located on the less traveled Bilby street. Mr. Napier addressed parking pressures in the area as a result of CFB Stadcona and remarked that the portions of the ground floor garage were deleted in order to provide more animation on the street. He further

commented that the building setback was increased to allow for a gated walkway to Gottingen Street which illustrates the two major changes that were incorporated to the proposal since the Public Information meeting held on December 5, 2012. He concluded by stating that Mr. Israel is bringing forth a vision for the neighbourhood which provides density and maintains the character the neighbourhood.

Mr. Napier answered a question from Councillor Watts with respect to a wall on the north side of the proposed structure and changes to the parking garage.

The Chair opened the public hearing and invited residents for or against the application to the microphone.

Mr. Jeffery Fish, North End resident and business owner noted that Mr. Israel is a great advocate for the area and an important part of the community. He expressed his full endorsement of the plan as resident and business owner.

Mr. Darrell Borman, 3158 Needham Street, stated that he thinks that the development is a great idea and will assist in revitalization of Gottingen Street.

Mr. Jerry Blumenthal, 5570 Heatherwood Court, stated his intention to speak on behalf of the proposal. He commented that the 2011 fire was upsetting and commented on the work that Mr. Israel's has undertaken in the community. He concluded by stating that this proposal is part of the Corridor study and will be happy to see a building going up as opposed to the parking lot that now occupies the space on Gottingen and Bilby Streets.

Mr. Patrick Murphy, 5280 Young Street, commented that Mr. Israel is a person of the community and always has the best interest of his community in mind. He echoed previous comments with respect to the Corridor study and that the proposal for the building fits to the scale of the neighbourhood. Mr. Murphy concluded by stating that the proposed development will service the area well.

The Chair called three more times for further speakers. As there were no further speakers, it was **MOVED by Councillor Mason and seconded by Councillor Walker that the Public hearing be closed. MOTION PUT AND PASSED.**

The Public Hearing was concluded at 8:02 p.m.

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

- 1. Adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented on Attachment A and Maps 1, 2 and 3 of the September 5, 2013 staff report.**

2. **Approve the proposed development agreement as contained in Attachment B of the September 5, 2013 staff report.**
3. **Require that the development 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 stated that she is looking forward to the development moving forward and supports the changes that have been made. She further commented that staff should consider examining the North Face Wall when addressing landscaping issues.

MOTION PUT AND PASSED

The Solicitor left the meeting at 8:08 p.m.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Submission from Mary Ann McGrath dated October 11, 2013 Re: Future of Kearney Lake Community.

A submission from Mary Ann McGrath with respect to roadwork in the Kearney Lake Road area was received by Halifax and West Community Council.

Councillor Walker commented that staff should investigate this matter.

9.2 Petitions

9.2.1 Councillor Walker

Councillor Walker submitted a petition containing 20 signatures dated October 24, 2013 pertaining to Item No. 8.1 Case 18230: Rezoning 5 Wren Street, Halifax from R-1 (Single Family Dwelling) Zone to R-2T (Townhouse) Zone. Please see page 4.

9.3 Presentation - NONE

10. REPORTS

10.1 Staff

10.1.1 Case 17195: Development Agreement – 6112 Quinpool Road, Halifax (Supplementary Report)

A staff report dated October 1, 2013 was before Halifax and West Community Council.

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

- 1. Approve the proposed development agreement, presented as Attachment A of the staff report dated October 1, 2013, 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 questions from Councillors Mason and Watts, Mr. Miles Agar, Planner, noted one change to the proposal in relation to the guard rail system for parking access on Pepperell Street. He further noted that the Development Agreement has controls with regard to commercial floor space on the first and second floors, allowing for a maximum of 31,500 square feet of commercial floor space.

MOTION PUT AND PASSED.

10.2 Case 18191: Development Agreement – 25 Convoy Avenue, Halifax (First Reading)

A staff report dated September 27, 2013 was before Halifax and West Community Council.

MOVED by Councillor Walker and Seconded by Councillor Mason that Halifax and West Community Council give Notice of Motion to consider the proposed development agreement, as described in Attachment A of the September 27, 2013 staff report to permit a change to a non-conforming use at 25 Convoy Avenue, Halifax, and to schedule a public hearing

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Mason

MOVED by Councillor Mason and seconded by Councillor Walker 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.

Councillor Mason stated that the motion is intended to address very specific issues with respect to by-Law enforcement, Land Use By-laws, building codes and fire safety.

