

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES JANUARY 20, 1998

PRESENT: Mayor Walter Fitzgerald  
Deputy Mayor Reg Rankin  
Councillors: Bill Dooks  
Gordon R. Snow  
David Hendsbee  
Ron Cooper  
Harry McInroy  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
John Cunningham  
Jerry Blumenthal  
Graham L. Downey  
Howard Epstein  
Russell Walker  
Bill Stone  
Ron Hanson  
Stephen Adams  
Barry Barnet  
Bob Harvey  
Peter Kelly  
Jack Mitchell

REGRETS: Councillor Larry Uteck

STAFF MEMBERS: Mr. Ken Meech, Chief Administrative Officer  
Mr. Barry Allen, Acting Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Jane Nauss, Assistant Municipal Clerk

**TABLE OF CONTENTS**

1.	INVOCATION .....	3
2.	PUBLIC HEARINGS	
2.1	Amendments to the MPS for Eastern Passage/Cow Bay to allow for the Development of a Beverage Room at the Sandpiper Centre in Eastern Passage .....	3
2.2	Case 7424: 2614/16 and 2618/20 Windsor Street: Redesignation and Rezoning, and Review of Requirements of the C-1 and C-2A Zones in Peninsula North .....	3
2.3	Application PA-DAR-05-97 - Application by Petro Canada Limited to Amend the Municipal Development Plan for Dartmouth .....	6
2.4	Eastern Passage/Cow Bay Municipal Planning Strategy Policy Review Process .....	7
3.	REPORTS	
3.1	CHIEF ADMINISTRATIVE OFFICER	
3.1.1	Appointment of Commissioner Under the Private Ways Act ...	11
3.1.2	Country View Expropriation .....	11
3.1.3	Captain William Spry Centre .....	12
4.	ADJOURNMENT .....	12

1. **INVOCATION**

Mayor Fitzgerald called the meeting to order with the Invocation at 7:15 p.m.

2. **PUBLIC HEARINGS**

2.1 **Amendments to the MPS for Eastern Passage/Cow Bay to allow for the Development of a Beverage Room at the Sandpiper Centre in Eastern Passage**

- A report prepared for Councillor Cooper, Chair, Harbour East Community Council, on the above-noted, had been previously distributed to Council.

Ms. Susan Corser, Planner, addressed Council reviewing the report. Harbour East Community Council was recommending that the Municipal Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay be amended as per Option 1 of the Staff Report dated November 7, 1997 and in accordance with Attachment #1 and 2 of the Supplementary Report dated November 26, 1997 and Attachment #6 of the Staff report dated November 7, 1997.

Mayor Fitzgerald called three times for comments from the public. There were none.

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

**COUNCIL DECISION**

**MOVED by Councillors McInroy and Hendsbee that the Municipal Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay be amended as per Option 1 of the Staff Report dated November 7, 1997 and in accordance with Attachment #1 and 2 of the Supplementary Report dated November 26, 1997 and Attachment #6 of the Staff report dated November 7, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

2.2 **Case 7424: 2614/16 and 2618/20 Windsor Street: Redesignation and Rezoning, and Review of Requirements of the C-1 and C-2A Zones in Peninsula North**

- A report prepared by Councillor Uteck, Chair, Halifax Peninsula Community Council, on the above-noted, was before Council. Correspondence from Ms. Laurie Barr and Sobey Leased Properties Limited, were also before Council.

Ms. Shelley Dickey, Planner, reviewed the matter at hand, noting that *two public hearings would be required this evening* to deal with both aspects (a) and (b) of the

case. Ms. Dickey noted that the Halifax Peninsula Community Council was recommending that Council:

- a) amend the Peninsula North Secondary Planning Strategy and the Peninsula Land Use By-Law for the Minor Commercial Designation and the C-1 (Local Business) and C-2A (Minor Commercial) regarding the following items: (1) rear and side yard setbacks, (2) buffering of commercial parking, and (3) billboards.
- b) to redesignate all properties on the west side of Windsor Street between North and Seaforth Street from High Density Residential (HDR) to Minor Commercial (MnC) and to rezone 2614/16, 2618/20 and 2636 Windsor Street from R-3 (Multiple Dwelling) to C-2A (Minor Commercial).

Ms. Shelley Dickey reviewed the staff report as it pertained to the following:

*“Amend the Peninsula North Secondary Planning Strategy and the Peninsula Land Use By-Law for the Minor Commercial Designation and the C-1 (Local Business) and C-2A (Minor Commercial) regarding the following items: (1) rear and side yard setbacks, (2) buffering of commercial parking, and (3) billboards.”*

Mayor Fitzgerald called for comments from the public

**Mr. Douglas Bundy, representing Sobey Leased Properties**

Mr. Bundy addressed Council noting Sobey Leased Properties (SLP) owns property that would be affected by this amendment. Concern that he is competing against neighbouring properties which are developed with similar uses and serving a similar market and served by similar streets (Young Street area). The preference of Sobey Leased Properties is to have their lands up zoned so they can compete on equal zoning (currently zoned as minor commercial).

