



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
SPECIAL MEETING
June 30, 2020**

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

STAFF: Claire Gillivan, Solicitor
Simon Ross-Siegel, Legislative Assistant
Alicia Wall, Legislative Support
Jamy-Ellen Klenavic, Planner II, Current Planning
Dean MacDougall, Planner III
Steve Higgins, Manager, Current Planning
Carl Purvis, Planning Applications Manager

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 6:02 p.m. and Community Council adjourned at 8:15 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m.

2. APPROVAL OF MINUTES – NONE

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

Amendment:

Community Council proposed to amend the Order of Business to consider Items 11.1, 11.2, 11.3, 13.1.1 and 14.1 ahead of Item 10.1.1.

MOVED by Councillor Karsten, seconded by Councillor Mancini

THAT the Order of Business be approved as amended.

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 HEARINGS – 6:00 P.M.

10.1.1 Case 21880: Rezoning and Development Agreement for 358-364 Portland Street and PIDs 40356081 and 00221952, Dartmouth

The following was before Community Council:

- A staff recommendation report dated January 7, 2020
- Presentation from the Applicant dated June 30, 2020
- Staff Presentation dated June 30, 2020
- Correspondence was received from William Zebedee, Mark Perry, Madelaine Corke, Eric Moreau, Carolyn Marshall & Shaun O'Neill, Rita Gentz, Neil Atkinson, Matt Boyle, Daniel Caswell, Graham Caswell, Matt Conrad, Chris Couture & Melanie Priddle, Paul Nguyen, Tony Zareski, Mark Bergman, Curtis Enman, James Mielnik, Kyle Miller, Brian Murray, David Quilichini, Dale Molenaar, Philson Kempton, Bill Kidney, Theresa Moody, Tricia Ralph, June Trenholm, Tara Jardine, Wendy McDermaid-Kean, Janet Tobin, Danielle Deganis, Angela Hersey, Evan Kean, Bob Branton, Margo MacGregor, Christine Serdyski, David Graham, Robin John West, Emily Mercer, Aimee Brown, Jim Graham, Natasha Murray, Kenneth May, Nicole Robinson, Jenny Mathers, Leslie Nasmith, Gary Sisson, Liam May, Jennifer May, Genevieve Orton, Roy Ellis, Nick Reti, Laina Yule, Ruth Partridge, Stewart Yule, Hilary Steele, Laura LeBlanc, Josie LeClair, Maria-Nicole Lockerby & Thomas Crane, Lucille Graham, Connie Mack, Larry Graham, Jarrett Corke, Susan Patterson, Alex Marshall, Heather Yule, Ann MacLeod, Nick Hooper, Jesse Sharratt, Tyler de Gier, Kareem Elhawary, Emma Giffin, Elizabeth a Bigney, LaMeia Reddick, Matthew Steele, and Julie White

Jamy-Ellen Klenavic, Planner II, presented Case 21880. Klenavic displayed various photographs of the site showing different views and elevations. The site is currently vacant and is comprised of Lots A & B

which will be consolidated and Lot C which currently has no frontage and is located behind Lots A & B. The Applicant is seeking a rezoning from R-2 to R-3 and is proposing two 6-storey mixed-use buildings (buildings A & B) fronting Portland Street on Lots A & B, and a 4-storey building (building C) with no commercial use on Lot C. Access to all buildings would be from Portland Street. Klenavic spoke to the relevant criteria for evaluating the application and the key aspects of the development agreement. Klenavic indicated that the development agreement states to maintain trees where possible but noted the applicant would be required to submit a detailed landscaping plan if the proposed development is approved.

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

Troy Scott, an Architect of T.A. Scott Architecture & Design, spoke to the neighborhood context compatibility and to the design of the building including materials used. Building C has been designed with a townhouse feel. Shadows were studied and it was found that for the most part they would be cast on the building across the street, also owned by the developer. It was noted the shadows are being kept off the Maynard Lake playground area and Rodney Road as much as possible. Underground parking has been included to allow for more landscaping and they feel there is enough density in the buildings to make the commercial uses viable.

Community Council sought clarification regarding the number of units facing Rodney Road, what truck routing refers to and whether or not the established pathway used by the public will remain. Scott indicated there are 4 units facing Rodney Road, however two of them directly face adjacent properties and the other two are on an angle and have a different viewplane. Scott confirmed truck routing is a virtual test done to ensure a fire truck can turn around. A traffic impact statement was submitted as part of the application and there were no plans to remove the established pathway.

The Chair opened the Public Hearing and reviewed the rules.

Madelaine Corke, resident of Southdale, agrees the area needs a revitalization and supports buildings A & B but does not support building C. They would rather see duplexes or townhouses and feel it would set a precedent for future rezoning requests. Concerns were expressed regarding the extent of the public consultation.

Heather Yule, resident of Dartmouth, has lived in area for over 15 years and supports buildings A & B but is opposed to the rezoning of Lot C. Concerns were expressed over traffic, privacy, light pollution, rooftop patios and parking for the commercial uses. They would like to see a development more suitable for an R-2 zone.

