



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
March 1, 2018**

PRESENT: Councillor Tony Mancini, Chair
Councillor Sam Austin, Vice Chair
Councillor David Hendsbee
Councillor Lorelei Nicoll

REGRETS: Councillor Bill Karsten

STAFF: Colin Taylor, Solicitor, Legal Services
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 6:56 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – February 1, 2018

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee

THAT the minutes of February 1, 2018 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 Austin

THAT the order of business be approved as presented.

Two-third majority vote required.

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 HEARING

10.1.1 Case 20490: Rezoning of Lands at 9 Veterans Avenue, Dartmouth

The following was before the Community Council:

- A staff recommendation report dated January 17, 2018
- Correspondence from H.J. Cross

First Reading was given at the Harbour East-Marine Drive Community Council February 1, 2018 meeting.

Brittany MacLean, Planner II, Current Planning presented the application by TEAL Architects and Planners, on behalf of St. Luke's Anglican Church, to subdivide and rezone a portion of lands at 9 Veterans Avenue, Dartmouth, to create a new lot and construct a three-storey building for emergency accommodations for women and children fleeing intimate partner violence (Bryony House). A copy of the staff presentation is on file.

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

Ross Grant, Planner, TEAL Architects, representing the Applicant, provided a brief background on the Halifax Transition House Association and the programs and services they offer. They explained that the current shelter in Dartmouth had far exceeded its lifetime and was closed in 2016 because of inadequate sewage facilities and constant flooding issues from sewage backup. The speaker reviewed the proposal and site plan to create a new lot and construct a three-storey building for the shelter. A copy of the speaker's presentation is on file.

The Chair reviewed the rules of procedure and called three times for members of the public to come forward and speak for or against the matter; there were none.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Nicoll, seconded by Councillor Austin

THAT Harbour East-Marine Drive Community Council adopt the amendment to the Dartmouth Land Use By-law to subdivide and rezone a portion of lands at 9 Veterans Avenue, Dartmouth, as set out in Attachment A of the staff report dated January 17, 2018.

Members spoke in support of the application and the services offered by the Halifax Transition House Association (Bryony House).

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.1.1. This correspondence was circulated to the Community Council.

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

11.2 Petitions – None

12. INFORMATION ITEMS BROUGHT FORWARD – February 1, 2018

12.1 Staff report dated January 19, 2018 entitled: Rezoning Institutional Lands within the Woodside Industrial Park, Dartmouth

The following was before the Community Council:

- A staff information report dated January 19, 2018

Councillor Austin explained that in consultation with staff the best way to reduce conflict between industrial activities that abut residential and institutional uses in the Woodside Park area, is to amend the Dartmouth Municipal Planning Strategy and Lands Use By-law. They noted that these amendments would also align with the work being done on the Centre Plan.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

THAT Harbour East-Marine Drive Community Council waive the rules of order to give Notice of Motion.

Two-third majority vote required.

MOTION PUT AND PASSED.

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council recommend that Halifax Regional Council request an Initiation Report to give consideration of amendments to the Dartmouth Municipal Planning Strategy and Land Use Bylaw which would reduce conflict between Industrial activities and abutting residential and institutional uses in the Woodside Industrial Park area.

MOTION PUT AND PASSED.

13. REPORTS

13.1 STAFF

13.1.1 Case 21281: Amendments to the Regional MPS and the Eastern Shore (West) LUB for lands on the east side of Scots Lake, Musquodoboit Harbour

The following was before the Community Council:

- A staff recommendation report dated January 24, 2018

MOVED by Councillor Hendsbee, seconded by Councillor Austin

THAT Harbour East-Marine Drive Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and the Land Use By-law for the Eastern Shore (West) as set out in Attachments A and B of the staff report dated January 24, 2018, to enable development of certain 10-hectare (25-acre) lots on the east side of Scots Lake, Musquodoboit Harbour, and schedule a public hearing; and

2. Approve the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and the Land Use By-law for the Eastern Shore (West) as set out in Attachments A and B of the staff report dated January 24, 2018.

