

HARBOUR EAST COMMUNITY COUNCIL
MARCH 4, 1999
MINUTES

PRESENT: Councillor Bruce Hetherington, Chair
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Jack Greenough
Councillor Condo Sarto
Councillor Clint Schofield
Councillor John Cunningham

STAFF: Mr. Barry Allen, Municipal Solicitor
Mr. Stephen Feist, Planner
Ms. Susan Corser, Planner
Mr. Austin French, Regional Coordinator, Planning Services
Ms. Donna Davis-Lohnes, General Manager, Planning Services
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

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

2. APPROVAL OF MINUTES

MOVED by Councillors Greenough and Sarto that the minutes of February 4, 1999 be approved as circulated. MOTION PUT AND PASSED.

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

Additions

- 12.1 Ratification of In Camera decision
- 12.2 Petition - Residents of Shore Road, Eastern Passage
- 12.3 Frontage Charges Hampton Green - Councillor McInroy

Deletions

The Assistant Municipal Clerk requested item 7 (iii) - Harbour East Commercial Policy Review - Status Report be deferred to a future meeting.

Councillor Cunningham requested item 10.1.1 - Museum Location be deleted.

MOVED by Councillors Greenough and Sarto that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Harbour East Commercial Policy Review

The following reports were circulated on the above noted:

- C Harbour East Planning Advisory Committee Report
- C Harbour East Commercial Policy Review (Short Term Program - Cole Harbour Road and Caldwell Road)
- C Harbour East Commercial Policy Review - Status Report
- C Supplementary Report - 00096 - Harbour East Commercial Policy Review (Phase 1A - Cole Harbour Road and Caldwell Road)
- C Dartmouth Lakes Advisory Committee Memorandum

Ms. Susan Corser, Planner, with the aid of overheads, presented the report to Community Council advising the reports deal with four requests for Policy and Land Use By-law amendments for Cole Harbour-Westphal to allow for new commercial development. She advised each of the four requests have been examined as part of the commercial review process in Harbour East and staff feels there is sufficient justification existing to forward the requests at this time.

Ms. Corser advised the reports outline why staff is of the opinion that certain policy and land use amendments are appropriate at this time and why certain changes that are being requested are not. She advised the four requests were: automotive repair at 1089 Cole Harbour Road, automotive display and sales at 1108 and 1110 Cole Harbour Road, a new Tim Horton's and Drive Through at 369 Caldwell Road and a neighbourhood commercial development at the intersection of Altholea Drive and Caldwell Road.

Ms. Corser outlined the reports stating staff is recommending that the existing C-2 zone (General Business Zone) along Cole Harbour Road be amended to allow automotive repair uses on an as-of-right basis. Under this proposal it would mean that automotive repair would be permitted at 1089 Cole Harbour Road as well as any other C-2 zoned parcel along Cole Harbour Road. In addition to recommending the automotive repair uses, staff is recommending that additional performance standards be added in the Land Use By-law to address buffering and screening, particularly from adjacent residential properties; require landscaping and require that automotive repair uses be enclosed fully within the building.

Ms. Corser advised for the car sales and display staff is not recommending in favour of amending the C-2 zone to permit this type of use on Cole Harbour Road. The policies in place in Cole Harbour at the present time clearly indicate a desire to locate regional type facilities such as automotive display and sales on highway #7. The intention of the Cole Harbour Road area is to service the local community and it is felt that automotive sales and display would not be in keeping with the overall intent of the commercial designation on Cole Harbour Road and are not recommending in favour of that particular use.

She advised the Tim Horton's proposal at 369 Caldwell is for the smallest model of coffee shop (1150 square feet) with seating for approximately 24 customers and a drive through

window component. The proposed amendments in the staff report recommend amending the existing C-1 to broaden the range of commercial uses permitted in the C-1 specifically on the three commercial properties on Caldwell Road. All C-1 properties were studied but it was determined it would not be appropriate for an expanded range of uses primarily based on the increased traffic that could potentially be generated on local streets in the middle of residential areas. The coffee shop would be a permitted use under the proposed amendments. She advised enhancement standards to the Land Use By-law were being proposed to primarily address signage and parking.