Mr. Bundy addressed the setbacks on residential lands and referenced adding a side or rearyard setback where C-1 or C2-A properties abut residential zones. SLP is separated from adjoining properties by streets. “Abutting” has been defined by staff as properties that touch a property line of a residentially zoned property. Mr. Bundy requested this definition in writing to confirm same.

With respect to item #2 - requirements for adding commercial parking areas to be buffered by landscaping or fencing from residential properties in the C2-A zone - Mr. Bundy expressed concern with this aspect. Should SLP be asked to provide vegetation or fencing around their properties, then the properties would not be seen. Mr. Bundy requested assurance that the term “abutting” be included in the recommendation to read “adding requirements for commercial parking areas to be buffered by landscaping or fencing from ‘abutting’ residential properties.”

Ms. Dickey advised that the term “abutting” has been used in the side and rearyard setbacks for the building. In the section dealing with the buffering of any parking areas, the word “adjacent” has been used. Therefore, the term “abutting” could be replaced with the term “adjacent” as they both have the same affect. It would only be required to buffer adjacent to residential zones or abutting residential zones, for side or rearyard of properties.

Mr. Bundy requested these assurances in writing, to which Ms. Dickey agreed.

Mayor Fitzgerald thanked Mr. Bundy for his comments.

Mayor Fitzgerald called three times for further comments from the public.

**MOVED by Councillors Epstein and Downey to close the public hearing. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Epstein suggested the term “abutting” be included in the recommendation, with respect to the landscaping provision.

#### **COUNCIL DECISION**

**MOVED by Councillors Epstein and Blumenthal to amend the Peninsula North Secondary Planning Strategy and the Peninsula Land Use By-Law for the Minor Commercial Designation and the C-1 (Local Business) and C-2A (Minor Commercial) regarding the following items: (1) rear and side yard setbacks, (2) buffering of commercial parking, and (3) billboards; further, that the term “abutting” be included with respect to the landscaping provision. MOTION PUT AND PASSED UNANIMOUSLY.**

Ms. Shelley Dickey reviewed the second portion of the report as it pertained to the following:

*“to redesignate all properties on the west side of Windsor Street between North and Seaforth Street from High Density Residential (HDR) to Minor Commercial (MnC) and to rezone 2614/16, 2618/20 and 2636 Windsor Street from R-3 (Multiple Dwelling) to C-2A (Minor Commercial).”*

Mayor Fitzgerald called for comments from the public.

#### **MS. HELEN ANDERSON, APPLICANT**

Ms. Anderson addressed Council noting this process has been ongoing for approximately one year and anticipated using the property.

Mayor Fitzgerald thanked Ms. Anderson for her comments.

Mayor Fitzgerald called three times for further comments from the public.

**MOVED by Councillors Epstein and Blumenthal to close the public hearing.  
MOTION PUT AND PASSED UNANIMOUSLY.**

### **COUNCIL DECISION**

**MOVED by Councillors Epstein and Walker to redesignate all properties on the west side of Windsor Street between North and Seaforth Street from High Density Residential (HDR) to Minor Commercial (MnC) and to rezone 2614/16, 2618/20 and 2636 Windsor Street from R-3 (Multiple Dwelling) to C-2A (Minor Commercial).  
MOTION PUT AND PASSED UNANIMOUSLY.**

#### **2.3           Application PA-DAR-05-97 - Application by Petro Canada Limited to Amend the Municipal Development Plan for Dartmouth**

- A report prepared by Councillor Cooper, Chair, Harbour East Community Council, on the above-noted, was before Council.

Mr. Mitch Dickey, Planner, reviewed the report from Harbour East Community Council noting it was being recommended that Regional Council amend the Municipal Planning Strategy and Land Use By-Law for Dartmouth as shown on attachments 1 and 2 of the memorandum dated December 4, 1997.

Councillor Schofield stated that affected residents do not wish a 24 hour operation in the area. Councillor Greenough enquired if the applicant would be willing to entertain something other than a 24 hour business.

Mayor Fitzgerald called for comments from the public.

#### **MR. PAUL MURPHY, SOLICITOR FOR THE APPLICANT**

The Solicitor stated that when the applicant embarked on this project, it was understood that both properties involved were zoned C2A. It was then learned that the properties had been down zoned to C1. As a result, the business became a non-conforming use. It was then that the applicant decided to move towards rezoning. A public meeting was held and concern was raised that the land would be sold with a beverage room to be built. It was then that the applicant withdrew the application.

