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Item No. 8.1 (i)
Harbour East-Marine Drive Community Council
April 5, 2018

TO: Chair and Members of Harbour East-Marine Drive Community Council

Original Signed

SUBMITTED BY: Steve Higgins, Acting Director, Planning and Development

DATE: March 6, 2018

SUBJECT: **Case 20269: Rezoning and Development Agreement – 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth**

SUPPLEMENTARY INFORMATION REPORT

ORIGIN

1. Application by Monaco Investments Partnership to enable the development of a 9-storey multi-unit residential building containing ground floor commercial uses.
2. On December 7, 2017, the following motion of Harbour East-Marine Drive Community Council regarding item 10.1.1 was put and passed:

THAT Harbour East-Marine Drive Community Council defer consideration of this matter pending a supplementary staff report discussing a six (6) storey proposal with an appropriate transition to surrounding low-rise neighbourhood.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

BACKGROUND

Harbour East – Marine Drive Community Council held a public hearing on December 7, 2017 to gather public input on a proposed rezoning and development agreement to construct a 9-storey multi-unit residential building with ground floor commercial uses at 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth.

Public interest and input generated at the meeting was extensive and largely in opposition to the proposal. After allowing all interested parties to speak, the public hearing was closed. Minutes from that hearing are attached (Attachment A)

The motion for Community Council's consideration after the closure of the hearing was:

Moved by Councillor Austin, seconded by Councillor Mancini

THAT Harbour East – Marine Drive Community Council adopt the amendment to Schedule A of the Dartmouth Land Use By-law, as set out in Attachment A of the staff report dated September 29, 2017.

Community Council chose to exercise its right to defer a final decision on the motion above and the following motion was adopted instead:

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council defer consideration of this matter pending a supplementary staff report discussing a six (6) storey proposal with an appropriate transition to surrounding low-rise neighbourhood.

That motion provided direction for staff to engage the applicant to determine their preferred approach based on three general alternatives to advance the proposed development:

1. Continue with the current application which would require Community Council to approve or reject the proposal based solely on the plans previously advertised and presented for consideration at the December 7, 2017 public hearing. This option would conclude the planning process subject to any appeals allowed by statute;
2. Consider an amended proposal in response to the motion adopted by Community Council relative to a six-story building. This option would require revised building plans indicating a six-story structure, further review by municipal staff, additional public notification and a second public hearing prior to any decision by Community Council; or,
3. Withdraw the application. This option would conclude the planning process and no further action would be required from either staff or Community Council.

The applicant has considered the motion from Community Council and have indicated they are agreeable to an amended proposal as follows (see Attachment B):

- reduce the number of storeys from nine to eight as per the preliminary revised plans submitted to planning staff (see Attachment C);
- proceed immediately with the proposed rezoning based on the December 7, 2017 public hearing in advance of approval of the development agreement; and,
- proceed with the approval process for the development agreement at a later date based on the revised building design (this would include a new public hearing).

DISCUSSION

The purpose of this report is to respond to questions raised at the public hearing.

Proposed Building Revisions

In response to Community Council's motion relative to a 6-storey building, the applicant has indicated a building of that scope is not economically viable for the subject site. No additional information was provided to quantify this conclusion.

The applicant has provided a revised building design eliminating one floor from the design that was considered at the December 7, 2017 public hearing. This would result in an 8-storey building (7 floors + penthouse). All other aspects of the building design including site plan, setbacks, and stepbacks remain unchanged.

Proposed Process Revision

The applicant has also requested Community Council consider approval of the rezoning based on the December 7, 2017, public hearing in advance of considering the proposed development agreement. The applicant states the following in this regard:

“Under MPS policy the rezoning can stand alone and there is no need for a full revised development agreement to be before Community Council concurrently. Once a decision is rendered on the rezoning we undertake to provide full detailed plans for inclusion in a revised development agreement based on the attached concept for a 7 storey plus penthouse building. Community Council will then be able to consider the revised concept in detail and render a decision on the development agreement once the R4 zone is in effect.”

Approval of a multi-unit residential building at this location requires two separate approval procedures; a rezoning and a subsequent development agreement. The rezoning alters the underlying zoning to enable a development agreement for the proposed multi-unit residential / commercial uses and the development agreement then allows Community Council to regulate various building elements (such as height, massing, design, integration with surrounding properties etc.). While these are technically individual, they are commonly considered to be components of a single application process. Nevertheless, these two are technically separate under the relevant statutes and theoretically, they can be considered separately as suggested by the applicant.

However, rezoning the subject properties independently from the development agreement would result in the establishment of “by-right” development capacity under the R-4 and GC zones. While these uses are generally less intensive than the proposed multi-unit residential building, their establishment at this location has not been assessed by staff and the implications of those uses have not been considered by Community Council or the public.

Furthermore, it has been a longstanding practice of Community Council to require a complete building/development proposal as part of rezoning applications. To date, this proposed rezoning has been reviewed by staff and considered by Community Council and the public only in the context of the merits of the apartment building proposed by the applicant. Considering this rezoning independently from the development agreement would require Community Council to make a zoning decision based on the building proposal discussed at the December 7, 2017 public hearing with no assurance that building would be constructed.

Under these circumstances, staff do not support consideration of the rezoning in advance of resolving the outstanding issues relating to the development agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of a future development agreement. The administration of a future development agreement can be carried out within the approved 2017/18 C310 Urban and Rural Planning Applications budget and with existing resources.

COMMUNITY ENGAGEMENT

A public hearing must be held by Harbour East – Marine Drive Community Council before they can consider approval of the revised rezoning and development agreement proposal. Should Harbour East – Marine Drive Community Council decide to proceed with a public hearing on the revised application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 1 will be notified of the hearing by regular mail.

The rezoning and development agreement proposal will potentially impact the following stakeholders: area residents and property owners, community or neighbourhood organizations, and local businesses.

