



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
September 11, 2014**

PRESENT: Councillor David Hendsbee, Chair
Deputy Mayor Darren Fisher
Councillor Bill Karsten
Councillor Lorelei Nicoll

REGRETS: Councillor Gloria McCluskey, Vice Chair

STAFF: Ms. E. Roxanne MacLaurin, Senior Solicitor
Ms. Jennifer Weagle, 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/east/140911hemdccAgenda.php>.

The meeting was called to order at 6:00 p.m., and adjourned at 6:54 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m., with the Invocation led by Councillor Nicoll.

2. APPROVAL OF MINUTES – July 14 (special) and August 7, 2014

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that the minutes of the July 14 (special) and August 7, 2014 meetings be approved, as circulated. MOTION PUT AND PASSED.

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

MOVED by Councillor Nicoll, seconded by Deputy Mayor Fisher, 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 18809: Development Agreement for Harbour Isle, Dartmouth

The following was before Community Council:

- A staff recommendation/information report dated July 21, 2014
- A motion memo from the Office of the Municipal Clerk, with revised staff recommendation was before Community Council.

Mr. Shayne Vipond, Senior Planner, Development Approvals, presented Case 18809, an application by WSP Group to discharge the existing Harbour Isle development agreement and enter into a new development agreement on their lands at Marketplace Drive, Dartmouth. The application proposes to expand development on the subject lands by adding two additional 16 storey multiple unit mixed use buildings and some townhouse units.

Mr. Vipond clarified that this is a phased development. He indicated that within the development agreement, building 2 can proceed provided there is a concept plan for a second access point, and before building 3 can proceed can receive an occupancy permit, full dedicated access must be in place.

Mr. Vipond reviewed the proposed amended staff recommendation circulated to members, explaining that after first reading, the Applicant indicated some concern with some minor wording in the development agreement. Mr. Vipond indicated that from staff's perspective, the changes are considered minor and are consistent with what Community Council has already considered in the agreement at first reading and therefore can be offered for amendment during the Public Hearing if Council so chooses.

Mr. Kourosh Rad and Mr. Neil Fougere, WSP Group, representing the applicant, reviewed the following aspects of the proposal:

- Site location
- Community amenities

- Planning regulation overview
- Site Plan
- Building 1 (Hazelton) – 89 residential units and commercial space
- Building 2 – 103 residential units
- Building 3 – 105 residential units
- Impact on Traffic
- Community contribution
- Public Information Meeting – December 11, 2013
- RWDI Wind Assessment
- Shadow Analysis

A copy of the applicant's presentation is on file.

Chair opened the floor for those wishing to come forward.

The Chair called three times for any speakers. Hearing none, it was **MOVED by Councillor Nicoll, seconded Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Deputy Mayor Fisher, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council:

1. **Approve the proposed rezoning from I-2 to R-3 as shown in Attachment A of the July 21, 2014 report;**
2. **Approve the proposed development agreement contained in Attachment B of the July 21, 2014 report to allow two 16 storey residential buildings on the lands at Marketplace Drive, Dartmouth with the following additions**
 - a) **delete sections 3.5.2, 3.5.3 and 3.5.4 of the attachment agreement**
 - b) **add the following new sections 3.5.2, 3.5.3 and 3.5.4:**
 - 3.5.2 **The Municipality shall not issue a Development Permit for Building 2 unless the following condition has been satisfied:**
 - (a) **Approval of a Concept subdivision plan in accordance with the Regional Subdivision Bylaw for a second public street connection to Windmill Road;**
 - 3.5.3 **The Municipality shall not issue a Development Permit for Building 3 unless the following condition has been satisfied:**
 - (a) **Approval of the design of the public street identified in Section 3.5.2 for which a Subdivision Agreement with the Municipality has been executed.**
 - 3.5.4 **The Municipality shall not issue Occupancy permits for Building 3 until the Municipality has accepted the public street identified in Sections 3.5.1 and 3.5.2.**
3. **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;**

4. **Approve, by resolution, the discharge of the existing development agreement that applies to the lands, as shown in Attachment C of this report, to take effect upon the registration of the new development agreement; and**
5. **Require the discharge 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 Karsten commented that this development has a long history and he is glad to see it moving forward. He noted that he sees the area benefitting from residential development. Councillor Karsten suggested that the landscaping requirements in the development agreement could be better, and encouraged the applicant to increase vegetation on the site and plant more trees.

Councillor Nicoll inquired whether the units are sound proof.

Councillor Hendsbee noted that he is glad to see trail access on the property. He noted that traffic along Windmill Road is a concern, and suggested he would like to see a dedicated bus lane.

Deputy Mayor Fisher thanked the applicant for their patience throughout the development agreement process. Mr. Vipond clarified at the request of Deputy Mayor Fisher, that second access to the property must be completed and dedicated, and building 3 can be constructed but not occupied.

Mr. Rad responded to questions from members. He commented that they have not prepared detailed landscaping plans for the property yet, but he will discuss trees with his client. Mr. Rad noted that the 2 commercial buildings along Windmill Road will act as a sound buffer, along with trees in between. He explained that the buildings are concrete with double glazed windows, and meet the requirements for sound proofing.

MOTION PUT AND PASSED.

8.2 VARIANCE APPEAL HEARINGS - None

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

Correspondence was submitted from Mr. Steve Breed, Director, Business Development, Dartmouth Curling Club, dated September 11, 2014. The correspondence was addressed during public participation later in the meeting (refer to page 6).

