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Peninsula Community Council  
December 12, 2005

**TO:** Peninsula Community Council

**SUBMITTED BY:** Heather Ternoway  
Heather Ternoway, Chair  
District 12 Planning Advisory Committee

**DATE:** December 1, 2005

**SUBJECT:** Case 00665: Rezone 5220 Morris Street, Halifax

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**ORIGIN**

District 12 Planning Advisory Committee meeting - November 28, 2005

**RECOMMENDATION**

The District 12 Planning Advisory Committee recommend that Peninsula Community Council:

1. Reject the proposed rezoning of 5220 Morris Street on the basis of the elimination of street level commercial space and the elimination of residential space from this site.

**BACKGROUND:**

The Committee reviewed a staff report which recommended that 5220 Morris Street, Halifax, be rezoned from RC-3 (High Density Residential/Minor Commercial Zone) to C-2A (Minor Commercial Zone) to permit a second floor of commercial space.

The proposal is to demolish the existing building and construct a two-storey commercial building for the Halifax Longshoremen's Association. The property would be transferred to the Longshoreman's Association as part of plans by the applicant to acquire the existing Longshoremen's property on Hollis Street near the Brewery Market.

**DISCUSSION:**

The Committee feels the proposed rezoning should be rejected for the following reasons:

- there is a concern about the loss of street level commercial space. What happens at street level is important. The present zoning stipulates that any commercial use must be at street level.
- there is a concern about the elimination of residential space from this site. The South End Area Plan talks about maintaining and expanding residential neighbourhoods by encouraging retention and rehabilitation of existing structures and uses. As well, the regional plan talks about moving more people to the Peninsula and there is a concern with the loss of this site for potential residential development.

**ATTACHMENTS:**

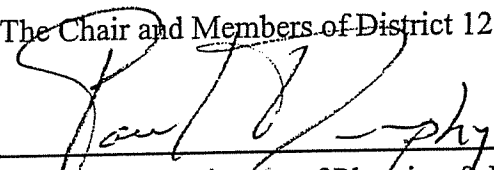
Staff report dated November 14, 2005

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

**District 12 Planning Advisory Committee**  
**November 28, 2005**

**TO:** The Chair and Members of District 12 Planning Advisory Committee

**SUBMITTED BY:**   
Paul Dunphy, Director of Planning & Development Services

**DATE:** November 14, 2005

**SUBJECT:** Case 00665: Rezone 5220 Morris Street, Halifax

**ORIGIN**

Application by Halkirk Properties Limited, to rezone 5220 Morris Street, Halifax, from RC-3 (High Density Residential/Minor Commercial Zone) to C-2A (Minor Commercial Zone) to permit a second floor of commercial space.

**RECOMMENDATION**

**It is recommended that the District 12 Planning Advisory Committee recommend that Peninsula Community Council:**

1. Give First Reading to the proposed rezoning of 5220 Morris Street from RC-3 (High Density Residential/Minor Commercial Zone) to C-2A (Minor Commercial Zone) as set out in Attachment A and schedule a public hearing; and
2. Approve the proposed rezoning of 5220 Morris Street from RC-3 (High Density Residential/Minor Commercial Zone) to C-2A (Minor Commercial Zone) as set out in Attachment A.

## **BACKGROUND**

Site Description and Location: The subject property is located at 5220 Morris Street (see Map 1) immediately east of the Letson Court condominium project and west of commercial properties along Barrington Street. The site has approximately 9,548 square feet of area and presently contains a building which is being used as a sales office for the adjacent condominium project.

Project Description and Proposal: The proposal is to demolish the existing building and construct a two-storey commercial building for the Halifax Longshoremen's Association (see Figures 1, 2 & 3). The property would be transferred to the Longshoreman's Association as part of plans by the applicant to acquire the existing Longshoremen's property on Hollis Street near the Brewery Market.

The parking and entrance for the new building would be located at ground level while the commercial space would be provided in the upper level. Although the present zoning for the subject property permits the proposed use, it stipulates that any commercial uses must be at street level. The proposal, therefore, is to rezone the property to a C-2A (Minor Commercial Zone), which does not contain such a requirement.

Designation and Zoning: The property is designated under the South End area plan of the Halifax Municipal Planning Strategy (MPS) as Residential Commercial Mix and is presently zoned RC-3 (High Density Residential/Minor Commercial Zone). A height precinct limit of 70 feet applies to this area (see Map 3).

Public Information Meeting: A public information scheduled for March 5, 2005 was cancelled at the applicant's request. A subsequent meeting was held on September 8, 2005 to hear concerns on this proposal (see Attachment B).

