

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL MINUTES June 6, 2002

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

REGRETS: Councillor Harry McInroy

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

TABLE OF CONTENTS

1.	INVOCATION	03
2.	APPROVAL OF MINUTES - May 2, 2002	03
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	03
4.	BUSINESS ARISING OUT OF THE MINUTES	03
5.	MOTIONS OF RECONSIDERATION - NONE	03
6.	MOTIONS OF RESCISSION - NONE	03
7.	CONSIDERATION OF DEFERRED BUSINESS	03
8.	PUBLIC HEARINGS	
8.1	Case 00438 - Rezoning of HRM lands adjacent to 10 Highfield Park Drive	03
8.2	Case 00434 - Land Use By-Law Amendments, Shipping Containers ..	04
8.3	Case 00443 - Development Agreement for Esso, 174 Ochterloney Street, Dartmouth	07
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Petitions	10
10.	REPORTS	
10.1	Case 00470 - Discharge of Development Agreement, 303 Main Street, Dartmouth	10
11.	MOTIONS	10
12.	ADDED ITEMS	10
13.	NOTICES OF MOTION	10
14.	PUBLIC PARTICIPATION	10
15.	NEXT MEETING	11
16.	ADJOURNMENT	11

1. **INVOCATION**

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

2. **APPROVAL OF THE MINUTES - May 2, 2002**

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the minutes of May 2, 2002 be approved. MOTION PUT AND PASSED.

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

MOVED by Councillor Hetherington, seconded by Councillor Cooper, that the Order of Business 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 00438 - Rezoning of HRM Lands Adjacent to 10 Highfield Park Drive**

- A report prepared for Mr. Paul Dunphy, Director, Planning and Development Services, dated May 9, 2002, on the above noted, was before Council.

Mr. Andrew Bone, Planner, with the aid of overheads, outlined the proposed redevelopment advising staff have reviewed the proposal and, as it is in conformance with the plan for this area, are recommending approval.

In response to Councillor Smith, Mr. Bone advised Mr. Paul O'Brien of the Department of Transportation has reviewed the site plan and advised the proposal met their criteria and there were no concerns with what was being proposed.

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

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

DECISION OF COUNCIL

MOVED by Councillor Smith, seconded by Councillor Hetherington, that the Harbour East Community Council approve the rezoning of a portion of the property, known as PID #00611833 in Dartmouth, from H (Holding) to C-2 (General Business), as shown on Map 1, to permit the expansion of the existing gas station, convenience store and car wash at 10 Highfield Park Drive. MOTION PUT AND PASSED.

8.2 Case 00434 - Land Use By-law Amendments, Shipping Containers

- A report prepared for Mr. Paul Dunphy, Director Planning and Development Services, dated April 25, 2002, on the above noted, was before Council.
- A memorandum from Mr. Mitch Dickey, Planner, dated May 7, 2002, on the above noted, was before Council.

Mr. Mitch Dickey, Planner, with the aid of overheads, presented the staff report suggesting Community Council approve the amendments in the staff report. Following the public hearing, staff will come back to the next meeting with additional clarification of the wording in that only shipping containers used for ongoing construction use would be exempt on the setback requirements.

In response to Councillor Hetherington, Mr. Dickey advised enforcement would have to be on a complaint basis.

In response to Councillor Cooper, Mr. Dickey advised all commercial zones within each plan area would be covered. The Councillor expressed concern that the amendments do not make a distinction between the types of commercial zones. He noted a C-1 zone can be located in the middle of a residential single family home area. In response, Mr. Dickey advised the containers would not be permitted if a C-1 abutted an R-1. They would only be allowed if they abutted another commercial property and the amendments prohibit use on any property that abuts residential. He advised where there are large industrial properties there will be provisions that would tie into lot size and setbacks as well as screening.

Councillor Cunningham called for those wishing to speak in favour of or opposition to the proposed amendments.

Mr. Jerry Pye

Mr. Jerry Pye, MLA, speaking on behalf of a resident, stated he is in favour of these containers being used in industrial zoned properties but not on industrial zoned properties

that abut residential properties unless there is provision of a buffer. Mr. Pye advised there are twenty one automotive related industries in District 9 and they use shipping containers as accessory buildings to their businesses. He noted some of the containers not only abut residential properties but encroach upon them and in some cases they are placed one on top of the other. He stated there is a proliferation of shipping containers along the Windmill Road corridor. Mr. Pye suggested Community Council consider making these amendments retroactive.

