

HALIFAX REGIONAL MUNICIPALITY

**HARBOUR EAST COMMUNITY COUNCIL
MINUTES
April 1, 2004**

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

STAFF: Ms. Sherryl Murphy, Legislative Assistant

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES - February 5 and March 3, 2004

MOVED by Councillor Sarto, seconded by Councillor Smith that the minutes of the February 5, and March 3, 2004 meetings of Harbour East Community Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

11.1 Case 00526: Paddlers Cove Condominium Redevelopment, Dartmouth

11.2 Dartmouth Players (Councillor Cunningham)

INFORMATION ITEMS:

1. Lynwood Estates Petition
2. Traffic Lights at Victoria Road/Frances Street
3. Correspondence dated March 26, 2004 from Mayor Kelly to members of the Save our Lakes Coalition

At the request of Councillor Cunningham, Item 11.1 Case 00526: Paddlers Cove Condominium Redevelopment, Dartmouth, was moved up to be dealt with immediately following Correspondence and Delegations.

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Maintenance of Private Roads in District 9

As no information has been received, this matter is to remain on the status sheet.

4.1.2 Eastern Passage/Cow Bay Community Wall of Honour (Tallahassee School)

As no information has been received, this matter is to remain on the status sheet.

4.1.3 Dedication of Flagstone One Ballfield in Memory of Dan MacDonald

As no information has been received, this matter is to remain on the status sheet.

4.1.4 Main and Brigadoon Intersection

Councillor Sarto advised that he has met with staff, however, the matter has not yet been resolved. This matter is to remain on the status sheet.

4.1.5 Wood Doctor

A report is to be available for the next meeting of the Harbour East Community Council scheduled for May 6, 2004. This item is to remain on the status sheet.

4.1.6 Case 00547 - Rezoning and DA for 10 Springhill Road, Dartmouth

First Reading was given and a May 6, 2004 public hearing was scheduled to consider the matter.

4.1.7 Signal Lights at Intersection of Cole Harbour Rd/Forest Hills Parkway/Cumberland Drive, Cole Harbour

An Information Report dated March 19, 2004 submitted by Ken Reashor, Traffic Authority, was before Community Council for consideration. This item may be removed from the status sheet.

4.1.8 Councillor Smith - Don Bayer Sports Field, Burnside

As no information has been received, this matter is to remain on the status sheet.

4.1.9 Sewer Services Connection to Fleet Co-op Property in Cole Harbour

In response to comments from Councillor McInroy regarding staff communicating with Mr. Marshall of the Fleet Co-op, John MacPherson, Planner advised that he had spoken with

Mr. Marshall a number of weeks ago. Mr. MacPherson will confirm in writing to Mr. Marshall the information provided verbally.

Later in the meeting Mr. Marshall addressed Community Council with regard to this matter. Mr. Marshall's comments are to be forwarded to staff.

4.1.10 Beazley Field Upgrades

As no information has been received, this matter is to remain on the status sheet.

4.1.11 Wilderness Park, Dartmouth

As no information has been received, this matter is to remain on the status sheet.

4.1.12 Proposed Industrial Park, South Woodside

As no information has been received, this matter is to remain on the status sheet.

4.1.13 Powers of Community Council

As no information has been received, this matter is to remain on the status sheet.

4.1.14 Subdivision of Lot 41 Ritcey Crescent

As no information has been received, this matter is to remain on the status sheet.

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

As no information has been received, this matter is to remain on the status sheet.

Councillor Warshick expressed concern regarding the number of items on the status sheet and the time which it is taking for staff to respond.

Community Council requested that the Legislative Assistant follow up on all items remaining on the status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. CORRESPONDENCE AND DELEGATIONS

8.1 Correspondence

8.2 Presentations - None

11.1 Case 00526: Paddlers Cove Condominium Redevelopment, Dartmouth

- A supplementary staff report dated April 1, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was before Council for consideration.

Councillor Cunningham addressed the matter noting that the usual process for planning matters of this kind included Community Council giving First Reading to the proposed development agreement and scheduling a date for a public hearing.