Michael Vlahos, resident of Manor Park, is in favour of the development and does not believe allowing the rezoning will set a bad precedent.

Mark Perry, resident of Dartmouth, is opposed to the rezoning of Lot C, but feel buildings A & B would be a welcomed addition to the area. Concerns were expressed around the public consultation and traffic.

Nick Reti, resident of Southdale, would like to see the developer have to comply with R-2 zoning for Lot C.

Jenny Mathers, resident of Dartmouth, is opposed to the rezoning of Lot C and feels it sets a bad precedent but does support buildings A & B. Concerns included light pollution, noise pollution, privacy and parking.

Stewart Yule, resident of Southdale, would like to see the R-2 zoning remain on Lot C but is in support of Buildings A & B. Privacy, parking and traffic were some of the concerns raised by the resident.

Jarrett Corke, resident of Dartmouth, is not in favour of Lot C being rezoned and purchased their property assuming the R-2 zone would remain on Lot C. They feel the building being proposed on Lot C is not compatible with existing neighborhood.

The Chair invited the Applicant forward to respond to points raised by speakers.

Troy Scott indicated that the property is located on active transportation routes and hopes this will reduce vehicular traffic. Privacy concerns of residents are being looked at.

Chandler Haliburton, resident of Southdale and owner of lands, lives in the community and will be living with this development also. They stated that this proposed development has been in the works for 2.5 years and they feel these types of projects bring people to the area. Haliburton confirmed there will be some units that meet CMHC affordability standards.

Community Council requested clarification regarding several issues including the rooftop patio, steps taken to address concerns of residents, reducing noise and light pollution, reducing the impact of parking on Rodney Road and tools used to determine in determining roof line heights. Scott said that privacy fencing is being proposed and that they have asked for a smaller building than what is allowed. Providing access via Portland Street should reduce traffic impacts on Rodney Road. The proposed rooftop patio fronts Portland Street and the topography available through HRM GIS was used with respect to the heights of the roof lines. Haliburton confirmed there is a minimum amenity space requirement and that downcast lighting is being used to reduce light pollution. Scott indicated the rooftop patio is 1000 square feet and that residents would be unable to look down at the Rodney Road properties from the rooftop patio. With respect to parking, the developer also owns two adjacent pieces of land that could be used for overflow parking.

MOVED by Councillor Austin, seconded by Councillor Mancini.

That the public hearing be closed.

MOTION PUT AND PASSED.

The Chair declared the Public Hearing Closed.

Community Council sought clarification from staff regarding possible permit parking on Rodney Road, and the established pathway used by the public and landscaping. Klenavic confirmed that approval of the proposed development would not open the door for future rezoning requests. Klenavic noted that there are no other applications in the queue that were submitted prior to Centre-Plan and that parking permits were not considered in the application process but doesn't see why this initiative couldn't be brought forward. Klenavic indicated that staff does not ask for a lot of design work detail around landscaping at this stage in a development proposal though further design would be part of a development agreement. HRM traffic management has reviewed and accepted the traffic impact statement provided.

MOVED by Councillor Austin, seconded by Councillor Karsten

That Harbour East Marine Drive Community Council adopt the amendment to Schedule 1, Zoning Map, of the Land Use By-law for Dartmouth, as set out in Attachment A of the staff report dated January 7, 2020.

It was noted by the Community Council that the development encourages density which is in line with Centre Plan, that the cast shadows are reasonably undistruptive and there does not appear to be a lot of difference in height between the proposed building and what would be permitted as of right.

It was further noted that HRM takes public engagement very seriously and the applicant was encouraged to continue to engage with the community.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received for Item 10.1.1 as noted above and circulated to the Community Council.

Correspondence was also received from David Harrison and this correspondence was general in nature and was circulated to the Community Council.

11.2 Petitions – None

11.3 Presentations – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 22367 Amendments to Cole Harbour Westphal MPS and LUB

The following was before Community Council:

- A staff recommendation report dated March 26, 2020

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

That Harbour East Marine Drive Community Council recommend that Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, as set out in Attachments A and B of the staff report dated March 26, 2020, to remove commercial uses and enable residential uses at 272 Auburn Drive and schedule a public hearing; and**
- 2. Adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, as set out in Attachments A and B.**

MOTION PUT AND PASSED

13.2 MEMBERS OF COMMUNITY COUNCIL – NONE

14. MOTIONS

14.1 Councillor Karsten - Accessory Buildings in Watercourse Setbacks and Buffers

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

That Harbour East Marine Drive Community Council request a staff report to consider amendments to the Eastern Passage/ Cow Bay Land Use By-law to allow accessory structures and buildings within watercourse setbacks and buffers.

MOTION PUT AND PASSED.

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION - NONE

19. DATE OF NEXT MEETING - TBD

20. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Alicia Wall
Legislative Assistant