

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

May 3, 2012

PRESENT: Councillor Jackie Barkhouse, Chair
Councillor Lorelei Nicoll
Councillor Gloria McCluskey
Councillor Darren Fisher, Vice Chair
Deputy Mayor Bill Karsten
Councillor Jim Smith

STAFF: Ms. Roxanne MacLaurin, Senior Solicitor
Ms. Jennifer Weagle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF MINUTES – April 5 & April 17, 2012.....	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	3
4.	BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET	3
4.1	Status Sheet	3
4.1.1	Sculpture Park - Dartmouth Waterfront.....	3
4.1.2	Project 1286: Dartmouth Main Street Plan Review	3
4.1.3	Russell Lake Water Quality	3
4.1.4	Kings Wharf Development Parkland – request for staff report	3
4.1.5	Public Participation – Brightwood Golf Course and neighbouring property	3
5.	MOTIONS OF RECONSIDERATION – NONE	4
6.	MOTIONS OF RESCISSION.....	4
6.1	Councillor McCluskey	4
7.	CONSIDERATION OF DEFERRED BUSINESS – NONE.....	4
8.	HEARINGS.....	4
8.1	Public Hearings.....	4
8.1.1	Case 17170: Amendments to the Development Agreement at 61 Athorpe Drive, Dartmouth, regarding Temporary Signage	5
8.2	Variance Appeal Hearings - NONE.....	6
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS	6
9.1	Correspondence - NONE.....	6
9.2	Petitions	6
9.2.1	Councillor Nicoll	6
9.3	Presentations - NONE	7
10.	REPORTS	7
10.1	Staff - NONE	7
10.2	Boards & Committees - NONE	7
11.	MOTIONS- NONE	7
12.	ADDED ITEMS	7
12.1	Case 17735: Kings Wharf Development Agreement Amendments	7
13.	NOTICES OF MOTION - NONE	8
14.	PUBLIC PARTICIPATION	8
15.	NEXT MEETING DATE – June 14, 2012	8
16.	ADJOURNMENT	8

1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m., with the Invocation led by Councillor Fisher.

2. APPROVAL OF MINUTES – April 5 & April 17, 2012

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the Harbour East Community Council minutes of April 5 & April 17, 2012 be approved, as circulated. MOTION PUT AND PASSED.

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

Addition:

12.1 Case 17735: Kings Wharf Development Agreement Amendments

MOVED by Councillor McCluskey, seconded by Deputy Mayor Karsten, that the order of business be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

4.1 Status Sheet

4.1.1 Sculpture Park - Dartmouth Waterfront

No update received. This item to remain on the status sheet.

4.1.2 Project 1286: Dartmouth Main Street Plan Review

This project is anticipated to come before Community Council in June 2012. Item to remain on the status sheet.

4.1.3 Russell Lake Water Quality

Update via information report coming to June HECC meeting. Item to remain on the status sheet.

4.1.4 Kings Wharf Development Parkland – request for staff report

This item was dealt with later in the meeting. This item will be removed from the status sheet.

4.1.5 Public Participation – Brightwood Golf Course and neighbouring property

This matter is a common law issue of nuisance between two private property owners and is currently before the Courts. This matter will be removed from the status sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION

6.1 Councillor McCluskey

Notice of Motion of Recission was given at a special Harbour East Community Council meeting on April 17, 2012.

MOVED by Councillor McCluskey, seconded by Deputy Mayor Karsten, that Harbour East Community Council rescind the following motion that was approved at the April 5, 2012 Harbour East Community Council meeting, with regard to Case 17308: King’s Wharf Development Agreement Amendments:

“MOVED by Deputy Mayor Karsten, seconded by Councillor Nicoll, that Harbour East Community Council:

- 1. Approve, by resolution, the Stage 2 development agreement for King's Wharf, as shown in Attachment A of the March 16, 2012 report;**
- 2. Require the Stage 2 Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end;**
- 3. Approve, by resolution, the discharge of the Original Stage 2 Development Agreement that applies to the Lands, as shown in Attachment B of the March 16, 2012 report, to take effect upon the registration of the new development agreement.”**

MOTION PUT AND PASSED.

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 17170: Amendments to the Development Agreement at 61 Athorpe Drive, Dartmouth, regarding Temporary Signage

Notice of Motion was given at the April 5, 2012 Harbour East Community Council meeting.

A staff report dated March 7, 2012 was before Community Council.

Mr. Darrell Joudrey, Planner, Community & Recreation Services, presented the March 7, 2012 report to Community Council, regarding an application by Allan Curry for lands of Dartmouth Dodge, to amend the existing development agreement at 61 Athorpe Drive, Dartmouth.