## **DISCUSSION**

Policy Analysis: Policy 2.3 of the Commercial Policy Set (see Attachment C) of the area plan supports the development of minor commercial uses on properties designated "Residential-Commercial Mix". Policy 2.3.1 states that in new buildings, minor commercial uses should occupy the ground floor. The Land Use Bylaw (LUB) stipulates that a ground floor commercial use may not be more than three feet above the adjoining street. Additionally, the LUB restricts the degree to which a commercial use may occupy a building in order to encourage a substantial residential component.

The MPS policies were drafted to discourage the "redevelopment of the Barrington Street area as the southern extension of the Central Business District" (page III-37 of official report adopted with South End Plan). The South End plan replaced the commercial designation and C-2 Zone that previously covered much of this area. The policies allow limited commercial development and residential uses to be combined in the same structure.

This proposal, as presented, meets the intent of the South End Plan except that the commercial use would be on the second level of the building. The applicant has indicated that the relatively small

lot frontage and the right-of-way access driveway on the east side preclude the provision of parking below grade. As the proposed use is presently permitted by the present RC-3 Zone the proponent argues that, by allowing on-site parking, the use will have less impact on the neighbourhood than building at grade with no provision for parking as is currently permitted by the LUB. A traffic study has indicated that this development will not have significant impacts on traffic operations in the area.

The proposed development is not inconsistent with the overall intent of the South End policies. It is not consistent, however, with the requirement that any commercial use be at grade. The proposal to rezone the site to C-2A is intended to overcome the RC-3 Zone requirement. Although application of the C-2A Zone potentially enables larger commercial development with no residential component to be developed on this site, staff is satisfied that the developer will construct what is proposed and limit the proposed building's height to 35 feet (see Attachment D).

In summary, staff feels that the proposed use is reasonable and meets the overall policy intent and is a reasonable effort to address site constraints. This proposed scale and use is compatible with the surrounding area and should not adversely impact adjacent uses.

### **BUDGET IMPLICATIONS**

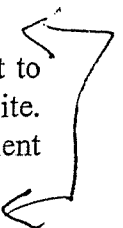
None at this time.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

1. Proceed with the amendments to the Land Use Bylaw (Peninsula Area) as set out in Attachment A to rezone the property at 5220 Morris Street from RC-3 (High Density Residential/Minor Commercial Zone) to C-2A (Minor Commercial Zone) as shown on Map 2. This is the recommended course of action.
2. Direct staff to prepare an report to Peninsula Community Council that could be sent to Regional Council to enable the undertaking of a site specific plan amendment for the site. This would be required if Council wishes to consider this proposal by way of development agreement. This is not recommended.
3. Take no action. This is not recommended.



