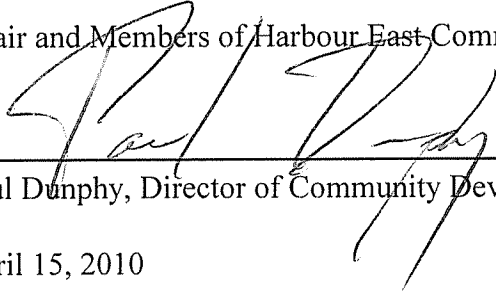




PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Harbour East Community Council  
May 6, 2010

**TO:** Chair and Members of Harbour East Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** April 15, 2010

**SUBJECT:** Case 15867: Rezoning of 385 and 387 Portland Street, Dartmouth

### **ORIGIN**

Application by Chris Hughs and Jeff Cox of Cox's Auto Clinic to rezone 385 and 387 Portland Street, Dartmouth, from the R-2 (Two Family Residential) Zone to the C-2 (General Business) Zone to permit an expansion to their existing auto repair use located at 381 Portland Street.

### **RECOMMENDATION**

It is recommended that Harbour East Community Council:

1. Give First Reading to the proposed rezoning of 385 and 387 Portland Street, Dartmouth, from the R-2 (Two Family Residential) Zone to the C-2 (General Business) Zone as shown in Attachment A and schedule a public hearing; and
2. Approve the proposed rezoning of 385 and 387 Portland Street, Dartmouth, from the R-2 (Two Family Residential) Zone to the C-2 (General Business) Zone as shown in Attachment A to permit the expansion of Cox's Auto Clinic.

## **BACKGROUND**

Cox's Auto Clinic is an auto repair shop located at 381 Portland Street, Dartmouth. The auto repair use has been located on this property since the 1970's. The subject properties, 385 and 387 Portland Street are presently used for vehicle parking and a storage shed for the auto repair business. However, the properties are zoned R-2 which only permits residential but not commercial uses (Attachment C). The requested rezoning will enable compliance and the future expansion of the existing commercial use in accordance with the requirements of the C-2 Zone.

In 2006, Cox's Auto Clinic applied for a permit to expand their auto repair use at 381 Portland Street. The permit was refused due to the residential zoning of the subject properties. Subsequently, in 2007 an application was made to rezone only 385 Portland Street, to the C-2 Zone. Mr. Cox withdrew his application before Harbour East Community Council made a decision on the proposal.

## **Proposal**

Cox's Auto Clinic is proposing to rezone 385 and 387 Portland Street to the C-2 Zone (see Attachment D) to allow an addition (approximately 1,000 square feet.) comprised of two automotive service repair bays to complement the existing two-bay and reception area structure consisting of 1,476 square feet. The addition is proposed to be located on the east side of the existing business and is intended to match the construction details of the existing automotive repair business. Before a permit can be issued to expand the garage, the properties at 381, 385 and 387 Portland Street must be consolidated into one.

## **Location, Designation, Zoning and Surrounding Land Uses**

- The two subject properties total 10,225 square feet (385 Portland Street = 5225 square feet; 387 Portland Street = 5000 square feet)
- Both properties are designated Commercial under the Municipal Planning Strategy for Dartmouth (see Map 1 and Map 2)
- Surrounding properties include a mix of residential and commercial uses. There is a small park located to the west across Lakefront Road.

## **Enabling Policy**

The subject area is designated Commercial under the Dartmouth Municipal Planning Strategy (MPS) which allows Council to consider an amendment to the LUB (rezoning to C-2) in accordance with Policy IP-1(c).

## **DISCUSSION**

Staff have reviewed the proposed rezoning with regard to the relevant policies contained in the MPS for Dartmouth. The proposed rezoning of the subject property to the C-2 Zone is consistent with the intent of the MPS and the Commercial Designation. Further, the proposed rezoning meets the criteria contained in Policies IP-1(c) (see Attachment B). A detailed review of the relevant policies are included as Attachment F. The matter of the business' impact on adjacent residential areas has been identified for more detailed discussion.

