



**HALIFAX AND WEST COMMUNITY COUNCIL  
MINUTES  
April 18, 2017**

**PRESENT:** Councillor Stephen D. Adams, Chair  
Councillor Wayne Mason, Vice Chair  
Councillor Lindell Smith  
Councillor Shawn Cleary  
Councillor Russell Walker  
Councillor Richard Zurawski

**STAFF:** Donna Boutilier, Solicitor  
Sheilagh Edmonds, 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/west/index.php>*

*The meeting was called to order at 6:00 p.m. and adjourned at 8:38 p.m.*

**1. CALL TO ORDER**

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

**2. APPROVAL OF MINUTES – March 22, 2017**

MOVED by Councillor Cleary, seconded by Councillor Walker

**THAT the minutes of March 22, 2017 be approved.**

**MOTION PUT AND PASSED.**

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

There were no additions or deletions to the agenda.

MOVED by Councillor Mason, seconded by Councillor Smith

**THAT the agenda be approved as presented.**

**MOTION PUT AND PASSED.**

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

**5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE**

**6. MOTIONS OF RECONSIDERATION – NONE**

**7. MOTIONS OF RESCISSION – NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS – NONE**

**9. NOTICES OF TABLED MATTERS – NONE**

**10. HEARINGS**

**10.1 PUBLIC HEARINGS**

**10.1.1 Case 20120: Rezoning Request – Lands at Parkmoor Avenue, Hayes Street and Charlton Avenue, Halifax**

The following was before Community Council:

- A staff recommendation report dated December 15, 2016.
- Correspondence was submitted from: Donna Nowe, Kathy Elliott, Karl Brikkel, Amanda Sparks, and Cassandra Myer.

The Chair reviewed the Rules of Procedure for Public Hearings.

Erin McIntyre, Principal Planner, provided the staff presentation on the application to rezone portions of bulk lands on Parkmoor Avenue, Hayes Street and Charlton Avenue, Halifax from the R-1 (Single Family Dwelling) Zone to the R-2 (Two-Family Dwelling) Zone and from the R-2 (Two-Family Dwelling) Zone to the R-1 (Single Family Dwelling) Zone. In her remarks, she clarified a minor error in the staff report. She

referred to the table on page 4 and advised that the approximate number of units for the Briarwood Golf Course Lands should state 408 and not 380, bringing the total number to 2,226.

Erin MacIntyre responded to questions of clarification from Community Council.

The Chair invited the applicant to come forward at this time.

Connor Wallace, Urban Planner, WSP Canada Inc. addressed Community Council and provided a presentation on behalf of the applicant. His presentation highlighted the following points:

- The original proposal was to rezone the subject property from R-1 to R-2, and to keep the existing R-2 zoning adjacent Herring Cove Road as the same, but the proposal has been revised to include a much more appropriate transition from R-1 to R-2.
- There are two existing wetlands within the property, and the landowner currently has approval for a wetland alteration by Nova Scotia Department of Environment; the wetland alternation process has a requirement of a compensation program where all the wetland on the site that is to be altered is to be compensated 2:1 where wetland is required in the Province.
- Access points through Parkmoor Avenue and Charlton Avenue connect the proposed development to Herring Cove Road
- Through the public engagement process, five major concerns were identified:
  - Age of existing storm water infrastructure and the possibility of increasing the amount of storm water;
  - The redirection of overland storm water to adjacent properties;
  - Traffic capacity concerns on Herring Cove Road;
  - Potential damage to natural environment;
  - Concern with the amount of pending development occurring along Herring Cove Road
- Connor Wallace addressed these concerns, advising that:
  - Halifax Water and the Nova Scotia Department of Environment require the developer to match pre-development flows, resulting in no increase in the amount of storm water the system receives before and after development occurs, therefore, resulting in no increase to the downstream water course, and existing drainage boundaries will be maintained.
  - The traffic impact study accepted by staff indicates there would be no significant impact to traffic performance in the areas; also, HRM Engineering is requiring upgrades on Parkmoor Avenue, Charlton Avenue and Hayes Street specifically to accommodate pedestrian connections of the proposed development to Herring Cove Road.
  - Nova Scotia Department of Environment has granted wetland alternation approval, and there is no increased risk of impact on the natural environment resulting from proposed rezoning.
  - The site has no protected environmental areas; the land use zoning supports increased growth of low density residential uses along the Herring Cove Road. The application to rezone complies with current planning policy and HRM staff review has determined servicing capacity exists to accommodate this development

