

Dartmouth, N. S.

June 12/84.

Regularly called meeting of City Council held
this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Sarto	Romkey
Beeler	Bregante
Crawford	Levandier
Stubbs	Greenwood
Hawley	Greenough
DeMont	

City Solicitor, M. Moreash
Acting City Administrator, B. Smith.

PUBLIC HEARING:
M.P.S. AMENDMENT
DELL HOLDINGS
PROPERTY

This meeting of Council constituted the public hearing for an M.P.S. Amendment that would permit Council to consider residential development proposals for other than single-family, semi-detached, duplex and townhouse units on lands in the ownership of Dell Holdings Ltd. in the downtown area of the City. The original Policy DA-2 would be repealed in the Strategy, and new wording would be substituted, as set out in proposed By-law C-520. Two new Policy statements, Policy DA-18 and DA-19 would also be added to the M.P.S. The Dell Holdings property is located on a site bounded by Park Ave., Edward St. and King Street, comprising 2.05 acres in size and presently zoned R-2/TH.

The Planning Dept. presentation of the request for an M.P.S. amendment was made by Kim Stewart, and she concluded with a staff recommendation in favour of the request. Council then heard Mr. Ron Pugsley, Solicitor appearing on behalf of Dell Holdings, and he proceeded to explain why this application is again before Council, having not fulfilled technical requirements of the Municipal Affairs Dept., even though the application was approved by Council when it was previously presented. He commented on subsequent efforts made by the developer to address the concerns of area residents who are not in agreement with the development proposal for the Dell Holdings site or with the proposed M.P.S. Amendment that would permit a population density higher than the present R-2/TH zoning. These changes, which include a reduction in density from 199 units to 178 units, are detailed in

a letter received from Mr. Pugsley, dated June 7/84 and circulated with the other documentation pertaining to the M.P.S. Amendment application.

A question was raised as to whether the architect, Mr. Russell of Project Consultants Ltd., should present plans for the development proposal at this time, but the Solicitor advised that Council should try to deal separately with the M.P.S. Amendment, the Land Use By-law Amendment and the Development Agreement, for which all three public hearings have been scheduled for this date.

The Mayor called for representations in favour of the M.P.S. Amendment request and/or comments from members of the public present in the Chamber. Ms. Brenda Gorman-Wright maintained that the M.P.S. Amendment should have been dealt with separately and alone at this time, and she objected to the references made in Kim Stewart and Mr. Pugsley's presentations to the development proposal itself and aspects of it. The Solicitor advised that Council is free to deal with all three applications at this particular meeting, as per the agenda circulated, in which all three have been included.

At a later point in the hearing, Ms. Gorman-Wright questioned the legality of proceeding with all three public hearings at this Council meeting. The Solicitor gave the opinion that there is nothing in the Planning Act to prevent Council from dealing with all three. He noted that the development agreement could not come into effect, however, until the M.P.S. Amendment had received ministerial approval. Ms. Gorman-Wright quoted from Section 59, subsection 2 of the Planning Act, pointing out that there is no mention of a development agreement in that section. The Mayor noted that the section does not state that a development agreement is prohibited either.

Ms. Gorman-Wright continued to maintain that a procedural mistake has been made in dealing with all three applications at the same time, and did not concur with the opinions of the City Solicitor on this point.

When representations were heard in opposition to the M.P.S. Amendment request, the following persons were heard by Council:

- 1) Mr. Doug Kennedy, 75 Wentworth Street: A member of the Downtown Dartmouth Residents' Assn., Mr. Kennedy first reviewed the responsibility that area residents have assumed for the protection of their neighborhood over the years. He objected to the population density that will be permitted with the proposed M.P.S. Amendment, as compared with other recent development applications made to Council, and stated that all the residents ask ' . . . is that development proceed with a common-sense approach and with a reasonable attempt at scale in keeping with what Council and residents envisioned when they all agreed in 1979 that R-2/TH would be a good stabilizing zoning for this area.'

Mr. Kennedy considered that the developer in this instance has been given a number of breaks, including the receipt of approx. one-third of his property for \$1.00 from the City, and ' . . . the clear blessing of the Planning Dept. from the beginning.' His submission questioned whether Council or the public should be ' . . . considering whether or not the proposed development is economically viable - surely, that is the developer's problem.'

Referring to Mr. Pugsley's letter of June 7/84 and the matter of concessions made by the developer in response to the concerns of area residents, Mr. Kennedy stated that the points are misleading and do not address the problem areas at all, contrary to what the letter indicates.

- 2) Mrs. Dorothy Birks, 46 Park Ave.: Mrs. Birks began by questioning the inadequacy of notes kept on the April 4th information meeting with area residents, and the subsequent report to Council, which she considered to be unsatisfactory. She advised Council of the particular concern about spot rezoning represented by this application, stating that ' . . . spot zoning in one ward creates a precedent for any ward in the City.' She said there appears to have been no in-depth studies of traffic patterns and the effect of any development on existing problems. Another concern indicated in her presentation was about the Dartmouth Park and adverse effects from the proposed Dell Holdings development.

Mrs. Birks felt that Dell Holdings have not been good corporate citizens in that they have not kept their property cleaned up over the years and have allowed it to deteriorate, a point that was also made by several other speaker. She indicated the feeling of area residents that medium density development would be economically viable on the site under consideration, and ' . . . that this developer should have to conform to the present zoning in the same way that the developer of the Dartmouth Academy land in Crichton Park had to.'

- 3) Ms. Joanne Lamey, CPAC Dartmouth Group: The CPAC brief maintains that the existing M.P.S. policies should be adhered to, since they basically represent ' . . . what people wanted to have happen in the future'. The brief further states:

'Because the proposed amendment did not come out of any review or study involving local residents and groups, it can only be seen as a blatant attempt at nothing more than spot planning or zoning.

There is no current reason or need to change Policy DA-2 at this time. There is already density development taking place in the downtown, . . . and the area in question is located in what has always been a lower density residential neighborhood.'

The CPAC recommendation is that Council not approve the proposed amendment to Policy DA-2 and not approve the proposed new policies DA-18 and DA-19.

It is the position of CPAC that any changes to the M.P.S. should come through a proper review process, such as the one now underway.

- 4) Mr. Dave Stewart, Director of Austenville Concerned Citizens Assn.: Indicated two main concerns with respect to the development proposal -

(a) ' . . . if Council can change the M.P.S. to accommodate a development in the downtown area, they would not be reluctant to do the same in any neighbourhood in the City, including ours.'

(b) 'Already we experience considerable nuisance from commuter parking on neighborhood streets. We realize any development on the Dell Holdings site will further aggravate the situation by pushing those vehicles back into adjoining neighborhoods.'

- 5) Mr. A. McKay, 35 Edward Street: Mr. McKay was concerned about two buildings of historical merit located in the immediate vicinity of the Dell Holdings development, and the impact of development on these two worthwhile structures.

- 6) Mrs. F. Howard, a member of the Downtown Dartmouth Residents' Assn.: Indicated her concerns about the impact of the Dell Holdings development on existing neighborhoods. She described the proposal as 'gargantuan' and suggested that the points contained in Mr. Pugsley's letter of June 7/84 were only meant to 'soothe and mollify' the residents, but in fact did not truly address the issues raised. She considered the Dell Holdings property to be one of the most sensitive sites in the City and therefore, worthy of special consideration. There should have been several alternative development proposals prepared for the site and a number of choices available for residents to consider, not just the high-density one being presented. Mrs. Howard also felt that the Dell Holdings property has been allowed to sit in a deplorable state, causing area residents considerable problems over the years.
- 7) Ms. Nancy McInnis Leek, 36 Park Ave.: Her main considerations were potential traffic problems associated with the Dell Holdings development proposal and the M.P.S. Amendment being considered. She sought assurance that Council and staff have considered the following points before proceeding with any M.P.S. Amendment:
- (1) What will be the percentage of change in traffic volume on downtown residential and commercial streets; which streets will be affected and what information has been presented to support these projections?
 - (2) What will be the extent of the City's investment to reduce the effects of such changes on downtown traffic movement during rush hours; how will crossing safety be ensured, particularly for school children, at intersections which do not have traffic lights?
 - (3) How will traffic be routed away from residential areas?
 - (4) Will the City be carrying out street widening on heavy volume streets; will downtown parking on streets have to be eliminated in commercial and residential areas?
 - (5) Will additional traffic lights, Stop signs, and/or One-Way streets be required to control traffic?
 - (6) Has the impact of increased housing density in the area concerned, been considered in combination with winter snow and ice conditions, severe hills, current problems, and several other high-density developments in the area?
 - (7) How will the noise levels in my neighborhood be affected during currently quiet times?

At a later point in the hearing, Ms. Gorman-Wright asked if the questions presented would be answered at this time by Mr. Bayer. Mr. Bayer proceeded to give what information he could in response to the questions.

He noted that all but twelve spaces in the parking area allocated for the development will exit onto Edward Street and then to Alderney Drive. He also commented on the parking situation in the downtown area generally, describing current problems as being of a management nature rather than as a lack of parking space. Since this management is fragmented at the present time, the maximum use is not able to be made to spaces we now have available in the downtown. Mr. Bayer went on to indicate what street improvements are planned in this year's street construction program for the areas adjacent to the Dell Holdings site that will help to alleviate existing conditions and help to accommodate future traffic requirements. He acknowledged that there will be an increase in the traffic levels if development takes place as proposed. Ms. Gorman-Wright said that all of the questions presented should have already been answered long before this time and certainly before any approval is given for additional development that will add to existing traffic conditions.

Mr. Ken Wright wanted to know why the Planning Dept. has given the developer a concession with regard to parking requirements, basing his question on R-4 zoning standards. Mr. Bayer responded by explaining the parking requirements for multiple-density development, which is 100% in the downtown area, as opposed to 125% in other City areas.

8) Mr. Ned King, 22 North Street: Mr. King, the owner of a heritage property, was concerned about the impact of heavy density development on properties of historic significance. He felt the City has a moral obligation to protect property owners from the threat of zoning changes.

- 9) Ms. Elaine Robertson, Park Ave.: Asked why Dell Holdings have not acquired the land at the corner of Edward and North Streets, and what, if any, are the plans for this land. Mr. L'Esperance advised that this property is not part of the development proposal before Council, although there have been some inquiries about it. Ms. Gorman-Wright asked why this piece of land is not included in the M.P.S. Amendment, and Mr. L'Esperance stated that the amendment is designed to accommodate the particular proposal submitted and does not include that land holding. Ms. Gorman-Wright asked to have this statement included in the minutes record for its significance.

