

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
March 6, 2003

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

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

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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 Sarto, seconded by Deputy Mayor McInroy, that the minutes of February 6, 2003 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Cooper, seconded by Councillor Sarto, that the minutes of February 13, 2003 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Deputy Mayor McInroy, seconded by Councillor Warshick, that the minutes of February 18, 2003 be approved.

Councillor Cunningham expressed concern that a report regarding the Rezoning Application, Woodland Avenue, Dartmouth had not been addressed at that meeting resulting in a one month delaying in the approval and start up of the project.

MOTION PUT AND PASSED.

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

3.1 Request to Speak - Mr. John Ross re proposed development Lake Banook area

MOVED by Councillor Cunningham, seconded by Councillor Warshick, that Mr. John Ross be permitted to address Community Council under presentations. MOTION PUT AND PASSED.

3.2 Request to Speak - Mr. Guy Eastabrooks re Wright's Cove area

MOVED by Councillor Smith, seconded by Councillor Cunningham, the Mr. Guy Eastabrooks be permitted to address Community Council prior to item 7.1. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Cunningham added correspondence from Hardman Group to the agenda (item 12.1)

MOVED by Councillor Sarto, 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

4.1 STATUS SHEET ITEMS

4.1.1 Rogers AT&T Tower in Eastern Passage

Deputy Mayor McInroy requested this item be removed from the status sheet.

4.1.2 Dartmouth United Soccer

This item to be addressed during budget deliberations at Regional Council. To be removed from status sheet.

4.1.3 Powers of Community Council

No information received. To remain on status sheet.

4.1.4 Subdivision of Lot 41 Ritcey Crescent

No information received. To remain on status sheet.

4.1.5 Case 00243 - Woodland Avenue East Planning Process and Traffic Study

A report to Regional Council on December 17, 2002 addressed this issue. Item to be removed from status sheet.

4.1.6 Presentation - Concerned Parents of Collins Grove

No information received. To remain on status sheet.

4.1.7 Shubenacadie Park Funding

This item to be addressed during budget deliberations at Regional Council. To be removed from status sheet.

4.1.8 Servicing Plan for Ball and Sports Fields in the HECC area

No information received. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 0015: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated November 14, 2002, on the above noted, was before Community Council.

Mr. Guy Estabrooks, 15 Cove Lane, addressed Community Council regarding the rezoning of properties on Greenbank Court, Cove Lane and Basinview Drive to R-1. He advised the existing land use for this area is already residential and many of the homes on these streets have been there since the early 1900's. He stated he is not looking for an expansion of the residential area but to see the houses on these streets zoned R-1.

Mr. Kurt Pyle, Planner, with the aid of overheads, presented the staff report.

In response to Councillor Cooper, Mr. Pyle advised that it is possible, under the Dartmouth plan, to apply dual zoning to these properties.

In response to Councillor Warshick, Mr. Pyle advised that changing the zoning would not require the municipality to extend services to the area. If it becomes a residential area though future growth, the idea of services is not unheard of.

Councillor Smith noted that the residents don't have all the benefits of an R-1 zone yet no commercial or industrial development has taken place in the area. He noted there are many residents in the Bedford community as well as many businesses in Burnside who are as near or nearer to Magazine Hill than these Wright's Cove residents. The Councillor noted these residents are not after additional services. He noted Municipal Planning Strategies and Land Use By-laws are changed and modified in reaction to changing times and changing conditions. He reiterated no development has taken place in this area in the last fifty years and none is contemplated in the future.

In response to Councillor Cooper, Mr. Donovan advised that dual zoning is problematic because if a person can do either residential or industrial on their property then their neighbour would have some concern if that property was sold. He suggested Community

Council recommend one zone in order to minimize this. He suggested Community Council recommend to Regional Council that they proceed on the basis of the H or R-1 then staff would prepare that package of amendments, bring it forward to Council so that the public hearing could be held on that package.

