



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
October 4, 2018**

PRESENT: Councillor Tony Mancini, Chair
Councillor David Hendsbee
Councillor Bill Karsten
Councillor Lorelei Nicoll

REGRETS: Councillor Sam Austin, Vice Chair

STAFF: Meg MacDougall, Solicitor
Krista Vining, 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 8:27 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – September 6, 2018

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT the minutes of September 6, 2018 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions:

11.1.1 Correspondence from Terence Rowell, President, Oathill Lake Conservation Society dated October 2, 2018 re: suspected blue green algae occurrence in Oathill Lake

16.1 Case 20436: Time Extension for Signing of Development Agreement for 102 Albro Lake Road, Dartmouth

16.2 Councillor Appointments to Boards and Committees

16.3 Case 21524: Application for a Development Agreement, 33-35 Pleasant Street, Dartmouth

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT the Order of Business be approved as amended.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS

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 20541: Development Agreement and Discharging Development Agreement for Harbour Isle on Marketplace Drive, Dartmouth

The following was before Community Council:

- A staff recommendation report dated August 20, 2018

Maggie Holm, Principal Planner, Urban Enabled Planning Applications presented the application by WSP Canada Inc., on behalf of Harbour Isle Halifax Ltd., to discharge an existing development agreement, on lands along Marketplace Drive, Dartmouth, and enter into a new development agreement. The proposed development agreement would continue to permit the three (3) multi-unit residential buildings, and would provide additional development rights for three (3) further multi-unit residential buildings and three (3) commercial buildings. A correction was noted in Attachment A of the August 20, 2018 staff report, references to “Phase 4” that are included within Sections 3.10 and 3.10.1 be changed to “Phase 3”. A copy of the presentation is on file.

Holm responded to questions, providing clarification on the phasing, architectural design and mitigating shadow impact, and phasing and construction of the publicly accessible waterfront trail before the occupancy of any building in Phase 2. Holm's explained that the developer would construct the trail and the Municipality would maintain it. In response to a suggestion made regarding ownership of the trail, staff indicated they could review whether the land could be subdivided to allow the Municipality to take over ownership of the trail without impacting the Condominium Act. As well, it was their understanding that wharf configurations were not considered but that there was a neighbouring marina.

The Chair opened the public hearing and invited the applicant to come forward and address Council.

Connor Wallace, WSP and David Osypowich, Applicant introduced themselves and noted they were available to respond to questions. Osypowich clarified that the waterfront trail was completed circumventing Phase 7, but that a portion of the trail will not be available during construction of Phase 2.

The Chair reviewed the rules of procedure for public hearings and called three times for anyone wishing to speak on the matter; there were none.

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Harbour East - Marine Drive Community Council:

- 1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated August 20, 2018 with the exception that references to "Phase 4" that are included within Sections 3.10 and 3.10.1 be changed to "Phase 3";**
- 2. Approve, by resolution, the proposed discharging development agreement, which shall be substantially of the same form as set out in Attachment B; and**
- 3. Require that both the discharging development agreement and development agreement be signed by the property owner within 150 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.

10.1.2 Case 20573: Development Agreement and Discharging Development Agreement for 651 Portland Hills, Dartmouth

The following was before Community Council:

- A staff recommendation report dated August 20, 2018
- Correspondence from R. A. LaPierre

Darrell Joudrey, Planner II presented the application by W. M. Fares to discharge an existing development agreement and enter into a new development agreement to permit a seven (7) store mixed use building at 651 Portland Hills Drive, Dartmouth. The existing development agreement will remain in effect for the remainder of the lands in Parcels PH-4 and PH-5. A copy of the presentation is on file.

Joudrey responded to questions respecting the work of the public participation committee, traffic concerns and the analysis.

The Chair opened the public hearing and invited the applicant to come forward and address Council.

Cesar Saleh, W. M. Fares Group reviewed the proposed site plan, which ranges from four (4) to seven (7) storeys. Saleh highlighted that the site is approved for 100,000 square feet of development, 76,000 square feet of which is for commercial. They explained the residential mix, with 50 percent of the units for family. It was also noted that if the market was not viable, the back portion of the commercial development would be replaced with residential units. Saleh discussed the amenities, parking and showed artistic renderings of the building's elevations. The applicant advised that he proposed development agreement closely aligned with the approved development agreement. They spoke to the traffic study on Portland Hills and Portland Street, pointing out that there would be two and a half times the amount of traffic under the existing development agreement than what was being proposed. Saleh clarified that the hours of operation were not included as restaurant facilities have been excluded and hours would reflect local neighbourhood commercial uses (e.g. 9 a.m. to 5 p.m.). A copy of the presentation is on file.

In response to a question raised, Saleh clarified that the developer was Blue Basin Group.

The Chair reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

Shalom Mandaville, resident of HRM spoke to the impact developments have on the Municipality's lakes.

The Chair called three times for any other members of the public wishing to speak on the matter, there were none.

The Chair invited the applicant to respond to points made by the public. The applicant had no additional comments.