Mr. Kennedy, who spoke earlier in the hearing, requested information on the communication received from the Dept. of Municipal Affairs, as to why the M.P.S. Amendment originally approved by Council did not receive ministerial approval. A copy of the letter from the departmental solicitor to the City Clerk-Treasurer, was provided by Mr. Bayer and read by the Mayor for the information of those present. Mr. Kennedy felt that he should have received a copy of the letter, and Ms. Gorman-Wright also questioned why the CPAC did not receive a copy. She said it would have been only fair for the people who objected originally to be made aware of the reasons why the Municipal Affairs Dept. did not give their approval. She believed there has been a procedural error committed as a result of the letter not being made available to the participants from the original public hearing.

- 9) Ms. Mim Fraser, 13 Slayter Street: She first commented on the far-reaching implications of what she called a 'lip service approach to the planning process'; she expressed the opinion that '. . . the procedures involved with this particular development have been sloppy at best, and serve as evidence of backward planning.' She went on to suggest that '. . . in the case of the Dell Holdings proposal, the developer is being allowed and even encouraged to have a tremendous influence on the planning of our City.'

The submission goes on to state that '... the proposed Strategy Amendment places no limit on the allowable density for this site.' Information has been prepared to show how the R-2/TH zoning classification compares with zoning that would be necessary to allow this development to be considered without a contract; the conclusion is reached that in order '... to allow this development to proceed without contract zoning, Council would have to think about establishing an R-5 Zone. Alternatively, to encompass all of the units within a building having a constant number of levels, the R-4 designation would require the number of levels to be at least 5 to 6.' Mrs. Fraser also circulated photographs to show that views will be obstructed by buildings proposed for the Dell Holdings site.

- 10) Mrs. Mildred Smith: Mrs. Smith considered the proposed development to be an infringement on the existing neighborhood and on the Commons land, which she said must be protected and retained. She was also concerned that view planes will be obstructed by the buildings, and asked that Council reject the proposal from Dell Holdings and request that they come back with another one.

Mrs. Fraser referred to Council minutes of March 4/69, when the closing of Park Ave. and Church Street was authorized, in response to a request from Dell Holdings to purchase these lands from the City. She said she has researched the minutes of all the 1969 meetings and could find no record of Council having approved the conveyance of these lands to Dell Holdings. She questioned whether, in fact, the lands are owned by Dell Holdings or whether they are still in City ownership.

The Mayor quoted from legal documentation indicating that the deed to the property was registered on July 24/69, the necessary conveyance having been duly signed by the Mayor of the day, Mayor Thornhill and the City Clerk.

Mrs. Fraser questioned the legality of the sale if the lands were conveyed for the nominal fee of \$1.00, since this amount would not represent a 'fair market value', being in violation of the City Charter requirements. The City Solicitor quoted from Section 139, sub-section 2

of the Charter, containing a provision whereby lands can be sold for a nominal fee under the conditions noted. Mrs. Fraser questioned whether or not such a provision was applicable in the Charter of the day, in the year 1969. She remained doubtful that proper procedures were followed in the conveyance of the lands, since she was unable to find any Council records of the transaction having been approved and based on the Charter requirement that the lands could not have been conveyed for a nominal fee. The Mayor said he doubted if ministerial approval would have been given for the conveyance if all the proper procedures had not been followed.

Mr. McKay asked what the City intends to do about the fact that the Elias interests did not follow through with development plans after land was conveyed to them as part of an agreement. He suggested that the agreement was violated by the developer and is therefore no longer valid.

Mr. Colin May, another resident from the area, asked if Mr. Pugsley had any objections to the proceedings that have taken place so far this evening. Mr. Pugsley pointed out that Mr. Elia, one of the principle shareholders in Dell Holdings, does own land in Dartmouth already, contrary to the information presented on his status as a developer from outside the City with no real interest in the community. He also took exception to the insinuations made several times throughout the hearing that the developer has influenced decisions of the Planning Dept. staff in some way, and considered the 'scurrilous attacks' on Planning staff and the City Solicitor to be unwarranted, when these people do not have the opportunity to respond to such statements.

Mr. May went on to make reference to the Socio-Economic Study carried out in connection with the impact of oil-related development, noting that the total housing impact figures from that study are represented in this one development being proposed. At the point where Mr.

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May began to speak, Ald. Bregante declared a conflict of interest and withdrew from his place on Council. He stated that his wife is employed with Mobil Oil, under whose auspices the Socio-Economic study referred to, was carried out. Ald. Bregante did not resume his place after Mr. May had completed his presentation or again during the remainder of this meeting.

A point was raised about whether the proposed development will be commenced within a specified period of time. Mr. Pugsley said that the development agreement would place such a condition on the developer, but Mrs. Fraser did not agree that such a condition can be included in the development agreement.

Other speakers heard after Mr. May, were Ms. Margie Clarke of 51 Fairbanks Street, and Mr. Horne of 73 Wentworth Street; both were opposed to the development proposal and considered that it would interfere with existing neighborhoods and the present communities in the area.

There being no further representations to be heard, the Mayor declared the public hearing to be over.

He advised Council that under the provisions of the new Planning Act, a majority vote of the whole Council is required to give approval to the application before Council; a majority vote of eight is therefore required in the case of the Dartmouth Council. The Mayor is excluded from voting except in the case of a tie vote.

BY-LAW C-520

Proposed By-law C-520, which would amend the M.P.S. with respect to the Dell Holdings application, was before Council for consideration.

It was moved by Ald. Romkey and Greenough that leave be given to introduce the said By-law C-520 and that it now be read a first time.

Council agreed to continue meeting beyond the hour of 11:00 p.m. to complete this particular item only.

In view of the lateness of the hour, Ald. Greenwood and Sarto moved deferral of the by-law in first reading for debate at another meeting. Ald. Crawford was opposed

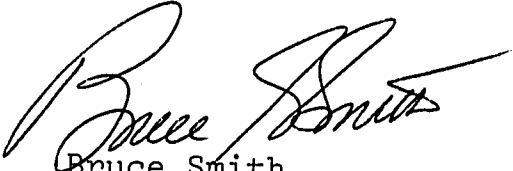
to deferral, suggesting that the vote on first reading is likely to decide the issue without going any further. He pointed out that the members of Council not present for the meeting will not be able to vote at a later time anyway. This would mean that four Council members will not vote, Ald. Bregante having withdrawn from the meeting and choosing not to return to his Council seat for the rest of the meeting.

When the vote was taken on the motion to defer, it carried with Ald. Crawford, Romkey, Stubbs and Levandier voting against.

On motion of Ald. Greenwood and Romkey, Council set June 21st at 7:30 p.m. for the two remaining public hearings scheduled for this date. The adjournment of these two hearings is to the Council Chamber where this hearing took place. The two hearings are for a Land Use By-law Amedment and a Development Agreement, both being Dell Holdings applications.

MOTION: Moved by Ald. Greenwood & Romkey that Council set June 21st at 7:30 p.m., in the Council Chamber, for the two remaining Dell Holdings public hearings. Both hearings are therefore adjourned to that date and time.

Meeting adjourned.


Bruce Smith,
Acting City Administrator.

City Council, June 12/84

ITEMS:

- 1) Public Hearing: M.P.S. Amendment: Dell Holdings, page 1 to 11 incl.
By-law C-520, page 10.

Dartmouth, N.S.

June 13, 1984.

Regularly called meeting of City Council held
this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Romkey	Levandier
Beeler	Withers
DeMont	Greenwood
Stubbs	Greenough
Bregante	Sarto
City Solicitor, M. Moreash	

PUBLIC MEETING -
DARTMOUTH COMMONS

This meeting of Council constituted a public meeting re the Dartmouth Commons. The Mayor noted that the purpose of the public meeting was primarily an information session for members of Council, at which citizens would have an opportunity to present their comments or briefs.

The first individual to address Council was Mr. Jim MacIntosh, speaking on behalf of the Dartmouth District School Board and its Superintendent. In this regard he distributed copies of a report, containing proposals for the development and future use of the land between Dartmouth High School and the Sportsplex.

He stressed that Dartmouth High School has an extremely large and well organized physical education and athletic programme which lacks proper outdoor facilities. In order of priority, three recommendations were proposed.

- 1) The section of land adjacent to Dartmouth High School be developed as an active physical education and athletic field. This field would extend from Thistle to Nantucket Avenue and would be approximately 700' x 225'.
- 2) The section of land between the area in 'A' above and the Dartmouth Sportsplex be developed as a park with fitness trails to be used by both adults and youth. This area would be approximately 750' x 340'.
- 3) Consideration be given to the establishment of a proper tennis area with four or more courts. This could be located on the side of Dartmouth High School near the proposed field or by the Dartmouth Sportsplex.

Following Mr. MacIntosh's presentation, Ald. Stubbs questioned Mr. Bayer about what is actually meant by the Commons. Referring to a map of the area, Mr. Bayer pointed out the areas commonly considered part of the Commons. He stressed that there is no official definition of the area so designated. He noted that there are some historical definitions of the area, which would indicate an area considerably larger

than the one he indicated.

Ald. Levandier questioned Mr. Bayer on the amount of land that the City has created that might be considered common land. Ald. Levandier noted that while the City has lost some Common land, other areas have been created. Mr. Bayer did not have the actual figures on the amount of open space that has been created in the City. He emphasized the fact that Common Land has a different connotation than open space, however.

The next individual to address Council was Mr. Charles Dolan, Chairman of the Board of Directors of the Sportsplex. Unfortunately copies of their submission that Mr. Dolan referred to, had not been distributed to the members of Council. The submission consisted of seven sections, which Mr. Dolan elaborated on individually. They are as follows:

- a) The need to provide parking for the citizens of Dartmouth who use the Sportsplex.
- b) The need to provide parking to prevent disruption in business and services located in the adjacent area.
- c) The need to provide parking to assist local groups, community associations and teams to attract sufficient patrons to support events they put on at the Sportsplex.
- d) The relationship of parking to the marketability of Sportsplex and the requirement for city financial operating assistance.
- e) The efforts already made to reduce the parking conflicts.
- f) The documents relating to enlarged adjacent parking facilities included in the original proposal accepted by Dartmouth City Council in October 1980.
- g) A new professional plan for additional parking using less land than presently allocated and compatible with the proposal being studied by the Dartmouth School Board.

In conclusion, it is being requested that the adjacent parking lot, approved by Council in October 1980, be changed in shape to run a depth of 160 feet for the length of the present Sportsplex parking lot. This would increase the number of spaces from 328 to 805, but would actually cover less square footage than the original proposal. A consultant, Mr. Rodger, has been hired to redesign the present parking space and the proposed adjacent area. Referring to remarks regarding the

elimination of planter boxes, Ald. Stubbs expressed concern that aesthetics be kept in mind in any redesign of the parking facilities. Mr. Dolan expressed support for this concern and it was noted that there have been complaints regarding difficulties resulting from the placement of the planter boxes. In conclusion, Mr. Dolan emphasized that the Board of Director's main concern is service to the citizens, either from the standpoint of making the Sportsplex more accessible to the public or keeping the financial support from taxpayers to a minimum.

