

HARBOUR EAST COMMUNITY COUNCIL

MINUTES

December 04, 2008

PRESENT: Councillor Andrew Younger, Chair  
Councillor Gloria McCluskey, Vice - Chair  
Councillor Bill Karsten  
Councillor Jim Smith  
Councillor Lorelei Nicoll  
Councillor Jackie Barkhouse

STAFF: Ms. Roxanne MacLaurin, Solicitor  
Ms. Julia Horncastle, acting Municipal Clerk  
Ms. Sandra T. Riley, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 6:07p.m.

**2. APPROVAL OF MINUTES - November 06, 2008**

**MOVED BY Councillor McCluskey , seconded by Councillor Karsten, that the minutes of November 06, 2008, be approved. MOTION PUT AND PASSED**

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

Additions

12.1 Consideration of Street Name (Mr. Jim Connors, Dartmouth - Councillor McCluskey

12.2 Dartmouth Lakes Advisory Board - Information Report

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

**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. HEARINGS**

**8.1 PUBLIC HEARINGS**

**8.1.1 Case 01094: Institutional Uses, Dartmouth Land Use By-Law Amendment**

- A Staff Report dated October 16, 2008 was before Council.

Jennifer Chapman, Planner, presented the report to Council.

Councillor Younger called for those wishing to speak either in favour of or opposition to the proposed amendment. Hearing none, the following motion was placed.

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

**MOVED by Councillor Smith, seconded by Councillor Karsten, that Harbour East Community Council approve the proposed amendments to the Dartmouth Land Use By-law as shown in Attachment "A" of the report dated October 16, 2008. MOTION PUT AND PASSED.**

Councillor Smith commented that these are good amendments and will allow parking controls for institutional uses.

### **8.1.2 Case 01135: Dartmouth LUB Amendments - Pawn Shops and Cabarets**

- A Staff Report dated October 10, 2008 was before Council.

Mr. Joseph Driscoll, Planner, presented the report to Council.

In response to questions of clarification, staff advised:

- If existing use is damaged beyond 75% a business could not be rebuilt,
- A cabaret would typically hold more than 300 people and would be open until 3:00 a.m.,
- Cabarets would be permitted in industrial zones, only existing cabarets would be permitted in R-2 zones.

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

**Joseph JeBailey**, Dartmouth, stated he was against the proposal for pawn shops and cabarets as it may have an adverse effect on property values. He noted the difficulty in obtaining a cabaret license as opposed to a liquor license. He stated neighbouring property owners should be heard and their views considered. He suggested that each application be judged on a case by case basis rather than by plan amendment expressing concern as to what other uses would be possible with this amendment.

**Jim Corbet**, Dartmouth, advised he is the owner of a pawn shop and advised it is not the negative thing that people perceive pawn shops to be. He stated pawn shops are a place where people come to buy used rather than new and it is also a place where people can come to sell an article to get them to the end of the month while having the ability to buy it back within thirty days thus providing a service to the community.

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

**MOVED BY Councillor Barkhouse, seconded by Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor McCluskey , seconded by Councillor Barkhouse, that Harbour East Community Council approve the proposed amendments to the Dartmouth Land**

**Use By-Law, as set out in Attachment “A” of the report dated October 10, 2008.  
MOTION PUT AND PASSED**

**8.1.3 Case 01163: Re-zoning, Lakecrest Drive, Dartmouth**

- A Staff Report dated October 10, 2008 was before Council.

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

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

**Deidre Cunningham**, Dartmouth, spoke in opposition to the rezoning stating there are currently traffic concerns with sighting distances at this corner. She stated she would prefer that a single family home be proposed in keeping with the current surrounding neighbourhood. She also express concern with the impact this would have it was a rental property.

**Shirley Murtha**, Dartmouth, spoke in opposition to the rezoning and referenced a petition that had been circulated in opposition to the proposal. She also expressed concern that the sidewalk ends on the Main Street side of the street and you have to cross over to the sidewalk on the other side of the street at the corner which has a short sighting distance for drivers. She noted it is predominantly an R-1 neighbourhood and she would like to see it kept that way.