Deputy Mayor Rankin suggested the following friendly amendments to the motion (amendments in italics):

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 in an/or targeted enforcement and by-law enhancement* to:

- a) *to enforce land use by-laws and fire safety compliance***
- b) focusing on rental structures containing six or less units and on converted dwellings**
- c) *recommend whether to limit the geographic scope (a neighbourhood, district or panning area) for enhanced enforcement***
- d) *to consider programs such as those in London, Ontario; Oshawa, Ontario; **Hamilton, Ontario** and Waterloo, Ontario.***

Councillor Adams requested clarification as to how this proposal would differ from the current by-law enforcement legislation that is in place.

Councillor Mason stated that the onus is currently on by-law enforcement officials to prove non-conforming use with respect to rental properties, which is costly and time consuming. He noted that other jurisdictions have moved to a licensing system in which the onus is placed on the landlord to ensure that all regulations are being met. Councillor Mason further noted that issue of non-conforming use in relation to rental properties is prevalent in university neighbourhoods, therefore the motion is asking staff to research whether the geographic scope should be limited to a particular neighbourhood or applied to other areas.

Councillor Watts expressed her support the motion and noted that she is particularly interested in obtaining more information with respect to the geographic range of the proposal.

Councillor Walker expressed his view that the staff report should also address living and standard conditions with respect to rental properties. He further noted that residents need to know that rental units in HRM meet an acceptable standard before a lease is signed.

Deputy Mayor Rankin noted that this item should be conveyed to Regional Council as the geographic implications are beyond the scope of Halifax and West Community

Council. He noted that he believes that this will help to assist the inappropriate exploitation of market demand with respect to rental properties.

MOTION PUT AND PASSED.

12. IN CAMERA

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following;

12.1 In Camera Minutes – October 1, 2013

The following motion was passed in open session:

MOVED by Councillor Mason and Seconded by Councillor Walker that the minutes of October 1, 2013 be approved as circulated. MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Case 18229: Development Agreement for a Day Care Center - 60 Scotch Pine Terrace, Halifax (Supplementary Report)

The following documentation was before Community Council:

- A staff report dated October 23, 2013

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

- 1. By resolution, approve the proposed Stage I and Stage II discharging agreements, presented as Attachments A and B of the October 23, 2013 staff report, for the lands located at 60 Scotch Pine Terrace, Halifax;**
- 2. Approve the proposed development agreement, as described in Attachment C of the October 23, 2013 staff report to permit for the expansion of the existing day care facility at 60 Scotch Pine Terrace, Halifax, to accommodate a total of 18 children in conjunction with a single unit dwelling on the subject property; and**
- 3. 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.**

Deputy Mayor Rankin noted that there has been no appeal on this case and that he fully supports the motion.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Watts

Take notice that at the next meeting of Halifax and West Community Council I intend to move a motion requesting 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.

15. PUBLIC PARTICIPATION

Ms. Mary Ann McGrath, 24 Hamshaw Lane, Kearney Lake noted that the correspondence received by Halifax and West Community Council is from the Kearney Lake Residents Association of which she is the chair. She noted that residents will require more significant upgrades at intersection of Highway 125 and the Kearney Lake Road and if the proposal to construct a roundabout is realized the financial implications of which will be borne by the community. She noted that the community hosts a major recreation centre, and a paddling club. She concluded that she would like to request a public meeting with area Councillors to discuss issues in the community.

The Chair thanked Ms. McGrath for her comments and noted that this matter must be deferred to North West Community Council as the area falls within the jurisdiction of that Community Council. She further noted that Halifax and West Community Council will follow up with North West Community Council in this regard.

Mr. Ken MacLeod, 254 Kearney Lake Road continued the discussion about traffic access to the Kearney Lake Road. He noted that information with respect to traffic upgrades on the Kearney Lake Road has not been shared with residents.

The chair echoed her previous comments with respect to deferring this matter to North West Community Council.

16. NEXT MEETING DATE – November 18, 2013

17. ADJOURNMENT

The meeting was adjourned at 8:43 p.m.

Liam MacSween
Legislative Assistant

INFORMATION ITEMS

1. Submission from Shalom Mandaville dated October 14, 2013 Re: Deep Station Total Phosphorus Comparison.
2. Submission from Stantec Consulting dated August 15, 2013 re: Brunello Estates - Construction Monitoring Report Year 2 – Q4