There being no further questions, the Mayor requested that the Dartmouth Commons Committee give their presentation. However, it was suggested by a representative of the Committee, that it would be more appropriate for Mr. Doug Trider of the Dartmouth Museum Society to give a historical background of the Commons, prior to their presentation.

Mr. Trider spoke as a representative of the Friends of the Dartmouth Commons and referred to the Petition to Save the Dartmouth Commons, which contained approximately 2,600 signatures. This petition was reviewed by the Heritage Advisory Committee January 11, 1984. A motion passed indicating the Committee's agreement in principle and recommending that action be taken to implement the petition's recommendations.

With the aid of an overhead projector, Mr. Trider presented a history of the Dartmouth Commons from 1749 to today. He stressed that the Dartmouth Commons provided the early settlers with necessities such as firewood, plants needed to make medicines and grazing lands for their cattle. The Commons Lands were very strictly regulated as to use, versus being just a park. Over the years there was very little encroachment on the lands, except for an occasional roadway or it being temporarily used for military related purposes. However, by the mid 1800s there were cemeteries established on it and lots were eventually sold for the purpose of providing funding for the upkeep of the remainder or financing the building of schools, etc. By 1889 it is being used for recreation purposes and an exhibition building has been constructed on it.

Mr. Trider noted that since land could not be sold from the Commons, a loop hole which permitted leasing for 999 years was devised.

The slides effectively pointed out how the Commons containing originally 285 acres have dwindled over the years, reaching their least amount of land in 1974.

Mr. Trider asked that the Commons be preserved primarily to protect its heritage. He noted that there are very few Common's grants existing and a law preserving the Dartmouth Commons would be a first for Canada. Besides heritage purposes, the Commons could contribute to tourism, with its view of the Harbour. Dartmouth would be the first country outside the United Kingdom to preserve its Commons grant, if such an action is taken.

There being no questions from the Aldermen to Mr. Trider, Mr. Don Chard, representing the Dartmouth Commons Committee, commenced a joint presentation with Mr. Jeff Katz, who is in his final year at the College of Art & Design. A report dated January 31, 1984 was previously circulated to members of Council. With the aid of a map, he identified the various portions of the Commons. The Committee wishes to provide Council with suggestions for the better protection and improvement of the Dartmouth Commons.

He suggested that the areas currently publicly owned or open space, with the exception of the Bank of N.S. site, be designated heritage sites and that a zoning by-law for Open Space be adopted and applied to these lands. As discussed previously, he noted that there is no formal definition of the Dartmouth Commons, however.

By improving and upgrading the remaining Commons land, Mr. Chard suggested that both tourism and high tech. industry would be attracted to Dartmouth. It was further suggested, that the submission made by the Committee would be most effectively dealt with during the Municipal Planning Strategy Review, thus permitting the issues raised be dealt with in a broader context. A special sub-committee might be required as a resource and history are being dealt with. He felt that the Dartmouth Commons Committee might be of assistance in a research capacity and referred to a survey that has been

developed to obtain comments and attitudes towards the Commons.

Concluding his portion of the presentation, Mr. Jeff Katz continued the presentation begun by Mr. Chard. Mr. Katz stressed that the Commons has an image problem, particularly as the area is not defined. Four methods to improve this image were addressed.

a) graphic image program.

Mr. Katz referred to a logo that has been used recently and by slight variations was used to promote the Parade of Tall Ships.

b) urban design and landscaping program.

Mr. Katz demonstrated to the members of Council via a model, some suggestions regarding possible future development of the Commons. Particular emphasis was given to providing a more appropriate setting to one of the main entrances to the City, via the bridge. Conversion of the present Bank of Nova Scotia into a Tourist Bureau was indicated, together with overpasses to the Park School Site and across Thistle to tie in the various components of the Commons were illustrated.

c) Summer and winter activity programs, to promote active use.

d) public relations program.

Following the conclusion of Mr. Katz' presentation and there being no questions for Mr. Katz, the Mayor requested that other groups or individuals come forward to address the subject.

Mr. Jim Harrison, President of the Dartmouth Museum Society addressed Council. He noted that the Society has a membership of 180 individuals and a letter supporting the petition to save the Commons, was directed to Council in February. He urged Council to preserve the remaining Commons lands. Then addressing Council as a private citizen, he suggested that Council will have to decide in its own minds what uses of the Commons are compatible to the present and future directions of Dartmouth, and the original intent when the Commons were established.

Following Mr. Harrison, was Mr. Paul Moreash, President of the Dartmouth Kiwanis Club. He indicated that the Kiwanis Club has been considering the site between Dartmouth High School and the Sportsplex as a site of an upcoming major project. They are proposing to develop the area into a site for lawn

bowling, etc. for older citizens of Dartmouth. The Mayor noted that a letter regarding this proposal had been received and a preliminary meeting held. In conclusion, it was decided that the Kiwanis Club would wait until a decision is made on the development of this piece of Commons.

Mr. Ron Colpitts, representing the Dartmouth Volksmarch Club and citizens, stressed the desirability of preserving the Commons for walkers, particularly with the ecological cycle in mind.

Joanne Lamey, a citizen expressed her pleasure with the presentation and thought the plans suggested by Mr. Katz were a great idea. She supported the idea that the future of the Commons be addressed during the Municipal Planning Strategy Review.

Paul Goulay, 39 Church Street referred to the fact that he is a recent resident to the area adjacent to the Park and supported efforts to preserve the Commons.

Steve Purdy, a resident of Ward 3 and a member of the Municipal Planning Review expressed his support of the proposal made by the School Board and the Sportsplex. As a former graduate of Dartmouth High School, he confirmed the inadequacy of the present sports field and the shortage of public tennis courts in the City. Being an employee of the Sportsplex, he has also heard the complaints regarding the shortage of parking and felt the proposed additional parking lot would not encroach greatly on the area between the Sportsplex and Dartmouth High School.

The last individual to address Council was Maureen Vine. She encouraged Council to protect the remaining Commons and rehabilitate other portions as this becomes practical. She referred to a public hearing in the 70's, at which time Mr. Bayer gave a visionary presentation of what could happen if the Shubenacadie Canal were restored. Much of this is apparently going to be a reality and she suggested the Commons should ideally be tied into this project, thereby making Dartmouth the place to visit in the Metropolitan area.

There being no more presentations, the Mayor commended those present on the quality of the presentations and the

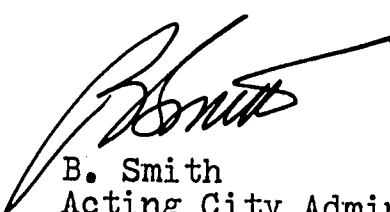
interest demonstrated in their community. He noted that no decision could be made tonight and it would be a few weeks or months before one is made. In the interim, he directed Staff to compile this information presented in some sort of cohesive overview which could be brought back to Council. The individuals involved would be contacted as to when the matter would go before Council.

Ald. Greenough indicated his agreement with the Mayor's remarks and moved a motion that the presentations and submissions that have been made this evening be referred to Staff for them to assess and summarize in a report for Council, which would outline various options together with recommendations particularly as to what action might be taken with respect to that part of land between the Sportsplex and Dartmouth High School and the Park School Site. They might now work towards a definition of what the Dartmouth Commons is today. The motion was seconded by Ald. Greenwood and when the vote was taken the motion carried.

MOTION: Moved by Ald. Greenough and Greenwood that the presentations and submissions that have been made this evening be referred to Staff for them to assess and summarize, in a report for Council, which would outline various options, together with recommendations, particularly as to what action might be taken with respect to that part of land between the Sportsplex and Dartmouth High School and the Park School Site. Staff might also work towards a definition of what the Dartmouth Commons is today.

It was suggested by Ald. Romkey that Staff might borrow the maps, drawings, etc. from the Dartmouth Commons Committee for this purpose. No objection was raised to this suggestion by the Committee.

On motion of Ald. Greenwood and Levandier the meeting adjourned.


B. Smith
Acting City Administrator

City Council, June 13, 1984

ITEMS:

- 1) Public Meeting, Dartmouth Commons

Dartmouth, N. S.

June 19/84.

Regularly called meeting of City Council held
this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Sarto	Beeler
Crawford	Romkey
DeMont	Levandier
Stubbs	Withers
Hawley	Greenwood
Bregante	Greenough
	Hetherington
City Solicitor, S. Hood	
Acting City Administrator, B. Smith.	

The Mayor advised at the opening of the meeting,
that the Shubenacadie Canal Commission presentation
planned, will not take place at this time.

EXPENDITURE:
TALL SHIPS EVENT

Ald. Greenwood rose on a point of privilege to
question the fact that none of the Tall Ships were
berthed in Dartmouth, as promised when representatives
of the Parade of Sail Committee requested an \$8,000.
contribution from the City of Dartmouth at budget time.
He said it was unfortunate that this committment was
not adhered to and suggested that Dartmouth businesses
suffered a loss of revenue during the period, while
Dartmouth people were travelling to Halifax to view
the Tall Ships over there. He proceeded to move that
Council rescind the decision taken to contribute \$8,000.
to the Parade of Sail event for which it was designated;
the motion was seconded by Ald. Bregante.

The Mayor quoted from portions of a letter received
in this connection from Mr. Peter Evans, explaining why
ships were not berthed in Dartmouth and apologizing for
this fact. Ald. Greenwood felt there were sufficient
ships in Halifax to have made it possible for the five
requested to be allocated to the Dartmouth side of the
harbour. Ald. Hetherington also spoke in support of
the motion. When the vote was taken on the motion to
rescind, it carried unanimously.

MOTION: Moved by Ald. Greenwood and Bregante
that Council rescind the decision taken
to contribute \$8,000. to the Parade of
Sail event for which it was designated.

M.P.S. AMENDMENT:
DELL HOLDINGS

At the Council meeting of June 12th, By-law C-520 was deferred in first reading to permit time for additional debate if required. This by-law provides for an amendment to the Municipal Planning Strategy that would permit Council to consider residential development proposals for other than single-family, semi-detached, duplex and townhouse units through the development agreement process. The request for such an amendment originates with the Dell Holdings developer who wishes to proceed with a development proposal for his lands in the downtown area.

The Mayor noted that Ald. Hetherington and Ald. Withers are unable to take part in the debate or to vote on first reading of By-law C-520, since they were not present for the public hearing on June 12th.

Ald. Bregante, who declared a conflict of interest at a point during the public hearing and withdrew from his place on Council to sit in the gallery, indicated his intention to resume his place at this time and to participate as a Council member, having been advised by his Solicitor that it is in order to do so.

Ald. Crawford and Stubbs questioned whether it would be in order for a member to resume his or her place on Council after having vacated their seat during the course of a public hearing. The Solicitor pointed out that so long as the member was in the gallery and could hear what was being said, he or she would have received all the necessary information from the public hearing. Also, in Ald. Bregante's case, he did not miss the vote on the by-law since the motion for first reading was not put at the June 12th meeting. Ald. Crawford considered this to be an issue that would have to be decided by the courts; both he and Ald. Stubbs expressed their opposition to the procedure being followed in allowing Ald. Bregante to participate in the meeting at this point. Ald. Greenough felt that the ruling of the Solicitor should be upheld and Ald. Bregante should be entitled to vote, having remained in the Chamber for all of the public hearing on June 12th.