**ATTACHMENTS**

Map 1: Generalized Future Land Use Map

Map 2: Zoning

Map 3: Height Precinct

Figure 1: Site Plan

Figure 2: Massing Elevation Along Morris Street

Figure 3: Massing Elevation of Longshoreman's Building

Attachment A: Proposed Amendments

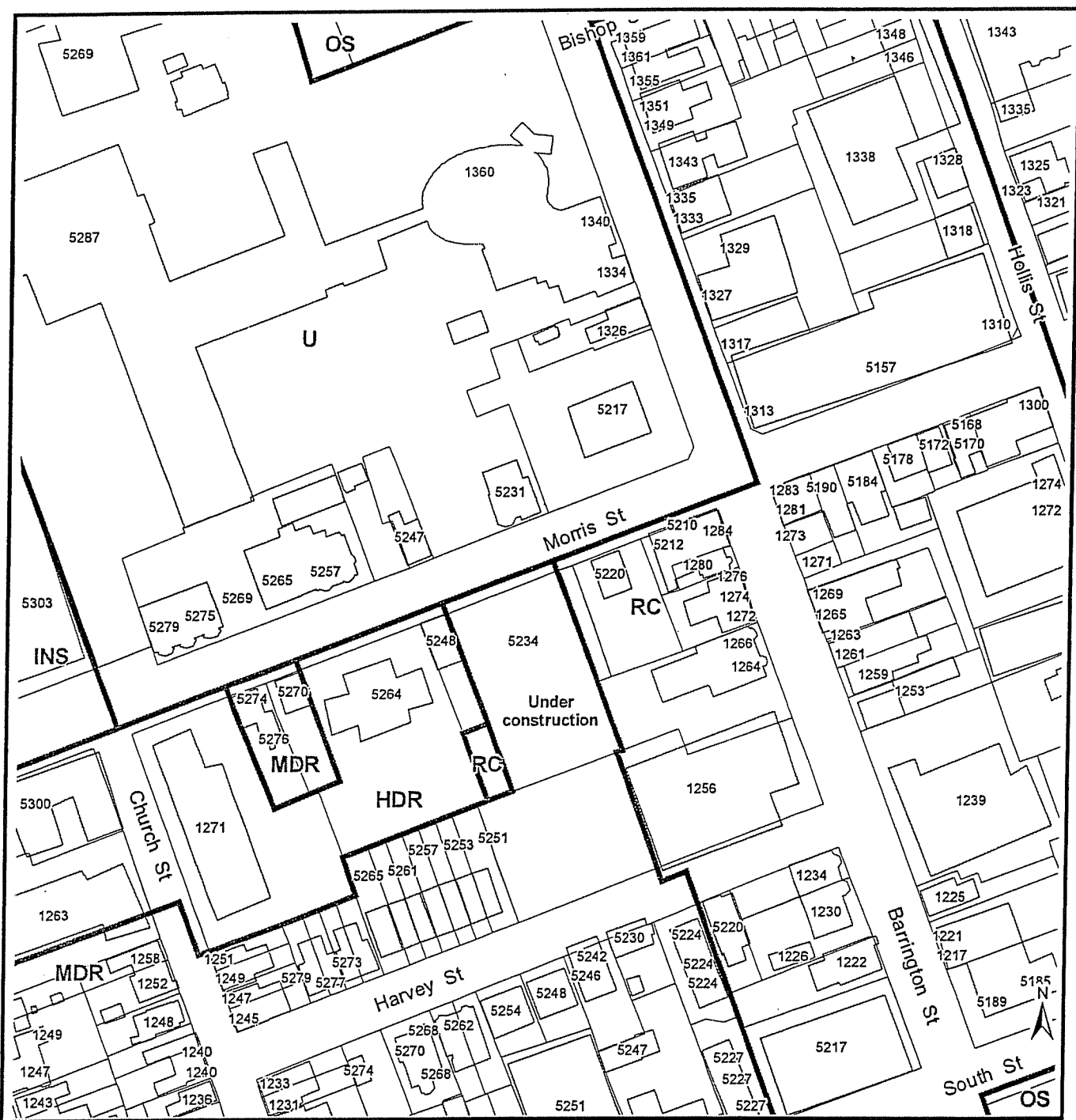
Attachment B: Public Information Meeting of September 8, 2005

Attachment C: Extracts from the Plan and Land Use Bylaw (Peninsula Area)

Attachment D: Letter of September 15, 2005 from Roy Willwerth

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Angus E. Schaffenburg, Senior Planner, Development and Planning 490-4495



Map 1: Generalized Future Land Use

5220 Morris Street  
Halifax

Halifax Plan Area  
South End Detailed Area Plan

 Parcel to be rezoned from RC-3 (High Density Residential/Minor Commercial) to C-2A (Minor Commercial)

- Designation**
- MDR Medium Density Residential
  - HDR High Density Residential
  - RC Residential Commercial Mix
  - INS Institutional
  - U University
  - OS Open Space