The neighbourhood commercial development that Oknah is proposing has asked for consideration of approximately 10 - 12,000 square feet, a small mall which would contain a variety of shops and services designed to serve the local community. She advised staff is not recommending in favour of that at this time.

She advised the recommendations would be:

- C amending the planning strategy and land use by-law for Cole Harbour/Westphal by adding automotive repair uses as a permitted use in the C-2 (general business) zone
- C expanding the range of commercial uses permitted in the C-1 (local business) zone on three properties located on Caldwell Road which are identified as 363, 369 and 404 Caldwell Road
- C by enhancing the performance standards within both the C-1 and C-2 zones
- C not approve the amendments to the planning strategy and land use by-law to allow automotive sales and display in a C-2 zone.

In response to Councillor Sarto, Community Council was advised the properties surrounding 1089 Cole Harbour Road are zoned R-1, the parcels to the west are zoned C-2 and the Eisner property is zoned C-1. On further question Ms. Corser advised the subject property and the two adjacent properties are vacant.

On further question, Ms. Corser clarified that notices were placed in the newspapers and posted in high profile locations throughout the community.

Councillor Cooper noted a number of recommendations regarding the C-1 off major collectors were suggested at the PAC meeting and questioned if these were included in this recommendation. In response, Ms. Corser advised they were addressed in the supplementary report which recommends amending the amendments for the land use by-law to specifically identify the properties on Caldwell Road that would be eligible for the broader range of C-1 uses. By doing that the existing C-1 parcels on Arklow, Altholea, Auburn and Circassion are not being included - it would be status quo for those four.

In response to Councillor Cooper, Ms. Corser clarified that community commercial is the designation which applies on Cole Harbour Road. Ms. Corser advised the intention was to look at the whole issue of architectural design controls and site design in more detail through the continued review.

MOVED by Councillors Cooper and McInroy that the recommendations be forwarded to Regional Council for approval.

Councillor Greenough expressed concerns that an autobody shop may be permitted and questioned whether the public would have been aware of this. He stated he has no objection of the application going forward to Regional Council but indicated he had concerns that the neighbourhood may not have been familiar with the possibility that this particular site could have an autobody repair shop. The Councillor suggested clarification be sought on this aspect of the proposal.

Ms. Corser clarified that the definition of auto repair has been in the plan since 1993.

Councillor Greenough asked if the autobody repair component could be excluded from this application placing a safe guard against this type of development taking place.

In response, Ms. Corser advised the way the policy is written in setting up the C-2 zone it talks about providing a full range of commercial services for the community. She advised through the land use by-law it can be more specific in terms of what type of site design controls etc. there are. She advised specific uses can all be addressed by the land use by-law. Ms. Corser advised under the existing C-2 zone service stations are permitted and automotive repair, in conjunction with a service station, is a permitted use at the present time. She noted a free standing automotive repair use was not permitted.

With the agreement of mover and seconder the motion was withdrawn and the following motion placed:

MOVED by Councillors Cooper and McInroy that the recommendations be deferred to the April 8, 1999 meeting to allow time for clarification of the uses permitted under the zoning. MOTION PUT AND PASSED.

8. PUBLIC HEARINGS

8.1 Case 00018 - Proposed Rezoning and Development Agreement for Banook Shores Development on Prince Albert Road, Dartmouth

C A staff report dated February 8, 1999 on the above noted was before the Community Council for consideration.

- C Copies of correspondence from Ivan C. Currie, D and R Dreimanis, Floyd and Heather Jackson and Victoria Grant was circulated to the Community Council.

Mr. Stephen Feist, Planner, with the aid of overheads, presented the staff report advising there were three parts to the application - a rezoning of the property, road closure of Rexdale Crescent and a development agreement. He advised the development adequately addresses the policies of the Municipal Development Plan and therefore staff recommends both the rezoning and development agreement.

