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HALIFAX REGIONAL MUNICIPALITY

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HARBOUR EAST COMMUNITY COUNCIL

MINUTES

August 07, 2008

PRESENT: Councillor Bill Karsten, Chair  
Councillor Andrew Younger  
Councillor Jim Smith  
Councillor Harry McInroy  
Councillor Gloria McCluskey  
Councillor Jackie Barkhouse

STAFF: Ms. Roxanne McLaurin, Senior Solicitor  
Ms. Julia Horncastle, acting Municipal Clerk  
Ms. Sandra T. Riley, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting of Harbour East Community Council to order at 7:04 p.m.

**2. APPROVAL OF MINUTES - July 03, 2008**

**MOVED BY Councillor McCluskey, seconded by Councillor Barkhouse, that the minutes of Harbour East Community Council July 03, 2008, as presented, be approved. MOTION PUT AND PASSED**

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

Added Items:

- 12.1 Councillor Smith - Request for a stop sign at intersection of South Ridge Circle and Argus Drive.

Information Report (s):

1. Employee Parking at Car Dealerships - dated July 23, 2008
2. Freshwater Trail - Non Disturbance Buffer

**MOVED BY Councillor Younger, seconded by Councillor McCluskey, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED**

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

**4.1 STATUS SHEET**

Councillor Karsten advised that Harbour East Community Council is still looking for a report from staff on the Dartmouth Lakes Advisory Board and requested the report for the next meeting of the HECC.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

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

**8. HEARINGS -**

**8.1 PUBLIC HEARING (S)**

**8.1.1 Case 01144: Discharge Agreement/Rezoning - 20 Baker Drive, Dartmouth**

- A Staff Report dated April 24, 2008 was before Council.

Ms. Jennifer Chapman, Planner, presented the report to Council.

Councillor Karsten called for any questions of clarification from the Council. As there were none, Councillor Karsten explained the procedures for Public Hearings and proceeded to open the floor for any speakers for or against the proposal.

Mr. Nathan Rogers, with the Terrain Group, took the floor to respond to any questions of clarification from the Council. Councillor Karsten called three times for any additional speakers from members of the public. Hearing none, the following motion was placed:

**MOVED BY Councillor Younger, seconded by Councillor McCluskey, that the public hearing be closed. MOTION PUT AND PASSED**

**MOVED BY Councillor Younger, seconded by Councillor McCluskey, that Harbour East Community Council:**

- **Approve the rezoning of that portion of 20 Baker Drive, as shown on Map 1, from CDD (Comprehensive Development District) to C-3 (General Business Zone); and**
- **Approve the discharge agreement for 20 Baker Drive Dartmouth as set out in Attachment "A" of the April 24, 2008 report.**

**MOTION PUT AND PASSED**

## **8.2 VARIANCE HEARING (S)**

### **8.2.1 Appeal of the Development Officer's decision to refuse an application for a Variance (#14693) at 71 Paxton Drive, Cole Harbour, Nova Scotia**

- A Staff Report dated July 25, 2008 was before Council.

Staff gave an overview of the report to Council.

Councillor Karsten called for any questions of clarification from Council.

Councillor McInroy inquired as to whether the applicants late offer to seek a lesser variance would change the development officer's original position. Mr. Audas responded that it will be considered tonight.

Councillor Smith questioned as to whether there were any other homes on that street that have encroachments. Mr. Audas indicated on the presentation map that there are many that conform.

Councillor Barkhouse requested clarity regarding the setback differences in property in front of the homes on either side of the street. The response was that many of the homes were

built around the same time and would have similar, consistent setbacks.

Councillor McCluskey advised that it appears that some houses have a wider, deeper setback than on houses to the rear. Mr. Audas conceded that it does appear that way. Councillor McCluskey pointed out that these homes may have an advantage over the others. Councillor Younger requested clarification on the same issue of the streetlines.. Councillor Karsten opened the variance hearing to members of the public who reside within a 30 meter radius of the property in question.

