

**HARBOUR EAST COMMUNITY COUNCIL  
MINUTES  
JANUARY 5, 2006**

PRESENT:                   Councillor Jim Smith, Chair  
                              Councillor Becky Kent  
                              Councillor Harry McInroy  
                              Councillor Gloria McCluskey  
                              Councillor Andrew Younger

REGRETS:                   Councillor Bill Karsten

STAFF:                     Mary Ellen Donovan, Municipal Solicitor  
                              Ms. Sherryll 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 - None**

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

At the request of Councillor McInroy item 4.1.7 Service Building - Cole Harbour Commons was considered as an added item.

**MOVED by Councillor Kent, seconded by Councillor McCluskey that the agenda, as amended, was approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 STATUS SHEET ITEMS**

**4.1.1 Burnside City of Lakes Business Park**

There was no information received. This matter will remain on the status sheet.

**4.1.2 Independent Traffic Study - Burnside Park**

Note made that a report regarding this matter would be going back to Regional Council. This matter will remain on the status sheet.

**4.1.3 Presentation - Trans Canada Trail - Revised Proposal**

There was no information received. This matter will remain on the status sheet.

**4.1.4 Unsightly Vessels Anchored in Dartmouth Cove**

There was no information received. This matter will remain on the status sheet.

**4.1.5 Community Planning Advisory Committee - Eastern Passage/Cow Bay**

There was no information received. This matter will remain on the status sheet.

**4.1.6 Brightwood Golf Course - Petition**

There was no information received. This matter will remain on the status sheet.

**4.1.7 Service Building - Cole Harbour Commons**

There was no information received. This matter will remain on the status sheet.

**5. MOTIONS OF RECONSIDERATION - None**

**6. MOTIONS OF RESCISSION - None**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**8. HEARINGS**

**8.1 Public Hearings**

**8.1.1 Case 00728 - Development Agreement - Horizon Court, Dartmouth**

- First Reading for this matter was given at the December 1, 2005 meeting of Harbour East Community Council. A previously distributed staff report dated November 16, 2005 was before Community Council. A supplementary staff report dated January 3, 2006 was before Community Council.
- Also before Council was correspondence dated December 20, 2005 and January 4, 2006 from Mr. Oto, Can-Euro Investments Ltd.

Ms. Hanita Koblents, Planner, briefly reviewed the proposal to permit the construction of two multiple unit residential buildings (168 units) on the former MTT property at 5 Horizon Court, Dartmouth, as found in November 16, 2005 staff report. Ms Koblents reviewed the policies within the Municipal Planning Strategy (MPS) under which the development agreement is to be considered. She further outlined the details of the proposed development. Ms. Koblents noted that the supplementary report addresses the issue that the portion of land that the developer was intending to purchase from HRM is actually owned by Province. Consequently staff is recommending that this portion of land not be included provided that the developer submits a revised site plan showing how the lands will be developed without the additional parcel. Staff responded to questions from members of Community Council.

Referring to the public hearing sign-up sheet, the Chair called on Mr. Louis Lawen to speak.

**Louis Lawen, Dixel Developments**

Mr. Lawen addressed Community Council in support of the development noting the following:

- the site was the old MTT site, an eyesore in the community
- the proposal is more than the traditional apartments or even condominiums
- it is a residential community with supporting community use commercial space(dental, medical, hair salon, etc.)
- the residential amenity areas will house such things as a mutli purpose room, fitness centre, workshop, business centre and boardroom, and lounge area/library
- one guest suite in each building will be available for use by visitors to residents
- additional amenities include a mail room, building office, moving room amenity space and as an option would be an outdoor pool (enclosed)
- will create more a community than just a place to live
- will improve the local park
- no capital costs to HRM and not impact on traffic

The Chair called three times for persons wishing to speak in favour of or against the proposal.

Hearing none, it was **MOVED by Councillor Younger, seconded by Councillor McInroy that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor McCluskey, seconded by Councillor Younger that Harbour East Community Council:**

- **Approve the development agreement as found in Attachment D of the November 16, 2005 staff report, with the addition of Section 3.1(c) as found in Attachment B of the January 3, 2006 supplementary staff report, to allow for two multiple unit buildings with a maximum of 168 residential units and 30,000 square feet of commercial space at 5 Horizon Court, Dartmouth.**
- **Require that the development 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.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **8.1.2 Case 00855 - Amendments to Heritage Hills ADD(Trails), Eastern Passage**

- This matter was given First Reading at the December 1, 2005 meeting of Harbour

East Community Council. A previously distributed staff report dated November 18, 2005 was before Council.

- Also before Community Council was correspondence dated January 4, 2006 from Colleen Keoughan and David Dingwell.

Mr. John MacPherson, Planner, addressed Community Council briefly outlining the proposed amendment to the Heritage Hills CDD requiring the developer to design and construct an alternative alignment to the recreation and active transportation corridor and trail system required by the existing development agreement, as found in the November 18, 2006 staff report.

Staff responded to questions of clarification from members of Community Council.

Referring to the public hearing sign up sheet, the Chair noted that no one had signed to speak. The Chair then called three times for persons wishing to speak in favour or against the proposal.

