

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES NOVEMBER 10, 2003

PRESENT:

Councillor Sheila Fougere, Chair
Councillor Jerry Blumenthal
Councillor Dawn Sloane
Councillor Sue Uteck

STAFF:

Mr. Barry Allen, Municipal Solicitor
Ms. Sherryll Murphy, Legislative Assistant

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1. CALL TO ORDER

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

2 APPROVAL OF MINUTES - September 26, 2003 (Special), October 6, 2003 (Regular) October 21, 2003 (Special)

MOVED by Councillor Sloane, seconded by Councillor Uteck that the minutes of the special meetings of Peninsula Community Council held on September 26, 2003 and October 21, 2003 and the regular meeting of Peninsula Community Council held on October 6, 2003, as distributed, were approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Addition:

12.1 Crosswalk - Leeds Street (Councillor Blumenthal)

Councillor Uteck, noted for the record, that the accident statistics for Jubilee Road which were not included with the minutes of May 12, 2003, are available this evening. The statistics will be included in the next mail out to the public and appear as part of the minutes on the web.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Special Meetings of Community Council - Councillor Fougere

- A staff report dated November 3, 2003 submitted by Paul Dunphy, Director, Planning and Development Services, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that special meetings of Peninsula Community Council will be held only when the following extenuating circumstances exist:

1. **Applications involving personal or financial hardship, such as buildings destroyed by fire or other factors which may only be approved for reconstruction subject to Community Council approval.**
2. **Large scale developments and/or projects that are controversial in nature where Community Council considers it advisable to hold a special meeting in order to plan meeting logistics and request any additional information that may be needed in order to conduct an effective public hearing.**
3. **Applications which overlap the jurisdictional authority of Community Council and involve other Community Councils where it is advisable to hold a joint meeting.**

MOTION PUT AND PASSED UNANIMOUSLY.

4.1.2 Case 00613 - Possible Amendments to the Height and Lot Coverage Provisions

Mr. Gary Porter, Planner, gave a brief update noting that he had met with members of Community Council regarding this matter. He went on to note that it was his intention to have a report come to the next meeting of the Community Council to outline the areas which were identified and set out a priority list for Community Council to approve. Mr. Porter noted that once this approval is received, the process can move forward.

4.1.3 Correspondence from Stuart Grossert re 6199 Coburg Road

Councillor Uteck noted that she had responded to Mr. Grossert, however, Mr. Grossert still had questions regarding the matter.

Referring to the June 5, 2003 report regarding this matter, Mr. Grossert noted that clarification with regard to certain matters of fact were required. Mr. Grossert indicated that in the period of the late 1970's or the early 1980's there was a storage building on the lot which was not connected to the building. This storage building was subsequently connected to the building.

Mr. Grossert went on to note that he had submitted a map to Community Council dated 1969 (City of Halifax) which clearly shows that the lot coverage was 70% at that time. The present situation is of course, more than 90% lot coverage. Thus, after the fire the lot coverage went from 70% to substantially greater coverage.

Mr. Grossert asked what is the permissible maximum lot coverage in an RC-3 zone. Quoting from the Section 239 (a) of the Municipal Government Act regarding the rebuilding or repair

of a non conforming structure after a fire, Mr. Grossert indicated that in his opinion this situation did not meet the provisions of the Land Use Bylaw. How then, is it possible that this reconstruction has been allowed.

The Chair thanked Mr. Grossert for his comments.

Councillor Uteck agreed that the matter be left on the status sheet and that Mr. Grossert's questions be forwarded to staff for response.

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 00573 - Application for Development Agreement - 6050-6056 Quinpool Road, Halifax**

- First Reading regarding this matter was given at the October 21, 2003 special meeting of Peninsula Community Council. A previously circulated staff report dated October 16, 2003 prepared for Paul Dunphy was before the Community Council for consideration.
- An amendment to Clause 2.8 Lot Consolidation of the Development Agreement was also distributed to members of Council.

Mr. Paul Sampson, Planner, with the use of a map, reviewed the application for development agreement to allow a five-storey, mixed residential/commercial development consisting of 16 residential units with ground floor commercial space and underground parking. Mr. Sampson pointed out that Community Council had been distributed an amendment to Clause 2.8, Lot Consolidation. Concluding his remarks, Mr. Sampson advised that staff was recommending approval of the application.

Mr. Sampson then responded to questions from members of Council.

The Chair called three times for persons wishing to speak either in favour of or against the proposal.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Uteck that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council:

1. **Approve the development agreement, presented as Attachment II to the October 16, 2003 report, to permit a five-storey, mixed residential/commercial development consisting of 15 residential units with ground floor commercial space and underground parking including the following amendment:**

2.8 Lot Consolidation

The existing lots shall be consolidated as per the Land Use By-law and Subdivision By-law requirements prior to the issuance of a Development Permit

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.**

MOTION PUT AND PASSED UNANIMOUSLY

8.1.2 Case 00576 - Development Agreement for a Self-storage Facility, 3490 Prescott Street, Halifax

- First Reading regarding this matter was given at the October 6, 2003 meeting of Peninsula Community Council.
- A photo of the self-storage facility was distributed to members of Community Council. A previously distributed staff report dated September 26, 2003 was before Council for consideration.

