

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
December 6, 2001

PRESENT: Councillor John Cunningham, Chair
 Councillor Ron Cooper
 Councillor Harry McInroy
 Councillor Brian Warshick
 Councillor Condo Sarto
 Councillor Bruce Hetherington
 Councillor Jim Smith

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

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. with the Invocation.

2. **APPROVAL OF MINUTES - November 1, 19, and 20, 2001**

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that the minutes of November 1, 2001 (regular session), November 19, 2001 (joint session) and November 20, 2001 (special session), be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

1. Presentation - Mr. John R. Scott, Vice President, Development, Ivanhoe Cambridge re Case 00243 (Community Council agreed to address this item under Presentations)
2. Councillor Sarto - Land Use By-law

MOVED by Councillor McInroy, seconded by Councillor Smith, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Councillor Warshick referenced item 12.2 of the November 1st meeting and, as no information had been provided to date, asked that the request be resent to staff.

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **PUBLIC HEARINGS**

- 8.1 **Case 00388 - Application by Harbour East Community Council to rezone property at 25 Arthur Street, Dartmouth, from I-3 (Harbour Oriented Industrial) zone to R-3 (Multiple Family Residential) zone**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated October 19, 2001, on the above noted, was before Council.
- First Reading given November 1, 2001

Ms. Maria Jacobs, Planning Technician, with the aid of overheads, presented the report.

In response to Councillor Smith, Ms. Jacobs advised the application was not initiated by the owner but he was aware of the application being made.

Councillor Cunningham called three times for those wishing to speak either in favour of or opposition to the application. Hearing none, the following motion was placed.

MOVED by Councillor Warshick, seconded by Councillor Smith, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hetherington advised that in the 1980's the Federal Government expropriated the land for use as a Coast Guard Base. The Councillor noted that although the property has no water frontage it is zone I-3 which is an industrial use in a residential area. He stated he had initiated the zoning change with the concurrence of the property owner.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Harbour East Community Council approve the proposed rezoning of 25 Arthur Street, Dartmouth (PID #00245456) from I-3 (Harbour-Oriented Industrial) zone to R-3 (Multiple Family Residential) zone, as shown on Map 1 of the staff report dated October 19, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00346 - 388 Cow Bay Road - Application for an expansion of the existing variety store to accommodate a Laundromat by Development Agreement

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated October 15, 2001, on the above noted, was before Community Council.

Ms. Maria Jacobs, with the aid of overheads, presented the staff report. She advised a petition in favour of the expansion, containing approximately 300 names, had been received.

Councillor Warshick suggested adequate lighting be provided.

In response to Councillor Sarto, Ms. Jacobs advised there is one mobility parking space provided as per the Land Use By-law requirements.

In response to Councillor Smith, Ms. Jacobs advised the hours of operation are from 8:30 a.m. to 10:00 p.m.

Councillor Cunningham called for those wishing to speak either in favour of or opposition to the proposal.

Mr. Richard Wassouf

Mr. Richard Wassouf, owner, advised he lives across the street from the store; therefore, he would not be using any of the parking spaces and does not foresee a parking problem. He advised he has tried to comply with the requests of the Planning Advisory Committee. He stated it is not his intention to detract from his business but rather to do only that which is necessary so that the business will prosper.

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

MOVED by Councillor Hetherington, seconded by Councillor McInroy, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

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

- 1. Approve the development agreement to allow the installation of up to a total of 14 washer and dryer machines within the existing variety store at 388 Cow Bay Road, Attachment 2 of the staff report dated October 15, 2001.**
- 2. 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 by Community Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions - none

9.2 Presentations

9.2.1 The Centre for Entrepreneurship Education and Development

Ms. Diane Chisholm and Mr. Edward Matwana, The Centre for Entrepreneurship Education and Development, made a presentation to Community Council outlining some of the initiatives undertaken by the Centre.

Councillor Cunningham thanked the presenters for their presentation.

9.2.2 Mr. John Scott, Vice President, Development, Ivanhoe Cambridge

Mr. Scott, reading from prepared text, addressed Community Council regarding Case 00243, specifically the proposed changes to the MPS and Land Use By-law for MicMac Mall property.

Following his presentation, Mr. Scott submitted a copy of his presentation to the Community Council Clerk.

Councillor Cunningham thanked the presenter for his presentation.

10. REPORTS

10.1 Renaming of John MacNeil Multi-Purpose Court

- A report prepared for Ms. Karen MacTavish, Director, Parks and Recreation Services, dated November 27, 2001, on the above noted was before Community Council.

MOVED by Councillor Smith, seconded by Councillor Sarto, that the John MacNeil Elementary School Outdoor Multi-Purpose Court be named the Doug Knickle Multi-Purpose Court.

Councillor Sarto requested a letter of gratitude be sent to Mr. Knickle from the Community Council.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Harbour East Planning Advisory Committee

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that the following persons be appointed to the Harbour East Planning Advisory Committee for a two year term expiring November 30, 2003: Jack Thomas, Thomas Harmes, Ray DeRoche, Harold J. Northrup and Robert Horne. MOTION PUT AND PASSED

UNANIMOUSLY.

10.3 Case 00347 - Application by Can-Euro Investments Ltd. to enter into a development agreement to permit additional units within their apartment building located at 7 Horizon Court, Dartmouth (Move Notice of Motion and set public hearing date)

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated November 28, 2001, on the above noted was before Community Council.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the Harbour East Community Council give Notice of Motion to consider the development agreement and to schedule a public hearing for January 10, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 Case 00413 - Application for a Substantial Amendment to the development agreement for the Home Depot Project, Baker Drive, Dartmouth (Move Notice of Motion and set public hearing date)

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated November 22, 2001, on the above noted, was before Community Council.