Noting that the report indicates temporary signs in the plural, Deputy Mayor Karsten inquired how many signs would be allowable under the Temporary Sign By-law. Mr. Joudrey advised that the by-law is currently being amended, and will propose to allow signs every several hundred feet. The current by-law will allow a sign on each side of the property (3 to 4 total). Mr. Kurt Pyle, Supervisor, Planning Applications, advised that the current by-law allows one temporary sign every 150 feet.

Responding to questions from Councillor Fisher, Mr. Joudrey indicated that the placement of a temporary sign is not limited by the location of a residential dwelling. He also clarified that a municipal by-law cannot be altered in such a case to limit signs near a residential area.

Mr. Joudrey advised at the request of Councillor McCluskey they staff do not have any images of the proposed signs.

Councillor Nicoll commented in clarification that this application was not complaint driven.

Responding to an inquiry from Councillor Smith, Mr. Joudrey noted that the types of signs the applicant was permitted were all permitted under the temporary sign by-law

The Chair opened the public hearing and invited those wishing to speak for or against the application to come forward.

Mr. Allan Curry, Applicant, clarified that they have no intent of putting any signs on the residential side of the property near Athorpe Drive. There would be no visibility from that side, and would be an extra cost associated with the sign. Mr. Curry noted that Dartmouth Dodge wants to be able to advertise the same way as its competitors. He clarified that each manufacturer sends out signs for the dealership to put up, and they want to be able to put up these signs, within the rules of the by-law.

The Chair called three times for any further speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Fisher, seconded by Deputy Mayor Karsten, that Harbour East Community Council:

- 1. Approve the proposed amending agreement as set out in Attachment A of the March 7, 2012 report, to permit temporary signage in accordance with the Temporary Signage By-Law at 61 Athorpe Drive, Dartmouth, as shown on Map 1 of the March 7, 2012 report; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Deputy Mayor Karsten noted support for the motion as the amendment to the development agreement will accomplish uniformity in the area. He noted that in 2005 when the current by-law was approved by Council it did have a dramatic impact on Cole Harbour Road, Portland Street, Main Street areas by taking care of excess signs. He supports this amendment, with the understanding that amendments to the by-law will be coming forward. Deputy Mayor Karsten commented that the by-law is complaint driven, and starting to lose its effect as HRM doesn't have the staff for enforcement.

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - NONE

9.2 Petitions

9.2.1 Councillor Nicoll

Councillor Nicoll submitted a petition signed by approximately 74 residents of Parkway Drive, Atholea Drive, Landsdown Drive, and Beaver Crescent, Cole Harbour, requesting HRM Traffic to work with Clayton Developments to consider safety concerns and to find an alternate route for heavy truck traffic other than the Atholea Drive/Parkway Drive corridor for the Colby South development project.

Councillor Nicoll requested that this petition be forwarded to staff for a report to ensure that a dialogue happens between Clayton Developments and traffic staff with regard to the residents' concerns.

9.3 Presentations - NONE

10. REPORTS

10.1 Staff - NONE

10.2 Boards & Committees - NONE

11. MOTIONS- NONE

12. ADDED ITEMS

12.1 Case 17735: Kings Wharf Development Agreement Amendments

A staff report dated May 1, 2012 was distributed to Community Council.

Mr. Mitch Dickey, Planner, Community & Recreation Services, reviewed the May 1, 2012 staff report with Community Council, noting that this report involves an update to the public park component of the development agreement. Mr. Dickey reviewed the changes to the parkland on the property.

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

- 1. Approve, by resolution, the Stage 2 development agreement for King's Wharf, as shown in Attachment A to the May 1, 2012 report;**
- 2. Require that the Stage 2 Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end; and**
- 3. Approve, by resolution, the discharge of the Original Stage 2 Development Agreement that applies to the Lands, as shown in Attachment B of the May 1, 2012 report, to take effect upon the registration of the new development agreement.**

Responding to questions from Councillor Smith, Mr. Dickey advised that the proposed parkland was reviewed with HRM parks staff. HRM can undertake care of the public

park, if it is built to certain specifications, to be further discussed. He indicated that a maintenance schedule will be worked out in the development agreement. Mr. Dickey also clarified that the owners of the private parkland will be the two condo corporations on either side. He noted that there is a designated view corridor that runs through the development. Mr. Dickey further clarified that the developer has to develop a park management plan, to be approved by HRM. The name of the park will be included in that plan.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No members of the public came forward for public participation.

15. NEXT MEETING DATE – June 14, 2012

The next Harbour East Community Council meeting is scheduled for Thursday, June 14, 2012 at 6:00 p.m. in the Chamber at 90 Alderney Drive, Dartmouth.

16. ADJOURNMENT

The meeting was adjourned at 6:41 p.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEMS

1. A Memorandum from Paul Morgan, Planner, re: Shubenacadie Lakes Sub-Watershed Study dated April 20, 2012 was before Community Council