### **Impact upon Adjacent Residential Areas**

Section 15(i) of the Dartmouth Land Use By-law requires that all commercial uses provide a 20 foot landscaped buffer from residentially zoned or used properties. This buffer can be reduced to 10 feet provided that an opaque fence of at least 6 feet in height is provided along the property line (see Attachment E). The property abutting 387 Portland Street is zoned R-2 and the property to the rear of the subject area is used for multi-unit residential dwelling. The buffer requirements of Section 15(i) shall apply to any new construction or expansion of the use. However, the existing garage located at 381 Portland Street, was built before 2003, when Section 15(i) was added to the Land Use By-law for Dartmouth. Therefore, the building is a non-conforming structure and does not have to comply with the 20 foot, or 10 foot including a fence, setback from the residentially used property to the rear of 381 Portland St. However, the proposed addition to the building and parking area to be located on 385 and 387 Portland Street, must observe the buffer provisions and any further requirements outlined in the C-2 Zone.

Due to the location of the existing use on a corner lot (Lakefront Drive and Portland Street), the longstanding use of the existing business on the site, and the buffering requirements of the LUB for adjacent residential uses, Staff recommends the requested rezoning. Approval of the rezoning will enable the business operator to improve the properties and continue to provide a service amenity to the neighbourhood .

### **Public Information Meeting / Notification Area**

A public information meeting was held on March 15, 2010 at the Alderney Gate Library. The minutes are attached as Attachment G.

After the public information meeting was held, a neighbour within the notification area expressed his concern with the application as he felt there is not a large enough buffer from neighbouring properties and would prefer that the entirety of 387 Portland Street act as a buffer. This would result in a buffer of 50 feet. Staff feel that the 20 foot, or 10 foot including a fence, buffer as required within the Land Use By-law is adequate.

Should Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified, as shown on Map 2.

### **BUDGET IMPLICATIONS**

The HRM costs associated with processing this application can be accommodated within the proposed operating budget for C310 Planning & Applications.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the proposed Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

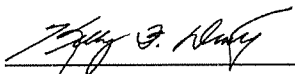
1. Council may choose to approve the proposed rezoning of 385 Portland St. and 387 Portland St., as shown on Attachment A , to C-2 Zone. This is the staff recommendation.
2. Council may choose to refuse the proposed rezoning of 385 Portland St. and 387 Portland St. and in doing so, must provide reasons based upon a conflict with MPS policies.

