

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

October 4, 2010

PRESENT: Councillor Lorelei Nicoll
 Councillor Bill Karsten
 Councillor Jackie Barkhouse
 Councillor Jim Smith
 Councillor Darren Fisher

REGRETS: Councillor McCluskey

STAFF: Ms. Angela Jones-Rieksts, Municipal Solicitor
 Ms. Melody Campbell, Legislative Assistant

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HALIFAX REGIONAL MUNICIPALITY
HARBOUR EAST COMMUNITY
COUNCIL MINUTES

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1. CALL TO ORDER

The meeting was called to order at 6:03 p.m. with the Invocation being led by Councillor Smith.

2. APPROVAL OF MINUTES - September 16, 2010

MOVED by Councillor Fisher, seconded by Councillor Karsten, that the minutes of September 2010, as presented, be approved. MOTION PUT AND PASSED.

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

Addition:

- 12.1 Traffic Light Adjustment - Lancaster Drive & Woodland Avenue
- 12.2 Case 15781: Irishtown Road, MPS Amendment Request, Downtown Dartmouth

MOVED by Councillor Karsten, seconded by Councillor Fisher, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

4.1.1 RVs, Trailers, Boat Parking

No update at this time. To remain on the status sheet.

4.1.2 Sculpture Park - Dartmouth Waterfront

No update at this time. To remain on the status sheet.

4.1.3 Commercial Signs

Information report received. To remain on status sheet, no further action requested at this time.

4.1.4 Speed Bumps - Pelzant & John Street

Information Report received. To be removed from the status sheet.

4.1.5 Public Consultations - Hines Road/Howard Avenue

No update at this time. To remain on the status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 15841 - Group Homes, Dartmouth

- A staff report dated September 1, 2010 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Fisher, that Harbour East Community Council:

- 1. Give First Reading to the proposed amendments to the Land Use By-law, as set out in Attachment A of the staff report dated September 1, 2010, and schedule a public hearing.**

MOTION PUT AND PASSED.

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 15952: Development Agreement, Windmill Road, Dartmouth

- A staff report dated July 22, 2010 was before Council.

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

In response to a question by Councillor Smith, Mr. Driscoll advised that the building height will vary due to ground slope, with the set back being in a range from 32 to 35

feet. He added that the building is 84 feet above sea level. Mr. Driscoll added that the drawing provided is not to scale, however, the distance from the building to the property line is no closer than 32 feet.

Mr. Driscoll advised that guest suites would not be built to the dwelling standards as stated in the National Building Code.

Councillor Smith questioned whether the development agreement states any alternative fencing. Mr. Driscoll advised that the agreement requires a six foot screen around the property which could include fencing, vegetation or a combination of each. He added that the current development agreement states a chain link fence and vegetation.

Kartsen noted that a small portion mentioned on Page 3 of the report notes a small portion of the building located within the 300 foot setback. Mr. Driscoll advised that the small section ranges from approximately 65 feet to 85 feet.

In response to a question by Councillor Karsten, staff advised that the easement of the pathway from Windmill Road to Akerley Boulevard is 12 feet, the sidewalk itself is 5 feet. Mr. Driscoll advised that Mr. Robert Jahncke, Senior Park Planner, is involved with trail development in the area.

In response to question by Councillor Karsten, staff advised that the overhead lines, if impacted by the development, will be relocated at the Developer's expense.

Councillor Nicoll, Chair, reviewed the public hearing procedures; then opened the public hearing calling for any speakers for or against the proposal to come forward at this time

Mr. Gary Hill, Innovations Architects Ltd., property owner, advised Council that he has worked with HRM Planning to meeting all the requirements of the policies. He advised that they have added restrictions to minimize any impact on the residents. He stated that he sees the need for high end quality units in the area. He stated that the Developer has a good track record, building numerous multiunit buildings in the past four years. He added that Developers want to make sure that this is a high standard project.

Ms. Mary Schumacher, Basinview Drive, Dartmouth, expressed concern regarding increased traffic in the area. She questioned whether there is a playground and a green space planned for the development. She stated that an environmental study should be done as there is wet land on the area. She expressed concern regarding the amount of setback. She stated that this project is a large building with a lot of units

and she added that Windmill Road already has heavy traffic and that this development will possibly add 70 additional cars. She added that she is grateful that the building has been changed to six stories from twelve stories. She urged Council to use common sense when voting for the project. She added that there are valid concerns regarding the impact to Basinview Drive and Windmill Road.

