

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
May 11, 2009

PRESENT: Councillor Andrew Younger, Chair
 Councillor Lorelei Nicoll
 Councillor Gloria McCluskey
 Councillor Bill Karsten
 Councillor Jackie Barkhouse
 Councillor Jim Smith

STAFF: Ms. Angela Jones-Rieksts, Municipal Solicitor
 Ms. Julia Horncastle, Acting Municipal Clerk

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1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. in the Regional School Board Building, 90 Alderney Drive, Dartmouth.

2. APPROVAL OF MINUTES - April 2 & 7 , 2009

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the minutes of April 2 & 7, 2009 be approved. MOTION PUT AND PASSED.

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

MOVED by Councillor Karsten, seconded by Councillor Smith, that the Order of Business be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 01053 - Dartmouth MPS/LUB Amendments - Waverley Road

Community Council agreed to defer this item to the June meeting.

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 01222: Rezoning - Dartmouth Crossing

- A report dated March 13, 2009, on the above noted, was before Council.

Mr. Joseph Driscoll, Planner, presented the report to Council.

In response to questions of clarification from members of Council, Mr. Driscoll advised:

- the policies in the Regional Plan talk about the subject property noting, HRM is obligated to consider but not obligated to approve anything,
- the application was based on existing policy,
- if the function plan had come ahead of the application, the same process would be followed,
- a traffic study was done in 2004 and was submitted with the application and does have residential traffic in this area,
- the Functional Plan does not object to residential in this area and notes it would be considered in appropriate areas,
- this is a private land owner on private land,
- this is for a rezoning, any development proposal would have to come back to Community Council for a development agreement,
- the decision of Community Council is appealable to the Utility and Review Board.

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

Mr. Ronald Richards, Dartmouth advised:

- these are privately owned lands,
- they have never been a part of Burnside Business Park,
- when Dartmouth Crossing developed its land it did not include residential as being a possibility,
- the traffic study was directed by HRM and Transportation and Public Works and was comprehensive,
- the traffic study did take into account the 500 units in this location,
- there would be limited or no truck traffic on the interchange,
- their application is consistent with the Regional Plan,
- this will provide the people who work in Burnside an opportunity to live nearby,
- they have created the first collector land system in the Maritimes,
- this will create jobs and will continue to do,
- the proposal is consistent with modern planning so people can live near where they work,
- Akerley is the road for heavy truck traffic,
- The amount of traffic that will be generated from residential will be marginal.

Mr. O'Connor, Waverley Road, noted:

- he could not understand why this would be opposed,
- growth is not going to stop,
- there is a lot of land for industrial expansion in Dartmouth without using this land,

- this is prime residential land ,
- if left industrial it would destroy view planes,
- it would be detrimental to leave industrial,
- residential is more preferable.

Ms. Karen Coldwell, Dartmouth, representing the Greater Burnside Business Association, noted:

- there will be noise and traffic control problems with having a residential area in the park,
- Burnside was developed as an industrial and commercial park,
- how will noise pollution be stopped,
- when there is noise residents will come back and say they don't want some areas industrial,
- if the area is residential that does affect the flow in and out of park,
- there is not a sufficient bussing system in the park,
- existing infrastructure is not set up to handle additional flow,
- if a residential area comes in without any infrastructure in place how will traffic flow be handled in the next ten years,
- how is traffic flow being handled and how will employees get back and forth to park.

Mr. Calvin Sams, Dartmouth, noted:

- it is worrisome with regard to the negative impact a residential area could have on business in the park,
- ensure there is property buffering,
- there has to be a way there can be compatibility between these two needs.

Mr. Allan Billard, Dartmouth, noted:

- the water that affects the trail is as a result of drainage,
- if it becomes industrial it becomes paved which results in a lot more runoff,
- if residential development then it means more of the stormwater goes into the ground and not into Lake Charles,
- give a buffer zone between Burnside and the canal as well as the waterways and trails.

Ms. Sandy Reasor, Dartmouth, noted:

- there is a concern with traffic and traffic problems and the resulting repercussions to Woodland Avenue,

- not against development but there is a traffic concern and if goes through there has to be a proactive traffic plan in place before it goes through,
- any traffic study should involve HRM and provincial traffic planners,
- there has to be a traffic plan in place.

Mr. Hugh Grey, Dartmouth, noted:

- there is a lot of area to create a natural and man made buffer,
- there would be a concern if industrial development came over the ridge,
- there is a shortage of developable land in Dartmouth,
- building quality development would be a good addition to the economy.