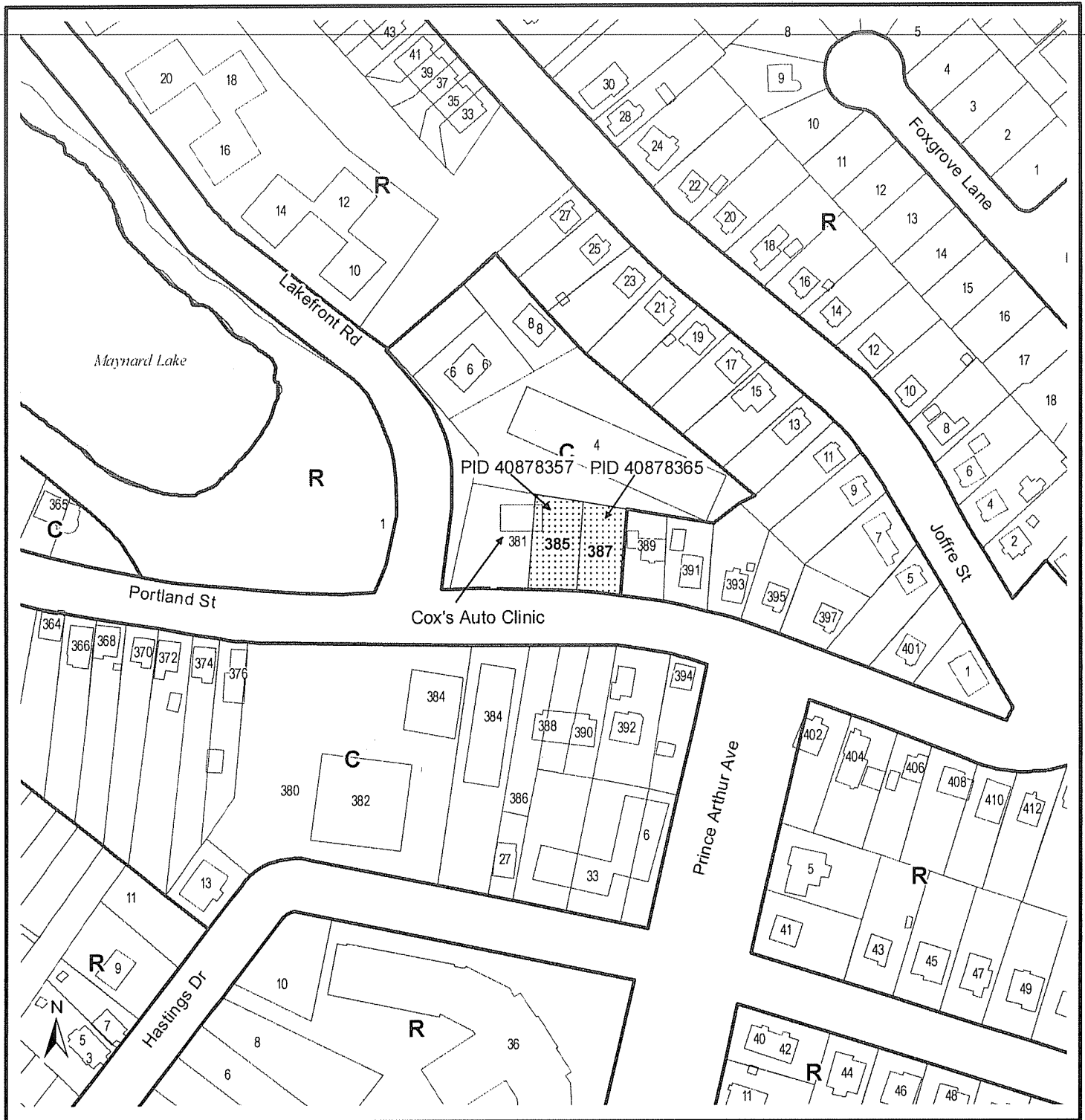
**ATTACHMENTS**

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map and Public Hearing Notification Area
Attachment A	Proposed Land Use By-law Amendment
Attachment B:	Applicable Sections of the MPS for Dartmouth
Attachment C:	R-2 Zone from the LUB for Dartmouth
Attachment D:	C-2 Zone from the LUB for Dartmouth
Attachment E:	Section 15(i) from the LUB for Dartmouth
Attachment F:	Review of Relevant Policies from the MPS for Dartmouth
Attachment G:	Public Information Meeting Minutes - March 15, 2010

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by : Jillian MacLellan, Planner 1, (902)-490-3999

