

HARBOUR EAST COMMUNITY COUNCIL

MINUTES

June 5, 2008

PRESENT: Councillor Bill Karsten, Chair  
Councillor Jim Smith  
Councillor Andrew Younger  
Councillor Gloria McCluskey  
Councillor Jackie Barkhouse

REGRETS: Councillor Harry McInroy

STAFF: Ms. Karen Brown, Senior Solicitor  
Ms. Melody Campbell, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting of Harbour East Community Council to order at 7:03 p.m.

**2. APPROVAL OF MINUTES - May 1, 2008**

**MOVED BY Councillor McCluskey, seconded by Councillor Younger, that the minutes of Harbour East Community Council May 1, 2008, as presented, be approved. MOTION PUT AND PASSED.**

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

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

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

**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 Cases 01009, 01010, 01011: Trinity Subdivision, Dartmouth**

- A staff report dated April 18, 2008 was before Council.

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

Mr. Lane advised Council that the applicant voluntarily withdrew Parcel 2 from his proposal.

The following residents sent correspondence to Council as it relates the noted proposal:

E. Marsh, Morin, Jason Morash, Wendy Harding, Erin Crosby, Hollie Turner, Darlene Murphy, Wayne Clark, Linda Urquhart, Darrell Bruhum, Darlene Brown, Linda Vatcher, John McGrath, Jane Hare, Violet Lelachrun, Vivian Hall, Frank Smeltzer, Jillian O'Donnell, Sheri Webster, Shawn Lamarche, Alison Read, Allyson Jacklyn, Christene Haas, Arlene McCoombs, Alan Roach, Theresa Puddifant, Steve Horswill

Councillor Smith raised concerns about the lack of sidewalks at the location and the narrow roadway width. Mr. Lane advised that during the time of construction, 6.5-7 metres was the standard, now 9 metres is the standard He advised that traffic will be able flow

adequately. He added that there was no requirement for sidewalks.

In response to a question by Councillor McCluskey, Mr. Lane advised that there is an option for assisted living in the Development Agreement, although it is at the Developer's discretion. Mr. Lane added that if part of the development does become assisted living, it would not be a provincially licenced facility. Councillor McCluskey added that this is a great location for assisted living.

Councillor Karsten explained the guidelines for public hearings. He explained that the guidelines will apply to the public hearing on this evening's agenda. Councillor Karsten then opened the public hearing calling for any speakers for or against the proposal.

The following speakers came forward to speak regarding the proposal for the Trinity Subdivision:

**Mr. Bill Gay**, Hammonds Plains, advised that he used to live in the area. His father sold the land, but he was not paid the full amount for the property. That owner then sold the land again, making profit from a sale that had not been completed. He added this has been very stressful for him and his mother. The Chair advised that although this is an unfortunate situation, it is a civil matter.

**Mr. Trevor Zinck**, Dartmouth stated that assisted living is needed in the area. There are issues with transportation and access routes in the area. There is a need for accommodation of sidewalks. He stated that he would like to see the complete building as assisted living.

**Mr. Paul Hanlon**, Dartmouth, noted three issues that need to be addressed. He advised that traffic is an issue and Yorkshire Extension needs to be completed. The road width of Trinity Avenue is too narrow. He noted the Neighbourhood Improvement Program stated that this area revert to R-2 Zone.

**Mr. Besim Halef**, Developer, advised that the intent is to have Units B and C as assisted living facilities.

**Ms. Jean Hanlon**, Dartmouth, added that there is a large vacant hole where Unit D was planned. The area has had trees and plants cut down. She was concerned now that Unit D is not planned, this area will remain an eyesore. She added that a stream was buried and diverted, noting that this should not be legal.

**Mr. Jerry Pye**, Dartmouth advised that multi-unit buildings are killing the community, and it cannot sustain that type of development. There should be no development until the Yorkshire Extension is carried through. He added that he has no objection to townhouses or condos, as they are a part of community stabilization and a form of ownership. He added that traffic is a concern. He noted if assisted living facilities are planned, it could be zoned industrial. He recommends deferral of future development until Community Visioning is brought forth.

