



**HALIFAX & WEST COMMUNITY COUNCIL  
MINUTES  
June 24, 2015**

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

STAFF: Mr. Andrew Reid, Legislative Assistant  
Ms. Roxanne Maclaurin, Solicitor

*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/west/150624hwcc-agenda.php>*

*The meeting was called to order at 6:00 p.m. Community Council adjourned at 9:06 p.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**2. APPROVAL OF MINUTES – May 13 and June 3, 2015**

**MOVED by Councillor Walker, seconded by Councillor Watts that the minutes of May 13 and June 3, 2015 be approved as circulated. MOTION PUT AND PASSED.**

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

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

**4. BUSINESS ARISING OUT OF THE MINUTES – NONE**

**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 19533: Amendments to the Halifax Mainland Land Use By-law for the C-2A Zone within the Bedford Highway Secondary Plan area**

The following information was before Community Council:

- *A staff recommendation report dated May 1, 2015*
- *A staff presentation dated June 24, 2015*
- *A letter from Mr. Jeremy Smith dated June 10, 2015, re: Case 19533*

Ms. Jillian Maclellan, Planner, presented Case 19533 as described in a staff report dated May 1, 2015.

The Chair inquired if there were any questions of clarification.

Ms. Maclellan confirmed the additional height would apply only to buildings in the area with a commercial ground floor and residential density would remain the same. In response to a question regarding the height increase creating a better building form, Ms. Maclellan responded that the amendments would allow for a greater mixture of uses but would be consistent with existing regulations such as angle controls.

The Chair called on the applicant.

Mr. Greg Johnston, Paul Skerry and Associates on behalf of Nick Stappas, applicant, commented on the project site at 205 Bedford Highway. He indicated that the developer was a community member of Rockingham and interested in improving the area. He stated that the current three storey restriction would not be financially viable. Mr. Johnston indicated that there would be 16 additional units, with underground parking and patio spaces. He stated that the developer would use materials common to the area such as masonry and fiber cement.

The Chair described the ground rules before opening the public hearing.

**Ms. Lynn Zinck**, resident of Trident Lane, stated that if the proposal was approved it would diminish property values. She questioned why such a large swathe of property was being considered and requested height changes be considered on a single property basis. She stated that the traffic light at Flamingo Drive and the Bedford Highway would need to be re-evaluated given the possibility of added congestion. She requested Council consider traffic, loss of views, and change in character to the community.

**Ms. Wendy Luciano**, of Tremont Drive, stated concern that the zoning amendment may be extended outward into the parcel of land between Tremont Drive and Forest Hill. The Chair indicated Ms. Maclellan could address this question later in the meeting.

**Ms. Karla Nicholson**, of Tremont Drive, commented that a large portion of her street was currently being developed and traffic was intensifying. She highlighted the nearby school and daycare. She questioned if the density would in reality remain the same and stated that the area was reaching capacity. She also asked that no precedent be set by this proposal.

The Chair called three times for additional speakers and there were none.

Regarding increase in traffic, Ms. Maclellan responded that a traffic impact statement would be required for the development. Regarding examining the application site by site, she stated that this would require a Municipal Planning Strategy (MPS) amendment and currently the proposal was seeking changes through existing planning policy. Regarding the possibility of extending the C-2A zone outward to abutting properties, she stated that properties would need to first have minor commercial designation, thus requiring a MPS amendment. She further explained that those R-1 or R-2 zones would have to change to C-2A zones if such an extension was made.

Mr. Johnston responded that traffic concerns would be addressed by a traffic study. He commented that in the initial proposal there was a parking garage on the lower side of the site, but it had been removed for traffic considerations.