Report Approved by:   
Kelly Denty, Acting Manager, Planning Services, 490-6011



**Map 1 - Location and Zoning**

385, 387 Portland Street  
 PID 40878357 & 40878365

 Subject Lands

**Designation**

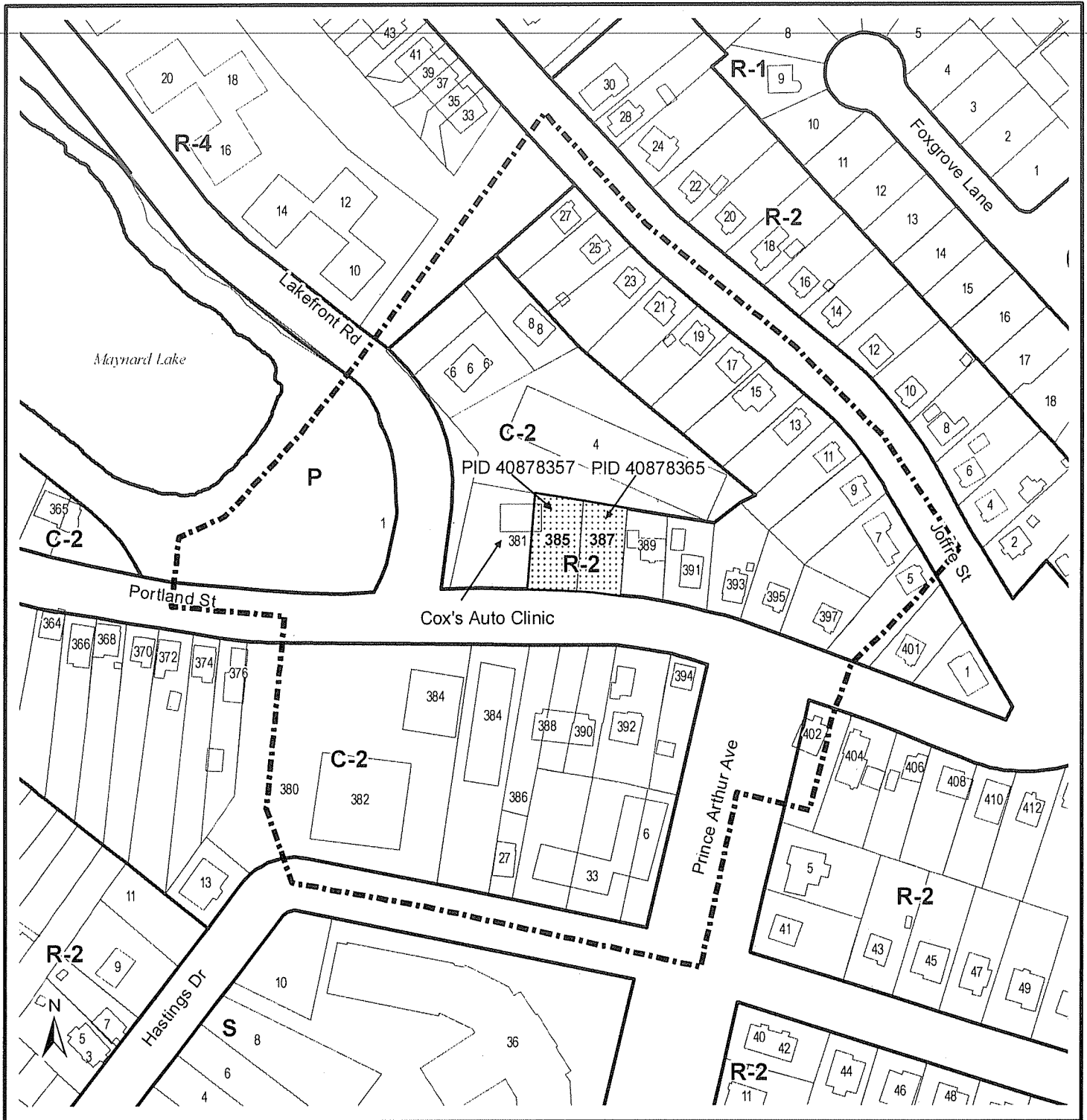
R Residential  
 C Commercial

Dartmouth Plan Area




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Plan Area

HRM does not guarantee the accuracy of any representation on this plan.



**Map 2 - Location and Zoning**

385, 387 Portland Street  
 PID 40878357 & 40878365

 Subject Lands to be Rezoned from R-2 to C-2

 Notification Area

Dartmouth Plan Area

**Zone**

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-4 Multiple Family Residential (High Density)
- C-2 General Business
- P Park
- S Institutional