Councillor Cunningham clarified that a decision on the development agreement would not be made at this meeting rather, it would come forward at the April 8th meeting. He further clarified that this public hearing was for the whole application but there was an appeal period for the rezoning and the street closure had to be finalized.

On question from Councillor Cunningham, Mr. Feist advised that the rezoning to C-2 was to match the zoning of the existing property and clarified that there will be no development on the parcel of land currently zoned park. He reiterated that the development agreement will control what is built on this land.

On question from Councillor Cunningham, Mr. Feist clarified that the park area is the area between Rexdale and Prince Albert advising, this aspect was designed by HRM parkland planning and it was their desire to improve the existing situation and make it into a useful park so that there would be a view to Lake Banook. Mr. Feist indicated the park on the drawings and advised it will remain as park.

Councillor Cunningham referenced the proposed change of zoning of the two lots on Celtic from R-2 to R-3 in order to accommodate parking and clarified that this was required so that it has zoning that can be covered by the development agreement. He stated as R-2 the development agreement cannot include that portion of the land.

Councillor Cunningham reassured the residents that if this is rezoned R-3 it will be carved into the development agreement that those lots would be used only for parking purposes.

Councillor Cunningham questioned why the section of roadway from Sinclair to Glenwood would be designated a collector street and the remainder as a local street. The Councillor noted the report indicates the average weekday traffic counts are approximately 17,500 vehicles between Celtic and Sinclair and stated he would like to know how this would compare with other intersections in the city that are not as busy and those that are more busy.

Councillor McInroy noted lot coverage is 28% which exceeds the policy of 25%. In

response, Mr. Feist advised the R-3 zone limits it to 25%; however, in a development agreement all aspects of an R-3 zone can be waived to a certain degree. In this case the development agreement is being used to waive that 25%.

On question from Councillor McInroy, Mr. Feist advised the greater lot coverage allows for the height to be kept down as much as possible which would allow the developer to preserve many of the views of the residents on Benview and Cranston.

In response to Councillor Schofield, Mr. Feist advised the residents located at the back would lose thirty percent view of the shoreline noting, the near shoreline view would be lost completely.

Councillor Sarto clarified that the permitted uses under a C-2 zone that could be developed as of right on this site could be garages, bars, grocery stores, autobody shops as well as three storey office buildings. He advised the three storey limit is only for office buildings but stated a hotel could be erected on this site which would have no restriction on the number of stories.

On question from Councillor Cooper, Mr. Feist advised the development will cover the entire area including the proposed park. He stated through the development agreement the developer will be required to build the facilities on the HRM owned park area. On further question Mr. Feist confirmed that if at some point the development agreement is discharged, the property would revert back to the C-2 zoning.

On question from Councillor Greenough, Mr. Allen clarified that if the agreement were to be discharged there is no statutory requirement to hold a public hearing, that would be the choice of Council. If an agreement were discharged the land would revert to the original zoning.

Councillor Greenough questioned whether the existing C-2 zoning allows for high rise apartment construction. In response, Mr. Feist advised the C-2 zone does permit R-3 development which meant the developer could have asked to develop a high rise apartment on the site noting, it would have gone through the same development agreement process. It was further clarified that if an apartment high rise was requested it would have gone through the development agreement process but would not have required a rezoning.

Mr. Drew Sperry, architect, Innovative Properties Limited, addressed Community Council advising the intention was to construct the condominium address of choice in Dartmouth and they are going to exceptional lengths to design a building that is a high calibre project. He stated it is going to be a concrete frame building with wood siding and asphalt roof noting, the building will have turrets in the corners, terraces and other

amenities.

On question Mr. Allen clarified the reason no decision can be made with regards to the development agreement at this meeting is because the approval of a development agreement depends upon the zoning in place on the lot and, until that is firmed up, the foundation on which to make a final decision on the development agreement is not in place. The normal process is to hold a combined hearing on both the rezoning and the development agreement, make a decision on the rezoning and then the decision on the development agreement is held in abeyance until the rezoning becomes effective.

