



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
JANUARY 8, 2015**

PRESENT:

Councillor Gloria McCluskey, Chair
Councillor Bill Karsten, Vice Chair
Councillor David Hendsbee
Deputy Mayor Darren Fisher
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>

The meeting was called to order at 6:00 p.m., and Community Council adjourned at 7:04 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – December 17, 2014 (special)

MOVED by Councillor Karsten, seconded by Councillor Fisher, that the minutes of the December 17, 2014 (special) meeting be approved, as circulated. MOTION PUT AND PASSED.

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

MOVED by Councillor Karsten, seconded by Councillor Hendsbee, 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 - None

8.2 VARIANCE APPEAL HEARINGS - None

8.2.1 Case 19262: Appeal of Variance Approval – 2235 Shore Road, Eastern Passage

The following was before Community Council:

- A staff recommendation report dated January 8, 2015

Mr. Andrew Faulkner, Development Officer, presented Case 19262, an appeal of the Development Officer's approval of a variance of the side yard setback.

At the request of Councillor Karsten, Mr. Faulkner clarified the location of the proposed new lot.

Responding to questions from Councillor Hendsbee, Mr. Faulkner indicated that the wood retaining wall follows the property line and goes onto the neighbour's lot.

With regard to the slope of the property affecting drainage issues, Mr. Faulkner responded to Deputy Mayor Nicoll that the Land Use By-law has a coastal elevation requirement for habitable space.

Mr. Faulkner further clarified that the property is within the serviceable boundary for water and sewer.

The Chair invited the Appellant to speak.

Mr. Brian Naugle, Shore Road, advised that he is the neighbour of the Appellant, who is out of town, and he spoke with the Appellant to communicate their concerns. Mr. Naugle advised that he did not receive notification of the variance approval. He noted concern with an environmental issue on the subject lot, indicating that over the past several years there has been a lot of garbage disposed of on the property.

The Chair clarified that Mr. Naugle's name and address appears on the mailing list for the notification of the variance appeal.

The Chair invited the property owner to speak.

Mr. Brian Robinson, owner of the subject property, addressed Council, noting that he purchased the property in 2010. He indicated that the previous owner submitted a preliminary subdivision application, and after living there for a few years, he decided to revisit the application. He hired KWR Consulting to look into advancing with the application. The consultant determined it was a reasonable approach and a reasonable request, and assisted with preparing the variance application. Mr. Robinson indicated that Mr. Naugle had, at the time the variance was approved in July, communicated concerns about contamination or environmental issues on the back part of the property from the 1970s or 80s. He noted that he will be looking into the environmental concerns.

Responding to questions from Councillor Hendsbee with regard to requirements in the Regional Plan Review documents with respect to coastal development and sea rise risk, Mr. Robinson advised that plans are for a slab on grade foundation.

In response to a question from Deputy Mayor Nicoll about plans for the property, Mr. Robinson indicated that he may build or may sell the property.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council allow the appeal.

Councillor Karsten clarified that Community Council is required by Administrative Order One respecting the Rules of Order to vote in the affirmative and asked Community Council to vote against the motion, thereby disallowing the appeal. Councillor Karsten commented that he believes that the proposal fits the intent of the Eastern Passage Cow Bay Municipal Planning Strategy.

At the request of Councillor Karsten, Mr. Faulkner clarified that if the property owner removed 3 feet from the garage on the property, the subdivision would be as-of-right.

MOTION DEFEATED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

Correspondence was received relative to item 10.1.3.

9.2 Petitions - None

9.3 Presentation - None

10. REPORTS

10.1 STAFF

10.1.1 Case 19637: Discharge of Development Agreement – 613 Highway #7, Westphal

The following was before Community Council:

- A staff recommendation report dated December 2, 2014

Mr. Tyson Simms, Planner, presented Case 19637, to discharge a current development agreement at 613 Highway #7, Westphal. Mr. Simms updated that the current status of the property is that the building has been demolished and it is currently a vacant lot.

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

- 1. Approve, by resolution, the discharge agreement as contained in Attachment A of this report, to allow for the discharge of the development agreement applied to 613 Highway #7, Westphal; and**
- 2. 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.**

Responding to questions from Deputy Mayor Nicoll, Mr. Simms showed on a map the eligible uses on the property, and although there has been no indication from the applicant that they wish to develop mixed use or C-4 uses up to 10,000 sq. ft., they would be eligible to do either by development agreement application.