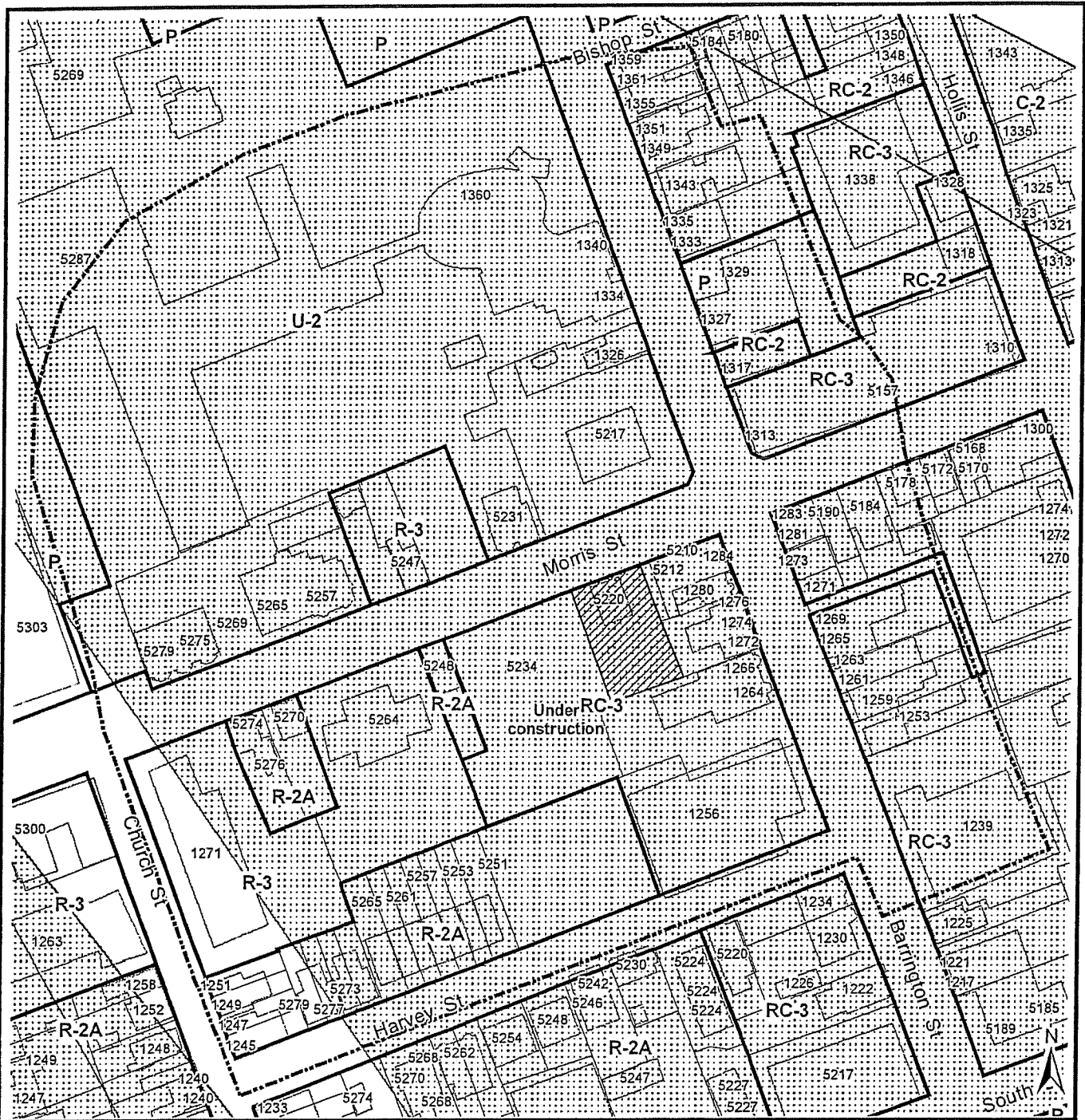
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DEVELOPMENT SERVICES

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
This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.




Map 2: Location and Zoning

5220 Morris Street  
Halifax

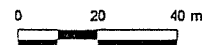
-  Area of notification
-  View plane

Halifax Peninsula By-Law Area

 Parcel to be rezoned  
from RC-3 (High Density  
Residential/Minor Commercial)  
to C-2A (Minor Commercial)

- Zone**
- R-2A General Residential Conversion
  - R-3 Multiple Dwelling
  - RC-2 Residential Minor Commercial
  - RC-3 High Density Residential Minor Commercial
  - U-2 High-Density University
  - P Park and Institutional

**HALIFAX**  
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PLANNING AND DEVELOPMENT SERVICES



This map is an unofficial reproduction  
of a portion of the Zoning Map for the  
Halifax Peninsula By-Law Area.

HRM does not guarantee the accuracy  
of any representation on this plan.





Map 3: Height Precincts

5220 Morris Street  
Halifax



Subject property



Height precinct boundary

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Maximum permitted height in feet

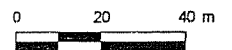


Area where maximum permitted height is measured between the highest point of the roof and the mean grade of the finished ground adjoining the building