Mr. Angus Schaffenburg, Planner, reviewed the application for a development agreement to permit additional floor space for the self-storage facility at 3490 Prescott Street as set out in the September 26, 2003 staff report. Mr. Schaffenburg noted that staff was recommending approval of the development agreement.

The Chair called for persons wishing to speak in favour or against the proposal.

Malcom Phippen, 3359 Prescott Street

Mr. Phippen addressed Community Council raising the following points:

- Safety is an issue with self-storage units particularly as it is difficult to check what people are storing in the units
- There is concern that driving patterns will change on Prescott Street. Robie Street, at the extension of Prescott Street, is one way and there is concern that drivers will not be familiar with this change in the roadway. Robie Street, for the ½ block between Cabot Street and the Robie Street, should be barricaded to divide the street.
- A larger green area is desirable

Mr. Lloyd Robins, representing the Applicant

Mr. Robins responded to the safety concerns brought forward by Mr. Phippen as follows:

- Sherwood Enterprises operates several self storage facilities across the country
- Every customer signs a contract which prohibits the storing of hazardous materials
- There are staff on site and a security monitoring system is in place
- If this is a significant concern, HRM can require that the building be designed of non-combustible materials
- The facility is outfitted with a complete sprinkler system
- The units are accessed from the inside, there are no garage type doors to the outside
- It is estimated that the operation would generate 24-30 cars in a 24 hour period which should not create problems. Should the intensity of use extend beyond that it may be necessary to have a look at the Robie Street extension.

The Chair called three times for persons wishing to speak in favour of or against the proposal.

Hearing none, it was **MOVED by Councillor Uteck, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Blumenthal requested that staff review the lack 'no exit' signage on Prescott Street. He went on to note that although there is no exit to Robie Street, there are exits to Cabot, Duffus, and Sebastian

MOVED by Councillor Blumenthal, seconded by Councillor Uteck that Peninsula Community Council:

1. **Approve the development agreement as set out in Attachment "A" of the September 26, 2003 staff report to permit additional floor space for a self-storage facility at 3490 Prescott Street.**
2. **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 UNANIMOUSLY.

8.1.3 Case 00400 - Housekeeping Amendments - Subdivision of Existing Semi-detached Dwellings

- First Reading regarding this matter was given at the October 6, 2003 meeting of Peninsula Community Council.

Mr. Paul Sampson, Planner, briefly reviewed the previously distributed staff report dated August 28, 2003.

The Chair called three times for persons wishing to speak in favour of or against the proposed amendments.

Hearing none it was **MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Peninsula Community Council approve the amendments to the Halifax Peninsula Land Use By-law as show in Attachment 1 of the staff report dated August 28, 2003

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Variance Hearings

8.2.1 Appeal of Decision of Development Officer to Refuse a Variance at 1413 LeMarchant Street, Halifax (Re-scheduled from October 6, 2003)

- A staff report dated November 4, 2003 submitted by Seven Higgins, Development Officer, was before Community Council for consideration.

Mr. Steven Higgins, Development Officer, briefly reviewed the November 4, 2004 staff report regarding the appeal of his decision to refuse a variance at 1413 LeMarchant Street, Halifax. Mr. Higgins noted that the recommendation before Community Council was to uphold the decision of the Development Officer to refuse the application for a variance.

Ms. Patricia Bryson, 1385 LeMarchant Street

Ms. Bryson, speaking on behalf of she and her husband Peter and Mrs. Betty Lord and Ms. Leslie Lord of 1421 LeMarchant Street, read a letter outlining concerns and opposition to the variance. A copy of the letter is on file. The highlights of Ms. Bryson's comments include:

- Opposed to the variance on the basis of the increased density that will occur
- The tendency in the neighbourhood has been toward increased density as single family homes are converted for use as rooming houses
- Problems with the students residing in these rooming houses have increased
- Concerned that if this variance is allowed it will have a detrimental impact on the future enjoyment of their property
- In conclusion, Ms. Bryson requested that Community Council refuse the variance

Ms. Bryson submitted a letter on behalf of Cynthia and Christos Pilchos, 1439 LeMarchant Street, in support of the decision of Development Officer. A copy of the letter is on file.

Edward Edelstein, owner

Mr. Edelstein addressed Community Council and submitted a package of information relative to the proposed variance. Mr. Edelstein went on to make a brief presentation utilizing the overhead projection equipment and including the following points:

- His son is co-owner of the property and a tenant
- The property provides badly needed affordable and quality housing
- An addition could be built as of right
- Have worked with an architect to come up with the plan
- Within the immediate area most of the properties are duplex or triplex
- No problems have been reported in the 11/2 years that he has owned the property
- His family cares about the neighbourhood (vandalism/noise) and has spent over \$5,000 improving the property
- 12 of the 15 residents who received the notice support the proposal
- His family wants to contribute to solution and to that end have developed a tenancy agreement (Rules of Building)
- This development will make a positive contribution to the street not a negative one

- The variances are minor in nature.

