

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES

March 3, 2011

PRESENT: Councillor Lorelei Nicoll, Vice Chair  
Councillor Bill Karsten  
Councillor Jackie Barkhouse  
Deputy Mayor Jim Smith

REGRETS: Councillor Gloria McCluskey  
Councillor Darren Fisher

STAFF: Ms. Sherryl Murphy, Deputy Clerk  
Ms. Jennifer Weagle, Legislative Assistant

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**1. CALL TO ORDER**

Councillor Nicoll called the meeting to order at 6:00 p.m. The invocation was led by Councillor Barkhouse.

Regrets were noted from Councillors McCluskey and Fisher.

**2. APPROVAL OF MINUTES – February 3, 2011**

**MOVED by Councillor Karsten, seconded by Councillor Barkhouse, that the minutes of February 3, 2011 be approved as distributed. MOTION PUT AND PASSED.**

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

**MOVED by Councillor Karsten, seconded by Deputy Mayor Smith that the following items be deferred to the April 7, 2011 Harbour East Community Council meeting:**

**10.1.2 Information Report – Development Agreement Timelines (Deputy Mayor Smith)**

**10.1.3 Case 16411 – Downtown Dartmouth Sign Requirements**

**MOTION PUT AND PASSED.**

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

**4.1 Status Sheet**

**4.1.1 Sculpture Park – Dartmouth Waterfront**

No update was received relative to this matter and it is to remain on the Status Sheet.

**4.1.2 Urban gardening on residential properties**

It was clarified that a Motion from Councillor Fisher regarding this matter is on tonight's agenda as item 11.1 and it will be addressed at that time. Later in the meeting this item was deferred to April 7, 2011.

**4.1.3 Accessory Shelter**

No update was received relative to this matter and it is to remain on the Status Sheet.

**4.1.4 Ball Hockey Rink – Leaman Drive**

No update was received relative to this matter and it is to remain on 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 - None**
- 8.2 **Variance Appeal Hearings - None**

9. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

- 9.1 **Correspondence - None**

- 9.2 **Petitions - None**

- 9.3 **Presentation**

- 9.3.1 **Dartmouth Land Use By-law – Jillian MacLellan, Planner**

Jillian MacLellan, HRM Planner, presented to Community Council regarding proposed amendments to the Dartmouth Land Use By-law. She clarified that these amendments are for formatting, consistency and housekeeping purposes.

Staff responded to questions of clarification from members.

**MOVED by Councillor Karsten, seconded by Deputy Mayor Smith that staff move forward with the reformatting, consistency and housekeeping amendments to the Dartmouth Land Use By-law and that a public information meeting not be required. MOTION PUT AND PASSED.**

10. **REPORTS**

- 10.1 **Staff**

- 10.1.1 **Information Report: Applications for Beverage Rooms, Lounges & Cabarets (Deputy Mayor Smith)**

An Information Report dated January 18, 2011 was before members.

Mr. Mitch Dickey, Planner, reviewed the three options in the information report with members and responded to questions of clarification.

**MOVED by Deputy Mayor Smith, seconded by Councillor Karsten, that staff move forward with Option 3: Development Agreement Process for applications for beverage rooms, cabarets and lounges, under limited circumstances.**

Councillor Karsten commented on the locational issue of Portland Street turning into Cole Harbour Road, which should be considered when determining areas of concern.

**MOTION PUT AND PASSED.**

**10.1.2 Information Report: Development Agreement Timelines (Deputy Mayor Smith)**

This item was deferred to the April 7, 2011 meeting.

**10.1.3 Case 16411 – Downtown Dartmouth Sign Requirements**

This item was deferred to the April 7, 2011 meeting.

**10.1.4 Case 15790 – Armco Lands, Hines Road, Eastern Passage**

A staff report dated February 15, 2011 was before the Committee.

Mr. Mitch Dickey, Planner, presented the report to Community Council.

Responding to a question from Councillor Nicoll, Mr. Dickey advised that water capacity for the current zoning equates to about 195 units.

At the request of Councillor Barkhouse, Mr. Dickey reviewed the planning process associated with this application.

Deputy Mayor Smith commented that without the other two Community Council members present, he would not want to make a recommendation on this matter.

**MOVED by Deputy Mayor Smith that this matter be referred to Regional Council without a recommendation from Harbour East Community Council.**

Members discussed the motion before them. Mr. Dickey suggested that members could defer this matter to the next meeting, or request a supplementary report for more information.

There being no seconder, the **MOTION WAS DEFEATED.**

**MOVED by Councillor Barkhouse that this matter be deferred to the next meeting of Harbour East Community Council.**

There being no seconder, the **MOTION WAS DEFEATED.**

Councillor Barkhouse commented that she feels the concerns voiced by members of the community through the two public information meetings held on this matter haven't been addressed. She has heard significant concerns regarding this proposed development and feels there is a very clear desire from the community to not allow this application.

**MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, that Harbour East Community Council recommend that Regional Council:**

- 1. NOT Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B to the staff report dated February 15, 2011, and schedule a joint public hearing;**
- 2. NOT Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow for large multi unit buildings by development agreement as contained in Attachments C and D to the staff report dated February 15, 2011, and schedule a joint public hearing;**
- 3. NOT approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B of the February 15, 2011 staff report; and**
- 4. NOT approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow large multi unit buildings as contained in Attachment C and D of the February 15, 2011 staff report.**

Councillor Karsten commented that it is confusing sometimes to separate policy changes from proposed developments. He noted that Councillors have the difficult role of weighing what is in the public good versus the vocal public opinion. He went on to review comments made at the public information meetings which relate more to existing concerns rather than this development.

Deputy Mayor Smith noted that if the recommendation were made to Regional Council to hold a public hearing, the public will have an opportunity at that time to voice their opinion so that Council can gauge what the community wants.

Councillor Nicoll clarified for the record that she seconded the motion so that this debate could take place.

Deputy Mayor Smith requested that the minutes from this portion of the meeting accompany the report to Regional Council.

**MOTION DEFEATED.**

**MOVED by Councillor Karsten, seconded by Deputy Mayor Smith, that Harbour East Community Council recommend that Regional Council:**

- 1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B to the staff report dated February 15, 2011, and schedule a joint public hearing;**
- 2. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow for large multi unit buildings by development agreement as contained in Attachments C and D to the staff report dated February 15, 2011, and schedule a joint public hearing.**

**MOTION PUT AND PASSED.**

**10.1.5 Case 15787 – Russell Lake West Amending Agreement**

A staff report dated January 5, 2010 was before members.

**MOVED by Councillor Karsten, seconded by Deputy Mayor Smith, that Harbour East Community Council:**

- 1. Approve the proposed amending agreement for Russell Lake West, as set out in Attachment A of the January 5, 2011 staff report;**
- 2. Require the agreement be signed by the property owner 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.**

**10.2 Members of Council - None**

**11. MOTIONS**

**11.1 Councillor Fisher**

The following notice of motion was made at the February 3, 2011 meeting by Councillor Fisher:

That Harbour East Community Council request staff to undertake Public Consultation and determine the appropriate amendments to consider urban gardening and the sale of urban gardening produce in residential zones.

**MOVED by Councillor Karsten, seconded by Councillor Smith, that this matter be deferred to the April 7, 2011 meeting. MOTION PUT AND PASSED.**

**12. ADDED ITEMS**

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION**

No members of the public came forward at this time.

**15. NEXT MEETING DATE – Thursday, April 7, 2011**

**16. ADJOURNMENT**

The meeting was adjourned at 7:10 p.m.

Jennifer Weagle  
Legislative Assistant