



**HALIFAX REGIONAL COUNCIL
SPECIAL MEETING
MINUTES
August 9, 2016**

PRESENT: Mayor Mike Savage
Deputy Mayor Matt Whitman
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Lorelei Nicoll
Gloria McCluskey
Tony Mancini
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Reg Rankin
Brad Johns
Steve Craig
Tim Outhit

STAFF: Ms. Jane Fraser, Acting Deputy Chief Administrative Officer
Ms. Roxanne MacLaurin, Solicitor
Mr. Kevin Arjoon, Municipal Clerk
Ms. Phoebe Rai, Legislative Assistant

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

A video recording of this meeting is available:

http://www.halifax.ca/site/exit.php?url=http://archive.isiglobal.ca/vod/halifax/archive_2016-08-09.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online:

<http://www.halifax.ca/council/agendasc/160809rc-agenda.php>

*The meeting was called to order at 6:00 p.m. and recessed at 7:00 p.m.
Council reconvened in at 7:10 p.m. and adjourned at 8:55 p.m.*

1. CALL TO ORDER

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

2. PUBLIC HEARINGS

2.1 Plan Dutch Village Road

The following was before Council:

- A recommendation report from Halifax and West Community Council dated June 29, 2016, with attached staff report dated April 1, 2016
- Correspondence from Wendy McDonald, Darlene Duggan, Stacy Wentzell, Glenn Black and John Dadson
- An Extract of Draft Minutes from the Regional Council meeting held on July 19, 2016
- A staff presentation dated August 9, 2016

First Reading given July 19, 2016.

Mr. Bob Bjerke, Chief Planner and Director of Planning and Development informed Council that staff have identified challenges to the implementation of Plan Dutch Village Road as presented in the staff report dated April 1, 2016. He advised that the changes to the recommendation would be substantive enough to require re-advertising, and he recommended that the item be removed from the agenda and a revised report brought forward to a future meeting of Regional Council.

This matter was deleted from the agenda with the agreement of Regional Council.

2.2 Case 18599 – Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law Amendments – Multiple Unit Dwellings in the Commercial Designation and a Development Agreement for Multiple Dwelling Units at 1490 Main Road, Eastern Passage (Joint Public Hearing)

The following was before Council:

- A recommendation report from Harbour East – Marine Drive Community Council dated July 5, 2016, with attached staff report dated June 3, 2016
- A staff presentation dated August 9, 2016
- Correspondence received from Keith Sawlor, Ricky Osborne, Amanda and John Landry, Ronald Folkins, Perry Guidry, Deesk Leonard, and Maurice Henneberry
- An Extract of Draft Minutes from the Regional Council meeting held on July 19, 2016

First Reading given July 19, 2016.

Mr. Mitch Dickey, Planner presented Case 18599 as set out in the staff report dated June 3, 2016. Mr. Dickey outlined the application submitted by GarMar Investments and applicable Municipal Planning Strategy and Land Use By-law provisions, and he provided commentary with respect to the recommended amendments.

Responding to questions of clarification, Mr. Dickey advised that the recommended amendments would remove as-of-right allowances for more than one multi-unit building on lots on the southwest (waterfront) side of Main and Shore Road in Eastern Passage with no option for a development agreement. He noted that larger lots could be subdivided to achieve one 12-unit building per subdivided lot.

The Mayor invited the applicant to address Council.

Mr. Gary Edwards, the applicant, advised that he owns several businesses and has developed several properties in the community. He stated that his proposed development fills a community need.

The Mayor reviewed the rules of procedure for public hearings and opened the public hearing for anyone wishing to speak on the matter.

Mr. Gary Henneberry, Eastern Passage, informed Council that he owns an adjacent property and relies on a well for his personal water supply. He noted that a construction project of this scope could affect his water, and he questioned who would be responsible for the costs involved in connecting to a municipal water source if required.

Mr. Rick Osborne, Eastern Passage, expressed concern with the public consultation process and indicated that he finds the proposed amendments unfair to property owners on the waterfront side of Main and Shore Roads. He shared his view that these changes would unnecessarily restrict development of waterfront condominiums.

Ms. Agnes Randall, Eastern Passage, indicated that the proposed 120 unit development would add more congestion to an area that is already prone to considerable traffic. She urged Council to conduct additional public consultation before proceeding with the requested amendments.

