



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
May 1, 2014**

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

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/index.php>

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The meeting was called to order at 6:00 p.m., and Community Council adjourned at 7:33 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – April 3, 2014

MOVED by Deputy Mayor Fisher, seconded by Councillor Karsten, that the Harbour East-Marine Drive Community Council meeting of April 3, 2014 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 Councillor McCluskey, that the order of business be approved as presented. **MOTION PUT AND PASSED.**

4. BUSINESS ARISING OUT OF THE MINUTES

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 18329: Development Agreement for Multiple Unit Dwellings on an extension of Richmond Street, Dartmouth

The following was before Community Council:

- A staff recommendation report dated March 12, 2014.
- Correspondence was received from Lin Mickalyk, Frederick and Darlene Paris, Don Clark, and Dr. Iris Black.

Mr. Mitch Dickey, Planner, Development Approvals, presented Case 18329, an application by WSP Canada Inc. to develop two multiple unit buildings of 4 and 6 floors in height, with a total of 160 residential units on an extension of Richmond Street, Dartmouth.

Responding to questions from Councillor McCluskey with regard to whether a commercial use could be built as-of-right on this site, Mr. Dickey indicated that the site is zoned C-2, which is wide ranging and could include such uses as retail, service, a car dealership, or a parking lot,

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although warehousing is not permitted. He further clarified that the townhouses facing Victoria Road to the north are two storey. Mr. Dickey advised that there are no height limits in the C-2 zone for commercial developments, and any residential height would be set by Community Council.

Responding to an inquiry from Deputy Mayor Fisher, Mr. Dickey advised that the density guideline of the R-4 zone would permit up to 100 units per acre. He clarified that one of the corridors of the proposed Centre Plan is Wyse Road, although this property would not be included as it is not direct frontage on Wyse Road. Mr. Dickey further clarified at the request of Deputy Mayor Fisher that Policy IP-5 of the Dartmouth MPS came into effect in 1991 primarily in response to development in Highfield Park, and the proliferation of small scale walk up units with surface parking. He clarified that as a result any development in Dartmouth for three units or over, except for townhouses, has to go through the development agreement process.

Mr. Dickey clarified at the request of Councillor Nicoll that there is no access off Richmond Street from Symonds Street except for a driveway. He further clarified that the cul-de-sac is not plowed and is considered a private parking lot, and that the driveway to the subject property was closed off by a gate and fence.

At the request of Councillor McCluskey, Mr. Dickey clarified that the cars parking in the cul-de-sac are for visitor parking for the apartment building. He noted that legally parking should not be there, and that there was never a formal closure of Richmond Street.

Mr. Dickey, responding to questions from Councillor Hendsbee, clarified that there is currently a sidewalk on one side of Richmond Street and on both sides Symonds Street and the development agreement will require the sidewalk to be extended. Mr. Dickey further clarified that the narrow walkway and internal walkway trail system through the park currently needs upgrades. He noted that since Sobeys opened, pedestrians are going through a hole in the fence across the parking lot and staff are working with Sobeys and HRM real property staff to provide a direct connection to the Sobeys site. Responding to questions from Councillor Hendsbee regarding lighting on the property, Mr. Dickey advised that the development agreement requires that the property owner prepare a lighting plan for the property. He noted that under current principles, lighting on public land is not a positive thing, although this will be looked at through the lighting plan.

Mr. Kourosh Rad, Urban Planner with WSP Canada Inc., on behalf of the developer Banc Properties Ltd., provided a presentation to Community Council. A copy of Mr. Rad's presentation is on file. Mr. Rad's presentation included an overview of the following:

- Review of the general area and site location
- Amenities in the area
- Development opportunities through the C-2 zoning (General Business) as of right development and through the R-4 zoning (Multi-Family Residential) proposed
- A review of the two options presented at a public open house and the result of the open house
- A review of the proposal presented at the public information meeting, including layout changes, change of colours, and access point to the park

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- A review of the proposed development and landscape plan
- Aspects of the community contribution to the proposed development

Responding to a question from Councillor Fisher, Mr. Rad advised that the rooftop patio would be a green roof.

The Chair reviewed the public hearing rules, and opened the floor for those wishing to speak in favour or against the proposal.

