

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL MINUTES June 29, 2006

PRESENT: Councillor Jim Smith, Chair
Councillors: Andrew Younger
Bill Karsten
Gloria McCluskey
Becky Kent

REGRETS: Councillor Harry McInroy

STAFF: Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

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

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

Additions

- 4.1 Dissolution of Harbour East Planning Advisory Committee
- 4.2 Councillor Karsten - Accessible Playground, Dartmouth
- 4.3 Councillor Smith - Three way stop at Intersection of Primrose and Burke Street, Dartmouth

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. HEARINGS

3.1 Public Hearings

3.1.1 Case 00847 - Revisions to Downtown Neighbourhood Zone in Downtown Dartmouth

- A report dated May 26, 2006, on the above noted, was before Council.

Mr. Shayne Vipond, Planner, presented the report.

Councillor Smith called for those wishing to speak either in favour of or opposition to the proposed revisions.

Ms. Barbara Curry, Dartmouth, stated this appears to be an improvement over the existing lot sizes.

Ms. Marie Koehler, Dartmouth, stated she is pleased that the frontage for townhouses was increased and lot coverage was decreased. If lot sizes are too small, trees would be cut down. She suggested that HRM develop a policy on native and existing trees and bushes.

Mr. Steve Glavin, representing St. Georges Tennis Club, expressed concern with the Club's future viability. He stated traditional neighbourhoods in Dartmouth have to be defended. He advised that he approves of the increase in lot frontage for Hazelhurst but did not agree with

the increase in townhouses.

Mr. Scott MacKnight, Dartmouth, urged Council to vote against the proposal noting, Dartmouth is a mixed city with mixed housing. He expressed concern with the concept of architectural similarity.

Mr. Ed Lake, Dartmouth, thanked Council for initiating a review of the Land Use By- Law. He stated he supports the lot changes for one and two unit developments. He advised there was a commitment to ensure nothing would happen again like what had happened on St. George's Lane and suggested Community Council send the proposal back for further review.

Mr. Dave Sampson, Dartmouth, reviewed the changes and stated he found the document misleading and difficult to read. He stated the neighbourhood designations are too large. He stated that without a more detailed architectural requirement any type of building could be built in the downtown. He suggested staff re-examine the subdivision of two unit buildings.

Ms. Lindsay May, Dartmouth, expressed concerns about the architecture. She noted that the positioning of some houses may affect the back of some of the abutting properties.

Ms. Marjorie Gibbons, Dartmouth, expressed concerned that there may be no place to park cars on Halehurst which is a dead end street. She stated properties should have greenery and trees around them and she would like to see cars parked off the streets. She stated infilling is okay to a point but Council should remember Dartmouth is a city of parks.

Mr. Colin May, Dartmouth, stated the fear about townhouse development as-of-right may have the effect of taking away controls. In his opinion, the solution is to put development agreements in place. He stated he does not feel the proposed changes meets the needs of the neighbourhood and leaves loopholes for bad development. He questioned whether the property adds to the neighbourhood.

Councillor Smith called three times for additional speakers. Hearing none the following motion was placed.

MOVED by Councillor Younger, seconded by Councillor McCluskey, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Younger, seconded by Councillor Karsten, that the Harbour East Community Council:

- 1. Approve the proposed amendments to the Land Use By-law for Downtown Dartmouth as shown in Attachment A of the staff report dated April 7, 2006.**

2. **Incorporate more stringent architectural controls for the Downtown Dartmouth Neighbourhood Zone and further that similar controls be adopted for the Downtown Business Zone.**

MOTION PUT AND PASSED UNANIMOUSLY.

3.1.2 Case 00869 - Development Agreement - Ochterloney/Wentworth

- A report dated May 26, 2006, on the above noted, was before Council.

Ms. Hanita Koblents, Planner, presented the staff report.

Councillor Smith called for those wishing to speak either in favour of or opposition to the development agreement.

Ms. Elizabeth Pacey, Halifax, stated the building will not do justice to landmark buildings as it is too bulky, too high and the actual building would not be retained. She suggested Community Council reject the development agreement.

Mr. John Martin, Dartmouth, suggested the building be preserved as there are not many historic buildings left in Dartmouth. He suggested the history of Dartmouth should be appreciated by retaining the building.

Mr. Philip Pacey, President, Heritage Trust of Nova Scotia, stated the building will be higher than the surrounding buildings. He noted Policy D-1 (b) of the Municipal Planning Strategy states that architectural design should be complimentary and it must be similar in height to surrounding buildings, noting the surrounding buildings are only two stories high. He stated Downtown Dartmouth is important and it should be protected, noting this development does not comply with planning policies and should be rejected.

Mr. Harry Chapman, Dartmouth, stated it was his understanding that the development would retain the Masonic Lodge and hoped the developer would rethink the plan and save the lodge. He stated it is a worthwhile building and is one of the prominent buildings of Dartmouth.

Mr. Colin May, Dartmouth, stated the proposed building is out of scale with the surrounding area. He suggested the developer try to find a way to make the development economical while achieving the heritage goals. He stated there has to be incentives such that the development retains the building in its original form.

Mr. Terry Brennan, applicant, advised that in response to concerns by the public, they have

lowered the height of the building. He stated they are very conscious of maintaining a commercial space. He advised that during the negotiations with the Masonic Lodge they showed them the actual drawings and the membership approved of the building proposal. He noted the building actually sets back away from the Masonic Hall so what you see from the street is the Masonic Hall. The additional space above sets back therefore, the Masonic Hall continues to look as a stand alone building.

