

HARBOUR EAST COMMUNITY COUNCIL  
APRIL 8, 1999  
MINUTES

PRESENT: Councillor Bruce Hetherington, Chair  
Councillor Ron Cooper  
Councillor Harry McInroy  
Councillor Jack Greenough  
Councillor Condo Sarto (regrets)  
Councillor Clint Schofield  
Councillor John Cunningham

STAFF: Mr. Barry Allen, Municipal Solicitor  
Ms. Susan Corser, Planner  
Mr. Stephen Feist, Planner  
Mr. Paul Burgess, Deputy Traffic Authority  
Mr. Roger Wells, Planner  
Ms. Jacqueline Hamilton, Planner  
Ms. Julia Horncastle, Assistant Municipal Clerk

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**1. INVOCATION**

The meeting was called to order at 7:00 p.m. with an invocation.

**2. APPROVAL OF MINUTES**

**MOVED by Councillors Greenough and Schofield that the minutes of March 4, 1999 be approved as circulated. MOTION PUT AND PASSED.**

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

Additions

12.1 Dartmouth Commons Committee Report

Deletions

The Chair requested item 7.2 - Atlantic Basketball Association Proposal - Alderney Drive be deleted from tonights agenda and deferred to the June, 1999 meeting.

**MOVED by Councillors Cooper and Cunningham that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Case 00096 -Harbour East Commercial Policy Review - Supplementary Report - Phase 1A - Cole Harbour Road and Caldwell Road**

Ms. Susan Corser, with the aid of overheads, presented the staff report outlining the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal as contained in Appendices "A" and "B" as attached to the supplementary staff report dated March 18, 1999.

Councillor Cooper referenced page 6 of the report regarding signage requirements for neighbourhood business uses and question whether there could be one or more sign faces

or was this the total including all sign faces. In response, Ms. Corser advised this is for one ground sign on one lot with a maximum of 25 square feet per sign face.

**MOVED by Councillors Cooper and Cunningham that there be a maximum of two (2) sign faces per ground sign. MOTION PUT AND PASSED.**

Councillor Greenough suggested under automotive body repair use (minor) the wording be amended such that it would read that minor uses not include any paint and autobody repair.

Ms. Corser suggested the wording be amended to state that it shall not include major automotive repair use. She further clarified that by eliminating major repair uses under the definition of minor there would be no confusion.

Ms. Corser suggested at the definition of minor repair use be amended thusly .....*shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale nor the retailing of gasoline or other fuels or any automotive repair use considered to be major*".

**MOVED by Councillors Greenough and Cooper that section 2.8B - Automotive Repair Use (Minor) be amended by inserting the words "or any automotive use considered to be major" at the end of the last sentence. MOTION PUT AND PASSED.**

**MOVED by Councillors Cooper and Cunningham that the Harbour East Community Council forward the recommendations as amended to Regional Council for public hearing. MOTION PUT AND PASSED.**

## **7.2 Atlantic Basketball Association Proposal - Alderney Drive**

This item was deferred to June, 1999 under the approval of the Order of Business.

## **7.3 Case 00018 - Proposed Rezoning and Development Agreement for Banook Shores Development on Prince Albert Road, Dartmouth**

Mr. Stephen Feist, Planner, with the aid of overheads, presented the staff report noting the public hearing had been held at the March meeting. He advised the application was a three part process which included the rezoning of the properties, street closure and development agreement. Mr. Feist advised there were no appeals for the rezoning thus Community Council was now in a position to approve the development agreement for the Banook Shores development itself. He advised the street closure will take place on May 11, 1999 noting the development agreement contains a clause making the project proceeding conditional on the street closure taking place.

**MOVED by Councillors Cunningham and Schofield that the Harbour East Community Council approve the development agreement as attached to the staff report dated February 8, 1999, with the following revision to correct a typo: Clause 3.2(f) should read “80 underground parking spaces” rather than 85. Require the agreement be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Harbour East Community 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.**

**8. PUBLIC HEARINGS**

**8.1 Case 00047 - Application to rezone lands adjacent to Dartmouth Memorial Gardens Ltd., Westphal**

Ms. Jacqueline Hamilton, Planner, with the aid of overheads, presented the staff report advising staff is recommending approval of the application as proposed.

**Speakers in favour**

No speakers came forward.