Mr. Trevor Zink, Dartmouth, noted:

- environmentally this is a great opportunity,
- main concern is around traffic,
- there are issues with sidewalks and transit,
- great opportunity to take the park and develop it the way it should be and add to the growth of Dartmouth,
- this will bring more business to the park allowing for more job creation.

Mr. Stevens, Dartmouth, Burnside business owner, noted:

- buffering would be biggest issue and is critical,
- noise pollution created with vehicles backing up would upset residents,
- need more land developed.

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Mr. Shaun Tufford, Dartmouth, noted:

- continue with the plan as it would be a compliment to the park,
- good to have residential in the area
- traffic has gotten dangerous on Woodland Avenue.

Ms. Joan Massey, Dartmouth, noted:

- concern with regards to more silt runoff could be a concern for residents that live near the development,
- there may be complaints about noise while under construction,
- need to address future issue of bussing for people working in Dartmouth Crossing,
- if goes to residential would like to see some affordable housing so that young people can move to the area.

In rebuttal, Mr. Richards advised they cannot control what happens with regards to traffic off site on city streets noting, they are concerned with current transit services provided. Prior to Dartmouth Crossing the access to Burnside was worse than it is currently. He noted traffic studies took into account the full build out of Burnside and he believes the proposal is an appropriate land use.

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

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

Mr. Driscoll advised the application was for a rezoning only and future development would be by development agreement.

MOVED by Councillor Smith, seconded by Councillor Karsten that Harbour East Community Council approve the rezoning of the subject lands of Dartmouth Crossing from the General Industrial (I-2) Zone to the Burnside Comprehensive Development District (BCDD) Zone as provided in Attachment A of the March 13, 2009 staff report.

Councillor Smith stated there are some areas in Burnside that would be appropriate for residential development allowing people to live closer to where they work. Planning has to be stringent in the buffering.

Councillor McCluskey noted that Woodland Avenue was at capacity and traffic is even an issue on Sundays. She stated she was not in favour of this proposal noting 17% of HRM commercial tax comes from Burnside. She stated she is not in favour of residential development in Burnside as the land is needed for industrial and commercial. She stated the Functional Plan talks about residential not being compatible.

Councillor Nicoll expressed concern with public safety and impacts this may have on the Atlantic Gateway plan.

MOTION PUT AND PASSED.

MOVED by Councillor Nicoll, seconded by Councillor Barkhouse that staff approach the Provincial Traffic Authority to work towards a cohesive traffic plan

and take into consideration the impact on public safety on Woodland Avenue/Victoria Road/Highway 118 and also give consideration to the impact of the implementation of the Atlantic Gateway. MOTION PUT AND PASSED.

8.1.2 Case 01220: Amending Agreement - 1038 Cole Harbour Road, Cole Harbour

- A report dated March 12, 2009, on the above noted, was before Council.

Mr. Darrell Joudrey, Planner, presented the staff report to Council.

Councillor Younger called three times for those wishing to speak in favour of or in opposition to the proposal. Hearing none, the following motion was placed.

MOVED by Councillor Nicoll, seconded by Councillor Barkhouse, that the public hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Nicoll, seconded by Councillor Barkhouse, that the Harbour East Community Council:

- 1. Approve the amending agreement as provided in Attachment A to the March 12, 2009 staff report, to permit the location of an additional ground sign under the existing development agreement in place at 1038 Cole Harbour Road and,**
- 2. Require the amending agreement be signed and delivered within 120 days, or any extension thereof granted by Harbour East Community Council on request of the applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever is later, including appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8.1.3 Case 01237: Eastern Passage/Cow Bay LUB - Housekeeping Amendments

- A report dated March 12, 2009, on the above noted, was before Council.

Ms. Mackenzie Stonemaker, Planner, presented the report to Council.

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

Ms. Elizabeth Kwindt, Eastern Passage, referenced her written submission and expressed her concern with buffers noting there is a need for a more stringent requirement for buffer zones and requested Council delete Amendment #18 from the amendments being put forward.

Mr. Mike Myers, Eastern Passage, expressed concern with the buffer zones and questioned whether there should be grandfathering so that developers can build on water.

Staff clarified that there are no changes proposed to existing regulations, this is simply a hearing to update outdated references in the By-law.

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

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

Councillor Barkhouse stated she was not of the opinion that amendment #18 is a housekeeping amendment and placed the following motion.

MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, that Harbour East Community Council approve the amendments, excluding #18, to the Land Use By-law for Eastern Passage/Cow Bay. MOTION PUT AND PASSED.

MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, that staff provide a report on how the watercourses would be affected under the new amended section #18. MOTION PUT AND PASSED.

8.2 VARIANCE HEARINGS

8.2.1 Appeal of Development Officers decision to approve a Variance application at 23 Brookside Avenue, Dartmouth

- A report dated April 30, 2009, on the above noted, was before Council.

Mr. Mark Innis, Development Technician, presented the report to Council.

Councillor Younger, called for those who were eligible and wished to speak to come forward.

Mr. Garth Demont, 23 Brookside Avenue, property owner advised they need a functional office space and would also like to have a bathroom on the second floor. He stated the proposal would not take away from the yard space.

Mr. Ron Fritz, expressed concern that the proposed upgrades would have a detrimental effect on his property. One of the main concerns would be that the new roofline would block light to his house.

Councillor Younger called for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Smith, seconded by Councillor Nicoll that the hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Karsten, seconded by Councillor Smith, that Harbour East Community Council uphold the Development Officers decision to approve the variance. MOTION PUT AND PASSED.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence

Correspondence from Ms. Audrey Manzer tendering her resignation as a member of the Dartmouth Lakes Advisory Board, was accepted by Community Council.

MOVED by Councillor Karsten, seconded by Councillor McCluskey that Community Council send a letter to Ms. Manzer thanking her for her many years of dedicated service and hard work. MOTION PUT AND PASSED.

9.2 Petitions

9.3 Delegations

9.3.1 Alderney Landing - Ms. Bea MacGregor

Ms. Bea MacGregor, Executive Director, Alderney Landing, with the aid of a powerpoint presentation, provided information on the theatre, farmers market, outdoor events plaza as

well as some of the upcoming events.

Following the presentation, Councillor Younger thanked Ms. MacGregor for her presentation.

10. REPORTS

10.1 Case 01230: Dartmouth MPS amendment and Development Agreement - 249/251 Windmill Road

- A report dated April 23, 2009, on the above noted, was before Council.
- A supplementary report dated May 5, 2009, on the above noted, was before Council.

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

- 1. Move Notice of Motion to consider the proposed revised development agreement, as set out in Attachment B of the May 5, 2009 supplementary staff report, for a proposed 12-storey, 103 unit residential building, and existing four storey, 207 unit residential building and an existing two unit dwelling located at 249 Windmill Road, Dartmouth, and schedule a joint public hearing with Regional Council,**
- 2. Recommend that Regional Council give First Reading to consider the proposed amendment to the Dartmouth Municipal Planning Strategy as provided in Attachment A of the May 5, 2009 supplementary staff report, and schedule a joint public hearing with Harbour East Community Council.**
- 3. Recommend that Regional Council approve the proposed amendment to the Dartmouth Municipal Planning Strategy as provided in Attachment A of the May 5, 2009 supplementary staff report.**

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor McCluskey

The following Notice of Motion was given by Councillor McCluskey at the April meeting of Community Council.

“Take notice that at the next regular meeting of the Harbour East Community Council to be held on Monday, May 11, 2009, I intend to introduce a motion to approve that St. George’s Lane be made a one way street. The access will be from Portland Street with the exit to Pleasant Street.”

Following clarification by the municipal solicitor that this would be a matter addressed by Regional Council, the following motion was placed.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the Notice of Motion be referred to Regional Council. MOTION PUT AND PASSED.

12. ADDED ITEMS

13. NOTICES OF MOTION

Councillor Barkhouse

Take Notice at the next regular meeting of the Harbour East Community Council to be held on Thursday, June 11, 2009, I intend to move a motion that Harbour East Community Council request an information report on the impacts of potentially amending the land use by-laws under Harbour East Community Council’s jurisdiction to permit larger and taller accessory buildings on larger, more rural residential properties.

14. PUBLIC PARTICIPATION

No speakers came forward.

15. NEXT MEETING

The next meeting is scheduled for Thursday, June 11, 2009 at 6:00 p.m.

16. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

Julia Horncastle
Acting Municipal Clerk

The following information items were circulated to Community Council.

1. Information report dated April 22, 2009 from Paul Dunphy, Director, Community Development re: Case 01053 - Dartmouth MPS/LUB Amendments - Waverley Road
2. Information report dated April 15, 2009 from Ken Reashor, Traffic Authority re: Stop Sign Request - Argus Drive/South Ridge Circle
3. Information report dated April 30, 2009 from Mike Labrecque, Director, Transportation and Public Works re: Business Park Development Functional Plan (Part I) - Case 01222: Re-zoning - Dartmouth Crossing