His client is not prepared to change the hours of operation as there are other businesses that could operate for 24 hours, as of right. The Solicitor stated the applicant could reach a formula that would be acceptable to the residents in the area,

however, if not, then his client is prepared to commence the process again.

In response to an enquiry from Councillor Hendsbee if staff could look at intersection improvements, Mr. Dickey advised that staff have distributed a preliminary concept plan to Traffic Services. If this amendment is successful, staff will proceed further on this aspect.

Mayor Fitzgerald called three times for further comments from the public.

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

### **COUNCIL DECISION**

**MOVED by Councillors Schofield and Cunningham to amend the Municipal Planning Strategy and Land Use By-Law for Dartmouth as shown on attachments 1 and 2 of the memorandum dated December 4, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **2.4 Eastern Passage/Cow Bay Municipal Planning Strategy Policy Review Process**

- A memorandum prepared for Councillor Cooper, Chair, Harbour East Community Council, on the above-noted, was before Council. Correspondence from Jeffrey and Kristin Domm, J. Robert Boudreau, and the Halifax County Watershed Advisory Board, were also before Council.

Mr. Mitch Dickey, Planner, reviewed the report, noting that Mr. Stephen Smith, Planner, would review the environmental aspects.

Councillor Hetherington, for the record, referenced the fact that the Kiwanis Land was originally zoned R1, EC and RA. The Councillor requested confirmation from staff that the R1 zone that is on the Cole Harbour side attached to Morris Lake will remain R1; the EC zone has been removed, and that the RA zone will meet the R1 zone. Mr. Dickey responded in the affirmative.

Mr. Stephen Smith, Planner, reviewed amendments to the environmental chapter. Council was advised that the Halifax County Watershed Board had submitted a letter respecting the proposed amendments, and recommending that the 200 ft. setback for buildings along the coastal area become a buffer area.

In closing, Council was requested to consider including a definition of "watercourse" within the amendment package.

Councillor Hendsbee referenced the CNR area in the location of Bissett Road, enquiring on the types of buffers will be required to provide a separation from the railway line area; setback requirements; and size of lots in the area. The Councillor was concerned with erosion drain off, or other contaminant problems that could arise with the coastal heritage park.

In response, Mr. Dickey advised the setbacks will be eight feet. With respect to lot sizes, in the unserviced areas the minimum lot sizes are 50,000 sq. ft. of area with 200 ft. of road frontage.

Councillor Hendsbee, in referencing the abutting properties to the CN railway, enquired if the trees could be cleared to the line. Mr. Dickey advised the clear cutting of trees could be permitted up to the edge of the property line.

Mayor Fitzgerald called for comments from the public.

**MR. WALTER REGAN, Executive Director, Sackville Rivers Association**

Mr. Regan addressed Council noting he supported the proposal before Council. These amendments are long overdue and sets the framework for other municipalities. Mr. Regan suggested the following changes be taken into consideration:

- RA-5 - include meet and follow the Autobahn Golf Society rules for golf courses; following the Integrated Pest Management System, and the Integrated Tuft Management System. Where possible, reuse as much as possible irrigation water by use of holding ponds so as not to draw down from watercourses.
- EP-3 - increase set backs where possible and prudent, to 15 meters.
- EP-4 - add all streams to include seasonal streams, feeder brooks, intermittent watercourses and under or have flowing water at least once a year.
- EP-5 - add all watercourses and that recreation uses only be allowed if there is no change of grade or change of natural drainage through enhanced drainage.
- EP-6 - add the term "accumulated effect on" watercourses and bodies.
- EP-8 - to include and have due regard for accumulated effect and no change in water quality and quantity; also to ensure at all times to meet natural filtration and percolation at predevelopment rates to protect watercourses.
- 24B.3 - add at a later date or at time of major development floodplain mapping be done to indemnify the 1/20 and 1/100 floodplain, and that there be no disruption in the 1/20 year floodplain.



- 4.18 - add floodplain mapping be done if major development is undertaken. Add if there is to be any disruption of a buffer zone or floodplain due to utilities or servicing, such as roads, sanitary or storm sewer lines, that all work to be done with as little impact as possible and under direct control of HRM staff.
- all or part of Devils Island be zone P3, Park.

Mayor Fitzgerald thanked Mr. Regan for his comments.

**MR. RAYMOND PLOURED, N.S. SALMON ASSOCIATION**

Mr. Ploured addressed Council noting the Association was dedicated to the protection and preservation of freshwater aquatic species; further he supported the amendments being proposed. Mr. Ploured noted it was important to have a plan in place to protect environmental features. If preserved, streams, wetlands and other natural features will be a valuable natural asset to the life of the community. Reasonable setbacks for buildings near watercourses will protect both rivers and property. Modest natural buffer zones will prevent erosion, filter silt from rivers, and reduce pollution in streams and ground water. Preservation of watercourses, wetlands and floodplains in their natural state, with reasonable greenbelts, will improve life of the community and have a bearing on future property values. Further, fish and aquatic life will be preserved, birds and wildlife will benefit, and people will enjoy walking in the woods and along brooks.

