

**PENINSULA COMMUNITY COUNCIL
MINUTES**

July 9, 2007

PRESENT:

Councillor Shelia Fougere, Chair
Deputy Mayor Sue Uteck, Vice- Chair
Councillor Dawn Sloane
Councillor Patrick Murphy

STAFF:

Mr. Randall Kennedy, Solicitor
Ms. Jennifer Weagle, Legislative Assistant
Ms. Chrissy White, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Council Chambers, 3rd Floor, City Hall.

2. **APPROVAL OF MINUTES**

MOVED by Councillor Sloane, seconded by Councillor Murphy, that the minutes of May 7, 2007 be approved as distributed. MOTION PUT AND PASSED.

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

MOVED by Councillor Sloane, seconded by Deputy Mayor Uteck, that the order of business 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 update. This item to remain on the status sheet.

4.1.2 **Presentation - Friends of the Public Gardens (Information Report)**

An information report dated June 15, 2007 was before Council. This item to be removed from the status sheet.

4.1.3 **Mitchell's Enviro Depot update**

Councillor Sloane advised that "for sale" signs have been posted on the property. This item to remain on status sheet until the property transaction has closed.

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

Councillor Sloane advised that she has spoken with Mike Lebreque, Director, Transportation and Public Works, and is hoping to have this item resolved by the next meeting. This item to remain on the status sheet.

4.1.5 **CN Property Maintenance**

No update. This item to remain on the status sheet.

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 01002: Development Agreement - 5896 Spring Garden Road, Halifax (Just Us Coffee)**

- A staff report dated May 16, 2007 was before Community Council.
- A District 12 Planning Advisory Committee report dated May 29, 2007 was before Community Council.
- A Heritage Advisory Committee report dated June 7, 2007 was before Community Council.

Mr. Paul Sampson, Planner, presented the report advising that the application intends to discharge an existing development agreement and to enter into a new development agreement to permit a restaurant/coffee shop within a municipally registered Heritage property located at 5896 Spring Garden Road, Halifax.

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

The Chair called for those wishing to speak in favour or in opposition to the proposed development agreement.

Ms. Beverly Miller, South Street, Halifax, spoke in favour of the cafe, but expressed concern regarding the composition of the staff report. She noted that it seemed written for restaurant use and questioned future uses.

Mr. Ned Zimmerman, Hollis Street, Halifax, advised that he is the Retail Supervisor for Just Us Coffee. He advised that there is an overwhelming amount of community support for the business, and submitted a petition signed by over 800 people in favour of the cafe. He clarified that restaurant use outlined in the development agreement allots for a small prep kitchen in the basement for soup and sandwiches. Mr. Zimmerman advised that this provision was included in the development agreement at the request of Just Us.

Mr. Hugh Pullen, Halifax, expressed concern regarding take out food services and the increased litter it could cause in the neighbourhood. He advised that he only supports eat-in services at this location.

The Chair called three times for any additional speakers. Hearing none it was **MOVED by Councillor Sloane, seconded by Councillor Murphy that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

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

- 1. Approve the development agreement, included as Attachment “A” of the staff report dated May 16, 2007.**
- 2. Require that the development agreement be signed within 120 days, or an extension thereof granted by Peninsula Community Council on request of the applicant, from the date of final approval by Peninsula 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. Discharge the existing development agreement that applies to the site, to take effect upon the registration of the new development agreement.**

Councillor Sloane advised that the Capital District has bought three stream garbage cans for the downtown area, and she noted that she will ensure one is placed in the Just Us area.

Councillor Murphy spoke in favour of the development agreement noting that Just Us is a very responsible business. He advised that the public must take responsibility for litter.

MOTION PUT AND PASSED UNANIMOUSLY.

8.1.2 Case 00895: Development Agreement - 2594 Agricola Street, Halifax

- A staff report dated February 16, 2007, District 12 Planning Advisory Committee report dated April 24, 2007, and Peninsula Community Council report dated May 8, 2007 were before Community Council.
- Minute extracts from the May 15 and June 12, 2007 Regional Council meetings, along with the May 7, 2007 Peninsula Community Council meeting, were before Council.
- Submissions from residents regarding this application were before Community Council.

Ms. Randa Wheaton, Senior Planner, addressed Community Council, noting that this is an application to amend the Halifax Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow for a mixed residential/commercial project at 2594 Agricola Street, Halifax, by development agreement. She clarified that Regional Council on June 12, 2007 approved the proposed amendments to the Halifax MPS and the Peninsula LUB and this matter is before Peninsula Community Council again to consider the proposed development agreement. Ms. Wheaton reviewed the staff report and development agreement with the Community Council.

Ms. Wheaton responded to questions of clarification from members at this time.

The Chair called for those wishing to speak either in favour or opposition of the Development Agreement.

Mr. Tasso Dekaos, Agricola Street, Halifax, advised that he currently owns and operates five buildings within two blocks of the development. He further advised that he has a number of concerns regarding the development agreement including the displacement of tenants who use the site currently for parking, traffic delays an underground parking structure will cause, and safety for pedestrians. He continued by noting that the development poses accessibility issues as there is insufficient space for an Access-A-Bus to unload customers.

