

**PENINSULA COMMUNITY COUNCIL
MINUTES
May 7, 2007**

PRESENT: Councillor Sheila Fougere, Chair
Deputy Mayor Sue Uteck, Vice-Chair
Councillor Dawn Sloane
Councillor Patrick Murphy

STAFF: Mr. Martin Ward, Solicitor
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:02 p.m. in Council Chambers, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - None

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

MOVED by Councillor Sloane, seconded by Deputy Mayor Uteck, that the agenda be approved as presented. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Presentation - Halifax Peninsula Community Health Board

No information received. This item to remain on the status sheet.

4.1.2 Presentation - Friends of the Public Gardens

The Chair advised that the work is not yet completed and requested that this item remain on the status sheet.

4.1.3 Mitchell's Enviro Depot update

Mr. Martin Ward, HRM Solicitor, advised that there have been several prospective purchasers for the property, that were passed on to the solicitor for the property owner. He further advised that staff have not had a response from the property owner's solicitor with regard to the placement of "For Sale" signs on the property. This item to remain on the status sheet until the property transaction has closed.

4.1.4 Closure of HRM Private Lane - June Street to Princess Place

The Chair requested that the Legislative Assistant contact Mr. Mike Labrecque, Director, Transportation and Public Works, for an update on this matter at the next meeting. This item will remain on the status sheet.

4.1.5 CN Property Maintenance

Deputy Mayor Uteck advised that a meeting regarding this matter is scheduled for May, and requested that this item remain on the status sheet until outstanding issues have been resolved.

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 00809: Development Agreement, 1521 LeMarchant Street, Halifax**

- A staff report dated March 16, 2007 was before Community Council.

Mr. Paul Sampson, Planner, presented the report, advising that this is a proposal for a development agreement to permit ground floor commercial uses in an existing apartment building at 1521 LeMarchant Street, including a restaurant, print shop and hair salon and to discharge a development agreement for a dental lab at the same location. Mr. Sampson reviewed the location with the aid of photographs, and reviewed the staff report with Community Council.

Mr. Sampson responded to questions of clarification at this time.

The Chair called for speakers.

Mr. Owen Carrigan, Coburg Road

Mr. Carrigan advised that he is a property owner in the area, and also the Vice-President of the HRM Home Owners Association, which is opposed to commercial development in all residential neighbourhoods.

Mr. Carrigan indicated that he believes that the proposed restaurant, hair salon, and print shop are not related uses and each have a different impact on the neighbourhood. He requested that the three business be treated separately.

Mr. Carrigan indicated that he is opposed to the restaurant. He indicated that there is not a need for food service in the neighbourhood as there are nineteen other grocery, snack and food outlets in the area, submitting a list of these business for the review of members. Mr. Carrigan noted that restaurants and food stores attract rats. He also noted that garbage and litter are already a problem on the property and would become worse with the

proposed eat in/take out style restaurant. Mr. Carrigan noted that the crosswalk in front of the property is one of the busiest in the city, and there are local school children in the area. Mr. Carrigan commented that the deli/restaurant would further complicate traffic, increasing exhaust fumes, which would affect the people that live upstairs in the building. He indicated that crime also increases with commercial activity.

Mr. Bernard Smith, Manager of the Spring Garden Area Business Association

Mr. Smith advised that he is Manager of the Spring Garden Area Business Association, which also has an interest in the residential area around Spring Garden Road. Mr. Smith spoke against the proliferation of commercial businesses in residential areas, noting concern with traffic, waste, and litter issues.

Mr. Henry Capstick, Vernon Street

Mr. Capstick advised that his residence is at the back of the subject property. He indicated that his yard is constantly littered with garbage from the existing apartment building, and noted that the property owner had promised landscaping, which has never materialized. Mr. Capstick noted concern with increased people in the area from the businesses in the apartment building, which will contribute to further garbage and rodent problems. He also noted concern with existing youth, vandalism, and noise problems. Mr. Capstick recognized that the proposed restaurant is not a large one, but noted that it will increase traffic and noise in the neighbourhood. He further commented that there are enough food outlets within close proximity.

