

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

May 5, 2011

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

STAFF: Ms. Angela Jones-Reiksts, Municipal Solicitor
Ms. Jennifer Weagle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	TABLING OF ANNUAL REPORT	3
3.	PUBLIC PARTICIPATION	3
4.	APPROVAL OF MINUTES – April 7, 2011	3
5.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	3
6.	BUSINESS ARISING OUT OF THE MINUTES	6
6.1	Status Sheet	6
6.1.1	Case 16912: Dartmouth LUB Amendments	6
6.1.2	Case 16411, Downtown Dartmouth Sign Requirements	6
6.1.3	Staff report re: Ball Hockey Rink Leaman Drive	6
6.1.4	Case 16568: Oversize Accessory Buildings - Eastern Region	6
6.1.5	Case 16915: Urban Gardening	6
6.1.6	Case 16893: Licensed Drinking Establishments - Dartmouth	6
6.1.7	Staff report re: Sculpture Park, Dartmouth Waterfront	7
7.	MOTIONS OF RECONSIDERATION – NONE	7
8.	MOTIONS OF RESCISSION – NONE	7
9.	CONSIDERATION OF DEFERRED BUSINESS – Date	7
10.	HEARINGS.....	7
10.1	Public Hearings.....	7
10.1.1	Case 16411 Downtown Dartmouth Sign Requirements	7
10.1.2	Case 16601: Harbour Isle Development Agreement, Dartmouth	4
10.2	Variance Appeal Hearings - None	7
11.	CORRESPONDENCE, PETITIONS & DELEGATIONS	7
11.1	Correspondence	7
11.2	Petitions.....	7
11.3	Presentation.....	7
11.3.1	Project 1286: Dartmouth Main Street Plan Review	7
12.	REPORTS	8
12.1	Staff	8
12.1.1	Case 15940: Forest Hills Planned Unit Development	8
12.1.2	Case 16507: Development Agreement for Apartment Building, Dartmouth	9
12.3	Board and Committees	9
12.3.1	Dartmouth Lakes Advisory Board – Consultation in HRM’s Storm Water Management Functional Plan.....	9
13.	MOTIONS - None	9
14.	ADDED ITEMS - None	9
15.	NOTICES OF MOTION	9
16.	PUBLIC PARTICIPATION	9
17.	NEXT MEETING DATE – June 9, 2011	9
18.	ADJOURNMENT	10

1. CALL TO ORDER

The Chair called the meeting to order at 6:05 p.m., with the invocation being led by Councillor Barkhouse.

2. TABLING OF ANNUAL REPORT

A report dated April 1, 2011 was before Community Council.

The Chair asked if the Community Council or members of the public had questions or comments regarding the Annual Report. None were raised.

The Chair asked for comments or questions from members of the public on the report. The Chair called three times for speakers. Hearing none, the following motion was passed:

MOVED by Councillor Barkhouse, seconded by Councillor Karsten, that Harbour East Community Council table the 2010 Annual Report. MOTION PUT AND PASSED.

3. PUBLIC PARTICIPATION

This item was dealt with under Item 2.

4. APPROVAL OF MINUTES – April 7, 2011

MOVED by Councillor Nicoll, seconded by Councillor Smith, that the minutes of April 7, 2011 be approved as circulated. MOTION PUT AND PASSED.

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

Community Council agreed to move directly to the public hearings, before addressing the remainder of the agenda.

MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, that the Order of Business be approved, as amended. MOTION PUT AND PASSED.

10.1 Public Hearings

10.1.1 Case 16411 Downtown Dartmouth Sign Requirements

A report dated February 4, 2011 was before Community Council.

Mr. Mitch Dickey, Planner, HRM Planning Services, provided a presentation on the Downtown Dartmouth sign requirements.

Mr. Dickey noted a typographical error in the Land Use By-law (Attachment A to the report), in section 14(b) under fascia signs, which should read “0.33 square meters per linear metre”.

Mr. Dickey responded to questions of clarification from Community Council.

The Chair opened the floor for those wishing to speak for or against the proposed sign requirements.

Mr. Ryan Gomes, representative of Eastern College, 45 Alderney Drive, Dartmouth, advised that Eastern College was formerly known as Compu College and changed its name two years ago. Because of the existing sign regulations they have not been able to put up new signage for Eastern College. They want to replace the Compu College sign with a similar back-lit sign on the surface of the Queens Square building. They have submitted the specifications before, which were refused and they eventually just gave up. They want to meet the existing regulations, but they need their branding identity to match the other Eastern College campuses across the Maritimes.

