

**PENINSULA COMMUNITY COUNCIL
MINUTES**

May 11, 2009

PRESENT: Councillor Sue Uteck, Chair
Councillor Jerry Blumenthal
Councillor Jennifer Watts
Councillor Dawn Sloane

STAFF: Mr. Randolph Kinghorne, Senior Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. **CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m.

2. **APPROVAL OF MINUTES**

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the minutes of April 6, 2009 be approved. MOTION PUT AND PASSED.

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

Additions:

In Camera Information Report - RE: Status Sheet item 4.1.5.

12.1 Councillor Uteck - Review of Accessory Buildings on Northwest Arm - Request for Staff Report.

4. **BUSINESS ARISING OUT OF THE MINUTES / STATUS SHEET:**

4.1 **Status Sheet:**

4.1.1 **Neighbourhood Downzoning**

No update was provided. To remain on Status Sheet.

4.1.2 **Presentation - Halifax Peninsula Community Health Board**

No update was provided. To remain on Status Sheet.

4.1.3 **Mitchell's Enviro Depot Update**

Status report requested for June meeting. To remain on Status Sheet.

4.1.4 **CN Property Maintenance**

No update was provided. To remain on Status Sheet.

4.1.5 **Peninsula Place Flooding**

An In Camera Information Report was submitted. To remain on Status Sheet.

4.1.6 **Litter Receptacles in the area of Robie/North/Agricola/Almon**

No update was provided. To remain on Status Sheet.

The Chair advised that Councillor Watts had a brief announcement to make.

Councillor Watts advised that at the February meeting the issue of urban chickens was discussed and she agreed to go back to the community for further discussion. She explained that in working with the Community, a public forum has been organized by a Citizens Advisory Council on Urban Poultry for Wednesday, May 13, 2009, 7:00 p.m. at Saint Mary's University. She noted that the forum is designed as an information/discussion session and that there will be a movie as well. Councillor Watts also noted that Planning staff will be in attendance.

Councillor Sloane indicated that she also had an announcement to make. She advised that Mr. Danny Chedrewe was meeting with members of her community at 7:00 p.m., Citadel High School, to provide information on his idea for development at the corner of Rainnie Drive and Cogswell Street.

5. **MOTIONS OF RECONSIDERATION:** None

6. **MOTIONS OF RESCISSION:** None

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

8. **HEARINGS:**

8.1 **Public Hearings:**

8.1.1 **Case 01200: LUB Amendment, Halifax Peninsula (to allow restaurants in the C-1 (Local Business) Zone, Halifax)**

A staff report dated March 6, 2009 was before Community Council for its consideration.

Correspondence was submitted from:

- Robert Cameron and Jessica Lodu, Halifax
- Catherine Cooke, Halifax

Mr. Brian White, Planner 1 provided the presentation on the application by Super Natural Health Food to amend the Halifax Peninsula Land Use By-law to allow restaurants in the C-1 (Local Business) Zone, Halifax.

In his remarks, Mr. White advised that the owner of Super Natural Health Food is requesting the amendment to enable him to operate a café style restaurant with lunch menu items, along with the retail portion of the operation. He added that the amendment would affect all 14 C-1 zoned areas within Districts 11 and 14. Mr. White pointed out that staff feel the Regional Plan and the HRMbyDesign process support a local commercial use such as this. Additional points noted in Mr. White's presentation are:

- Staff feel that restaurants do not generate more traffic than other local commercial uses; however, staff recommend specifics to control the size and restaurant use.

- staff are recommending the size of restaurants be limited to 1000 square feet; fencing at a minimum of 5 feet in height; lighting is required to be directed away from homes; garbage is to be enclosed and screened-in; patios cannot be adjacent to residential properties; any take-out area cannot exceed 10 percent of the gross floor area of the restaurant; and no drive-through windows are permitted.

Mr. White responded to questions.

In response to a question by Councillor Sloane as to whether it is possible to have a certain site exempted from the bylaw, Mr. White explained that a site exemption would require a Plan amendment which would have to go through Regional Council.

In response to a question by Councillor Blumenthal, Mr. White concurred that this type of proposal can only happen at an intersection; it cannot happen mid-block, as it would fragment a residential area.

In response to a question by Councillor Watts, Mr. White advised that there currently are no provisions that enable the regulation of hours of business, other than going through the Development Agreement process; and then, this would be negotiated on a case by case basis.

The Chair read the Rules of Procedure for public hearings, and opened the public hearing for those wishing to speak.

Mr. Nemat Sobhani, the applicant, addressed Community Council advised that he has been in business since 1986 and been at the current location since 1994. He noted that at one time he had three locations, however, he is now down to one, and finds the current location working very well. Mr. Sobhani explained that he feels that being able to provide a food service will help attract entire families to shop in their health food store, and not just one member of family, as they will be able to take time to eat something or have tea or coffee, while they shop. He noted that his intention is to have this for his current building and he has no plans to expand. Mr. Sobhani made reference to the 1000 square foot limit and indicated that he would like to receive clarification on how this is calculated.

Mr. Martin Worser, Halifax, advised that he understood why the applicant was making the request, but questioned why the other locations would be included. He explained his concerns were that he lived next door to a store and finds that he is often picking up food scraps in his yard from the store's recycle bin, and he is concerned about a possible rodent problem. Mr. Worser also advised that the property (store next to his property) is 1.5 feet wider than their building, therefore, it is unlikely that it is 30ft. wide from his property line to the street line and there is very little space for anything, let alone a fence. Mr. Worser added that the owner has a retaining wall that is leaning into his property.

