

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
July 5, 2007

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

STAFF: Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	04
2.	APPROVAL OF MINUTES - June 14, 2007	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	
4.1	STATUS SHEET ITEMS	
4.1.1	Accessible Playground - Dartmouth	04
5.	MOTIONS OF RECONSIDERATION -NONE	04
6.	MOTIONS OF RESCISSION - NONE	04
7.	CONSIDERATION OF DEFERRED BUSINESS	04
8.	HEARINGS	
8.1	PUBLIC HEARINGS	
8.1.1	Case 00998 - Downtown Dartmouth Land Use By-Law Amendment - Limiting Institutional Uses	06
8.1.2	Case 01016 - Broom Road Rezoning (Titans Gym)	07
8.2	VARIANCE HEARINGS	
8.2.1	Appeal of Variance approval at 73 King Street	08
8.2.2	Appeal of Site Plan Approval - 73 Prince Albert Road	09
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Correspondence	09
9.2	Petitions	09
10.	REPORTS	09
11.	MOTIONS	09
12.	ADDED ITEMS	09
13.	NOTICES OF MOTION	10

14.	PUBLIC PARTICIPATION	10
15.	NEXT MEETING	10
16.	ADJOURNMENT	10

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES - June 14, 2007

MOVED by Councillor McInroy, seconded by Councillor Karsten, that the minutes of June 14, 2007 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Councillor Younger - Seniors Daycare

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Accessible Playground - Dartmouth

No information received. To remain on 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 00998 - Downtown Dartmouth Land Use By-Law Amendment - Limiting Institutional Uses

- A report dated May 31, 2007, on the above noted, was before Council.

Mr. David Lane, Planner, presented the report to Council.

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

The property owner of 74 Victoria Road spoke in favour of the amendment as it will put an end to the clustering of group homes in one area which would result in a negative impact on the community.

Mr. Trevor Parsons, Dartmouth, stated he was in favour of the amendments but expressed concern that someone may try to have a similar operation in their neighbourhood before the By-Law is passed. He requested that if there is currently an application to develop another group home in the Downtown Neighbourhood zoning area, HRM delay it.

Mr. Colin May, Dartmouth, stated he was in support of the amendment stating, in his opinion, there should be no as of right for this type of development.

Ms. Sue Morash, Dartmouth, stated she was in support of the amendment as this amendment makes their area the same as any other area in Dartmouth.

Ms. Madeline Endrace, Dartmouth, spoke in support of the amendment noting that if these properties are not maintained it will decrease neighbourhood property values as well as decrease community spirit.

Ms. Janet Lee, Dartmouth, speaking in support of the amendment stated the integration and acceptance of these homes into a community has to be looked and addressed.

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

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

MOVED by Councillor McCluskey, seconded by Councillor Kent, that Harbour East Community Council approve the amendments to the Downtown Dartmouth Land Use By-Law as shown in Attachment "A" of the May 31, 2007 staff report.

Councillor McCluskey stated this will protect the stability of the neighbourhoods and it would be healthier for those who live group homes as well as neighbourhoods if they are moved around.

Councillor Younger expressed concern that this might be limiting in one area but pushes these developments in another area.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Younger, seconded by Councillor McInroy, that staff to review and, where appropriate, amend by-laws elsewhere in Dartmouth to control institutional uses. MOTION PUT AND PASSED UNANIMOUSLY.

8.1.2 Case 01016 - Broom Road Rezoning (Titans Gym)

- A report dated May 30, 2007, 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 in opposition to the proposed rezoning.

A representative of Connor Architects advised they think this is a great buffer between the residential and commercial areas. He stated a lot of thought has gone into the site planning of this project and where it is located. They will be retaining green space between the residential and commercial which will act as a buffer between the gym and residential development.

Mr. Byron Top, President, Titans Gym, advised they are a non profit society. He stated they feel this is a good project and will try to have a minimal impact on the community.

Ms. Sandy Norman, Dartmouth, addressed Council stating she is in support of the proposal.

Ms. Erica Saulnier, Dartmouth, spoke in support of the proposed rezoning.

A resident of Antares Court expressed concern that the septic system for this proposal will adversely affect his property. He stated there is a need to have traffic lights at the intersection of Broom Road and Highway #7.

Ms. Geri Irwin, Dartmouth, spoke in support of the proposal stating it will enhance the area.

