



**HARBOUR EAST- MARINE DRIVE COMMUNITY COUNCIL
SPECIAL MEETING
MINUTES
May 6, 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, Planning Applications Program Manager
Thea Langille, Principal Planner
Jamy Ellen Klavenic, Planner III
Maria Jacobs, Planner II
Gareth Evans, Recreation Planning Specialist
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 6:06 p.m. and adjourned at 7:32 p.m.

1. CALL TO ORDER

Councillor Hendsbee, Chair called the meeting to order at 6:06 p.m.

2. APPROVAL OF MINUTES – Special Meeting March 25 & April 1, 2021

MOVED by Councillor Kent, seconded by Councillor Mancini

THAT the minutes of March 25 & April 1, 2021 Special Meetings be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Simon Ross-Siegel, Legislative Assistant clarified that there will be a special meeting of Harbour East-Marine Drive Community Council to be held on May 20, 2021 which was not reflected on the meeting agenda.

MOVED by Councillor Kent, seconded by Councillor Mancini

THAT the agenda be approved as amended.

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 22198: Development Agreement for 4442 Clam Harbour Road, Clam Bay

The following was before Community Council:

- A staff recommendation report dated January 19, 2021
- A staff presentation dated May 6, 2021
- Correspondence from Allan T. Arnold, Blaire Lopes, Robert Sebastiano, John L. Siteman, Chris Griffiths, Silvia Zimperfeld.

Maria Jacobs, Planner II presented Case 22198: Development Agreement for 4442 Clam Harbour Road, Clam Bay. The application is by Heritage House Law on behalf of Charles Dalrymple, property owner to legalize the existing salvage yard operation at 4442 Clam Harbour Road in accordance with Policy MU-14 of the Eastern Shore (West) Municipal Planning Strategy (MPS) and Land Use By-law (LUB). A copy of the staff presentation is on file.

In response to questions from Community Council, Jacobs clarified that there is a large tree buffer, shrubbery, landscaping, and an off-street parking area that serves as barrier screening to conceal the operations of the salvage yard. In response to a follow up question, Jacobs noted that one of the two existing driveway access points to the site will be removed on the recommendation of the provincial

Department of Transportation for safety purposes.

Responding to a question from Community Council, Jacobs advised that a comprehensive stormwater management plan must be submitted prior to a development permit being issued. Jacobs further noted that the applicant is also completing a provincially mandated environmental assessment related to water quality testing prior to permitting.

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

Mark Charles, of Heritage House Law, spoke on behalf of the applicant, Charles Dalrymple. A copy of the applicant's presentation is on file. Charles provided a history of the property and an overview of the services that are provided on site. Charles stressed the importance of the salvage yard to the local community as well as its economic growth potential in a rural region of the municipality. Charles advised that the applicant has hired engineers to ensure that the impact on the local environment is managed appropriately. Charles further explained that the application includes provisions for the use of natural buffering to conceal the operations of the salvage yard and the installation of a parking lot on site to ensure traffic safety. Charles concluded by noting that the applicant will ensure adherence to provincial guidelines for watercourse buffering and encouraged members of Community Council to approve the application.

In response to question of Council, **Charles Dalrymple, applicant**, stated that a plan is in place with the province to remove old and unused tires from the site for recycling.

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

Kim Thompson, of Ship Harbour, spoke in favour of the application. Thompson noted that Dalrymple's salvage yard and automotive repair talents are well known and appreciated in the community. Thompson commented that Dalrymple's operation provides much needed local employment and generous apprenticeship opportunities to whomever wants to learn about automotive repair and salvage. Thompson advised that Dalrymple does a very good job of recycling and reusing end of life vehicles and is an active community collaborator on matters of the environmental stewardship and concluded by encouraging members of Community Council to approve the application.

There were no other registered speakers.

MOVED by Councillor Mancini, seconded by Councillor Kent

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Kent, seconded by Councillor Mancini

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 January 19, 2021 report; and**
- 2. Require the development 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.**

MOTION PUT AND PASSED.

10.1.2 Case 22797: Rezoning and Development Agreement for 95 Caledonia Road, Dartmouth

The following was before Community Council:

- A staff recommendation report dated January 22, 2021
- A staff presentation dated May 6, 2021
- Correspondence from Rebecca Getson, Michel Gharios, Dalal Ibrahim, Charbel Khattar, Elie Alamiouni, Cameron Downey, Ruba Saoud, Rana Sarraf

Jamy-Ellen Klenavic, Planner III presented Case 22797: Rezoning and Development Agreement for 95 Caledonia Road, Dartmouth. The application is by WM Fares Architects, on behalf of property owners 3321382 Nova Scotia Limited, to rezone 95 Caledonia Road from C-1 (Local Business) to C-2 (General Business) and to enter into a development agreement to allow a five-storey apartment building with ground floor commercial uses. A copy of the staff presentation is on file.