**Speakers in opposition**

Mr. Bruce Benjamin, adjacent property owner, expressed concern that there is enough land available to the applicant to develop additional lots and questioned whether there were controls to keep the development as proposed. In response, Ms. Hamilton advised that under a rezoning such as this the applicant can come in and apply for anything that met the zoning requirements. Mr. Benjamin expressed concern that this lot, if zoned R-2, could be subdivided into additional R-2 lots.

In response to Mr. Benjamin's concerns, Ms. Hamilton advised the servicing boundary runs along Montague Road and engineering will only service one lot depth in that area for lots outside the boundary.

Mr. Ray DeRoche, Codroy Avenue, stated there are no objections to the rezoning of the property to residential just with the rezoning of the second parcel to R-2. He stated there is always potential that other properties could be declared surplus to the requirements of Memorial Gardens and if the R-2 zoning is approved it would be precedent setting. He advised the residents wished to see both lots zoned R-1.

**MOVED by Councillors Greenough and Schofield that the public hearing be closed.**

**MOTION PUT AND PASSED.**

**MOVED by Councillors Cooper and Greenough that the Harbour East Community Council approve the proposed rezoning from P-2 (Community Facility) to R-1 (Single Unit Dwelling) Zone and R-2 (Two Unit Dwelling) Zone for land adjacent to Dartmouth Memorial Gardens Ltd. on Montague Road, as shown on Map 2.**

Councillor McInroy noted there are a number of significant considerations associated with this application on being that it may be precedent setting. He stated he felt the policy intended that a subdivision of these lands could be considered at some point. He advised there are advantages to the applicant but none to the surrounding area. He expressed concern with the domino effect that may result from this rezoning. He stated he was in favour of R-1 zoning.

In response to Councillor Schofield, Ms. Hamilton advised that one of the criteria is that there be a buffer of an R-1 lot provided between existing single unit dwellings and the new proposed R-2 lot.

Councillor Schofield stated he was not in favour of R-2 zoning being placed on the property.

Councillor Cooper advised that originally Memorial Gardens had asked for an extension of a commercial zone which would allow their development of the funeral establishment. He stated during this time the former Halifax County required an R-1 lot in order to ensure there was a continuation of the development. He stated this application meets the requirements of the Municipal Development Plan noting the two lots are isolated from the Humber Park community and there is the R-1 separation. He indicated the letter of intent as put forward by the applicant stating his intention to build a single unit dwelling on the lot.

Councillor Cunningham noted that the applicant does meet all the criteria.

Councillor McInroy once again expressed concern that the approval of this application would be precedent setting.

**MOTION DEFEATED 3-3**

**8.2 Case 00046 - Application to expand the Greenridge Mobile Home Park, Caldwell Road, Eastern Passage**

Mr. Stephen Smith, Planner, with the aid of overheads, presented the staff report outlining the proposed expansion.

In response to Councillor Schofield, Mr. Smith advised the only requirement with regards to the recreation area would be for the provision of a playing field noting there is no requirement for provision of playground equipment.

**Speakers in favour**

Mr. Ernest Clarke, representing the applicant, Mr. Laurie Fredericks, advised he was in attendance to answer any questions that may arise.

**Speakers in opposition**

No speakers came forward.

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

**MOVED by Councillors McInroy and Schofield that the Harbour East Community Council approve the amending development agreement, attached as Appendix A to the staff report dated February 25, 1999 to permit the addition of 50 mobile home spaces plus active and passive recreation areas, in addition to the proposed amendments outlined in a supplementary memorandum dated March 10, 1999 to allow for a service building. Further, 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 is later, otherwise this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE**

**10. REPORTS**

**10.1 Dartmouth Heritage Museum - Request for Volunteers**

**MOVED by Councillors Greenough and Schofield that Councillor Cunningham be appointed as an ex-officio member of the committee. MOTION PUT AND PASSED.**

**MOVED by Councillors Cunningham and Greenough that the following persons be appointed to the Public Participation Committee for the Dartmouth Heritage Museum: Larry Baxter, Lewis Billard, Harry Chapman, Clary Croft, John Cunningham ex-officio, Joyce Earle, Danny Eisener, Joleen Gordon, Sidney Gosley, Iris Hardy, David Harvey, Norman Horrocks, Greg King, James L. Harrison, George Jordan,**



**Anthony Lamplugh, Anne Laybolt, Susan Marsh, Joan Matcham, Carmen Moir, Bill Mont, Joan Payzant, Pat Sarratt, Sheila Strong, Susan Todd-Wilson, Laureen Van Lierop, S.L. Wile, Beverley Wile and Councillor Clint Schofield. MOTION PUT AND PASSED.**

## **10.2 Capital Budget Projects**

### Councillor Greenough

1. Complete the unfinished walkway from Braeside Court to Maple Drive
2. Complete the sidewalk on Avenue du Portage from Caledonia Road to where the existing sidewalk begins
3. Construct a section of sidewalk in the east side of the Waverley Road from the Parkway Convenience Store to the Montague Road

### Councillor Cooper

Walkways and cost shared fencing, playground improvements and improvements to the Humber Park Clubhouse (repairs).

