

**PENINSULA COMMUNITY COUNCIL  
MINUTES**

**October 1, 2007**

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

**STAFF:** Ms. Karen Brown, Solicitor  
Ms. Jennifer Weagle, Legislative Assistant

**TABLE OF CONTENTS**

1. CALL TO ORDER ..... 4

2. APPROVAL OF MINUTES - June 11, July 9, 2007 and September 19, 2007 (special) . 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 Deputy Mayor Uteck - Review of Gross Floor Area Ratio Requirements . . 4

        4.1.2 Presentation - Halifax Peninsula Community Health Board ..... 5

        4.1.3 Mitchell's Enviro Depot update ..... 5

        4.1.4 Closure of HRM Private Lane - June Street to Princess Place ..... 5

        4.1.5 CN Property Maintenance ..... 5

5. MOTIONS OF RECONSIDERATION - None ..... 5

6. MOTIONS OF RESCISSION - None ..... 5

7. CONSIDERATION OF DEFERRED BUSINESS ..... 5

8. HEARINGS ..... 5

    8.1 Public Hearings - None ..... 5

    8.2 Appeal Hearings ..... 5

        8.2.1 Appeal of the Development Officer's decision to deny an application for a Variance - 2581 Elm Street, Halifax ..... 5

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS ..... 7

    9.1 Correspondence - None ..... 7

    9.2 Petitions ..... 7

    9.3 Presentations ..... 7

10. REPORTS ..... 7

10.1	Staff Report .....	8
10.2	District 12 Planning Advisory Committee Reports .....	8
10.2.1	Case 01068: Discharge of Development Agreement - Gottingen Street, Halifax .....	8
10.2.2	Case 00870: MPS/LUB Amendment and Development Agreement for 5784 Charles Street, Halifax .....	8
11.	MOTIONS - None .....	9
12.	ADDED ITEMS .....	9
13.	NOTICES OF MOTION .....	9
14.	PUBLIC PARTICIPATION .....	9
15.	NEXT MEETING - November 5, 2007 .....	9
16.	<u>ADJOURNMENT .....</u>	<u>9</u>

1. **CALL TO ORDER**

The meeting was called to order at 7:06 p.m. in the Council Chamber, 3<sup>rd</sup> Floor, City Hall.

2. **APPROVAL OF MINUTES**

**MOVED** by Deputy Mayor Uteck, seconded by Councillor Murphy, that the minutes of June 11 and July 9, 2007 be approved as distributed. **MOTION PUT AND PASSED.**

**MOVED** by Councillor Murphy, seconded by Deputy Mayor Uteck, that the minutes of September 19, 2007 (special meeting) be approved as distributed. **MOTION PUT AND PASSED.**

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

**Added:**

**12.1 Case 01071: Discharge of a Development Agreement - 1078 Tower Road, Halifax**

Deputy Mayor Uteck indicated that the report on this matter was just received, and she would like more time to review the report and speak with the developer.

**MOVED** by Deputy Mayor Uteck, seconded by Councillor Murphy, that Case 01071: Discharge of a Development Agreement - 1078 Tower Road, Halifax be deferred to a special meeting of Peninsula Community Council, at a date and time to be determined. **MOTION PUT AND PASSED.**

**MOVED** by Councillor Murphy, seconded by Deputy Mayor Uteck, that the order of business be approved as amended. **MOTION PUT AND PASSED.**

Councillor Sloane arrived at 7:08 p.m.

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

4.1 **Status Sheet**

**4.1.1 Deputy Mayor Uteck - Review of Gross Floor Area Ratio Requirements**

C An information report dated September 24, 2007 was before the Committee.

Deputy Mayor Uteck advised that the information report indicates a full report will be forthcoming to Regional Council in November on this matter. This item to remain on the status sheet pending that report to Council.

**4.1.2 Presentation - Halifax Peninsula Community Health Board**

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

**4.1.3 Mitchell's Enviro Depot update**

Councillor Sloane advised that September was the deadline for the sale of this property, and requested a written update for the November meeting. 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 not heard from staff on this matter and requested a written update for the November meeting. This item to remain on the status sheet.

**4.1.5 CN Property Maintenance**

No information received. 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** - None

8.2 **Appeal Hearings**

8.2.1 **Appeal of the Development Officer's decision to deny an application for a Variance - 2581 Elm Street, Halifax**

- C A staff report dated August 14, 2007 on the above noted was before Community Council.
- C Submissions from residents within the notification area were before Community Council.
- C A submission from a resident outside the notification area was distributed to Community Council.

Ms. Shiloh Gempton, Development Technician, advised that this report deals with an appeal of the Development Officer's decision to deny a variance for the left side yard of the Halifax Peninsula Land Use By-law to permit a Two Unit Dwelling, to create a semi-detached building. Ms. Gempton noted that several submissions were received within the notification area, which are before members, and one submission was received from outside the notification area. The Chair requested that this submission be distributed to members through the Clerk. Ms. Gempton reviewed the report with Community Council at this time.

The Chair opened the floor to those wishing to speak in favour of or in opposition to the proposed variance.

**Mr. Wayne Marriott, Elm Street**, indicated that there is a service station on the north side of his property, and with the proposed development, his yard would be boxed in. He noted concern with past break and enters on his property, indicating that should the variance be permitted, his yard will not be able to be monitored by neighbours. Mr. Marriott noted that the proposed set back from the street and parking in front will affect the consistency of the streetscape. He noted that zoning should have the ability to protect the character of a neighbourhood and keep it livable and enjoyable.