Mr. Rob Pearce, indicated he is the owner of a rental unit on Symonds Street, Dartmouth, and that his granddaughter lives across the street. He noted concern with the extra traffic that 160 units would create, indicating that it is a very busy now with the new Sobeys. He questioned whether the traffic study was done before or after the Sobeys was built. Mr. Pearce suggested that the park would not be enjoyable with two large buildings next to it. He advised that there is a brook that runs under the property, entering on the north side, and inquired whether the developer had looked into that.

Ms. Lin Mickalick, Symonds Street, Dartmouth, referenced correspondence she had sent to Community Council, noting that the developer mentioned if there is no demand for condos, that only one building would be built. She inquired what would happen to the rest of the land if only one building were to be built.

Ms. Claire McIlveen, Frances Street, Dartmouth, advised she is a member of the Wyse Society for Sensible Urban Development, although she is speaking as a resident and not on behalf of that group. She noted concern with apartment development next to a park, commenting that townhouses or a smaller scale residential development would be more appropriate, and inquired whether the developer had given thought to that.

Dr. Iris Black, Young Street, Halifax, advised that she owns property on Symonds Street. She noted concern with access for emergency vehicles, indicating that the only route in and out would be Richmond Street. Ms. Black also noted concern with the scale of the proposal, suggesting that it is out of scale with the single family homes in the neighbourhood.

In response to questions and comments from the speakers, Mr. Rad advised that there have been some engineering drawings done with regard to the north brook on the property and a pipe has been designed to address the brook. He showed the location of the brook on a map of the property. Mr. Rad also clarified that there has been a traffic study completed which concluded that the traffic impacts of the development would not be significant, as they anticipate many residents to use public transit. He further clarified that this is a two phase application based on market demand, and the applicant plans to construct both buildings.

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

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In response to comments and questions raised by speakers, Mr. Dickey commented that brook runs through piped and open areas. He indicated that concerns were raised at the public information meeting about diverting the brook by pipe onto the parkland, and as a result, it is proposed to divert the brook away from the building, but still on property in the direction of park. Mr. Dickey clarified that day lighting was considered, although the Nova Scotia Department of Environment confirmed that it is not a water course, but is a ditch or storm drainage, and they indicated no concern with it being run through a pipe.

Councillor McCluskey indicated that the brook used to run along Northbrook School and was very full and fast and dangerous at times, and as a result it was piped.

Mr. Dickey clarified that the development agreement requires that what is approved can be built on the property, and that construction must start within five years and be completed within seven years. Otherwise the developer would have to apply for a new development agreement and the property would revert to the C-2 zone. Mr. Dickey further clarified that with regard to emergency vehicle access, access to the property would be constructed to HRM specifications.

Responding to an inquiry from Councillor Nicoll, Mr. Dickey clarified that the traffic study was completed in early 2013, prior to the opening of the new Sobeys store. He discussed this with development engineering staff, and they felt that impact of this residential development would be negligible.

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

- 1. Approve the proposed Development Agreement, set out in Attachment A of this report, to permit two multiple unit buildings on an extension of Richmond Street in Dartmouth; and**
- 2. Require 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 McCluskey spoke in support of the proposal, noting that it appears the developer listened to the residents' concerns raised at the public meetings. She indicated that she feels the proposal fits well with the neighbourhood and is consistent with the Regional Plan and the Dartmouth MPS. Councillor McCluskey noted that the proposal will bring improvements to the park. With regard to traffic concerns, she noted that many residents will be walking and using public transit.

Councillor Karsten spoke in support of the proposal, commenting from his experience with similar developments in the Portland Hills/Baker Drive area that emergency vehicle access is definitively looked at during the development agreement application process.

In response to questions from Councillor Karsten with regard to tree planting being required for new developments through the Urban Forest Master Plan, Mr. Dickey was unaware, but noted that there is extensive tree and shrub plantings proposed.

Councillor Fisher spoke in support of the proposal, noting that it is in line with the Regional Plan and Centre Plan.

Councillor Nicoll encouraged all members of the public to look up the Regional Plan. She noted that the development may be disruptive to the area for a while, but will be a bonus to the neighbourhood when complete. Councillor Nicoll commented that the park area looks neglected and park improvements will be for the public enjoyment.