Mr. Hugh Pullen, Oakland Road

Mr. Pullen reviewed his email in opposition to the proposed restaurant, sent earlier to Peninsula Community Council, a copy of which is on file. Mr. Pullen noted that the existing print shop and hair salon are useful and well patronized businesses. Mr. Pullen indicated that a family style restaurant would be better suited and less intensive for the site, as opposed to the proposed take out/eat in deli-style restaurant, which would create more litter. He noted that there are already litter issues in the neighbourhood. Mr. Pullen also noted the turnover of operations in this building, and noted concern with the proposed hours of operation.

Ms. Catherine Stevens Doane, Henry Street

Ms. Stevens Doane advised that she has lived in the neighbourhood for the past six years, and has been an active member in the Neighbourhood Watch, focus groups for safer streets, and planning issues. She advised that she does not support the proposal. Ms. Stevens Doane commented that there are already many food outlets within walking distance, and the neighbourhood is already in a fragile state because of the university, rental properties, late night pedestrian traffic, and nearby commercial uses. She noted

concern with existing loitering, noise, and traffic issues in the neighbourhood, suggesting that the restaurant would be better suited within the university. Ms. Stevens Doane indicated that a traffic study was promised for the area three years ago, but was never completed. She commented on the current low standard of property maintenance at the subject property, and indicated a need for more waste containers in the area and preservation of the heritage architecture in the neighbourhood. Ms. Stevens Doane further noted the lack of community consultation with regard to this development agreement.

Mr. Douglas Clapp, Henry Street

Mr. Clapp advised that he attended the public information meeting on this matter held in 2005, noting that there was a school concert in the area that night, and many residents could not attend. He noted that no other public meetings or mail outs on this matter were held since 2005. He inquired about a proposed process on neighbourhood plans and a traffic study that were discussed at that public information meeting. Mr. Clapp noted concern with the hours of operation, parking, and patio use, along with the state of the current landscaping and maintenance of the property.

Mr. John Czenze, Vernon Street

Mr. Czenze submitted a petition signed by approximately 127 people in opposition to the proposed restaurant. Mr. Czenze advised that he is supportive of the existing print shop and hair salon. He noted that the proposed restaurant will draw loitering, smokers, and late night noise. Mr. Czenze noted concern with traffic and waste issues, commenting that there are already many choices for food retail in the area. He noted that there was not enough public consultation on this matter, and there are a number of inconsistencies in the proposed development agreement, such as hours of operation.

Mr. Dwight Dower, Vernon Street

Mr. Dower advised that he lives behind the subject property, and has been a resident of the neighbourhood since 1979. He commented that garbage from the apartment building has been an ongoing, frustrating issue, although the property owner installed a new garbage enclosure last week. Mr. Dower indicated that he has concern with the proposed restaurant causing even further garbage, and attracting rodents, loitering, late night traffic, noise, and cigarette butts.

Ms. Marsha Parker, Church Street

Mr. Parker advised that although she is a resident of Church Street, she is concerned with this proposal. She outlined her concerns with regard to garbage, late night traffic, noise, and vandalism. Ms. Parker noted concern that the hours of operation could change, or management could apply for a liquor license. She noted that this proposal is not keeping with the HRM By Design forums. Ms. Parker indicated a need to respect and protect

residential neighbourhoods. She commented that residents pay high property taxes in the area, and businesses should be kept to the downtown core.

Mr. David Dobbelsteyn, Henry Street

Mr. Dobbelsteyn advised that he is opposed to the proposed restaurant, noting that it is a unique, walkable neighbourhood with easy access to commercial uses on Spring Garden Road. Mr. Dobbelsteyn commented that 80% of small businesses in Canada do not succeed, and questioned what would happen if the restaurant were to close. He noted that if Community Council approves this restaurant, it may set a precedent for other commercial uses in residential neighbourhoods.

