

HARBOUR EAST COMMUNITY COUNCIL
SEPTEMBER 14, 2000
MINUTES

PRESENT: Councillor Harry McInroy, Chair
Councillor Clint Schofield, Vice Chair
Councillor Ron Cooper
Councillor Jack Greenough
Councillor Condo Sarto
Councillor Bruce Hetherington
Deputy Mayor John Cunningham

STAFF: Mr. Barry Allen, Municipal Solicitor
Ms. Julia Horncastle, Assistant Municipal Clerk

TABLE OF CONTENTS

1. INVOCATION 04

2. APPROVAL OF MINUTES - July 6& August 29, 2000 04

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF
ADDITIONS AND DELETIONS 04

4. BUSINESS ARISING FROM THE MINUTES 04

5. MOTIONS OF RECONSIDERATION - NONE 04

6. MOTIONS OF RESCISSION - NONE 04

7. CONSIDERATION OF DEFERRED BUSINESS 04

8. PUBLIC HEARINGS

8.1 Case 00276 - Application for a Substantial Amendment to the
Development Agreement for the Home Depot Project, Baker
Drive, Dartmouth and Memorandum re: Amended Development
Agreement 05

8.2 Case 00163 - Application by Pinnacle Homes to Create a
Residential and Commercial Comprehensive Development
District located at 506 Portland Street, Dartmouth 05

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions 06

9.2 Delegations

9.2.1 Greenvale Art & Cultural Association - Ms. Vett Lloyd 11

9.2.2 Height Restrictions, Detached Garage - Mr. Barry Bugbee 11

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Deputy Mayor Cunningham

i) Commercial Use of Parkland - Grahams Grove .. 12

ii) Traffic Study - Prince Albert Road - Glenwood,
Lakeview Point Road, Celtic Drive, Sinclair Street 12

10.2 Case 00281 - Application for a non-substantial amendment -
Pinegrove Estates (Block "X") CDD, Woodland Avenue, Dartmouth .. 12

11. MOTIONS 13

12. ADDED ITEMS

 12.1 Deputy Mayor Cunningham

 i) Sidewalk Cuts for Wheelchairs 13

 ii) Silvers Hills - Brush Clearing 13

13. NOTICES OF MOTION 13

14. PUBLIC PARTICIPATION 13

15. NEXT MEETING 14

16. ADJOURNMENT 14

1. INVOCATION

The meeting was called to order with the invocation.

Councillor Hetherington noted Councillor Jack Greenough was retiring from municipal politics. The Councillor acknowledged the contributions made to municipal government by Councillor Greenough during his twenty five years of service as a representative of the people Dartmouth both on the Dartmouth Council as well as the Halifax Regional Council.

MOVED by Councillor Hetherington and Deputy Mayor Cunningham that the Harbour East Community Council wish Councillor Greenough all the best in the future. MOTION PUT AND PASSED UNANIMOUSLY.

2. APPROVAL OF MINUTES OF JULY 6 (REGULAR SESSION) AND AUGUST 29 (SPECIAL SESSION), 2000

MOVED by Councillors Greenough and Schofield that the minutes of July 6 (special session) and August 29 (regular session), 2000 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Sidewalk Cuts for Wheelchairs - Deputy Mayor Cunningham
- 12.2 Silvers Hill - Brush Clearing - Deputy Mayor Cunningham

Deletions

Deputy Mayor Cunningham requested item 10.1.1 (ii) - Traffic Study - Prince Albert Rd - Glenwood, Lakeview Point Rd., Celtic Drive, Sinclair Street be deleted from the agenda.

MOVED by Councillors Hetherington and Greenough that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Case 00276 - Application for a Substantial Amendment to the Development Agreement for the Home Depot Project, Baker Drive, Dartmouth

- A copy of the report prepared for Mr. Paul Dunphy, Director of Planning and Development, dated August 24, 2000, on the above noted, was before Community Council.
- Memorandum from Roger Wells, Regional Coordinator, dated September 6, 2000, on the above noted, was before Community Council.
- First Reading was given August 29, 2000.

Mr. Roger Wells, Regional Coordinator, with the aid of overheads, presented the staff report advising, the proposal is for the installation of a Harvey's fast food kiosk as an incidental or convenience use within the building. The kiosk will be located in the front portion of the store in the enclosed canopy area between the main entrance and exit doors. He noted the Community Council had amended the proposed amendment to allow for up to three kiosks only.

