



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
September 12, 2017**

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

REGRETS: Councillor Russell Walker

STAFF: Claire Gillivan, Solicitor
Sheilagh Edmonds, Legislative Assistant

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 6:00 p.m. and adjourned at 7:27 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – July 25, 2015

MOVED by Councillor Smith, seconded by Councillor Zurawski

THAT the minutes of July 25, 2017 be approved.

MOTION PUT AND PASSED.

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

Deletions:

10.1.3 Public Hearing - Case 19858: Development Agreement for 6345 Coburg Road, Halifax

13.4 Case 20758: Non-Substantive Amendments to the Rockingham South Development Agreement, Halifax

The Legislative Assistant advised that the applicant for item 10.1.3 has decided to make changes to the application. Staff have determined the changes are substantial and will require providing notice and scheduling another public hearing. The Legislative Assistant advised that, at the request of the applicant, Item 13.4 is being deleted from this agenda because Councillor Walker was unable to attend this evening's meeting; the item will be placed on the October 10, 2017 agenda.

Additions:

16.1 Case 20149 Supplementary Report – Development Agreement for 2858/2860 & 2866 Gottingen Street, and 5516 Macara Street, Halifax

16.2 Case 20359: Stage 11 Development Agreement – Phase 4 of Rockingham South, Halifax

16.3 Case 20141: 10th Amendment to Brunello Estates Development Agreement, Timberlea

16.4 Case 20447: 11th Amendment to Brunello Estates Development Agreement, Timberlea

At the request of Councillor Smith, **Community Council agreed that proposed item 16.1** would not be added to this agenda, and would be placed on the next regular agenda, to enable members more time to review the report.

The additions, therefore, are:

16.1 Case 20359: Stage 11 Development Agreement – Phase 4 of Rockingham South, Halifax

16.2 Case 20141: 10th Amendment to Brunello Estates Development Agreement, Timberlea

16.3 Case 20447: 11th Amendment to Brunello Estates Development Agreement, Timberlea

MOVED by Councillor Smith, seconded by Councillor Mason

THAT the agenda be approved as amended.

Two-third majority vote required.

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 20854: HRM-initiated application to consider amendments to the Halifax Peninsula Land Use By-law to protect the character and form of Young Avenue, Halifax

The following was before Community Council:

- A staff recommendation report dated April 24, 2017.
- Correspondence was submitted from: Andrea Arbic, Helen Scriven Hallett and Bryce Alan Kiberd, Margaret Perron, Barry and Trudy Copp, Peggy and Paul Cunningham, Chris Jamieson, Frances Jamieson, Allan Robertson, and Michael C. Moore, Walker Dunlop Barristers & Solicitors.

Leah Perrin, Planner II provided a staff presentation on the HRM-initiated application for amendments to the Halifax Peninsula Land Use By-law to protect the character and form of Young Avenue.

Leah Perrin responded to questions of clarification from members of Community Council.

The Chair reviewed the Rules of Procedure for Public Hearings and opened the hearing. The Chair noted that HRM was the applicant, therefore, members of the public were invited to come forward at this time.

Sue Uteck, Halifax, addressed Community Council and spoke in support of the staff recommendation. In particular, the speaker highlighted the 'grandfathering clause' and advised that Community Council should support this because without it the rest of Young Avenue will be put in jeopardy. The speaker explained that the developer will appeal the decision, and this would result in Young Avenue returning to status quo. The speaker disagreed with staff's view that there are no financial implications with this application, pointing out that if the amendments did not include 'grandfathering' there would be legal action that would go as far as the Supreme Court of Nova Scotia, and would result in a waste of taxpayers' dollars.