In summary Connor Wallace advised that the original proposal has been revised to have a much more appropriate transition from R-1 to R-2; the proposal increases the area's potential residential population without impacting the established neighbourhoods that abut to the site; the proximity to major transportation, transit routes and recreation facilities supports the requested increase in density; and the servicing capacity is currently available to support to rezoning.

Connor Wallace responded to questions of clarification.

The Chair then invited members of the public to come forward to address Community Council.

Karl Brikkels, Halifax, and a resident of the area, spoke in opposition to this proposed development. Concerns expressed were regarding increased traffic, the accuracy of the traffic study, the lack of transit service, the impact on Cowie Hill portion of the Herring Cove Road which has been in need of widening

and repairs, the lack of recreational facilities to support the number of housing units, the impact on local schools, and environmental concerns of the flora and fauna in the area.

The Chair called three times for further speakers; there being none it was

MOVED by Councillor Mason, seconded by Councillor Zurawski

**THAT the public hearing close.**

**MOTION PUT AND PASSED.**

The Chair noted that, at this time, if the applicant wished, they could come forward to respond to any points that were raised.

Connor Wallace advised that the development includes a phased approach, and there is no intent to clear cut the lands and wait for development to occur. In regard to the cost for infrastructure along the streets that about the development, the cost for infrastructure would be a burden on the developer, and the land owners and municipality would not incur the cost for these upgrades.

MOVED by Councillor Walker, seconded by Councillor Mason

**THAT Halifax and West Community Council adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the December 15, 2016 staff report.**

Councillor Cleary noted concerns with the proposed development:

- it would be increasing the density to an area that is serviced by one bus route
- it is lacking amenities like sidewalks, retail, and commercial space

Councillor Zurawski highlighted concerns about the environmental constraints, the burdens on infrastructure, and the increased vehicle traffic.

Councillor Adams stepped down from the Chair to address this issue. Councillor Mason assumed the Chair.

Councillor Adams explained that, currently, the developer can put in 194 units as-of-right; and that the original application was for 334, and following discussion with staff, the number was reduced to 309, a difference of 25. Councillor Adams went on to note that the community is zoned R-1 and R-2, but that primarily 85% of the R-2 homes are single family and that the community is basically a single-family home community. Councillor Adams expressed concern about the impact additional R-2 zoning would have on the Community and requested Community Council turn down the motion, and he would bring forward the alternative motion in the staff report to refuse the application. For the information of the public in attendance Councillor Adams noted that should Community Council turn down this application, it needs to provide reasons based in planning policy. The applicant can appeal the decision to the Nova Scotia Utility and Review Board. In summary Councillor Adams advised that he was asking Community Council to vote against this proposal because of potential issues with school capacity if this development is added to the area; however, the main concern was with consistency with the neighbourhood, highlighting the point that, as-of-right is 194 units, and the applicant is requesting 309 units and the majority of this proposed development will be semi-detached homes, and this does not fit within the neighbourhood

Councillor Cleary concurred that proposed development does not fit the community.

**MOTION PUT AND DEFEATED**

MOVED by Councillor Adams, seconded by Councillor Zurawski

**That Halifax and West Community Council refuse the proposed LUB amendments for Halifax Mainland as set out in Attachment A of the December 15, 2016 staff report.**

Councillor Adams reiterated reasons for refusing this application, stating that in the immediate neighbourhood, regardless of zoning, the homes are single family homes, and the proposal would flip the zoning and make it far more of an R-2 community than R-1, and this is not consistent with the immediate abutting neighbourhood.