Mr. Fred Conners, Halifax, advised that he is the owner of a business across the street from the proposed development. He expressed concern with the poor design of the development, the building materials, the layout of the studios, the parking and the negative effect on traffic. He advised that poorly executed development will have a negative affect on the community and spoke in favour of development that encourages vibrancy. He suggested the implementation of a green roof as oppose to a rooftop patio.

Mr. Rod Winters, Aliant Telecom, advised that he is a representative of Aliant Telecom, which has a facility behind the proposed development. He spoke in favour of the development, however expressed concern with a potential noise nuisance that Aliant Telecom may cause for the tenants. He advised that the Aliant building currently creates three mega watts of electricity, and plans to add another two mega watts of electricity. He expressed concern with the location of the windows in the proposed development and suggested sound proofing windows on the Aliant side of the building. He advised that Aliant would like to be consulted on a go forward basis as underground parking could cause safety problems.

Mr. Jeff Keddy, Halifax, advised that he has offered his services as an architect to the developer for the betterment of the proposal.

Mr. Roberto Menendez, owner of 2594 Agricola Street, advised that the development is not profit driven, however, they are trying to do something for the community. He commented that beautiful architecture is subjective. Mr. Manendez advised that he is an active member of the community and hopes to improve the facade design to meet the communities needs.

Mr. Scott Donovan, Halifax, advised that projects should be judged on criteria set out by the HRM by Design project, to create enduring developments. He encouraged Council to allow the development agreement to remain open to allow future design influences.

Mr. Pete Lavelle, Halifax, expressed concern with the garage opening on North Street and suggested that the garage would be better placed on Agricola Street. He noted that left turns to get into the parking structure would also create traffic problems.

The Chair called three time for any additional speakers. Hearing none it was **MOVED** by

Councillor Slaone, seconded by Councillor Murphy, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Ms. Wheaton advised that HRM Engineering Staff have reviewed the parking garage and concluded that it would be appropriately located on North Street. She further advised that many residents likely will not own vehicles.

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

- 1. Approve the development agreement, included as Attachment “B” of the staff report dated February 16, 2007;**
- 2. Require that the development agreement be signed within 120 days, or any extension thereof granted by peninsula Community Council on request of the applicant, from the date of final approval by Peninsula Community Council and any other bodies necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at and end.**

Ms. Wheaton noted that the whole building would have to be re-designed to accommodate a parking garage on Agricola Street. She further advised that staff will try and mitigate the noise issues by the review of proper sound proofing materials through the building review process.

Councillor Murphy advised that he is happy to see affordable and accessible units in the building and encouraged the developer to continue to consult the public on this development.

Deputy Mayor Uteck advised that she is in support of the affordable housing. She noted that the noise problems should be addressed with the Development Officer.

MOTION PUT AND PASSED UNANIMOUSLY.

8.1.3 Case 00918: Land Use By-law Amendment - Halifax Peninsula, Dog Care Facilities

- A staff report dated May 10, 2007 was before Community Council.
- A District 12 Planning Advisory Committee report dated June 26, 2007 was before Community Council.
- Submissions from residents on this proposal were before Community Council.

Mr. Paul Sampson, Planner, addressed Community Council, noting that this is an application to amend the Peninsula Land Use By-law to allow dog care facilities to be permitted in conjunction with residential dwellings. Mr. Sampson reviewed the staff report with Community Council.

Responding to questions of clarification from members, Mr. Sampson advised that staff have only reviewed Canadian research and statistical information regarding dog care facilities. They have not

reviewed any information from the United States or Great Britain.

The Chair called for anyone wishing to speak in favour or opposition of the proposed development agreement:

Ms. Beverly Miller, Halifax, advised that she is a Member of the District 12 Planning Advisory Committee (PAC) and agrees with the staff recommendation to refuse the development agreement. She noted that, if passed, this would allow every residential property to operate a doggy day care business as-of-right.

Mr. Hugh Pullen, Halifax, advised that he agrees with the staff recommendation and believes that the Municipal Planning Strategy (MPS) is correct.

Mr. Del Clarke, Hammonds Plains, advised that there needs to be a differentiation made between the definition of a doggy day care and a kennel. He advised that people who are looking for a doggy day care are people who generally care for their animals.

Ms. Janet Chernin, Owner, Canine Casbah, advised that she is in agreement with the District 12 PAC's decision. She advised that there were some errors in their report and noted that she has never had a complaint against her business in 12 years of operation. Ms. Chernin advised that she has received much support from clients and the community for her business. She advised that she looks forward to the chance to work with the municipality to process standards and regulations that would be beneficial to all neighbourhoods. Ms. Chernin noted that she does not allow dogs barking in her business.

