

**HARBOUR EAST COMMUNITY COUNCIL
MINUTES
July 6, 2006**

PRESENT: Councillor Jim Smith, Chair
Councillor Gloria McCluskey
Councillor Andrew Younger
Councillor Bill Karsten
Councillor Harry McInroy

REGRETS: Councillor Becky Kent

STAFF: Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:03 p.m. in the Council Chamber, Regional School Board Building, 90 Alderney Drive, Dartmouth.

2. APPROVAL OF MINUTES - June 8, 2006

MOVED BY Councillor McCluskey, seconded by Councillor Karsten that the minutes of June 8, 2006 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

12.1 Case 00865: Flag Lots - Cole Harbour/Westphal Area

12.2 Case 00788 - Amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law

12.3 Information Report: Heritage Gas Regulator Station - Pine Street Extension, Dartmouth.

MOVED by Councillor Karsten, seconded by Councillor McInroy that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Relationship - PPC and PAC

Councillor Karsten advised that this item may be removed from the status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 784 - Rezoning and Development Agreement - Prince Albert Road and Bartlin Road, Dartmouth

- A report from the Harbour East Planning Advisory Committee dated June 6, 2006 was before the Committee.

Ms. Hanita Koblents, Planner, presented the report.

Councillor Smith reviewed the guidelines for public hearings then opened the public hearing calling for speakers for or against the proposal.

Public Hearing:

Ms. Nancy Radcliffe, Dartmouth

- Indicated she and her family are in support of the development.
- The area will support high density development as there is an abundance of recreation opportunities, shopping and other amenities, boardwalks/sidewalks, street and traffic services. A good community plan will allow more residents to take advantage of these services and the walkability of the area (close proximity to the Ferry Terminal).
- Increased density helps to grow and enhance recreation opportunities, supports the tax base and will help retain the shopping/transit services now enjoyed.
- The role of urban planning is to support walking/cycling as a viable alternative to motor vehicles. This is an opportunity to practice what HRM's regional plan preaches - good community planning - allowing parts of Dartmouth to grow up instead of out assists in reducing the environmental, infrastructure and health costs associated with urban sprawl and the lack of physical activity.
- She thanked the developer for this project and his plan to include bus shelters, bike storage and a walking path from the building to Prince Albert Road. She further thanked the developer for the time he took to answer resident's questions.

Mr. Clay Radcliffe, Dartmouth

- Indicated he supports the proposed development.
- The construction of the Atlantic Superstore has had a major positive impact both on infrastructure, property values and general appearance of the area.
- He added that he is in support of further expansion and development along the corridor from Prince Albert Road to Ochterloney Street as well as to the north and south.
- He commented that growing "up" is an important move for the area.

Mr. Clyde Horner, Dartmouth

Mr. Horner submitted his comments in writing indicating support for the development as follows:

- Mr. Yuille, Developer, has made positive contributions to the community with the renovation of the car lot and former grocery store which have added aesthetic beauty to the area.
- In regard to traffic; there was more traffic at the intersection before the gas pumps were removed than this residential development will bring.
- The proposed building does not seem much higher than existing buildings on Regent Drive. The height of the building will provide a view as well as security for the area including the school property to the south.
- The Regional Plan strategy to utilize/develop property within the urban core is a key point of the document and this development fits that major criteria.
- This development will provide valuable housing and improve this particular piece of property.

Mr. Steve Green, Dartmouth

- He commented that although 50% of his property line will be impacted by the project he is very much in favour of the development.
- There is a tremendous amount of woodland in the area where unsupervised activities have resulted in property damage.
- The nearby Atlantic Superstore and this development are good enhancements to the community. The building is very attractive and the height is okay.
- He would like to see a picture of the building from a different viewpoint.