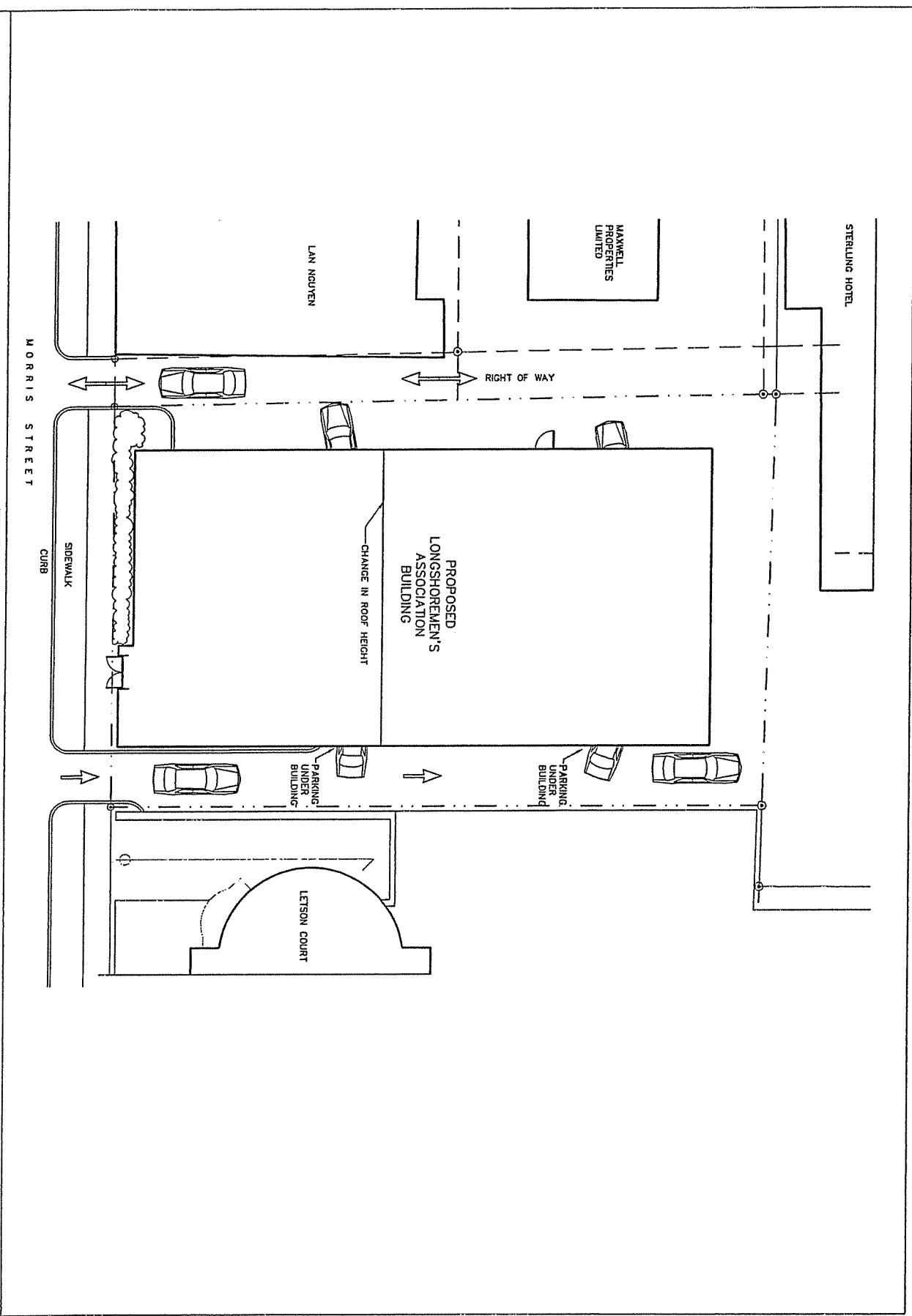
Area where maximum permitted height is measured between the commencement of the top storey of a building and the mean grade of the finished ground adjoining the building between the building and the fronting street

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This map is an unofficial reproduction of a portion of the Height Precinct Map for the Halifax Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.