**Dana Waynewright Taylor**, Dartmouth, spoke in opposition to the rezoning expressing concern that the rezoning may have the effect of lowering property values if R-2 properties are allowed.

**Cecile Klein**, Dartmouth, stated that she was opposed to the rezoning and felt that it might lead to the start of a more transient neighbourhood. She requested Community Council reject the proposal.

**Ms. Anne St. Jean**, applicant, advised that she wished to develop the property as a duplex as an income property and noted that not all income properties are detrimental to a neighbourhood. She requested Community Council consider approving her application for the rezoning.

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

**MOVED by Councillor McCluskey , seconded by Councillor Smith, that the public hearing be closed. MOTION PUT AND PASSED.**

At this time Councillor Younger turned the Chair over to Councillor McCluskey, Vice-Chair, to enable him to speak on the matter and make a motion on the proposal.

**MOVED by Councillor Younger, seconded by Councillor Karsten, that Harbour East**

### **Community Council refuse the application as proposed.**

Councillor Younger stated that the proposal did not quite comply with the Municipal Planning Strategy. He quoted the following incompatibilities:

#### Policy IP-1 (c) Item 2 - compatibility

It is compatible as to size, bulk and scale, however it has to be consistent in terms of use. He stated that it is 'open -zoning' and cannot be allowed. Council cannot decide on whether it was to be a duplex or anything else. There's a wide range of items, and some are compatible and some are not. Simply cannot allow for that in 'open-zoning'.

#### Policy IP-1-C3 - Adjacent land uses for a traffic artery

This corner has been the subject of three separate public consultation processes all about the traffic issues on this corner and the concerns related to it.

#### Policy I1 -P4-4 transportation

Transportation officials of HRM were involved in the Main Street traffic plan which recommends the complete reconstruction of that intersection of Lakecrest Drive and Helene Avenue. He noted it went through two years of public consultation and traffic services was insistent that there is a need to provide safety on that corner.

Policy 44-9. Detrimental economic and social effect it may have on other parts of the city Part of the Main Street discussions was that the public widely accepted that increased density was necessary and desirable, but they made the decision that if Council adopted that plan, where that increase density option should be. Those were along the Main Street and Tacoma Drive borders, which are adjacent, and Council already re-zoned them to allow this to happen. It was firmly decided, through those consultations, that this area should be R-1. It was advised that there was a discussion of moving portions of Lakecrest and Mountain to R-1, and this would be going in the opposite direction of that plan.

#### Finally, IP-1, Section 7 - The suitability of proposed site in terms of steepness of slopes, flooding, and other nuisance factors

Clearly, the driveway proposed for Helene Avenue would be right where the warning sign is, and the warning sign has only recently been installed in the past couple of years, as a result of safety issues that were identified at that period of time.

Councillor Younger stated that he is very sympathetic to the applicants, but is opposed, in the context of the MPS and especially after the considerable public consultation on this corner.

Councillor Karsten stated that the outcomes should not be prejudged and in many cases such a proposed development adds value if appropriately done.

Councillor Smith stated that one of the concerns is the traffic issue but the recommendation by staff is based on planning documents that were approved by Council.

Councillor Younger noted that he had supported an increase in density in the area but this does not follow the planning strategy.

**MOTION PUT AND PASSED.**

Councillor Younger resumed the Chair.

**8.1.4 Case 01189: Amending Agreement, Portland Hills - Phases 4 and 5**

- A Staff Report dated October 10, 2008 was before Council.

Joseph Driscoll, Planner, presented the report to Council.

Councillor Younger called for those wishing to speak either in favour of or opposition to the proposed amendment. Hearing none, the following motion was placed.

**MOVED BY Councillor Karsten, seconded by Councillor Nicoll, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Karsten, seconded by Councillor Barkhouse, that Harbour East Community Council:**

1. **Approve the proposed amending agreement as set out in Attachment “A” of the report dated October 10, 2008; and**
2. **Require the agreement be signed and delivered within 120 days, or any extension thereof granted by Harbour East Community Council on request of applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**8.1.5 Case 01145: Development Agreement - Evergreen Drive, Cole Harbour**

- A Staff Report dated October 10, 2008 was before Council.