In response to Councillor Hetherington, Mr. Wells advised, for the record, that this would not be a "drive by" fast food outlet.

In response to Deputy Mayor Cunningham, Mr. Wells advised that if the Home Depot wished to add another kiosk at a later date, there would be opportunity for them to apply for this as an amendment to the development agreement.

In response to Councillor Sarto, Mr. Wells advised staff in consultation with the area Councillor had waived the public information requirement as it was decided that the impact was not important enough to hold a public meeting.

Councillor McInroy called three times for members of the public wishing to speak either in favour of or against the application. Hearing none, the following motion was placed before Community Council.

**MOVED by Councillors Hetherington and Greenough that the public hearing close.
MOTION PUT AND PASSED UNANIMOUSLY.**

Decision of Community Council

MOVED by Councillors Hetherington and Greenough that Harbour East Community Council:

- 1. Approve the amendment to the development as per the memorandum dated September 6, 2000 from Roger Wells, Regional Coordinator, to permit fast food restaurant service to be located within the Home Depot building.**
- 2. Require that the Amending 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.

8.2 Case 00163 - Application by Pinnacle Homes to create a residential and commercial Comprehensive Development District located at 506 Portland Street, Dartmouth

- A staff report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated August, 2000, on the above noted, was before Community Council.
- Schedule "C" Concept Plan was circulated to Community Council.
- Memorandum from Kurt Pyle, Planner, dated September 13, 2000, on the above noted was circulated to Community Council.
- Correspondence from Phil Elliott, 12 Swanton Drive, Dartmouth, on the above noted, was circulated to Community Council
- Notice of Motion was given on August 29, 2000.

Mr. Kurt Pyle, Planner, with the aid of overheads, presented the staff report outlining the proposed stages and types of development. He advised there are three separate commercial components; a commercial plaza, a restaurant and a self storage facility. The residential component consists of a mix of housing types including single unit, semi detached, townhouses and a single apartment building. He outlined the buffering requirements which will separate the development from Marilyn Drive as well as provide a noise buffer between the fire station and the surrounding neighbourhood. He advised there will be a developed park with landscaping and fencing. He advised there will be two access point, one signalized intersection across from the Sears entrance at the Penhorn Mall and the second will be a "right in and right out only" intersection directly across from the Metro Transit bus depot. He advised traffic services are recommending a connection between the new development and Marilyn Drive but, if the Community Council does not

agree with this, then staff is recommending a pedestrian connection be made. He advised staff are recommending approval of the development agreement.

In response to Deputy Mayor Cunningham, Mr. Pyle confirmed the signalized intersection would be in front of Sears. On further question, he advised the ultimate build out would be by the year 2003.

In response to Deputy Mayor Cunningham, Mr. Pyle advised staff is currently looking at the design standard for creating a road between the subdivision and Marilyn Drive.

On further question, Mr. Pyle confirmed that home business operation would be restricted in that they would only operate until 6:00 p.m.

In response to Councillor Sarto, Mr. Pyle advised the traffic pattern for the second entrance would be right in/right out only.

Councillor McInroy called for anyone wishing to speak either in favour of or against the proposed development agreement.

Barry Zwicker

Mr. Barry Zwicker, Wallace MacDonald Lively, representative of Pinnacle Homes, advised:

- the developer has worked with the community in the development of the plan
- the developer has a few issues with the development agreement as presented
- a fifty foot buffer has been provided as separation from Marilyn Drive and the fire station noting, there is a significant grade difference at this location
- they are going to align the roadway coming in if there is a need and suggested the words "if required" be included in the development agreement to clarify this
- any roadway connection from the new roadway to Marilyn Drive is not acceptable as the traffic study had indicated it is not required as there is more than sufficient capacity on that section of Portland Street at a light controlled intersection to handle traffic
- there are no safety issues
- they have concerns if a roadway connection is made to Marilyn Drive it will be used as a right of way and in the future may become a two way street
- they are not in opposition to an emergency access through the walkway if it is required.

Leo Cormier

Mr. Leo Cormier, 15 Summit Heights Road, expressed the following concerns:

- did not agree with the location of the fire hall and the buffer zone
- the residents would like to see a 100 foot buffer zone
- there will be a fence on three sides of the buffer zone but why not on the fourth side which is immediately behind the residences
- he would prefer only one access to alleviate any possibility of traffic accessing the development from Summit Heights Road
- where there are no trees the buffer zone consist of trees to give protection to the neighbouring residents.