Mr. Dan Goodspeed, Kasner Goodspeed Architects, Project Architect/Designer

He designed a building that would fit with the density requirements. He concluded that a high-rise would fit with the area for the following reasons:

1. The site is inside the capital district (urban core) and on major transportation routes. The urban core needs to be densified without disrupting existing neighbourhoods therefore, consideration is given to the margin areas of the core such as this site.
2. There are existing residential high-rises of similar or larger size around Lake Banook which is a good centre to promote density. The proposed site is outside the height restriction boundary for Lake Banook.
3. A commercial area, anchored by the Atlantic Superstore, is located to the west of the site (less than one mile away) offering a wide range of services including a main transit route.
4. The large property to the south, abutting the proposed site, is also zoned R3.

5. The topography of the area to the north slopes toward Lake Mic Mac and Main Street. This development would have minimal impact on existing neighbourhoods. The topography prohibits other uses such as commercial/parkland permitted under the R1 and R2 zoning.
6. The area offers significant recreation facilities including water sports. The school offers further potential for recreation and cultural opportunities.

Mr. Louis McKay, Dartmouth

He commented that he is in support of quality development in Dartmouth such as this proposal as it will enhance property values.

Mr. Ashley Rutherford, Dartmouth

- Advised that he has been an area resident for over thirty (30) years.
- Prince Albert Road now has a Superstore but more development is needed.
- A number of condominiums have been built in the capital area and this project will enhance property values specifically for the Prince Albert Road area.
- He commented that he is fully in support of this project.

Mr. Trevor Chisholm, Dartmouth

He commented that he is in support of the proposed development as it is in harmony with the major goals outlined in Draft 2 of the Regional Plan such as:

- populating urban centres to reduce infrastructure costs. This area has infrastructure in place.
- minimizing the amount of land required for new development. This proposal is a good example as the land is not fit for other development.
- promoting public transportation. This development is within walking distance to the ferry/main transit route.

Other comments included:

- Traffic has been reduced in the area with the removal of the gas pumps.
- In regard to property tax, this is a lucrative area beneficial to HRM at minimal cost.
- The existing driveway on Bartlin Road is currently full of garbage/shopping carts. The proposal offers a new path that will be lit, fenced and maintained by HRM once completed.
- The developer will donate \$30,000 to the Alderney Elementary School as part of the Development Agreement. The donation is to be used at the school's discretion.
- This proposal will have a positive impact on the community and surrounding business.

Mr. Ganai, Dartmouth

- Commented that a close look at the building and its size indicate that it is out of proportion for the area. The building will block the view from his side and may have

- some affect on the school. He commented that the photo provided is a far away view and the building is actually huge.
- He had hoped there would be a minor adjustment such as a reduction in height by a few storeys.
 - There are current traffic problems that have not been completely resolved and may never be resolved.
 - He expressed concern with the possibility of a wind tunnel being created if the building is constructed on this lot.
 - He added that the Planners know best and can recommend to the community on this proposed development.

Mr. Bob Yuille, Twin Lakes Development Ltd., Partner in Proposed Development

- Indicated he is the owner/operator of a local business and partner in this development proposal.
- He personally visited seventy-six (76) area homes to review, explain and clarify the proposed development with the residents. The residents are well aware of the building's appearance and the impact it will have on the neighbourhood. The resident's comments were that they love the design of the property, are pleased the school will receive a donation, are pleased the pathway will be upgraded and the drainage problem corrected.
- He previously submitted a petition with 130 names in support of the development and has letters from area businesses also in support of the development.
- Bus shelters on both sides of Prince Albert Road will encourage both new and existing residents to use Metro Transit (Discussion to be held with Metro Transit).

The Chair gave third and final call for speakers for or against the proposal. Hearing none, it was **MOVED by Councillor McInroy, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED BY Councillor McCluskey, seconded by Councillor McInroy that the Harbour East Community Council:

1. **Approve the rezoning of the subject lands from R-2 to R-3 and approve the development agreement (following the expiry of the appeal period for the rezoning), attached to the staff report dated May 29, 2006 as Attachment "C", to allow for a multiple residential building off Prince Albert Road at Bartlin Road, Dartmouth; and**
2. **Require that the development agreement be signed within 180 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 commented that the time and effort Mr. Yuille took to communicate his proposed development to the area residents has facilitated her decision on this matter. The residents who signed the petition in support of the development live in close proximity to the proposed development. The building will be a positive enhancement to the area as it will be attractive and well constructed. The development will be good for businesses in the area. Monitoring and control measures for lake protection, as well as storm water controls, will be in place during construction. In regard to traffic concerns, the removal of the gas pumps/service station has improved traffic flow in the area. The proposed bus shelters will be beneficial in promoting the protection of the environment through use of public transit. Councillor McCluskey concluded her comments stating that the building will not be out of place as there are buildings on Regent Drive that currently frame the sky line. She advised that she is in support of the development.