Prior to the vote being taken on first reading, the Mayor again reminded Council that a majority of the whole Council is now required in order to give approval to the motion on the floor for first reading (ie. as opposed to a simple majority for other motions).

The vote was then taken on first reading of By-law C-520 and it was declared to be defeated with only six members voting in favour (Ald. Withers and Hetherington abstaining from the vote). Those members voting against were Ald. Levandier, Crawford, Bregante, Stubbs and Sarto. (Ald. Hawley left the meeting at this point.)

AMENDMENT: LAND
USE BY-LAW
22 DAWSON ST.

This date was set by Council for public hearing of an application from Dr. S. K. Ummat, to have his property at 20/22 Dawson Street rezoned from R-1 to R-2 Zone, to permit the construction of a duplex on what is now a vacant property.

Presentation of the proposal for the property was made by Mr. L'Esperance and he concluded by advising Council that the Planning Dept. is in support of the application. Ald. Levandier inquired about parking provisions and Mr. L'Esperance indicated that parking space is provided in front of both units.

Dr. Ummat addressed Council briefly, seeking support for his application. Ald. Crawford asked for information about the status of the appeal before the Nova Scotia Municipal Board, with regard to properties owned by Dr. Ummat, including 20/22 Dawson Street. The Solicitor advised that the appeal has been withdrawn for the property in question and the remaining properties will be coming up for appeal on August 7th.

Ald. Levandier asked if Dr. Ummat intends to proceed right away with the building proposed for 20/22 Dawson Street. Dr. Ummat indicated his intent to proceed immediately as soon as Council approval is received for the rezoning.

The Mayor called for representations in favour of the application, but none were made. He then called

for representations from people opposed; the following residents were heard by Council:

- 1) Mr. John Gully, member of the North End Improvement Committee: Mr. Gully gave a chronological account of the rezoning of properties undertaken in conjunction with the North End NIP Program, and the subsequent appeals that have followed with a number of postponements at the request of Dr. Ummat. He was concerned that if this particular rezoning is permitted, other requests will follow and the efforts of the North End Committee to effect improvements will be jeopardized. He requested that a copy of the notice of withdrawal from appeal for 20/22 Dawson Street, be sent to him or to one of the North End Improvement Committee members.
- 2) Mr. Phil Hirschfield, Chairman of the North End Improvement Program: Explained the importance of retaining and improving single-family neighborhoods in this area of the City, a principle thrust of the Program when it was presented to Council. Mr. Hirschfield noted that the lot in question does not have the full fifty-foot frontage required, and he felt that the parking spaces in front of the building will do little to enhance the appearance of the existing neighborhood. He said it would be a retrogressive step to allow this rezoning to take place when the efforts of the NIP Program have been directed at an upgrading of the community.
- 3) Mrs. Francois Howard, a member of the Downtown Residents Assn.: Mrs. Howard was opposed to the rezoning for reasons similar to those she stated in connection with the Dell Holdings application.
- 4) Mr. Laurie Howe: Felt that if this rezoning is permitted, it will result in other applications and a gradual erosion of R-1 zoning.

Dr. Ummat responded to some of the concerns of the residents, suggesting that a new duplex on the property at 20/22 Dawson Street, could not be considered a 'retrogressive step' in a neighborhood. He said there are always provisions in a NIP Program for development other than R-1 buildings, and he questioned the references being made to 'absentee landlords' and their detrimental impact on the Dawson Street area.

Mr. Howe commented on the fact that Dr. Ummat did not attend any of the NIP meetings until the matter of rezoning became an issue, although he had every opportunity to do so.

There being no further speakers, the Mayor declared the public hearing to be over.

BY-LAW C-529

By-law C-529, which would rezone the property at 20/22 Dawson Street from R-2 to R-1 Zone, was before Council in conjunction with the application being heard.

It was moved by Ald. Romkey and Hetherington that leave be given to introduce the said By-law C-529 and that it now be read a first time.

The vote was taken on the motion and the necessary majority of the whole Council was not received in order for it to carry; a 6-6 tie vote resulted (Ald. Hawley having left the meeting after the first item). The motion was therefore declared to be defeated.

Council has set this date for hearing of proposed heritage property registrations, as recommended to Council by the Heritage Advisory Committee. Mr. Lydon made the presentation on behalf of the Committee, and both he and Ald. Stubbs explained the new procedures being undertaken by the Committee in order to familiarize owners with the registration process and to deal with questions they may have prior to the hearing taking place.

The hearing then proceeded, with the Mayor calling for any representations either for or against in the case of each property being recommended. The following action was taken by Council during the course of the hearing:

- 1) 30 Portland Street - deleted on motion of Ald. Hetherington and Crawford. (Objection by the owner to registration.)
- 2) 35 Portland Street - deleted on motion of Ald. Hetherington and Withers. (Objection by the owner to registration in a letter dated June 6/84, copy circulated.)
- 3) 41/43 Portland Street - deleted on motion of Ald. Hetherington and Levandier. (Objection by the owner to registration in a letter dated June 8/84, copy circulated.)
- 4) 245 Portland Street: approved for registration, on motion of Ald. Hetherington and Stubbs.
- 5) 285 Portland Street: Ald. Greenwood and Stubbs moved approval for registration, but the owner Mr. Alan Prouse, indicated his opposition to Council since he has plans for an addition to the house. The motion was therefore defeated.
- 6) 287 Portland Street: deleted on motion of Ald. Hetherington and Levandier. (Objection by the owners to registration by letter received June 11, copy circulated.)

HERITAGE PROPERTY
REGISTRATIONS

- 7) 289 Portland Street: deleted on motion of Ald. Hetherington and Greenough. (Objection by the owner in a letter dated June 19/84, copy circulated) Dr. Lamplugh spoke in favour of the preservation of heritage properties in the City, but did not wish to have his property registered at this time.
- 8) 38/40 Dundas Street: approved for registration on motion of Ald. Greenwood and Withers.
- 9) 22 Dahlia Street: Ald. Bregante and Greenwood moved approval for registration, but the owner, Mr. Jack Flynn, asked for deferral of any registration at this time. He is seeking clarification of assessment information in relation to heritage properties. The motion was therefore defeated.
- 10) 43 Dahlia Street: approved for registration on motion of Ald. Withers and Hetherington.
- 11) 46 Dahlia Street: approved for registration on motion of Ald. Withers and Stubbs.
- 12) 63 Dahlia Street: deleted on motion of Ald. Hetherington and Greenwood. (Objection by the owner in a letter dated June 8/84, copy circulated.)
- 13) 31 Pleasant Street: approved for registration on motion of Ald. Withers and Stubbs.
- 14) 37 Pleasant Street: approved for registration on motion of Ald. Bregante and Levandier.
- 15) 41 Pleasant Street: approved for registration on motion of Ald. Bregante and Stubbs.
- 16) 47 Pleasant Street: approved for registration on motion of Ald. Hetherington and Bregante.
- 17) 12 Eaton Ave: deleted on motion of Ald. Withers and Bregante. (Owners have requested deferral of any registration at this time until zoning and future plans for the property are resolved.)
- 18) 24 Wentworth Street: deleted on motion of Ald. Hetherington and Bregante. (Objection by the owner in a letter dated June 14/84, copy circulated)
- 19) 42 Summit Street: Ald. Hetherington and Withers moved approval for registration, but the owner, Mr. Jonathan Davies, objected to having his property registered and to the lack of prior consultation with the Heritage Advisory Committee. Mr. Davies suggested that a better approach would be to amend the present demolition permit process as a means of protecting historic buildings. He indicated he would be willing to consider discussing the points raised by him with the Committee at a later time. The motion to register was therefore defeated.

MOTIONS: To delete and register heritage properties, as detailed above and on page five of these minutes.

Having completed all of the hearings scheduled for this date, Council proceeded with the regular agenda.

MINUTES

On motion of Ald. Bregante and Greenough, Council adopted the minutes of meetings held on May 1, 8, 15, 22, 29 and 30.

PROCLAMATION:
SR. CITIZENS WEEK

Council approved the proclamation of Senior Citizens Week in Nova Scotia, from June 17th to June 23rd, copies of the Provincial proclamation having been circulated with this agenda. The motion to this effect was moved by Ald. Greenough and seconded by Ald. Bregante.

MOTION: Moved by Ald. Greenough and Bregante that Council approve the proclamation of Senior Citizens Week in Nova Scotia, from June 17th to 23rd.

HELICOPTER
SERVICES

Under the agenda heading of Original Communications, Ald. Stubbs requested additional information on the letter received, indicating an interest in providing helicopter services in Dartmouth at a waterfront location. A staff recommendation was made to the Mayor with regard to the location suggested, noting the changes that would have to be made in order to make it possible for a helicopter to take off and land on the waterfront. Correspondence from Mr. Ray Hollett has also been circulated in connection with this item, and he addressed Council briefly at this time, suggesting that decisions on matters like this should be made by Council when letters are received that are addressed in that context.

Discussion followed as to the requirements that must be met in order for a helicopter facility to be approved for operation, and Mr. Smith pointed out that the operation proposed in this instance was for the summer months only. He also noted that at present, there is no approved, licensed heliport in the metropolitan area; such a facility is now provided at I.M.P. at the Halifax International Airport.

Ald. Romkey said that in future, all such correspondence should come to Council for a decision. He disagreed with the procedure followed in dealing with the letter under discussion, although he agreed that staff input is required when such items do come to Council.

PARKING METER
ADVERTISING

Mr. Smith has submitted a report to Council on a proposal received from the firm Parkstall Inc. of Toronto for leasing advertising space on City parking meters. It is felt by City staff and by the Downtown Dartmouth Corp. that such meter advertising may not be considered an enhancement to the downtown area and 'may be detrimental to the new appearance and atmosphere developing there'.

Council supported this position and rejected the proposal from Parkstall Inc., on motion of Ald. Greenwood and Levandier.

MOTION: Moved by Ald. Greenwood & Levandier that Council reject the parking meter advertising proposal received from Parkstall Inc. of Toronto.

BORROWING
RESOLUTION #84-45

On motion of Ald. Greenough and Bregante, Council approved Borrowing Resolution #84-45, prepared in accordance with Section 265 (1) of the City Charter, as presented by the City Clerk-Treasurer.

MOTION: Moved by Ald. Greenough and Bregante that Council approve Borrowing Resolution #84-45, as presented by Mr. Smith for the calendar year 1984.

BY-LAW C-527:
TAXI COMMISSION
QUORUM

Council was asked to consider proposed By-law C-527, which would reduce the required quorum for the Taxi Commission from five to three members. This change was recommended by the Taxi Commission due to the problems experienced in securing quorums for meetings.