MOTION PUT AND PASSED.

8.1.2 Case 19011: Substantive Amendments to Seven Lakes Open Space Design Development Agreement, Porters Lake

The following was before Community Council:

- A staff recommendation report dated March 25, 2014
- Correspondence was received from Paula Wood and Janice Nussey

Mr. Darrell Joudrey, Planner, Development Approvals, presented Case 19011, an application by WSP Canada Inc. to amend an existing development agreement to enable re-adoption of schedules showing changes in ownership of the lands; allowing up to 4 single unit dwellings to be located on a single Home Site Driveway; allowing up to 4 model homes per phase; a sales office with equipment storage; construction of Common Shared Private Driveways by phases; and amendments of a housekeeping nature.

Responding to questions from Councillor McCluskey, Mr. Joudrey advised that the shared driveways will be built to the National Building Code Standard and will be large enough to accommodate fire and emergency vehicles and solid waste trucks.

Responding to a request for clarification from Councillor Nicoll, Mr. Joudrey clarified that the hybrid form of open space design is developed in clusters on private driveways. He further clarified that the classic form of open space development is 60% of the land is undisturbed for common use, and 40% is developed. Through the hybrid design, 80% undisturbed for common use and 20% developable.

In response to an inquiry from Councillor McCluskey, Mr. Joudrey clarified that through the development agreement, the general public will have access to Fiddle Lake and Bell Lake.

Responding to an inquiry from Councillor Hendsbee, Ms. Thea Langille clarified that it is not necessary to update the schedules to the development agreement for road alignment, to allow flexibility.

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Mr. Jeff Haggett, Urban Planner with WSP Canada Inc., on behalf of the developer, Seven Lakes, presented to Community Council. A copy of Mr. Haggett's presentation is on file and included:

- An update on the development:
 - Construction is underway
 - They are working with Porters Lake and Halifax companies and supporting local employment
 - The Porters Lake Experience Centre will be opening in late May 2014.
 - The development has attracted national interest and will be presented at two planning conferences.
- Amendments proposed include:
 - Removal of a parcel of land
 - Permit display homes
 - Permit sales office
 - Permit 2 units on Home Site Driveway
 - Phased construction of Shared Private Driveways.

The Chair reviewed the public hearing rules, and opened the floor for those wishing to speak in favour or against the proposal.

Ms. Janice Nussey, Mosher Road, Conrod Settlement, commented that the meeting should have been held in Porters Lake and the community should have had an opportunity to speak on it. She noted concern with how Mosher Road will be cut off and residents will be stuck in the back. Ms. Nussey indicated that a lot of work will be required to be done to the roads around the development. She noted that there are currently about 50 homes in Conrod Settlement and this development will bring it up to about 350, noting that this is will be a high impact on a small community.

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

Councillor Hendsbee commented that the meeting was held at this location in order to deal with the amendments in a timely fashion. He noted that the parcel removed was included in error. Councillor Hendsbee further noted that the rest of the amendments are general housekeeping matters with no changes to density already approved. He noted that improvements are planned for the interchange access.

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

- 1. Approve the proposed amending development agreement as contained in Attachment A of this report; 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.

MOTION PUT AND PASSED.

- 8.2 VARIANCE APPEAL HEARINGS - None**
- 9. CORRESPONDENCE, PETITIONS & DELEGATIONS**
 - 9.1 Correspondence - None**
 - 9.2 Petitions - None**
 - 9.3 Presentation - None**
- 10. REPORTS**
 - 10.1 STAFF - None**
 - 10.2 BOARD & COMMITTEE - None**
- 11. MOTIONS - None**
- 12. IN CAMERA - None**
- 13. ADDED ITEMS – None**
- 14. NOTICES OF MOTION - None**
- 15. PUBLIC PARTICIPATION**

No members of the public came forward for public participation.

- 16. DATE OF NEXT MEETING – Thursday, June 12, 2014, 6:00 p.m., Dartmouth Chamber, 90 Alderney Drive, Dartmouth**
- 17. ADJOURNMENT**

The meeting was adjourned at 7:36 p.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEMS – None