Staff responded to questions of clarification on the fee structure for advertising.

MOTION PUT AND PASSED.

13.1.2 Case 21438: First Amending Development Agreement for 1095 Cole Harbour Road, Cole Harbour

The following was before the Community Council:

- A staff recommendation report dated January 15, 2018

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee

THAT Harbour East-Marine Drive Community Council:

1. Approve, by resolution, the proposed first amending development agreement, to allow for modifications to the exterior commercial building façade, which shall be substantially of the same form as set out in Attachment A of the staff report dated January 15, 2018; 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, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

13.1.3 Case 21247: Non-substantive amendments to an existing development agreement for lands at 35 Mic Mac Boulevard, Dartmouth

The following was before the Community Council:

- A staff recommendation report dated February 1, 2018

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East Marine Drive Community Council:

- 1. Approve, by resolution, the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated February 1, 2018, to allow for the conversion of the Kent Home Improvement Centre to office and warehouse uses at 35 Mic Mac Boulevard, Dartmouth; and**
- 2. Require the amending 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.**

Brittany MacLellan, Planner II, Current Planning presented the application by Shelley Dickey, Land Use Planning, on behalf of the property owner, J.D. Irving Ltd., requesting non-substantive amendments to an existing development agreement for lands at 35 Mac Mac Boulevard, Dartmouth, to allow for conversion of the Kent Home Improvement Centre to office/warehouse use. A copy of the staff presentation is on file.

During the discussion, the Planner noted that the Applicant is requesting two minor text changes to the amending Development Agreement that are non-substantive and will alleviate potential issues at the permitting stage:

Section 3.4 of the original agreement references exterior building colour. Staff's amendment changes "off-white" to "neutral tones", however, for greater flexibility in exterior building colour, the word "shall", immediately before the word "be," could be changed to "may".

Section 10.1 of the original agreement references outdoor storage and specifically speaks to an electrical transformer. To allow a greater degree of flexibility with utility structures, the words "an electrical transformer" could be replaced with the words "mechanical and electrical equipment".

Councillor Austin requested a friendly amendment to include the text changes to Sections 3.4 and 10.1 of the proposed amending development agreement, to which the Community Council agreed.

The motion before Community Council now reads:

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East Marine Drive Community Council:

- 1. Approve, by resolution, the proposed amending development agreement with the text changes to Section 3.4, replace the word 'shall be' to 'may be' and Section 10.1, replace 'an electrical transformer' to 'mechanical and electrical equipment', which shall be substantially of the same form as set out in Attachment A of the staff report dated February 1, 2018, to allow for the conversion of the Kent Home Improvement Centre to office and warehouse uses at 35 Mic Mac Boulevard, Dartmouth; and**
- 2. Require the amending development agreement with the text changes to Sections 3.4 and 10.1 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.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Colin May, Dartmouth spoke to the Board of Police Commissioners' membership, in particular Stephen Graham's attendance record, and submitted the following for the record:

- A copy of a letter they wrote to Honorable Diana Whalen, Minister of Justice dated April 11, 2017 respecting the attendance record of Stephen Graham, the Ministerial Appointee to the HRM Board of Police Commissioners;
- A copy of a letter they wrote to Councillor Steve Craig, Chair, HRM Board of Police Commissioners, date unknown, advising of the letter they wrote to Minister Whalen dated April 11, 2017; and
- A copy of the letter they received from Don Spicer, Director, Public Safety Division dated May 8, 2017 in response to their letter to Minister Whalen dated April 11, 2017.

May supported the Royal Canadian Mounted Police (RCMP) request for increase funding in the 2018-19 Municipal Budget for six new officer positions.

Warren Wesson, District 5 spoke to the Draft Centre Plan Package A and questioned why affordable housing was limited to one bedrooms, suggesting the need for bachelor units as well. They also sought clarification around the 62-meter height restriction and its relationship to density bonusing.

19. DATE OF NEXT MEETING – APRIL 5, 2018

20. ADJOURNMENT

The meeting was adjourned at 6:56 p.m.

Krista Vining
Legislative Assistant