

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
OCTOBER 4, 2001

PRESENT: Councillor Bruce Hetherington, Chair
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Condo Sarto
Councillor Jim Smith
Councillor John Cunningham

REGRETS: Councillor Brian Warshick

STAFF: Mr. Barry Allen, Municipal Solicitor
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. **INVOCATION**

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

2. **APPROVAL OF MINUTES**

MOVED by Councillor Sarto, seconded by Councillor McInroy, that the minutes of July 16, (Joint HECC and MDVCC), September 6, (regular session) and September 18 (special session), 2001 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

1. Presentation by Mr. David Quinlan owner of 1 Pine Street, Dartmouth to be addressed as agenda item #9.2
2. Councillor Cunningham requested a review of the status sheet be added to the agenda to be addressed as agenda item #12.1

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

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **PUBLIC HEARINGS**

8.1 **Case 00387 - Application by the Dartmouth Family Resource Centre to rezone property at 105 Pinecrest Drive, Dartmouth, from R-3 (Multiple Family Residential) zone to S (Institutional) and R-3 (Multiple Family Residential) zone**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development

Services, dated September 12, 2001, on the above noted, was before Community Council.

Ms. Susan Corser, Planner, with the aid of overheads, presented the staff report.

In response to a question from Councillor Sarto as to whether there will be any restrictions attached to the dual zone, Ms. Corser advised that Council cannot legally apply conditions to the rezoning. She noted the Centre offered to provide a letter of intent indicating that should they move they would apply to rezone the property back to the original zoning.

In response to Councillor Sarto, Ms. Corser confirmed that the same public hearing process would have to be followed to put the property back to it's original zoning.

In response to Councillor Smith regarding what would happen if the Family Resource Centre ceases to function and the property is sold, Ms. Corser advised that once the property is zoned for institutional any use permitted in the institutional zone would be permitted providing they met the requirements of the Land Use By-law. On further question, Ms. Corser confirmed that it would be on an "as of right" basis and would not require community input.

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

Mr. Jerry Pye, MLA

Mr. Pye advised he was not speaking against the proposal but has concerns with the institutional zoning being placed on the property. He stated the move of the Resource Centre to the location will enhance that part of the community. He stated he is pleased that the Resource Centre is willing to put a letter of intent forward regarding putting forward an application to have the property rezoned to its original zoning should they cease to function at this location. He expressed concern with what other applications may come forward for other properties in the area if this application was approved. He stated he wanted to make Council aware that once this property is zoned institutional, planning would have no option but to state that any future application for a similar facility would be consistent with adjacent uses.

Ms. Jean Hughes

Ms. Jean Hughes, Chair, Dartmouth Family Resource Centre, stated they are putting services into the community where many of the people they serve live.

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

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

MOVED by Councillor Smith, seconded by Councillor McInroy, that the Harbour East Community Council approve the proposed rezoning of 105 Pinecrest Drive, Dartmouth, from R-3 (Multiple Family Residential) Zone to S (Institutional) and R-3 (Multiple Family Residential) Zone, as shown on Map I of the staff report dated September 12, 2001.

Councillor Smith stated this is a positive for the community but there is also concern that this may be precedent setting.

Councillor Cunningham stated he was in support of the rezoning and noted that Community Council has to address the present issue and not what may happen in the future.

Councillor Sarto noted the building is currently vacant and boarded up. He stated he feels this will be an asset to the community as the Resource Centre provides services to both adults and children.

Councillor McInroy spoke in favour of the rezoning stating he feels it is a good move and will be of benefit to the community.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00319 - Amendments to Land Use By-Laws for Dartmouth and Downtown Dartmouth concerning Commercial Vehicles parked in residential zones

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated September 13, 2001, on the above noted, was before Community Council.
- Correspondence from H. Scott MacDonald, 53 Swanton Drive, Dartmouth, on the above noted, was circulated to Community Council.

Ms. Maria Jacobs, Planning Technician, with the aid of overheads, presented the staff report.

In response to Councillor Hetherington regarding multi unit apartment buildings that are zoned residential or a duplex on two separate lots, Ms. Jacobs advised an apartment building would be classified as one property and an duplex as two separate properties.

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

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

MOVED by Councillor Cunningham, seconded by Councillor McInroy, that the Harbour East Community Council approve the amendments to the Land Use By-Laws for Dartmouth and Downtown Dartmouth as per Attachment I and II of the staff report dated September 13, 2001, to address concerns regarding the parking of commercial vehicles within residential zones. MOTION PUT AND PASSED UNANIMOUSLY.

9.1 CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1.1 Petitions - None

9.2 Presentation

9.2.1 Mr. David Quinlan owner of 1 Pine Street, Dartmouth

Mr. Quinlan made a presentation to Council regarding the operation of his business on 1 Pine Street, Dartmouth. He expressed concern that his business had been relocated as a result of HRM's dismantling of the Starr Manufacturing property and surrounding buildings and, as a result of that relocation, he was unable to continue with his previous business operations resulting in a loss of livelihood. He provided each member of the Community Council with a report outlining the history of the relocation and subsequent hardships experienced.

10. REPORTS

10.1 Case 00390 - Application by Pineview Properties Limited to enter into a development agreement to permit a four storey, 44 unit condominium at 109 Ochterloney Street

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Serviced, dated September 21, 2001, on the above noted, was before Community Council.

MOVED by Councillor Cunningham, seconded by Councillor McInroy, that the Harbour East Community Council move Notice of Motion to consider the application

by Pineview Properties Limited to enter into a development agreement to permit a four storey, 44 unit condominium at 109 Ochterloney Street, and set a public hearing for November 1, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case 00359 - Establishment of setback requirements within Dartmouth's Land Use By-Law for front, side, and rear yards

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated September 27, 2001, on the above noted, was before Council.

MOVED by Councillor Sarto, seconded by Councillor McInroy, that the Harbour East Community Council move First Reading of the proposed amendments and schedule a public hearing for November 1, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Human Resources Development Canada - Regional Trail Funding

- An Information report from Karen MacTavish, Director of Parks and Recreation Services, dated September 27, 2001, on the above noted, was before Community Council.

MOVED by Councillor McInroy, seconded by Councillor Cooper, to receive and file the report. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Presentation by Mr. David Quinlan owner of 1 Pine Street, Dartmouth

This issue was addressed as agenda item #9.2 (see page 7).

12.2 Status Sheet - Councillor Cunningham

Members of Community Council reviewed the status sheet and advised of issues that had been addressed.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Public Participation held. No speakers.

15. NEXT MEETING

The next meeting is scheduled for Thursday, November 1, 2001 at 7:00 p.m.

16. ADJOURNMENT

MOVED by Councillor McInroy, seconded by Councillor Smith, that the meeting be adjourned at 8:20 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Julia Horncastle
Assistant Municipal Clerk**