Councillor Hendsbee inquired whether, should a future commercial use on the property involve the serving of alcohol, whether the applicant would have to apply for a new development agreement. Mr. Simms indicated that it would depend on how the use is defined in the Land Use By-law.

Councillor Hendsbee noted an issue with access to the property for future developments, indicating that the Panavista Drive intersection needs re-alignment to make it safer for people to enter and exit the surrounding properties.

MOTION PUT AND PASSED.

10.1.2 Case 19266: Substantive Amendment and Discharge of Development Agreement at 174 Ochterloney Street, Dartmouth

The following was before Community Council:

- A staff recommendation report dated December 22, 2014

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

- 1. Approve by resolution of Council the proposed Discharging Agreement, as set out in Attachment A of the December 22, 2014 report for 174 Ochterloney Street, Dartmouth**
- 2. Require the Discharge Agreement be signed by the property owner not later than 120 days, or any extension therefore granted by the 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 discharge agreement shall be void and obligations arising hereunder shall be at an end;**
- 3. Move Notice of Motion to consider the proposed amending development agreement, as set out in Attachment B of the December 22, 2014 report, to permit the internal lighting of a ground sign at 174 Ochterloney Street, Dartmouth, and schedule a public hearing.**

MOTION PUT AND PASSED.

At the request of Community Council, the Legislative Assistant advised that the public hearing would be scheduled for February 5, 2015.

10.1.3 Case 18255: Dartmouth MPS Amendments and Amending Development Agreement 530 Portland Street and 104 Green Village Lane, Dartmouth

The following information was before Community Council:

- A staff recommendation report dated December 15, 2014

Mr. Darrell Joudrey, Planner, presented Case 18255, Dartmouth Municipal Planning Strategy Amendments and Amending Development Agreement at 530 Portland Street and 104 Green Village Lane, Dartmouth.

Responding to questions from Councillor McCluskey with regard to whether any changes were made to the application after the two public information meetings on this matter, Mr. Joudrey advised that additional open space was added near building A, and a sidewalk connecting the existing townhouses along Green Village Lane was also added.

Deputy Mayor Nicoll noted that feedback from residents in the area has focused on the lack of connectivity in the area, and inquired how this could be improved upon. Mr. Joudrey clarified that that part of Portland Street is under provincial jurisdiction and the province indicate that at this time numbers do not warrant crosswalks across Portland, although that may change when the Penhorn Mall lands are developed.

Responding to questions from Councillor Karsten about the process, Ms. Thea Langille, Major Projects Planner, Development Approvals, advised that should Council approve the change to the Municipal Planning Strategy, then the Amending Agreement would come back to Community Council. She further clarified that at the joint public hearing, Regional Council would be giving consideration to the policy changes, and Harbour East-Marine Drive Community Council would be listening to the specific proposal that has come forward under the requested policy changes.

Councillor Fisher noted concern with the design of the buildings, noting that they look dated compared to other developments going on in the Municipality.

Councillor Hendsbee asked that a diagram or satellite image illustrating traffic patterns and traffic flow in the area be available. Mr. Joudrey advised that staff would have one available for the public hearing.

At the request of Councillor McCluskey, Mr. Joudrey showed on a map where the driveways and exits would be located.

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

- 1. Recommend that Halifax Regional Council give First Reading to consider the proposed Amendments to the Dartmouth Municipal Planning Strategy as set out in Attachment A of the December 15, 2014 report and schedule a joint Public Hearing with Harbour East-Marine Drive Community Council;**
- 2. Recommend that Halifax Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy as contained in Attachment A of the December 15, 2014 report; and**
- 3. Move Notice of Motion to consider the proposed amending agreement, as set out in Attachment B of the December 15, 2014 report, to permit the development of three multiple unit buildings and associated amenity space at 530 Portland Street and 104 Green Village Lane, Dartmouth. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. IN CAMERA

12.1 Approval Of In Camera Minutes – December 4, 2014 & December 17, 2014 (special)

This matter was addressed during the public meeting.

MOVED by Councillor Karsten, seconded by Councillor Fisher, that the in camera minutes of the December 4 and December 17, 2014 (special) meetings be approved, as circulated. MOTION PUT AND PASSED.

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 – February 5, 2015

The next regular meeting of Harbour East-Marine Drive Community Council will be held on Thursday, February 5, 2015 at 6:00 p.m. in the Nantucket Room of the Dartmouth Sportsplex, 110 Wyse Road, Dartmouth.

17. ADJOURNMENT

The meeting was adjourned at 7:04 p.m.

Jennifer Weagle
Legislative Assistant