**Mr. Brad Burton**, Cole Harbour, advised that he has a young family and would be considering the same construction in the future. He remarked that the way the homes are constructed allows a very small landing which is open to the elements. He stated that he has to step down a step or two to shut the door. Mr. Burton advised that he is for the variance.

**Mr. Warrick Lockyer**, the owner of the property gave his statement to council, reiterating comments he made in Attachment 4 of the appeal of the development officer's decision. He added that his proposal will create more value to the house as well as it being more aesthetically pleasing. He advised that a number of contractors recommended building the porch without the permit, but he chose the legal route and is going through the process. He stated that there are other houses in the neighbourhood that are looking to do the same.

Councillor Karsten gave three final calls for speakers on the notification list for or against the appeal. Hearing none, the hearing was closed.

**MOVED BY Councillor Younger, seconded by Councillor McInroy, that the variance hearing be closed. MOTION PUT AND PASSED**

Councillor Younger assumed the Chair and Councillor Karsten moved the following motion:

**MOVED By Councillor Karsten, seconded by Councillor McCluskey, that Harbour East Community Council overturn the decision of the development officer and allow for a 16ft setback variance. MOTION PUT AND PASSED**

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentations**

**9.3.1 Business Park Functional Plan - Part I - (Ross Cantwell presenting)**

The final version of the Executive Summary for the Business Park Development Plan - Part I and the final colour version of the Conceptual Land Use Plan was before the Harbour East Community Council. Mr. Michael Wile, HRM Business Parks Manager, introduced Mr. Ross Cantwell of Collier's International, who gave a brief overview of the Executive

Summary and a PowerPoint presentation with the following titles/topics:

- Major Conclusions
- Major Recommendations
- Industrial Reserve
- Industrial Suitability (Map)
- Favourability Score (Map)
- Burnside Recommendations
- Burnside Industrial Park - Generalized Future Land Use
- Bayers Lake
- Public Consultation
- Comments and Feedback

Following the presentation, a discussion ensued with Mr. Cantwell and Mr. Wile responding to the concerns and questions of clarifications on the following topics:

Council Younger commented:

- He would not support wholesale/residential in Burnside
- City of Lakes is being ignored
- Land should not be sold in the areas presented until Council has had their input

Councillor McCluskey commented:

- Anderson Lake zoning should be looked at
- HRM should look into acquiring the land between Burnside Park and Sackville Park

Councillor Smith Commented:

- He agrees with Councillor Younger about the caution of creating a conflict on some of the proposed residential applications that may be coming forward, and predetermining there will be light industrial.
- Council wants City of Lakes protected; want it increased density and increased size
- At least one public meeting should be scheduled and ensure that the members of the public are aware it is for them.

Councillor Karsten thanked Staff for the presentation.

## **10. REPORTS**

### **10.1 STAFF REPORTS**

#### **10.1.1 Case 01083: Development Agreement - Commercial Plaza, Cole Harbour/Westphal**

The Report dated July 16, 2008 was before Council.

**MOVED BY Councillor McInroy, seconded by Councillor McCluskey, that Harbour East Community Council give Notice of Motion to consider a development agreement**

as provided in Attachment "A" to the July 16, 2008 report, to permit a commercial plaza at 1200 and 1216 Cole Harbour Road (PID#s 00406850 and 00407635), and schedule a public hearing, at the earliest possible time.

**MOTION PUT AND PASSED**

**10.1.2 Case 01139: Development Agreement - 6 Admiral Street**

A Report dated May 15, 2008 was before Council.

**MOVED BY Councillor Younger, seconded by Councillor McCluskey, that Harbour East Community Council move Notice of Motion to consider a development agreement as provided in Attachment "A" to the May 15, 2008 report and schedule a public hearing. MOTION PUT AND PASSED**

**10.1.3 Case 01170: Amendment to Portland Hills Development Agreement**

A report dated July 17, 2008 was before Council.

