

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES  
October 4, 2007

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

REGRETS: Councillor Becky Kent

STAFF: Ms. Angela Jones-Rieksts  
Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER .....	03
2.	APPROVAL OF MINUTES - September 4 & 6, 2007 .....	03
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	03
4.	BUSINESS ARISING OUT OF THE MINUTES	
4.1	STATUS SHEET ITEMS	
4.1.1	Accessible Playground - Dartmouth .....	03
5.	MOTIONS OF RECONSIDERATION -NONE .....	03
6.	MOTIONS OF RESCISSION - NONE .....	03
7.	CONSIDERATION OF DEFERRED BUSINESS .....	03
8	PUBLIC HEARINGS	
8.1	Case 00999 - Rezoning - 185 Windmill Road, Dartmouth .....	03
8.2	Case 01032 - Development Agreement - 9 Dumbarton Avenue, Dartmouth .....	05
8.3	Case 01050 - Amendment to Downtown Dartmouth LUB - Signage .....	05
8.4	Case 00992 - Rezoning - 381 Portland Street, Dartmouth .....	06
1.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Correspondence .....	06
9.2	Petitions .....	06
2.	REPORTS	
10.1	Case 01022 - Accessory Building Heights .....	06
3.	MOTIONS .....	07
4.	ADDED ITEMS .....	07
5.	NOTICES OF MOTION .....	07
6.	PUBLIC PARTICIPATION .....	07
7.	NEXT MEETING .....	07

8. ADJOURNMENT ..... 07

**1. CALL TO ORDER**

The meeting was called to order at 6:00 p.m.

**2. APPROVAL OF MINUTES - September 4 & 6, 2007**

**MOVED by Councillor McCluskey, seconded by Councillor Younger, that the minutes of September 4 & 6, 2007 be approved. MOTION PUT AND PASSED.**

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

Information Items

1. Information Report from the Director of Community Development dated September 10, 2007 re Adult Daycares
2. Information Report from the Director of Community Development dated September 25, 2007 re Institutional Uses - Dartmouth Municipal Planning Strategy

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

**4. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**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. PUBLIC HEARINGS**

**8.1 Case 00999 - Rezoning - 185 Windmill Road, Dartmouth**

- A report dated August 27, 2007, on the above noted, was before Council.

Ms. Angela Jones-Rieksts, Municipal Solicitor, advised the Community Council would have to restrict its decision making to the application put forward by the applicant to rezone from park to general business.

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

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

**Mr. Keith Stevens**, Dartmouth, spoke in favour of the rezoning stating it is a positive for the neighbourhood.

**Mr. Joseph JeBailey**, spoke in support of the application and requested Council approved the rezoning.

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

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

Councillor Smith stated he had difficulty with zoning this property C-2 as the surrounding neighbourhood consists of R-1 and R-2 development.

**MOVED by Councillor Smith, seconded by Councillor Karsten, that the Harbour East Community Council deny the application for C-2 zoning.**

In response to Councillor Younger, staff advised that three units or more require a development agreement. They have one unit now and can have a total of two as of right under the C-2 zoning.

In response to Councillor McInroy, staff advised that the C-2 zoning will enable future applications by development agreement.

Councillor Smith expressed concern with the other possible uses that could be developed at this location under the C-2 zone.

**MOTION DEFEATED.**

**MOVED by Councillor McInroy, seconded by Councillor McCluskey, that the Harbour East Community Council approve the proposed zoning map amendment to the Dartmouth Land Use By-Law by rezoning PID No. 00067504 from P (Park) Zone to C-2 (General Business) Zone, as shown in Attachment "A" of the August 27, 2007 staff report to enable the existing uses to comply with the Land Use By-law and enable a future application for multi-unit residential by development agreement. MOTION PUT AND PASSED.**

**8.2 Case 01032 - Development Agreement - 9 Dumbarton Avenue, Dartmouth**

- A report dated July 19, 2007, on the above noted, was before Council.

Ms. Jennifer Chapman, Planner, presented the report to Council.

Councillor Smith called three times for those wishing to speak either in favour of or in opposition to the proposed rezoning. Hearing none, the following motion was placed.

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

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

1. **Approve the development agreement as contained in Attachment "A" of the July 19, 2007 staff report, and,**
2. **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.**

**MOTION PUT AND PASSED.**

**8.3 Case 01050 - Amendment to Downtown Dartmouth LUB - Signage**

- A report dated August 23, 2007, on the above noted, was before Council.

Ms. Jennifer Chapman, Planner, presented the report to Council.

Councillor Smith called three times for those wishing to speak either in favour of or in opposition to the proposed rezoning. Hearing none, the following motion was placed.

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

**MOVED by Councillor McCluskey, seconded by Councillor Younger, that the Harbour East Community Council approve the proposed amendments to the Downtown Dartmouth Land Use By-law as shown in Attachment "A" of the August 23, 2007 staff report to deal with non-pedestrian oriented signage. MOTION PUT AND PASSED.**

**8.4 Case 00992 - Rezoning - 381 Portland Street, Dartmouth**

- A report dated August 27, 2007, on the above noted, was before Council.

Following the staff presentation, the applicant noted what was being presented was not as requested.

**MOVED by Councillor Karsten, seconded by Councillor Younger, that the public hearing on this matter be deferred to the November 1, 2007.**

In response to a concern by Councillor Younger that the wrong information may have been provided at the public information meeting, Mr. Lane advised he would contact all the attendees and notify them to clarify what is being presented.

Councillor Karsten requested staff ensure the notice of the public hearing was accurate and make the determination whether a new ad should be placed prior to the November meeting.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**10. REPORTS**

**10.1 Case 01022 - Accessory Building Heights**

- A report dated September 11, 2007, on the above noted, was before Council.

**MOVED by Councillor Younger, seconded by Councillor McInroy, that the Harbour East Community Council give first reading to the proposed amendments to the Land Use By-Law for Planning Districts 14 and 17 as provided in Attachment "A" of the September 11, 2007 staff report in addition to adding the same restrictions to the R-1B zone and schedule a joint public hearing. MOTION PUT AND PASSED.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS - NONE**

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

No speakers.

**15. NEXT MEETING**

The next meeting is scheduled for November 1, 2007.

**16. ADJOURNMENT**

The meeting was adjourned at 7:30 p.m.

Julia Horncastle  
Legislative Assistant