

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
SEPTEMBER 5, 2002

PRESENT: Councillor John Cunningham, Chair
Councillor Harry McInroy
Councillor Brian Warshick
Councillor Condo Sarto
Councillor Bruce Hetherington
Councillor Jim Smith

REGRETS: Councillor Ron Cooper

STAFF: Ms. Julia Horncastle, Assistant Municipal Clerk

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the minutes of June 6 (Regular Session), July 16 (Special Session) and August 20 (Special Session), 2002, be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Councillor Smith

- (i) Federal Electoral Boundaries Commission proposal for creation of new ridings in HRM
- (ii) Update - Status Sheet Item re: Powers of Community Councils (March 1, 2001)

12.2 Motion of Rescission - to rescind motion of July 6, 2002 to give first reading and set public hearing date for September 3, 2002 re Case 00473 - Application by Pinnacle Homes Limited to amend their development agreement for Evergreen Village, 506 Portland Street

MOVED by Councillor Smith, seconded by Councillor Sarto, 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 00429 - Housekeeping Amendments to Downtown Dartmouth Land Use By-Law

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated August 9, 2002, on the above noted, was before Community Council.

Mr. Mitch Dickey, Planner, with the aid of overheads, presented the staff report outlining the proposed amendments to the plan which are needed to correct omissions, clarify definitions and confusing clauses, and refine requirements for parking, landscaping and architecture.

Referencing page 5, Councillor Sarto sought clarification of clause 18. In response, Mr. Dickey advised that this would apply within neighbourhood zones where someone may want to put an additional building on a single lot.

In response to Councillor Sarto regarding page 4, 2(ha), Mr. Dickey advised there are still a couple of car repair uses in Downtown Dartmouth, one is a non-conforming use and the other has portions which are non-conforming. On further question, Mr. Dickey advised that there are usually four or five houses in one cluster in a townhouse development.

Councillor Cunningham noted car oriented uses do not mention spray painting. Mr. Dickey advised that auto body would read to include spray painting. Community Council agreed that spray painting or sand blasting would be included.

In response to Councillor Cunningham regarding the amendments relative to signs, Mr. Dickey advised the standards that were adopted were too restrictive and the amendments provide a more reasonable opportunity for businesses to advertise. Councillor Cunningham advised he had received correspondence from a number of residents expressing concern with the amendments relative to townhouse development. Mr. Dickey advised the wording "that townhouse dwelling lot would be 1800 sq. ft. per dwelling unit" could be added to the amendments.

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

Mr. Fred Evans

Mr. Fred Evans, 62 Wentworth Street, expressed concern with the potential for development of townhouse units on a large building lot and stated townhouse development should not be permitted in any area other than those zoned specifically for townhouse development.

Ms. D. Sullivan-Frazer

Ms. Sullivan-Frazer, Dartmouth Cove Residents Association, expressed her objection to

the addition of items 26 and 27 regarding seaplane-related uses and helicopter tour operations as both activities are very noisy and the sound affects a large number of residents. She advised the Noise By-law does not effectively curb these noises as they occur on evenings and weekends when the By-Law officers are not on duty and noise related issues are a low priority for police. In response, Mr. Dickey advised that seaplane and helicopter uses are outside HRM jurisdiction and are regulated by the federal government.

Ms. Sullivan-Frazer suggested item 28 be amended to read "Boat and small craft construction **"in"** rather than "on".

Ms. Howard

Ms. Howard, Wentworth Street, expressed concern with the potential for townhouse development. In response, Mr. Dickey advised there are specific requirements for design to make such development as compatible as possible with the local area.

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

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

DECISION OF COUNCIL

MOVED by Councillor Sarto, seconded by Councillor Warshick, that Harbour East Community Council approve the proposed amendments to the Land Use By-law for Downtown Dartmouth as shown in Attachment 1 of the staff report dated August 9, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00480 - Rezoning Application - 211 Main Street, Dartmouth

- A report prepared for Mr. Paul Dunphy Dunphy, Director of Planning and Development Services, dated August 9, 2002, on the above noted, was before Community Council.

Mr. Mitch Dickey, Planner, with the aid of overheads, presented the staff report. He advised there is no new development proposed and traffic services have reviewed the application and do not have any concerns with the proposal.