Mr. Rikesh Kosher, Chiraq Crescent

Mr. Kosher advised that he one of the business partners involved in this application. He noted that he has spoken with many people in the neighbourhood, and received much support from the university students. Mr. Kosher noted that their other business, Mamma Gratti's, has proven to be a very successful, quality business. He advised that all concerns noted by the community at the public information meeting were addressed by himself and his partners, noting that they increased leasehold improvements to the building by \$20,000. He noted that the property is under new management, and garbage, parking, signage issues will all be addressed and the restaurant will enhance the neighbourhood.

Ms. Anika Harvey

Ms. Harvey advised that she lives next door to the subject property, and has to deal with garbage from the building on a daily basis. She noted that she has had conversations with Deputy Mayor Uteck about the fragile nature of the neighbourhood, and the proposed development will hinder efforts to save the neighbourhood.

Mr. Jeff Webber

Mr. Webber advised that he is the owner of the subject building, and was born and raised in Halifax. Mr. Webber advised that he spent \$30,000 on improvements to the building, and has been working on improving relations with the neighbours, and addressing garbage and parking issues. He noted that he has been cooperating with the process, and has addressed each concern raised by residents, including garbage disposal, delivery trucks, delivery times, hours of operation, and limits of operations. He noted that the development agreement is very detailed and specific and he will have to come back to Community Council to make any changes. He indicated he would like the opportunity to speak further with the neighbours, noting that a well run occupied space is better than a vacant space.

Mr. Layton Dorey

Mr. Dorey advised that he supports the proposal, and believes that it is a great idea. He commented that he was raised in Halifax, and has lived all over the world, noting that vibrant communities have businesses such as this. He noted that Community Council could impose constraints on the operation, to address resident's concerns. Mr. Dorey advised that he eats lunch regularly at Mamma Gratti's and it is a well run and appealing establishment.

Ms. Claire McFarland

Ms. McFarland advised that she has noticed a shift in the neighbourhood over the years, noting that she always enjoyed the balance of houses, schools, and shops all in walking distance. She encouraged Community Council to stop the rate of decline of the neighbourhood, noting that the proposed restaurant will not help the neighbourhood.

Mr. Leonard Preyra, MLA , Halifax Citadel

Mr. Preyra indicated that he has heard a great deal of opposition to this proposed development agreement, and a great deal of concern with regard to the lack of public consultation on this matter. He encouraged Community Council to either reject the proposal or take it to public hearing and amend the proposed development agreement to better address the concerns of citizens. Mr. Preyra praised Peninsula Community Council for their work in implementing controls on rooming houses, and taking leadership on the infilling of the Northwest Arm. He noted further issues with the area that need to be addressed including the need for a traffic study, planning issues, and urban design.

The Chair clarified that this is the public hearing for this matter.

The Chair called three times for any further speakers. Hearing none it was **MOVED by Councillor Sloane, seconded by Deputy Mayor Uteck, that the public hearing be closed. MOTION PUT AND PASSED.**

Deputy Mayor Uteck indicated that she wished to split the three businesses, to which Community Council agreed.

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Peninsula Community Council:

- 1. Approve the development agreement, as contained in Attachment A, to permit commercial uses on the ground floor of an existing apartment building at 1521 LeMarchant Street, including a print shop and hair salon only;**
- 2. Require that the development agreement be signed 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; and

- 3. Subject to signing of the new agreement, discharge the existing development agreement for a dental office, to take effect upon the registration of the new agreement.**

Deputy Mayor Uteck commented that the last she has heard of this application was at the public information meeting held in 2005. She assumed that the application had been withdrawn or the applicant was working with staff. She commented that she had previously requested the following changes to the proposed development agreement:

- That the hours of operation be limited to 7:00 p.m. and that a full public hearing be held should the developer wish to change the hours of operation;
- That the restaurant be substantially, and not generally, in conformance with the development officer;
- That no drive thru window be permitted;
- That the use of a patio require a public hearing;
- That garbage receptacles be placed on the property;

She noted that she has heard too many concerns and too much opposition on this matter to support the restaurant application.