Mr. Sperry referenced the aspect of views and noted there are no view restrictions on this site except for office buildings which are restricted to three stories with the height of a storey not being defined. He advised this project was designed taking into consideration the views of the houses behind and a determination was made that a three storey height would only effect the view of only one third or one quarter of the way out into the lake. He stated they ensured that the primary views from those houses would always be protected and would look over a three storey piece. He stated they also ensured that the last third or fourth of the lake and the far shoreline could be seen over the four storey section. He advised they have conducted a survey and determined that the views are accurate.

Mr. Sperry referenced parking and advised they have decided to take the first two lots going up Celtic Drive and turn them into visitor parking for the complex. He stated in doing that area as visitor parking they have also agreed they will install a sidewalk along that portion of the west side of Celtic Drive down to Prince Albert Road. He indicated they gave up two residential lots in order to be able to accommodate on site parking for visitors. He noted the parking ratio is 1.6 spaces per unit and the requirement under the R-3 zone 1.25 spaces per unit. He stated they have agreed that at least 13 of the spaces on the surface will be assigned for visitor parking and they have arranged the entrance to the parking garage to be combined with the entrance to the parking lot off Celtic so that all traffic coming in and out of the project will be one place on Celtic and one place on Prince Albert Road.

Mr. Sperry referenced the traffic concerns and noted the road system is not part of the development agreement and therefore something over which the developer has no control. He advised they have agreed with HRM to install new curb and gutter all the way from where it stops just before Celtic Drive all the way along Prince Albert Road, turn the corner at Sinclair and go up to where the sidewalk presently stops. He stated they are also installing sidewalks and landscaping.

Mr. Sperry referenced the park space and noted that by taking the asphalt out of the REXDALE Crescent area they are increasing park space which they are making available to HRM. He referenced the lakefront park and advised there is 600 ft on the inland side

of Prince Albert Road which is presently vacant and this development will overlook that park and thus making it safer.

Mr. Sperry advised four of the eight units that are being added to the project will be in the west wing and will not affect the footprint of the building. He stated they have introduced one more unit in the length of phase two.

Councillor Cunningham stated a number of people have expressed concern that the view plains from their homes are going to be impacted by this development and queried how this was studied and addressed by the developer. In response Mr. Sperry advised they felt it was a reasonable expectation regardless of whether it is a legal requirement or not. He stated they felt the residents should not lose the majority of the view of the lake so in an arch of 90 degrees, out from the face of the building, they ensured they had a three storey piece. He stated they made sure that anything that went four stories was not in the residents primary view but in the secondary view. He indicated that even over the four storey the residents will still see a half to two thirds of the lake. The residents will always see the far shore. The one area they have not been able to respond to is the expectation that the views could be retained from a walkout basement level.

On question from Councillor Schofield, Mr. Sperry advised they are committed to building the first phase of this project, the west building, this year. If they find that there is demand that warrants both buildings being built at the same time, they will do them both together. Mr. Sperry noted they have 43 commitments on the first building advising, the way the development agreement is structured either one or both can be built.

Councillor Hetherington advised, for the record, letters had been received from the residents of 5 Cranston Avenue, 249 Prince Albert Road and 24 Celtic Drive opposing this development.

Speakers in Favour

Ms. Bea McGregor, Dartmouth Downtown Development Corporation, addressed the Community Council in support of the development. She advised that over the last year the downtown has gone through a very aggressive strategic municipal planning strategy for the area. In the last year there have been meetings during which review of waterfront development, business and residential development, safety, transportation, recreational issues and heritage development have taken place. She stated the two key priority areas that emerged through the downtown planning process were residential development and the need for that in the downtown area. She stated they believe the Banook Development Plan represents the type of quality development they would like see developed in the area and downtown. The downtown has an exceptionally low vacancy rate, 3%. She stated they are very pleased with the Banook Plan. She stated the Banook Plan supports the

community in that it supports the ferry service, local transportation routes, the residential and recreational trails. The Banook Shores development addresses some of the safety issues as it will no longer be an unused lot but rather a well lit vibrant residential area. She commended the Sperry's on their community involvement.