**MOTION PUT AND PASSED.**

**10.1.2 Case 20246: Rezoning for the former Briarwood Golf Course Lands, Herring Cove Road, Halifax.**

The following was before Community Council:

- A staff recommendation report dated January 13, 2017.
- Correspondence from Mike Costen, and from Diane Cairns and Family

Erin MacIntyre, Principal Planner, provided the staff presentation on the application by UPLAND (Urban Planning + Design Studio), on behalf of 3218739 Nova Scotia Ltd to rezone a portion of the former Briarwood Golf Course lands in Halifax from the R-1 (Single Family Dwelling) Zone to the R-2 (Two-Family Dwelling) Zone. Prior to the presentation, Erin MacIntyre noted an error on page 3 of the report, advising that in the table, the approximate number of potential units for the Briarwood Golf Course Lands is 408 and not 380.

The Chair invited the applicant to come forward at this time.

Ian Watson, Planner with UPLAND Urban Planning and Design addressed Community Council and provided a presentation on behalf of the applicant. The presenter advised that in attending several Integrated Mobility Plan public engagement sessions, one of the items the Community kept calling for was better bus service, and the presenter suggested this proposal would be an opportunity to build the 'critical mass' to justify better bus service. The presenter also noted that the proposed site lends itself well to a grid layout of road and has direct frontage on Herring Cove Road so those connections to Herring Cove Road can be made easily. The presenter further explained that the site was a former 9-hole golf course; it has been previously developed; and there are no wetland concerns on the site. The presenter addressed possible future water capacity issues advising that in the future Halifax Water has the power to deny capacity to a developer unless upgrades or whatever was needed to address the situation was carried out. The presenter advised that they have received concerns about flooding of ditches during storms along the development and they intend to upgrade the catch basins and culverts when they construct the new roads for the development. With regard to traffic concerns the presenter noted that the traffic study was done on a Tuesday, and it does take into account other developments proposed for the area.

Ian Watson and Mr. Woodford, Engineer for the project, responded to questions, clarifying the following points:

- The main connection would be through Bronson Avenue, with a secondary access through Trout Run and Chambers Court; the rectangular shape of the site lends itself to a grid pattern as the most efficient use of the land and is good for pedestrian connections.
- Bronson Avenue will need to be upgraded as the roads are installed to deal with the additional traffic; the final subdivision plan will determine whether there is a need for a left turning lane, to address any traffic delays on Herring Cove Road.
- There is a large watercourse which runs through the site with a 20-metre buffer on either side, and the watercourse works its way down to the Herring Cove Road where there is a culvert and piping which isn't large enough to accommodate the water; and downstream from this, the piping is also not substantial enough to handle the water flow.

- Their proposal to handle the water will include a storm water pond on the site; upgrade the culvert under Herring Cove Road; there is a culvert on private property that needs to be addressed; this will involve discussion with the property owner.

The Chair invited members of the public to come forward at this time.

Stephen Cowie, Halifax addressed Community Council as a resident of the area in question. The speaker suggested that Community Council was being misled on this issue because infrastructure was lacking, the community was on bedrock, and the area has been clear-cut up to Greystone. The speaker advised that his home is across from Chamber Hill Estates and ever since the development of Chamber Hill Estates the home has been flooded many times. The speaker expressed concern over the impact that further development will have on the house, given the state of the land and the lack of infrastructure to handle the storm water flows.

Mr. Innes, Halifax addressed Community Council speaking as a resident of the area in question. Photos were presented to Community Council depicting flooding and erosion of the speaker's back yard. The speaker advised that the back yard is swampy and can no longer be used for leisure or gardening and at times the water running through was like a waterfall. The speaker also advised of water damage to the garage requiring the replacement of wood due to dry rot, and that water testing results showed e-coli and various bacteria. The speaker indicated that at one point a 12-inch pipe was installed to mitigate the water issue, but the water simply flowed over it.

The Chair called three times for any further speakers; there being none, it was

MOVED by Councillor Cleary, seconded by Councillor Walker

**That the public hearing close.**

**MOTION PUT AND PASSED.**

The Chair invited the applicant to address any comments from the speakers.