Mr. Edelstein responded to questions from members of Community Council.

The Chair called three times for persons wishing to speak in favour of or against the proposal.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Uteck that the variance hearing close.**

MOVED by councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council overturn the decision of the Development Officer and grant the appeal.

Councillor Uteck noted that her reasons for overturning the decision of the Development Officer included the fact that this particular landlord was a responsible landlord. His property was not part of the difficulties being experienced in the area, yet it seemed he was being punished for these difficulties. The owner could have 35% lot coverage with a kitchen and 12 bedrooms as of right.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Delegations - None

10. REPORTS

10.1 Case 00574 - Land Use Bylaw Amendments for Area Bounded by Chebucto Road, Roosevelt Drive, Flynn Street and MacDonald Street

- A staff report dated October 22, 2003 prepared for Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.

Mr. Gary Porter briefly reviewed the proposed amendments and responded to questions from members of Community Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council give First Reading to the proposed amendments to the Halifax Peninsula Land Use Bylaw as contained in Attachment A of the October 22, 2003 staff report and to schedule the public hearing for December 8, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case 00564: MPS and LUB Amendments and Development Agreement for South Lawn of All Saints at University Avenue and Tower Road

- A staff report dated November 3, 2003 prepared for Paul Dunphy, Director of Planning and Development Services, was before Council for consideration.

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

1. **Recommend that Regional Council give First Reading to the proposed amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment "A" of the November 3, 2003 staff report including the minor amendments outlined in the November 7, 2003 memorandum and schedule a public hearing**
2. **Move Notice of Motion for the proposed development agreement included as Attachment "B" to permit a commercial/residential project, and to schedule a joint public hearing with Regional Council;**
3. **Recommend that Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment "A" of the November 3, 2003 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Meeting Dates for 2004

- A memorandum dated November 3, 2003 from Sherryll Murphy, Legislative Assistant, listing proposed meeting dates for 2004, was before Community Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the following meeting dates for 2004 be approved:

Monday, January 12, 2004
Monday, February 9, 2004
Monday, March 8, 2004
Monday, April 5, 2004 (April 12 is Easter Monday)
Monday, May 10, 2004
Monday, June 14, 2004
Monday, July 12, 2004
Monday, August 9, 2004
Monday, September 13, 2004
Monday, October 4, 2004 (October 11 is Thanksgiving)
Monday, November 8, 2004
Monday, December 13, 2004

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Crosswalk - Leeds Street (Councillor Blumenthal)

- This matter was added to the agenda during the setting of the agenda.

Councillor Blumenthal referred to traffic problems being experienced on Leeds Street as a result of the recent development on Robie and MacDonald Streets. Councillor Blumenthal requested that staff investigate the possibility of a four (4) way stop on the corner of Robie Street and Leeds Street. He went on to note that two car accidents have occurred at that corner in recent weeks.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Elinor Edgar Reynolds - 6285 Jubilee Road

Ms. Reynold addressed Community Council making the following points with regard to her area of the city.

- An area which contends with two parking garages and is in a direct line from the Armdale Rotary to downtown
- The primary difficulties include absent landlords, run down houses, garbage, no garbage cans, noise, rodents and traffic
- Area Committee has made a submission to the Regional Planning Committee, but have had no response
- We need to have Regional Planning and Dalhousie do a case study of our area
- Our area will become like the area around Kingston University, an area of run down houses, if we don't do something about it
- Both Dalhousie and HRM have a responsibility in this situation
- Have suggested to landlords in the area that they provide the solid waste literature to their tenant

Councillor Fougere advised that Councillor Uteck, the Police Department and Solid Waste staff are talking to Dalhousie. Dalhousie has conceded some responsibility for students outside of the university grounds and has committed to putting in place processes which will hold the residents responsible both as citizens and students

Councillor Uteck advised that the Dalhousie Student Union has contacted her with regard to establishing a meeting with its neighbours. The Councillor noted that the Student Union is receiving complaints from area residents and from the more mature students. She went on to indicate that she has introduced amendments to the Municipal Government Act with respect to Residential Tenancies providing that the standard lease will include a copy of the recycling regulations and that the regulations and schedule will be posted on the property. Councillor Uteck indicated that amendments to the Noise By-law were also being proposed the purpose of which is to establish landlord responsibility in addition to tenant responsibility.

Stuart Grossert, 6199 Coburg Road

Mr. Grossert indicated that the difficulties are being exacerbated by population density. He went on to suggest that problems could be expected if you have a number of young adults living in small quarters. He went to suggest that as elected representatives, this body must look at the densities permitted.

Beverly Miller, South Street

Ms. Miller advised that the UARB would be holding public hearings on District Boundaries and that the public would have an opportunity to have input at a meeting to be held on Thursday, November 13, 2003 at Summit Place. She went on to indicate that she would be presenting in favour of retaining 23 Districts.

15. NEXT MEETING

The next meeting of Peninsula Community Council will be held on Monday, December 8, 2003.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.

Sherryl Murphy
Legislative Assistant