

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES January 12, 2004

PRESENT:

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

STAFF:

Mr. Karen Brown, 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.

Councillor Fougere, noting that the next item was the Election of a Chair, thanked the Peninsula community and Councillors for the opportunity to serve as Chair for Peninsula Community Council since its establishment in December 2001. Councillor Fougere then turned conduct of the meeting over to Sherryl Murphy, Legislative Assistant.

1A. ELECTION OF CHAIR

The Legislative Assistant called for nominations for Chair of the Peninsula Community Council.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Councillor Sue Uteck be nominated as Chair of the Peninsula Community Council.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that nominations cease. MOTION PUT AND PASSED UNANIMOUSLY.

The **motion** to nominate Councilor Uteck was **PUT AND PASSED UNANIMOUSLY.**

Congratulating Councillor Uteck, Ms Murphy turned the meeting over to Councillor Uteck.

Councillor Uteck assumed the Chair and thanked Councillor Fougere for her leadership over the last two years.

Councillor Uteck then called for nominations for Vice-Chair of the Peninsula Community Council.

MOVED by Councillor Sloane, seconded by Councillor Fougere that Councillor Jerry Blumenthal be nominated as Vice-Chair of the Peninsula Community Council.

MOVED by Councillor Fougere, seconded by Councillor Sloane that nominations cease. MOTION PUT AND PASSED UNANIMOUSLY.

The **motion** to nominate Councillor Blumenthal was **PUT AND PASSED UNANIMOUSLY.**

2. APPROVAL OF MINUTES

MOVED by Councillor Sloane, seconded by Councillor Fougere that the minutes of the December 8, 2003 meeting of Peninsula Community Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

12.1 Site of new High School (Councillor Sloane)

12.2 Amendment to Priority Listing of Areas identified in Case 00613 - Possible Amendments to the Height and Lot Coverage Provisions (Councillor Fougere)

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 All Way Stop - Leeds Street at Robie Street

Councillor Blumenthal advised that a traffic study will be undertaken at this location in the Spring and requested that the matter be removed from the status sheet.

4.1.2 Use of 2538-40 Sherwood Street

- An information report dated January 8, 2004 submitted by Paul Dunphy, Director of Planning and Development Services, was before Community Council for consideration.

Councillor Fougere, referring to the submitted staff report, indicated this matter can be removed from the status sheet

4.1.3 Halifax Grain Elevators

Noting that no report has been received, Councillor Uteck indicated that the matter is to remain on the status sheet.

4.1.4 Correspondence from Stuart Grossert, Questions re 6199 Coburg Road

As no response has been received to the most recent request for information, this matter will remain on the status sheet.

4.1.5 Case 00576 - Development Agreement for Self Storage Facility - 3490 Prescott Street, Halifax

- An information report dated December 11, 2003 prepared for Ken Reashor, P. Eng., Traffic Authority, was distributed to Community Council.

Noting that the report responded to his concerns, Councillor Blumenthal indicated that the matter should be removed from 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 00461- Development Agreement for 1270 Oxford Street, Halifax

- Correspondence dated January 9, 2004 from Allen Penney in opposition to the proposal was distributed to members of Community Council.

Ms. Randa James gave a brief overview of the report. In response to a request from Councillor Fougere, Ms. James reviewed in detail this proposal's response to the concerns of the residents as found on pages 3 to 5 of the January 9, 2004 staff report.

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

Hugh Pullen, 6262 Oakland Road

Mr. Pullen addressed Community Council in opposition to the proposal making the following points:

- Although the development meets most of the requirements for an R-3 development the size of the building and reduction in the setback from 25 to approximately 14 feet is not acceptable
- This property is located on the south side of Oxford Street and just below a blind crest. Traffic moves quickly on this street and there is concern that exiting from this development will create a traffic hazard
- This proposal essentially replaces a single family dwelling with a high density multi-use building
- The proposal should be withdrawn and reworked with a view to having a smaller building and lower density