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area

HRM does not guarantee the accuracy of any representation on this plan

**Attachment "A"**  
**Proposed Land Use By-law Amendment**

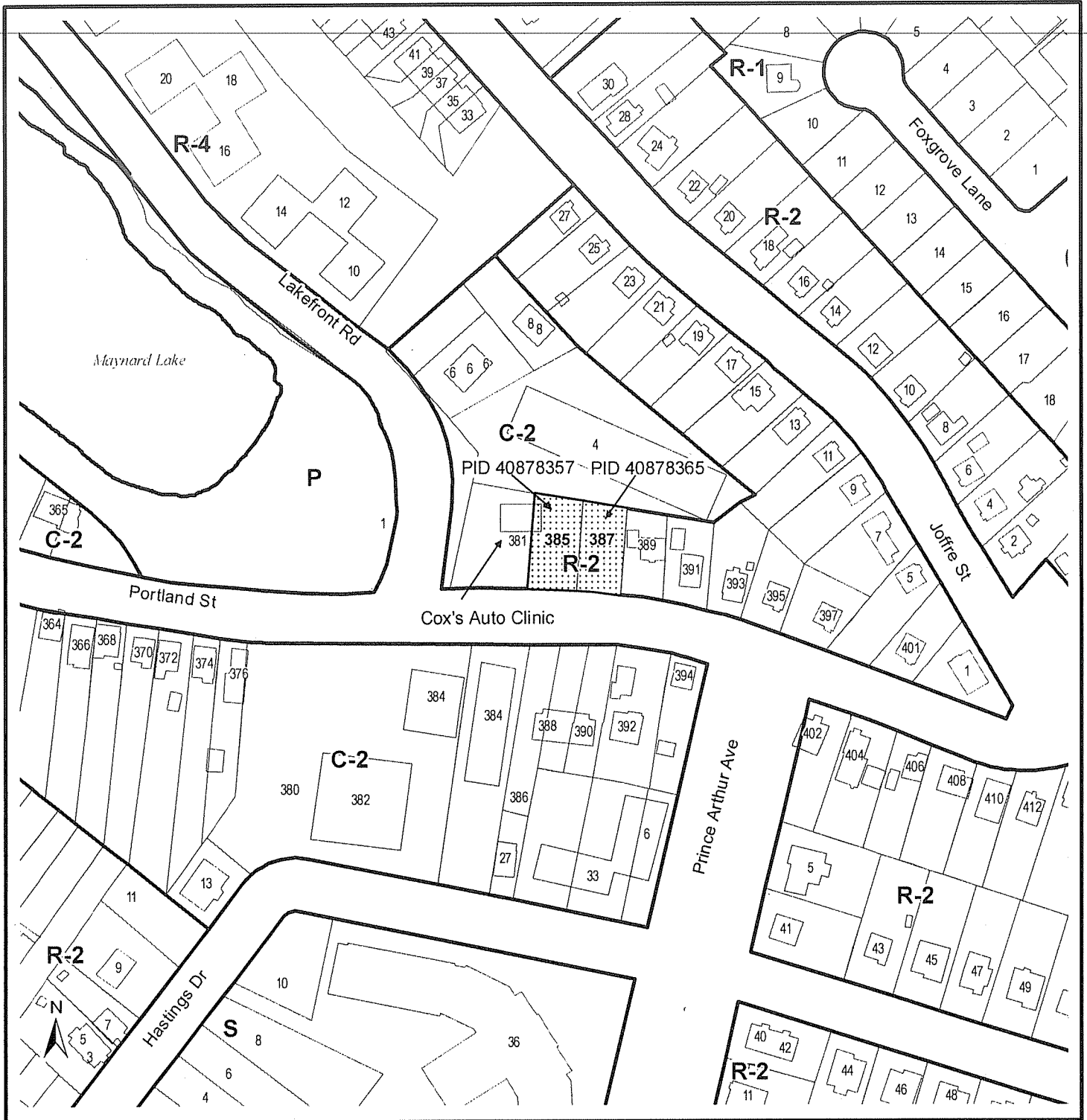
BE IT ENACTED by the Harbour East Community Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth as enacted by the former City of Dartmouth on the 25th day of July, 1988 and approved by the Minister of Municipal Affairs on the 15th day of September, 1978 as amended, is hereby further amended as follows:

1. Schedule A (Dartmouth Zoning Map) is further amended by rezoning 385 Portland St. (PID# 40878357) and 387 Portland St. (PID# 40878365) from the R-2 (Two Family Residential) Zone to the C-2 (General Business) Zone as shown on Schedule A attached to this report.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Dartmouth as set out above, was passed by a majority vote of the Harbour East Community Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2010

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_ day of \_\_\_\_\_, 2010


\_\_\_\_\_  
Municipal Clerk



**Schedule A**

385, 387 Portland Street  
 PID 40878357 & 40878365

**Zone**

 Subject Lands to be  
 Rezoned from R-2 to C-2

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-4 Multiple Family Residential (High Density)
- C-2 General Business
- P Park
- S Institutional

Dartmouth Plan Area



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area

HRM does not guarantee the accuracy of any representation on this plan



**Attachment B**  
**Applicable Sections of the MPS for Dartmouth**

**IMPLEMENTATION**

**Policy IP-1**

*(b) Generalized Land Use*

The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional. Deleted-Reg.Council-July11/2000, Effective-Sept2/2000. In addition, areas outside the development boundary not designated on the Generalized Land Use Map shall be designated Reserve in accordance with Map 9c attached as Schedule "C". (As amended by By-law C-475, Sept. 20, 1983).