Ms. Gretchen Ellis, Eastern Passage, advised that she is supportive of the proposed development, but she has concerns regarding the effect to her property value if the municipality approves the restriction regarding 12-unit buildings on the harbour side of Main and Shore Roads.

Mr. Neil Bowlby, Dartmouth shared that he recently purchased a condominium in Dartmouth because his needs could not be met by developments in Eastern Passage. He spoke in favour of the motion, advising that he would like to purchase a unit in the proposed development and return to his community.

Mr. Tom Harmes, Eastern Passage, spoke in favour of the motion, advising that this development would be ideal for older community residents wishing to downsize but remain in the community.

The Mayor called three times for anyone else wishing to speak. There being none, the Mayor invited the applicant to address the comments provided by residents, to which he declined.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll

THAT the Public Hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Karsten, seconded by Deputy Mayor Whitman

THAT Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay as set out in Attachments A and B of the report dated June 3, 2016.

A discussion ensued; highlights include:

- The developer could build fifteen 12-unit buildings on the lot as-of-right to achieve 180 total units, but two larger buildings is preferable in regard to energy efficiency and aesthetics;
- The entire area is within the urban service district, so properties are able to connect to municipal water; and
- The contractor should be able to take measures to avoid damaging the neighbouring well, and the site plan will be reviewed by engineers to ensure that stormwater will not run onto adjacent properties.

Responding to a question regarding hydrology testing, Mr. Dickey indicated that development agreements do not require these types of tests, but staff will consider the matter in the forthcoming supplementary report.

MOTION PUT AND PASSED UNANIMOUSLY.

Council recessed at 7:00 p.m. and reconvened at 7:10 p.m.

2.3 Case 19258 – Amendments to the Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law and Development Agreement - 8 Linden Lea, Dartmouth (Joint Public Hearing)

The following was before Council:

- A recommendation report from Harbour East – Marine Drive Community Council dated July 5, 2016, with attached staff report dated May 20, 2016
- A staff presentation dated August 9, 2016
- An applicant presentation dated August 9, 2016
- Correspondence received from Margaret Casey, Andrea Arbic, Kate Watson, Doug Lovatt, Judy Haiven, Chris Annand, and Phil Pacey
- An Extract of Draft Minutes from the Regional Council meeting held on July 19, 2016

First Reading given July 19, 2016.

Mr. Mitch Dickey, Planner presented Case 19258 as set out in the staff report dated May 20, 2016. Mr. Dickey outlined the request for a site specific amendment to the Secondary Planning Strategy for the area to enable designation as an Opportunity Site. He provided information regarding Opportunity Site policy and rationale for the staff recommendation.

Responding to questions of clarification, Mr. Dickey noted the following:

- Following the Public Information Meeting, the proposed building height was reduced, modifications were made to the external design, and landscaping was increased;
- In order to mitigate against the possibility of overland flooding affecting the underground parking or the nearby pond, the development plan has been reviewed by engineers and the required grading plan must demonstrate balance between pre- and post-development flows. Surplus runoff would go into the piped city system.

The Mayor invited the applicant to address Council.

Mr. Jacob JeBailey, principal architect, spoke on behalf of the applicant. He provided context regarding the situation of the site and development plans, and he offered some justification supporting the designation of opportunity site. He outlined several building modifications made in consultation with staff incorporating feedback from the Public Information Meeting.

Responding to a question from Council regarding the possibility of flooding from the pond into the underground parking, Mr. JeBailey advised that this will be addressed during the development of the design. He indicated that there will be discussions with consultants regarding different technologies to deal with possible water penetration.

The Mayor reviewed the rules of procedure for public hearings and opened the public hearing for anyone wishing to speak on the matter.

Mr. Warren Wesson, Dartmouth noted that there has been an increase to the traffic in the area and suggested that the location is not well equipped to support additional density.

Ms. Anne-Marie White, Linden Lea provided commentary with respect to the surrounding neighbourhood, and she expressed concern regarding increased traffic on the dead end, partially gravel road and lack of on-street parking.