MOVED by Councillor Smith, seconded by Councillor Cooper, that this be referred to Regional Council with a recommendation for a Holding zone. MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARING

8.1 Case 00541: Housekeeping Amendments, Downtown Dartmouth

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated February 10, 2003, on the above noted, was before Community Council.

Mr. Mitch Dickey, Planner, with the aid of overheads, presented the staff report noting that on page 5 under item B the word "used" should not be there as it refers to books.

In response to Councillor Cooper as to whether there was something to protect a certain amount of walkway for residents on the sidewalk and why there is no provision to guarantee sidewalk clearance for wheelchairs, Mr. Dickey advised there is the ability for the streets inspector to make the final decision even if the land use by-law permits it.

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

Mr. Phil Brown

Mr. Phil Brown, 11 Harvey Street, Central Dartmouth Neighbourhood Association, spoke in favour of the amendments and limiting the uses on outdoor display. He advised the Association is in favour of the improvements to the MPS.

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

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

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that the 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 February 10, 2003.

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Cooper that the motion be amended to insert following the words in section (b) “and including but not limited to small new household personal items”

Motion lost, no seconder.

MAIN MOTION PUT AND PASSED.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Presentation

9.2.1 Canadian Canoe Association

Mr. Denis Rodgers and Mr. Kim Cochrane made a presentation to Community Council regarding the protecting the integrity of the Lake Banook Race Course from future developments.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Councillor Cunningham - Wilderness Park

Councillor Cunningham noted there are pigeons at Sullivans Pond and around the apartment building and senior complex. He advised this problem is the result of people feeding the ducks and attracting these birds.

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that a staff report be requested on how this problem can be addressed. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Cunningham noted the Wilderness Park at the Dartmouth Common has been

allowed to become overgrown. The Councillor stated it is unsafe, unlit and both schools in the area have expressed concern.

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that a staff report be requested for the April 3, 2003 meeting from the Community Response Group, Parks and Recreation and Police Services. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case 00515: Rezoning Application - Woodland Avenue, Dartmouth

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated February 7, 2003 on the above noted, was before Community Council.

MOVED by Councillor Smith, seconded by Councillor Cunningham, that Harbour East Community Council give first reading to the proposed rezoning and schedule a public hearing for April 3, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Case 00557: Application by Clayton Developments to amend the Development Agreement for Portland Hills

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated February 27, 2003, on the above noted, was before Community Council.

Ms. Jill Justason, Planner, with the aid of overheads, presented the staff report.

MOVED by Councillor Sarto, seconded by Councillor Cunningham, that the Harbour East Community Council:

- 1. Approve, by Resolution, the non-substantial amendment to the Portland Hills Development Agreement as shown in Attachment 1 of the staff report dated February 27, 2003 to permit a condominium townhouse development on Lot PH900.**
- 2. Require the Amending 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 approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Hetherington expressed concern with the traffic in Portland Hills area advising drivers are coming up Portland Street and turning into Alpine Drive even though it has been changed into a right turn only out of Alpine and requested staff note this concern as part of the whole process.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Cunningham - Hardman Group

Councillor Cunningham advised the Capital District East Business Commission had received a letter from the Hardman Group advising they will be building a parking garage behind the Royal Bank building in Downtown Dartmouth.

Mr. Mitch Dickey advised the Hardman Group is planning to build a two level parking garage behind the Royal Bank building which will provide eighty spaces and they have come forward with an enquiry as to whether HRM would be interested in cost sharing.

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that the correspondence be forwarded to the Chief Administrative Officer and the Capital District for a report. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Gerald Marshall and Mr. Ron Parker addressed Community Council advising the area off Atholea Drive is not within the service boundary and stated they would like to have consideration of the service boundary being extended to this area.

15. NEXT MEETING

The next meeting is scheduled for Thursday, April 3, 2003.

16. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Julia Horncastle
Legislative Assistant