Linda MacIntosh, Board of Trustees of First Baptist Church, Oxford Street

Ms. MacIntosh addressed the meeting in opposition to the proposal and commented as follows:

- The congregation of the First Baptist Church is concerned about the impact of the building on the house on their property and that there will be damage to the Church during construction
- Strongly disagreed with the size and setback of the proposal and believe that the proposal will detract from the area
- Read relevant sections of the Halifax Municipal Planning Strategy re the retention of the character of an area and noted that Ms. James had pointed out that there are several areas in which the proposal exceeds the requirements
- Stressed that the Planning Strategy should be followed
- Suggested that Community Council should consider a proposal for a smaller building, set back on the street properly which would retain this gracious charming area

Mr. Garnet Colwell, Trustee of the First Baptist Church, Oxford Street

Mr. Colwell addressed the meeting giving a report of a recent congregational meeting relative to this proposal. The highlights of the report include:

- The congregation is very concerned about the size of the proposed building relative to the lot and placement on the lot.
- There are various omissions which result in the proposal not complying with the R-3 zoning, including density, setback and height. If the development complied with the guidelines in these areas, the resulting building and position on the lot would no doubt be much more favourable to the congregation of the First Baptist Church

Mr. Bill Ferguson, member of the First Baptist Church

Mr. Ferguson addressed Community Council in opposition to the proposal making the following points:

- Referring to Paragraph 2.3.7 of the Development Agreement, Mr. Ferguson asked if this was a standard clause. If this is the case, how often does the Development Officer approve such modifications. Mr. Ferguson asked how these will be responded to if the congregation has concerns about the quality of the building
- Referring to Paragraph 3.1 regarding a change in the type of units providing the density remains the same as has been approved by Peninsula Community Council, Mr. Ferguson asked if this was a standard clause. He went on to express concern that Peninsula Community Council could if they so wish approve 52 bachelor units rather than the 22 units proposed, without a public hearing
- The existing buildings (Sheriff Hall, Maintenance Facility, Synagogue) are all well set back and in keeping with the character of the neighbourhood
- The development before Community Council is not in keeping with the policies and, in fact, is an over-development of the lot

Mr. David Dexter, Trustee of the First Baptist Church

Mr. Dexter addressed Community Council in opposition to the proposal making the following comments:

- He is frustrated and disappointed with the process. The proposal is muddy and more professional advice and presentations should have been available to all those involved (residents and Council)
- He believed it was incumbent upon the proponent to provide the appropriate documentation and that he was not comfortable that during the building permit phase incomplete drawings will be corrected
- This is a grossly overstated development and the proper information has not been provided. The Councillors, members of the First Baptist Church and neighbours deserve better information
- Active consultation with the neighbourhood, such as that which was held between the First Baptist Church with the developer for Oxford Court is what is required
- This revised proposal shows no improvement and does not meet the requirements of the Plan
- In conclusion, Mr. Dexter indicated that he vigorously opposed the proposal

Cesar Sala, Design Firm for the Proponent

- Feel the statements made this evening are unfair. The developer has gone the extra mile to be where this proposal is today
- At the end of the public process in May 2003 had to step back due to an error (use of CN cut as open space no longer permitted)
- An informal meeting has been held with the community and efforts have been made to respond to the concerns raised
- This proposal exceeds the minimum requirements under the R-3 in a number of instances
- The setback for the base of the building is 21.8 feet. The porch or foyer is the only portion of the building which has a setback of only 14 feet.
- Many architectural details have been included to ensure the building is compatible with the area (e.g. stone on the building)
- The use is compatible with neighbouring uses (e.g. Sheriff Hall, Oxford Court, etc.)