Councillor Cunningham noted that this matter has been before Council and the public for over a year with three Public Information Meetings being held. Councillor Cunningham commented that to many residents Lake Banook is synonymous with Dartmouth. The Councillor went on to point out that Lake Banook encompasses a world class natural canoe course. Wind studies have indicated that the development will have no great impact on the canoe course, however, even the slightest impact is not desirable. Councillor Cunningham, referring to statements made at the public meetings, indicated that the proposed development is not compatible with the neighbourhood as is required by the Municipal Planning Strategy and highlighted that Community Council must base it's decision on the Municipal Planning Strategy. In conclusion, Councillor Cunningham stated that based on the input received at the Public Information meetings, he would not be putting forward a motion to have this matter proceed to public hearing.

MOVED by Councillor Cunningham, seconded by Councillor Warshick that Harbour East Community Council refuse the staff recommendation and not consider the proposed Development Agreement.

Councillor Cunningham stated that the reason for the refusal was that the proposed development was incompatible with the surrounding neighbourhood.

Following a brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

The Chair advised, for the information of those attending, that the developer has the right to appeal this decision to the Utility and Review Board.

9. REPORTS

9.1 Case 00584 - Public Participation Committee - Parcel B&C, Woodland Avenue & Block X

- A staff report dated March 8, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was before the Community Council for consideration.

Councillor Smith noted that eight applications had been received from area residents, and noted that he would like to see all eight interested residents appointed to the Committee.

MOVED by Councillor Smith, seconded by Councillor that McInroy Harbour East Community Council:

1. **Approve the Terms of Reference for the Public Participation Committee contained in the March 8, 2004 staff report with an amendment to provide that the number of resident representatives be increased from five to eight.**
2. **Approve the following appointments to the Comprehensive Development District (CDD) Public Participation Committee for the property identified as Parcels B&C Woodland Avenue, and the remaining undeveloped portion of Block X, South Ridge Circle, Dartmouth:**

Neighbourhood Residents/Land Owners/Members of Lancaster Residents Association and District 9 Residents Association

Phil Dodd	Michael Raftus
Shawn Fuller	Clint Schofield
Marlene Holden	Eric Wile
Brad MacLeod	Dave Shaw

Residents at Large to District 9 (1 resident Representative)

Catherine Lunn

Dartmouth Lakes Advisory Board (1 Board member Representative)

Pierre Clement

Land Owner Representative (1 Representative)

Peter Connor

- 9.2 **Case 00453 - Development Agreement - Provident Development, Starr Manufacturing Site, Dartmouth**

- A staff report dated March, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was before the Community Council for consideration.

MOVED by Councillor Cunningham, seconded by Councillor McInroy that Harbour East Community Council give Notice of Motion to consider the development agreement for the Starr Manufacturing Site, Ochterloney Street and schedule a public hearing for May 6, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 Case 00547 - Rezoning and Development Agreement for 10 Springhill Road, Dartmouth

- A staff report dated February 18, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was before the Community Council for consideration.

Councillor Smith, providing some background to this matter, noted that the area had been zoned R-2 to stabilize the area. He went on to note that if this particular piece of property were zoned R-3, this may set a precedent leading once again to a lack of stability.

MOVED by Councillor Smith, seconded by Councillor Cooper that Harbour East Community Council refuse the application and consider a site specific amendment to the Municipal Planning Strategy.

Mr. Jim Donovan, Development Officer, responded to questions from members of Council and clarified that the staff recommendation is in keeping with the MPS. He went on to note that the R-3 zoning does not give the owner any further rights, but does allow for a Development Agreement which will provide for the two existing illegal units. Mr. Donovan went on to note that the approach being proposed in the motion on the floor is much more extensive and staff does not see any benefit to moving in this direction.

Following a further discussion, the **MOTION WAS PUT AND DEFEATED.**

MOVED by Councillor Warshick, seconded by Councillor Sarto that Harbour East Community Council give Notice of Motion to consider the proposed rezoning and development agreement for 10 Springhill Road, Dartmouth and schedule a public hearing for May 6, 2004.

In response to a concern expressed by Councillor Smith regarding the Development Agreement addressing repairs to the existing rock wall, Ms. Jill Justason, Planner, advised that there is some dispute over whether the rock wall is on the developers property or the adjacent property. This issue will be clarified prior to the public hearing.

The **MOTION WAS PUT AND PASSED.**

9.4 Case 00525 - Application by Lake Loon Developments Limited to Amend the Municipal Planning Strategies for Cole Harbour/Westphal and Dartmouth

- A staff report dated February 6, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was before the Community Council for consideration.