**MOVED by Councillor Rankin, seconded by Councillor Mason to close the public hearing. MOTION PUT AND PASSED.**

**MOVED by Councillor Walker, seconded by Councillor Rankin, that Halifax and West Community Council approve the proposed amendment to the Land Use By-law for Halifax Mainland to increase the allowable height for mixed commercial and residential buildings in the C-2A Zone of the Bedford Highway Secondary Plan from 35 feet to 50 feet, for those properties designated minor commercial (located between Northumberland Lane and Tremont Drive).**

Councillor Walker stated that the site was located on a commercial strip and that the proposal was part of an attempt to make commercial viable in the area. He highlighted that the proposal was for a mixed use zone and that all other requirements would still need to be met. Regarding the proposed area for the amendments, Councillor Walker responded that staff decided on the larger area because single properties would require a development agreement and MPS amendment. He also stated that if any proposals came forward on Tremont Drive there would be additional public information meetings. He highlighted that the amendment under current consideration would not apply to the residential properties between Tremont Drive and Forest Hill as those areas were not designated C-2A.

Council discussed the concerns about amending the larger area as opposed to the specific site. Ms. Maclellan responded that an amendment to the MPs policy would be required and the process would need to begin anew. Councillors voiced support for the motion, highlighting that more local commercial uses could mitigate decline in the area.

**MOTION PUT AND PASSED.**

### 8.1.2 Case 19136: Classic Open Space Design Development Agreement – Whites Lake

The following information was before Community Council

- *A staff recommendation report dated May 1, 2015*
- *A staff presentation dated June 24, 2015*
- *A letter from residents of Terence Bay Road dated June 19, 2015, re: Case 19136*
- *A letter from Mr. Mark Mitchell dated June 11, 2015, re; case 19136*

Ms. Dali Saleh, Planner, presented Case 19136 as described in the staff report dated May 1, 2015.

The Chair inquired if there were any questions of clarification. As there were no questions, the Chair inquired if the number of units would be reduced based on the determination of the first phase of the hydrogeological study. Ms. Saleh responded that the hydrogeological study would be reviewed and the number of units could be reduced based on the results. She confirmed that each phase would be dealt with individually and that a third party independent body would assess the results.

Mr. Jeffry Haggett, Urban Planner WSP Canada Inc., on behalf of Nanco Developments Ltd., presented the Whites Lake proposal. He highlighted the process to date. He indicated that all procedures were followed pertaining to community consultation. Mr. Haggett highlighted the classic open space design concept and stated that the proposal applied a primary conservation analysis. He detailed an analysis of groundwater and traffic studies that were performed. He outlined the proposed development and stated that the applicant would follow through with diligence on requirements through the blasting bylaw B-600. He indicated water quality and quantity tests would be performed before undertaking each of the three phases of the development. In regard to hydraulic fracturing, Mr. Haggett described the difference between the kind of fracturing to be undertaken and that of oil and gas fracturing. He stated that the technique was a common one used in the well industry to stimulate production by pumping local water into the well at a pressure to clean out sediments. He highlighted that no chemicals would be used and no wastewater would be produced. Regarding wastewater treatment, Mr. Haggett underscored that the quality of discharged water would be tested by certified experts at a frequency determined by the province—typically on a monthly basis. He stated there was a low risk of the system being degraded or compromised. Mr. Haggett highlighted that the groundwater would be protected.

The Chair described the ground rules and opened the public hearing.

**Mr. Wayne Paddock**, resident of Terence Bay Road, read the letter of correspondence dated June 19, 2015, as circulated to the Community Council. The letter raised concerns regarding the repercussions of blasting and also the proposal's sewage treatment system. This letter is available on file.

The Chair called three times for additional speakers.

Mr. Haggett responded by stating that the intent of the development was to design an attractive, well-managed community. He stated that sewage treatment issues would not arise, as the system would be maintained by the condominium fund. Regarding blasting, he stated surveys would be performed and supplied where requested. He also stated that no additional water would be required for wastewater treatment, as the system's pumps circulated wastewater itself. Mr. Haggett highlighted how protocols put into place would reduce long term costs of the system such as insurance.

Councillor Watts confirmed that wastewater controls would fall under provincial legislation and would not be part of the development agreement. Ms. Saleh responded that the development agreement would require approval be sought for the systems prior to being put in place.