Ald. Bregante and Ald. DeMont declared a conflict of interest, due to their association with the taxi industry, and withdrew from their places on Council to sit in the gallery during consideration of the by-law.

It was moved by Ald. Crawford and Withers and carried that leave be given to introduce the said By-law C-527 and that it now be read a first time.

It was moved by Ald. Hetherington and Stubbs that By-law C-527 be read a second time.

Ald. Greenough said he would be prepared to support the reduction in a quorum to three members only if this is an interim measure. He was advised that it is a temporary provision only. The motion for second reading carried.

Unanimous consent was given by Council for third reading of the by-law.

It was moved by Ald. Crawford and Hetherington and carried that By-law C-527 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

MOTIONS: Three readings given to By-law C-527: reduction in the quorum required for Taxi Commission meetings.

BY-LAW C-518:
GUN CONTROL

At the March 6th meeting, Council referred By-law C-518 back to the Solicitor in second reading, for an amendment to provide for the use of fire arms on gun ranges. The redrafted by-law was before Council at this time, incorporating the change requested.

Ald. Hetherington and Greenwood moved that By-law C-518 be read a second time.

Questions were raised in second reading as to whether or not the by-law adequately covers such fire arms as air guns and pellet guns; it was suggested that the questions should be further clarified but approval of the by-law should proceed in order to have the protection enacted as quickly as possible. Ald. Hetherington requested that the by-law be publicized through a pamphlet of some kind that will be distributed through a City mailing such as the water bills.

The vote was taken on second reading and it carried.

Unanimous consent was given by Council for third reading of the by-law.

It was moved by Ald. Crawford and Greenwood and carried that By-law C-518 be read a third time and that the Mayor and the City Clerk be authorized to sign and seal the said by-law on behalf of the City.

MOTIONS: Second and Third readings given to By-law C-518: Gun Control By-law, as revised.

BLASTING BY-LAW

The Solicitor has submitted a report to Council on the matter of provisions that members would like to have included in a blasting by-law to be prepared for the City. The report concludes by recommending that

Council instruct the Solicitor to:

- 1) meet with representatives of the construction industry and insurers.
- 2) work with staff to draft a by-law to regulate blasting, taking into consideration the following:
 - (a) proof of insurance
 - (b) notification of blast in conjunction with taking of a pre-blast survey.
 - (c) warning signals
 - (d) restrictions on time and day of blasting.
 - (e) defining a 'blasting area'
 - (f) use of seismographs or other monitors
 - (g) regulation of blasting in quarries
 - (h) what department is to be responsible for blasting.

The recommendation was adopted by Council, on motion of Ald. Greenough and Romkey.

MOTION: Moved by Ald. Greenough and Romkey that Council adopt the Solicitor's recommendation with respect to the preparation of a blasting by-law for the City, as set out above.

REQUEST:
AMENDMENT TO
LAND USE BY-LAW
11/13 MIDDLE ST.

The Planning Dept. has submitted a report on a request for an amendment to the Land Use By-law, that would rezone the property at 11/13 Middle Street from R-2 to R-3 Zone. Denial of the request has been recommended and therefore, that Council not proceed with the application.

The recommendation was adopted by Council, on motion of Ald. Stubbs and Greenwood.

MOTION: Moved by Ald. Stubbs and Greenwood that Council adopt the Planning Dept. recommendation not to proceed with an application for an amendment to the Land Use By-law, that would rezone the property at 11/13 Middle Street, from R-2 to R-3 Zone.

REQUEST:
AMENDMENT TO
LAND USE BY-LAW
371 PRINCE ALBERT RD.

The Planning Dept. has recommended that Council proceed with an application to amend the Land Use By-law, that would rezone the property at 371 Prince Albert Road from R-1 to R-2 Zone; the applicants propose to construct a duplex on each of Lots 1 and 3. The recommendation was adopted by Council, on motion of Ald. Hetherington and Bregante.

MOTION: Moved by Ald. Hetherington and Bregante that Council adopt the Planning Dept. recommendation in favour of proceeding with an application to amend the Land Use By-law, by rezoning the property at 371 Prince Albert Road from R-1 to R-2 Zone.

CROSSWALK GUARD
POSITION

Council has been requested by the Police Commission to approve a crosswalk guard position for the Victoria Road/Thistle Street intersection, for the protection of school children using the crossing.

The request was approved, commencing with the 1984 school year, on motion of Ald. Levandier and Greenwood.

MOTION: Moved by Ald. Levandier and Greenwood that the request for a crosswalk guard position for the Victoria Road-Thistle Street intersection, commencing with the 1984 school year, be approved by Council.

LONG TERM
DISABILITY PLAN

The Finance & Program Review Committee has recommended approval of the implementation of a Long-Term Disability Plan and modified Sick Leave Plan for City employees, copies of which were previously circulated when the item was tabled by Council. Council adopted the recommendation of the Committee, on motion of Ald. Greenwood and Romkey.

MOTION: Moved by Ald. Greenwood and Romkey that Council approve the recommendation of the Finance & Program Review Committee with respect to implementation of a Long-Term Disability Plan and modified Sick Leave Plan for City employees, as per the report previously circulated.

NOTICES OF MOTION:

ALD. WITHERS

The following notices of motion were given for the next regular Council meeting:

1) Ald. Withers:

WHEREAS Banook Ave., situated in Ward 4, falls under Category 1, as outlined in the Development Officer's report on the take-over of private streets, dated Feb. 2/82, indicating such street can be taken over as it now exists;

THEREFORE BE IT RESOLVED, that the Engineering Dept. be instructed to survey and prepare a legal plan of said street, so that presentation may be made to Council for formal acceptance pursuant to section 137 of the City Charter.

ALD. CRAWFORD

2) Ald. Crawford:

That our solid waste by-law be amended to include the pick-up of grass and leaves during the months commencing the first of May to September 30th of any given year, provided the said waste is properly bagged or containerized.

INQUIRIES:

ALD. BREGANTE

Ald. Bregante made the following inquiries:

- 1) about the new crosswalk painted on the street at the corner of Cameron & Pleasant Streets; the former crosswalk in this area can still be seen on the street and this is causing confusion

for motorists. Asked to have this problem looked at further.

- 2) asked to have a property cleaned up at the end of Woodside Ave; the property is overgrown with grass and weeds and is becoming a problem area.
- 3) asked about the status of the new Sewer Frontage By-law and noted the concern about what Alpine Drive residents will be paying for their sewer services.
- 4) asked for a report from the Solicitor on whatever by-law the City may have that would prevent posters from being put up on poles and vacant buildings

ALD. CRAWFORD

Ald. Crawford asked to have the report on Green Road and Mount Hermon Cemetery included in an upcoming agenda for Council to consider. He was advised that it should be ready sometime within the next two weeks.

Ald. Crawford asked that Dr. Ummat be contacted by the Building Inspection Dept. about his property on Dawson Street behind the Tim Horton's coffee shop.

Ald. Crawford commended the Works Dept. for the manner in which sidewalk repairs were carried out recently on Birchwood Terrace.

ALD. WITHERS

Inquiries made by Ald. Withers were as follows:

- 1) inquired about the responsibility for costs associated with the installation of sidewalks in the Rosedale Ave. area. Mr. Fougere advised that the Solicitor has been asked to make a recommendation on this question.
- 2) asked about the status of the sidewalk project for the section of Woodland Ave. from Laurier Street to the MicMac Blvd. It was noted that provision for this project was not included in the 1984 capital budget. Council minutes will be checked to confirm exactly where the project stands.
- 3) asked when a report will be coming from the Grants Committee; Ald. Crawford said a meeting of the Committee is required to finalize recommendations and that will be done soon.
- 4) asked about the letter received from the CNR regarding a cost estimate to raise the Windmill Road overpass. Mr. Fougere noted that the cost estimate is \$92,000. and Mr. Moir will be reporting further on the subject.
- 5) asked about signs that would indicate to motorists that they are entering a residential Zone; Mr. Bayer said the consultants carrying out the traffic study are also being asked to look at traffic signage, including this type of sign.
- 6) Ald. Withers advised that buses are again dead-heading down Albro Lake Road; Ald. Crawford agreed to bring this matter up at the next M.T.C. meeting.

- 7) asked about the problem caused for residents in the Woodland Ave. area, by golfballs from the Brightwood course; he requested that Mr. Smith follow up on this inquiry with the Brightwood executive.

ALD. ROMKEY

Ald. Romkey asked about the by-law prohibiting garage and mechanical work from being carried out in residential areas. Mr. L'Esperance noted that the by-law is in effect and any specific address the Alderman is concerned about can be investigated.

Ald. Romkey inquired about the traffic patterns and problems on Portland Street east; Mr. Bayer advised that this item is going to be discussed at the upcoming meeting of the Joint Transportation Committee and a further report will then be made to Council.

ALD. GREENOUGH

Ald. Greenough asked Mr. Fougere if the MicMac Drive construction project could be speeded up; the contractor is not proceeding at a very satisfactory rate and dust problems are being created that are of concern to the residents. Dust conditions are also occurring on the section of Montebello Drive (formerly called MicMac Drive) due to the delay in completion of that project. Mr. Fougere was asked to look at that project as well.

Ald. Greenough also inquired about:

- 1) tenders for street paving in Ward 6; Mr. Fougere said these will be out shortly.
- 2) the Sewer Frontage By-law and when it will be coming to Council; the Solicitor advised that it is basically prepared but some redrafting is required.
- 3) asked what priority is being given to the Braemar Drive improvements. Mr. Fougere said that plans are not ready for a tender call and there is considerable work to be done before they could be ready. Ald. Greenough commented on the importance of this work and the need for it to be undertaken as soon as possible. The Mayor asked Mr. Fougere to give him a report on the Braemar Drive project (also Ald. Greenough and Hawley), indicating the time frame involved.

ALD. SARTO

Ald. Sarto asked about two drainage problems, one affecting residents on Lucien Drive, and the second, residents on Windward Ave. He discussed both situations with Mr. Fougere and said he would like to have the reports come to Council for consideration.

Ald. Sarto asked for a copy of the legal document pertaining to responsibility for the fence around the Woodlawn Mall. Mr. Bayer noted that the obligation of the developer was to build the fence, but there is no clause with respect to on-going maintenance.

ALD. HETHERINGTON

Ald. Hetherington asked if action can be taken to have the partially-completed townhouse on Renfrew Street either torn down or completed. At present, children are playing in the building and hanging around it in the night-time hours.

Ald. Hetherington asked to have the Engineering Dept. look at three manhole covers on Pleasant Street which need to be built up, located just down from the Salvation Army.