Helen Wilton

Ms. Helen Wilton, Marilyn Drive, expressed concern with safety if there is an exit from the new development to Marilyn Drive. She stated that if there is an exit it will be used as a short cut which will be a danger to the children who have to walk down Gaston Road to school. She stated she did not feel a 20 foot buffer is wide enough.

Don Burke

Mr. Don Burke, 5 Marilyn Drive, expressed concern with the traffic and recommended the development be approved as presented and there be no access to Marilyn Drive.

Jean McQuarrie

Ms. Jean McQuarrie, 19 McRae Avenue, stated s he was not in favour of the road reserve to Summit Heights being opened.

Peter Penny

Mr. Peter Penny, Marilyn Drive, expressed concern that this development may cause the residents in the area to move out of the area as a result of losing the wooded area behind their homes.

Kurt King

Mr. Kurt King advised the public participation committee had met with HRM representatives and the residents advising, this is the best proposal for development of this piece of property. Mr. King thanked the committee members for their work and HRM staff for their assistance.

Craig Snow

Mr. Craig Snow, Dartmouth, spoke in favour of the development stating it improves the

neighbourhood. He stated Dartmouth has a shortage of new housing and there is very little real estate available to people who want to live in Dartmouth.

Tim Olive

Mr. Tim Olive, MLA, expressed concern with traffic and recommended a review of the entire traffic corridor be undertaken rather than each development be examined on a stand alone traffic neutral basis. He noted this development as well as the new developments on Baker Drive will be adding additional traffic volumes to this area.

Rob Dunlop

Mr. Rob Dunlop, Gaston Road, stated that a two-way access from the new development to Marilyn Drive would have advantages and there should be two way access or no access at all.

Councillor McInroy called three times for any additional speakers. Hearing none, the following motion was placed before Community Council.

MOVED by Councillors Greenough and Schofield that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Decision of Community Council

Councillor Hetherington noted that decisions were made by a committee made up of area residents. He advised there were approximately fourteen meetings and the proposal before Community Council is a proposal based on community input. He stated it is up to Community Council to respect the wishes of the residents and move forward with projects.

In response to Councillor Hetherington, Mr. McCusker advised one new pole and traffic signal head will be required to make the fourth leg of the intersection at the entrance to the development.

MOVED by Councillors Hetherington and Greenough that the development agreement be amended to reflect that the traffic lights at the intersection will be moved at the developers expense “if necessary”. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hetherington suggested the connection from the new development to Marilyn Drive be a walking path only.

MOVED by Councillors Hetherington and Greenough that the connection to Marilyn

Drive from the new development be a walking path only. MOTION PUT AND PASSED UNANIMOUSLY.

The main motion, as amended, was placed before Community Council.

MOVED by Councillors Hetherington and Schofield that the Harbour East Community Council:

1. **Approve the proposed development agreement (Attachment 1 of the August, 2000 staff report), to permit a mixed development of residential, commercial, and institutional uses at 506 Portland Street, Dartmouth;**
2. **the traffic lights at the intersection will be moved at the developers expense “if necessary”;**
3. **the connection to Marilyn Drive from the new development be a walking path only;**
4. **approve the amendments contained in Attachment 1 of a memorandum dated September 13, 2000; and,**
4. **require the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval of said agreement by Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise, this approval shall be void and any obligations hereunder shall be at an end.**

Deputy Mayor Cunningham expressed concern that the fifty foot buffer may pose a problem in that it may become a hangout for teenagers. He also expressed concern that the sirens would pose an inconvenience to the residents on Summit Heights. The Deputy Mayor also expressed concern that the 6 p.m. closing time for home businesses may pose a restriction on someone who may want to do a private home consultation.

MOVED by Deputy Mayor Cunningham that the hours of operation be removed from the development agreement.

There was no seconder; therefore, the motion was lost.

MOTION, AS AMENDED, PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions - None

9.2 Delegations

9.2.1 Greenvale Art & Cultural Association - Ms. Vett Lloyd

Ms. Vett Lloyd stated the association is proposing to turn the building into a community art and cultural centre. She stated they would like to see the building house working studio space, art class space, an IT based arts and cultural initiative and to use the auditorium and gymnasium space as performance space. The goals are to preserve the building itself and to increase activity in the downtown Dartmouth community.