ATTACHMENTS

Map 1 Zoning and Notification Area

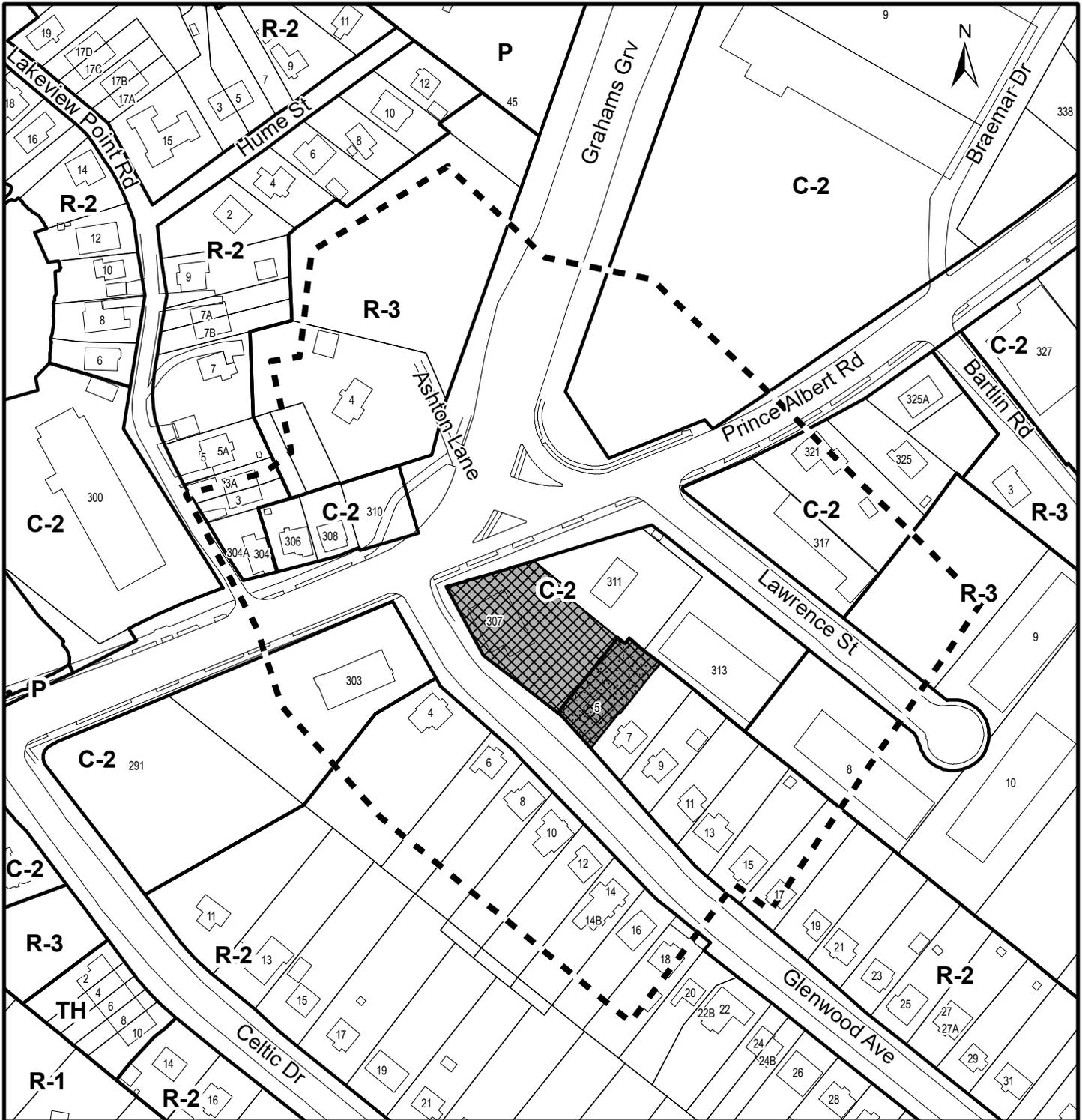
Attachment A Public Hearing Minutes

Attachment B Letter from Applicant

Attachment C Revised Plans

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Luc Ouellet, LPP, Planner III, 902.490.3689



Map1 - Zoning and Notification

307 Prince Albert Road & 5 Glenwood Avenue,
Dartmouth

HALIFAX

- Area proposed to be rezoned from C-2 (General Business) to GC (General Commercial)
- Area proposed to be rezoned from R-2 (Two Family Dwelling) to R-4 (Multiple Family Residential -High Density)
- Area of Proposed Development Agreement
- Area of Notification

Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- TH Town Housing
- C-2 General Business
- P Park



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Dartmouth Plan Area



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
December 7, 2017**

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

STAFF: Joshua Judah, Senior Solicitor
 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 6:04 p.m. Community Council recessed at 9:20 p.m. and reconvened at 9:30 p.m. They recessed again at 9:35 p.m. and reconvened at 9:37 p.m. Community Council moved into In Camera (In Private) at 9:42 p.m. and reconvened in public at 9:52 p.m.
The meeting adjourned at 9:53 p.m.*

1. CALL TO ORDER

The Chair called the meeting to order at 6:04 p.m.

TABLING OF 2017 ANNUAL REPORT

The following was before the Community Council:

- Staff recommendation report dated November 3, 2017

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council accept and table the 2017 Annual Report as presented.

MOTION PUT AND PASSED.

- **Public Participation of Annual Report**

Councillor Karsten called three times for members of the public to come forward and speak to the annual report. There were no speakers.

2. APPROVAL OF MINUTES – November 2, 2017

MOVED by Councillor Nicoll, seconded by Councillor Mancini

THAT the minutes of November 2, 2017 be approved as circulated.

MOTION PUT AND PASSED.

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

Community Council agreed to address Item 11.1 Correspondence and Item 11.2 Petitions prior to Item 10.1.1 Public Hearing for Case 20269.

MOVED by Councillor Nicoll, seconded by Councillor Austin

THAT the order of business be approved as amended.

Two-third majority vote required.

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

11.2.1 Councillor Austin

Councillor Austin submitted a petition on behalf of the Banook Area Residents Association containing 428 signatures from residents opposed to the rezoning and development proposal for a 9 storey, 90 unit high rise residential building at 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth (Case 20269).