9.2 Petitions - None

9.2.1 Councillor Karsten

A petition was submitted by Councillor Karsten on behalf of John MacPherson signed by approximately 55 residents of Dartmouth in support of repairs/upgrades to Cross Road and Dewhurst Drive, Dartmouth.

Councillor Karsten clarified that, as area Councillor, he brings forward and advocates for requests for road repairs, although the rules of procedure prohibit Councillors from directing the work of staff. He indicated that staff using a scoring criterion to determine the condition of streets and priority of repairs. Councillor Karsten indicated that staff have scored these streets as a high priority, but due to their deteriorated state, have been moved to a reconstruction list to be added to the capital budget for new asphalt and concrete curbs.

Councillor Hendsbee noted that the HRM website lists street construction criteria.

9.3 Presentation - None

10. REPORTS

10.1 STAFF

10.1.1 Case 19092: Amendment to the C-4 (Highway Commercial) Zone of the Cole Harbour/ Westphal Land Use By-law (First Reading)

The following was before Community Council:

- A staff recommendation report dated August 13, 2014

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council give First Reading to the proposed amendment of the Cole Harbour/Westphal Land Use By-law to add 'Car Washes' to the list of permitted commercial uses in the C-4 (Highway Commercial) Zone, as contained in Attachment A of the August 13, 2014 report, and schedule a public hearing.

MOTION PUT AND PASSED.

Public hearing to be held on Thursday, October 2, 2014 at 6:00 p.m. at Cole Harbour Place.

10.1.2 Case 18992: Rezoning and Development Agreement for Erindale Estates, Eastern Passage

The following was before Community Council:

- A staff recommendation report dated August 14, 2014

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council:

- 1. Approve the proposed development agreement, presented as Attachment A to the supplementary staff report dated August 14, 2014; 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 Karsten spoke in support of the staff recommendation, and in support of the project. He noted that his experience obtaining responses from both staff and the developer over the last few weeks since the public hearing has been very good. He noted that there were questions raised during the public hearing regarding the storm water management plan, which he has reviewed and is satisfied with.

He invited Mr. Hugh Morrison, HRM Development Engineer, to speak to the stormwater management plan. Mr. Morrison clarified that a flooding plan would not be something that would be regulated through a development agreement, but would be addressed through the detailed design process. He noted that there are a number of different agencies that look at different aspects of stormwater design, including the Nova Scotia Department of Environment, Halifax Water, and HRM staff. Mr. Morrison indicated that the Department of Environment would be looking at maintenance of wetlands, to ensure no net increase or decrease to the wetlands, through such tools as stormwater management ponds. He indicated that HRM staff worked with the applicant's engineers to ensure that proper swales would be in place to prevent

overland flow onto adjacent properties. Mr. Morrison advised that the focus of Halifax Water's involvement would be with the stormwater infrastructure that they will own and maintain.

MOTION PUT AND PASSED.

10.1.3 Case 19115: Development Agreement for 1 Circassion Drive, Cole Harbour (*Notice of Motion*)

The following was before Community Council:

- A staff recommendation report dated August 15, 2014

MOVED by Councillor Nicoll, seconded by Karsten, that Harbour East-Marine Drive Community Council give Notice of Motion to consider the proposed development agreement as set out in Attachment A of the August 15, 2014 report to permit a Multi-Unit Residential Development containing 8 Dwelling Units at 1 Circassion Drive, Cole Harbour, and schedule a public hearing.

MOTION PUT AND PASSED.

Public hearing to be held on Thursday, October 2, 2014 at 6:00 p.m. at Cole Harbour Place.

11. MOTIONS - None

12. IN CAMERA

12.1 Approval of In Camera Minutes – July 14, 2014 (special)

MOVED by Deputy Mayor Fisher, seconded by Councillor Karsten, that the In Camera minutes from the July 14, 2014 special meeting of Harbour East-Marine Drive Community Council be approved as circulated. MOTION PUT AND PASSED.

13. ADDED ITEMS - None

14. NOTICES OF MOTION - None

15. PUBLIC PARTICIPATION

Mr. Steve Breed, representing the Dartmouth Curling Club Board of Directors, circulated correspondence to members of Community Council outlining the Curling Club's interest in acquiring the Bowles Arena when it becomes surplus property. He acknowledged that this surplus property process is just beginning, and he is at the meeting this evening to formally make the intentions of the Dartmouth Curling Club known. He noted that the Dartmouth Curling Club members are great members of the community and have a long history in Dartmouth.

Councillor Hendsbee noted that Regional Council directed staff to start planning a four-pad arena in Burnside to replace the Bowles and three other arenas. He encouraged the Curling Club to keep their interest in the Bowles Arena alive, and to make a request to the full Regional Council through the surplus property process.

MOVED by Deputy Mayor Fisher, seconded by Councillor Karsten, that the correspondence from the Dartmouth Curling Club be forwarded to staff for their information. MOTION PUT AND PASSED.

16. DATE OF NEXT MEETING – Thursday, October 2, 2014, 6:00 p.m., Westphal Room, Cole Harbour Place, 51 Forest Hills Parkway, Cole Harbour.

17. ADJOURNMENT

The meeting was adjourned at 6:54 p.m.

Jennifer Weagle
Legislative Assistant