In closing, Mr. Ploured stated if Council agrees with the watercourse aspect of this proposal, it will contribute to a healthier community.

Mayor Fitzgerald thanked Mr. Ploured for his comments.

**MR. TERRY MACLAUCHAN, RESIDENT OF COW BAY**

Mr. MacLauchan noted he supported the amendments. Council was advised of the process that had taken place, at the committee level (of which he had been a member). In closing, Mr. MacLauchan advised he supports the environmental chapter as well.

Mayor Fitzgerald thanked Mr. MacLauchan for his comments.

**MR. AL CHADDOCK, RESIDENT OF HALIFAX**

Mr. Chaddock advised he supported the amendments and suggested this was an indication of enlightened leadership.

Mr. Chaddock referenced the official line of Halifax Harbour which runs from Spectacle Island, Hens and Chickens, Point Pleasant Bell, Indian Point Bell, to the end of the

wharf at Shearwater. Mr. Chaddock enquired if this boundary line has been changed since amalgamation.

Halifax Regional Municipality is fortunate in having whales, eagles, osprey and a lobster fishery. Concern was raised that nuclear submarines were permitted to tie up alongside Shearwater and yet officially be considered outside Halifax Harbour; further, concern was noted with these submarines being in the midst of oil refineries, in an increasingly growing municipality, as well as in the centre of an ecosystem that the residents of this municipality should be proud of.

Concern was also raised in that commercial water traffic is forcing other water users off the Harbour. As a result, whales are being killed in the Harbour. Mr. Chaddock requested that steps be taken to ensure the boundary of Halifax Harbour moves further to the south. This would negate future nuclear ships from entering Halifax Harbour.

Mayor Fitzgerald thanked Mr. Chaddock for his comments.

Mr. Dickey advised that Legal Services will review the boundary issue of Halifax Harbour.

**MS. ELIZABETH KWINDT, RESIDENT OF COW BAY**

Ms. Kwindt stated she had been a member of the Citizens Review Committee for Cow Bay. Council was advised that 1998 has been designated "The Year of the Oceans." Further, Ms. Kwindt noted these amendments will go a long way to support the environment.

Mayor Fitzgerald thanked Ms. Kwindt for her comments.

Mayor Fitzgerald called three times for further comments from the public.

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

**COUNCIL DECISION**

**MOVED by Councillors McInroy and Hetherington to adopt the recommendation of the Community Council to include a definition of "watercourse." MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor McInroy expressed his appreciation to those members of the public who spoke in support of the proposed amendments. Further, the Councillor commended staff, the citizens's committee and residents, who participated in the process.

In response to an enquiry from Councillor Hetherington as to what affect the proposed amendments as suggested by Mr. Water Regan, would have in the process, Mr. Dickey advised that staff would like an opportunity to review same and prepare a supplementary report for Council.

**MOVED by Councillors Sarto and Greenough to approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay and the Subdivision By-Law for the former Halifax County Municipality related to Unserviced Residential Development and the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay and the Subdivision By-Law for the former Halifax County Municipality related to Environmental Protection;**

**Further, if there are significant impacts as a result of these amendments on the properties of Oknah Realty and the Kiwanis Club that they be dealt with at a future date;**

**Further, that a definition of “watercourse” be included in the package.**

No vote was taken on the Motion. Council deferred a decision to January 27, 1998 pending clarification of comments made by the public.

**3. REPORTS**

**3.1 CHIEF ADMINISTRATIVE OFFICER**

**3.1.1 Appointment of Commissioner Under the Private Ways Act**

**MOVED by Councillors Hetherington and Greenough to ratify the decision made in Camera, to appoint Ms. Deborah Baker as Commissioner, pursuant to the Private Ways Act, to mediate the Harold Sutherland estate matter, at a cost of \$1500. MOTION PUT AND PASSED UNANIMOUSLY.**

**3.1.2 Country View Expropriation**

**MOVED by Councillors Hetherington and Greenough that Council ratify the decision made In Camera on Country View Expropriation. MOTION PUT AND PASSED UNANIMOUSLY.**

**3.1.3            Captain William Spry Centre**

**MOVED by Councillors Hetherington and Greenough that Council ratify the In Camera decision on Captain William Spry Centre. MOTION PUT AND PASSED UNANIMOUSLY.**

**4.                ADJOURNMENT**

MOVED by Councillors Greenough and Hetherington to adjourn the meeting at 8:40 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael  
MUNICIPAL CLERK