### Councillor McInroy

### Councillor Cunningham

\$2,500 to the Maybank Bus Shelter to be cost shared on a 50/50 basis with Councillor Schofield for a total of \$5,000.00

### Councillor Schofield

### Councillor Hetherington

1. Woodside #2 Backstop - \$5,000.00
2. Playground Upgrades - Newcastle - \$5,500.00  
Evelyn Woods - \$600.00  
Feetham Park - \$1,600.00  
Whitworth Park - \$800.00 (also new plaque)  
South Woodside - \$3,500.00

Total Amount            \$17,000.00

## **10.3 Members of Council**

**10.3.1 F.O.O.D. Society - 43 Wentworth Street - Councillor Cunningham**

Councillor Cunningham advised that as of April 1st the financial responsibility for the society has been taken over by the province.

**10.4 Approval of Local Improvement Charges - Hampton Green - Hannebury to Colby: Street Improvement Cow Bay Road - Caldwell to Heritage Hills Drive: Sidewalk Works**

**MOVED by Councillors McInroy and Greenough that the Harbour East Community Council approve Local Improvement Charge allocations as a "General Area Rate" as follows and as outlined within the staff report dated March 26, 1999. District 5: The amount of \$15,318.00 for Hampton Green and \$24,485.00 for Cow Bay. MOTION PUT AND PASSED.**

**10.5 Future of Robb Engineering Building - Eastern Passage**

**MOVED by Councillors McInroy and Schofield that the Harbour East Community Council support staffs proposal to tender the demolition of the Robb Engineering buildings, funded through the Parkland Reserve account. Under the premise, that the cost of this project will be reimbursed through the sale of surplus HRM properties in the immediate area. MOTION PUT AND PASSED.**

**10.6 Project 00096 - Harbour East Commercial Policy Review - Phase 1B - Portland Valley**

**AND**

**10.7 Case 00111 - Proposed Amendments to Dartmouth Municipal Planning Strategy - Home Depot**

**CONFLICT OF INTEREST**

Councillor Greenough declared a conflict of interest with respect to the property located at 627 Portland Street as it is owned by his brother.

Ms. Roger Wells, Planner, with the aid of overheads, presented background and outlined the Home Depot proposal. Ms. Susan Corser, presented the background report on the commercial plan review and the four properties located on Portland Street. Mr. Paul Burgess presented a report on the traffic impact analysis for Portland Street relative to all the subject properties.

**10.7.1 Presentation - Home Depot Proposal - Stephen Kauffman**

Mr. Kauffman, Director, Real Estate, Home Depot, Canada stated that all of the

representations that have been made to staff in this process of working through and reaching a point of the staff report will be implemented by Home Depot. He advised their proposal would make the community better in terms of job creation, assessment and the mood of the store in the community. He requested the support of Community Council to proceed to Regional Council.

Councillor Cunningham stated the Home Depot proposal is a major proposal which is being included with three other major proposals. He noted the only thing the proposals have in common is that they are in close proximity to each other and are being dwarfed by the Home Depot proposal.

Councillor Hetherington advised that all four properties impact on each other.

Mr. Wells stated this was at a policy direction setting stage and are looking at the impact of these four properties on the Portland Street corridor. He stated the Community Council is asked to make a recommendation on whether to maintain either the status quo or to change the policy to enable consideration of detailed developments as they come forward. At this stage, on all four properties, staff is only asking for consideration of redesignating to commercial and in each and every case, there will be a separate process subsequent to this one by development agreement whereby the specifics of each of those properties will go through a public process and another public hearing. This is to set the direction at the high level, policy level subject to being implemented on a case by case basis at the development agreement level. He stated it was important to bring the total picture to Community Council so as to be informed of what that direction may entail.

