

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL MINUTES June 8, 2006

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

STAFF: Ms. 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 7:04 p.m.

2. APPROVAL OF MINUTES

MOVED by Councillor McCluskey, seconded by Councillor McInroy that the minutes of the May 4, 2006 meeting of Harbour East Community Council, as distributed, be approved.

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

Additions:

- 12.1 Case 784 - Rezoning and Development Agreement - Prince Albert Road and Bartlin Road
- 12.2 Case 727 - Rezoning and Development Agreement - 64-66 Lakecrest Drive, Dartmouth
- 12.3 Case 846 - Portland Hills Phases 4 & 5 Development Agreement
- 12.4 Additional Meeting - Harbour East Community Council

MOVED by Councillor Karsten, seconded by Councillor Younger 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 Street Naming Process

- An extract of an e-mail dated May 30, 2006 from Donna Davis, Division Manager, Data & Business Information Management, was before Community Council

This matter is to be removed from the status sheet.

4.1.2 Relationship - PPC and PAC

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

4.1.3 Community Planning Advisory Committee - Eastern Passage/Cow Bay

Councillor Kent advised that she has discussed this matter with staff. The item is to be removed from the status sheet.

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 00811 - Development Agreement - Scotia Court, Dartmouth

- This matter was deferred from the May 4, 2006 meeting of Harbour East Community Council.
- Previously distributed reports dated February 9, 2006 and March 9, 2006 (Information) were before Community Council. Also before Community Council was correspondence dated April 18, 2006 from Margery and Ken Toohey in opposition to the proposal.

Ms. Hanita Koblents, Planner, addressed Community Council and briefly outlined the proposal for a development agreement to permit one additional multiple unit residential building (60 units) on PID 0082610, Dartmouth. She advised that staff is recommending approval of the proposal. Ms. Koblents responded to questions from members of Community Council providing the following key information:

- Changes to the proposal since the Public Information Meeting include changes to the configuration of the building and sole access to the property being from Boland Road
- The proposal is substantially in keeping with the MPS criteria

Referring to the speakers list, the Chair called for Mr. Trevor Zinck to come forward.

Trevor Zinck, Chairperson of Citizens Association

Mr. Zinck addressed Community Council noting the following:

- Clarified that although no motion had been approved by the the Citizens Association, he was presenting concerns expressed to him by members of the Association
- Citizens of the community have recognized the improper planning carried out over the last number of years
- By way of example, he referred to the Pinecrest/Highfield Park Drive high density residential development
- There is an opportunity with the Regional Plan through the development of a community plan to determine whether or not the residents want more apartment buildings in the area
- The residents of the Scotia Court and Nova Court area are opposed to this proposal
- Area residents have lost faith in the process and that he believed that is why they are not present this evening
- The residents of the community do not believe they need more apartment buildings

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

Mac Beatles, North Dartmouth

Mr. Beatles addressed Council noting that:

- He was a member of the Board of Directors for the North Dartmouth Community Centre
- Residents of the Scotia Court area do not believe their voices will be heard
- Community Council should consider that this proposal will block the view of existing residents
- Community Council should also consider the impact of the Highfield Park development on the area, causing confusing and increasing crime
- Attempts are being made to improve the community and the residents of the area believe that these high rise apartments will only add to the problems
- Increased traffic will create problems

Gerry Pye, former MLA, Dartmouth North

Mr. Pye addressed Community Council noting that:

- 61% of the housing stock in Dartmouth North is multi-unit residential development
- This situation and the proposed additional development of another multi-residential development is inconsistent with the development of healthy communities
- Section 2(c)(3) of the MGA states provides for Council to develop and maintain safe and viable communities
- This proposal is centred around 196 units which have been located here for more than

- 50 years does not allow for healthy, safe communities
- Phase 2 of the proposed development will only exacerbate the problem
- Residents of these buildings will no doubt migrate to the new building and the profile of persons moving into the older units will be something with which the community and HRM will have to deal
- Many of the residents of HRM could not afford to live in this new building and, in particular, disabled persons
- Community Council should wait until the community planning process for the Regional Plan to allow the community to have input to whether they do or do not want more apartments
- The proposal is not consistent with Section 2(c)(3) of the MA nor with Section 213(b)

Mr. Pye distributed to members of Community Council a Nova Scotia Department of Finance document entitled Dartmouth North, Electoral District Statistical Profile, a copy of which is on file.

Robert Richardson, Killam Properties

Mr. Richardson addressed Community Council noting:

- That as per the Canada Mortgage and Housing Corporation (CMHC) Rental Market Survey, vacancy rates in Dartmouth North are declining
- There is an increasing demand for rental accommodations in Dartmouth North and for example, Victoria Gardens has only a 1.5% vacancy rate
- 38% of the residents of Victoria Gardens have indicated they would be interested in living in a new development with an elevator, underground parking, five appliances and also 12 barrier free units
- The apartment density in Dartmouth North is not abnormal for HRM
- The increased density of Victoria Gardens is consistent with HRM's stated strategy to minimize urban sprawl
- The proposal is located near the downtown core (both Dartmouth and Halifax) minimizing the need for a car; near a transit hub; within walking distance of the Dartmouth Shopping Centre and Micmac Mall, schools, recreation facilities and parks
- The proposal will result in a more balanced development at Victoria Gardens offering a greater variety of units, access, amenities and affordability
- New construction should rejuvenate the existing residential node

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 Kent that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

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

- 1. Approve the development agreement included as Attachment C of the February 9, 2006 staff report to permit a 60 unit multiple residential development contingent upon subdivision of the new parcel as generally shown on Map1 contained in the staff report and Schedule B of the development agreement.**
- 2. 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.**

Councillor McCluskey addressed Community Council indicating that she would not support the motion. She expressed concern regarding the impact this development would have on traffic particularly in combination with all the other development in Dartmouth. She pointed out that Woodland Avenue is at capacity. The Councillor further suggested that it was unfair to develop the only green space in the area. In closing, Councillor McCluskey indicated that although the development is a very good development, it is in the wrong place.