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 20269: Rezoning and Development Agreement – 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth

The following was before the Community Council:

- A staff recommendation report dated September 29, 2017
- Correspondence from Hon Timothy Olive, Mike Murphy, Patty Snow, Gary Vermeir, Marlene Corey, Carl Helmick, Vivien Blamire, William and Mary McKenna, Carl Huntington, Michael Carven, Stephane Kirchhoff, Bruce Nunn, Catherine Carven, Sheilia Sperry, Monique and Laurence Wilkinson, Anne Timmins, Elaine Keene, Tracy Taylor, Derek, Lesley and Lauren Latham, Andrea D’Sylva, Olivia Smith, Cecilia Smith, Erik Gyurcsanyi, Carl Huntington and Kim Morrison, Linda Fairn, Charlie Burnet, Wendy Lill, John Dalziel, Karen F. Beazley, Kim MacIntyre, Virginia Schonhoffer, Andrea McQuillin, Derek, Lesley and Lauren Latham, Andrea D’Sylva, Cecilia Smith, Jeff Weatherhead, Steven Courchene, Tryna Booth, Christel and Edward Ramsay, Barry J. Cameron, John and Judy Dudar, M. D. Duncan, Diane and Ron Noseworthy, Tasha Armenta, Ryan Keddy, Pam Rubin, Roberto Armenta, Louise Mussett, Maurice E. Lloyd, Marina and Jim Lothian, Helen Jones, Lorena MacDonald, Dale Hudson, Sean Wilson, Nancy Bowes, Arlene Diepenbrock, Janice Foote, Larry Clark, Shelagh Skerry, Peter Stephenson, Rosie Porter, Judi Conlon, Janet M. Stevenson, Susan Gannett, Eileen Bowness, Susan Hare-LeBlanc, Geri Kaiser

Luc Ouellet, Planner III presented the application of Monaco Investments Partnership to enable the development of a nine storey multi-unit residential building with ground floor commercial uses at 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth. It was noted that as the proposal cannot be enabled through the existing zoning applied to the lands, the applicant has requested the following:

1. a rezoning of 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial);
2. a rezoning of 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density); and
3. entering into a development agreement with the Municipality to allow the proposed building.

A copy of the staff presentation is on file.

Staff responded to questions of clarification. In response to a question on the status of the Centre Plan, the Solicitor advised that Community Council can only consider current policies and legislation currently enacted and can not anticipate what might be in the future.

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

Kevin Riles, President and CEO of KWR Approvals Inc., representing the applicant, reviewed the proposal, showing the design changes to reduce the height from 15 storeys to nine storeys (eight storeys plus penthouse). The redesign also includes:

- the elimination of the Prince Albert Road driveway; relocating the building's driveway further from the Prince Albert Road intersection
- indoor parking with 106 stalls
- a minimum of 33% of the 90 condominium dwelling units will be two bedrooms or more

A copy of the presentation is on file.

Riles responded to questions of clarification on the design changes from the original proposal made in 2010 for 15 storeys, 95 units with no commercial.

The Chair reviewed the rules of procedure and called for members of the public to come forward and speak for or against the matter.

Maurice Lloyd, Dartmouth stated that the community wants development at the proposed site. They noted that the previous proposal for 15 storeys and 95 units was completely out of scale and in 2011, the Nova Scotia Utility and Review Board (UARB) upheld the decision of the Harbour East-Marine Drive Community Council to reject the proposal. Lloyd indicated that there was nothing to suggest that the current proposal for nine storeys and 90 units would be supported by the community. They further spoke to the infrastructure surrounding the area and asked members to reject the proposal and only consider and approve developments that support the objectives of the community (e.g. six storeys or less).

Heather Murray, Dartmouth commented on developments being built further away from the city core. Murray pointed out that on average a signal family home outside the downtown core has two to three vehicles, and drive wherever they need to go, causing large amounts of traffic. They proposed walkable communities as a solution to reduce the number of vehicles on the roads.

Gloria McCluskey, Dartmouth expressed support for the concerned residents. McCluskey commented on the previous proposal. They were concerned with the impact the development would have on Lake Banook's world class paddling course. McCluskey pointed out that there is a 35-foot height restriction around the lake in order to protect it but that the development was outside of this restricted area. They provided examples where other cities and countries do not permit or have high buildings around the lakes with paddling courses. It was suggested that when developers are purchasing the land, they should do so based on what legally can be built there. McCluskey asked the members to defeat the proposal.

Lorena MacDonald, Dartmouth compared the proposal to the Banook Shores condominium, which is the closest high density building in the area at four storeys, plus penthouse and 62 units. MacDonald spoke to traffic issues at the intersection of Glenwood Drive and Prince Albert Road. They noted that parking is permitted on both sides of Glenwood Drive and there are no sidewalks. There have been many accidents from motorists trying to turn onto Prince Albert Road. MacDonald explained that the addition of 90 units would increase the traffic. The speaker was concerned that the developer could choose to change the building from a condominium to an apartment building with smaller units. They explained that in 2011 the UARB asked the community to work with the municipality and the developer on a vision for this site, which they see as being no more than six storeys. MacDonald also commented on the development having full lot coverage under the rezoning which is unreasonable for the neighbourhood.

Liz Campbell, District 6 stated that any development on or near a lake or watershed in the Municipality needs to be sympathetic to its surrounding and community spaces. It would be ideal if developers worked in concert with the local community, people directly affected, to create a vision. The speaker supported the community engagement and work undertaken to date on the centre plan initiative and asked members to reconsider taking this into account when making their decision. Campbell commented on the impact to Lake Banook and the risk to the world class paddling course if the development is approved. They suggested it would also set a precedent for future development in this area, highlighting other impacts to the lake from other developments. Campbell suggested that the proposal was reliant on

outdated data (e.g. traffic and wind studies) and the instruments used for the wind study was not certified or credited for calibration. They further spoke to the impact on Dartmouth's identity and wanted the developer to withdraw their application and work with the community to develop the site that would enhance the community.

Carl Huntington, Glenwood Avenue opposed the development as it does not meet the requirements of the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for scale, massing, height and density. The speaker echoed comments made about the UARB decision in 2011 and community consultation held for RP+5 and the centre plan initiative. Huntington commented on the impact the proposal would have on the look and feel of Lake Banook and for those who use it. The speaker sought compatibility for the neighbourhood and asked the members to reject the proposal.

Kim Morrison, Glenwood Avenue expressed similar points regarding the development not meeting the requirements of the MPS and LUB. They suggested that commercial development should not be permitted in a residential zone and were concerned for children's safety walking to school. Morrison commented on how the development would increase commercial traffic, tenants and visitors would park on the street, and it would also negatively impact the enjoyment of their property, backyard privacy and property value for years. Morrison asked the members to vote against the proposal.