**Mr. Steven Thompson**, Dartmouth, stated that Trinity Avenue is narrow and if cars are

parked on the street, you cannot pass. There will have to be no parking zones located in this area. The Yorkshire Extension must be complete, adding that the Developer should try to acquire this land to make the road connections. He stated that there are no sidewalks, traffic will increase, and there will be a lack of parking if this development goes through.

**Mr. Brian Leblanc**, Dartmouth, advised that he sees positive changes since the last meeting, although he still has some concerns in regard to increased traffic, safety issues regarding walking such as lack of sidewalks and children walking to school. He noted that there is no guarantee that the facility will include assisted living. He also raised concern about the empty parcel of land that will not be developed, questioning if the area will be fixed.

**Mr. Richard Dubey**, Dartmouth, stated he supports the proposal. The area is close to amenities. He added that the North End should look at options such as this more often.

**Mr. Rick Orton**, Dartmouth, raised concerns of increased traffic adding that there is no public transportation near the area. He noted that there are no sidewalks on a very busy road. The road extension needs to be built. He stated that the City needs to get involved with the Community.

**Mr. David Langois**, Dartmouth, stated that this is beautiful development. This will help North End Dartmouth. He is concerned that there are traffic issues and noted that access roads need to be improved, but the City must address this. The Developer has a fine reputation, and has clearly stated what he intends to do with the property. North End Dartmouth needs quality development.

**Mr. Mark Cherard**, Dartmouth, advised that he supports the development and it is great for the Community.

**Mr. Evan Collins**, Dartmouth, stated he supports the development adding that density and multi-unit buildings are good for the Community.

**Ms. Charlene Fraser**, Ketch Harbour Road, stated that she is a potential buyer for a unit in the development adding that it is very difficult to find affordable housing in the City. This development will bring more into the Community and it is close to amenities. She advised that she likes the plan for assisted living. She advised that in some circumstances, a narrow road width can keep speed down in an area.

A resident from Dartmouth came forward advising that he supports the development.

**Mr. Cesar Saleh**, on behalf of W.M. Fares Limited, clarified concerns brought forward at the public hearing:

1. Rentals are good for the neighbourhood, adding that most people live in an apartment before they actually own.
2. There has been a third-party Traffic Impact Study done stating that the development does meet all traffic requirements. This report has been tabled with HRM.
3. The development is zoned R-3.

4. The Developer has worked with staff to make a quality development.

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

**MOVED BY Councillor McCluskey, seconded by Councillor Younger, to close the public hearing. MOTION PUT AND PASSED.**

Councillor Younger advised of the Visioning project and HRM by Design coming forward. Mr. French, Manger of Community Development, advised that Council will make decisions on how these projects will proceed. Mr. French added that there has been and continues to be progress in other areas besides downtown Halifax.

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

**Parcel 1**

1. **Approve the proposed development agreement for 3 multi-unit residential building on the area of land (Parcel 1) off Nadia Drive, as set out in Attachment A of the report dated April 18, 2008.**
3. **Require the above noted development agreement (for Parcel 1) be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Councillor Smith advised that he agrees with residents that the Yorkshire Extension should have been done and he continues to work on this behalf. He supports the plan for assisted living adding that HRM must hold the Developer to his agreement on this matter. Staff have tried to get as much buffering as possible. He added that he realized that traffic is an issue of concern.

Councillor Younger advised that Council supports Councillor Smith's initiatives on the work to complete the Yorkshire Extension. He advised that condos are important to the area as it increases ownership opportunities. He does not agree that this zone should ever be zoned institutional as had been mentioned in the Public Hearing.

Councillor McCluskey stated that there was a problem with too many in the apartment buildings in an area. She added that this is great development and believes the Developer will do what he says he will be do. She advised that traffic is an issue that needs to be addressed.

Councillor Barkhouse stated that she understands that traffic is a large concern of the residents. She supports the development due the assisted-care units planned for the development.

Councillor Karsten advised that he supports the development.

**MOTION PUT AND PASSED.**

**8.1.2 Case 00831: Rezoning 370 Windmill Road from R-2 to C-2**

- A staff report dated March 10, 2008 was before Council.