Mr. Allan Hamen, 6198 Oakland Road

Mr. Hamen addressed Community Council in opposition to the proposal submitting a map on which a green shaded area represented homes in the area that he had visited. Mr. Hamen made the following points:

- The street is heavily used with traffic being very heavy
- The street is very picturesque, therefore, it is important how the property is developed
- A greater setback is required
- The staff report is fundamentally flawed as it is based on R-3 zoning when the property is in fact zoned R-2
- The submitted map includes 38 property owners (area shaded in green) who had not received notification of the development. Note was made that the area shaded in yellow was the development
- The majority of the residents are opposed to the development and have signed a petition requesting a 40 foot setback
- Expressed concern regarding the fact that the development was located on a blind crest and that cars leaving the garage would be blind if the development is permitted to proceed as is proposed
- A deep setback to allow cars to be on level when leaving the parking garage is necessary
- A more appropriate density for the development would be 51 or 57 persons rather than the 68 proposed
- Approximately 37 homeowners in the area and 23 residents of Oxford Street have signed a petition in favour of a 40' setback

Rick Savage, 1139 Dalhousie Street

Mr. Savage addressed Community Council and noted that:

- He had been unaware of the proposal until recently
- Advised that he had been unable to proceed with a renovation to his home because of a one foot encroachment and asked why the proponent was not required to meet the frontage regulations

Mr. Fares, the applicant

Mr. Fares addressed Community Council noting that:

- He and his company have been working to put this development in place for two years
- The density is not met because, unlike other developments in the area, it does not consider the CN lands as open space
- The setback on the building is 21.8 feet with the exception of the lobby which is 14 feet. The reduced setback is necessary to make the building feasible
- With reference to concerns that the building is too big for the for the area, Mr. Fares noted that his property is surrounded by apartments and across the street from Sheriff Hall
- The proposed building is one for which everyone can have pride

Mr. Peter McDonough, Solicitor for the First Baptist Church

Mr. McDonough addressed Community Council and indicated that:

- The Trustees present this evening are not aware of such an offer sale of land
- The concerns of the church, that is the setback, density and height of the proposal, were not addressed by the removal of one storey
- The property zoning is R-2 zone and not R-3

The Chair called three times for any other persons wishing to address Council in favour of or against the proposal. Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Sloane, referring to the change relative to the CN property, commented that in future changes of this nature should not be made in the middle of the process.

A discussion and questioning of staff ensued. In responding to questions, Ms. James, provided the following information:

- HRM's policy is to advise property owners within 250 feet of the proposal. During this process it came to light that a problem existed with regard to notification of individual property owners within a Condominium Association. Consequently, individual owners are now notified. Note was made that the MGA only requires that an ad be placed in the newspaper to advise of proposed changes.
- The access to the property is existing and the access is going to be maintained. Given the continued use of the access, HRM's development engineers did not feel it necessary to refer the matter to the Traffic Authority. The access does comply with the driveway By-law.

A further short discussion ensued and it was **MOVED by Councillor Blumenthal, seconded by Councillor Fougere that Peninsula Community Council:**

1. **Approve the Development Agreement, appended as Attachment 1 to the November 25, 2003, which includes revised clauses and drawings as a result of a revised submission received November 28, 2003, in response to concerns raised by the area residents, with an amendment to provide that the setback be 21 feet.**
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 or any other bodies as necessary, whichever is later including applicable appeal periods; otherwise this approval will be void and any obligations arising hereunder shall be at an end.**

Councillor Sloane noted that after hearing from the residents she could not support this motion.

Councillor Blumenthal assumed the Chair and Councillor Uteck addressed the meeting.

Councillor Uteck advised that she would be supporting the resolution noting that she believed it to be a reasonable deal for the neighbourhood. She went on to point out that the 40 foot setback being requested is not required under the regulations and that the proposal only exceeds the height restrictions due to an elevator shaft. Councillor Uteck went on to request that, given the concerns expressed relative to a possible traffic hazard exiting the site, staff submit the proposal to the Traffic Authority for comment.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Uteck resumes the Chair and Councillor Blumenthal returns to his seat.

In response to a questions from the gallery, the Chair indicated that the development would move forward, however, if the Traffic Authority identifies any concerns with regard to the access, these concerns will be addressed.