MORRIS STREET

Duffus Romans Kundzins Rounsefell

FIGURE 1: SITE PLAN

HALKIRK PROPERTIES LIMITED

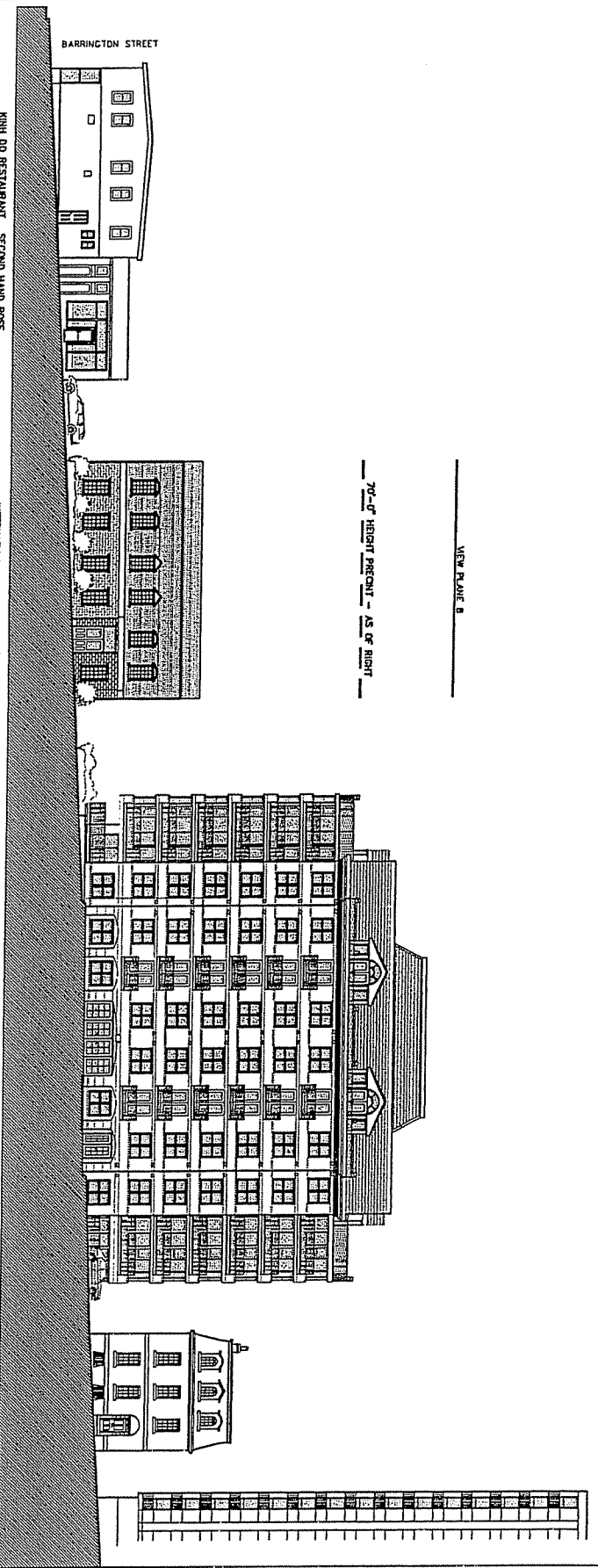
JOB NO. 0430	DATE NOV. 2005
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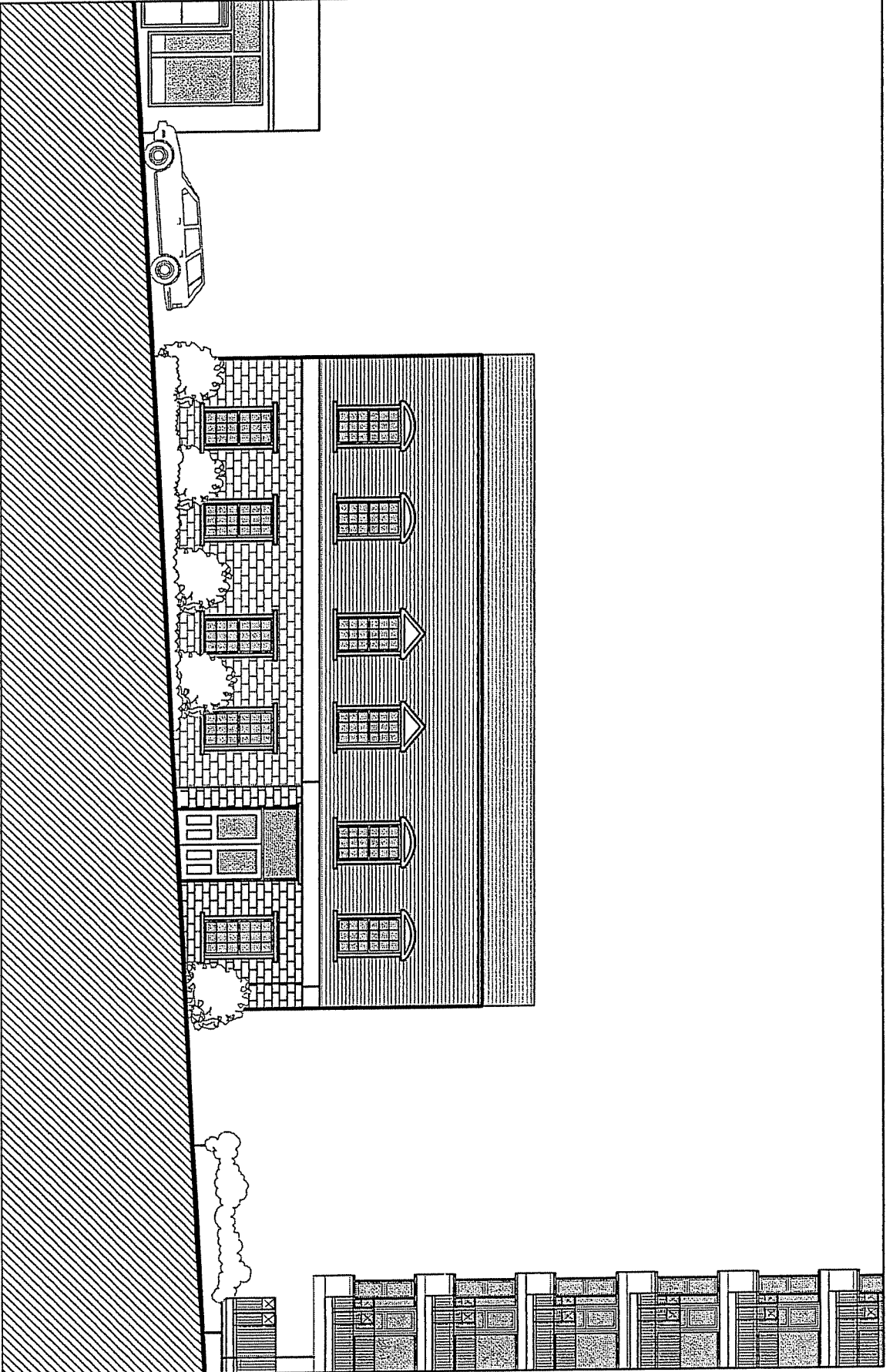
MORRIS STREET **FIGURE 2: MASSING ELEVATION ALONG MORRIS STREET**

Duffus Romans Kundzins Pounsefell .....

