



**HALIFAX AND WEST COMMUNITY COUNCIL
SPECIAL MEETING
MINUTES
February 16, 2021**

PRESENT: Councillor Lindell Smith, Chair
Councillor Kathryn Morse, Vice Chair
Councillor Shawn Cleary
Councillor Patty Cuttell
Councillor Iona Stoddard
Councillor Waye Mason

STAFF: Meg MacDougall, Solicitor
Haruka Aoyama, Legislative Assistant
Alicia Wall, Legislative Support

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

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 6:02 p.m. and Community Council adjourned at 7:07 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m.

2. APPROVAL OF THE MINUTES – January 19, 2021

MOVED by Councillor Cleary, seconded by Councillor Morse

That the minutes of January 19, 2021 be approved as circulated.

MOTION PUT AND PASSED.

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

Community Council agreed to consider item 7.2.1 ahead of item 6.3.1.

MOVED by Councillor Mason, seconded by Councillor Morse

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

4. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE

5. HEARINGS – NONE

6. CORRESPONDENCE, PETITIONS & DELEGATIONS

6.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 6.3.1.

The Legislative Assistant noted that correspondence was received from Amy Hockin.

This correspondence was circulated to the Committee.

For a detailed list of correspondence received refer to the specific agenda item.

6.2 Petitions - None

6.3 Presentations

6.3.1 Equity in the HRM Charter Variance public engagement process - Bill Campbell, Walk 'n Roll Halifax

The following was before Community Council:

- Correspondence from Bill Campbell, Walk 'n Roll Halifax

Bill Campbell of Walk 'n' Roll Halifax presented to Community Council. It is felt there are inequities in the public engagement process for Variance Appeals. Currently people residing in notification areas, that do not own property within the notification area are not provided with notice of the Variance Appeal. As an occupant you can still be affected by a decision whether you own property or not.

Campbell spoke about a specific case wherein an occupant within a notification area did not receive notice due to the fact they did not own property. The occupant wanted to appeal the variance and had to make a request to the Clerk's Office to speak at the Public Hearing and then request permission of Community Council to speak.

Campbell would like to see changes to HRM's process to allow a more inclusive notification process wherein all residents of a neighborhood subject to the variance are notified.

The Committee indicated that this matter to be further discussed with the Municipal Clerk.

7. REPORTS

7.1 Staff

7.1.1 Case 22709: First Amending Development Agreement for Lynnett Road, Halifax

The following was before Community Council:

- Staff recommendation report dated January 4, 2021

MOVED by Councillor Cuttell, seconded by Councillor Cleary

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 staff report dated January 4, 2021, to allow for a residential development on lands at Lynnett Road, Halifax, and schedule a public hearing.

Community Council discussed the benefits of connecting this development to McIntosh Run Community Trail in order to promote active transportation and the importance of walkable communities. Inquiries were made as to the amount of vegetation that will be retained on the site.

Staff indicated that more information regarding connectivity would be provided during the staff presentation at the public hearing and that 2.35 acres of green space will be retained behind the development.

MOTION PUT AND PASSED.

7.1.2 Case 22051: Development Agreement for a service station at 1656 Prospect Road, Hatchet Lake

The following was before Community Council:

- Staff recommendation report dated February 3, 2021

MOVED by Councillor Cuttell, seconded by Councillor Cleary

THAT Halifax and 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 staff report dated February 3, 2021, to enable a service station with an accessory convenience store and drive-through restaurant at 1656 Prospect Road, Hatchet Lake; and**
- 2. Require the development agreement be signed by the property owner within 240 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.**

Community Council discussed the decision of the UARB and the legal requirements on the part of Community Council. The matter is before Community Council as a result of the Order issued by the UARB directing approval of this development agreement.

The solicitor noted that in accordance with the *HRM Charter*, only the CAO can authorize an appeal and Community Council would have to request that the CAO do so.

MOVED by Councillor Cleary, seconded by Councillor Morse

THAT Halifax and West Community Council defer its decision of Item 7.1.2 until such time as a supplemental staff report is received outlining the legal impacts associated with decisions of the UARB and the process for appealing decisions.

MOTION PUT AND PASSED.

7.1.3 Case 23274: Secondary and Backyard Suites - Housekeeping Amendments

The following was before Community Council:

- Staff recommendation report dated January 4, 2021

Staff confirmed the housekeeping amendments are to correct typos and missing references.

MOVED by Councillor Stoddard, seconded by Councillor Cleary

THAT Halifax and West Community Council:

- 1. Give first reading to consider approval of the proposed amendments to the Land Use By-laws for Halifax Peninsula, Planning District 4 and Planning District 5 as set out in Attachment C of the staff report dated January 4, 2021, to complete housekeeping amendments to the provisions regarding secondary and backyard suites, and schedule a public hearing.**
- 2. Give first reading to consider approval of the proposed amendments to the Land Use By-law for Halifax Mainland, as set out in Attachment D of the staff report dated January 4, 2021, to complete housekeeping amendments to the provisions regarding secondary and backyard suites, and schedule a joint public hearing with North West Community Council.**

MOTION PUT AND PASSED.

7.2 HERITAGE ADVISORY COMMITTEE

7.2.1 Case 23066: Development Agreement for 1029 Tower Road

The following was before Community Council:

- Staff recommendation report dated February 2, 2021

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the December 24, 2020 report, to allow a three-storey multi-unit residential building and a commercial use on the registered heritage property located at 1029 Tower Road and schedule a public hearing.

MOTION PUT AND PASSED.

8. IN CAMERA (IN PRIVATE) – NONE

9. DATE OF NEXT MEETING – March 30, 2021

10. ADJOURNMENT

The meeting was adjourned at 7:07 p.m.

Alicia Wall
Legislative Support