Mr. Roger O'Neil, 269 Prince Albert Road, stated living on the corner he has noticed over the last ten years that the pedestrian portion of the population is at far greater risk than the motorists. He stated some of the benefits, such as the sidewalk, are an improvement. He stated his concerns about what could be developed at this location outweighs the possibility of 62 new neighbours.

Mr. Bob Young, 2 Mount Royal Court, stated he felt this project would be an enhancement compared to what could be developed at this location. He commended the developer on the design and considerations given in the planning process.

Mr. Robbie Robertson, 15 Benview, stated he does not feel his view is obstructed by this project. He stated in his opinion this is a fantastic project, very attractive and it is a project that is needed. He stated that in considering all the other projects that could be at this location, the residents should be thankful that this is a developer who is thinking about his neighbours. He noted there could be an apartment building at this location which would block all views. He stated he believes the developer has done all he can to make this project blend into the area and minimize the impact on the views of the lake by the surrounding neighbourhood.

Mr. Clarence Spencer, Cranston Avenue, stated when you think of all the options available and what could be built at this location this by far is probably the best. He stated he may lose 100% view of the lake but nonetheless he can accept this because he does not see anything else negative about this project. He acknowledged from an environmental perspective this project is best. He stated he and his family support the project.

Ms. Helen Anstey, 76 Glenwood Avenue, stated she feels it is a well planned use of existing land and a very exciting addition to the neighbourhood.

Mr. David Trask, 27 Tremont, stated he feels this is a good project and congratulated the developer. He indicated this project is a great improvement over what has been there and what could be there.

Ms. Sandy Jolly, 30 Banook Woods, stated she feels this project is one that will be very viable for the city and stated she was in support. She congratulated the developer on the type of development being proposed.

Mr. Lewis MacKay, 44 Forest Road, spoke in support of the development and commended Mr. Sperry on the development.

Mr. Walter Warner, 267 Prince Albert Road, clarified that the portion of Rexdale Drive being closed off is the portion that is in front of the proposal, it would not be that portion of Rexdale Drive on the other side of Sinclair Street. He expressed concern with the portion of Rexdale that meets Sinclair Street and what will happen with the bad turn on Prince Albert Road. He stated he was in favour of the development but is concerned with traffic and how it is going to be addressed.

Mr. Wayne Hoffner, 20 Dorothea, stated he would like to reiterate what Bea McGregor had said in terms of what they see as the downtown and the real need for this kind of residential development in rejuvenating the downtown. He stated there are many potential uses for a property like this and to have this kind of development is something that is positive for the city and for the downtown, stating he is endorsing the proposal.

Speakers in Opposition

Mr. Ivan Currie, 5 Cranston, reading from prepared text, stated he and his wife have no objection to the proposed project but stated his property abuts the proposed development and expressed concern with possible erosion of the bank. He stated they wished to record their objection to the loss of their panoramic view of Lake Banook which will affect the resale value of their property.

Councillor Cunningham questioned whether measures have been taken with regards to Mr. Currie's erosion concerns. In response, Mr. Feist advised that one of the conditions in the development agreement is that the developer and any future owners of the property would be responsible for maintaining the slopes and if there were any problems, they would be responsible for remedial actions.

Mr. Peter Freeman, 1 Cranston Avenue, stated he was opposed to the scale of the development noting, the area is residential with two storey homes. He stated he would recommend similar style development as appropriate for this area. He noted his concern with site lines and as they live directly behind the development which may result in the loss of the view of the lake, walkway and the street.

