



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
June 10, 2015**

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

REGRETS: Deputy Mayor Lorelei Nicoll

STAFF: 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/HEMDCC150604agenda.php>

The meeting was called to order at 6:00 p.m., and adjourned at 6:39 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – May 14, 2015

MOVED by Councillor Fisher seconded by Councillor Karsten, that the minutes of the May 14, 2015 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 Hendsbee, seconded by Councillor Fisher, that the agenda be approved, as presented.

A two-third majority vote was required.

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

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - NONE

9.2 Petitions - NONE

9.3 Presentations - NONE

10. REPORTS

10.1 STAFF

10.1.1 Case 19421 – Development Agreement for a Kennel - 343 West Petpeswick Road, West Petpeswick

The following was before Community Council:

- A staff recommendation report dated May 13, 2015.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council give Notice of Motion to consider the proposed development agreement for a kennel as provided in Attachment A of the May 13, 2015 staff report, and schedule a public hearing.

Councillor Hendsbee requested, as per Harbour East-Marine Drive Community Council practice, that the public hearing be held at a special meeting in District 2, near the community affected.

MOTION PUT AND PASSED.

10.1.2 Case 19399 – Lake Echo/Porters Lake Land Use By-law Amendments – reduced off-street parking standards for full service restaurants

The following was before Community Council:

- A staff recommendation report dated May 21, 2015.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council give First Reading to the proposed amendments to the Planning Districts 8 & 9 (Lake Echo/Porters Lake) Land Use By-law to reduce the off-street parking space requirements for full service restaurant provided in Attachment A of the May 21, 2015 staff report, and schedule a public hearing.

Councillor Hendsbee suggested that the public hearings for Case 19421 and Case 19399 both be held at the same special meeting, and suggested the Legion in Gaetz Brook as a suitable location. The Legislative Assistant will check on availability and confirm.

MOTION PUT AND PASSED.

10.1.3 Case 18255 – Development Agreement for 530 Portland Street and 104 Green Village Lane, Dartmouth

The following was before Community Council:

- A staff recommendation report dated May 12, 2015.

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

- 1. Approve the proposed amending agreement as contained in Attachment A of the May 12, 2015 report; and**
- 2. Require the amending 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.**

Responding to questions from Community Council, Mr. Darrell Joudrey, Planner, Development Approvals, clarified that the staff recommendation is for the amending agreement be signed within 240 days, as opposed to the standard 120 days, because there are two pieces of land the developer was required to purchase under the first amending agreement, for rights-of-way from the municipality and the province. He explained that the Agreement is written so that it cannot be entered into until the developer purchases those pieces of land, and the extra 120 days is to facilitate the time required for the purchase to be completed.

At the request of Community Council, Mr. Joudrey and Ms. Thea Langille, Major Project Planner, Development Approvals, discussed the non-substantive nature of the amendments, as outlined in the amending agreement.

MOTION PUT AND PASSED.

10.1.4 Case 19600 - Non-substantive amendment to the development agreement for lands located on Ochterloney St., Irishtown Rd., and Queen St., Dartmouth

The following was before Community Council:

- A staff recommendation report dated May 25, 2015.

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

- 1. Approve, by resolution, the proposed Amending Agreement as contained in Attachment A of the May 25, 2015 report to enable an extension of the date of commencement of development of the existing development agreement at PIDs 00230953, 40580730, & 41165614, Irishtown Road, Dartmouth; 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, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

At the request of Community Council, Ms. Langille clarified that for the purposes of this amending agreement, "commencement" means the installation of the footings and foundations. She further clarified that this amendment keeps the development within the same end date. Ms. Langille explained that the developer has requested a four year extension of the date of commencement; however staff are recommending a one year extension, from July 28, 2015 to 2016, to align with works being done on the Centre Plan.

Community Council agreed to hear from the Applicant, Mr. Darrell Dixon. Mr. Dixon explained that the delay in commencement was due to a lack of interest from institutional investors, bank financing requirements, and family demands. He noted that the application process with the Municipality for this amendment took six months.

Ms. Langille responded to procedural questions from members.

MOVED by Councillor Hendsbee, seconded by Councillor Fisher, that the motion be amended to enable a 2 year extension of the date of commencement of development of the existing development agreement.

AMENDMENT PUT AND PASSED.

The main motion, as amended, was voted on at this time, as follows:

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

- 1. Approve, by resolution, the proposed Amending Agreement as contained in Attachment A of the May 25, 2015 report to enable an extension of the date of commencement of development of the existing development agreement at PIDs 00230953, 40580730, & 41165614, Irishtown Road, Dartmouth, with an amendment to the proposed Amending Agreement to enable a 2 year extension of the date of commencement of development of the existing development agreement**

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, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.1.5 Case 19864 – HRM-initiated application to amend the Dartmouth Land Use By-law to clarify the number of residential buildings permitted on a lot

The following was before Community Council:

- A staff recommendation report dated May 15, 2015.

MOVED by Councillor Fisher, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council give First Reading to the proposed amendment to the Land Use By-law for Dartmouth to clarify that only one residential building per lot is permitted, as contained in Attachment A of the May 15, 2015 staff report, and schedule a public hearing.

Responding to questions from Community Council, Ms. Langille indicated that this case was initiated by staff following a decision of the Nova Scotia Utility and Review Board which stated that the Dartmouth Land Use Bylaw should be amended in order to clarify the limitation of one residential building per lot.

MOTION PUT AND PASSED.

This public hearing will be scheduled for the July 30, 2015 regular meeting of Harbour East-Marine Drive Community Council.

11. MOTIONS

12. IN CAMERA

13. ADDED ITEMS - NONE

14. NOTICES OF MOTION

14.1 Councillor Fisher

“Take notice that at the next regular meeting of Harbour East-Marine Drive Community Council, I intend to introduce a motion to request a staff report on investigating possible limitations in the number of group homes in one neighbourhood or one street in a cluster.”

15. PUBLIC PARTICIPATION

No members of the public came forward for public participation.

16. DATE OF NEXT MEETING

The next regular meeting of Harbour East-Marine Drive Community Council will be held on Thursday, July 30, 2015 at 6:00 p.m. in the Nantucket Room of the Dartmouth Sportsplex, 110 Wyse Road, Dartmouth.

A special meeting will be scheduled for the public hearings for Case 19421 and Case 19399. The Legislative Assistant will confirm date, location and time once set.

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Councillor Karsten asked that the Legislative Assistant follow up on the Community Council status sheet and report tracking tool for the next regular meeting.

17. ADJOURNMENT

The meeting was adjourned at 6:39 p.m.

Jennifer Weagle
Legislative Assistant