Mr. Dickey advised that Development Services should be able to work with the College to come up with an appropriate sign. He noted that if Community Council wants to permit internally lit signs, it would require an MPS amendment.

The Chair called three times for any further speakers, hearing none, it was **MOVED by Councillor Nicoll, seconded by Councillor Karsten, to close the public hearing. MOTION PUT AND PASSED.**

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Harbour East Community Council approve the proposed amendments regarding signs to the Land Use By-law for Downtown Dartmouth, as set out in Attachment A of the February 4, 2011 report, with one correction to section 14(b) which should read “0.33 square meters per linear metre”.

Councillor Karsten inquired whether decision on this matter should be deferred to the next meeting to allow resolution of the Eastern College signage issue.

Mr. Dickey reiterated that if Community Council wants to permit internally lit signs, it would require an MPS amendment.

At the request of Councillor Kartsten, Ms. Angela Jones Reiksts, Municipal Solicitor, confirmed that such a change would be considered a substantial change and would require a second public hearing.

MOTION PUT AND PASSED.

10.1.2 Case 16601: Harbour Isle Development Agreement, Dartmouth

A staff report dated March 16, 2011 was before Community Council

Mr. Joseph Driscoll, Senior Planner, provided a presentation on Case 16601 to Community Council.

Mr. Driscoll responded to questions of clarification from Community Council.

The Chair opened the floor for those wishing to speak for or against the proposed sign requirements.

Mr. Don Estabrook, Dartmouth, noted that this has been the third set of plans for this development. He commented that he found their first design to be a nice little building, then a larger but still nice building was proposed. He finds this proposal very big at 13 stories. He asked about the parking, noting that two floors of parking plus the mechanical roof would make the building more like 16 stories. He thought that Shepherd's Island wouldn't be built on, but now the report says that 25% of the Island can be built on.

Mr. Driscoll advised that parking will be underground and in the court yard. Any underground parking will be below grade. He also confirmed that the mechanical penthouse will be separate from the 13 stories.

Mr. Driscoll advised that Shepherd's Island is not a part of this application. Although Shepherd's Island is permitted up to 25% development, it would have to come back to Community Council for a public hearing before approval.

The Chair called three times for any further speakers, hearing none, it was **MOVED by Councillor Karsten, seconded by Councillor Barkhouse, to close the public hearing. MOTION PUT AND PASSED.**

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

- 1. Approve, by Resolution, the Discharge of the Existing Agreement and Amending Agreement applied to the Lands; and**
- 2. Approve the proposed development agreement for a 13 storey mixed use building, as set out in Attachment A of the March 16, 2011 staff report; and**
- 3. 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.**

Mr. Driscoll responded to further questions of clarification from Community Council.

At the request of Councillor Karsten, Mr. Dan Knee, Project Manager, indicated that they are eager to start construction. They have the building permit, and as soon as some brief design work is completed they will be starting. The site has been prepared to start construction.

MOTION PUT AND PASSED.

6. BUSINESS ARISING OUT OF THE MINUTES

6.1 Status Sheet

6.1.1 Case 16912: Dartmouth LUB Amendments

An information report dated April 15, 2011 was received with an update on this matter. Community Council agreed to remove this item from the status sheet at the request of staff.

6.1.2 Case 16411, Downtown Dartmouth Sign Requirements

A public hearing on this case was held earlier in the meeting under item 10.1.1. This item will be removed from the status sheet.

6.1.3 Staff report re: Ball Hockey Rink Leaman Drive

A report is anticipated for the June meeting. This item to remain on the status sheet.

6.1.4 Case 16568: Oversize Accessory Buildings - Eastern Region

An information report dated April 18, 2011 was received with an update on this matter. Community Council agreed to remove this item from the status sheet at the request of staff.

6.1.5 Case 16915: Urban Gardening

An information report dated April 18, 2011 was received with an update on this matter. Community Council agreed to remove this item from the status sheet at the request of staff.

6.1.6 Case 16893: Licensed Drinking Establishments - Dartmouth

An information report dated April 20, 2011 was received with an update on this matter. Community Council agreed to remove this item from the status sheet at the request of staff.