Ian Watson and Mr. Woodford provided the following comments:

- The current infrastructure is inadequate and this project is an opportunity to help improve the situation.
- The culvert under Herring Cove Road is 4 ft. x 4ft. and is too small; the applicant is proposing a 10ft. x 6ft. culvert, i.e. 60 square feet versus 16 square feet. This would enable the water to flow through the culvert under Herring Cove Road rather than backing up and then flooding out other properties

Councillor Adams stepped down from the Chair to speak to this matter; Councillor Mason assumed the Chair.

Councillor Adams advised that he visited Stephen Cowie's home and saw the damage that has occurred. The Councillor explained that he views this development as an opportunity to remedy Mr. Cowie's flooding problem as well as Mr. Innes and others in that area whose homes have been flooded. Councillor Adams pointed out that the proposed culvert will be approximately four times the capacity. Councillor Adams clarified a comment that was made by one of the speakers who stated that the land that was clear cut. The Councillor advised that it was not related to this application; the Councillor noted, though, the impact that removing 200 acres of vegetation would have on water absorption and run off.

MOVED by Councillor Adams, seconded by Councillor Walker

**THAT Halifax and West Community Council adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the January 13, 2017 staff report.**

Councillor Adams asked for Community Council's support on the motion, advising that it is a good development for the area and would help rectify the ongoing flooding problems. The Councillor added that, if approved the applicant be encouraged to work with some of the private property owners, as well as with staff of Halifax Water and HRM to remedy the flooding issues.

Councillor Smith noted that even if the property were not to be rezoned to R-2, and left as R-1, the developer would still be required to ensure the water issues are dealt with.

Councillor Cleary noted concerns of density in the area, and that the proposed development would be far away from services like commercial and retail. Councillor Cleary was pleased to hear about the proposed treatment for the water, and the development of a more pedestrian friendly area.

Councillor Walker addressed the concern of lack of amenities and cited the Mount Royale development as an example of hastening transit service to the area because, with the influx of residents, the need for transit service became evident.

In closing, Councillor Adams noted the difference of this application over the previous one was that the immediate neighbourhood for this project abuts R-2 zoning and that the R-1 zoning proposed to be rezoned R-2 does not abut any residential neighbourhoods. The Councillor expressed the view that, if it is zoned R-2, the odds are better that the development will occur as presented this evening; whereas, if it were zoned R-1, a development proposal would not have to come to Community Council. In conclusion, Councillor Adams advised that the R-2 zone creates the possibility of increasing density, increasing services, and mitigating the water issues that have been a problem in the area.

**MOTION PUT AND PASSED.**

Community Council recessed at 7:55 p.m. and reconvened at 8:02 p.m.

**10.1.3 Case 20489: Development Agreement 5540 Kaye Street, Halifax**

The following was before Community Council:

- A staff recommendation report dated January 20, 2017.

Melissa Eaves, Planner 11 provided the staff presentation on the application by Studioworks International Inc., on behalf of 3283927 Nova Scotia Ltd., to enter into a development agreement for 5540 Kaye Street, Halifax to allow a single dwelling unit within the 6<sup>th</sup> floor penthouse of a commercial building under construction. Staff recommended refusal because two policy criteria are not met, i.e. policies 4.6 (b) and (c) of the Halifax Municipal Planning Strategy Policy (MPS).

Melissa Eaves responded to questions of clarification advising:

- Given the context of the neighbourhood, it fits with the overall intent of the MPS, but it must meet the requirements of the R-1 zone.
- The building is currently under construction; the applicant has applied for a permit application for a residential unit but it has not been approved.

The Chair invited the applicant to address Community Council.

Ron Smith, architect and applicant for the project provided a presentation to Community Council. The presenter noted that Jim Lawley was the client of the project. The presenter explained that the building will have 3 levels of spa and 3 levels of office, however the application is to have the top level as a residential unit. This was a request of the client, as it will support the building economics and the long term sustainability of this type of project, i.e. a mixed-use building. The presenter advised that the project is consistent with the proposed Centre Plan zoning for the lots nearby. The presenter explained that with staff's help they looked at other planning mechanisms for approval, however, it was determined there was no mechanism by which to approve the top unit and therefore it has come before Community Council as a

public hearing. The presenter referred to the Planning Advisory Committee's supportive comments, and noted that they have traded off vehicle parking for bicycling parking for this unit. In conclusion, the presenter advised that the building blends in with the neighbourhood, and requested Community Council turn down the staff recommendation to refuse the application, and support Alternative 1 in the staff report.

