



**HARBOUR EAST MARINE DRIVE COMMUNITY COUNCIL
MINUTES
July 6, 2023**

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

STAFF: Joshua Judah, Solicitor
 Liam MacSween, Elections and Special Projects Manager
 Dorothy Maponga, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 6:03 p.m., and Community Council adjourned at 7:44 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 6:03 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

2. APPROVAL OF MINUTES – June 15, 2023

MOVED by Deputy Mayor Austin, seconded by Councillor Hendsbee

THAT the minutes of June 15, 2023 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

On behalf of Councillor Kent, as provided for in section 37 (1) of Administrative Order One, Respecting the Procedures of the Council, Councillor Purdy requested that item 13.1.2 be considered after item 10.1.1.

MOVED by Deputy Mayor Austin, seconded by Councillor Hendsbee

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 22622: Development Agreement for 1268 Cole Harbour Road, Cole Harbour

The following was before Community Council:

- Staff report dated May 18, 2023
- Extracts from the April 20th and June 15, 2023 Harbour East Marine Drive Community Council minutes
- Correspondence from April Harris and Robyn Fitzgerald
- Staff presentation dated July 6, 2023
- Applicant presentation dated July 6, 2023

Paul Sampson, Planner II gave a presentation and responded to questions of clarification from Community Council.

Councillor Purdy stepped down from the Chair to ask questions of clarification and Councillor Hendsbee assumed the Chair.

Councillor Purdy resumed the Chair.

The hearing opened at 6:29 p.m.

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

Connor Wallace, Applicant gave a presentation and responded to questions from Community Council.

Councillor Purdy stepped down from the Chair to ask questions of clarification and Councillor Hendsbee assumed the Chair.

Councillor Purdy resumed the Chair.

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

Anne Knowlton, Cole Harbour spoke on the proposed development agreement. Knowlton highlighted that HRM Planning had not provided any documentation on the rezoning of the property from residential to commercial and no information was provided to confirm that the rezoning was done legitimately. They highlighted that the progress of the development agreement regarding public disclosure did not satisfy expectations. Furthermore, Knowlton noted that the lack of public information meetings had disenfranchised residents from having any discussion with HRM and the developer. They highlighted that the proposed development did not meet the minimum requirements for buildings in the area as highlighted in the Cole Harbour/ Westphal Municipal Planning Strategy and Land Use Bylaw. Furthermore, Knowlton spoke on the proposed apartments being half the required square footage and the parking concerns related to the proposed development.

Anne Knowlton, Cole Harbour, on behalf of Brian Knowlton spoke on the zoning of the proposed development agreement. Knowlton emphasized that neither a public meeting was held to rezone the property from residential to commercial nor was information released to the public about the development. They further stated that the height of the proposed development did not match that of other residential properties in the area. Knowlton further noted that that the proposed sixteen-unit town houses did not fall within either zone R2 or R5. They emphasized that the proposed building would cause numerous problems and did not meet the Cole Harbour/ Westphal Municipal Planning Strategy and Land Use By-Law.

Louis Wells, Parkland Avenue spoke on the traffic concerns at the corner of Cole Harbour Road and Bissett Road in relation to the proposed development. Wells questioned whether the proposed development would be used as rentals or condominiums. They further questioned how the development of the units would affect the property tax of other residents. Wells sought clarification on the commencement of construction of the units.

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 questions raised by the public.

Wallace highlighted that their client had not determined whether the units would be rental or condominium. Wallace further noted that the development agreement required construction to commence

within six years. They mentioned that there was no blasting planned during the construction of the units and that if blasting was needed in the future, it would be minimum.

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Austin

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:56 p.m.

Sampson noted that due to engagement with residents through mail-outs, phone calls and Halifax.ca there had been less public information meetings on applications, hence why no public information meeting was held for this application. They highlighted that the development agreement does not specify whether the development would be condominium style or rental units and would be at the discretion of the applicant. Sampson highlighted that the development agreement specified commencement and completion dates which were generous to the current market conditions. They further noted that with as of right developments, there were specific rules that must be met for permit approval.

Councillor Purdy stepped down from the Chair to ask questions of clarification and Councillor Hendsbee assumed the Chair.

Erin MacIntyre, Director Current Planning responded to questions of clarification from Community Council. Councillor Purdy resumed Chair.

MOVED by Councillor Mancini, 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 May 18, 2023; and**
- 2. Require the 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**

Joshua Judah, Solicitor highlighted that the decision of Community Council could be appealed to the Nova Scotia Utility and Review Board.

It was noted that Councillor Kent was ineligible to vote on the matter as they were not present for the entire Public Hearing.

Councillor Purdy stepped down from the Chair to speak to the matter and Councillor Hendsbee assumed the Chair.

Councillor Purdy resumed Chair.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for items: 10.1.1., 11.1.1 and 11.1.2.

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

11.1.1 Speeding Concerns Cranehill Road and Glasgow Road, East Preston

The following was before Community Council:

- Correspondence from East Preston Ratepayers Community Development Association

Councillor Hendsbee spoke on the correspondence to Community Council.

11.1.2 Safety concerns regarding errant balls from Grandview Golf Course and Driving Range of 431 Cranehill Road hitting the public highways of Glasgow Road and Cranehill Road 431 East Preston

The following was before Community Council:

- Correspondence from East Preston Ratepayers Community Development Association

Councillor Hendsbee spoke on the correspondence to Community Council.

11.2 Petitions - None

11.3 Presentation – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 PLANAPP 2023-00339 (formerly Case 24496): Development Agreement for 1 Circassion Dr, Cole Harbour

The following was before Community Council:

- Staff report dated June 8, 2023

Councillor Purdy stepped down from the Chair and Councillor Hendsbee assumed the Chair.

MOVED by Councillor Purdy, seconded by Deputy Mayor Austin

THAT 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 June 8, 2023 to allow a 3-storey multi unit building containing 18 residential units at 1 Circassion Drive, Cole Harbour and schedule a public hearing.

MOTION PUT AND PASSED.

Not present: Councillor Kent

Councillor Purdy resumed Chair.

13.1.2 Case 23724: Rezoning and Development Agreement, 1818 Shore Road, Eastern Passage

The following was before Community Council:

- Staff report dated June 1, 2023

MOVED by Councillor Kent, seconded by Councillor Hendsbee

THAT Harbour East – Marine Drive Community Council:

- 1. Give First Reading to consider approval of the proposed amendment to Schedule A of the Land Use By-law for Eastern Passage/ Cow Bay, as set out in Attachment A of the staff report dated June 1, 2023, to rezone 1818 Shore Road, Eastern Passage from R-1 and R-2 to CDD (Comprehensive Development District) and schedule a public hearing; and**
- 2. Give notice of motion to consider the proposed development agreement, as set out in Attachment B of the staff report dated June 1, 2023, to allow for a mixed-use development with 94 residential units and local commercial uses at 1818 Shore Road, Eastern Passage, and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in part 1.**

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

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

Tim Chestnut, on behalf of Epic Dartmouth, spoke on the various events the organization had organized over the years and thanked Community Council for their continued support. Chestnut noted that after fifteen years they had decided to retire the organization from hosting various events in Dartmouth. Chestnut highlighted that Run Nova Scotia did not have the capacity to take over the leadership of the organization as it required a dedicated team. They responded to questions of clarification from Community Council.

19. DATE OF NEXT MEETING – August 2, 2023

20. ADJOURNMENT

The meeting was adjourned at 7:44 p.m.

Dorothy Maponga
Legislative Assistant