Joseph Driscoll, Planner, presented the report to Council.

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

**Mr. Gary Multon**, Dartmouth, advised the lots in question are at the back of the Church of St. Andrews parking lot and is currently a hangout for youth resulting in constant vandalism. He stated they are concerned with the proposed Phase 2 development as it will allow access through the road reserve and may inhibit them from developing their property which would become landlocked. He noted the proposal does not have any provision for runoff from Evergreen and the church property has experienced many floods over the last twenty years.

He noted there is no property drainage on site and the brook is the catch basin for all runoff.

**Mr. Fran Smith**, Dartmouth, stated the drainage and runoff would increase resulting in additional flooding of the church property. He noted the ditch at the back of the property continually fills in and questioned whether the development could take place so that there would be no water coming down onto the church property.

The applicant advised that storm water drainage will be addressed in the engineering plans and the development would allow the water to be channelled appropriately. He noted the development will open up the area and thus inhibit its use as a hangout for youth. He stated all necessary steps will be taken to ensure there is no environmental impact.

Councillor Younger called for any additional speakers. Hearing none, the following motion was placed.

**MOVED BY Councillor McCluskey, seconded by Councillor Smith, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Karsten, seconded by Councillor Nicoll, that Harbour East Community Council:**

1. **Approve the proposed development agreement to permit a townhouse project by development agreement on Evergreen Drive, as set out in Attachment "A" of the report dated October 10, 2008; and**
2. **Require the agreement be signed and delivered within 120 days, or any extension thereof granted by Harbour East Community Council on request of applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED**

**8.2 VARIANCE HEARING - NONE**

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentations**

**10. REPORTS**

## **10.1 STAFF REPORTS**

### **10.1.1 Case: 01202: Amending Agreement - Portland Hills**

- A Staff Report dated November 17, 2008 was before the Council.

**MOVED BY Councillor Karsten, seconded by Councillor Smith, that Harbour East Community Council Give Notice of Motion to consider the proposed amending agreement set out in Attachment "A" of this report dated November 17, 2008 and schedule a public hearing. MOTION PUT AND PASSED.**

### **10.1.2 Case: 00798 - Time Extension to Sign Development Agreement**

- A Supplementary Report dated November 19, 2008 was before the Council.

**MOVED BY Councillor McCluskey, seconded by Councillor Barkhouse , that Harbour East Community Council recommends the development agreement for the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth, be signed within 120 days of the date of this granted extension, or any additional extension thereof granted by Council on request of the Applicant. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.**

### **10.1.3 Project 01031: Wright's Cove Secondary Planning Strategy**

- A Report dated November 19, 2008 was before the Council.

**MOVED BY Councillor Smith, seconded by Councillor McCluskey , that Harbour East Community Council approve the process to move forward and schedule a public meeting to present the draft Wright's Cove Secondary Planning Strategy and amendments to the Dartmouth Land Use By-Law presented in Attachment a of the report dated November 19, 2008. MOTION PUT AND PASSED.**

## **11. MOTIONS - NONE**

## **12. ADDED ITEMS**

### **12.1 Consideration of Street Name - Councillor McCluskey**

**MOVED by Councillor McCluskey, seconded by Councillor Smith, that Harbour East Community Council request civic addressing and Community Development examine opportunities for the naming of either a street or parkland in recognition of Mr. Jim Connors, Dartmouth. MOTION PUT AND PASSED.**

### **12.2 Dartmouth Lakes Advisory Board Information Report**

The report was received as information.

**13. NOTICES OF MOTIONS - NONE**

**14. PUBLIC PARTICIPATION**

No speakers came forward.

**15. NEXT MEETING**

The next meeting of the Harbour East Community Council is scheduled for February 05, 2009.

**16. ADJOURNMENT**

The meeting adjourned at 8:11 p.m.

Sandra T. Riley  
Legislative Assistant