Rhonda Roche, Dartmouth spoke to the community's vested interest in the centre plan initiative. They questioned why the development was before Community Council, and suggested that the developer could make minor changes to the building's façade after construction had started.

Jeff Weatherhead, Ashton Lane compared the development's density rates to other condos and apartments in the area. Weatherhead was concerned with the rate of growth and density the development would bring to the area, setting a precedent for future developments. They had confidence that the Community Council would determine what is fair and reasonable height for the site. Weatherhead supported as-of-right development for the site and commented on the UARB's 2011 decision, asking members to refuse the proposal.

Marion Eisner, Glenwood Avenue wanted the proposal to be denied.

Archie Munroe, Ashton Lane echoed points made on the UARB's 2011 decision and concerns around density rates and traffic issues. Munroe wanted the proposal to be denied.

Paul Mombourquette, Glenwood Avenue spoke about the impact on neighbouring properties, density rates, the paddling course and traffic. Similarly, Mombourquette commented on the UARB's 2011 decision, the development's lack of compatibility with the neighbourhood, and how it was not in keeping with the Dartmouth MPS and LUB. They did not want the proposal to be approved.

Adam Conter, Halifax supported the proposal, providing examples of areas in Dartmouth where redevelopment has benefited the community (e.g. 66 Ochterloney Street). They welcomed new opportunities to the area that would add viability. Conter suggested that traffic issues could be addressed by adding traffic lights at Glenwood Avenue.

Irene Schofield, Dartmouth spoke in opposition to the proposal, explaining that they would support a four to six storey building for that site. They noted that the community has tried to get traffic lights to no avail, highlighting the many motor vehicle accidents. In addition to traffic and parking issues on Prince Albert Road, Schofield provided the example of the challenges for commercial trucks trying to make deliveries.

Nancy McInnis Leek, Glenwood Avenue echoed points made around density concerns and having a friendly safe community.

Charlie Burnet, Dartmouth urged the members to reject the proposal as it does not fit with the proposed Centre Plan and nature of the area.

Cheryl Crocker, Celtic Drive asked that the proposal be rejected. They spoke to the challenges and dangers of trying to cross Prince Albert Road with their children, and having to stop because it was unsafe. They thought the addition of ninety units would only make crossing the street harder. Crocker supported having a family oriented community and developing density where people can walk safely.

Mike Murphy, Dartmouth referenced the petition submitted by the Banook Area Residents Association earlier in the meeting. They were not opposed to development on this site but wanted development that was reasonable and in keeping with the area. Murphy also pointed out a potential hazard of sunlight reflecting off the building's glass windows making it difficult for drivers to see.

John Dalziel, Dartmouth did not support the development.

Sandra Inglis, Dartmouth spoke to the impact to Lane Banook and the potential loss in revenue for the Banook Canoe Club. They spoke about protecting the lake, reiterating points made about traffic and parking issues.

Alison Crowe, Glenwood Avenue did not support the proposal. They commented on how the developer had purchased the properties at 5 and 9 Glenwood Avenue and then selling 9 Glenwood Avenue. Crowe explained that the developer did not disclose their plan for 5 Glenwood Avenue at the time of the sale.

Margaret Cassidy, Dartmouth spoke to traffic hazards and density rates. They commented on the windfall from the development and the impact it would have on the neighbourhood, particularly to adjacent homes. Cassidy commented that good development design should include choices, and asked that the proposal be denied as it is not compatible with the neighbourhood.

Agnes Gyurcsanyi, Dartmouth did not support the proposal's extreme height and density, which would increase traffic in the area.

Peter Neville, Colburn Walk echoed points made on high winds, increased traffic, the impact on Lake Banook and the Banook Canoe Club. They too saw a vision of a family friendly neighbourhood that is safe for children and people to walk.

Heather Clark, Dartmouth supported comments made opposing the proposal and the 2011 decision by the UARB. Clark asked that the proposal be denied.

Alan Parslow, Dartmouth reaffirmed points made about the impact on Lake Banook's paddling course. They were concerned that only a simulation wind test was conducted, suggesting that the developer pay for an expert to complete a wind tunnel test before moving forward. They asked Community Council to turn down the proposal.

Liz Cummings, Dartmouth did not support the proposed development. They commented on the neighbourhood needing infrastructure upgrades from Nova Scotia Power in order to accommodate the development. Cummings also spoke to the impact the development would have on traffic.

Jan McCarthy, Dartmouth questioned whether there was a need for more development in this area. They provided examples of numerous vacancies in both apartments and condos in the area, along with other high rise proposals and developments happening in the community.

Bill Rothwell, Glenwood Avenue saw similarities between this proposal, at 90 units with commercial space, and the developer's previous proposal for 95 units with no commercial. Rothwell commented on traffic and parking issues and asked members to vote against the proposal.

Heather Jodrey, Dartmouth spoke respecting the impact on property values, vacancy rates, and the lack of cohesiveness. Jodrey supported a five to six storey development and agreed that the developer should pay for studies needed.

Michael Creighton, Dartmouth supported the development and asked members to support the proposal.

Tash Armention, Creighton Street supported high density in cities, but that it needs to be done in a smart way. They explained that the proposal needs to be scaled down in order for it to add to a liveable neighbourhood and urged members to vote against the development.

David Jones, Dartmouth reaffirmed how the development does not fit with the resident`s vision for the community.

Karen Pom, Dartmouth commented on Lake Banook`s beauty and the need to protect it.

Shelly Hills, Dartmouth spoke to the digression and erosion around Lake Banook over the years because of numerous developments around the lake. They encouraged the developer and future developers to put a percentage of their funds into protecting the lake. Hills noted that Lake Banook is one of the cleanest lakes for paddling and swimming.

Walter Forwarder, Dartmouth pointed out that on their way to the hearing they had a near miss at Prince Albert Road intersection. Forwarder supported development but could not support nine-storeys on this site. They suggested that adding traffic lights would only create congestion during rush hour. They urged members to turn down the proposal.

John Ross, Lakeview Point Road echoed concerns regarding density and height and the development not fitting in with the surrounding neighbourhood. Ross reaffirmed that residents are not opposed to development if it is the right size for the area, suggesting six storeys could work economically for the developer.