The Chair stated a number of uncertainties expressed by community members regarding water and sewage. He questioned if adverse effects caused by the development would be remedied by the applicant if they arose. Mr. Haggett responded that the development agreement would be followed closely. He also stated that the developer would take on insurance costs for blasting.

**MOVED by Councillor Rankin, seconded by Councillor Mosher to close the public hearing.  
MOTION PUT AND PASSED.**

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

- 1. Approve the proposed development agreement, as contained in Attachment A of the report dated May 1, 2015; and**
- 2. Require that 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.**

Councillor Rankin highlighted concerns brought forward by the residents in the area. He commented on the enforceability of the development agreement. He stated that the proper oversight requested by concerned residents would be created by mechanisms such as the hydrogeological studies. He highlighted the positive investment the proposal offered in the rural community.

Councillor Mason stated that many of the residents' concerns were provincial issues and enforced by laws and penalties. He commented that any damage due to blasting would be compensated. Regarding the traffic study, Councillor Mason encouraged the community to engage with the developer. He stated support for the phased approach of the development as it would provide an opportunity to address any potential problems.

**MOTION PUT AND PASSED.**

## **8.2 VARIANCE APPEAL HEARINGS – NONE**

## **9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **9.1 Correspondence**

The Legislative Assistant noted that correspondence had been received and distributed for Items 8.1.1 and 8.1.2.

## **10. REPORTS**

### **10.1 STAFF**

#### **10.1.1 Halifax Regional Police Strategic Plan 2015-2025**

The following information was before Community Council:

- *A staff information report dated June 11, 2015*
- *Halifax Regional Police Strategic Plan 2015-2025*

Deputy Chief Bill Moore, Halifax Regional Police presented the 2015-2025 Halifax Regional Police Strategic Plan. He described the origin of the Plan, its consultation, and highlighted the values and priorities in the Plan.

Councillor Mosher thanked the Deputy Chief and noted that the Strategic Plan was a collaborative effort and had involved extension communication. She stated that channels for feedback on the plan were still open and comments could be directed to the Clerk's Office. In response to a question about receiving

regular updates, the Deputy Chief highlighted that monthly updates would be provided to the Board of Police Commissioners and annual reports would be submitted to Regional Council.

**10.1.2 Case 18120: MPS and LUB Amendments for 348 Purcell's Cove Road, Halifax**

The following information was before Community Council:

- *A staff recommendation report dated June 9, 2015*

**MOVED by Councillor Rankin, seconded by Councillor Walker, that Halifax and West Community Council recommend that Halifax Regional Council:**

- 1. Refuse the request to amend the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB) to permit existing buildings and land uses (single unit dwelling, office of a professional person and accessory buildings) at 348 Purcell's Cove Road, Halifax.**

The Chair acknowledged the Case to be in his district. He stated support for the staff alternative to recommend Regional Council initiate a public hearing.

Councillor Mosher voiced concern for the wording of the alternative recommendation. She questioned if the following alternative stated in the staff report would prejudge Councillors' decisions at the public hearing:

"b. Approve the proposed amendments to the Halifax MPS and the Halifax Mainland LUB, as contained in Attachments A and B of the report dated June 9, 2015. A decision of Regional Council to approve or refuse potential amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*."

Ms. Roxanne Maclaurin, Solicitor, responded that if the alternative was passed it would not prejudge any future decision following a potential public hearing because the recommendation is based on what is available in the staff report currently before Council. Mr. Kurt Pyle, Major Projects Planner, added that Community Council would be required to make a recommendation for both parts a and b of the alternative; however Regional Council would make the final decision. Ms. Maclaurin also confirmed that Council could disagree with a Community Council recommendation when it is discussed at Regional Council.

Community Council discussed the motion on the floor. Councillors agreed that an explanation would be required for why an amendment to the planning strategy was being pursued before an alternative was sought.