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

MOVED by Councillor Younger, seconded by Councillor McInroy, that the public

hearing close. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor McInroy, seconded by Councillor McCluskey, that Harbour East Community Council approve the rezoning of the subject parcels of land as shown on Map #1 from R-1 (Single Unit Residential)/PUD (Planned Unit Development) to P-2 (Community Facility) to permit a gymnastics facility.

Councillor McInroy stated the community facility designation is an appropriate one for that location. The zoning will allow for a buffer between the existing residential and the commercial on Main Street. The community is strongly in support of this proposal and it will not interfere with any other property.

Councillor Kent expressed concern with the septic going into the Eastern Passage plant as it is above capacity at the current time.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 VARIANCE HEARINGS

8.2.1 Appeal of Variance approval at 73 King Street, Dartmouth

- A report dated June 26, 2007, on the above noted, was before Council.

Mr. Sean Audas, Development Officer, presented the report to Council.

Councillor Smith called for those wishing to speak in favour of or in opposition to the variance approval.

Mr. Eric Thompson, representing the appellant, advised his client has been involved in various developments in Downtown Dartmouth and was surprised and how this process had developed. He stated his client is quite concerned with the implications this may have on his potential development of his three sites. He stated that in this instance a variance is being used to approve something that would otherwise not have been approved. He stated he had been advised that a variance would not be for a garage but for the principle structure on a site and this is an ancillary building. He stated it is a large three bay garage and there is a concern that it may be used for servicing vehicles.

Mr. Philip Levandier, property owner, stated he operates a funeral home. He advised that the two properties have been operated as one property for sixty seven years. He noted they had hired a consultant who had advised the lots could be consolidated. He stated the garage will be used to house cars for the use of the funeral home and not to service vehicles.

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

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

MOVED by Councillor McCluskey, seconded by Councillor Younger, that Harbour East Community Council uphold the Development Officer's decision to approve the variance at 73 King Street. MOTION PUT AND PASSED UNANIMOUSLY.

8.2.2 Appeal of Site Plan Approval - 73 Prince Albert Road, Dartmouth

- A report dated June 26, 2007, on the above noted, was before Council.

Mr. Sean Audas, Development Officer, presented the report to Council.

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

Mr. Peter Yorston, Dartmouth, stated Starr Lane is a private street with the residents paying for maintenance of the street. He stated the street is narrow and there is a difficulty with access to the street experienced by the residents of the street when there are cars parked on it. There is a concern that any new business will have an impact on the street as any business going into this location will only have two on site parking spots.

Ms. Hart, Dartmouth, expressed concern with the parking that may become an issue as cars currently park on both sides of Prince Albert Road. She noted the street is very narrow and may not be able to accommodate cars using it to turn.

Ms. Nora Landry, property owner, addressed Council noting she intends to invest in the property to upgrade it and make it more compatible to the neighbourhood. She stated there are presently no school age child care services in the neighbourhood. She stated the existing fence will remain and privacy features will be added. She stated they do not anticipate any additional traffic loading on Starr Lane as there is parking available at 91 Prince Albert Road.

Ms. James, Dartmouth, stated her main concern was with the possible removal of the sturdy metal fence.

Ms. Kaptan, Dartmouth, expressed concern with the traffic as the street is very narrow and there are children on the street.

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 hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Councillor McCluskey, staff advised Community Council has the power to approve modifications to the site plan if they see fit. He advised Council could defer decision for additional follow up or request modifications.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that Community Council defer decision on this matter to obtain further information regarding parking on Prince Albert Road and site plan specifics.

Councillor McCluskey clarified that staff was directed to meet with the residents and the HRM traffic department.

Councillor Younger indicated that the By-Law stated there is no parking required on the site plan and questioned what the alternatives may be. He further noted this is a unique situation as it is a private lane and HRM has no jurisdiction or authority with regard to private lanes.

Councillor McInroy suggested parking in the rear of the building be examined and ensure it is self contained.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS - NONE

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Younger - Seniors Daycare

MOVED by Councillor Younger, seconded by Councillor Kent, that staff initiate the

process to examine the ability for the establishment of Seniors Daycares by development agreement. MOTION PUT AND PASSED UNANIMOUSLY.

13. **NOTICES OF MOTION - NONE**

14. **PUBLIC PARTICIPATION**

No speakers.

15. **NEXT MEETING**

The next meeting is scheduled for September 6, 2007.

16. **ADJOURNMENT**

The meeting was adjourned at 10:00 p.m.

Julia Horncastle
Legislative Assistant