In response to questions from Community Council, Klenavic advised that the public hearing addresses both the request to rezone the subject property and the proposed development agreement.

Responding to a concern from Community Council regarding the street experience of the proposed development, Klenavic advised that planning policy focuses on compatibility with the neighbourhood and matters such as street experience are accounted for in staff's evaluation of the proposal. Klenavic advised that staff have assessed the application from a neighbourhood compatibility perspective and noted that the proposed building is a good fit given its placement on the site, no interruptions from surface parking and its setback from the sidewalks.

In response to a follow up question, Klenavic advised that the Land Use By-law for Dartmouth mandates setbacks from the property lines and that the maximum building height is determined by measuring the top of the building to the average grade. Klenavic noted that the subject property is relatively flat.

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

Cesar Saleh, Vice President of Planning and Design, WM Fares Group spoke on behalf of the applicant, 3321382 Nova Scotia Limited. Saleh provided a summary of the planning and public engagement process for the proposed rezoning and application. Saleh gave an overview of the building footprint, its architectural design, site lines, and landscaping buffering to ensure compatibility with neighbouring properties. Saleh spoke to the building form, the integrated underground parking garage and the design of the at grade commercial spaces which contribute to the overall street experience. Saleh concluded by advising that staff and the WM Fares design team both feel that the proposal is reasonably consistent with the Municipal Planning Strategy and encourage approval of the application.

Responding to a question from Community Council, Saleh noted that a list of potential tenants for the at grade businesses are not available at the current time. Saleh commented that the applicant has allowed

for separate entrances which are well defined and located on a side street which allows easy access.

In response to a follow up question, Saleh noted that the applicant has not yet determined the rental price for units within the building. Saleh noted that the building includes a mixture of unit sizes and types, which are predominantly family type two-bedroom units, the mixture being seventy (70) percent two-bedroom units to thirty (30) percent one building units. Saleh further noted that property owner is applying for a Canada Housing and Mortgage Corporation (CMHC) affordable housing program which will allow for several units to be priced at ten percent below market rents in exchange for financing incentives. Saleh provided further details on the CMHC program.

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

Normand Legault, of Dartmouth spoke in favour of the proposed development advising that the neighbourhood needs new life and revitalization. Legault commented that new buildings help drive renewal of older neighbourhoods, and that a mixed residential and commercial property is what is needed for the subject property. Legault noted that a nearby transit terminal, the High School and the Nova Scotia Community College will be good for the commercial tenants that will occupy the building. Legault expressed their hope that the business currently operating in the existing building will be able to become tenants in the new building if it is approved. Legault concluded by encouraging members of Community Council to approve the proposed rezoning and development agreement.

Kautilya Gandhi, of Dartmouth, noted their occupation as an architect and developer in the community. Gandhi reiterated the points raised by the previous speaker in support of the application and noted that the proposal provides a great design for the area. Gandhi advised that if approved, the building will encourage the surrounding community to be further developed and renewed.

Speaking briefly to the points raised during the public hearing, **Saleh** noted that WM Fares will speak to the applicant regarding opportunities to increase the outdoor courtyard area as part of the building permit package.

MOVED by Councillor Mancini, seconded by Councillor Kent

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Mancini, seconded by Councillor Austin

THAT Harbour East-Marine Drive Community Council adopt the amendment to the Land Use By-law for Dartmouth, as set out in Attachment A of the January 22, 2021 report.

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARING – NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for items 10.1.1 and 10.1.2. This correspondence was circulated to members of Harbour East-Marine Drive Community Council.

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

13.1 STAFF

13.1.1 Creation of a Disc Golf Course in Dartmouth

The following was before Community Council:

- A staff recommendation report dated April 4, 2021

MOVED by Councillor Austin, seconded by Councillor Mancini

THAT Harbour East-Marine Drive Community Council recommend that Regional Council direct the Chief Administrative Officer:

- 1. Take no further action on the proposal for a disc golf course at the North Woodside Community Centre; and**
- 2. Continue to undertake the disc golf pilot project and related initiatives and assessments as part of the municipality's ongoing and future recreation programming.**

In response to a question from Community Council, Gareth Evans, Recreation Planning Specialist, noted that staff are not refusing to do anything from a recreation perspective on the subject property, but rather are interested in obtaining more data on the usage of disc golf in the area before further development takes place. This will determine where future infrastructure will best fit within the municipality.

MOTION PUT AND PASSED.

13.2 MEMBERS OF COMMUNITY COUNCIL – NONE

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION

18. PUBLIC PARTICIPATION

Public participation held and closed. There were no registered speakers present.

19. DATE OF NEXT MEETING – May 20, 2021 (Special Meeting)

20. ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Liam MacSween
Legislative Support