HALKIRK PROPERTIES LIMITED

JOB NO. 0430 DATE NOV., 2005





MORRIS STREET

FIGURE 3: MASSING ELEVATION OF LONGSHOREMEN'S BUILDING

Duffus Romans Kundzins Rounsefell

HALKIRK PROPERTIES LIMITED

JOB NO.	DATE
0490	NOV., 2005

**Attachment A: Proposed Amendments to the Peninsula Area of the Land Use Bylaw**

BE IT ENACTED by the Peninsula Community Council of the Halifax Regional Municipality that the Peninsula Area Land Use By-law of Halifax as enacted by City Council of the City of Halifax on the 30<sup>th</sup> day of March, 1978 and approved by the Minister of Municipal Affairs on the 11<sup>th</sup> day of August 1978 as amended, is hereby amended as follows:

1. Amend the zoning map ZM-1 by rezoning the property at 5220 Morris Street from RC-3 (High Density Residential/Minor Commercial Zone) to C-2A (Minor Commercial Zone) as shown on Map 2 attached.

I HEREBY CERTIFY that the amendment to the Peninsula Land Use By-law for Halifax, as set out above, was passed by a majority vote of the Peninsula Community Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2005.

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Jan Gibson, Municipal Clerk

**Attachment B: Public Information Meeting  
September 8, 2005  
Case 00665**

In attendance: Councillor Sloane  
Angus Schaffenburg, Planner  
Gail Harnish, Planning & Development Services  
Roy Willwerth,  
Duffus Romans Kundzins Rounsefell Architects Limited  
Bill Greenwood, representing Halkirk Properties Limited  
Robert Bonnar, representing the Longshoreman's Association

Mr. Angus Schaffenburg called the public information meeting (PIM) to order at approximately 7:00 p.m. in Halifax Hall. This is an information meeting with respect to an application to rezone 5220 Morris Street from RC-3 (High Density-Residential/Minor Commercial) to C-2A (Minor Commercial) which would allow the development of a building to house the offices of the hiring hall of the Longshoreman's Association.

Mr. Schaffenburg noted this is the first opportunity for the public to be informed and to provide any opinions or comments. Following this meeting, he will prepare a staff report which is tabled with the District 12 Planning Advisory Committee, who will make a recommendation to the Peninsula Community Council. Community Council will then decide whether or not to schedule a public hearing.

Mr. Roy Willwerth summarized the site features:

- the property in question is 5220 Morris Street
- the lots dimensions are: 76' of frontage, 123' in depth, and 9000 sq.ft. of area
- there is a 40' slope around a portion of the site
- the property is zoned RC-3
- there is a 70' height precinct which permits a building of about 80' in height (the base of the top floor must be within the 70')
- the site is governed by Viewplain 8

Mr. Willwerth advised the applicants are essentially proposing a two storey commercial building. The upper floor would accommodate the offices of the Longshoreman's Association. The first floor would accommodate the foyer area and the elevator and then behind the facade of the first floor would be parking which is approximately twenty-four parking stalls.

Mr. Willwerth indicated that on Morris Street, the appearance of the building will show a stone tile base with a slate like shingle for a mansard roof. The building becomes a book end for Letson Court which is under construction. The flanking walls will be similar, stone tile and hardi-board.

Mr. Willwerth noted that while there is no parking required for commercial uses, the project encompasses twenty-four parking stalls. A traffic study has been carried out by CBCL and the report indicates there is no impact to the site circulation.

Mr. Willwerth advised that in terms of the operation of the building, it generally sees three periods of operation during the day. From 7 - 7:45 a.m., there is on average about thirty people in the building. At noontime, for the noontime assignments, about fifteen people visit the building. Between 4 and 6 p.m., there is an upswing in the numbers, typically in the range of fifty people. Most of these assignment periods are an hour or slightly less. The longshoremen come into the building, quickly receive their assignments, and go to work.

Mr. Willwerth referenced Letson Court which was permitted to develop as-of-right. Typically under R-3 zoning you can build up to about 80' with two floors of commercial. Two floors of commercial is required in order to accommodate the longshoremen. There is a condition that the floor of the second floor must be within 3' of the grade at the highest point of the site, which works well in terms of a long site but not here. They will build within the height precinct.