Mr. Ron Harper

Mr. Ron Harper, Atlantic Vice President, Canadian Petroleum Products Institute, reading from prepared text, expressed concern with the wording of the amendments advising shipping containers are utilitarian and can be used for storage during construction. He stated these amendments are a good thing as they apply to residential areas but in industrial areas the uses should be given careful consideration. He stated he does not feel that sufficient knowledge of the economic impact has been provided as it relates to industrial uses.

Mr. Roger Eckoldt

Mr. Eckoldt stated that even though the containers are ugly they are very secure. He noted they can be upgraded by adding siding and a roof which makes them indistinguishable from any other accessory building in a residential area. He stated there is a definite use for these containers and suggested Community Council re-examine the amendments such that there be a requirement for beautification if they are to be used in residential areas.

Mr. Kim Conrad

Mr. Kim Conrad, Conrad Brothers, expressed concern with the amendments which apply to industrial or commercial sites which abut residential as this will affect their business as they use these containers on their sites. He stated, in his opinion, the unsightly premises by-laws are strong enough and enforcement of those can address the concerns.

Mr. Ted Stoner

Mr. Ted Stoner, Imperial Oil Refinery, noted the refinery abuts properties with several land uses. He stated he is not in favour of the amendments as there is a lot of work done within the refinery where the contractors bring the containers with them as equipment storage shelters. To date they have not received any complaints regarding the use of these containers on the refinery property; therefore, they feel the containers should not be prohibited in industrial zones and should not be included in the amendments. He also noted the definition of temporary should be better defined.

Mr. Dick Smith

Mr. Dick Smith, Vice President, Canadian Manufacturers and Exporters, stated these amendments will put up barriers for businesses.

A resident stated he agreed with the containers being permitted in commercial areas if they are screened from residences or are located away from view if on a large parcel of commercial land.

Mr. Dennis Doyle

Mr. Dennis Doyle, Cole Harbour, stated he has a container on his property and noted they serve a purpose and are very secure. He noted they are being used as dugouts at ballfields which may be a liability. He suggested recreation boat type activities be included in the amendments as a permitted use.

Mr. Thomas Harmes

Mr. Thomas Harmes, Eastern Passage, expressed concern that the amendments prohibit individual property owners from using the containers. He suggested the word "restricted" be taken out of the amendments and he would prefer to see where they are permitted controlled relative to lot size and setbacks. He suggested the Community Council look at alternatives for properties in rural areas where lot size is such that they would not be unsightly.

Mr. John Thompson

Mr. John Thompson, Pine Street, Dartmouth, received clarification that a container that is currently on a property would be classed as a non-conforming use but, if it was removed, it could not be replaced with another. He expressed concern that when something like these containers are put on a property it detracts from a neighbourhood and suggested an amendment be put in place so that they have to be brought up to a certain standard. He also expressed concern that the by-laws are not strong enough to enforce the regulations.

Councillor Cunningham called for any additional speakers wishing to speak either in favour of or opposition to the proposed amendments. Hearing none, the following motion was placed.

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

Councillor Hetherington stated there needs to be protection for the residential area that abut the Woodside Industrial Park. The Councillor noted it is the small commercial and

industrial properties that are creating problems and there needs to be protection from the ones that are coming onto properties now.

DECISION OF COUNCIL

MOVED by Councillor Smith, seconded by Councillor Hetherington, that the Harbour East Community Council approve the amendments to the Land Use By-Laws for Cole Harbour/Westphal, Dartmouth, Downtown Dartmouth, Eastern Passage/Cow Bay and Lake Major as shown in Attachments 1, 2, 3, 4, and 5 of the Memorandum dated May 7, 2002.

Councillor Smith stated he is not against containers but is against owners of containers who do not care where they place these containers. The Councillor stated this is a starting point and will provide some protection for residential homeowners noting, future amendments will provide protection for situations where there are large industrial and commercial properties.

Councillor Cooper noted that the R-A zone is a residential zone and expressed concern that containers may be permitted on abutting commercial and industrial zones. The Councillor questioned what would be placed in those areas that abut residential and requested an amendment be brought relative to the Westphal plan area regarding industrial areas that abut residential. He stated there needs to be either screening or a separation distance to provide protection for residential areas.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that staff contact and consult with Councillor Colwell and the amendments address the properties in the Lake Major Plan Area. MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Case 00443 - Development Agreement for Esso, 174 Ochterloney Street, Dartmouth

- A report prepared for Mr. Dunphy, Director of Planning and Development Services, dated April 10, 2002, on the above noted, was before Community Council.
- A memorandum from Mr. Mitch Dickey, Planner, dated May 2, 2002, on the above noted, was before Community Council.

Mr. Dickey, Planner, with the aid of overheads, presented the staff report.