ALD. LEVANDIER

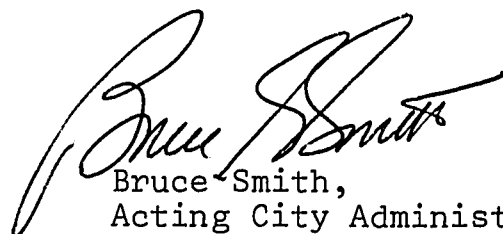
Ald. Levandier asked about a flooding problem at 59 Pine Street. Mr. Fougere noted that this problem is similar to those brought up by Ald. Sarto, in that it involves drainage from a private property and is not a City problem.

Ald. Levandier asked about the report requested on land assembly in the downtown area. Mr. Bayer advised that work is proceeding on the report.

Ald. Levandier noted that Molly Nelson is concerned about the condition of some of the properties around her location.

The final inquiry pertained to the bus stop problem at 50 Pleasant Street. Ald. Crawford explained what is being done to try and deal with the problem; it is difficult to relocate the bus stop due to the length of the new buses.

At the end of the inquiry period, the meeting adjourned.


Bruce Smith,
Acting City Administrator.

City Council, June 19/84

ITEMS:

- 1) Expenditure: Tall Ships event, page 1.
- 2) M.P.S. Amendment: Dell Holdings, page 2.
- 3) Amendment: Land Use By-law, 2/22 Dawson St., page 3 & 4.
By-law C-529, page 5.
- 4) Heritage Property Registrations, page 5 & 6.
- 5) Proclamation: Senior Citizens Week, page 7.
- 6) Helicopter Services, page 7.
- 7) Parking Meter Advertising, page 8.
- 8) Borrowing Resolution #84-45, page 8.
- 9) By-law C-527: Taxi Commission quorum, page 8.
- 10) By-law C-518: Gun Control, page 9.
- 11) Blasting By-law, page 9.
- 12) Request: Amendment to Land Use By-law, 11/13 Middle
Street, page 10.
- 13) Request: " " " " By-law, 371 Prince
Albert Road, page 10.
- 14) Crosswalk Guard position, page 11.
- 15) Long-Term Disability Plan, page 11.
- 16) Notices of Motion: Ald. Withers
Crawford page 11.
- 17) Inquiries, page 11 to 14 incl.

Dartmouth, N.S.

June 20, 1984

Regularly called meeting of City Council held this date at 7:30 p.m.

Present - Mayor Brownlow

Ald. Romkey	Sarto
Beeler	Levandier
DeMont	Withers
Stubbs	Greenough
Hawley	Peters
Bregante	
City Solicitor, M. Moreash	

PUBLIC HEARING -
LUND PROPERTY
AMENDMENT TO
LAND USE BY-LAW

This meeting of Council constituted the public hearing for an application from Tenwolde Brothers Limited, for an amendment to the Land Use By-law, which would rezone the Lund Property, Braemar Drive, from R-1 (Single Family Residential) to TH Zone (Townhouse). This change would permit the construction of approximately 50 townhouses along the proposed cul-de-sac, Braeside Court, which enters the property from Braemar Drive.

Following a word of explanation from the Mayor regarding the procedures to be followed in conducting the public hearing, Mr. L'Esperance, Development Officer began the Planning Department presentation. Mr. L'Esperance indicated that the application from Tenwolde Brothers Company Limited is for a straight rezoning. The project complies with provisions of the Municipal Planning Strategy, such that a MPS Amendment is not required and a Development Agreement is not required. With the aid of an overhead projector, Mr. L'Esperance showed slides of the location of the property. This property consists of 5.5 acres and is bounded by Braemar Drive, Maple Drive and Fourth Street, in close proximity to the MicMac Rotary. The property is presently undeveloped, is steep and heavily wooded. In order for the development to proceed, three readings of By-law C-525, amending the Land Use By-law would be required. The Planning Department has studied the proposal and has received approvals from Mr. Bernard, Environmental Health Engineer, Mr. R.E. Harrison, Superintendent of Schools, Mr. C.A. Thomas, Department of Transportation, Province of Nova Scotia and Mr. R.L. Patterson, Fire Chief. Documentation of these replies were circulated with the agenda. It is the Planning Department's recommendation that the requested rezoning be approved.

Mr. Greg Rockwell, Solicitor representing the developer, addressed Council. He indicated that he believed this project to be an excellent development for this piece of land. He noted that Tenwolde Brothers Company Limited has been building homes in the Dartmouth area for the past 25 years. Referring to the model and pictorials present, he requested an opportunity be given to those present, to view them. He noted that Peter Connor, the architect of the project, is a resident of the area and therefore very familiar with the site and neighbourhood. Mr. Rockwell proceeded to give a brief history of what has taken place with regard to the development. He referred to the Neighbourhood Information Meeting, held April 18, 1984 at Mary Lawson School, for the purpose of explaining the rezoning request to interested area residents. Ald. Greenough, Hawley and Stubbs attended the meeting, chaired by Ald. Bregante. As a result of concerns expressed by residents at that time, Mr. Connor made adjustments to the plans. A copy of Mr. L'Esperance's memorandum, dated April 24th, re this meeting, was attached to this evening's agenda. The site plan was adjusted so that there are now two pedestrian walkways included and that a number of townhouses, particularly along the back of homes on Braemar Drive, have been relocated to afford a higher level of privacy to existing homes. Refer to Mr. L'Esperance's Supplementary Report, dated April 24th.

Mr. Rockwell then introduced Mr. Peter Connor. Mr. Connor indicated that he was the prime mover behind the project. He noted that the land has been for sale for a number of years and being a resident of the area affected, he felt that he would like a hand in whatever development took place there. He had been previously involved ⁱⁿ a very similar project in Clayton Park. The land involved had a similar shape and slope, which is most suitable for attached dwellings or townhouses. Noting that servicing costs would be high, a higher density than permitted in a R-1 Zone, would make development viable. He stated that for the proposed 50 units proposed, this would equal 9.5 units per acre. Single family detached would equal four to six units per acre. In full townhouse development, 15 units per acre are permitted. This development therefore falls midway in

density between single family and a full townhouse development. With the aid of slides, Mr. Connor identified the various changes that have taken place in the project as it evolved. Particular emphasis was directed to the road and its entrance to Braemar Drive.

Mr. Connor indicated that the type of housing planned would be best described as hillside housing. There are two types of units proposed. The lower units are for the most part two stories, with the back tending to be three stories. The roof slope reduces the perceived height. The remainder are three stories in front and two in back. The exteriors are mostly brick with some wood. Existing mature trees would be retained, as much as possible, to provide buffer between existing homes and the new development.

It was noted in the second slide that the proposed Braeside Court cul-de-sac was originally straight but is now more S-shaped. This resulted in the number of units on the lower portion of land being reduced and permitted the road to swing further away from existing properties on Braemar Drive, thereby also widening the green belt in this area.

Mr. Connor noted that the point was stressed at the neighbourhood information meeting that the residents wanted the property to remain zoned R-1. Mr. Connor presented a slide which indicated the type of single family development that might be built on this piece of property. The development he presented consisted of 30 houses on 5,000 sq. ft. lots. He felt that this would not be the best treatment for the site, re servicing costs, possible elimination of mature trees and very little front and side yards. The length of the road would also increase by approximately a third, in the development illustrated.

Residents also expressed concern regarding the quality of development proposed and ^{Mr. Connor} used the slides of the proposed streetscape to dispel those concerns.

Other slides viewed demonstrated the view of Lake MicMac from the site, the pathways, and the mature trees on the site.

Following Mr. Connor's slide presentation, Ald. Levandier referred to the correspondence from the Dept. of Transportation, dated March 26. It states that "access would be compatible with our present plans for future improvements to the rotary". Ald. Levandier asked the Mayor what were the actual plans and intentions for the Rotary. The Mayor indicated that the only plan seen is a car flow system. There would appear to be very little change in alignment from the Braemar Drive side of the Rotary. There may be a slight widening of Braemar Drive on either one side or the other. Ald. Levandier also queried whether there has been any indication from the Province regarding the time frame of improvements. The Mayor indicated that nothing has been indicated re the MicMac Rotary improvements, but due to the dangerous nature of the section of Braemar Drive, adjacent to the Rotary, the Province has indicated its desire to try for a tender call this fall, if the City can get sufficient plans to them. Due to the work load in the Engineering Department, the Mayor suggested it may be necessary to hire more people or put other less pressing work aside.

Ald. Hawley expressed alarm to hear that it might be the City's Engineering Department who are responsible for a delay in the work proceeding, due to its heavy work schedule. The Mayor noted that he has not had an opportunity to discuss the matter with Mr. Fougere, but he will at the next staff meeting.

In reply to questions by Ald. Levandier to Mr. Connor, about the design of the proposed road entering Braemar Drive, it was noted that a preliminary engineering analysis has been done by CBCL Ltd. on the road itself and grades. Both the City and the Province were made aware of this analysis, and it met with favourable approval, after the access was revised to allow for the future rotary improvements. The access solution should work for both present day conditions and future rotary improvements. Mr. Peter Connor noted also that it will be necessary to cut back the hill side to improve visibility at the intersection of the road and Braemar Drive.

Ald. Hawley expressed concern that there were no concrete plans regarding this matter at this time. Mr. Connor indicated that the City is in receipt of the plans referred to, but

Mr. L'Esperance noted that the plan submitted is very tentative. He did express confidence that the final design plans would permit a proper and safe entrance to the Drive.

Reflecting on comments made at the previous night's Council meeting, Ald. Greenough suggested that thought be given to hiring a consultant to do the work required for submission to the Province, so that a tender call may be made this fall. It was emphasized that the Deputy Minister had been very positive at a previous meeting, when the Braemar Drive improvements were discussed. Mr. Fougere emphasized that up to this meeting the Province had given no indication that the project would go ahead, with the necessary cost-sharing. A recommendation will be put forward to Council regarding the possibility of hiring a consultant to complete the necessary submission to the Province or alternatives, following tomorrow's staff meeting.

With further reference to access to Braemar Drive, Ald. Greenough questioned whether both left and right hand turns onto Braemar Drive would be permitted. Mr. Bayer indicated that the matter of left and right hand turns would be decided once final plans for Braemar Drive are complete. Ald. Withers also expressed a similar concern and the Mayor noted that whether the development was R-1 or TH, there will have to be access to the area. Mr. Bayer noted that there are very limited options for access to this area, except for the purchase of existing properties and use of existing streets.

Ald. Levandier expressed his support to giving priority to developing necessary plans for submission to the Province, so improvements to Braemar Drive may commence.

Mr. Rockwell, the solicitor for the developer, introduced Ms. Bonny Hutchins, Cambridge Realty, who presently lives in a townhouse. Ms. Hutchins addressed Council on the type of person who would purchase such townhouses and the quality of living they provide. Reflecting on her own personal experience she outlined why she and her husband chose to buy a townhouse in Manor Park. She mentioned the increased sense of security provided by being in close proximity of her neighbours, less costs associated with upkeep, heat and taxes. Due to

there being less maintenance required there is more time for leisure activities. She concluded that there is a void in the real estate market for this type of development and property values in the adjacent area would be affected positively by such a development.