8.2 Variance Hearings - None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

Councillor Sloane submitted correspondence dated January 8, 1004 received from the Bengal Lancers expressing concern that the outdoor ring they presently use and would like to expand would become unavailable as a result of the location of the new High School. Should the outdoor ring not be available to the Bengal Lancers, it is likely that the barn would have to be closed and the program come to an end. Councillor Sloane noted that she would be presenting this correspondence at Regional Council on Tuesday evening.

9.2 Petitions - None

9.3 Delegations - None

10. REPORT - None

11. MOTIONS - None

12. ADDED ITEMS

12.1 Site of new High School (Councillor Sloane)

Councillor Sloane referred to a presentation which would be given to the School Board on Tuesday, January 13, 2003 regarding the site of the new High School and requested that Community Council forward a letter to the School Board/Department of Education requesting that the Peninsula Councillors meet with the School Board to receive this presentation. Councillor Sloane indicated that there are municipal issues with regard to the location of the new high school including the Bengal Lancers, architectural design and how the new high school will relate to the Common. The Halifax Common Plan and Charter should be considered when developing the site.

In this regard, Councillor Fougere submitted a letter received in the Mayors Office from the School Board requesting the Peninsula Community Council members meet with regard to the

site of the new high school. Members are to provide to Councillor Fougere possible dates which will be communicated to the School Board through the Mayor's office.

12.2 Amendment to Priority Listing of Areas identified in Case 00613 - Possible Amendments to the Height and Lot Coverage Provisions (Councillor Fougere)

- Correspondence dated January 10, 2003 from concerned residents of west-end Halifax regarding the rezoning of streets from R-2 to R-1 in the west end of Halifax, was distributed to Community Council for consideration.

Councillor Fougere addressed Community Council noting that during the public hearing relating to Case 00613, Possible Amendments to the Height and Lot Coverage Provisions, she had amended the original priority listing to include as #10, the area bounded by MacDonald Street, Quinn Street, Quinpool Road and Chebucto Road. Councillor Fougere advised that due to immediately proposed development in this area, residents are requesting that this particular area be moved up on the priority listing approved at the December 3, 2003 public hearing.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the list of identified areas in Case 00613 be amended to provide that the tenth area, Area J, generally described as the area bounded by MacDonald Street, Quinn Street, Quinpool Road and Chebucto Road, be moved up to the second area, Area B, in response to immediate proposed development in the area. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

14. PUBLIC PARTICIPATION

Mr. Eric Turner, 7034 Chebucto Road

Mr. Turner addressed Community Council and read from a submission relating to the rezoning of the Chebucto Road/MacDonald Streets area from R-2 to R-1 entitled "Questions for Community Council". Mr. Turner indicated that he would like a response to his questions for the next meeting of the Community Council. A copy of Mr. Turner's submission is on file.

Mr. Hugh Pullen, 6262 Oakland Road

Mr. Pullen addressed Community Council commenting that he had received his water bill today and that the contributions to the clean up of the harbour now exceed his cost of water service.

Mr. Pullen went on to express concern regarding the siting of the new High School and encouraged the Community Council to be proactive in being involved in the process. Referring to the municipal concerns involved, Mr. Pullen noted that transit would be required to transport students to the school.

Ms. Beverly Miller, South Street

Ms. Miller addressed Community Council making the following points with regard to the location of the new high school:

- HRM needs to be involved in the development of the site for the high school
- Surprised that this site had been chosen given that it was part of the Halifax Common Land
- Expressed concern that there has been no discussion regarding the Queen Elizabeth and St. Pat's High School sites

Councillor Fougere noted that the former Community College site was deeded to the Province of Nova Scotia by the City of Halifax at the time the Community College was built. She went on to indicate that it had formerly been part of the Halifax Common. Councillor Fougere further reported that the Queen Elizabeth High School and St. Patrick's High School sites had been thoroughly discussed by both of the School Advisory Committees.

Ms. Miller expressed concern that these discussions did not include the larger community.

15. NEXT MEETING

The next meeting of the Peninsula Community Council will be held on Monday, February 9, 2004 beginning at 7:00 p.m. in the Council Chamber, City Hall.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.

Sherryl Murphy
Legislative Assistant