

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
June 11, 2009

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

STAFF: Ms. Julia Horncastle, Acting Municipal Clerk

TABLE OF CONTENTS

1.	CALL TO ORDER	04
2.	APPROVAL OF MINUTES - May 11, 2009	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	04
5.	MOTIONS OF RECONSIDERATION	04
6.	MOTIONS OF RESCISSION	04
7.	CONSIDERATION OF DEFERRED BUSINESS	
	7.1 Case 01053 - Dartmouth MPS/LUB Amendments - Waverley Road . . .	04
8.	HEARINGS	
	8.1 PUBLIC HEARINGS - NONE	05
9.	CORRESPONDENCE AND DELEGATIONS	
	9.1 Correspondence - None	05
	9.2 Presentations - None	05
10.	REPORTS	
	10.1 Case 01257: Amending Agreement - Evergreen Plaza, Dartmouth . . .	05
	10.2 Case 01247: Rezoning - 60 Simmonds Drive, Dartmouth	06
	10.3 Case 01261: Development Agreement - 6 Admiral Street, Dartmouth .	07
	10.4 Case 01271: Development Agreement - 95 Montebello Drive	07
	10.5 MEMBERS OF COUNCIL	
	10.5.1 Councillor Nicoll - MPS Amendment for Cole Harbour Re: Community Commercial Designation on Cole Harbour Road	08
	10.5.2 Councillor Barkhouse - Dartmouth Land Use By-law Amendment re Undersized Lots	08
11.	MOTIONS	
	11.1 Councillor Barkhouse - Amendment to LUB's re: Accessory Buildings .	08
12.	ADDED ITEMS	08

13.	NOTICES OF MOTION	09
14.	PUBLIC PARTICIPATION	09
15.	NEXT MEETING	10
16.	ADJOURNMENT	10

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES - May 11, 2009

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the minutes of May 11, 2009 be approved. MOTION PUT AND PASSED.

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

Additions

12.1 Election of Chair

12.2 Personnel Matter - Membership Dartmouth Lakes Advisory Board

MOVED by Councillor Nicoll, seconded by Councillor Barkhouse, that the Order of Business be approved as amended. 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

- A supplementary report dated May 29, 2009, on the above noted, was before Council.

Ms. Mackenzie Stonehocker, Planner, presented the report to 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 Dartmouth Municipal Planning Strategy and Land Use By-law as shown in Attachments A and B, of the staff report dated May 29, 2009 and schedule a**

public hearing.

2. During the hearing give consideration to the following amendments:
 - a) Allow vehicle uses in the C-1B zone by site approval
 - b) That the Land Use By-law allow Council to consider, by public hearing, an extension to the 12 month grandfathering of non-conforming uses to a maximum of 24 months total grandfathered time on application by the property owner to Community Council.
 - c) 216 Waverley Road be re-zoned to C-1B if the property owner can provide documentation prior to the public hearing, as they have indicated they have, that the current parking use pre-dates the 1978 Dartmouth Land Use By-law; otherwise, such re-zoning shall, as suggested in the staff report, be by separate application.

MOTION PUT AND PASSED.

8. HEARINGS

8.1 PUBLIC HEARINGS - NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Karsten submitted a petition for information only from the residents of Woodlawn Subdivision requesting the Off Leash designation for the sportsfield located at 61 Robert Drive, Dartmouth, be revoked.

10. REPORTS

10.1 Case 01257: Amending Agreement - Evergreen Plaza, Dartmouth

- A report dated May 21, 2009, on the above noted, was before Council.

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

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

- 1. Approve, by resolution of Council, the proposed amending agreement as set out in Attachment A of the May 21, 2009 report.**
- 2. Require the proposed amending development 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 any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

In response to Councillor Karsten, Mr. Joudrey advised that real estate signs are permitted.

Mr. Pyle advised that the signs are to be on the same property as use and upon clarification from the applicant that one was to advertise the self storage facility the following motion was placed.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the item be deferred until staff meet with the applicant to clarify the location and purpose of the signage. MOTION PUT AND PASSED.

10.2 Case 01247: Rezoning - 60 Simmonds Drive, Dartmouth

- A report dated May 27, 2009, on the above noted, was before Council.

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

Councillor Smith questioned why this needs to be rezoned to I-4 as it states in the Land Use By-law that I-4 only permits salvage yards and accessory to salvage yards. He noted that this is not an accessory nor a salvage yard. In response, Ms. Stonehocker advised the applicant would like to add a vehicle depollution service to their existing site which use would be to take out fluids and gasses from vehicles in order that they may be recycled. The depollution of cars in order to salvage them is part of a salvage use.