Mr. Robin Lee, Halifax, spoke in support of the application and questioned why the limit of 1000 square feet was being placed on restaurants. He added that this limitation would further the scope for expansion and development.

The Chair called three times for anyone wishing to speak; there being none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED.**

Mr. White responded to questions and noted the following points:

- staff determined 1000 sq. ft. as a permitted gross floor area based on research conducted across the municipality and across the country; staff also looked at other uses Council would want to restrict in terms of nuisances; this situation would be comparable to the Chapters store where there is a delineation of space between the book store part of the building and the coffee shop.
- the burden is on the applicant to show the delineation on the floor plans of the restaurant, when they apply for the permit, and the Development Officer reviews the plans and would make a determination if there was any discrepancy
- the proposal this evening is a general amendment to the Land Use Bylaw to allow restaurants as a permitted use in the zone, and this zone only currently applies to 14 properties; it is not widespread throughout the City.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Peninsula Community Council approve the proposed amendments to the Halifax Peninsula Land Use by-law as contained in the Attachment "A" of the March 6, 2009 staff report to add restaurants as a permitted use in the C-1 zone.

MOTION PUT AND PASSED.

Council agreed to deal with the following matter at this time.

- 10. **REPORTS:**
- 10.1 **Staff Reports:**
- 10.3.1 **Councillor Watts: Street Cleaning Schedule - Staff Update**

Mr. Don Pellerine, Superintendent, Streets addressed Community Council and provided an update on the request by Councillor Watts at the February meeting in regard to possibly changing some residential street cleaning schedules from night time to day time. He advised that staff are open to looking at specific streets that the Councillors would like changed, and would do so with the Councillors on an individual basis.

Mr. Pellerine responded to questions, and indicated that if the Councillors wished to follow up with him, he would discuss possible changes to the street cleaning schedule for their respective districts.

8.2 **Variance Hearings:** None

- 9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS:**
- 9.1 **Correspondence:** None

9.2 **Petitions** - None

9.3 **Presentations:** None

10. **REPORTS:**

10.1 **Staff Reports:**

10.1.1 **Case 01228 - Development Agreement - 6955 Bayers Road, Halifax (Notice of Motion and schedule a Public Hearing)**

A staff report dated April 16, 2009 was submitted.

MOVED by Councillor Sloane , seconded by Councillor Blumenthal that Peninsula Community Council give Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment A of the April 16, 2009 staff report to allow for a 124 unit apartment building, and schedule a public hearing for June 15, 2009. MOTION PUT AND PASSED.

10.2 **Committee Reports:**

10.2.1 **District 12 Planning Advisory Committee: Case 01255 - Non-substantive Development Agreement Amendment - 5839 Cunard Street, Halifax**

A report dated April 28, 2009 was submitted from the Chair of the District 12 Planning Advisory Committee with an attached staff report dated March 24, 2009.

MOVED by Councillor Sloane , seconded by Councillor Blumenthal that Peninsula Community Council

1. **By resolution, approve the non-substantive second amendment to the Development Agreement for 2303, 2307, 2311, 2315 and 2319 Princess Place, 2362, 2364, 2366, 2370, 2372 and 2374 June Street and 5839 Cunard Street as required for the approval of a revised landscape plan as detailed it in the Amending Agreement appended as Attachment A of the staff report dated March 24, 2009; and**
2. **Require that the amending agreement be signed and returned within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community 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.

10.3 **Members of Peninsula Community Council:**

10.3.1 **Councillor Watts: Street Cleaning Schedule - Staff Update**

This item was dealt with earlier in the meeting. See page 7.

10.3.2 Councillor Watts: Consultation - Winter Parking Ban

Councillor Watts advised that staff was arranging to hold a public consultation meeting to address issues concerning the winter parking ban. She noted that the first request came from Regional Council to hold a meeting in regard to possible alternate parking spaces at HRM facilities during the winter ban; and then Peninsula Community Council requested a meeting to address the general concerns that have been raised about the ban. Councillor Watts advised that staff then decided to hold one meeting instead of two separate ones, to address all the related issues.

At the request of Councillor Watts, Community Council agreed to forward a request to staff that this meeting in be held in the spring, prior to the end of June, and that Peninsula Community Council be notified once the meeting has been scheduled. Also, Community Council requested that a full scope of staff be in attendance at the meeting (IAM, TPW, Traffic Authority, Police) so that all issues that arise can be addressed.

11. **MOTIONS**: None

12. **ADDED ITEMS**:

12.1 **Councillor Uteck - Request for Staff Report RE Review of Accessory Buildings on Northwest Arm**

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that staff conduct a review of accessory buildings on the Northwest Arm with respect to height, setback, size and function. Staff may also wish to consider design as part of the public process. As part of the review, a public information meeting is to be held in the future as part of the process. MOTION PUT AND PASSED.

Councillor Uteck advised that the reason for her request is that the current regulations cannot accommodate a variance for height or building use (i.e. guest boat house); and with further controls implemented on subdivision of waterfront lots in 2007, a review of "accessory" buildings is now timely.

13. **NOTICES OF MOTION**: None

14. **PUBLIC PARTICIPATION**

No one came forward to address Community Council at this time.

15. **NEXT MEETING** - June 15, 2009

16. **ADJOURNMENT**:

The meeting adjourned at 7:52 p.m.

INFORMATION ITEMS

Information Report dated April 14, 2009 - Case 01176: South End Area 1 Zoning Standards