6.1.7 Staff report re: Sculpture Park, Dartmouth Waterfront

Work on this initiative is ongoing, a report will be forthcoming on this matter. This item to remain on the status sheet.

7. MOTIONS OF RECONSIDERATION – NONE

8. MOTIONS OF RESCISSION – NONE

9. CONSIDERATION OF DEFERRED BUSINESS – Date

10. HEARINGS

10.1 Public Hearings

10.1.1 Case 16411 Downtown Dartmouth Sign Requirements

This item was addressed earlier in the meeting. See page 3.

10.1.2 Case 16601: Harbour Isle Development Agreement, Dartmouth

This item was addressed earlier in the meeting. See page 3.

10.2 Variance Appeal Hearings - None

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

11.2 Petitions

11.3 Presentation

11.3.1 Project 1286: Dartmouth Main Street Plan Review – Marcus Garnet

Mr. Marcus Garnet, Senior Planner, Regional & Community Planning, made a brief presentation to Community Council on the Dartmouth Main Street Plan Review. A copy of Mr. Garnet's presentation is on file, and included the following:

- Overview of the 2008 Streetscape Vision & implementation;
- Plan Review, which included public workshops and Business Improvement District liaisons;
- Review of the concept illustration;
- Proposed Generalized Future Land Use;
- Zoning for "Placemaking";

- Proposed Zoning;
- Main Street Town Centre Zone for a walkable mix of uses and buildings and pedestrian focal points with some narrow lots;
- Main Street Esplanade Zone;
- Town Centre Residential Zone – Lakecrest Frontages and other locations;
- Residential, Craftshop, Studio & Spa Zone;
- Design Rules example: walls;
- Prominent sites;
- Maximum heights;
- Conditions under which existing structures may and may not be altered/expanded.

Mr. Garnet advised that he will be bringing the completed MPS review to Community Council in the next month or two for review and approval. Further information can be viewed at www.halifax.ca/regionalplanning/.

The Chair thanked Mr. Garnet for his presentation.

12. REPORTS

12.1 Staff

12.1.1 Case 15940: Forest Hills Planned Unit Development

A report dated April 15, 2011 was before Community Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten, 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 Cole Harbour/Westphal, to replace provisions pertaining to the Forest Hills Planned Unit Development with new policies and standard zoning, as contained in Attachments A and B of the April 15, 2011 report, and schedule a public hearing.**
- 2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, to replace provisions pertaining to the Forest Hills Planned Unit Development with new policies and standard zoning, as contained in Attachments A and B of the April 15, 2011 report.**

MOTION PUT AND PASSED.

12.1.2 Case 16507: Development Agreement for Apartment Building, Dartmouth

A report dated April 18, 2011 was before Community Council.

MOVED by Councillor Karsten, seconded by Councillor Barkhouse that Harbour East Community Council Give Notice of Motion to consider the proposed development agreement as set out in Attachment A of the April 18, 2011 report and schedule a public hearing. MOTION PUT AND PASSED.

The public hearing will be scheduled for June 7, 2011.

12.3 Board and Committees

12.3.1 Dartmouth Lakes Advisory Board – Consultation in HRM’s Storm Water Management Functional Plan

A report from the Dartmouth Lakes Advisory Board dated March 3, 2011 was before Community Council.

Community Council members requested further information on why this request is being made and what and whom the Storm Water Management Functional Plan involves.

Deputy Mayor Smith commented that he understands that this functional plan falls under the Halifax Water Commission, and inquired whether Community Council has the authority to direct the Water Commission to consult with the Dartmouth Lakes Advisory Board.

MOVED by Councillor Karsten, seconded by Councillor Nicoll that Harbour East Community Council defer this matter to the next meeting to obtain further input from staff as to why this request is being made. MOTION PUT AND PASSED.

13. MOTIONS - None

14. ADDED ITEMS - None

15. NOTICES OF MOTION

16. PUBLIC PARTICIPATION

No members of the public came forward at this time.

17. NEXT MEETING DATE – June 9, 2011

18. ADJOURNMENT

The meeting was adjourned at 7:22 p.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEMS

1. **Case 16912: Dartmouth Land use By-law Amendments**
2. **Case 16568: Oversize Accessory Buildings – Eastern Region**
3. **Case 16915: Urban Gardening**
4. **Case 16893: Licensed Drinking Establishments - Dartmouth**