Warren Wesson, King Street commented on how important Lake Banook is to the community. Wesson suggested that Dartmouth cannot develop using the same plan as Halifax because of the number of lakes the community has.

Donna Christensen, Dartmouth recognized the proposal`s beautiful design, but could not support the height and width, and the impact it would have on the neighbourhood. They asked Community Council to protect the lake and residential neighbourhood.

Kevin Riles was invited to come forward and responded to points and questions raised by the speakers. Riles appreciated the concerns around traffic, explaining that they followed due process and had done three traffic studies, including a collision study through HRM Transportation and Public Works. Rowan Williams Davies & Irwin Inc. (RWDI), who completed the wind study, have expert knowledge of wind around paddling courses and lakes. RWDI`s advice was that the development would not have an affect on the Lake Banook. Riles provided assurance that the building`s design would be upheld through the development agreement process. They explained that if the development was done as-of-right, the site could have a hotel or major commercial development and in their view, would not be ideal for the community. They added that as-of-right development does not require a development agreement.

In response to points of clarification raised by the Community Council, the following was noted:

- The wind engineering study completed by RWDI looked at wind in relation to 15 storeys. The Dartmouth MPS does not require the developer to complete or provide a wind study. The applicant completed this as an extra exercise to demonstrate and alleviate concerns
- The application process for rezoning can be made at any time by a property owner or developer for Council consideration. There is no limit on the number of applications that can be submitted.
- A copy of RWDI`s wind engineering study conducted for 15 storeys was submitted to planning, but was not included in the September 29, 2017 staff report as it did not match the application for a nine-storey proposal. Planning supported the study as it concluded that the distance from the proposal to the closest shoreline of Lake Banook was too far to have any impact on the paddling/canoe course.

- The solicitor advised that there would be potential opportunity for both the applicant and community to appeal the decision of Case 20269 to the Nova Scotia Utility and Review Board.

In response to comments made by the public, and prior to the public hearing closing, the Applicant advised that they would be willing to redesign the building and remove one full floor; proposing seven storeys plus penthouse, reducing the number of units from 90 to 75.

The Chair called three times for any further speakers, there being none it was MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Austin, seconded by Councillor Mancini

THAT Harbour East-Marine Drive Community Council adopt the amendment to Schedule A of the Dartmouth Land Use Bylaw, as set out in Attachment A of the staff report dated September 29, 2017.

Councillor Austin recognized traffic issues at Prince Albert Road, noting that a review was being done to look at the fundamental design of the road. They explained that the addition of 90 units would not cause increased traffic as traffic flow from those units would be staggered over a wide period of time. Councillor Austin recognized the lack of sidewalks on Glenwood Avenue and agreed that there would be more on-street parking from the development. The Councillor questioned why a detailed wind analysis was not done for the nine-storey proposal, based on how important the lake is to the community, but did not see a concern based on the distance between the two. Where Councillor Austin did see an issue, and agreed with residents, was on the compatibility component. Councillor Austin sought advice from the solicitor on deferring the matter for a supplementary staff report.

Community Council recessed at 9:20 p.m. and reconvened at 9:30 p.m.

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council defer consideration of this matter pending a supplementary staff report discussing a six (6) storey proposal with an appropriate transition to surrounding low-rise neighbourhood.

The solicitor explained that a new application made by the developer to reduce the proposal from eight storeys plus a pent house to six storeys with an option for a penthouse would be a substantive change and require new first reading and public hearing. If the developer chooses not to go with this approach, the Community Council would proceed with the current proposal and decide whether to adopt the amendments to the Dartmouth Land Use By-law before them.

Staff estimated that the supplementary report would be back to Community Council for their January, 2018 meeting.

MOTION TO DEFER PUT AND PASSED.

Community Council recessed at 9:35 p.m. and reconvened at 9:37 p.m.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

This matter was addressed earlier in the meeting, see page 2.

11.2 Petitions

11.2.1 Councillor Austin

This matter was addressed earlier in the meeting, see page 2.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Proposed 2018 Meeting Schedule

The following was before the Community Council:

- A staff report dated November 16, 2017

MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council approve the proposed 2018 meeting schedule as outlined in Attachment 1 of the staff report dated November 16, 2017.

Upon review, members agreed to reschedule their December 6th meeting to December 13th, to avoid conflicts with events taking place on the anniversary of the Halifax Explosion.

MOTION AS AMENDED PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE)

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following:

15.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <https://www.halifax.ca/city-hall/boards-committees-commissions/volunteer-boards-committees/public-appointment-policy>

15.1.1 Citizen Appointments to Shubencadie Canal Commission – *Private and Confidential Report*

This matter was dealt with later in the meeting, see page 11.

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

A resident extended seasons greetings to Community Council members.

Councillor Karsten turned the meeting over the Legislative Assistant at this time.

19. ELECTION OF CHAIR AND VICE CHAIR

The Legislative Assistant called for nominations for the position of Chair of Harbour East-Marine Drive Community Council.

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Councillor Mancini be nominated as Chair of Harbour East-Marine Drive Community Council.

There being no further nominations, Councillor Mancini was declared Chair for 2018.

MOTION PUT AND PASSED.

The Legislative Assistant turned the meeting over to Councillor Mancini and took their seat.

Councillor Mancini called for nominations for the position of Vice Chair of Harbour East-Marine Drive Community Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Councillor Austin be nominated as Vice Chair of Harbour East-Marine Drive Community Council.

There being no further nominations, Councillor Austin was declared Vice Chair for 2018.

MOTION PUT AND PASSED.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

To convene into In Camera (In Private) to deal with Item 15.1.1.

MOTION PUT AND PASSED.

Community Council convened into In Camera (In Private) 9:42 p.m.
Community Council reconvened into public session at 9:52 p.m.

The In Camera (In Private) matter (Item 15.1.1) was ratified at this time.

15.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <https://www.halifax.ca/city-hall/boards-committees-commissions/volunteer-boards-committees/public-appointment-policy>

15.1.1 Citizen Appointments to Shubenacadie Canal Commission – *Private and Confidential Report*

This matter was dealt with In Camera (In Private) and ratified as follows:

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council:

- 1. Approved the citizen appointments to the Shubenacadie Canal Commission made during the In Camera (In Private) session;**
- 2. That the citizen appointments be released to the public following ratification and notification of the successful candidates; and**
- 3. That the private and confidential staff report dated November 23, 2017 not be released to the public.**

MOTION PUT AND PASSED.