**MOTION PUT AND PASSED.**

**10.1.3 Case 17174: Amendments to the Halifax MPS and Halifax Peninsula LUB, and a Development Agreement - 1017 & 1021 Beaufort Avenue, Halifax – Supplemental Report**

A public hearing was held regarding this matter at the March 31, 2015 meeting of Halifax Regional Council.

The following information was before Community Council:

- *A staff recommendation report dated June 1, 2015*

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

- 1. Approve the proposed development agreement, presented as Attachment A in the report dated June 1, 2015, 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 Mason summarized the history of the development proposal. He highlighted how the proposal would change the street and backyards of existing property owners. He highlighted why a development agreement was being pursued. He stated concerns such as soil contamination and flooding were environmental and beyond the development agreement as they were regulated by the province. Councillor Mason commented on the development agreement in terms of site grading, retention of tree species, and a storm water management plan. He questioned what penalties would be imposed for removing trees due to damage by grading, he suggested modifications to the backyards of lots 1 and 6, and he also suggested that the Gross Floor Area (GFA) calculation remain consistent with the surrounding area.

Council discussed the appropriateness of introducing changes to the development agreement, with certain Councillors raising concern for the possibility of entering a new public process.

Mr. Miles Agar, Planner, responded regarding the question of tree preservation that the proposed development agreement included conditions for preserving trees of the same species if damaged or removed. Regarding GFA, Mr. Agar stated that staff had provided a rationale at the public hearing and the numbers provided were reflective of an as-of-right context, with a 25% increase. He advised that the proposed GFA would not diminish the character of existing neighbourhoods. He also provided the rationale for the setbacks of home sites 1 and 6, characterizing the referenced back yards as side yards.

Councillor Mason stated concern for joint public hearings and responded that the matter before Council was the opportunity to address concerns related to the development agreement. He suggested a number of amendments to be made if the motion was defeated and an alternative put on the floor. Amendments included the following: that Lots 1 and 6, the side yard on the north and south sides adjacent to properties on Regina Terrance and Inglis Street, be increased to 20 ft and that the GFA of the home sites remain the same as in the existing R-1 zone.

Ms. Maclaurin stated that the proposed recommendation was a substantive amendment and would require an additional public hearing if passed. She advised that the motion on the floor would first have to be dealt with before pursuing the alternative. The question was called.

#### **MOTION PUT AND PASSED.**

##### **10.1.4 Case 19112: Telecommunication Tower – Land Between 90 Donaldson Avenue and Dunbrack Street, Halifax**

The following information was before Community Council:

- *A staff recommendation report dated June 1, 2015*

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

- 1. Inform Industry Canada that they object to the proposal by Eastlink to erect a new, 30 metre monopole telecommunication tower on land between 90 Donaldson Avenue and Dunbrack Street, as shown on Attachment A of the report dated June 1, 2015; and**
- 2. Forward a copy of this report to Industry Canada for background purposes.**

Councillor Rankin stated that staff has measured the application on criteria and determined the proposal to be inappropriate. Council noted their disapproval for the proposal, echoing the staff recommendation. It was noted that the tower could be increased in height an additional 25% without additional consultation if it was allowed to be constructed.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.5 Case 19311: Development Agreement, 2287 Prospect Rd, Hatchet Lake**

The following information was before Community Council:

- *A staff recommendation report dated June 1, 2015*

**MOVED by Councillor Rankin, seconded by Councillor Mosher that Halifax and West Community Council:**

**1. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment A of the report dated June 1, 2015, to allow for a commercial building which exceeds 10% of the lot area at 2287 Prospect Road, Hatchet Lake, and schedule public hearing.**

Councillor Watts questioned if there had been a public information meeting and if any feedback had been received. Ms. Maclellan confirmed that no public information meeting had been held and no correspondence had been received regarding the proposal. Councillor Rankin commented that a neighbouring building that preceded the development agreement had been a robust proposal and potentially occupies the same commercial node. The Chair confirmed the location of the proposal and the rationale for not holding a public information meeting.