In response to Councillor Sarto, Mr. Dickey advised there have been no changes to the proposal since the last public information meeting. Further, an archeologist would be on site during construction because of the archaeological aspects relative to the Starr

Manufacturing site.

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

Mr. Carl Brown

Mr. Carl Brown, Atlantic Planning and Real Estate Manager, Imperial Oil, addressed Community Council advising they would like to make improvements including the replacement of the existing kiosk with a small convenience store and upgrade the canopy and car wash. He advised the replacement of the two identification signs is no longer a part of the proposal. He stated the station has been at the present location for forty four years and is the only gas station in the core area of Dartmouth.

Mr. Hanson

Mr. Hanson stated there are many businesses such as this in the area and, in his opinion, there is no need for this store. He stated he is against this as he does not think this is the right place for a service station.

Mr. Sean Laden

Mr. Sean Laden spoke against the proposal stating the area should be protected and there should be no further expansion permitted. He expressed concern that if the site is build up it will have a negative effect on the area.

Mr. Neil Black

Mr. Neil Black, Tulip Street, expressed concern with the effect the development may have on Sullivans Pond. He noted there are currently a number of small businesses in the area and the addition of a convenience store may take away from them. He also expressed concern that this addition may generate more garbage in the area.

Following his presentation, Mr. Black submitted a petition containing 134 names opposing the expansion of the service station.

Ms. Linda Forbes

Ms. Linda Forbes stated there is a need to look at the hours of operation as there are residences nearby. She stated she feels the design is a good one and is compatible with the neighbourhood. She would prefer not to have a service station in this area and does not feel there is a need for a convenience store. She stated she does not feel this is a good site for a car oriented use and there is a need to look at the overall site rather than

just this area.

Mr. Jerry Pye

Mr. Jerry Pye expressed concern with self serve service stations and the effect they have on handicapped persons. He also noted that the population is aging and there will be an increasing need for full service service stations.

Mr. Roger Eckoldt

Mr. Roger Eckoldt spoke in opposition to the proposal expressing concern that access to the site is not convenient during peak rush hours. He stated that there is not enough parking provided on the lot to support the convenience store.

Mr. Bernie Hart

Mr. Bernie Hart, Shubenacadie Canal Commission, spoke against the expansion as the Commission feels that access to the trail and canal property is very important. He stated the Commission is concerned about the archaeological significance of the site and recommended that if anything is found, construction be stopped until the find is assessed.

Ms. Ann Timmins

Ms. Ann Timmins, Prince Albert Road, expressed concern with the hours of operation and suggested the hours of operation be those currently in use. She noted there is garbage in the area and expressed concern that this may increase as a result of the expansion.

Mr. Don Forbes

Mr. Don Forbes, 37 Pleasant Street, expressed concern about the delicate balance to the community and the maintenance of small local businesses and stated he did not feel there was a need for this type of store in this neighbourhood. He also expressed concern that it may have the effect of closing down some of the smaller businesses currently in the area.

Mr. Jim Mason

Mr. Jim Mason, Prince Albert Road, expressed concern with the proposed fence, noting many pedestrians use the sidewalk and this may have the effect of providing a hiding place for muggers.

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

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

DECISION OF COUNCIL

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

- 1. Approve the development agreement as noted in the staff report dated April 10, 2002, with the minor wording changes as noted in Attachment 1 of the memorandum dated May 2, 2002.**
- 2. Require that the development 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.

9. CORRESPONDENCE PETITIONS AND DELEGATIONS

9.1 Petitions

Mr. Weichert submitted a petition on behalf of the residents of Queen Street between Dundas and Victoria Road, requesting Halifax Regional Municipality consider Queen Street for Residential Parking Exemption within the On-Street Parking for Residential Streets.

10. REPORTS

10.1 Case 00470 - Discharge of Development Agreement, 303 Main Street, Dartmouth

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated May 22, 2002, on the above noted, was before Community Council.**

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Harbour East Community Council approve the discharge of the development agreement registered against 303 Main Street in Dartmouth, by entering into the discharging agreement shown as Attachment 1 to the staff report dated May 22, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11. **MOTIONS - NONE**
12. **ADDED ITEMS - NONE**
13. **NOTICES OF MOTION - NONE**
14. **PUBLIC PARTICIPATION**

Mr. Reg Jones expressed concern with the fact that beer signs are posted on crosswalk signs and suggested Moosehead be contacted to have these signs removed. Community Council agreed to forward the concern to staff for a response.

15. **NEXT MEETING**

The Community Council agreed there would be no meeting in July or August.

16. **ADJOURNMENT**

The meeting was adjourned at 10.25 p.m.

Julia Horncastle
Assistant Municipal Clerk