Councillor McInroy commented that he is puzzled why planning staff would oppose a twelve storey building considering the recent approval of the Regional Plan whose objectives are to increase density in the core areas and maximize existing services. He added that the concept of restricting construction of a building due to slope and ridge line is stifling. Councillor McInroy concluded his comments indicating that this is a quality development and the site is most appropriate for what is being proposed.

Councillor Karsten commented that he supports the development as it meets the goals of the Regional Plan. He added that there would be a savings to HRM of approximately \$250 million by infilling the urban core. As he understands the height and scale restrictions, this building does conform. Councillor Karsten concluded his comments indicating that he would be pleased to have this building in his neighbourhood.

Councillor Younger advised that he is in support of the proposed development. The public turn out and signatures on the petition indicate there is community support for this proposal.

MOTION PUT AND PASSED UNANIMOUSLY.

The Harbour East Community Council called a brief recess at 8:10 pm. The meeting was reconvened at 8:14 pm.

8.1.2 Case 727 - Rezoning and Development Agreement - 64-66 Lakecrest Drive, Dartmouth

- A report dated June 6, 2006 from the Harbour East Planning Advisory Committee was before the Community Council.

Mr. Shayne Vipond, Planner, presented the report.

Mr. Vipond clarified for Councillor Younger that the portion of land fronting Main Street is not subject to this public hearing as it will remain a C-3 (General Business) zone. The public hearing is specific to the application for the C-2 (General Business) zoning and the development agreement for the apartment building.

Mr. Tom Crouse, Team Leader, Real Property and Asset Management, clarified for Councillor Younger that HRM sold the property at 64-66 Lakecrest Drive, Dartmouth to Affirmative Industries Association Ltd. for less than market value based on its intended use as non-profit affordable housing. He advised that there is a buy back agreement and if the property is not used for the intended purpose, HRM can buy it back. Any changes to that agreement, such as the sale of the commercial portion fronting Main Street, would have to go before Regional Council.

The Chair opened the public hearing calling for speakers for or against the proposal.

Public Speakers:

Mr. James Stephens, Dartmouth

- Commented that he has delayed purchasing 141 & 143 Main Street due to this proposal. He advised that he is opposed to the development as there has not been enough information provided in regard to who will be residing in the special needs housing. He expressed concern with problems that have resulted from halfway houses/special needs housing in other areas.
- He has attended the public meetings and has heard that the south side of the property will remain commercial. The lot in question should be used for parking or commercial use.
- He added that there has been a great deal of opposition from area residents in regard to this proposed development.
- There is not enough room for a walkway from Lakecrest through to Main Street.

Mr. Stewart Campbell, Adjacent Financial Business, Main Street

- He advised that this parcel of land on Lakecrest Drive has always been commercial.
- He would like to see some access through to Main Street as it is a high traffic area.
- A new MacDonald's restaurant will be built nearby and access to the street is needed, specifically during rush hour. Traffic is atrocious, especially when there is snow. It is a busy commercial area.
- He questioned why anyone would want to place a residential building in a warehouse and Strip Club area.
- He suggested that the ten special needs units be dedicated in the building just

approved in the previous public hearing for Prince Albert Road/Bartlin Road instead of this location.

- He added that if this is valuable property, HRM should not be giving it away.