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the proposed Development Agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated August 20, 2018;**
- 2. Approve, by resolution, the proposed revised Discharging Development Agreement, which shall be substantially of the same form as set out in Attachment B; and**
- 3. Require that both the Discharging Development Agreement and revised 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.**

Members recognized traffic concerns for the area, but echoed the point made by the applicant that traffic would be two and a half times greater under the existing development agreement than what was being proposed. Concern was expressed with the lack of connectivity of the pedestrian laneway from the Halifax Transit Portland Hills Terminal to the propose site.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.1.2. This correspondence was circulated to Community Council.

11.1.1 Terence Rowell, President, Oathill Lake Conservation Society dated October 2, 2018 re: suspected blue green algae occurrence in Oathill Lake

No action was taken.

11.2 Petitions – None

11.3 Presentations

11.3.1 June Trenholm and Terry Rowell of Banook Area Residents Association re: Urban Lakes Management Planning

Dave Harrison, spoke on behalf of June Trenholm and Terry Rowell who were not able to attend the meeting. Harrison presented the Destination Dartmouth and Oathill Lake Conservation Society's concept of water quality planning. Their first recommendation was to reinstate the Urban Lake Protection Policy 2.7.2(f) in the draft Center Plan. Harrison spoke to impact of population growth on lakes. Their second recommendation was to create an Urban Lakes Management Plan for HRM, highlighting the economic benefits. Harrison distributed a handout of the Planning Policies Respecting the Protection of Dartmouth's Lakes under the Dartmouth Municipal Planning Strategy which was provided for the file. A copy of the presentation is also on file.

Harrison responded to questions and the Chair thanked them for their presentation.

11.3.2 Judie and Jim Edgar re: Cancer Survivors Park

Judie Edgar presented their vision to create an inspirational retreat that would provide a place for understanding accepting and enjoying survivorship. Edgar reviewed site considerations for the park and the location they choose is the Dartmouth Harbour Walk, located between Alderney Ferry Terminal and King's Warf. Pending approval, the proposed name is the "Cancer Survivors Daffodil Park". A copy of the presentation is on file.

Edgar responded to questions and the Chair thanked them for their presentation. It was noted that a motion in relation to the park would be made later in the meeting (Item 13.2.1).

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF – NONE

13.2 MEMBERS OF COUNCIL

13.2.1 Councillor Austin re: Request for Staff Report – Cancer Survivors Park

The following was before Community Council:

- A request for Community Council consideration form from Councillor Austin.

On behalf of Councillor Austin, Councillor Nicoll put the following motion on the floor:

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council request a staff report examining the creation of a Cancer Survivors Park on the Dartmouth Harbourfront, between the Alderney Ferry Terminal and King's Wharf.

MOTION PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS

16.1 Case 20436: Time Extension for Signing of Development Agreement for 102 Albro Lake Road, Dartmouth

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council require that the development agreement for Case 20436 be signed by the property owner within 240 days (an extension of an additional 120 days from the original 120 days), or any extension thereof granted by Council on request of the property owner, from the date of final approval of said agreement by Council and any other bodies as necessary, including applicable appeal periods whichever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

16.2 Councillor Appointments to Boards and Committees

The following was before Community Council:

- A table for Councillor Appointments dated October 4, 2018

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Harbour East Marine Drive Community Council appoint a representative for each of the Standing and Advisory Committee set out in the Table for Councillor Appointments distributed for this meeting and forward these appointments to Council for ratification:

- Appeals Standing Committee – Councillors Hendsbee and Austin
- Audit and Finance Standing Committee – Councillor Karsten
- Community Planning and Economic Development Standing Committee – Councillor Austin
- Environment and Sustainability Standing Committee – Councillor Mancini
- Transportation Standing Committee – Councillor Nicoll
- Grants Committee – Councillor Hendsbee
- Shubenacadie Canal Commission – Councillors Austin and Mancini

MOTION PUT AND PASSED.

16.3 Case 21524: Application for a Development Agreement, 33-35 Pleasant Street, Dartmouth

The following was before Community Council:

- A report from the Chair of the Heritage Advisory Committee dated September 26, 2018 with attached staff recommendation report dated September 14, 2018

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

THAT the Harbour East-Marine Drive Community Council give Notice of Motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated September 14, 2018, to legalize an existing sixth dwelling unit at 33-35 Pleasant Street and schedule a public hearing.

MOTION PUT AND PASSED.

Public Hearing scheduled for November 1, 2018.

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Shelley Deacon-Hiltz, Dartmouth sought clarification regarding tax revenue and government expenditures for the Dartmouth community. They shared ideas and suggestions for improving and protecting HRM lakes.

Jeff Weatherhead, Dartmouth supported Dave Harrison`s presentation seeking a Dartmouth lake heritage plan. Weatherhead spoke to water quality monitoring on various HRM lakes and recognized Councillor Austin`s leadership to do water quality testing on Lake Banook and Lake Micmac to address the blue green algae. Weather

Shalom Mandaville, resident of HRM summarized the work and history of the Oathill Lake Conversation Society. They commented on the available water quality testing data and the various groups that are studying HRM lakes.

Gerry O., Cole Harbour sought clarification respecting public participation committees and suggested staff identify the property owner in development application reports.

19. DATE OF NEXT MEETING – November 1, 2018 at 6:00 p.m. HEMDCC Meeting Space, 60 Alderney Drive, Dartmouth

20. ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

Krista Vining
Legislative Assistant