

# **HALIFAX REGIONAL MUNICIPALITY**

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## **PENINSULA COMMUNITY COUNCIL MINUTES March 8, 2004**

**PRESENT:** Councillor Sue Uteck, Chair  
Councillor Dawn Sloane  
Councillor Sheila Fougere  
Councillor Jerry Blumenthal

**STAFF:** Ms. Karen Brown, Municipal Solicitor  
Ms. Sherryll Murphy, Legislative Assistant

**TABLE OF CONTENTS**

1.	CALL TO ORDER .....	4
2.	APPROVAL OF MINUTES .....	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	4
4.	BUSINESS ARISING OUT OF THE MINUTES .....	4
4.1	Status Sheet .....	4
4.1.1	Correspondence from Stuart Grossert, Questions re 6199 Coburg Road .....	4
4.1.2	Correspondence - Development Trends on the Peninsula .....	4
4.1.3	Petition - Councillor Sloane re On Street Residential Parking Pass Policy for West Street .....	5
5.	MOTIONS OF RECONSIDERATION .....	5
6.	MOTIONS OF RESCISSION .....	5
7.	CONSIDERATION OF DEFERRED BUSINESS .....	5
7.1	Appeal of the Development Officer's Decision to Approve a Variance Application at 602 and 618 Francklyn Street, Halifax .....	5
8.	HEARINGS .....	6
8.1	Public Hearings .....	6
8.1.1	Case 00527: Development Agreement - Gerrard Lodge, 1226/1230 Barrington Street, Halifax .....	6
8.1.2	Case 00570 - Amendment to Development Agreement- Halifax Shopping Centre Annex, 6990 Mumford Road, Halifax .....	7
8.2	Variance Hearings .....	8
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS .....	8
9.1	Correspondence .....	8
9.2	Petitions - None .....	8
9.3	Delegations - None .....	8
10.	REPORTS - None .....	8
11.	MOTIONS .....	8
12.	ADDED ITEMS .....	8

13.	NOTICES OF MOTION .....	8
14.	PUBLIC PARTICIPATION .....	8
15.	NEXT MEETING .....	9
16.	ADJOURNMENT .....	10

1. **CALL TO ORDER**

The meeting was called to order at 7:05 p.m.

2. **APPROVAL OF MINUTES - February 16, 2004**

**MOVED by Councillor Sloane, seconded by Councillor Fougere that the minutes of the Peninsula Community Council meeting held on February 16, 2004, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Additions:**

Note was made that the scheduled date for the next meeting is April 12, 2004 which is Easter Monday and a request was made that this meeting be moved to April 5, 2004.

**MOVED by Councillor Sloane, seconded by Fougere that the date for the next meeting of the Peninsula Community Council be changed from Monday, April 12, 2004 to Monday, April 5, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

Information Item:

1. Case 00518 - Halkirk / Keith's Brewery - Withdrawal of Appeal to N.S. Utility and Review Board

4. **BUSINESS ARISING OUT OF THE MINUTES**

4.1 **Status Sheet**

4.1.1 **Correspondence from Stuart Grossert, Questions re 6199 Coburg Road**

Mr. Grossert has met with the Development Officer and this matter can be removed from the status sheet.

4.1.2 **Correspondence - Development Trends on the Peninsula**

No information has been received with regard to this matter. This matter is to remain on the status sheet.

**4.1.3 Petition - Councillor Sloane re On Street Residential Parking Pass Policy for West Street**

No information has been received with regard to this matter. This matter is to remain on the status sheet.

**5. MOTIONS OF RECONSIDERATION - None**

**6. MOTIONS OF RESCISSION - None**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Appeal of the Development Officer's Decision to Approve a Variance Application at 602 and 618 Francklyn Street, Halifax**

- A variance hearing with regard to this matter was held and closed at the February 16, 2004 meeting of the Peninsula Community Council. A decision relative to the variance appeal was deferred at that time pending staff meeting with the developer and interested residents to address the concerns brought forward at the meeting.
- Correspondence dated March 8, 2004 from Beverly W. Miller, South Street, in support of the Development Officer's decision to grant the variance, was before Community Council for consideration.

Councillor Uteck leaves the Chair and Councillor Blumenthal assumes the Chair in her stead.

Councillor Uteck, referring to the concerns expressed at the variance hearing, read into the record a letter from James S. Cowan, Stewart McKelvey Stirling Scales, on behalf of Pine Hill Divinity Hall, confirming that if Community Council upheld the decision of the Development Officer with regard to this variance, Pine Hill will proceed to list for sale 600 and 602 Francklyn Street. The letter goes on to confirm that Pine Hill will maintain the demolition permits with respect to these and other Francklyn Street properties which were issued in August of 2003 and that if 602 Francklyn Street is not sold within one year, Pine Hill will proceed to exercise its right under the demolition permit to demolish the building on that lot. A copy of the letter is on file.

Councillor Uteck, indicating that this letter responded to the concerns, **MOVED, seconded by Councillor Fougere that Peninsula Community Council uphold the decision of the Development Officer to approve the variance at 602 and 618 Francklyn Street, Halifax. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Uteck resumes the Chair and Councillor Blumenthal takes his seat.

**8. HEARINGS**

**8.1 Public Hearings**

**8.1.1 Case 00527: Development Agreement - Gerrard Lodge, 1226/1230 Barrington Street, Halifax**

- This matter was last discussed at the February 16, 2004 at which time this date was set for the public hearing. A supplementary staff report dated February 24, 2004 submitted by Paul Dunphy, Director of Planning and Development, was before Community Council.

Ms. Randa James, Planner, addressed Council outlining the proposed development as set out in the January 12, 2004 staff report. Ms. James noted that the supplementary staff report dated February 24, 2004 addressed the concerns set out in the January 27, 2004 report from the Planning Advisory Committee.