**MOTION PUT AND PASSED.**

**10.1.6 Case 19413: Slaunwhite Request to allow further subdivision of land without road frontage in Terence Bay**

The following information was before Community Council:

- *A staff recommendation report dated May 8, 2015*

**MOVED by Councillor Rankin, seconded by Councillor Walker, that Halifax and West Community Council recommend Regional Council:**

**1. Give First Reading to consider proposed amendments to the Planning District 4 Municipal Planning Strategy and Land Use By-law and the Halifax Regional Subdivision By-law as set out in Attachments A, B and C of the report dated May 8, 2015; and schedule a public hearing; and**

**2. Approve the proposed amendments to the Planning District 4 Municipal Planning Strategy and Land Use By-law and the Halifax Regional Subdivision By-law to allow the creation of an additional lot without road frontage within the Mixed Use Designation of Planning District 4, as set out in Attachments A, B and C of the report dated May 8, 2015.**

Community Council voiced support for the proposal, acknowledging that there were no longer any concerns from fire services or planning staff. Community Council also noted that the staff recommendation would be most appropriate for the community rather than creating an amendment for a single property. In response to a question over setting precedents, Ms. Maureen Ryan, Senior Planner, highlighted the resolution by Community Council to confine the proposal to the mixed use designation. She also highlighted that similar amendments had been made previously in the Herring Cove area and that staff would carefully consider any implications of the proposal.

**MOTION PUT AND PASSED.**



### 10.1.7 Service Dog Park

The following information was before Community Council:

- *A staff recommendation report dated June 15, 2015*

At this time, a copy of summary notes from a public consultation meeting regarding the dog service park was received and circulated to Community Council by the Legislative Assistant. This document is available on file.

**MOVED by Councillor Mosher, seconded by Councillor Watts that Halifax and West Community Council approve the location of Ardmore Park, 6424 Almon Street, Halifax, for a service dog park to replace the existing service dog park at Cogswell Street.**

Councillor Mosher requested that the item be deferred pending more information. She stated that the staff report required additional information pertaining to its origin, the process of creating the park, and information gathered during the public consultation. She stated that staff could begin to plan for the site and address a number of other issues in the meantime.

Ms. Margaret Soley, Coordinator Parks Capital Projects, responded that the summary notes circulated were brief and that they could be amended to provide more detail. She stated that the notes from the community meeting could expand upon the site selection process.

**MOVED by Councillor Mosher, seconded by Councillor Watts, to amend the motion to defer the item until July 21, 2015 as a special meeting preceding Regional Council.**

Councillor Rankin commented regarding additional requests to staff and requested that budget allocation on the park be left to staff's discretion at this point in the planning process.

Councillor Mosher stated that she was not be asking for anything additional to be done in the report in terms of funding implications but there was routine maintenance to be performed. Ms. Soley commented that a number of suggestions were raised during the public meeting as enhancements to the park to be considered under state of good repair and maintenance and that these could be dealt with under the existing budget.

**AMENDED MOTION PUT AND PASSED.**

**11. MOTIONS – NONE**

**12. IN CAMERA**

**12.1 Personnel Matter**

**12.1.1 Citizen Appointments to Point Pleasant Park Advisory Committee**

This matter was dealt with in open session.

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

**1. Proceed to appoint two Citizens at Large on the Point Pleasant Park Advisory Committee as outlined in the report dated June 3, 2015.**

**2. That the citizen appointments be released to the public following ratification and notification of the successful candidates.**

**MOTION PUT AND PASSED.**

**13. ADDED ITEMS – NONE**

**14. NOTICES OF MOTION – NONE**

**15. PUBLIC PARTICIPATION**

The Chair called for public participation but no speakers came forward.

**16. DATE OF NEXT MEETING – July 21, 2015 (special meeting)**

**17. ADJOURNMENT**

The meeting was adjourned at 9:06 p.m.

Andrew Reid  
Legislative Assistant