Mr. Lionel Conrod, 17 Benview Drive, adjoining property owner to the proposed development stated he lives on the hill directly behind where the service station building once stood and stated they are one of the families that have the most to lose if this development plan is approved. He stated they will be losing their view of the lake and surrounding countryside, money on the resale value of their property and all the residents are losing because of the encroachment of such a large development on the shores of

Lake Banook. He advised he had obtained an appraisal of his property value before and after the development and the appraisals show a decrease of value of the property for an amount of \$30,500 or 16 2/3%. He stated it is his opinion that the property should have been rezoned to R-1 or parkland and retained for the enjoyment of the citizens and condo development should be encouraged for the downtown Dartmouth areas overlooking Halifax harbour.

Mr. Allan Murray, stated he is concerned with Rexdale Avenue and access to Prince Albert Road.

Ms. Shirley Matthews, 20 Benview Drive, stated she is not in favour of the project because of the loss of views and devaluation of the properties.

MOVED by Councillors Greenough and Sarto that the public hearing be closed. MOTION PUT AND PASSED.

Decision of Council

Councillor Cunningham clarified that the rezoning was being recommended this evening and the development agreement would come back at the next meeting for approval, after the appeal period had elapsed.

Councillor Hetherington clarified that the assumption is that if the rezoning is approved at this meeting then the development agreement would be approved at the next meeting without debate with no opportunity for further public input.

Councillor Schofield stated he felt it was a good plan while at the same time recognizing it will devalue the houses in back of the project.

Councillor Greenough stated in his opinion this is a good balance in what would be most achievable in protection of the basic neighbourhood as well as the highest and best use of this parcel of land.

MOVED by Councillors Greenough and McInroy that the Harbour East Community Council approve the rezoning of a parcel of land on Celtic Avenue from R-2 (Two Unit Residential Dwelling) zone to R-3 (Multiple Unit Residential) zone and a parcel of land at the corner of Prince Albert Road and Sinclair Street from P (Park) zone to C-2 (General Business) zone and P (Park) zone to R-1 (Single Unit Residential) zone as outlined on Map 1 attached to staff report dated February 8, 1999.

Councillor Cunningham reiterated that the rezoning has to go through the appeal process prior to the development agreement being approved. He stated there are many more uses

that could generate more noise, traffic and odours etc. that could be developed at this location. He stated many potential developments could be structures of inferior metal siding which could be unattractive and imposing. There is the possibility of high intensity lighting of a commercial establishment operating 24 hours per day would create serious nuisances of a different type. He stated these are very real possibilities that could seriously impact on the peaceful quality of life that is now enjoyed by the homeowners in the area. He stated there is no question that several of the homes will be negatively impacted by the new construction and he shares this concern but feels this development is much better than any alternative developments that could be built on this land as of right. He stated he felt this development will beautify the streetscape and enhance the existing neighbourhood by removing what has been a busy commercial area for a long time with car dealerships, autobody repair shops, service bays, gasoline station and an automotive paint shop. He stated this development will bring stability to the neighbourhood by blocking the possible obnoxious uses.

Councillor Schofield asked if it is proven that there is loss of value of the properties, and because there is no by-law in effect with regards to loss of view plane, would the Municipality be liable. In response, Mr. Allen advised that zoning rebalances the values of properties and there is no liability for diminishing the value of one property through a rezoning. On further question, Mr. Allen stated the residents would not have a case against the developer for loss of view plane.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00072 - Amendment to the CDD Agreement for Colby Village Mall, Cole Harbour Road

C A staff report dated February 9, 1999 on the above noted was before the Community Council for consideration.

Mr. Stephen Feist, Planner, with the aid of overheads, presented the staff report advising staff is recommending the amendment to the development agreement to allow for the bank kiosk to be located at this point.

In response to Councillor McInroy, Mr. Feist advised that generally the portion of the parking lot where the kiosk will be located is rarely used.

Councillor Sarto received clarification on the direction of traffic accessing the kiosk.

Speakers in Favour

No speakers.

Speakers in Opposition

No speakers.