Mr. Norman Wishart stated the association was requesting the Community Council request the Mayor provide a letter of support for the proposal. He stated they do not have access to a key to allow free access to the building. He stated they are asking that until they have tenants to help pay the rent HRM continue basic servicing of this property so they do not have to service it once they receive the key. They are asking that lawn care, sidewalks, plowing, water and electric be the responsibility of HRM until they have paying tenants. He advised the property has had some damage since their initial proposal and they are asking if the property can be brought up to the 1998 standard as when the initial proposal was put forward which would include heat and electricity and fixing of the broken water main.

Deputy Mayor Cunningham suggested a meeting be held with Deputy CAO Dan English, the members of the Association and himself to discuss the issues presented. He suggested the Community Council request the Mayor write a letter endorsing the organization.

MOVED by Deputy Mayor Cunningham and Councillor Greenough that the Community Council endorse the presentation and support the request for a meeting between Deputy CAO Dan English, the group and the Councillor.

Councillor Hetherington clarified that the motion was referring all issues to Deputy CAO English for action.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2.2 Height Restrictions, Detached Garage - Mr. Barry Bugbee, 9 Bligh Street, Dartmouth

Mr. Bugbee advised his garage does not meet height restriction under the land use by-law and municipal planning strategy for Dartmouth and was before Council to ascertain whether there were any options open to him that would enable him to keep the garage.

Mr. Kurt Pyle, Planner, advised that under the Municipal Government Act, a minor variance cannot be granted for height. He advised what would be required would be an amendment to the land use by-law to change the height requirements which would not only affect this property but all other residential areas.

Councillor Greenough questioned whether there could be a site specific amendment to the land use by-law. In response, Mr. Pyle advised this was another option but this could be precedent setting as there are many such instances where similar requests have been made of the development officer.

MOVED by Councillors Greenough and Hetherington that the matter be referred to development services and legal for a review whether it would be possible to do a site specific amendment to the MPS and/or Land Use By-law. MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Deputy Mayor Cunningham

(i) Commercial Use of Parkland - Grahams Grove

MOVED by Deputy Mayor Cunningham and Councillor Schofield that staff be requested to provide a report from Recreation regarding the commercial boat rentals at Grahams Grove. MOTION PUT AND PASSED UNANIMOUSLY.

(ii) Traffic Study - Prince Albert Road - Glenwood, Lakeview Point Road, Celtic Drive, Sinclair Street

This item was deleted under the approval of the order of business.

10.1 Case 00281 - Application for a non-substantial amendment - Pinegrove Estates (Block "X") CDD, Woodland Avenue, Dartmouth

- A report prepared for Paul Dunphy, Director of Planning and Development, dated August 22, 2000, on the above noted, was before Community Council.

MOVED by Councillors Schofield and Sarto that:

1. **Harbour East Community Council approve, by Resolution, the non-substantial amendment to Block “X” CDD development agreement (Attachment 1), to permit the installation of alternative house cladding materials.**
2. **that the amending agreement be signed within 120 days or any extension thereof granted by Community Council on request of the applicant from the date of final approval by Community 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.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Deputy Mayor Cunningham

(i) Sidewalk Cuts for Wheelchairs

Deputy Mayor Cunningham advised the sidewalk cuts in downtown Dartmouth are in very poor condition and requested staff provide a report on how these cuts can be fixed this year or provided for in the Capital Budget for the upcoming year.

(ii) Silvers Hill - Brush Clearing

Deputy Mayor Cunningham requested the works department clear the brush from this location as it has begun to pose a safety hazard and is being used as a hangout by teenagers.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Tim Olive, MLA, stated there is a perception that there is no long term commitment for the future of the Greenvale school which makes it very difficult to get the provincial government to commit to any long term funding as a result. He stated there is a need to know what the long term plan for the building is and for what purpose HRM would be

saving it. Mr. Olive noted there is a new pawnshop in downtown Dartmouth and questioned when the pawnshop issue is going to be addressed. Mr. Olive noted there is a problem regarding a lack of a sidewalk for the children going up the hill from the new P3 school in Portland Estates. There is a need for a sidewalk from the school out past the park and up the hill.

In response, Councillor Hetherington advised that Council was very supportive of donating the Greenvale building to the organization but Council does not have the monies to put into it. The Councillor noted that the residents of Portland Estates will be covering the costs of the sidewalks personally. Each resident will be putting up an amount towards the costs rather than having the costs charged to the abutting residents.

15. NEXT MEETING

To be determined.

16. ADJOURNMENT

MOVED by Councillors Hetherington and Greenough that the meeting be adjourned at 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Julia Horncastle
Assistant Municipal Clerk**