Table 4 identified, in matrix form, the permitted uses under each category. The uses permitted in the Zoning By-law shall be consistent with uses permitted under each category as shown on matrix form on Table 4. The generalized land uses are also shown on: Map 9;

Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r ( As amended by By-law C-475, Sept. 20, 1983, By-law C- 493, Dec. 9, 1983, By-law C-494, Dec. 9, 1983 and By-law C-511, Jul.,1984).

These maps shall be the Generalized Land Use Map for the City of Dartmouth based on the policies contained in this plan.

Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.

An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.

*(c) Zoning By-law*

The Zoning By-law is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act. The zoning by-law may use site plan approval as a mechanism to regulate various uses. (RC-Sep 8/09;E-Nov 14/09)

Notwithstanding the above, it shall be the intention of Council not to pre-zone lands outside the development boundary as shown on the Generalized Land Use Plan: Map 9;

Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983 and By-law C-493, Dec.9, 1983 and By-law C-511, July 6, 1984).

It shall recognize that certain areas are premature for specific zoning classifications by reason of lack of services, public facilities or other constraints. Council shall use the H-zone (Holding Zone). In the H Zone the permitted types of uses shall be limited in accordance with the Reserve classification in Table 4 ( As amended by By-law C-475, Sept. 20, 1983). In this manner, Council can maintain a comparatively high degree of control, and major development proposals contemplated for such areas shall be processed as zoning amendments.

In considering zoning amendments and contract zoning, Council shall have regard to the following:

(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan

(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal

(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries

(4) that the proposal is not premature or inappropriate by reason of:

(i) the financial capability of the City is to absorb any costs relating to the development

(ii) the adequacy of sewer and water services and public utilities

(iii) the adequacy and proximity of schools, recreation and other public facilities

(iv) the adequacy of transportation networks in adjacent to or leading to the development

(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas

(vi) preventing public access to the shorelines or the waterfront

(vii) the presence of natural, historical features, buildings or sites

(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized

(ix) the detrimental economic or social effect that it may have on other areas of the City.

(5) that the proposal is not an obnoxious use

(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:

(i) type of use, density, and phasing

(ii) emissions including air, water, noise

(iii) traffic generation, access to and egress from the site, and parking

(iv) open storage and landscaping

(v) provisions for pedestrian movement and safety

(vi) management of open space, parks, walkways

(vii) drainage both natural and sub-surface and soil-stability

(viii) performance bonds.

(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors

(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant

and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council

(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:

- (i) Council with a clear indication of the nature of proposed development, and
- (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community

(10) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

Attachment C  
R-2 Zone from the LUB for Dartmouth

PART 3: R-2 (TWO FAMILY RESIDENTIAL) ZONE

- 33(1) The following uses only shall be permitted in an R-2 Zone:
- (a) R-1 uses as hereinbefore set out,
  - (b) a semi-detached dwelling,
  - (c) a duplex dwelling,
  - (d) basement apartments added to single family dwellings so that each building contains only two families,
  - (e) a dwelling for not more than ten persons, owned or operated by a voluntary non-profit organization,
  - (f) any uses accessory to any of the foregoing uses.
- 33(2) Buildings used for R-1 uses in an R-2 Zone shall comply with the requirements of an R-1 Zone.
- 33(3) Buildings used for R-2 uses in an R-2 Zone shall comply with the following requirements:
- (a) Lot area minimum - 5,000 sq. ft.
  - (b) Lot coverage maximum - 35%
  - (c) Side and rear yards shall be provided on each side and at the rear of a building as specified in the Building By-laws of the City.
  - (d) notwithstanding anything contained in this section, a lot in an R-2 Zone created by the subdivision of a lot containing two semi-detached dwellings shall be permitted, provided that each lot resulting from the subdivision and each individual dwelling unit complies with the following requirements:
    - (i) Lot area minimum - 2,500 square feet
    - (ii) Lot frontage minimum - 25 feet
    - (iii) Lot coverage maximum - 35%
    - (iv) compliance with the building by-laws of the City.
  - (e) ***Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)***
- 33(4) ***Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:***
- (1) ***Zone Requirements:***
    - Minimum Side Yard***                      ***8 feet, and the side yard shall be reduced to zero (0) on the side being common with another***

*dwelling unit*

*Minimum Rear Yard 10 feet*

- (2) *The maximum building eave projection into the minimum required side yard shall be 2 feet (HECC-Nov 1/01;E-Nov 25/01)*

- 33 (5) Notwithstanding the frontage requirement of Section 33 (3), an existing semi-detached dwelling in existence as of the 25<sup>th</sup> of July, 1978, on a lot that having less than 50' of street frontage, may be subdivided so that each unit is on its own lot provided that all other requirements of this by-law are met. (HECC - Sept 10/09; E - Oct 3/09)**

September 21, 1987

Legislation approved by the Minister of Municipal Affairs places additional restrictions on undersized residential lots (less than, 5,000 square feet in area and/or less than 50 feet of street frontage.) Please consult Planning staff for details.