Councillor Younger addressed the matter indicating that he believed the proposal met the requirements of the Municipal Planning Strategy. He further indicated that it was in keeping with the Regional Plan which directs higher density in the urban core.

In response to a question from Councillor Karsten, Ms Mary Ellen Donovan, Municipal Solicitor, quoted from the Municipal Government Act (MGA) and advised that Sections 2 (3) (c) is a portion of the purpose clause for the entire MGA. Section 213 is a very general broad statement of what all the By-laws (e.g. the Zoning By-law and the Subdivision By-law) are intended to achieve. She went on to indicate that the assumption is that when Council is deliberating on the adoption of an MPS, it is considering Section 2 and Section 213. Concluding her remarks, Ms. Donovan indicated that neither Section restrict in any way the decision of Community Council with regard to this matter.

In response to a question from Councillor Kent, Ms. Koblents indicated that the MPS does not establish any protection for private views instead it addresses public views. She indicated that this particular area is not protected by the viewplane legislation.

Councillor Kent expressed concern that residents do not believe they have a voice at Community Council. She noted there were a number of avenues for input. Residents can call,

write or e-mail their Councillor or municipal staff. They could have attended the public meeting, arranged a personal meeting with their Councillor or municipal staff, or attended this public hearing. She further suggested that the Citizens Association should encourage their members to attend meetings and have a voice.

Ms. Koblents confirmed that a public information meeting had been held, that residents of the area had been given written notification, an advertisement had appeared in the paper and a sign had posted in the neighbourhood.

Councillor Smith spoke in favour of the proposal noting that it was in keeping with the direction of the Regional Plan.

MOTION PUT AND PASSED.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor McCluskey - Petition - Case 784 - Proposed Condominium Building

Councillor McCluskey submitted a petition on behalf of residents in the Alderney School District area in support of the proposed condominium building directly behind the NAPA building on Prince Albert Road (Case 784). This matter will be referred to staff for their information.

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 00847 - Revisions to Downtown Neighbourhood Zone in Downtown Dartmouth

3. A report dated May 26, 2006 from the Harbour East Planning Advisory Committee, with attached April 7, 2006 staff report, was before Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Kent that Harbour East Community Council give First Reading to the proposed amendments to the Land Use By-law for Downtown Dartmouth as shown in Attachment A of the April 7, 2006 staff report and schedule the public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Case 00869 - Development Agreement - Ochterloney/Wentworth Streets

4. A report dated May 26, 2006 from the Harbour East Planning Advisory Committee, with attached April 11, 2006 staff report, was before Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Younger that Harbour East Community Council give Notice of Motion to consider the development agreement attached to the April 11, 2006 staff report and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Case 784 - Rezoning and Development Agreement - Prince Albert Road and Bartlin Road

5. This matter was added during the setting of the agenda. A report dated June 6, 2006 from the Harbour East Planning Advisory Committee, with attached May 29, 2006 staff report, was before Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Kent that Harbour East Community Council give First Reading and Notice of Motion to consider the proposed development agreement and to schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Case 727 - Rezoning and Development Agreement - 64-66 Lakecrest Drive, Dartmouth

6. This matter was added during the setting of the agenda. A report dated June 6, 2006 from the Harbour East Planning Advisory Committee, with attached May 25, 2006 staff report, was before Community Council.

MOVED by Councillor Younger, seconded by Councillor McCluskey that Harbour East Community Council give First Reading and Notice of Motion to consider the proposed development to permit a ten (10) unit multiple dwelling at 64-66 Lakecrest Drive, Dartmouth, and to schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Case 846 - Portland Hills Phases 4 & 5 Development Agreement

7. This matter was added during the setting of the agenda.
8. A report dated June 6, 2006 from the Harbour East Planning Advisory Committee, with attached June 1, 2006 staff report, was before Community Council. Also before Community Council was a Report from the Portland Hills Phase 4 and 5 Public Participation Committee.

MOVED by Councillor Karsten, seconded by Councillor Younger that Harbour East Community Council give Notice of Motion to consider the proposal development agreement for Portland Hills Phases 4 and 5, and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Additonal Meeting - Harbour East Community Council

9. This matter was added during the setting of the agenda.

MOVED by Councillor Karsten, seconded by Councillor Younger that a special meeting of Harbour East Community Council be held on June 29, 2006 to hold public hearings. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION - None

15. NEXT MEETING

The next regular meeting of the Harbour East Community Council will be held on July 6, 2006. A special meeting will be held on June 29, 2006.

16. ADJOURNMENT

The meeting adjourned at 8:28 p.m.

Sherryl Murphy
Legislative Assistant