**20. DATE OF NEXT MEETING – January 4, 2018, 6:00 p.m. HEMDCC Meeting Space Main Floor,
Alderney Gate 60 Alderney Drive, Dartmouth**

21. ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

Krista Vining
Legislative Assistant

Attachment B

January 29, 2018

Luc Ouellet
Senior Planner
HRM Planning

Dear Mr. Ouellet

This is in response to the Harbour East Council motion of December 7, 2017, regarding case 20269 and direction to consider revisions to the development agreement. At that time, Council indicated it had no concerns with traffic or potential impacts on the lake, and focused discussions on compatibility specifically relative to the height and fit of the project within the area.

While we feel the project as presented at the public hearing is the best option and would contribute most strongly to the revitalization of the area as a true landmark building, we offer a revision to building scale that is made in good faith. It must first be noted that a 6 storey building is not viable for this site due to economic factors, nor could it be the same quality as a taller building. Both Dartmouth in general and this area as a key corridor need developments of the highest possible quality, and low rise wood frame buildings will not achieve that goal.

This final concession follows 5 years of our submitting revision after revision in response to the requests of staff and the concerns of the public. As such we are prepared to revise our development agreement application to remove one floor (8th) from the project, resulting in a building of 7 floors plus a small penthouse of the size as already proposed. Attached please find an indicative elevation from Glenwood showing the revised form. All other aspects of the building design including site plan, setbacks and stepbacks would remain unchanged. If this revision is acceptable to Council, we will then proceed to refine the design and prepare a detailed concept to bring back before Council.

Relative to the matters of height and compatibility, this site is well suited to a medium rise project due to its corner location and in particular due to the width of Prince Albert Road, and due the presence of major commercial lands to the north that help define this area as a major community node and commercial corridor. The staff review supported the 8 storey + penthouse model and advised Council that there were no compatibility concerns under MPS policy relative to adjacent land uses. Due to site orientation to nearby low density land uses there are no concerns relative to potential shadow impacts. The depth of the site from Prince Albert Road allows a project that provides exemplary transitions to low density uses on Glenwood Avenue. The building relates well to abutting R2 development at 7 Glenwood due to favourable grades, a generous at grade setback averaging 20 feet, and a large stepback of almost 40 feet above the 4th floor. This combination of setback and stepback exceeds that required elsewhere in HRM. The proposed building envelope on our lot at 5 Glenwood would be similar or even less than that allowed under existing R2 zoning where there are no height limits and development to the side property lines is permitted. This design approach creates a small footprint on that lot with minimal impact and ensures compatibility with 7 Glenwood Avenue. In addition, by keeping the scale of our development on 5 Glenwood in a low density form, the properties directly across Glenwood also benefit greatly as we concentrate the bulk of the project on the 307 Prince Albert property that is already zoned for a range of intense commercial uses and where there are minimal mitigating measures or design standards for as of right development in place to protect nearby properties. The proposed project with only minor pedestrian oriented commercial uses, generous setbacks, landscaping, and high quality architectural design protects the character and amenity of the area to a much greater extent than would as of right commercial redevelopment on the site as allowed by the C-2 zone.

With the removal of one floor, the degree of compatibility of the project with nearby properties and the broader neighbourhood is increased even further. As the proposed Centre Plan is still only a vision it cannot be used in decision making, therefore existing policies of the Dartmouth MPS must be applied and we clearly meet those policies. However, we note that the Centre Plan framework as approved in principle by Regional Council in June 2017 enables

consideration of buildings over 6 floors in height on corners in corridors such as Prince Albert Road provided that appropriate transitions in scale to low density areas are provided, and this project is well within those parameters. Centre Plan may be revised before it is finally approved but at this time our proposal matches the vision as adopted by Regional Council, which also includes allowing multiple unit buildings of up to 3 floors in height in established neighbourhoods and allowing for additional density in R1 and R2 neighbourhoods. The Centre Plan principle of providing for taller buildings on corner lots was explained by planning staff just last week to the Halifax Peninsula Planning Advisory Committee, who on that basis supported an 8 storey project proposed at Robie/Cunard/Compton which is also within a corridor.

On the basis of the design change that removes one floor, Monaco respectfully asks that Community Council approve the requested rezoning. As per Policy IP-5 that would then enable a decision on the development agreement itself once the rezoning is effective. We undertake to submit revised plans as part of the development agreement once a decision on the rezoning is made, as we wish to avoid the expense involved in plan preparation should the rezoning be refused and to avoid a delay in getting back on the Council agenda and before the public. It is understood that a second public hearing may possibly be required on the revised development agreement, however there is no reason to hold another hearing on the rezoning itself. There are no risks and no compatibility concerns under MPS Policy IP-1(c) in approving the rezoning of 5 Glenwood to R4 (Medium Density Residential), as due to the lot size it does not meet the requirements for as of right uses permitted in the R4 zone, and no multiple unit development can occur without approval of a development agreement by Council. Assurance against increased as of right development is provided by s. 35 (4) of the Dartmouth LUB, which states that in the R4 zone where the lot area is less than 10000 square feet or 100 feet of frontage (both are the case here) only R1 and R2 uses are possible on an as of right basis. The rezoning is therefore merely a mechanism allowing Council to make a decision under Policy IP-5 on a revised development agreement which will subsequently be presented by staff - approval of the rezoning does not constitute approval of any development.

Please accept this requested amendment to our development agreement application to enable a 7 floor plus penthouse mixed use building, and advise Community Council that we ask them to make a decision on our requested rezoning application, for which the public hearing has already been held. Under MPS policy the rezoning can stand alone and there is no need for a full revised development agreement to be before Council concurrently. Once a decision is rendered on the rezoning we undertake to provide full detailed plans for inclusion in a revised development agreement based on the attached concept for a 7 storey plus penthouse building. Council will then be able to consider the revised concept in detail and render a decision on the development agreement once the R4 zone is in effect.

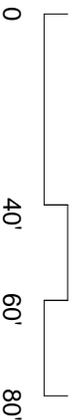
I trust that this information is satisfactory, please contact me should you have any questions.