**Ms. Susan Tooke, Elm Street**, advised that she supports the development officer's decision to refuse the variance, noting that residents of the neighbourhood previously submitted a petition requesting downzoning to R-1, with the understanding that existing properties would be grandfathered. She indicated that the proposed development will not fit in with the neighbourhood, noting that the proposal is for a semi detached home of concrete construction, five feet from her property line. Ms. Tooke noted that retracement surveys would be needed to properly identify the location of all property lines before a subdivision is undertaken. She noted the danger of silicosis when cement or stone is ground or cut. Ms. Tooke indicated that she and her partner both work from home and construction would disrupt their abilities to complete their work, resulting in lost income. She noted that Elm Street is a neighbourhood of long time, long term residents.

**Ms. Lara Hazelton, Elm Street**, indicated that she and her family live two houses from the subject property. She noted concern with the integrity of the neighbourhood, indicating that it is an area of well preserved single family dwellings. Ms. Hazelton noted that developers that do not live in the neighbourhood do not represent the interests of the neighbourhood.

**Mr. Lavi Kosoulos, Beech Street**, noted that the property is currently an empty lot. He indicated that a similar variance was granted for a property on Beech Street, next to which are multiple unit houses. Mr. Kosoulos noted that the proposed development resembles other properties on Elm and Beech Streets. He indicated that the developer's original intent was to subdivide the property and live in one of the units, noting that the developer was advised by Planning Services that the property was eligible for subdivision. Mr. Kosoulos also commented that the additional unit will provide

housing for another family on the Peninsula.

**Mr Steve Nurse, property owner of 2581 Elm Street**, advised that he purchased the property in 2004 with the intent to subdivide, which he was advised was possible by HRM staff. Mr. Nurse indicated that he is proposing an enhanced landscape, and a building constructed of energy efficient building materials. He commented that his proposal may attract another family to the Peninsula, as the intent of the Regional Plan.

**Mr. Richard Rudnicki, Elm Street**, indicated that he supports the development officer's decision to refuse the variance. He noted that it is a strong neighbourhood, and the proposed development is out of character with existing homes.

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

Community Council recessed at 7:33 p.m., reconvening at 7:42 p.m.

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

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that Peninsula Community Council uphold the Development Officer's decision to deny the variance.**

Councillor Fougere noted that she believes the developer's intentions to be genuine, and noted that the Regional Plan does encourage repopulation of the Peninsula; however, with the number of letters and speakers opposed to the proposal, she supports the development officer's decision to refuse the variance.

Mr. Andrew Faulkner, Development Officer, responded to questions of clarification from Community Council at this time, indicating that if the existing building were removed, the property could be subdivided as R-2 semi-detached and redeveloped.

Councillor Fougere noted that there was a petition from residents to rezone the neighbourhood to R1, which was put on hold pending the completion of the Regional Plan. She noted that she is not aware of any move forward plan at this point with regard to the petition.

Councillor Fougere resumed the Chair and Deputy Mayor Uteck took her seat in Council.

**MOTION PUT AND PASSED.**

**MOVED by Councillor Sloane, seconded by Councillor Murphy, that Peninsula Community Council request a staff report on the status of the 10 neighbourhoods previously identified for downzoning. MOTION PUT AND PASSED.**

Deputy Mayor Uteck indicated that a complete list of neighbourhoods and petitions requested for downzoning was submitted to staff.

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.3 Presentations - None**

**10. REPORTS**

**10.1 Staff Report - None**

**10.2 District 12 Planning Advisory Committee Reports**

**10.2.1 Case 01068: Discharge of Development Agreement - Gottingen Street, Halifax**

C A report from the District 12 Planning Advisory Committee dated September 25, 2007 on the above noted was before Community Council.

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

- 1. By resolution, approve the discharging agreement, presented as Attachment "A" of the staff report dated August 24, 2007, for lands identified as PID 00148783, located at 2448-2452 Gottingen Street, Halifax; and**
- 2. Require that the discharging 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.**

Mr. Brian White, Planner, reviewed the history of the property with Community Council and responded to questions from members, noting the following:

- C The property is Provincially owned and was previously used as three public housing units;
- C A fire in 2003 condemned the building and there have been several instances of break and enter and vandalism on the property since;
- C The proposed redevelopment is to demolish the existing structure and reconstruction of four public housing units.

**MOTION PUT AND PASSED.**

**10.2.2 Case 00870: MPS/LUB Amendment and Development Agreement for 5784 Charles 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 to allow for a multiple-unit residential building with commercial space as contained in Attachment B of the staff report dated September 6, 2007, with an amendment to require that balcony construction be clearly defined in the development agreement and that the underside of the balconies be enclosed, 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 September 6, 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 September 6, 2007.**

**MOTION PUT AND PASSED.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Case 01071: Discharge of Development Agreement - 1078 Tower Road, Halifax**

This item was deferred to a special meeting of Peninsula Community Council, date and time to be determined. See page 3.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION** - None

15. **NEXT MEETING** - November 5, 2007

The next regular meeting of the Peninsula Community Council will be held Monday, November 5, 2007 at 7:00 p.m.

**16. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:01 p.m.

Jennifer Weagle  
Legislative Assistant