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

**Mr. Allan Parish, Coburg Road**

Mr. Parish, President of the Heritage Trust of Nova Scotia, addressed Community Council in favour of the application. He went on to congratulate the developer for retaining the cottage on the property, a rare survivor of pioneer days in Halifax. Mr. Parish noted that Heritage Trust had been pleased when, through negotiation, the original plans to demolish the cottage were abandoned.

**Mr. Clary Kempton, District 12 Planning Advisory Committee**

Mr. Kempton, speaking on behalf of the District 12 Planning Advisory Committee, addressed Community Council in opposition to the development. Referring to the January 27, 2004 report from the Planning Advisory Committee, Mr. Kempton indicated that the Planning Advisory Committee had cited a number of reasons for their opposition.

Mr. Kempton raised a concern with regard to a dormer window in the adjacent building that he believed would be blocked by the proposed addition. Mr. Cesar Saleh, the Architect for the project, agreed that there was one window in the adjacent building which would be impacted by the addition, however, this window will be incorporated in the design of the addition.

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

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

1. **Approve the development agreement, presented as Attachment I of the January 12, 2004 staff report with a revised Schedule "D" and Schedule "G", for the addition to 1230 Barrington Street, Halifax, to permit eight residential units.**
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 00570 - Amendment to Development Agreement- Halifax Shopping Centre Annex, 6990 Mumford Road, Halifax**

- Notice of Motion regarding this matter was given at the February 16, 2004 meeting of Peninsula Community Council.

Ms. Randa James, Planner, addressed Community Council briefly reviewing the February 2, 2004 staff report. Ms. James advised that staff is recommending approval of the amendment to the development agreement to permit an additional commercial building of approximately 3,000 square feet in the northwest parking lot of the Halifax Shopping Centre Annex.

Ms. James responded to questions from members of Council.

**Mr. Eric Turner, Chebucto Road**

Mr. Turner noted that a problem with and for pedestrians existed at the Halifax Shopping Centre. He noted that he is somewhat hesitant to endorse another building being built in the area which might only exacerbate this problem.

**Mr. John Eppell, O'Halloran Engineering**

Mr. Eppell advised that a tender had been issued last December which provides for an additional island, a crosswalk and railing to channel pedestrian traffic. Mr. Eppell noted that

there are a number of issues which Metro Transit is addressing with a view to resolving the problems being experienced.

The Chair called three times for persons wishing to speak in favour of or against the motion. Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Fougere, seconded by Councillor Sloane that Peninsula Community Council:**

1. **Approve the amending development agreement, presented as Attachment II to this report, to permit an additional commercial building of approximately 3,000 square feet in the northwest parking lot.**
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.**

8.2 **Variance Hearings** - None

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Correspondence** - None

9.2 **Petitions** - None

9.3 **Delegations** - None

10. **REPORTS** - None

11. **MOTIONS** - None

12. **ADDED ITEMS** - None

13. **NOTICES OF MOTION** - None





**14. PUBLIC PARTICIPATION**

**John Sharples, Phillip Street**

Mr. Sharples addressed Community Council noting that construction had begun again at 2541 Phillip Street. Referring to correspondence he and his wife had submitted to the September 8, 2003 meeting of Peninsula Community Council, Mr. Sharples read from an attached letter from Moncef Askri, M & Buddy Company Ltd., which referred to an alternate design which puts four balconies in the front of the house. Mr. Sharples indicated that he has been trying, without success, to get an update on the project.

Mr. Sharples went on to indicate that it is rumoured that Mr. Askri has bought and deeded land to add to his lot. The addition of land ensures that his building is not in violation of the By-law. He further noted that the addition on the front includes four balconies after Mr. Askri indicated in his letter that he did not wish to have these balconies on the front of the building. Mr. Sharples questioned if it were possible to just buy land and add it to a lot, so that a building no longer contravenes the By-law. He asked if Mr. Sharples had to get another permit to do this and, if so, did he obtain this permit after December 2003 when the zoning change was made to the neighbourhood. He further questioned whether the addition of the balconies was allowed given that Mr. Askri has indicated that he had no desire to place these balconies on the front of the building.

Councillor Fougere addressed the matter noting that she has also been attempting to get an update with regard to this matter. She went on to request that this matter be forwarded to staff for a response and that a report be available for the next meeting of Peninsula Community Council to be held on April 5, 2004.

**Eric Turner, Chebucto Road**

Mr. Turner addressed Community Council indicating his agreement with the concerns expressed by Mr. Sharples. Mr. Turner noted that he had disagreed with Mr. Sharples at the public hearing on only the methodology used (i.e. rezoning to R-1). Mr. Turner suggested that the methodology had not worked and would never work.

Mr. Turner advised that, due to the fact he is limited to five minutes, he would before Community Council on an ongoing basis in the upcoming months. Mr. Turner, referring to the rezoning of the area bounded by Chebucto Road, Roosevelt Drive, Flynn Street and MacDonald Street to R-1, noted that this process had begun almost one year ago. Mr. Turner went on to express concern that the public process is so fatally flawed as to not really exist. Mr. Turner noted that the five minutes allotted him this evening to express his concerns, was indicative of the failure of the process. The public have little or no opportunity to be involved on the basis of five minutes speaking time. Concluding his remarks, Mr. Turner reiterated

that he would be attending the next number of Community Councils in order to continue with his comments.

**15. NEXT MEETING**

As per the change made during the setting of the agenda, the next meeting of Peninsula Community Council will be held on Monday, April 5, 2004 beginning at 7:00 p.m. in the Council Chamber, City Hall.

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:50 p.m.

Sherryl Murphy  
Legislative Assistant