Michael Moore, Solicitor, addressed Council as a representative of George Tsimiklis, property owner of nine recently approved lots on Young Avenue. The speaker advised that it was his client's view that the proposed amendments were directed at him and estimates his client would own 13% of the lots affected by these amendments. The speaker advised that his client supports the staff recommendation as presented, and opposes the removal of any grandfathering provisions for the following reasons: it would be punitive to his client; it would make the amendments retroactive and would be prejudicial to his client's property rights; and would adversely affect his client's economic interests. The speaker pointed out that any further amendment to what is contained in the staff report would require another staff report, which would further delay this application, and allow the possible demolition of existing homes and the subdivision of other properties on Young Avenue that meet existing requirements. In conclusion, the speaker advised that if the amendments are approved without the grandfathering provisions, his client will appeal to the Nova Scotia Utility and Review Board, and perhaps the Nova Scotia Court of Appeal. The speaker requested Community Council's support of the staff recommendation.

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

MOVED by Councillor Mason, seconded by Councillor Smith

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Smith

THAT Halifax and West Community Council adopt the amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the April 24, 2017 staff report.

Councillor Mason advised that the goal of this application was to ensure no further subdivision of the large lots on Young Avenue and degrading of the street, recognizing that the market has changed in the City and all the old mansion lots were at risk. The Councillor added that the proposed amendments will ensure that none of large lots can be subdivided, reducing the risk of demolition for the purposes of subdivision. Councillor Mason went on to note that 'grandfathering' has been a standard for other changes in the City previously, citing the protection that was put in place for the Regina Terrace/Oakland area. Councillor Mason indicated that although, these amendments are too late for some of the larger lots, this will protect approximately 20 other lots on Young Avenue and the character of the street.

MOTION PUT AND PASSED.

10.1.2 Case 20996: Amendments to the Existing Development Agreement for Bedford West Sub Area 9, Bedford and Halifax

The following was before Community Council:

- A staff recommendation report dated June 3, 2017

Melissa Eavis, Planner II, provided the staff presentation on the application by Cresco Holdings Inc. for amendments to the existing development agreement for Bedford West sub area 9 to enable the development of hotel/motel/guest house uses.

Melissa Eavis responded to questions of clarification.

The Development Manager, Cresco, (applicant) addressed Community Council and advised that he did not have a presentation but would respond to any questions Community Council may have. In response to a question, the applicant advised that the development does not have access to Kearney Lake Road.

The Chair called three times for anyone else wishing to address Council, there being none, it was

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council

- 1. Approve the proposed amending agreement, which shall be substantially of the same form as set out in Attachment B of the June 3, 2017 staff report, for Bedford West Sub Area 9, Bedford and Halifax to enable the development of hotel/motel/guest house uses; and**

2. 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, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

10.1.3 Case 19858: Development Agreement for 6345 Coburg Road, Halifax

This item was deleted during the approval of the order of business.

10.1.4 RP17-01: Proposed housekeeping amendment to the R-2P Zone within the Halifax Mainland Land Use Bylaw

The following was before Community Council:

- A staff recommendation report dated July 7, 2017

Paul Boucher, Planner 1, provided the presentation on the staff-initiated request to clarify the requirements of the R-2P Zone within the Halifax Mainland Land Use By-law. In concluding the presentation Paul Boucher pointed out that the amendment submitted to the July 25, 2017 Community Council meeting contained an error, and reference to the 12 ft. sideyard setback should have been struck out.

There were no questions of Community Council.

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

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Mason

THAT Halifax and West Community Council adopt the amendments to the Land Use By-law for Halifax Mainland, as set out in Attachment B of the revised July 7, 2017 staff report to clarify the requirements for semi-detached dwellings and accessory buildings within the R-2PZone.

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS - NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant advised that correspondence had been submitted for items 10.1.1 and 10.1.3.

11.2 Petitions

11.2.1 Councillor Mason

Councillor Mason submitted a petition containing 29 signatures opposing the approval of a variance application for 1820 Vernon Street, Halifax.