Mr. Roy Marsh, Dartmouth

Indicated that he works at 141 Main Street and is opposed to the development for the following reasons:

- Traffic has increased over the last ten years with an increase in accidents near the corner across from the MacDonald's. With the construction of a new MacDonald's, there will be a further increase in traffic to the area.
- He expressed concern for the safety of those residents who would live in such a facility. He explained that he has volunteered in the community with challenged people, and has a son with a challenge, and cannot see anyone living at this location. He added the residents would have to cross Main Street to get public transit as there is no transit service on Lakecrest Drive.
- He suggested a workshop to plan development on Main Street.

Mr. Rob McLaren, Affirmative Industries Association

- Clarified that this public hearing is only in regard to the Lakecrest Drive side of the site as the Main Street commercial portion does not affect this proposal.
- The Lakecrest Drive side is a fully residential area. This proposal is in keeping with the residential single dwellings across the street. There is also some residential along the Main Street side of Lakecrest Drive.
- The building will be a flat roofed (more residential in appearance than commercial), three storey facility built with affordable, quality materials complying with R3 criteria. There is little space on the lot to maneuver the building shape or location. It is a prominent site that is currently treed and gravelled.
- Parking will be at the rear with the driveway located to the side of the lot.
- Landscaping will include maintaining the tree, enclosing the rear yard and parking portion with a wooden fence.
- Three of the units will be accessible/barrier free units.

Ms. Susan Roper, Dartmouth

- In response to questions/concern as to who will be residing in this residential dwelling, she advised that the residents will be mental health consumers, such as herself, who will live, earn a living, get an education in the city with some assistance.
- Noted Main Street used to be the "downtown".
- She added that this is an opportunity for the disadvantaged to have safe and affordable

housing.

- There is no reason why the residents would not be able to cross the street to catch the bus.
- The commercial component would provide work opportunities.
- She referred to the Mainstay Housing Project in Toronto (over 800 units) which has improved the area including a reduction in the crime rate.
- The Capital District Health Authority indicates that housing is at the top of the list in regard to basic need/physical environment and the public have to look at welcoming the potential residents into the community.

Mr. Azmi Arnaout, Dartmouth

- Submitted a copy of an e-mail dated July 5, 2006 from Heather MacEachern, Recording Secretary for the Board of Affirmative Industries, to Mr. Azmi Arnaout of Arnaout Investments Inc. He urged the Councillors to read the e-mail he received from Affirmative Industries and provide an answer in regard to what he can do as he is ready to buy the lot for \$150,000. He further commented that:
- He is concerned with placing residential tenants in a busy commercial/traffic area.
- He has owned a building in the area since 1993 and advised that there is a need for parking.
- He had intended to purchase this parcel of land to construct a driveway and walkway from Lakecrest Drive to Main Street as his company has had many claims against them in the winter due to slips and falls. He was told that HRM was giving the land for \$1 to Affirmative Industries.
- He further advised that on June 22nd, he met with Affirmative Industries regarding the commercial portion of the property. They agreed to discuss the commercial portion of the property advising that a sale of that parcel would have to go to Regional Council.
- He commented that if this proposal is approved, the city will lose approximately \$400,000 per year in property taxes with the placement of a residential facility at this site.
- He suggested the intended residents of the facility could live in a nice home in the Clayton Park area (more residential area).

Mr. Murray Vandewater, Executive Director, Affirmative Industries Association

- Advised that he has owned property along Lakecrest Drive and over the last thirty years has become very familiar with the area.
- He is a business man who owns/leases property. He advised that professional criteria, provincial statutes and the residential tenancy board will be used in selecting tenants for the supportive and affordable housing facility.
- Residents of the facility will be mental health consumers and the area is ideal for employment, transportation and supportive issues.
- He indicated he is aware of the mixed use commercial area of Lakecrest Drive and

views this project as a positive, inclusive development for HRM. This development will be a model that will receive international /national attention.