Yours truly,

Original Signed

Wadih Jabbour P.Eng.
Monaco Investments

Attachment C



Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

SITE PLAN
SCHEDULE B



SCALE: NTS
 DATE: 2/7/2018

Paul Skerry Associates Ltd.
ARCHITECTS
 5514 LIVINGSTONE PLACE
 HALIFAX N.S. B3K 2B9

- LEGEND
- 1 MASONRY TYPE 1
 - 2 MASONRY TYPE 2
 - 3 CERAMIC OR METAL PANEL TYPE 1
 - 4 CERAMIC OR METAL PANEL TYPE 2
 - 5 ALUMINUM/GLASS RAILING
 - 6 ALUMINUM/GLAZING SYSTEM
 - 7 VINYL WINDOW/DOOR
 - 8 ALUMINUM/GLASS CANOPY
 - 9 VISION GLASS
 - 10 METAL, CERAMIC, OR GLASS SPANDREL
 - 11 GLASS BLOCK



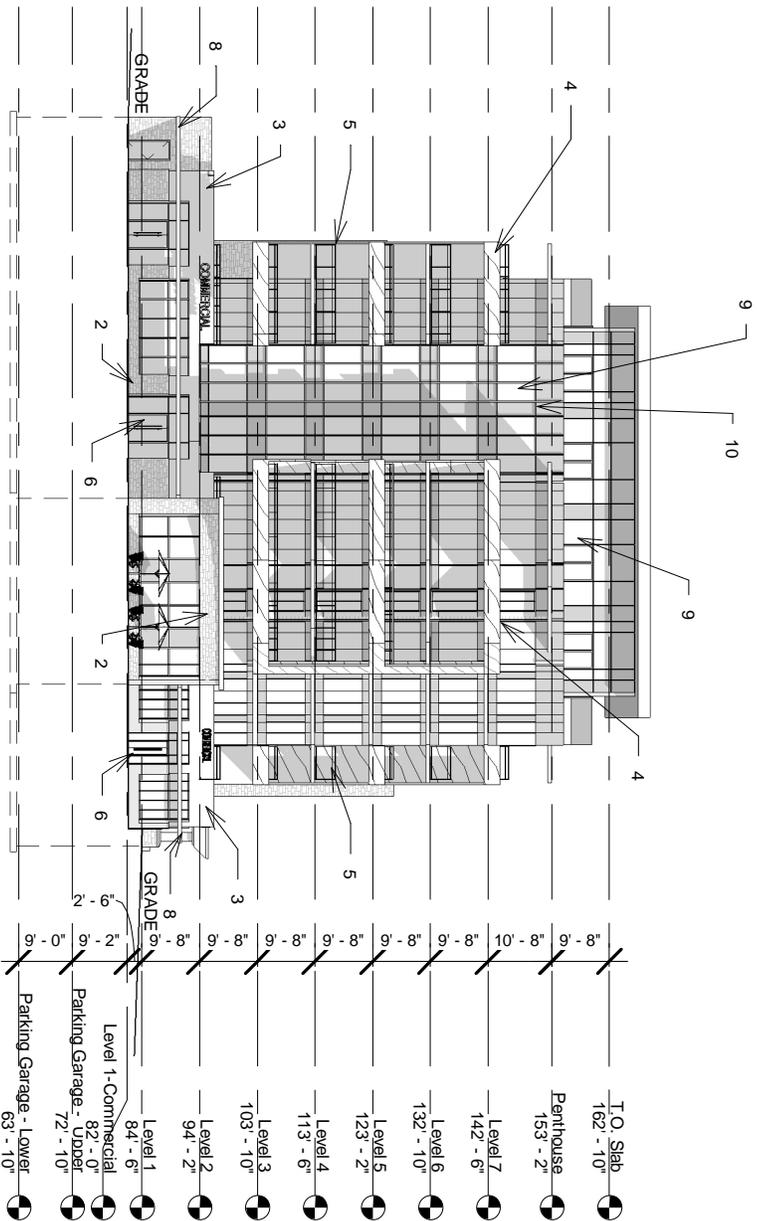
Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

SOUTH ELEVATION
SCHEDULE D

SCALE: NTS
 DATE: 2/7/2018

Paul Skerry Associates Ltd.
ARCHITECTS
 5514 LIVINGSTONE PLACE
 HALIFAX N.S. B3K 2B9

- LEGEND
- 1 MASONRY TYPE 1
 - 2 MASONRY TYPE 2
 - 3 CERAMIC OR METAL PANEL TYPE 1
 - 4 CERAMIC OR METAL PANEL TYPE 2
 - 5 ALUMINUM/GLASS RAILING
 - 6 ALUMINUM GLAZING SYSTEM
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 - 11 GLASS BLOCK



WEST ELEVATION

SCHEDULE E

Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

SCALE:

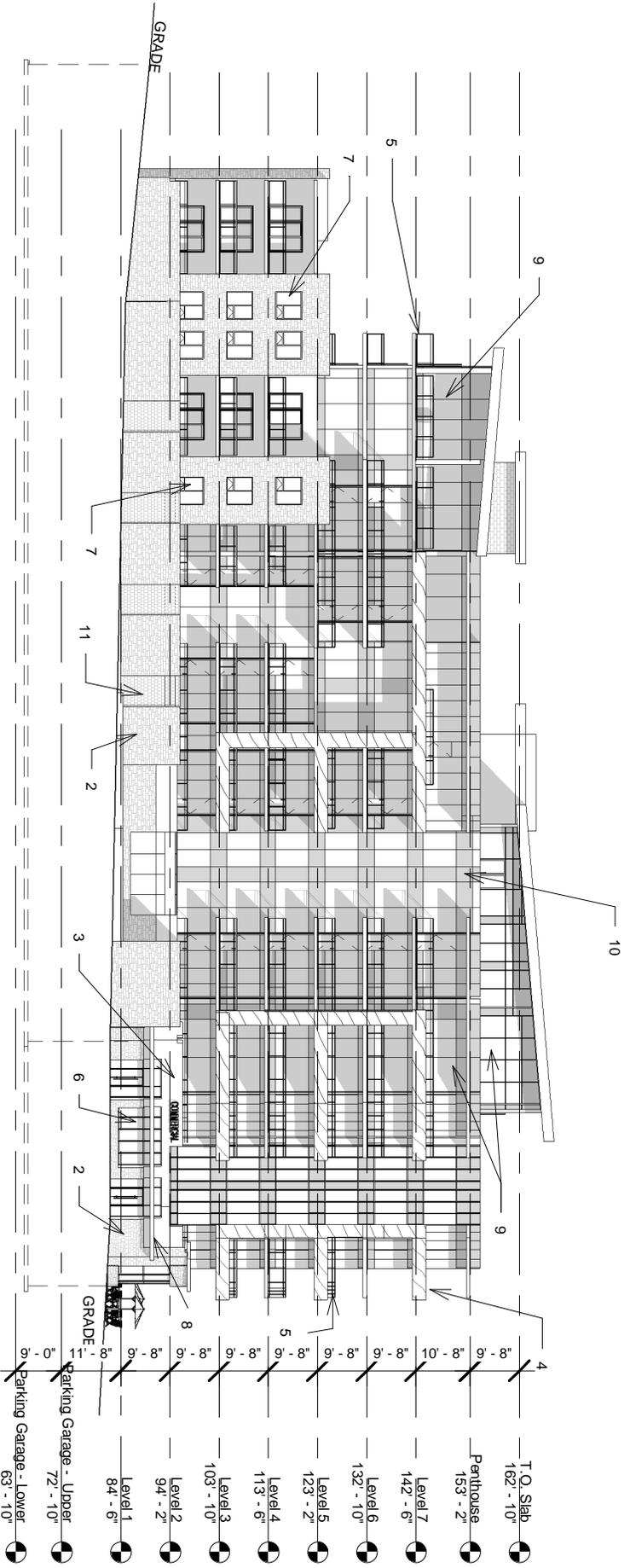
NTS

DATE:

2/7/2018

Paul Skerry Associates Ltd.
ARCHITECTS
 5514 LIVINGSTONE PLACE
 HALIFAX N.S. B3K 2B9

- LEGEND
- 1 MASONRY TYPE 1
 - 2 MASONRY TYPE 2
 - 3 CERAMIC OR METAL PANEL TYPE 1
 - 4 CERAMIC OR METAL PANEL TYPE 2
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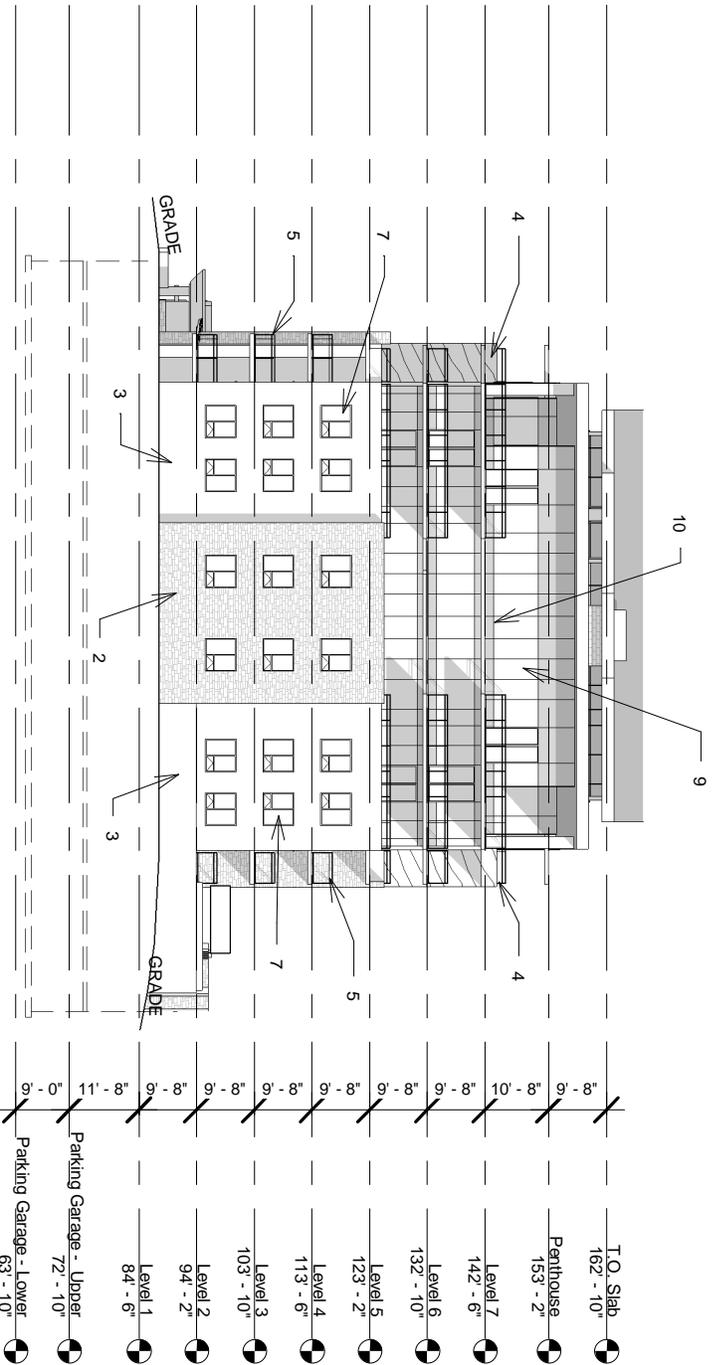
Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

NORTH ELEVATION
SCHEDULE F

SCALE: NTS
 DATE: 2/7/2018

Paul Skerry Associates Ltd.
ARCHITECTS
 5514 LIVINGSTONE PLACE
 HALIFAX N.S. B3K 2B9

- LEGEND
- 1 MASONRY TYPE 1
 - 2 MASONRY TYPE 2
 - 3 CERAMIC OR METAL PANEL TYPE 1
 - 4 CERAMIC OR METAL PANEL TYPE 2
 - 5 ALUMINUM/GLASS RAILING
 - 6 ALUMINUM GLAZING SYSTEM
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 - 8 ALUMINUM/GLASS CANOPY
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 - 11 GLASS BLOCK



Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

EAST ELEVATION
 SCHEDULE G

SCALE: NTS
 DATE: 2/7/2018

Paul Skerry Associates Ltd.
ARCHITECTS
 5514 LIVINGSTONE PLACE
 HALIFAX N.S. B3K 2B9