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

Mr. Bryce Morrison

Mr. Bryce Morrison, adjacent property owner, received clarification that there would be no additional parking spaces developed. He expressed concern with increased traffic as a result of the proposed use as well as other types of businesses that may be permitted on this property if the karate club does not use it after it is rezoned.

An adjacent property owner expressed concern that traffic patterns may change and result in a safety issue for children in the area. He also expressed concern with potential problems for the access-a-bus users in the area.

Mr. Bob Quigley

Mr. Bob Quigley, spoke in support of the rezoning stating this would be a positive for the area. With regards to the proposed use, he noted most of the students of the karate club are dropped off and picked up which should not impact negatively on traffic in the area.

Rev. Michael Blume

Rev. Michael Blume, spoke in favour of the rezoning and advised there is an agreement "in principle" with the karate school.

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

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

DECISION OF COUNCIL

MOVED by Councillor Warshick, seconded by Councillor Sarto, that the Harbour East Community Council approve the rezoning of 211 Main St., Dartmouth, from R-1 (Single Family Residential) zone to S (Institutional) zone, as shown on Map 1 of the staff report dated August 9, 2002.

Councillor Warshick requested Traffic Services be contacted with a request that the timing of the left hand turning lane at Caledonia be increased and Transit Services be requested to examine the sighting of the stop on Raymor Drive with the possibility of moving it up a few houses.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Delegations - None

10. REPORTS

10.1 Case 00483 - Self Support Communications Tower, Highway 107 and Main Street

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated August 22, 2002, on the above noted, was before Community Council.

MOVED by Councillor Warshick, seconded by Councillor Hetherington, that Harbour East Community Council forward a positive recommendation to Industry Canada supporting the proposal by Aliant Telecom Mobility to erect a 61 meter (200 ft) self support communication tower and equipment shelter on the lands of the Halifax Regional Water Commission, Highway No. 107 and Main Street, as illustrated on Map 1 of the staff report dated August 22, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Smith

12.1 (i) Federal Electoral Boundaries Commission proposal for creation of new ridings in HRM

Councillor Smith advised the proposed new ridings split District 9 in half and placed the following motion.

MOVED by Councillor Smith, seconded by Councillor Warshick, that the Harbour East Community Council send a letter requesting District 9 not be split in half by the new federal riding.

A number of Councillors expressed concern and suggested Community Council not intervene.

MOTION DEFEATED.

12.1 (ii) Update - Status Sheet Item re: Powers of Community Councils (March 1, 2002)

Councillor Smith advised an information report had come forward to Community Council from Barry Allen, Manager, Legal Services, on the above noted and a request had been forwarded to the CAO and Deputy CAO's regarding the delegation of additional duties and powers to Community Council's. The Councillor noted no report has been received to date and placed the following motion.

MOVED by Councillor Smith, seconded by Councillor Hetherington that a report be requested regarding additional duties and responsibilities that may be delegated to Community Council's. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Motion of Rescission - To rescind motion of July 6, 2002 to give first reading and set a public hearing date for September 5, 2002 re Case 00473 - Application by Pinnacle Homes Limited to amend their development agreement for Evergreen Village, 506 Portland Street

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Community Council rescind the motion giving first reading and setting the public hearing for September 5, 2002. Further, staff be requested to bring forward the new proposal as soon as possible to enable the public hearing to go forward at the October 3, 2002 meeting. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Councillor Cunningham advised Mr. Coles, Dartmouth, that his concerns regarding the sidewalks on Ochterloney and Edward Streets in Dartmouth has been forwarded to appropriate staff for action. The Councillor advised he had sent a letter to Mr. Rick Paynter and would follow up with Mr. Coles.

Mr. Frank Carmichael, Central Dartmouth Neighbourhood Residents Association, received confirmation that there would be non voting representation from the various community groups on the Capital District East Business Commission.

Councillor Warshick requested staff be requested to provide an update on the situation relative to cost sharing between HRM and the HRSB of a speaker system in the former Dartmouth City Hall.

Councillor Warshick requested the Police Commission be requested to provide an update on the status of the Pawn Shop By-law.

Councillor Warshick requested Parks and Recreation Services be requested to provide and update on the acquisition of the Avenue du Portage land for use as a soccer field.

15. NEXT MEETING

The next meeting is scheduled for Thursday, October 3, 2002.

16. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Julia Horncastle
Assistant Municipal Clerk