



**HARBOUR EAST- MARINE DRIVE COMMUNITY COUNCIL
SPECIAL MEETING
MINUTES
May 20, 2021**

PRESENT: Councillor David Hendsbee, Chair
Councillor Becky Kent, Vice Chair
Councillor Trish Purdy
Councillor Sam Austin
Councillor Tony Mancini

STAFF: Josh Judah Q.C., Solicitor
Carl Purvis, Program Applications Manager
Brittany MacLean, Planner II
Simon Ross Siegel, Legislative Assistant
Liam MacSween, Legislative Support

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 6:15 p.m. and adjourned at 7:34 p.m.

1. CALL TO ORDER

Councillor Hendsbee, Chair called the meeting to order at 6:15 p.m.

2. APPROVAL OF MINUTES – NONE

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

Additions: None

MOVED by Councillor Purdy, seconded by Councillor Kent

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

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 22651: Land Use By-Law amendment for lands fronting on Hines Road, Eastern Passage

The following was before Community Council:

- A staff recommendation report dated February 10, 2021
- A staff presentation dated May 20, 2021
- Correspondence from David Phelps, Danielle Dill and Chris MacKenzie, David Phelps

Brittany MacLean, Planner II presented Case 22651: Land Use By-Law amendment for lands fronting on Hines Road, Eastern Passage. The application is by Zzap Consulting Inc. on behalf of the property owner, Armco Capital Inc. to rezone portions of PIDs 40103806, 40103780, 40103772, and 40103798 from R-1 (Single Unit Dwelling) Zone to the I-1 (Light Industry) Zone of the Eastern Passage/Cow Bay Land Use By-law (LUB). A copy of the staff presentation is on file.

In response to questions from Community Council, MacLean noted that the Eastern Passage/Cow Bay Municipal Planning Strategy has been in place since 1992. MacLean further advised that the setback requirements from the property lines on the subject property would make it very difficult to operate a composting or cannabis facility on site.

In response to a follow up question, MacLean advised of further regulations outside of HRM's Land Use By-law requirements that may be applicable to the subject property at the time of permitting. MacLean clarified that this would depend on the type of use that will operate on the site. MacLean further noted that HRM's Compliance Officers will be tasked with ensuring compliance with the Land Use By-law for any operations on site if the amendments are approved.

The Chair opened the Public Hearing and invited the applicant to come forward and address Community Council.

Chris Markides, Urban Planner, ZZap Consulting Inc., spoke on behalf of the applicant, Armco Capital. Markides stated that no specific use for the subject property has been identified by the applicant and clarified that all necessary environmental assessments prior to construction will be obtained if the rezoning is approved. Markides advised of the clear intent of the Municipal Planning Strategy to preserve land for industrial uses through the conversion of residential lands to light industrial. Markides referenced slide four of the presentation which shows the uses that are being considered and those that are not, clarifying that a composting or cannabis processing facility is not being contemplated for the site as they are prohibited under the Land Use By-law. Markides concluded their presentation by highlighting the separation and buffering requirements in the light industrial zone from adjacent residential uses, as well as the community and economic growth potential that comes with the commercial redevelopment of the subject property.

In response to questions from Community Council, Markides advised that there is a significant demand for commercial/industrial space in HRM and referenced a recent report by Cushman Wakefield on the subject. Markides further clarified that the Land Use Bylaw has language around how light and lighting is regulated in industrial zones and that the HRM Noise By-law applies to industrial properties.

In response to a follow up question, Markides noted that there are opportunities for community and economic growth with the rezoning such as the creation of small business start-ups, light manufacturing spaces and the proximity for existing residents to sources of employment.

Responding to a question from Council, Markides stated that there have been no discussions or conversations with potential tenants at the present time. Markides advised that they will follow up with the applicant about communicating plans for the community if the amendments are approved.

The Chair reviewed the rules of procedure for public hearings and called for the registered speaker.

David Phelps, of Eastern Passage, noted their opposition to the proposed rezoning of the subject property from R-1 to I-1. Phelps referenced detailed correspondence that they submitted outlining their objections to the rezoning, compiled with input from neighbouring property owners. Phelps highlighted concerns related to compatibility with the existing residential uses nearby, environmental management, and traffic safety. Phelps advised that the subject property should remain in the R-1 zone and encouraged members of Community Council not to approve the rezoning.

In response to a question from Community Council, Phelps advised that the correspondence they submitted represents the opinions from neighbouring property owners primarily from Howard Avenue, Vivian Lane, and Maple Lane.

There were no further registered speakers present.

MOVED by Councillor Kent, seconded by Councillor Mancini

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Kent, seconded by Councillor Purdy

THAT Harbour East-Marine Drive Community Council adopt the amendment to the Land Use By-law for Eastern Passage/Cow Bay, as set out in Attachment A of the February 10, 2021 report.

Responding to questions from Community Council, Brittany MacLean clarified that the proposed rezoning can be considered under the Municipal Planning Strategy as it allows for the transition of residential lands to light industrial. MacLean further noted that there are extra planning tools like setback requirements, buffering, privacy screening and provincial environmental regulations that mitigate the impact of

development on nearby watercourses and neighbouring uses.

Responding to a question from Community Council, Josh Judah, Solicitor noted that the alternative section in the staff report outlines the available options to Community Council should it feel that the application does not meet the intent of the Municipal Planning Strategy.

In response to a follow up question, Carl Purvis noted that to change the uses of the zone would require a new zone or change the zone itself, either of which could require a plan amendment.

Members of Community Council expressed concern with the proposed rezoning of the subject lands from the R-1 Zone to the I-1 Zone highlighting the following:

- Incompatibility with adjacent residential uses –The subject property is surrounded by R-1 residential uses, Community Council noted that although the Eastern Passage/Cow Bay Municipal Planning Strategy allows for the I-1 designation to be applied, it is out of date, and does not reflect the current community need for housing as opposed to industrial uses which are already prevalent in the area.
- Environmental Impact – Community Council discussed the potential industrial uses on the subject property and the impact on nearby wetlands and watercourses, particularly with respect to stormwater management.
- Traffic – Community Council highlighted an increase in commercial/truck traffic on Hines Road adding congestion and potential pedestrian safety issues.
- No clear proposal for intended use(s) on subject property – Community Council highlighted that there is no clear proposal for the intended uses on site leading to ambiguity within the community as to what type of businesses will operate there. Further, the EC zone located within the subject property poses unique challenges as to what type of light industrial uses can safely and effectively operate on the subject property.

MOTION PUT AND DEFEATED.

10.2 VARIANCE APPEAL HEARING – NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Simon Ross-Seigel, Legislative Assistant noted that correspondence was received for item 10.1.1. This correspondence was circulated to the Committee.

For a detailed list of correspondence received refer to the specific agenda item.

11.2 Petitions – None

11.3 Presentation – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS/DISCUSSION – NONE

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

There were no registered speakers present to address Community Council.

19. DATE OF NEXT MEETING – June 3, 2021

20. ADJOURNMENT

The meeting was adjourned at 7:34 p.m.

Liam MacSween
Legislative Assistant