MOVED by Councillor Hetherington, seconded by Councillor Cooper, that the Harbour East Community Council move Notice of Motion to consider the amending agreement and to schedule a public hearing for January 10, 2002.

Councillor Cooper requested staff determine whether there are any restrictions on roof signs in this area.

In response to Councillor Sarto, Mr. Dickey advised it would be a new car dealership with incidental used car sales. On further question, Mr. Dickey advised it currently has a CDD zoning.

MOTION PUT AND PASSED UNANIMOUSLY.

10.5 Case 00243 - Woodland Avenue East Planning Process and Traffic Study (including the former YMCA, Lands of Canada Lands Company, Lands of Can-Euro and MTT)

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated November 29, 2001, on the above noted, was before Community Council.

Ms. Susan Corser, with the aid of overheads, presented the report, advising in October Community Council had requested staff come back with amendments necessary to implement the proposed changes for consideration. The proposed amendment before Council would implement the recommendations of the Woodland Avenue East Steering Committee. She noted all parcels have traffic issues, concerns for the protection of the environment, the enhancement of public open space and park areas as well as issues of compatibility with existing uses. She noted that development would proceed on the basis of a development agreement which would provide opportunities for property owners and areas residents to become involved in the consideration of new development for each parcel.

MOVED by Councillor Hetherington, seconded by Councillor Warshick, that the Harbour East Community Council recommend:

- Halifax Regional Council move Notice of Motion to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth and schedule a public hearing; and,**
- Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth as presented as Attachments #1 and #2 of the staff report dated November 29, 2001.**

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Hetherington, seconded by Councillor Warshick that Harbour East Community Council is request that the portion of the report pertaining to the MicMac Mall property not be included in any recommendation and a supplementary report be requested to be brought back to the Community Council in February, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

Motion as amended:

MOVED by Councillor Hetherington, seconded by Councillor Warshick, that the Harbour East Community Council recommend:

- Halifax Regional Council move Notice of Motion to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth and schedule a public hearing; and,**

- (b) Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth as presented as Attachments #1 and #2 of the staff report dated November 29, 2001.**
- (c) That the portion of the report pertaining to the MicMac Mall property not be included in any recommendation and a supplementary report be requested to be brought back to the Community Council in February, 2002.**

Councillor Warshick questioned whether it would be possible to have a more detailed map showing where the beach would be located on the YMCA property. The Councillor questioned whether the Province was providing additional overhead signage on Woodland Avenue in the area of the MicMac Mall property. In response, Ms. Corser advised a letter had been sent to the Minister of Transportation by representatives of the MicMac Mall and the next step would be to bring all parties back to the table and do an overall plan which would implement signage. She advised it is not just a matter of installing signs but rather the movement of traffic needs to be examined as well as how best to place the sign, how big it should and what it should say to clearly direct traffic.

In response to Councillor Warshick as to whether an environmental study will be needed for the MTT lands, Ms. Corser advised that if MTT developed a multiple unit residential dwelling the policy currently in the plan (IP-5) would kick in and staff would look at any environmental constraints and environmental issues. She noted that at the present time staff does not know if there is contamination and, if there is, to what extent it exists.

In response to Councillor Hetherington, Ms. Corser advised the CDD zoning being proposed is a new zone within the residential designation and it is her understanding that an application can be made to rezone from CDD to C-1.

Councillor Hetherington stated wording should be included to indicate that any rezonings for single commercial use such as a corner store be by development agreement. The Councillor stated that when this comes back there be some form of provision that allows someone in the future to take one lot and develop a small commercial community use but only under a development agreement.

Ms. Corser advised she would prepare wording to bring forward when this is before Regional Council.

MOTION PUT AND PASSED UNANIMOUSLY.

10.6 MEMBERS OF COUNCIL

10.6.1 Woodland and Lancaster Intersection Traffic Concerns - Councillor Smith

MOVED by Councillor Smith, seconded by Councillor Hetherington, that a letter be sent to the Department of Transportation advising of the following concerns relative to the Woodland/MicMac/Lancaster Intersection: 1) The walk sequence is too short - light changes while pedestrians are in the crosswalk; 2) There is a need for a left hand signalization to Lancaster when traveling east on Woodland. Vehicles turning left to Micmac traveling west on Woodland create a blind spot; 3) Inadequate lighting especially at the extended crosswalk on the MicMac off ramp traveling east on Woodland; 4) Report that the push buttons continually freeze up in winter and, 5) yield sign is required on the off ramp to Lancaster for vehicles traveling west on the 118. **MOTION PUT AND PASSED UNANIMOUSLY.**

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Land Use By-Law

Councillor Sarto received clarification that the amendment to the Land Use By-law regarding commercial vehicles in residential areas was not grandfathered and as of the effective date of the approval applied to any and all vehicles over 5 tons that are parked in residential areas.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Reg Jones, 77 Lynn Drive, Dartmouth, noted there is a street lighting problem that needs to be addressed and there is a problem with snow clearing. He showed photos to Council regarding the snow clearing issue advising there is a problem in that 77, 79 and 75 Lynn Drive periodically have a flooding problem as a result of snow not being cleared to the gutter. He noted that there is no consistency in the plow drivers in areas.

Councillor Hetherington stated that staff has advised that where possible, the same plow driver will be responsible for a specific area.

15. NEXT MEETING

The next meeting is scheduled for Thursday, January 10, 2002.

16. ADJOURNMENT

MOVED by Councillor Smith, seconded by Councillor Warshick, that the meeting be adjourned at 9:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Julia Horncastle
Assistant Municipal Clerk**