He advised they have gone through great expense to maintain the effect of the building. He advised that it is a five storey building that is consistent with buildings from the 1800's with the main commercial level being very high and the other stories being shorter. On the main level there is commercial space and above that, on both sides, the building sets back away from the street. He advised the same facade is present in this building with the only exception being the rear of the Masonic Hall. He stated they are trying to maintain an anchor downtown that says this is the center of downtown Dartmouth.

Councillor Smith called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Younger, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor McCluskey, seconded by Councillor Younger that Harbour East Community Council:

- 1. Approve the development agreement, Attachment C, of the staff report dated April 11, 2006, to allow for a 38 unit multiple residential building with ground floor commercial uses at the corner of Ochterloney and Wentworth Street in Downtown Dartmouth.**
- 2. Require that the development agreement be signed within 120 days or any extension thereof granted by council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

Councillor McCluskey stated the developer could have demolished the building but chose to keep the building and incorporate it into the development. She stated it is a good looking building for this area. She noted there are other residential developments in the area and this development is in keeping with those developments. She commended the developer on keeping the facade.

Councillor Younger stated there has been a lot of community consultation on this project and the proposal has taken into consideration that consultation. He noted this building could be demolished but the developer has chosen to save and incorporate the facade into the new development.

In response to Councillor Karsten, Ms. Koblents advised this development follows the intent of policy in the design, use of building materials, height and setbacks.

Councillor Kent stated that the developer has responded to the community in design of the building. The revitalization of downtown Dartmouth is important and development such as this will enable that to take place.

MOTION PUT AND PASSED UNANIMOUSLY.

Community Council recessed from 8:20 p.m. to 8:25 p.m.

3.1.3 Case 00846 - Portland Hills Phases 4 & 5 Development Agreement

- A report dated June 6, 2006, on the above noted, was before Council.

Ms. Hanita Koblents, Planner, presented the report to Council.

Councillor Smith called for those wishing to speak either in favour of or opposition to the proposal.

Mr. Dennis Richards, Chair, Public Participation Committee, advised all the proposals had been carefully reviewed regarding the environmental, traffic, water issues, etc. Traffic was of significant concern as there could be an impact on the current Portland/Caldwell Road developments. He advised the traffic study did meet the requirements and the Committee was satisfied to make their recommendations based on that. He advised there was one exception being the phase off Cherrywood which will require additional traffic considerations. He requested Council support the recommendations and approve the application.

Mr. Phil Elliott, Public Participation Committee, stated he agreed with the staff recommendation of proceeding with approval of the proposal. He expressed concern that the traffic study did not take into account the impact of shortcutting through Dorothea to Woodlawn during peak hours. He stated he would like to see the issue of shortcutting flagged. He also noted there is no mention of public transit and stated these issues need to be addressed.

Mr. Mike Hanusiak, Senior Vice President and General Manager, Clayton Developments, stated Clayton Developments is supportive of the lake monitoring program proceeding. He further noted this project would not commence until September.

Councillor Smith called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Younger, seconded by Councillor Kent, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Karsten, seconded by Councillor Kent, that Harbour East Community Council:

- 1. Approve the proposed development agreement, presented as Attachment A of the staff report dated June 1, 2006, to allow for a comprehensive planned community on 103 acres in Portland Hills owned by Clayton Developments Limited, with an amendment that Community Council consider a requirement for undergrounding all secondary services, and;**
- 2. Require that the development agreement be signed within 120 days or any extension thereof granted by the Community Council on request of the applicant from the date of final approval by the Community Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Karsten stated this development speaks for itself in that the community has had involvement. He commended the Public Participation Committee on their work which has resulted in a good development.

Councillor Kent spoke in support of the proposal but expressed concern with the pathways.

Councillor McCluskey stated that this is a good development which is well planned. She expressed disappointment with the lake monitoring aspect and that the threshold level is not in the development agreement nor the monitoring agreement.

Councillor Younger stated he was in agreement with HRM being responsible for the monitoring of the lakes thus ensuring all by-laws are followed.

MOTION PUT AND PASSED UNANIMOUSLY.

4. ADDED ITEMS

4.1 Dissolution of Harbour East Planning Advisory Committee

MOVED by Councillor Younger, seconded by Councillor Kent, that the Harbour East Planning Advisory Committee be disbanded effective immediately and further that planning staff be requested to prepare a report on ways public participation could be increased in the planning processes. **MOTION PUT AND PASSED UNANIMOUSLY.**

4.2 **Councillor Karsten - Accessible Playground, Dartmouth**

MOVED by Councillor Karsten, seconded by Councillor Younger, that a staff report be requested on the process required to establish an “accessible playground” in Dartmouth. **MOTION PUT AND PASSED UNANIMOUSLY.**

4.3 **Councillor Smith - Three Way Stop Signs at the Intersection of Primrose and Burke Streets, Dartmouth**

MOVED by Councillor Younger, seconded by Councillor McCluskey, that staff provide a report regarding the installation of stop signs at the intersection of Primrose and Burke Streets, Dartmouth. **MOTION PUT AND PASSED UNANIMOUSLY.**

5. **ADJOURNMENT**

The meeting was adjourned at 9:45 p.m.

Julia Horncastle
Legislative Assistant