Mr. Wilson Fit, Woodlawn

- Indicated that he is a volunteer with Affirmative Industries.
- He explained that this land was surplus property in a mixed use residential district. Affirmative Industries reviewed their criteria in determining a suitable location for the residential facility concluding that this site was suitable as it offered availability of employment - Main Street, Tacoma Drive and the NSCC are nearby - elementary schools, social support such as churches, clinics/drugstores as well as public transit.
- He commented that the site is too small to accommodate a walking path through to Main Street and there have been comments that it is too dangerous to walk through at that location.
- He advised that there will be a signalized intersection near the new Macdonald's.
- He explained that a presentation was made to Regional Council regarding the suitability of this surplus property for Affirmative Industries development. The property had been for sale previously. He added that Affirmative Industries is ready to deal with anyone who wants commercial use on Main Street portion - which will have to go back to Regional council.

Mr. Ken Greer, Affirmative Industries Association

- Affirmative Industries is an organization that grew out of need to help individuals to enter/return to the workforce. Housing became a clear need for these individuals.
- He explained that residents residing at this facility will be able to build equity and there will be criteria regarding those equitable accounts.
- The Project Manager has discussed the proposed development with numerous area property owners. Canadian Tire has indicated a willingness to work with some clients to help develop our employment program.
- He requested the public's support for this project.

The Chair gave third and final call for speakers for or against the proposal. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor McInroy that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

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

1. **Approve the rezoning of the subject lands from C-3 (General Business) Zone to C-2 (General Business Zone, as shown on Map 1 of the staff report dated May 25, 2006.**

2. **Approve the proposed development agreement, presented as Attachment “A” of the staff report dated May 25, 2006.**
3. **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 is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Younger commented that he has a copy of the motion as passed by Regional Council which was approved unanimously, without condition, by full Council. In general, the community, and a number of small business owners, are very supportive of this initiative. The Regional Plan supports residential and commercial along Lakecrest Drive and the results of community meetings concluded that a residential/commercial transition area along Main Street was agreeable. The Main Street plan indicates that this area would not have been a good location for a walkway. The lot at 64-66 Lakecrest Drive had been for sale for a very long time without any offers. A later offer did come forward which was addressed during the public hearing at Regional Council. Councillor Younger further advised that this area has services such as a grocery store, restaurants and transit. The petition received was from a majority of residents on Gaston Road who are not abutting the proposed development. Those residents abutting the property are in support. He added that he is sympathetic with the concerns but they come from a disagreement over the sale of the property and a misunderstanding of the clients served by Affirmative Industries who will be residing at this residential facility.

Councillor Karsten expressed his support for this proposed development and commended Councillor Younger for his fortitude with this project. He added that this proposal does fit with the area and will blend well with the residential side. The local business community has voiced its support for this proposal. He challenged those who say this is not the right area inquiring what would be the right area.

Councillor McCluskey voiced her support for the proposed development.

MOTION PUT AND PASSED UNANIMOUSLY.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS - None**
10. **REPORTS - None**
11. **MOTIONS - None**

12. ADDED ITEMS

12.1 Case 00865: Flag Lots - Cole Harbour/Westphal Area

- A report dated June 6, 2006 was before Community Council.

MOVED BY Councillor McInroy, seconded by Councillor Younger that the Harbour East Community Council give first reading to consider proposed amendments to the Land Use By-Law for Cole Harbour/Westphal and schedule a public hearing for Thursday, August 3, 2006.

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Case 00788 - Amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law

- A report dated June 6, 2006 was before Community Council

MOVED BY Councillor Karsten, seconded by Councillor McCluskey that the Harbour East Community Council recommend that Regional Council:

- 1. Give first reading to the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law as provided in Attachments "A" and "B" of the staff report dated June 6, 2006 and schedule a public hearing.**
- 2. Approve the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law provided in Attachments "A" and "B" of the staff report dated June 6, 2006.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Information Report: Heritage Gas Regulator Station - Pine Street Extension, Dartmouth.

- An Information Report dated June 27, 2006 was before Community Council.

The report was submitted for information purposes only. No further action required.

13. **NOTICES OF MOTION** - None
14. **PUBLIC PARTICIPATION** - None (No speakers came forward at this time).
15. **NEXT MEETING** - August 3, 2006
16. **ADJOURNMENT**

The meeting adjourned at 9:25 p.m.

Chris Newson
Legislative Assistant