Attachment D  
C-2 Zone from the LUB for Dartmouth

PART 9: C-2 (GENERAL BUSINESS) ZONE

- 39(1) The following uses only shall be permitted in a C-2 Zone:
- (a) R-1, R-2, R-3, C-1 and TH uses as herein set out;
  - (b) Business or commercial enterprises except:
    - (i) obnoxious uses and uses creating a hazard to the public and
    - (ii) offices other than those permitted in the C-1 Zone
    - (iii) except Adult Entertainment uses (RC-Jan 31/06;E-Mar 16/06)**
    - (iv) cabarets (HECC- Dec 4/08;E-Dec 27/08)**
    - (v) pawn shops**
  - (c) Uses accessory to the foregoing uses.
- 39(2) Buildings used for R-1, R-2, R-3, C-1 and TH uses in a C-2 Zone shall comply with the requirements of an R-1, R-2, R-3, C-1 or TH Zone respectively.
- 39(3) Buildings used for C-2 uses in a C-2 Zone shall comply with the following requirements:
- (a) Lot area minimum - 5,000 sq. ft.
  - (b) Height maximum - 3 storeys for a building with an office function as its primary function.
  - (c) Maximum Lot coverage - 100% if the requirements for 100% lot coverage in the Building By-laws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.
  - (d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City of Dartmouth.
  - (e) Additional Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)**

Attachment E  
Section 15(i) from the LUB for Dartmouth

**15 (i)** a landscaped buffer shall be provided for any new or expanded commercial, industrial or institutional use, including but not limited to: buildings; parking lots; outdoor display; or open storage to be located adjacent to any property zoned or used for residential or community uses. The landscaped buffer shall consist of:

(i) a grassed area with a minimum depth of twenty (20) feet along the entire length of the adjacent property line and containing a vegetation screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;

(ii) notwithstanding Subsection 15(i) (1), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary. The grassed landscaped area shall contain a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing.

(iii) no structures, parking, storage or open display shall be permitted within the landscaped area. (HECC-July10/03;E-Aug 3/03)

**Attachment F:  
 Review of Relevant Policies from the MPS for Dartmouth**

Policy Criteria	Staff Comment
<b>Policy IP-1</b>	
<p>The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional. Deleted -Reg. Council -July11/2000, Effective-Sept2/2000. In addition, areas outside the development boundary not designated on the Generalized Land Use Map shall be designated Reserve in accordance with Map 9c attached as Schedule "C". (As amended by By-law C-475, Sept. 20, 1983).</p> <p>Table 4 identified, in matrix form, the permitted uses under each category. The uses permitted in the Zoning By-law shall be consistent with uses permitted under each category as shown on matrix form on Table 4. The generalized land uses are also shown on: Map 9;</p>	<p>385 and 387 Portland Street are both designated Commercial. Service Commercial is listed as a permitted use in the Commercial Category of Table 4.</p>
<p>That the proposal is in conformance with the policies and intent of the Municipal Development Plan</p>	<p>The proposal meets the intent of the Commercial Designation.</p>
<p>That the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal</p>	<p>The proposed rezoning is to allow the expansion of a use on a neighbouring property. The location of the subject properties is on a major roadway. The Dartmouth MPS states that service commercial uses normally should occur along major roadways.</p>
<p>Provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</p>	<p>The Dartmouth LUB requires commercial properties to provide a 20 foot, or 10 foot including a fence, landscaped buffer when abutting residential properties.</p>