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1 Case 19989: Amending Development Agreement for 30 Farnham Gate Road, Halifax (Supplementary Report)

The following was before Community Council:

- A staff recommendation report dated August 1, 2017

Stephanie Salloum, Planner II, presented the supplementary staff report and responded to questions. Stephanie Salloum noted that recently it was determined that Schedule B (site plan) and Schedule C (elevation plan) of Attachment B was inadvertently omitted from the original staff report, and a revised staff report has been posted.

MOVED by Councillor Zurawski, seconded by Councillor Cleary

THAT Halifax and West Community Council

- 1. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment B of the August 1, 2017 supplementary report, to permit the development of a two-story commercial building at 30 Farnham Gate Road, Halifax; and**
- 2. Require that the proposed 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.**

MOTION PUT AND PASSED.

13.2 Case 21191: Non-substantive amendment to an existing development agreement) for 1749-59 Vernon Street, Halifax

The following was before Community Council:

- A staff recommendation report dated July 24, 2017

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council

- 1. Approve, by resolution, the proposed amending agreement, which shall be substantially of the same form as set out in Attachment B of the July 24, 2017 staff report, to allow for a time extension to commence the development at 1749-59 Vernon Street, Halifax; and**
- 2. Require the agreement be signed by the property owners 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.

13.3 Case 20231: Rezoning for Lands at 2728 Joseph Howe Drive, Halifax

The following was before Community Council:

- A staff recommendation report dated July 21, 2017

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment B of the July 21, 2017 staff report, to rezone lands at 2728 Joseph Howe Drive from the R-1 zone to the R-2T zone and schedule a public hearing for October 10, 2017.

MOTION PUT AND PASSED.

13.4 Case 20758: Non-Substantive Amendments to the Rockingham South Development Agreement, Halifax

This was deleted from the agenda during the approval of the order of business.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS – NONE

16.1 Case 20359: Stage 11 Development Agreement – Phase 4 of Rockingham South, Halifax

The following was before Community Council:

- A staff recommendation report dated August 28, 2017

MOVED by Councillor Mason, seconded by Councillor Zurawski

That Halifax and West Community Council:

1. Approve, by resolution, the proposed Stage II development agreement, which shall be substantially of the same form as contained in Attachment B of the August 28, 2017 staff report, to allow for 4 multiple- unit residential buildings with 436 units in Phase 4 of the Rockingham South development, Halifax; and

2. Require the Stage II 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.

MOTION PUT AND PASSED.

16.2 Case 20141: 10th Amendment to Brunello Estates Development Agreement, Timberlea

The following was before Community Council:

- A staff recommendation report dated August 29, 2017

MOVED by Councillor Zurawski, seconded by Councillor Cleary

That Halifax and West Community Council give Notice of Motion to consider approval of the amending development agreement for Brunello Estates, as provided in Attachment A of the August 29, 2017 staff report, to allow for reduced frontage single unit dwellings on Boulevards and Urban Modified Collectors, and schedule a Public Hearing.

MOTION PUT AND PASSED.

16.4 Case 20447: 11th Amendment to Brunello Estates Development Agreement, Timberlea

The following was before Community Council:

- A staff recommendation report dated August 29, 2017

MOVED by Councillor Zurawski, seconded by Councillor Cleary

THAT Halifax and West Community Council:

1. Approve, by resolution, the amending development agreement for Brunello Estates in Timberlea, which shall be substantively of the same form as provided in Attachment A of the August 29, 2017 staff report, to allow for a multi-unit building consisting of 136 units.

2. Require the amending development agreement to 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.

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

Tim Chestnut addressed Community Council and provided a brief presentation on the Epic Canadian Weekend Run – 2017 and their efforts with regard to the 2018 event. The speaker advised that it is becoming the largest Canada Day weekend running event in the Country and noted that, in future, they hope to have some integration with HRM's Canada Day festivities.

19. DATE OF NEXT MEETING – October 10, 2017

20. ADJOURNMENT

The meeting adjourned at 7:27 p.m.

Sheilagh Edmonds
Legislative Assistant