

**CHEBUCTO COMMUNITY COUNCIL**

**MINUTES**

**SEPTEMBER 11, 2000**

THOSE PRESENT: Councillor Stephen D. Adams, Chair  
Councillor Bill Stone  
Councillor Russell Walker  
Councillor Graham Read

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Roger Wells, Regional Coordinator, Planning Services  
David McCusker, Traffic Authority  
Sandra Shute, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. with an Invocation at 2750 Dutch Village Road, Halifax.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - July 10, 2000**

**MOVED by Councillors Stone and Read to approve the Minutes of meeting held on July 10, 2000 as circulated. MOTION PUT AND PASSED.**

2.2 **Special Council Session - August 15, 2000**

**MOVED by Councillors Read and Walker to approve the Minutes of Special Council Session held on August 15, 2000 as circulated. MOTION PUT AND PASSED.**

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

Added Items:            Busing - J.L. Ilsley High School - Councillor Adams  
                                 2232 Old Sambro Road - On-going Flooding - Councillor Adams

**MOVED by Councillors Stone and Walker to approve the Order of Business as amended. MOTION PUT AND PASSED.**

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

4.1 **Status Sheet Items**

4.1.1 **Intersection 102 and Lacewood**

A Staff Report dated September 7, 2000 was before Community Council indicating that a cost-sharing agreement with the provincial government was approved by Regional Council on August 15, 2000 for the cost of temporarily signaling the southbound ramp intersection onto Lacewood Drive. A completion date of late October is expected.

Councillor Stone advised he was very pleased that the improvements were going forward. This item can be taken off the Status Sheet.

4.1.2 Improvements to Kearney Lake Road

No further information. To remain on Status Sheet.

4.1.3 Billboards on CN Lands

No further information. To remain on Status Sheet.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS**

8.1 **Case 00230 - Application for a Development Agreement at 2688 Dutch Village Road, Halifax - "The Pepperberry" (Bed and Breakfast)**

The following Staff Reports were before Community Council:

- Report dated July 5, 2000
- Supplementary Report dated August 23, 2000

Mr. Roger Wells, Regional Coordinator, Planning Services provided an overview of the report with the aid of overheads. During the course of his presentation, he advised that the zoning is R-1 which permits a Bed and Breakfast up to a maximum of three guest bedrooms but the purpose of the Development Agreement application, coupled with a Substantial Alteration under the Heritage Property Act, is to increase the number of guest rooms to a maximum of eight. Staff was of the opinion that the expansion maintains the integrity of the Heritage Property registration. With respect to impacts on adjacent uses, the Supplementary Report contains a recommendation regarding concerns expressed by the abutting property owner at 2700 Dutch Village Road as to fencing and landscaping because of the addition of 2-3 parking spaces in the side yard abutting this property. It was determined and resolved that the construction of a decorative wooden fence coupled with a planting bed in front of the garage would adequately resolve problems resulting from visibility of the new parking area from the abutting residence and headlight glare. Staff was recommending approval of the amended Development Agreement as attached to the Supplementary Report dated August 23, 2000 and to forward a positive recommendation to Regional Council for approval of the substantial alteration portion as per the Heritage Property Act.

Councillor Read asked the designation of the property and the surrounding properties. In response, Mr. Wells advised it was Residential Environs - consistent with the Plan. In addition, because it was a Registered Heritage Property, Policy 6.8 allows Council to consider uses which would not otherwise be permitted by the Land Use By-law.

Councillor Stone asked if the signage the applicant requested was part of the application. In response, Mr. Wells advised that as part of the substantial alteration, the signage question was addressed at Heritage Advisory Committee. The new sign was in place now according to the operation of a three guest room Bed and Breakfast.

The Chair called for speakers for or against the application.

Mr. Jim Trites, 2688 Dutch Village Road, the applicant, advised that since he and his wife bought the property two years ago, they made a number of improvements and planned to continue to enhance it. With regard to interior alterations, very few alterations remained to be completed except for the third floor. With regard to signage, there was a banner up on a temporary basis until a sign was created which was larger than staff could approve. The sign is temporary and similar to the proposed sign which will have the official logo and will be carved in gold.

Mr. Gordon Marshall, 2728 Dutch Village Road asked what zoning the property will have, if approved. He was told it would remain R-1.

**MOVED by Councillors Walker and Read to close the Public Hearing. MOTION PUT AND PASSED.**

**MOVED by Councillors Read and Walker to approve the Development Agreement attached as Attachment I to the Supplementary Report dated August 23, 2000 which includes a new requirement entailing the installation of a fence and planting area between 2688 and 2700 Dutch Village Road.**

**Further, to require 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 of said agreement by Council and any other bodies as necessary, whichever is later including applicable appeal periods; otherwise, this approval shall be void and any obligations arising hereunder shall be at an end.**

**AND further to recommend that Regional Council approve the addition to the building at 2688 Dutch Village Road pursuant to the substantial alteration provisions of the Heritage Property Act.**

**MOTION PUT AND PASSED.**

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Presentations**

9.1.1 **Recreation Playground - Cambria Park**

Mr. Pope advised the Clerk prior to the meeting that he no longer wished to make a presentation. However, a Staff Report dated September 7, 2000 was before Community Council indicating that the Castlehill recreation facilities are well used by different age groups and there is no other suitable site within the community to accommodate basketball.