Reflecting on concerns expressed at the Neighbourhood Information Meeting, re the adverse affect on property values, Tenwolde Brothers Co.Ltd. employed Philson J. Kempton of Kempton Appraisals Limited, to prepare a report on the impact the development would have on the general market value levels of existing residential properties in the surrounding neighbourhood. Mr. Rockwell introduced Mr. Kempton, who referring to the report itself, highlighted various areas. This report had been previously circulated to Council members. He noted that he had visited the site, walked around it and inspected the adjacent neighbourhood for its quality and location. He then proceeded to look at other townhouse developments in the cities of Dartmouth and Halifax and the effect on surrounding neighbourhoods. In conclusion, he noted that there is no evidence that a good quality project will devalue an area. He suggested that one of the concerns of the residents is that the development will disturb the status quo. He noted that whether this development is for townhouses or single family dwellings, this will happen and privacy lost to some extent. In actual fact single family dwellings may encroach more on the existing homes. He stressed that these are quality dwellings in the \$95,000 range. He speculated that the majority of homes in the area range in value from \$45,000 to \$75,000, therefore the project would tend to bring up the value of homes in the surrounding area.

Ald. Hawley challenged the value Mr. Kempton had given to the majority of the homes referred to, suggesting that some homes in the area are valued at more than \$100,000. Mr. Kempton agreed that some of the homes on Braemore Drive would be valued in this price range, but that the majority on the surrounding streets would be of less value.

Following Mr. Kempton's presentation, Mr. Rockwell suggested that this might be the time for the residents, etc.

to view the model and the Mayor declared a recess of five minutes.

Following the break, the Mayor called for any representatives in favour of the proposed rezoning.

Ms. Irene Schofield, a member of the Nova Scotia Home and School Association addressed Council. She referred to the need for quality education for the children of Dartmouth and the adverse affect the declining enrollment is having on education in our community. She felt this decline, in part, reflected the limited new development in the area. As a result of less enrollment, there is less funding for education and resultant combined classes and consideration of possible future school closings.

Mr. Donald Cashen, 46 Major Street spoke in favour of the development. He indicated that he has lived in the area for 36 years and felt that any loss of privacy would be offset by an increase sense of security in the area. He referred to the amount of vandalism, the fire hazard of the undeveloped property and the danger posed to his young children. He felt that the development was a good project for the area.

Ald. Stubbs questioned whether it was true or not, that Mr. Cashen's property would be used in the development of the site. Mr. Cashen replied that a portion of it would be obtained in order to construct one of the walkways.

Mrs. Fancy of Major Street spoke in favour of the project. She noted that she had been a resident of the area for 21 years and her children had attended Mary Lawson School. She was also a crosswalk guard in the area. She indicated that she was speaking on behalf of the 25/30 residents of Bareng Court. Many of these families had small children, and were afraid of their young children wandering off into this undeveloped property, where there have been many problems over the years. These residents are in favour of the project proceeding as planned.

Mr. Donald Myers, who owns a business in Dartmouth, expressed support of the development, especially as it would broaden the City's tax base. Reflecting on the plans proposed for the townhouse development and the concept presented for

development as single family homes, he felt the townhouse development would provide more privacy for existing homes, considering it is permissible to build within 7 1/2 feet of your property line in an R-1 Zone.

Ms. Wendy Mosher, 116 Braemar Drive complimented Mr. Connor on his presentation. She indicated she is a new resident to the area and felt that whether single family dwellings are built or townhouses, privacy will be lost to some extent, however, she felt the proposed green belt buffer to be satisfactory. She expressed some reservations regarding access to Braemar Drive and encouraged the retention of as much natural vegetation as possible, which will contribute to a distinctive look.

Mr. Blair Mosher, 116 Braemar Drive expressed his support of the project, especially as it may eliminate problems related to fires and drinking in the undeveloped land. He cited several occasions when Mrs. Lund has requested his help in chasing kids from the property. He also suggested that if the area is developed for townhouses, the residents have an opportunity to see what will be built and make suggestions to the developer but an R-1 development, would not permit contribution of any kind from adjacent property owners.

Ms. June Cashen, 46 Major Street indicated she thought the presentation tonight to be excellent and she was definitely in favour of the project. As a mother of two small children, she was looking forward to an influx of younger families into the area, that the project would attract. She agreed with the previous speaker, Mr. Mosher that the development of the land for single family dwellings, would afford the residents affected, no input or control.

Mr. Jim Cashen, 15 Raymond Street indicated that the project presented was just the type of home he would like to purchase when he plans to have a family.

There being no further presentations in favour of the rezoning, the Mayor called for representations opposed and Council heard from Mr. Jack Begin, 130 Braemar Drive. Before commencing his address, Mr. Begin requested a show of hands of those present who opposed the development. Approximately

two-thirds of those present, appeared opposed. Mr. Begin indicated that he was speaking on behalf of all those residents who were opposed to the rezoning and would like the R-1 Zone retained. He referred to the fact that this has been a well established area for 25 to 30 years. He reflected on the fact that the Planning Act affords residents the opportunity to enter the process, by allowing them to be heard. Mr. Begin acknowledged the project to be a good design, which would be an advantage to any site, but the one in question is R-1 not for townhouses. He felt that by the nature of the development property values of surrounding homes will be adversely affected, despite comments to the contrary. He referred to a property at 118 Braemar Drive, whose value has actually decreased since the proposal became widely known. Following the information meeting at Mary Lawson School in April, a petition was circulated to area residents who opposed the development. Copies of this petition were circulated to Council members after Mr. Begin had read its text. The petition was dated April 25, 1984.

With reference to the mention of other townhouse developments, he felt that townhouses belonged to more recent subdivisions. They are generally indicated in plans for the area and people purchasing homes in these areas have the freedom of choosing to live adjacent to them. However, the only alternative left to those individuals who have resided in the area for a long time but don't like adjacent townhouse development, is to move. Mr. Begin then proceeded to circulate photographs of his home and property and adjacent homes, so that Council could envisage what it would be like to have the proposed two and three storey townhouses overbearing their homes. He stressed that he believed that the buffer zone was not adequate, particularly when there is such a short season when foliage is on the trees.

Mr. Robert G. Brown, President and Broker of Century 21 A.B.C. Realty Limited addressed Council in opposition to the project. He indicated that he was speaking on behalf of his mother and father, Mr. & Mrs. George Brown, 124 Braemar Drive, who had anticipated enjoying their retirement years at this address. With respect to the tree buffer zone, he speculated

that this will dwindle, as it proves to be an obstruction to the view of Lake MicMac emphasized by the developer. He noted that there are already problems associated with erosion of land and development will accelerate these. Mr. Brown also pointed it out that it was his understanding that Ms. Hutchins, who previously spoke in favour of the development, is employed by a real estate company who handles transactions for Tenwolde Brothers Co. Ltd. Referring to the report prepared by Kempton Appraisals Limited, Mr. Brown pointed out some inconsistencies in the document. In support of this statement he referred to the following excerpt from page 2. "Outside influences which adversely effect property values can be numerous but are generally in two groups. These are those which create physical nuisances such as significant increases in traffic, increased noise levels, unpleasant odors or pollution etc. Secondly, there are adverse influences on values when development occurs which is not harmonious with the existing neighbourhood. Also on page 3 he quoted "Development of the Lund site for townhouses or detached residences would reduce the illusion of a private setting which presently exists. This factor would in all probability have a minor adverse effect on the Market Values of these properties but etc." In comparison the report conclusion reads: "Development of the site will not adversely influence the overall neighbourhood and would only marginally affect the immediately adjacent houses. Lastly Mr. Brown referred to the last paragraph of Mr. Kempton's report which reads "There is no market evidence to suggest that townhouse developments in general produce an adverse influence on the etc. In reply to this statement, Mr. Brown submitted a report prepared by himself regarding the sales history of 118 Braemar Drive. He read the report and copies were circulated. In summary, the property which sold for \$85,000 in 1981, sold in May 1984 for \$75,000, apparently due to reaction to the proposed rezoning of the Lund property.

Referring to the traffic situation the development would create, Mr. Brown reflected that development of the property had been discouraged years ago due to its proximity to the Rotary, long before the volume of traffic reached today's

peak. Without finalized plans for the Rotary, what would stop, for example, an elevated ramp in the area in question.

Mr. Peter Antonick, 18 Fourth Street posed questions to Mr. Connor with reference to the model and the proposed alignment of the road as it meets Braemar Drive. He felt that the drawings and model seem in opposition regarding the alignment of the proposed Braeside Court and that it appears to be on a curve as it enters Braemar Drive. Mr. Connor attempted to clarify the matter and stressed that the bank would have to be cut away to facilitate access and visibility.

Also speaking in opposition was Carl Whitman, 1 Fourth Street. Mr. Whitman did not think it possible for the developer to maintain as much a green belt in back of his house as indicated on the model. He pointed out that the proposed greenbelt would not allow space for digging footings and constructing staging. He indicated that the proposed walkway that exits at the corner of Fourth and Major Streets is at an already very bad corner, and since it was immediately adjacent to his home he anticipates it being a nuisance and invasion of his privacy.

Mr. Frank Faggiani, 13 Maple Drive spoke in opposition to the development. He referred to page 1 of Mr. Kempton's report, emphasizing in the second line, "my opinion of the impact on general Market Value levels, etc.". On page 4 of the Conclusion he quoted "Development of the site will not adversely influence the overall neighbourhood and would only marginally affect the immediately adjacent homes". He stressed that when he purchased his home, he made a decision based on the adjacent R-1 Zone. He did not anticipate his home increasing marginally in value and anticipated a single family development in the area to affect it more than marginally. He did not support the argument of the success of other townhouse development and cited an example of the slow sale of townhouses in Nantucket Sub-division. Reflecting on how various types of developments affect property values, he concluded that a development of townhouses would only stabilize or devalue the surrounding homes. Only a single family development

has potential of significantly increasing home values. He applauded the excellent effort Mr. Connor and the Tenwolde Bros. have made, but felt that if an equal effort was made in developing a single family development, a much better development could be created than the one proposed earlier in the evening. He appealed to the democratic sense of the Council, indicating that approximately 35 people, representing 40 affected homes are present tonight. More than 75% of the residents of the area are opposed to the project.

Mr. Jerry Beaudreau indicated that he is not immediately affected by the project, but was opposed to the project due to its relationship to the Rotary problems. He was not in favour of any higher density housing than the present R-1 Zone.

There being no further representations opposed, the Mayor offered another opportunity for those in favour to address the previous comments.

Mr. Don Cashen of 46 Major Street addressed Council again referring specifically to the concern re deevaluation. He noted that in the past few months he has been approached three times to sell his property. He pointed out that the proposed homes will sell for \$95,000 initially and will no doubt increase in value.