There were no questions from Community Council

The Chair called three times for anyone wishing to speak; there being none it was

MOVED by Councillor Smith, seconded by Councillor Mason

**That the public hearing close.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Smith, seconded by Cleary

**THAT Halifax and West Community Council refuse to approve the proposed development agreement, as set out in Attachment A of the January 20, 2017 staff report, as it does not reasonably carryout the intent of the MPS in that the requested modification of lot standards is not necessary to secure an appropriate development of the lot and the conditions necessitating the modification are not unique to the lot.**

Councillor Smith spoke in support the staff recommendation explaining that the commercial space of the unit would be of more benefit to the community than allowing a penthouse unit.

Councillor Mason indicated opposition to the staff recommendation and pointed out that this would probably be allowed in a Corridor in the Centre Plan. The area is residential and commercial and Councillor Mason expressed support for the application.

Councillor Cleary expressed opposition to the staff recommendation, noting that this proposal was exactly the kind of development Council should be encouraging, i.e. small scale that allows mixed uses. The Councillor also pointed out that next door to this building is a mixed-use development, and there is residential in the surrounding area.

Councillor Smith addressed the matter once again indicating a change in position on the matter, based on listening to the comments expressed by his colleagues.

**MOTION PUT AND DEFEATED.**

MOVED by Councillor Smith, seconded by Councillor Mason

**That Halifax and West Community Council approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the January 20, 2017 staff report, to allow a single residential dwelling unit within the 6th floor penthouse of 5540 Kaye Street, Halifax; and require the amending 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**

Correspondence was submitted for items 10.1.1, 10.1.2, and 13.1.1

**11.2 Petitions - None**

**11.3 Presentations - None**

**12. INFORMATION ITEMS BROUGHT FORWARD – NONE**

**13. REPORTS**

**13.1 STAFF**

**13.1.1 Case 20149: LUB Amendment and Development Agreement for 2858/2860 & 2866 Gottingen Street, and 5516/5518 Macara Street, Halifax**

The following was before Community Council:

- A staff recommendation report dated March 3, 2017.
- Correspondence was submitted from Dwight Mossman and Daniel Demers.

MOVED by Councillor Smith, 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, as contained in Attachment A, to include 2858/2860 and 2866 Gottingen Street and 5516/5518 Macara Street, Halifax, in Schedule Q and schedule a public hearing.**
- 2. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment B of the March 3, 2017 staff report, to allow for an 8 storey residential building containing 66 units and ground floor commercial uses and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

**MOTION PUT AND PASSED.**

**13.1.2 Case 20449: Amendments to the Clayton Park West Phase 5, Stage 1 Development Agreement, Halifax**

The following was before Community Council:

- A staff recommendation report dated February 9, 2017.

MOVED by Councillor Zurawski, seconded by Councillor Walker

**THAT Halifax and West Community Council give Notice of Motion to consider the proposed amending development agreement, as set out in Attachment A of the February 9, 2017 staff report and schedule a public hearing.**

**MOTION PUT AND PASSED.**

Councillors Walker and Zurawski noted that they spoke briefly with staff about the possibility of holding a special meeting of Community Council within the next couple of weeks to hold the public hearing on this item. Maggie Holm, Principal Planner addressed Community Council and

indicated that staff would consider whether the timelines for the legislated notifications with regard to this public hearing could be feasible to hold the hearing within the next couple of weeks, and would respond back to the Councillors.

- 14. MOTIONS - NONE**
- 15. IN CAMERA (IN PRIVATE) - NONE**
- 16. ADDED ITEMS - NONE**
- 17. NOTICES OF MOTION - NONE**
- 18. PUBLIC PARTICIPATION**

No one came forward to address Community Council during public participation.

- 19. DATE OF NEXT MEETING – Tuesday, May 30, 2017**
- 20. ADJOURNMENT**

The meeting adjourned at 8:38 p.m.

Sheilagh Edmonds  
Legislative Assistant