Mr. Kurt Pyle, Planning Applications, Community Development, advised this is not a traditional salvage yard as they are proposing to remove all liquids and key metals from cars and then recycling. He noted that this could become a traditional salvage yard but the applicant has indicated that this is not his intent. He further advised that an

application has been made and Community Council has to make a decision based on existing policies. If the decision is yes the zone is applied but if it is no then the applicant could put forward an application specific for this.

Councillor Smith stated there is not sufficient detail. He noted there is policy in IP-1C that talks about compatibility and consistent with adjacent uses. He further noted there is nothing to say if there is any possibility of any of these liquids getting into the lake that is in back of this property. He noted there is no reference to the economic and social impacts this may have.

On further question, staff advised that a prejudgement cannot be made as to whether this will be an obnoxious use or not.

Councillor Smith referenced page 2 and noted that it states that if the I-4 is put in place they have to give up their transfer operation but in the information meeting the applicant stated their objective was to receive additional steams of metal. Staff advised they would address this matter in the supplementary report.

MOVED by Councillor Karsten, seconded by Councillor McCluskey, that Harbour East Community Council give First Reading to the proposed rezoning of 60 Simmonds Drive, Dartmouth as shown in Attachment A of the May 27, 2009 report and schedule a public hearing. MOTION PUT AND PASSED.

10.3 Case 01261: Development Agreement Amendment - 6 Admiral Street, Dartmouth

- A report dated May 27, 2009, on the above noted, was before Council.

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

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that Harbour East Community Council move Notice of Motion to consider the proposed Amending Agreement for 6 Admiral Street, Dartmouth, presented as Attachment A to the May 27, 2009 report and schedule a public hearing. MOTION PUT AND PASSED.

10.4 Case 01271: Development Agreement - 95 Montebello Drive, Dartmouth

- A report dated May 21, 2009, on the above noted, was before Council.

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

MOVED by Councillor Nicoll, seconded by Councillor McCluskey, that Harbour East Community Council give Notice of Motion to consider the proposed development agreement set out in Attachment A of the May 21, 2009 report and schedule a public hearing. MOTION PUT AND PASSED.

10.5 MEMBERS OF COUNCIL

10.5.1 Councillor Nicoll - MPS Amendment for Cole Harbour re: Community Commercial Designation on Cole Harbour Road

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Harbour East Community Council request that Regional Council initiate the amendment process for the MPS for Cole Harbour/Westphal, to implement standards for urban design, and review policy for commercial and residential development, in the Community Commercial Designation on Cole Harbour Road. MOTION PUT AND PASSED.

10.5.2 Councillor Barkhouse - Dartmouth Land Use By-Law Amendment re: Undersized Lots

MOVED by Councillor Barkhouse, seconded by Councillor Smith, that Harbour East Community Council direct staff to initiate the amendment process for the Dartmouth Land Use By-law to address development on existing undersized lots. MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Barkhouse re Accessory Buildings

MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, 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. MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Election of Chair

Councillor Younger called for nominations for the position of Chair.

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Councillor McCluskey be nominated.

Councillor Younger called three times for further nominations. Hearing none the following motion was placed.

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that nominations cease. MOTION PUT AND PASSED.

Councillor Younger called for nominations for position of Vice-Chair.

MOVED by Councillor McCluskey, seconded by Smith, that Councillor Nicoll be nominated as Vice-Chair.

Councillor Younger called three times for further nominations. Hearing none the following motion was placed.

MOVED by Councillor McCluskey, seconded by Councillor Smith, that nominations cease. MOTION PUT AND PASSED.

12.2 Personnel Matter - Membership Dartmouth Lakes Advisory Board

- This item was addressed at an earlier In Camera session and was now before Council for ratification.

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

1. **Defer any decision on the Dartmouth Lakes Advisory Board until comment is received from the existing members.**
2. **That the outgoing chair of the Dartmouth Lakes Advisory Board and long serving members be recognized by the Harbour East Community Council for the service they have provided to the City of Dartmouth and Halifax Regional Municipality through their contributions to the Dartmouth Lakes Advisory Board.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Brad Smith, Chair, Dartmouth Sportsplex Community Association, addressed Community Council advised as a result of the bus terminal expansion the Sportsplex is losing approximately 35% of the parking space at the Sportsplex. He advised they are continuing to move forward to have the matter resolved in order to meet the needs of the community.

Councillor Karsten thanked Councillor Younger for his time committment to Halifax Regional Municipality.

Councillor McCluskey commended Councillor Smith on a hard fought battle during the provincial elections.

15. NEXT MEETING

The next meeting is scheduled for Thursday, July 2, 2009.

16. ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

Julia Horncastle
Acting Municipal Clerk