Mr. Doug Lovatt, St. George's Lane expressed his opposition to the proposed development and opportunity site designation based on the size and character of the proposed building, increased density on the street, and incompatibility with the surrounding neighbourhood. He urged Council to defer their decision on the matter until the Centre Plan has been finalized.

Mr. Chandler Haliburton, Dartmouth spoke in favour of the application, advising that the existing building is nearing the end of its economic life. He indicated that the area has a number of affordable housing options, but a lack of A-class product – a void that he suggested the proposed development would help to address. He commented that the municipality should encourage increased density in the area due to its proximity to the downtown core.

Mr. Trevor Parsons, Dartmouth provided commentary with respect to the residential, pastoral character of the area and questioned whether the proposed development follows the spirit of the existing planning strategy. He referenced the Downtown Dartmouth Secondary Planning Strategy and advised that policy established a "Downtown Neighbourhood Designation" to recognize and protect the character of the residential neighbourhood surrounding the downtown business district.

Mr. Sam Austin, Dartmouth urged Council to reject the proposal as Linden Lea is a quiet, unpaved side street and therefore unsuitable for such a large development. He reiterated comments provided by Mr. Parsons regarding the history and planning policy context for development in downtown Dartmouth.

Ms. Kate Watson, Dartmouth echoed comments regarding perceived incompatibility of the proposal with the existing character of the neighbourhood and deferring the decision until the Centre Plan is complete.

Ms. Maggie Kiley-Kearley of Milestone Properties spoke to her experience operating apartments in the area and expressed support for high quality development in downtown Dartmouth.

Mr. Russell Lovell, Linden Lea stated his concerns regarding loss of trees and privacy, rising water levels, and the potential negative impact on his property value.

Ms. Miriam Pelletier, Linden Lea reiterated Mr. Lovell's concerns with respect to loss of privacy and trees.

Mr. Derek Simon, Portland Street provided commentary with respect to his family's enjoyment of the nearby pond. He requested that Council reject the proposal and instead look to incentivize greater density along thoroughfares such as Portland Street while maintaining the integrity of downtown neighbourhoods.

Ms. Heather Gibbon, Linden Lea advised that as a young graduate, she would feel compelled to relocate outside the municipality should the development proceed.

Mr. Scott Bentley of Premiere Mortgages expressed support for development arguing that the site is currently underused. He commented that older community residents need suitable housing option close to downtown amenities.

Mr. Christopher Jones, Dartmouth shared his support for the proposal due to the increased population density in close proximity to businesses and amenities and more efficient energy usage. He suggested that the development would help increase prosperity in the downtown and offer an alternative to the current housing stock of condominiums and older homes.

Mr. Mark Bergman, developer, advised that his company has ten apartment buildings throughout the municipality. He provided commentary regarding the business case for the development including high population growth and an increasing proportion of seniors in the area.

The Mayor called three times for anyone else wishing to speak. There being none, the Mayor invited the applicant to address the comments provided by residents.

Mr. JeBailey commented that the proposal was initiated several years ago and should not have to face the delay that would result from deferring the matter until after the Centre Plan is finalized. He emphasized that the applicant has worked closely with staff and residents to fit the current policy and address concerns regarding boundaries.

MOVED by Councillor Johns, seconded by Councillor Rankin

THAT the Public Hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Mancini, seconded by Councillor Karsten

THAT Halifax Regional Council approve the proposed amendments to the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law as contained in Attachments A and B of the report dated May 20, 2016.

Responding to questions of clarification, Mr. Dickey advised the following:

- The results of the traffic impact study indicated that traffic generation would be relatively low;
- Halifax Regional Municipality does not own the pond on Linden Lea; and
- If the motion is approved, there would be flexibility in how the Harbour East – Marine Drive Community Council may consider the policy regarding opportunity sites.

A brief discussion ensued, with Councillors expressing differing opinions on the advisability of deferring the decision until the completion of the Centre Plan.

MOTION PUT AND PASSED. (12 in favour, 5 against)

In favour: Deputy Mayor Whitman, Councillors: Dalrymple, Hendsbee, Karsten, Mancini, Mosher, Walker, Adams, Rankin, Johns, Craig and Outhit

Against: Mayor Savage, Councillors: Nicoll, McCluskey, Mason and Watts

3. ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Kevin Arjoon
Municipal Clerk