**MOVED by Councillors Sarto and Schofield that the public hearing be closed.
MOTION PUT AND PASSED.**

Decision of Council

MOVED by Councillors McInroy and Greenough that the amendment to the existing CDD agreement for Colby Village Mall to permit a drive through bank kiosk, Attachment 1 of the staff report dated January 28, 1999, be approved. Further, require the development agreement be signed within 120 days, or any extension thereof granted by Council on the 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.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Delegations

9.1.1 Cole Harbour Heritage Farm - Ms. Elizabeth Corser

C A copy of Ms. Corsers presentation was circulated to members of the Community Council.

Ms. Elizabeth Corser, Cole Harbour Rural Heritage Society, with the aid of slides outlined the work and function of the Society.

Councillor Cooper thanked Ms. Corser for her presentation and suggested Community Council start to take a more active role in trying to assist the society to find and maintain its place in HRM.

Councillor McInroy commended Ms. Corser on her presentation.

9.2 Petitions

10. REPORTS

10.1 Members of Council

10.1.1 Museum Location - Councillor Cunningham

This item had been deleted under the approval of the Order of Business at the request of Councillor Cunningham.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Ratification of In Camera Recommendation

MOVED by Councillors McInroy and Schofield that the Community Council ratify the appointment of Eric Whebby, Virginia Bonn, Mike Willett, C. Rossi-Brown, Vernon Krause, (Land Owners); Douglas Hunt, (Portland Estates Residents Association); Edward Mroz, (Portland Estates Resident); Phil Elliott, Nateleen Zinck, (Residents at Large); Joseph Mason, (Innishowen Residents Association); Dennis Richards, (Innishowen Resident); Dr. Hugh Millward (Dartmouth Lakes Advisory Board) to the Public Participation Committee for the Morris-Russell Lake Master Development Plan. MOTION PUT AND PASSED.

12.2 Petition - Residents of Shore Road, Eastern Passage

C A copy of petition containing five signatures was before Community Council for consideration.

MOVED by councillors McInroy requested the petition be received and referred to staff. Further the December 3, 1998 submission regarding shoreline erosion be also included.

12.3 Frontage Charge, Hampton Green - Councillor McInroy

Councillor McInroy stated that a report had come to Community Council in April, 1998 to which had been appended a letter he had written to staff asking for the Hampton Green upgrade project to be cost shared on an area rate basis as opposed to frontage charges. He stated that in 1998 the project was split into two construction seasons for budget purposes and proceeded with the first phase in 1998 which was Hampton Green from Caldwell Road east to Hannebury Drive. This year, 1999, they want to proceed with and award the tender from Hannebury Drive to Colby Drive intersection. There were a couple of mistakes in the January letter that was sent to the property owners the second phase. He stated there was reference made to concrete sidewalk and advised there is no concrete sidewalk being put in there and it was not a concrete sidewalk in phase 1. The existing asphalt one is fine for the whole length of the street. He stated this has been clarified with staff and further the area rate application for cost sharing as opposed to frontage charges

have also been clarified.

MOVED by Councillors McInroy and Cooper that Phase II of the Hampton Green upgrade project be cost shared on an area rate basis as opposed to frontage charges. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

Councillor Cooper served notice of motion that at the next regular meeting of the Harbour East Community Council I intend to move a motion that the frontage charges with respect to Gregory Drive, Bissett Drive, Auburn Drive, and Flying Cloud Drive will be carried under area rate versus the present 50/50 split between the residents and the area rate.

14. PUBLIC PARTICIPATION

15. ITEMS FOR THE NEXT AGENDA

Councillor Hetherington reminded the Councillors that their capital budget projects was due for the April meeting to be approved and forwarded to Regional Council.

16. NEXT MEETING

The next meeting is scheduled for Thursday, April 8, 1999 at 7:00 p.m.

17. ADJOURNMENT

MOVED by Councillors Greenough and Sarto that the meeting be adjourned at 10:50 p.m. MOTION PUT AND PASSED.

**Julia Horncastle
ASSISTANT MUNICIPAL CLERK**