**MOVED BY Councillor Younger, seconded by Councillor Barkhouse, that Harbour East Community Council give Notice of Motion to consider the proposed amending development agreement set out in Attachment "A" of the July 17, 2008 report and schedule a public hearing. MOTION PUT AND PASSED**

Councillor McCluskey wanted clarification as to whether there was already an illegal unit on the property. She stated she would speak to this on a later date.

**10.1.4 Case 00798: Development Agreement - Dartmouth Marine Slips**

The Supplementary Report dated July 23, 2008 was before Council.

Councillor Karsten advised that as Councillor Smith and Councillor McInroy were not present during the public hearing for this case, they would not be included in the vote.

**MOVED BY Councillor McCluskey, seconded by Councillor Younger, that Harbour East Community Council :**

- 1. Approve the proposed Stage 1 development agreement, as contained in Attachment "A" of the July 23, 2008 report, for a mixed-use development on the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth; and**
- 2. 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.**

**MOTION PUT AND PASSED**



**10.1.5 Case 01174: Non-substantive Amendment - Sheppard's Island, 675 Windmill Road, Dartmouth**

A Report dated July 25, 2008 was before Council.

**MOVED BY Councillor Smith, seconded by Councillor Younger, that Harbour East Community Council:**

- 1. approve the requested non-substantive amendments to the Sheppard's Island development agreement as the proposed changes to the site plan and exterior elevations of Building "A" are minor in nature**
- 2. approve the amending development agreement, Attachment "E", to the staff report dated July 25, 2008. MOTION PUT AND PASSED**

Mr. Lane, Planner and Mr. Charles Moon, President of Harbour Isle Halifax took questions from the Community Council and gave a brief overview of the report, with the following points clarified:

- The other two buildings will be brought before Council as separate applications
- Any minor amendments to Building A will be returned to Council
- Units would be condominiums rather than apartments
- Tenants prefer a smaller footprint that is now reflected in the new proposal
- Mirrored glass exterior preferable to masonry finished exterior
- Proposed building is shorter than existing building

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

Added Items:

- 12.1 Councillor Smith - Request for a stop sign at intersection of South Ridge Circle and Argus Drive.

Councillor Smith advised that there is some construction on the corner at South Ridge Circle and Argus Drive and there could be some safety problems. He advised that the Community Council should have Traffic Services have a look at the intersection.

**MOVED By Councillor Smith, Seconded by Councillor Younger, that Harbour East Community Council request a Staff Report from Traffic Services on the need for a stop sign at the intersection of South Ridge Circle and Argus Drive, District 9. MOTION PUT AND PASSED**

Information Report (s):

1. Employee Parking at Car Dealerships - dated July 23, 2008

Councillor Younger requested that this item be added to the next agenda of the September 10, 2008 meeting of the HECC to allow time for review of the report.

2. Freshwater Trail - Non Disturbance Buffer

An Information Report dated July 31, 2008 was before the Council.

Councillor Karsten advised that this issue had been brought before Harbour East Community Council on February 07, 2008 and the plan has been revised. He stated that he has seen both and there have been substantial additions/improvements to the original plan. He advised that in a discussion with the Development Officer, there was nothing in the Development Agreement that called for approval from either Dartmouth Lakes Advisory Committee or HECC, and that this is an information report to acknowledge to the Development Officer that this Council has seen it. He further advised that these lots should be 'treed' as quickly as possible.

**13. NOTICES OF MOTIONS - NONE**

**14. PUBLIC PARTICIPATION**

Mr. Ray Curran, of Dartmouth, raised concerns to the Harbour East Community Council of the traffic issues on Baker Drive. He stated concerns of:

- Speeding; especially after hours; no speed controls
- Too much of street taken up by parking by business employees
- Exiting from parking lots is difficult; parking too close to exits; no clear view of traffic coming
- Cement/gravel trucks use Baker Drive to exit on Portland Street to access Highway 111
- Most of people in the building are getting up to senior age and are being disturbed.

**15. NEXT MEETING**

The Harbour East Community Council agreed that the next meeting would be held on Wednesday, September 10, 2008 at 6:00 p.m.

**16. ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

Sandra T. Riley  
Legislative Assistant