Policy Criteria	Staff Comment
<p>That the proposal is not premature or inappropriate by reason of:</p> <ul style="list-style-type: none"> <li>(ii) the adequacy of sewer and water services and public utilities</li> <li>(iv) the adequacy of transportation networks in adjacent to or leading to the development</li> <li>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</li> <li>(ix) the detrimental economic or social effect that it may have on other areas of the City.</li> </ul>	<p>It is not anticipated the proposed rezoning will have a significant impact on the sewer and water services and public utilities; on traffic generated or the economic or social well being of other areas within the former City of Dartmouth or the Municipality.</p> <p>Any addition to the auto repair facility will be required to meet the requirements of the National Building Code which includes requirements for oil separators in garages.</p>
<p>That the proposal is not an obnoxious use</p>	<p>The proposed rezoning is to permit the expansion of an existing use. Staff believe that by allowing the expansion of the auto repair facility will improve the appearance of the site and limit the amount of work that takes place outside of he building.</p> <p>The proposal is not considered obnoxious.</p>
<p>Suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors</p>	<p>Not applicable</p>

**Attachment G:  
Public Information Meeting Minutes - March 15, 2010**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 15867 - Cox's Auto Clinic Ltd.**

**7:00 p.m.**

**Monday, March 15, 2010**

**Alderney Gate Library, Helen Creighton Room**

**STAFF IN**

**ATTENDANCE:**

Jillian MacLellan, Planner, HRM Planning Applications  
Holly Kent, Planning Technician, HRM Planning Applications  
Jennifer Little, Planning Controller, HRM Planning Applications

**ALSO IN**

**ATTENDANCE:**

Councillor Gloria McCluskey, District 5

**PUBLIC IN**

**ATTENDANCE:**

5

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The meeting commenced at approximately 7:00 p.m.

**1. Opening remarks / Introductions / Purpose of Meeting**

**Ms. Jillian MacLellan**, Planner, Planning Applications, called the meeting to order at approximately 7:00 p.m. at the Alderney Gate Library, Dartmouth.

Ms. MacLellan advised that HRM has received an application made by Chris Hughs and Jeff Cox of Cox's Auto Clinic to rezone 387 Portland Street and the adjacent property to allow the expansion of the auto repair shop located at 381 Portland Street. The approval of this application would result in the rezoning from the two family residential (R-2) zone to the general business (C-2) zone in the Dartmouth Land Use By-Law. She introduced Holly Kent, Planning Technician and Jennifer Little, Planning Controller.

**2. Purpose of this meeting**

Ms. MacLellan explained that this public information meeting is the initial stage of the application process and is intended to allow the public to provide feedback. The purpose of the public information meeting is to identify that HRM has received an application, to identify the scope of the rezoning proposal, to provide the public with an overview of the planning process, and to give the public an opportunity to ask questions and make comments.

Ms. MacLellan reviewed slides showing the property indicating where the subject properties are. She added that there is mainly residential uses surrounding the property (multi unit in the rear property; R-2 zoned properties to the east). Reviewing a slide of the subject properties, she explained that they are generally vacant, however, the property on the left is used for parking for Cox's Auto Clinic. They are both designated Commercial Zoning under the Generalized Future Land Use Map for the Dartmouth Municipal Planning Strategy. Through this designation, there is the ability to rezone these properties to a commercial zone. She reviewed the landscaping requirements, explaining that as part of the parking requirements of the Dartmouth Land Use By-Law, these landscaping provisions must be undertaken when a commercial building is expanded.

### **3. Overview of planning process**

The rezoning process starts with an application. Staff does a preliminary review, to ensure that the municipal planning strategy allows consideration of the request.

After the public information meeting, the comments received from the public will be incorporated into a staff report with a recommendation that will go to Harbour East Community Council. Council will make the final decision on the application. Following Council's decision, there is an appeal period, during which the decision can be appealed to the Nova Scotia Utility and Review Board.

### **4. Question / Comments**

Mr. Earl Brown explained that he has known Cox's Auto Clinic for over four years and during this time, they have always kept their property clean. Cox's Auto is always helping and supporting the Community. He is in favor of this application and feels HRM should also support them.

Mr. Peter Brown commented that he initially wondered why this application was going to Council again but, now understands that the previous application had been withdrawn.

### **5. Closing comments**

Ms. MacLellan thanked everyone for coming to the meeting and expressing their comments and concerns. She directed the public to her business cards, and asked those who did not get a chance to speak to contact her.

### **6. Adjournment**

The meeting adjourned at approximately 7:06 p.m.