Councillor Cooper referenced the 611 Portland Street site and questioned whether the proposal was for a rezoning to commercial. In response, Ms. Corser advised staff is not proposing rezoning, rather redesignation to commercial maintaining the R-1 zoning by putting in place a specific policy for 611 to allow for future consideration of a commercial development by development agreement.

Councillor Cooper asked if there was a specific definition of what type of commercial would be allowed at this location. In response, Ms. Corser advised there is no specific definition in terms of commercial development. She advised there was no specifics in terms of type other than from a traffic generating perspective - it has to be a low traffic generator unless the proponent of a specific proposal could demonstrate that additional traffic could be accommodated.

In response to Councillor Cooper as to what constitutes a low traffic generator, Mr. Burgess advised this would be a particular development that does not require a traffic impact and analysis study. He advised that in considering a development the impact on adjacent intersections in terms of volume is looked at. He noted there are specific

guidelines on when a traffic impact study is requested and when not.

Councillor Greenough stated he was in favour of the Home Depot proposal going forward to Regional Council.

Councillor McInroy stated he feels the proposals would have a positive effect in terms of contributing to finding a solution to the traffic concerns in the Portland Street area and endorsed the advancing of the Home Depot proposal to Regional Council.

Councillor Schofield expressed concern with the four sites moving ahead but noted he was in favour of seeing the Home Depot proposal going forward.

Councillor Cooper referenced 627 Portland Street requested staff reconsider combining the sites to make one site and look at an alternative for traffic from Baker Drive onto Highway #111.

**MOVED by Councillors Greenough and Cunningham that the Harbour East Community Council adopt the staff recommendations with regards to Case 00111 - Proposed Amendments to the Dartmouth Municipal Planning Strategy - Home Depot and forward to Regional Council for public hearing.**

Councillor Hetherington stated he has no difficulty with this process and feels it will provide a good overview. He stated it gives a good opportunity to address a lot of the questions raised with regards to Portland Street and Portland Valley. He stated he also has to be concerned with the environment of the lakes. He referenced the Hammerling property and expressed concern as there is a long standing development and community abutting this and if this area is developed it will impact on those communities. He stated he is suggesting that the existing neighbourhoods be protected and, if a new subdivision is developed on the Hammerling property, it would exit on their own and not through existing properties.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor McInroy and Cunningham that the Harbour East Community Council approve the amendments to the Municipal Planning Strategy and Land Use By-Law for Dartmouth as contained in Appendices "A" and "B" as attached to the staff report dated April 1, 1999 entitled Project #00096 - Harbour East Commercial Policy Review (Phase 1B: Portland Valley) and forward them to Regional Council for public hearing. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS**

**MOVED** by Councillors Cooper and Schofield that the frontage charges with respect to Gregory Drive, Bissett Drive, Auburn Drive, Flying Cloud Drive and Poplar Drive will be carried under an area rate versus the present 50/50 split between residents and the area rate. **MOTION PUT AND PASSED.**

**12. ADDED ITEMS**

**12.1 Dartmouth Common Committee Report**

**MOVED** by Councillors Cunningham and Schofield that the Harbour East Community Council approve the establishment of a Mi'kmaq memorial at the Geary Street Park Cemetery as outlined in the proposal by the Millennium Committee and the Halifax Foundation. Further, the memorial be placed as to meet the distance requirements for the Trans Canada Trail. **MOTION PUT AND PASSED.**

**12.2 Tim Horton's Coffee Concession - Halifax/Dartmouth Ferry Terminals**

Councillor Cunningham requested clarification be sought as to the operating times approved as part of the development agreement for the concession stands in the ferry terminals.

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

Mr. Bill Mont referenced the Robb Engineering Building stating he was representing Mr. Robert Robb who was interested in purchasing the property with the possibility of using it for recreational use or as a storage facility.

Ms. Darlene Ellis, 1840 Caldwell Road, stated she was in favour of the demolition of the Robb Engineering building stating it would have a positive impact in that it would provide additional outdoor recreational area in the community.

**15. ITEMS FOR NEXT AGENDA - NONE**

**16. NEXT MEETING**

The next meeting is scheduled for Thursday, May 20, 1999 at 7:00 p.m. in the council chambers, former Dartmouth City Hall, 90 Alderney Drive.

**17.           ADJOURNMENT**

**MOVED by Councillors Greenough and Schofield that the meeting be adjourned at 10:20 p.m. MOTION PUT AND PASSED.**

**Julia Horncastle  
ASSISTANT MUNICIPAL CLERK**