Mr. John Parker, Waverley informed Council that he is neither for or against the project. He, however, took exception to the figures quoted in Mr. Brown's report re 118 Braemar Drive. He felt that this property was devalued not due to the proposed townhouse development, but the construction of a home immediately adjacent on a narrow 50 foot lot. He cited this as an example of how single family development can devalue a property.

The Solicitor, Mr. Rockwell again addressed Council. He reflected on comments made at a previous Public Hearing on another development in which an individual stated "I am not opposed to change, but do not like to see it happen around me". He summarized all the positive responses that have been received for the development and quoted from the Planning Act a section that encourages promotion of infilling so that existing services can best be utilized. He stressed that this is a pocket development, consistent with the policies of the M.P.S.

In response to an earlier show of hands, Mr. Rockwell requested that a show of hands of those in favour of the development would be appropriate as well. Following this show of hands, it was pointed out by those opposed that these individuals were not all residents of the area affected.

The floor was then given to those opposed and Mr. Jack Begin returned to address Council. He acknowledged that the Municipal Development Plan does indeed have this type of policy and procedure for pocket development, but he felt the wishes of the people were more important.

Mr. Randy Eisner of Braemar Drive expressed concern regarding who pays for the cutting back of the bank for the access road. Mr. Connor replied that in the event of construction prior to improvements to Braemar Drive, Tenwolde Bros. Ltd. would assume the cost. He was also concerned about the run off, noting that there is no ditch on Braemar Drive. The Mayor indicated that the Lakes Advisory Board has reviewed the plans and requested to see the detailed engineering drawings when completed. They expressed no objection, as noted in their minutes of the March 14th meeting. Mr. Connor outlined the various means of controlling runoff discussed at this meeting, ie. laying road base as construction commences and possibility of constructing a settling pond. More detailed engineering plans would be required.

Referring to Mr. Cashen's ^{comments} offers to buy his property, Mr. Brown emphasized that Century 21 does not buy properties, it lists them. He also objected to comments made by Mr. Parker that the depreciation of property at 118 Braemar Drive was due to construction of the adjacent house and referred to figures, that indicated the contrary.

Mr. Faggiani rebutted suggestions that the residents did not want change, suggesting that some of those in favour of the project may have something to gain, while the majority present may have something to lose.

Mrs. Fancy of 12 Major Street returned to address Council in support of the project. She referred to the fact that a number of her neighbours are senior citizens and since the construction of Bareng Court she had heard nothing unfavourable about the development from them. As a matter of fact, the children of the development help the seniors mow their lawns etc. A similar walkway, as proposed for the townhouse development, was installed adjacent to her home and in the past 10 to 12 years, there have been no disturbances on this walkway.

Marvin Buott, 16 Maple Drive, emphasized the fact that several of the people in favour of the project are not from the area in question. He referred to traffic problems in the area, particularly Maple Drive, and thought any influx of people to the area can only make the congestion worse.

Mrs. Schofield took exception to this remark and asked the Mayor to clarify the purpose of a public meeting, i.e. that any taxpayer is entitled to voice an opinion.

There being no further public representations, the Mayor declared the public hearing to be at an end.

Council proceeded with first reading of proposed By-law 525, required to permit a land use by-law amendment, being requested by Tenwolde Bros. Ltd.

It was moved by Ald. Levandier and Peters that the said By-law C-525 be read a first time.

Before the vote could be taken on this reading, Ald. Romkey made reference of proceedings that took place at a previous public hearing the night before. In this instance the By-law did not get past first reading and there was no opportunity for members of Council to debate the matter. Ald. Greenough and Hawley ^{felt} that the discussion should not continue and requested the Solicitor's opinion on the matter. The Solicitor indicated the matter was in the hands of Council with guidance from the Chair.

Ald. Levandier supported the argument that the matter reach second reading so that a debate could be held. He noted that this is one of the rare situations when there are

BY-LAW C-525:
LAND USE BY-LAW
AMENDMENT

both residents speaking in favour of a development and residents against. He believed that unanimous consent of Council was required in order for the matter to reach second reading. In actual fact it was pointed out that the majority of Council would be required to vote in favour.

Ald. Withers raised two questions to staff. One referred to access of the proposed court to Braemar Drive. Mr. Bayer confirmed that if the area was developed R-1, the same access to Braemar Drive would be permitted. Secondly, Ald. Withers asked Mr. L'Esperance if consideration was given re a development agreement for this land. Mr. L'Esperance indicated that it was the Planning Department's opinion that the Townhouse Zone is restrictive enough, but the developer has submitted to the Planning Department, an application for Contract Zoning, which he would enter into at a future date. Ald. Withers cautioned that if approval is given tonight to the By-law, there is no onus for the developer to come in with any type of agreement, to lock in the details of the project proposed.

When the vote was taken on first reading of By-law C-525, it passed with Ald. Stubbs, Hawley, Sarto and Greenough voting against.

It was moved by Ald. Levandier and Peters that By-law C-525 be read a second time.

Ald. Stubbs raised a point of order. She questioned the Solicitor on whether a majority vote of Council is required. Referring to the new Planning Act, the Solicitor indicated that the wording of the Act is clear with respect to a majority vote of the whole Council in the case of the M.P.S. and M.P.S. amendments. It is however not so clear with respect to amendments of the Land Use By-law. The Department of Municipal Affairs believes a majority of the whole Council is required, while the Solicitor felt the majority of those present is required. Mr. Moreash has not had an opportunity to discuss the matter with the Department of Municipal Affairs, and it was his opinion that the Public Hearing should continue with the readings. The issue of majority may have to be decided in the courts.

The Mayor concluded that the Public Hearing should proceed on the majority of Council present voting in favour of first reading. He requested that the Solicitor check with the Department of Municipal Affairs.

Ald. Levandier spoke in favour of the project, indicating his belief that the arguments raised in opposition to the rezoning were not sufficient to block the project. He felt consideration should be given to the influx of new residents to the City as well as existing residents. He felt that anyone buying a home adjacent to vacant property must expect development at a future date and single family development, over which there would be no control, would be just as disruptive to the residents as townhouses. He felt that the end result of the project will be a benefit to the area.

Ald. Greenough went on record to suggest that the comments made by Ald. Levandier were in opposition to ones made the previous evening on a different development. Ald. Greenough congratulated the developers on the excellent presentation and development but it was the question of rezoning that was the problem. He felt Council owed the residents some protection. The residents had confidence that the area would remain R-1. He felt it important that the public has faith that rules and guidelines established will be kept. He argued that control can be directed toward the type of R-1 development which might eventually be planned for the property. He referred to the fact that the green buffer zone will not have foliage for 2/3 of the year and suggested that members of Council imagine themselves as residents adjacent to the proposed development. He felt the single family character of the area would be destroyed.

Ald. Stubbs requested clarification as to who actually owns the lands in question. Apparently the only section not on Lund Property is a portion of roadway across lands owned by Dr. Savage. Similarly questions regarding construction of the walkways were discussed. Despite assurances from Mr. Bayer, referring to correspondence from the Dept. of Transportation, re the compatibility of access to Braemar Drive from the proposed road with present plans for future improvements to

the Rotary, Ald. Stubbs recommended that the whole matter be deferred until a clear ruling on improvements to the Rotary is made. Ald. Stubbs expressed concern that so many requests for changes have been coming in lately resulting in Council not being able to look objectively at planning, because of the pressure created. She cited various reasons why she believes the proposed green buffer zone, will be eroded away in time. She agreed that townhouses were an excellent form of housing, but not in this particular area. She stressed that this is not a mobile community and the residents deserve assurance that the investment in their homes will not be threatened by the proposed zoning change.

Ald. Bregante was concerned that single family development of the area may not be as beneficial to the adjacent property owners as they envision, if construction of homes on the minimum permitted size of lot were commenced. He pondered what would be the best development for the property in question and the wishes of the residents. He felt that their area will be disrupted no matter what type of development comes in and was concerned that single family development might pose a bigger hazard to the environment. He also felt that the proposed intersection with Braemar Drive would be potentially very dangerous, however.

Ald. Hawley indicated his opposition to the proposal. He referred to the Planning Act and its provisions that permit Council to hear from those people directly affected by proposed changes. He felt that Council had heard how strongly the majority of residents affected feel regarding the rezoning. He also referred to the fact that no concrete plans have been made regarding the Rotary. He referred to the fact that he had personal knowledge of the loss referred to on the property at 118 Braemar Drive. Ald. Hawley agreed that the proposal submitted was excellent, but Council was not present to accept a proposal, but decide on a rezoning concept. He reflected on comments made regarding the developer's modifications of the plans following the information session, but pointed out that he did not come back with an R-1 plan, despite the residents opposition to the townhouses. He felt that the argument that it is not feasible to develop the site for

single family homes due to servicing costs, etc. is not correct. Reflecting on decisions made at recent public hearings, Ald. Hawley was concerned that Council should be fair and consistent when making these decisions. He felt the one plan presented for a single family development, was a very poor illustration of the utilization of the property for this purpose. As expressed earlier, he emphasized that other townhouse projects referred to, were incorporated in the plans of a total sub-division not setdown in the centre of an established community. He did not feel Council would be right in making a decision which would change the lifestyle of the residents.

Ald. Levandier again addressed Council emphasizing the demand for this form of housing and pointing out that the residents who had been opposed to Dell Holdings proposed development would have been in support of a similar project. He acknowledged the fact that the residents felt threatened but predicted that in five years time, they would be expressing their belief that the project had enhanced the lifestyle of their neighbourhood.

On motion of Ald. Greenough and Stubbs, it was moved that the meeting continue past 11:00 p.m. The vote carried.

In conclusion, Ald. Greenough proposed that Council can either support the residents or grasp at developments that look attractive.

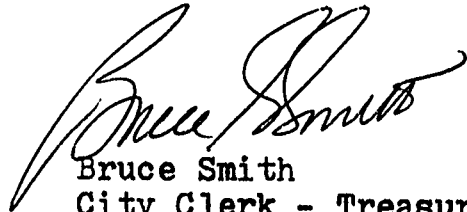
When the vote on second reading was taken, it passed with Ald. Stubbs, Greenough, Hawley and Sarto voting against. Seven members voting in favour.

MOTIONS: First & second readings given to By-law C-525 (Land Use By-law Amendment, Lund Property).

On motion of Ald. Stubbs, seconded by Ald. Romkey it was moved that the item be deferred until the City has plans from the Department of Transportation, regarding the future alignment of the Rotary. When the vote was taken, the motion carried with Ald. Levandier, Peters and DeMont voting against.

MOTION: Moved by Ald. Stubbs and Romkey that the rezoning application be deferred until the City has plans from the Department of Transportation, regarding the future alignment of the Rotary.

On motion of Ald. Stubbs and Hawley the meeting
adjourned.


Bruce Smith
City Clerk - Treasurer

City Council, June 20, 1984

ITEMS:

- 1) Public Hearing - Lund Property Amendment to Land Use
By-law, pages 1 to 14.
- 2) By-Law C-525, Land Use By-law Amendment, pages 14 to 19.