Councillor Cooper addressed the matter noting that he would be moving the adoption of Alternative 2 of the staff report. Councillor Cooper, utilizing Map 1, indicated that the proposed development will allow for a previously agreed to water service loop connection in keeping with the desires of the community. As noted in the staff report, the resulting development would be consistent with existing abutting development such as Montague Estates. In addition, the Department of Transportation have indicated they would be willing to consider a second access to the development when the proposed Highway 107 Bypass is being constructed.

MOVED by Councillor Cooper, seconded by Councillor McInroy that Harbour East Community Council recommend that Halifax Regional Council:

- 1. Proceed with the request by Loon Lake Development Ltd. to amend the Municipal Planning Strategy for Dartmouth to remove only their parcel of land and include it in the Cole Harbour/Westphal Plan area.**
- 2. Initiate the process to amend the Municipal Planning Strategy to extend the Water Service District boundary to lands owned by Lake Loon Development on the south side of Loon Lake, Westphal.**
- 3. Request staff to follow the public participation program as approved by Council in February, 1997.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.5 MEMBERS OF COUNCIL

9.5.1 Councillor Smith - Safety Issues on Highfield Park Drive

Councillor Smith referred to the number of requests received relative to traffic improvements and crosswalks for Highfield Park Drive, and indicated that he felt a more coordinated look at safety for the roadway would be appropriate. Outlining the potential for problems, the Councillor noted that a new fire station would be opening on Highfield Park Drive this summer with trucks leaving the station at least five times per day. A school, community centre, large apartment buildings and call centre already exist in the area. Councillor Smith suggested that instead of approaching the problems in a piecemeal fashion, a thorough review of the situation to determine the most effective means of improving safety on Highfield Park Drive is needed.

MOVED by Councillor Smith, seconded by Councillor Cooper that staff undertake a comprehensive safety review for the portion of Highfield Park Drive from Victoria Road to Highway 11 Comprehensive.

Following a brief discussion, Councillor Smith agreed that staff should contact him with regard to the requested report.

MOTION PUT AND PASSED UNANIMOUSLY.

10. **MOTIONS** - None

11. **ADDED ITEMS**

11.1 **Case 00526: Paddlers Cove Condominium Redevelopment, Dartmouth**

This matter was dealt with previously in the meeting.

11.2 **Dartmouth Players**

- This matter was added to the agenda during the setting of the agenda.

Councillor Cunningham addressed Community Council referring to a letter he had received from Ruth Fleming, President, Dartmouth Players, in which she requests that HRM consider allowing her group to once more use sandwich signs to advertise. A copy of the letter is on file.

Councillor Cunningham indicated that the sandwich signs had provided a very effective means of advertising for the Dartmouth Players and the loss of their use since the introduction of the sign by-law has impacted the awareness of the presence of the Players in the community. Councillor Cunningham went on to note that the Dartmouth Players received no government funding and were striving to remain self supporting. Councillor Cunningham requested that staff investigate the possibility of an amendment to the Sign By-law to allow small not for profit groups to use sandwich signs as a means of advertising, **to which Community Council agreed.**

12. **NOTICES OF MOTION** - None

13. **PUBLIC PARTICIPATION**

Mr. Gerald Marshall, Fleet Co-op

Mr. Marshall addressed Community Council with regard to the extension of sewage services to the Fleet Co-op in Cole Harbour and noted that no report has been forthcoming in this regard. Mr. Marshall went on to propose that Council include within the upcoming budget a provision for the extension of the sewage system to the Fleet Co-op. He noted that such an extension would cost in the area of \$100,000.

Councillor McInroy explained that, prior to Mr. Marshall arriving at the meeting, he had requested that staff communicate to Mr. Marshall the expectation with regard to the extension of sewage services. Given that staff is presently undertaking a significant review (i.e. Regional Planning), it is unlikely that the service boundary will be extended in the near future. Councillor McInroy advised that Mr. Marshall's comments would be forwarded to staff for their consideration.

14. NEXT MEETING - May 6, 2004

15. ADJOURNMENT

There being no further business the meeting adjourned at 8:00 p.m.

Sherryl Murphy
Legislative Assistant