Mr. Ed Schumacher, Basinview Drive, Dartmouth, expressed concern regarding the height of the side wall. He added that if the building is more than 50 feet, it is 82 feet at its peak, so there should be a clearance of 41-42 feet. He stated that Windmill Road is a very busy road adding that the only way to get in and out of Basinview Drive is when the traffic light changes. He stated that if the driveway is placed where proposed, there will be no way for another 75 cars to get out of the driveway in an hour. He added that there will be maintenance issues. He stated that there are a lot of issues with this project and that he is against the proposal.

Councillor Nicoll called three times for any further speakers, hearing none the following motion was placed:

MOVED by Councillor Karsten, seconded by Councillor Fisher, that the public hearing close. MOTION PUT AND PASSED.

In response to a question by Councillor Smith, staff advised if the development agreement is turned down by Council, or if it is approved by Council, the decision is appealable to the Utility and Review Board by either body.

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

- 1. Approve the proposed development agreement to permit a 70 unit residential building on the subject properties as set out in attachment A of the staff report dated July 22, 2010; and**
- 2. Require the agreement be signed within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Karsten advised that the project should be commenced within two years.

MOVED by Councillor Karsten seconded by Councillor Barkhouse that the motion be amended to state that Item 7.3.1 "In the event that development on the Lands has not commenced within 5 years.." be changed to "In the event that development on the Lands has not commenced within 2 years..". AMENDMENT TO MOTION PUT AND PASSED.

Councillor Smith stated that this proposal is difficult decision as he is not proponent for residential development in Burnside. However, in regard to this development all policies have been met. He added that residential development is good for environment, however he expressed concerns regarding compatibility. He added that he wants what is best for the community.

MOVED by Councillor Smith, seconded by Councillor Barkhouse that the motion be amended to state that the fence along the property be a six foot opaque wooden fence. AMENDMENT TO MOTION PUT AND PASSED.

The motion now reads:

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

- 1. Approve the proposed development agreement to permit a 70 unit residential building on the subject properties as set out in attachment A of the staff report dated July 22, 2010 with the following amendments to the development agreement:
 - 1. that Item 7.3.1 "In the event that development on the Lands has not commenced within 5 years.." be changed to "In the event that development on the Lands has not commenced within 2 years.."**
 - 2. the fence along the property be a six foot opaque wooden fence; and****
- 2. Require the agreement be signed within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8.2 VARIANCE HEARINGS - NONE

9. PRESENTATIONS, CORRESPONDENCE AND DELEGATIONS

9.1 Presentations - None

9.2 Correspondence - None

9.3 Petitions - None

10. REPORTS

10.1 Staff Reports - None

10.2 Members of Council - None

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Traffic Light Adjustment - Lancaster Drive & Woodland Avenue

Councillor Smith advised Council that he has received a request from residents for the traffic lights at Lancaster Drive and Woodland Avenue be adjusted so that there is always a left turn signal arrow available when turning left off Woodland Avenue onto Lancaster Drive. He added that it is too dangerous to turn left unless the arrow is present as oncoming traffic sight lines are blocked.

**MOVED by Councillor Smith, seconded by Councillor Karsten, that Harbour East Community Council request a staff report requesting that the lights at Lancaster Drive and Woodland Avenue be adjusted so that there is always a left turn signal arrow available when turning left off Woodland Avenue onto Lancaster Drive.
MOTION PUT AND PASSED.**

12.2 Case 15781: Irishtown Road, MPS Amendment Request, Downtown Dartmouth

MOVED by Councillor Karsten, seconded by that Harbour East Community Council request Regional Council approve the proposed amendments to the

**Municipal Planning Strategy and Land Use By-law for Downtown Dartmouth as contained in Attachments A and B of the staff report dated August 6, 2010.
MOTION PUT AND PASSED.**

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No members of the public came forward to address Council.

15. NEXT MEETING - Thursday, November 4, 2010

16. ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Melody Campbell
Legislative Assistant

Information Items

1. Request for Overhead RA-5 Crosswalk Signs with Flashing Lights on Boland Avenue at Cairn Street
2. Case 16411 - Downtown Dartmouth Signs