With the agreement of the seconder, Deputy Mayor Uteck amended her motion as follows:

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Peninsula Community Council:

- 1. Approve the development agreement, as contained in Attachment A, to permit commercial uses on the ground floor of an existing apartment building at 1521 LeMarchant Street, permitting the use of a print shop and hair salon; and excluding the restaurant;**
- 2. Require that the development agreement be signed 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; and**
- 3. Subject to signing of the new agreement, discharge the existing development agreement for a dental office, to take effect upon the registration of the new agreement.**

MOTION PUT AND PASSED.

8.2 Appeal Hearings

8.2.1 Appeal of the Refusal of Variance No. 13680 - 6024 Lady Hammond Road, Halifax

- A staff report on the above noted, dated April 27, 2007 was before Community Council.

Mr. Andrew Faulkner, Development Officer, presented the report, noting that this appeal of the Development Officer's decision to deny a variance from the side yard setback and lot frontage requirements of the Halifax Peninsula Land Use Bylaw to permit construction of an addition to a single unit dwelling to create a two unit dwelling.

Mr. Faulkner responded to questions of clarification from Community Council at this time.

Chair called for any speakers on this matter.

Mr. Todd Sampson, property owner

Mr. Sampson advised that he wishes to convert his home into a duplex, for his aging parents, who wish to move closer to Mr. Sampson and his siblings, who also live in the area. He noted that he has a very large lot, and the renovations will improve the appearance of the dwelling. He has spoken with neighbours, and they are in support of his application.

Mr. Sampson responded to questions of clarification from Community Council.

The Chair called three times for any further speakers, and hearing none it was MOVED by Councillor Sloane, seconded by Councillor /Murphy, to close the appeal hearing. MOTION PUT AND PASSED.

MOVED by Councillor Murphy, seconded by Councillor Sloane, that Peninsula Community Council overturn the decision of the Development Officer and approve the variance.

Councillor Murphy commented that although Community Council does not overturn the decision of a Development Officer lightly, he believes that the Applicant is sincere in his intentions, appreciates that he wants to look after his family.

Councillor Sloane commented that an objective of the Regional Plan is to repopulate the Peninsula.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations

9.3.1 Presentation by Maureen MacDonald, MLA, Halifax Needham - Bloomfield Centre

Ms. MacDonald addressed Community Council regarding the Bloomfield Centre, noting the following:

- This is the first time she has addressed Peninsula Community Council in her nine years as MLA, and the first time she has spoken publicly about her concerns regarding the future of the Bloomfield Centre;
- She resides in District 11 (Halifax North End) and rents space in the Bloomfield Centre for her constituency office;
- She gave notice effective June 1, 2007 to terminate her lease with the Bloomfield Centre, freeing her to speak publicly on this matter without judgment of personal interest;
- In March 2004 a draft interim report was prepared by HRM, identifying 56 organizations as tenants of the Centre;
- In January 2007 the Phase 2 report was released, in which 24 organizations were identified as tenants;
- Since January 2007, three more organizations have left, and another ten or eleven organizations have been earmarked for eviction;
- For groups that are still tenants of the Centre, many do not have the financial capacity to meet the rental increases being implemented;
- She is not speaking on behalf of the tenants of Bloomfield, she is addressing Community Council as a resident of the district and MLA for the area;
- She feels that the Centre is losing its meaning and purpose.

Ms. MacDonald requested the opportunity to speak further with members of Peninsula Community Council on an individual basis.

The Chair thanked Ms. MacDonald for her presentation, and indicated that a meeting will be arranged with her to further discuss this matter.

10. REPORTS

10.1 Staff Reports - None

10.2 District 12 PAC Reports

10.2.1 Case 00895: MPS and LUB Amendment for 2594 Agricola Street, Halifax

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Peninsula Community Council:

- 1. Move Notice of Motion to consider approval of the proposed Development Agreement as contained in Attachment B of the staff report dated February 16, 2007, to allow for a 24 (twenty-four) unit apartment building and commercial uses, and schedule a joint public hearing with Regional Council;**
- 2. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law as contained in Attachment A of the staff report dated February 16, 2007, and schedule a joint public hearing with Peninsula Community Council;**
- 3. Recommend that Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law as contained in Attachment A of the staff report dated February 16, 2007.**

It was clarified that this will be a joint public hearing between Peninsula Community Council and Regional Council at a future session of Regional Council.

MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Case 01028: Non-substantive Amendment - 5620 South Street, Halifax

Deputy Mayor Uteck indicated that she wished to defer this matter to the June meeting to allow for residents to review the staff report and forward comments and concerns.

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that this matter be deferred to the June 11, 2007 meeting of Peninsula Community Council. MOTION PUT AND PASSED.

12.2 Naming of Kenneth Waker Neighbourhood Park

Councillor Fougere advised that this matter was before Community Council several months ago, with a request from Westmoor 57 Co-Op Ltd. to name a field adjacent to the Co-Op property. The name requested by the Co-Op was determined by staff to be too similar to

another field name, and Peninsula Community Council requested that the Co-Op suggest another name. Councillor Fougere indicated that she and the Acting Director of Civic Addressing went to the park, and met with Co-Op residents. She advised that the park is about 100 feet of green space, surrounded on three sides by the Co-Op property. There is no sports field, or other facilities, and the park will likely only be used by the neighbourhood. The Co-Op wishes to name the park after a founding member of the Co-Op, Kenneth Walker.

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Peninsula Community Council direct staff to name the field area located on Westmoor 57 Co-Op Ltd. property between Cook Avenue and Vaughan Avenue, Halifax, “Kenneth Walker Neighbourhood Park”. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Kendall Worth, Dartmouth

Mr. Worth advised that he is a member of the Caring and Sharing Social Club, and Street Feat, both of which are tenants of the Bloomfield Centre. Mr. Worth noted concern with the future of the Bloomfield Centre, noting that it is an important part of the neighbourhood. He advised that some organizations that are tenants of the Centre cannot afford the increased rent. Mr. Worth encouraged HRM to brain storm ideas to keep the Centre going for low income organizations, such as making better use of the gym; for example, opening it up to the public and charging a minimal fee.

Mr. Hugh Pullen, Halifax

Mr. Pullen commented on last year’s snow removal program, noting that the Bobcats used for plowing sidewalks damaged many properties, including HRM owned properties. He suggested having the Transportation and Public Works department consider using snow blowers, or another less invasive form of plowing this year.

The Chair clarified that the companies hired by HRM for snow removal are responsible for remediation.

Rick Scott, Halifax

Mr. Scott advised that he is a member of the Canadian Mental Health Centre, the Caring and Sharing Social Club, tenants of the Bloomfield Centre. Mr. Scott further advised that he is the President of Amongst Friends, a social organization in Dartmouth. He indicated that they were renting space in a very central location, on the corner of Ochterloney and Wentworth, but had to leave that location a year ago. He noted that they are now located

in the Nova Scotia Hospital, which is much less central, and have gone from 30-40 members to about 10. Mr. Scott indicated concern for the fate for the membership of other organizations required to vacate the Bloomfield Centre and rent less central locations. He indicated that these programs provide support to many individuals in the community and it would not be in the best interests of the neighbourhood to have these organizations move elsewhere in HRM.

Gail Wilson, Halifax

Ms. Wilson indicated that she also uses the resources provided through the Bloomfield Centre, noting that it is in a very accessible location on central bus routes. She noted that a program, Options, moved out of the Centre, and is now located in a much less accessible location. Ms. Wilson advised that she is a believer in restoring historic properties, and the Bloomfield Centre has been in place for a long time and is well worth the effort to restore.

Mr. Graham Hicks, Halifax

Mr. Hicks indicated that he supports the concerns raised by residents regarding the future of the Bloomfield Centre. He recognized the importance of the organizations that operate from the Centre, noting that many community meetings are held from the location.

15. NEXT MEETING

The next meeting of Peninsula Community Council will be held on Monday, June 11, 2007 at 7:00 p.m.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 9:28 p.m.

Jennifer Weagle
Legislative Assistant