Ms. Colleen Logan, Churchill Drive, Halifax, advised that she is a pet therapist and noted the importance of the pet-owner relationship. She advised that she would not take her dog to a dog care facility in an industrial area as they do not provide in-home care. She noted the need for updated legislation and regulation around dog care facilities and applauded Ms. Chernin for promoting responsible pet ownership.

Ms. Becky Schneiderman, Halifax, spoke in opposition of the staff recommendation and advised that now is the time to develop a framework for change.

Ms. Shelly MacDonald, Halifax, spoke in opposition of the staff recommendation. She advised that the structure of dog care facilities in homes for dogs is beneficial to the community and the animals. She advised that these facilities provide well disciplined care.

Ms. Jennifer Langille, John Bracket Drive, Halifax, spoke in opposition of the staff recommendation. She advised that some structure should be in place to enhance regulation for dog care facilities in HRM to fulfill the community need.

Ms. Janet Shotwell, Halifax, spoke in favour of the staff recommendation and advised that the comparison between children and dogs is not a relevant one. She commented that there is an administrative infrastructure in place to monitor day cares for children and it would not be financially

possible for HRM to employ regulators and inspectors. She expressed concern that too many people will be able to open this business as it would have low start up costs and low maintenance costs.

Mr. John Chensey, Halifax, spoke in favour of the staff recommendation and commented that citizens should be aware of what the urban environment can handle.

Mr. Fred Conners, Halifax, spoke in opposition of the staff recommendation. He noted that he is a client of Ms. Chernin and is very pleased with her service.

Ms. Sandra Sperger, Halifax, spoke in opposition of the staff recommendation. She advised that she believes that there is a need for urban dog care facilities to properly care for animals.

Ms. Deborah Carver, Halifax, spoke in opposition of the staff recommendation. She advised that she does not believe that there will be an influx of dog care facility openings due to the cost of the service. She advised that she supports the District 12 PAC's recommendation.

Ms. Helen Birch, Lawrencetown, spoke in opposition of the staff recommendation. She advised that she previously worked for an institutional facility and advised that she does not recommend that type of service.

Ms. Pamela Keddy, Dartmouth - Ms. Keddy spoke in opposition of the staff recommendation. She advised that this should be done on a case by case basis.

Ms. Maureen Tate, Dartmouth, spoke in opposition of the staff recommendation. She advised that in dog care facilities are critical.

Mr. Pete Lavelle, Halifax, spoke in favour of the staff recommendation. He noted that increased dog care facilities could cause noise violations and expressed concern that HRM will not have the staff to regulate complaints.

The Chair called three times for any additional speakers, hearing none it was **MOVED by Councillor Sloane, seconded by Councillor Murphy, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

Deputy Mayor Uteck assumed the Chair and Councillor Fougere took a seat in Council.

MOVED BY Councillor Fougere, seconded by Councillor Murphy that the Peninsula Community Council:

- 1. Refuse the proposed amendments to the Halifax Peninsula Land Use By-law included in attachment "A" of the report dated June 26, 2007;**
- 2. Request Regional to initiate amendments to the Halifax Municipal Planning Strategy to consider pet care facilities through the development agreement process; and**

3. Further, that a corollary process be initiated to develop an appropriate By-law outlining rules and regulations for pet care facilities to address issues raised in the staff report with respect to the limitations of the Land Use By-law in regulating such uses, including licencing.

Councillor Fougere advised that she has never received a complaint about Ms. Chernin's facility. She referenced the responsible pet ownership By-law and advised that this will provide more opportunity for regulation. She read an e-mail from a neighbour of Ms. Chernin, providing support.

Councillor Sloane advised that quality of life has been declining on the Peninsula due to the lack of proper facilities. She advised that HRM staff should research best practices for dog care facilities in Great Britain.

Councillor Murphy applauded Ms. Chernin and advised of the need for responsible pet facilities.

Deputy Mayor Uteck advised that she is in favour of the staff alternative.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Appeal Hearings - None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

A petition was submitted to Council by Mr. Ned Zimmerman, Retail Manager, Just Us Coffee in support of Case 01002: Development Agreement, 5896 Spring Garden Road, Halifax.

9.3 Presentations- None

10. REPORTS

10.1 Staff Report- None

10.2 Committee Reports- None

11. MOTIONS - None

12. ADDED ITEMS- None

13. NOTICES OF MOTION- None

14. PUBLIC PARTICIPATION

Ms. Janet Shotwell, Halifax

At the request of Ms. Shotwell, members advised that copies of the 1994 Halifax Common Plan and accompanying documents were circulated to them and the Mayor. Ms. Shotwell advised that the document was thoroughly completed in 1994 and does not need to be redone.

Ms. Beverley Miller, South Street, Halifax

Ms. Miller advised that snow removal damage throughout the south end has not been fixed. The Chair advised that she should register a complaint with the call centre as repairs were supposed to be complete by June 15, 2007.

15. NEXT MEETING

The next regular meeting of the Peninsula Community Council will be held Monday September 17, 2007 at 7:00 p.m.

16. ADJOURNMENT

The meeting adjourned at 9:12 p.m.

Chrissy White, Legislative Assistant