**MOVED by Councillors Stone and Walker to receive the report. MOTION PUT AND PASSED.**

10. **REPORTS**

10.1 **Case 00279 - Application for an Amendment to the Stage II Development Agreement for the Home Depot Project (Parcel BC-7), Lacewood Drive in Clayton Park West, Halifax**

A Staff Report dated August 24, 2000 was before Community Council. Mr. Roger Wells, Regional Coordinator, Planning Services provided an overview of the application. During his presentation, Mr. Wells advised that the request was for the addition of a fast food kiosk as this had never been raised by the applicants when the original Development Agreement was negotiated. Because Home Depot has a business arrangement with the Harveys franchise, there are small Harveys kiosks in other Home Depots elsewhere in Canada. The application before Community Council was for an amendment to the Development Agreement to allow for this.

Mr. Wells pointed out that the same application is going forward for the Home Depot in Dartmouth; however, the approval process is different. With regard to the Dartmouth application, Harbour East Community Council suggested that a cap be put on the number of possible kiosks that could go into the Dartmouth store. An amendment was put forward subsequently to put a cap on of three. In order to maintain consistency between the two stores, Mr. Wells suggested that Community Council consider amending the wording of the Development Agreement such that it would read, in Section 2.2.1(aa) "the building on Parcel BC-7 may contain up to three areas devoted to the preparation and serving of food and/or non-alcoholic beverages". Staff was recommending approval of the amendment with the addition of the words "up to three".

Councillor Read asked why the proposal was for a limit of three. In response, Mr. Wells advised the applicant had no problem with a ceiling of three. The concern was that there could be five or more which would take away from the primary function of the store and draw people from the larger market area. The use was meant to be incidental, ancillary to the main function as a home improvement centre.

Councillor Walker asked if Kent Building Supplies wanted to do the same thing, what process would they have to go through. In response, Mr. Wells advised that Kent was an as-of-right commercial development whereas Home Depot had a Development Agreement.

**MOVED by Councillors Stone and Read to approve an amendment to the Stage II Development Agreement (Attachment I to the Staff Report dated August 24, 2000) to permit up to three fast food restaurant services to be located within the Home Depot building (Parcel BC-7).**

**Further 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.**

## 10.2 **MEETING DATES - REMAINDER OF 2000**

After discussion, it was agreed to hold meetings on the following dates to the end of 2000:

October 2, 2000  
November 6, 2000  
December 4, 2000

11. **MOTIONS** - None

12. **ADDED ITEMS**

### 12.1 **Busing - J. L. Ilesley High School**

Councillors Adams and Read outlined the situation where the bus dedicated for students of J. L. Ilesley was cancelled and with the split shifts with Halifax West High School, it forced students to leave very early in the morning to get to school for 7:30 a.m. classes. Previously, a bus was available to serve students at 8:30 a.m. but not available at 7:30



a.m. Metro Transit made a commitment to have a new bus in service by Wednesday of this week.

**MOVED by Councillors Read and Walker to send a formal request to Metro Transit that a new bus will be in service by Wednesday of this week to take care of students going to J. L. Ilsley High School. MOTION PUT AND PASSED.**

12.2 **2232 Old Sambro Road, On-Going Flooding**

Councillor Adams outlined on-going flooding problems being experienced at the above address. The property is owned by the provincial government and HRM staff have indicated they will cost share 50% for the installation of a septic system for the individual leasing the property from the provincial government.

**MOVED by Councillors Walker and Read that staff be requested to put forward a formal request to the provincial government to cost share in the installation of a septic system. MOTION PUT AND PASSED.**

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Hiram Tiller, 4 Thackeray Close made the following comments:

- He understood from a staff member with Department of Transportation that although HRM might have approved cost sharing for the intersection of 102 and Lacewood, Department of Transportation has not received official notification to date.
- He noted that at the new Superstore intersection on Joseph Howe Drive, traffic controls have been installed. He asked why traffic controls at this particular intersection took precedent over the Sobeys intersection on Lacewood Drive.
- He referred to traffic calming efforts at Armview Avenue and asked if it would be possible to know the cost to the taxpayers in this instance as the people of Bayview would be following this with interest.

Ms. Margot Cantwell, EDM Consultants, speaking on behalf of the Home Depot application, thanked Community Council for approving the amendment to the Stage II Development Agreement earlier in the meeting.

15. **NEXT MEETING** - Monday, October 2, 2000.

16. **ADJOURNMENT**

On a motion from Councillor Stone, the meeting adjourned at 7:55 p.m.

Sandra M. Shute  
Assistant Municipal Clerk