Ms. Jennifer Chapman, Planner, presented the report to Council.

Councillor Younger noted that this is an illegal structure on the property.

Councillor Smith raised concern about the capability in relation to the residential areas. There is a home located very close to this property. Staff advised that this is consistent with what is present in the Windmill Road Corridor. Commercial is well established along this road. The building structure has not been considered, as this is not considered in the planning application. In response to a query by Councillor Smith, Ms. Chapman advised that if the recommendation is not approved this evening, the investigation of land use compliance will continue.

Councillor Karsten reiterated the guidelines for public hearings. Councillor Karsten then opened the public hearing calling three times for any speakers for or against the proposal.

Hearing none, the following motion was placed.

**MOVED BY Councillor McCluskey, seconded by Councillor Younger to close the public hearing. MOTION PUT AND PASSED.**

**MOVED BY Councillor Younger, seconded by Councillor McCluskey, that Harbour East Community Council decline the rezoning of that portion of 370 Windmill Road, as shown on Map 1 of the report dated March 10, 2008, from R-2 (Two Family Residential) Zone to C-2 (General Business) Zone to not permit an accessory building. MOTION PUT AND PASSED.**

Councillor Smith added that the property owner continued to build a structure knowing it was not in compliance. There is a residence near this property and these property owners have to look at the mess of this property.

Councillor Younger noted that the reasons for not approving the recommendation were as noted:

1. Zone previously changed to R-2 to preserve neighbourhoods
2. LUB very broad provisions around compatibility

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentations - None**

**10. REPORTS - NONE**

**10.1 STAFF REPORTS**

**10.1.1 Case 01155: Amendments to the MPSs and LUBs regarding kennels**

A report dated, April 29, 2008, was before Council.

**MOVED BY Councillor Younger, seconded by Councillor Smith, that Harbour East Community Council direct staff to proceed with an initiation report to Regional Council to consider amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 14 & 17 (Shubenacadie Lakes) and Lawrencetown regarding kennels. MOTION PUT AND PASSED.**

**10.1.2 Case 00798: Dartmouth Marine Slips Re-development**

A report dated, May 16, 2008, was before Council.

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

**MOVED BY Councillor McCluskey, seconded by Councillor Younger that Harbour East Community Council request Halifax Regional Council:**

- 1. Give First Reading to consider the proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Regional Municipal Planning Strategy as provided in Attachment A of the staff report dated May 16, 2008, and schedule a joint Public Hearing with Harbour East Community Council.**
- 2. Give First Reading to consider the proposed amendment to the Viewplane Policy of the Dartmouth Municipal Planning Strategy as provided in Attachment B of the staff report dated May 16, 2008 and schedule a joint Public Hearing with Harbour East Community Council;**
- 3. Give First Reading to consider the proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Downtown Dartmouth Secondary Planning Strategy (SPS) and Land Use By-law and the addition of site specific policy as provided in Attachments C, D and E of the staff report dated May 16, 2008, and schedule a joint Public Hearing with Harbour East Community Council.**

**MOTION PUT AND PASSED.**

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



1. **Move Notice of Motion to consider the proposed Stage I Development Agreement as provided in Attachment F of this report to permit a mixed-use development, and schedule a joint Public Hearing with Regional Council.**

**MOTION PUT AND PASSED.**

## **10.2 REPORTS**

### **10.2.1 Dartmouth Lakes Advisory Board Report**

- A report dated May 28, 2008, was received from the Dartmouth Lakes Advisory Board.

**MOVED BY Councillor Younger, seconded by Councillor Smith, that the Dartmouth Lakes Advisory Board Report be deferred until information from staff is received.  
MOTION PUT AND PASSED.**

## **11. MOTIONS - NONE**

## **12. ADDED ITEMS - NONE**

## **13. NOTICES OF MOTIONS - NONE**

## **14. PUBLIC PARTICIPATION - NONE**

## **15. NEXT MEETING**

Next scheduled meeting will be on Thursday, July 3, 2008 at 7:00 p.m.

## **16. ADJOURNMENT**

The meeting adjourned at 9:34 p.m.

Melody Campbell  
Legislative Assistant