Hearing none, it was **MOVED by Councillor Kent, seconded by Councillor McInroy that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Kent, seconded by Councillor Younger that Harbour East Community Council:**

1. **Approve the amending agreement, included as Attachment A of the November 18, 2005 staff report, to require the developer to design and build a recreation and active transportation corridor and trail system that connects Road A with Armenia Drive as generally illustrated on Concept Plan 6.1 (Attachment A of the November 18, 2005 staff report) and further that this alternative alignment replaces a previous requirement of the developer to design and construct a corridor and trail system to connect Road A with Astour Drive and the Astour Drive Neighbourhood Park, Phase 10, Heritage Hills, Eastern Passage.**
2. **Require that the amending agreement be signed within 120 days from the date of final approval by Council and any other parties as necessary, including applicable appeal periods, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Appeal Hearings - None**

**9. CORRESPONDENCE AND DELEGATIONS**

**9.1 Correspondence** - None

**9.2 Petitions** - None

**9.3 Presentations** - None

**10. REPORTS**

**10.1 STAFF REPORTS**

**10.1.1 Amendments to the Dartmouth MPS and LUB - Adult Entertainment**

- A staff report dated December 29, 2005 was before Community Council.

Mr. Shayne Vipond, Planner, provided a brief overview of the proposed amendments to the Municipal Planning Strategy and Land Use Bylaw for Dartmouth to prohibit adult entertainment night clubs as of right in the City of Dartmouth, as found in the December 29, 2005 staff report. Mr. Vipond explained the proposed amendments as follows:

- delete the massage parlours zone from the Land Use By-law
- require a development agreement for all adult cabarets and massage parlours
- require that all future development agreements be evaluated in accordance with a comprehensive list of evaluation criteria
- amend the massage parlour definition to make it gender neutral
- prohibit adult cabarets and massage parlours as home occupations
- locate all future proposals in areas designated commercial and industrial

Mr. Vipond went on to review the siting and evaluation criteria as found in the report. Concluding his presentation, Mr. Vipond noted that staff is requesting that Harbour East Community Council recommend to Regional Council the proposed amendments.

Mr. Vipond responded to a question from Councillor Younger regarding adult retail stores indicating that as adult paraphernalia is sold through a wide variety of avenues, it would be difficult at this time to narrow down that use. Councillor Younger indicated that he was most concerned with regard to the signage for the adult retail stores in Dartmouth, and in particular on Main Street.

**MOVED by Councillor Younger, seconded by Councillor McCluskey that Harbour East Community Council:**



1. **Recommend that Halifax Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use Bylaw as provided in Attachments A and B of the December 29, 2005 staff report and schedule a public hearing.**
2. **Approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use Bylaw as provided in Attachments A and B of the December 29, 2005 staff report.**

In response to a question from Councillor McCluskey, Mr. Paul Dunphy, Director, Planning and Development Services confirmed that the MGA defines massage parlours and adult cabarets as non conforming uses once the zoning is changed. With a non conforming use there is a prohibition on any expansion of the building, if the business ceases for six or more months it cannot recommence, and if the building is destroyed 70% or more, it cannot be rebuilt as the non conforming use.

Mr. Dunphy further clarified that adult entertainment uses are legal activities and the Municipality has to provide opportunity for them to locate. Mr. Dunphy indicated that since the proposal is to not pre-zone, some guidelines as to where HRM would consider these uses are necessary. Under the present proposal these uses could not apply in residential and institutional designations, but could in commercial and industrial uses. The application would still have to meet a long list of criteria as set out in the staff report.

#### **MOTION PUT AND PASSED UNANIMOUSLY.**

#### **11. MOTIONS**

#### **12. ADDED ITEMS**

##### **12.1 Service Building - Cole Harbour Commons**

- This matter was added during the setting of the agenda at the request of Councillor McInroy.

Councillor McInroy noted that the service building referred to is essentially a washroom facility.

**MOVED by Councillor McInroy, seconded by Councillor Kent that Harbour East Community Council recommend to Regional Council that the service building, essentially a washroom facility, for the Cole Harbour Commons be advanced to the 2006-2007 Capital Budget process for consideration. MOTION PUT AND PASSED UNANIMOUSLY.**

13. **NOTICES OF MOTION** - None
14. **PUBLIC PARTICIPATION** - None
15. **NEXT MEETING** - February 2, 2006
16. **ADJOURNMENT**

There being no further business the meeting adjourned at 8:15 p.m.

Sherryl Murphy  
Legislative Assistant

The following information items were distributed to Community Council:

**INFORMATION ITEMS:**

1. **December 6, 2005** - Regional Council approved a motion requesting staff report on the feasibility of an independent traffic study being conducted on all development and lands east of Burnside Drive with the objective of determining the congruence of the present and future street systems with the City of Lakes Business Park.  
**(Note: A report directed to Regional Council is anticipated by January 31, 2006)**
2. Information Report dated December 6, 2005 re Woodside Ferry Terminal
3. Information Report dated December 1, 2005 re MPS Amendment for Dartmouth Marine Slips and Sheppards Island