Mr. Willwerth indicated that the C-2A zoning allows you to build commercial space up to these heights, which is a concern, so to set that concern aside, Halkirk would provide a letter of undertaking that the building built would not exceed the requirement shown on these drawings which is approximately 35' above grade. There has been discussion with the owners of the Letson Court condominiums that Halkirk's intention is to build a two storey building.

Ms. Mary McGlashan questioned whether there would be smoking facilities. She lived at the back of the building. She saw the longshoremen every Saturday and they all stand out and smoke which she did not think will be a nice thing to have. They roar out of the parking lot by the Market so if you're on the sidewalk you get out of the way. If she was building the condominium, she would hate it. She noted it was said the longshoremen would be there in the morning.

Mr. Connor advised the longshoremen have thirty minutes to get to the job. Also, he would not allow them to tear out of the parking lot.

Ms. McGlashan countered they would not do it while he was there because they knew him. She walked around the block and did not want to have to step on cigarette butts.

Mr. Connor indicated that he could make sure they smoked below the building and not out front. They can have some sort of control over that.

Mr. Michael Goodyear questioned what the purpose of the building was.

Mr. Schaffenburg responded it's an office use. People go in and are provided with a job.

Mr. Bonnar advised it's a hiring hall. The longshoremen come three times a day to get their job. They also supply administrative things. They hold union meetings there once a month. It's basically a union office.

Ms. Karen Kulyk questioned why they needed to bring this into a residential area. Why don't they go down to Pier 21?

Mr. Bonnar responded they don't want them on their property for fear of a strike. They have been on Hollis Street since 1907 and never had any problems.

Ms. Kulyk countered that part of Hollis Street is not residential.

Mr. Willwerth pointed out that a commercial use is permitted under RC-3 zoning. It's really the raising of the office space which is different.

Ms. Kulyk expressed concern that they are wanting to take away their residential neighbourhood.

Mr. Goodyear commented he thought the pressure was to go the other way to make the area more residential. He felt commercial should be build in a commercial zone.

Mr. Schaffenburg advised that this area is designated Residential-Commercial Mix. The intention is for a mix of residential and commercial. It is part of the South End plan which was adopted in 1983. The zoning generally reflects that although the RC-3 zoning goes over a bit further up Morris Street. Letson Court is located within the Medium Density Residential Designation. The RC-3 zoning allows this office use. The longshoreman's use is considered a minor commercial use. The zone allows a minor commercial use on two floors with the restriction that it has to be close to grade. What they are proposing is allowable under the RC-3 zone. The uses are permitted except that they are not meeting the requirement that they be within 3' of the grade. If they were to put the parking below grade and the office portion was dropped down, it would be an as-of-right development which would mean no public process. In response to the question of whether they are turning this into a commercial area, it is now designated as a residential/commercial mix area.

Mr. Goodyear stated they are talking about a mix but this is all commercial.

Mr. Schaffenburg responded that under the RC-3 zoning, if they are within 3' of grade, they can build this use. There is no requirement under the land use by-law that there be residential in this building. They are asking for the Minor Commercial zone because it gets them away from the requirement of 3' from grade. The same uses are permitted.

Mr. Goodyear referenced the overall plan which is under review at the moment.

Mr. Schaffenburg indicated the regional plan is under discussion. That plan does not impact this site at this time, although it may later on.

Councillor Sloane noted that the regional plan is the umbrella plan. They will be having secondary planning discussions with each area and asking them, for instance, if they would like to have in-law suites. They will be customizing the areas after the regional plan is in place. That does not help them now.

Ms. McGlashan referenced the parking lot next to her for the income tax building and indicated they do not want commercial there. She was scared she would have to come to another meeting for a proposal where they are going to remove that building.



Mr. Schaffenburg noted the zoning of the lot in question is R-2A which allows a building with up to fourteen units and townhouses.

Councillor Sloane indicated there is a motion from the District 12 Planning Advisory Committee which recommends that the site be rezoned for townhouses.

Mr. Goodyear commented that they need to talk about the big picture. As he walked along Barrington Street, there seemed to be plenty of opportunities to develop areas rather than encroach on residential areas. There is a house there.

Ms. Kulyk spoke in favour of keeping the houses.

Mr. Goodyear commented all the tour busses go up Morris Street.

Councillor Sloane referenced the proposed material for the roof and the hardi-plank. Mr. Willwerth displayed samples.

Councillor Sloane referenced the brick stone. Mr. Willwerth indicated that if you look at the Homburg House, it is a nice looking material.

Councillor Sloane referenced the bottom floor in the area of the parking and questioned whether exhaust-wise there would be a mechanical outlet.

Mr. Willwerth responded that after 25' it is open in the side and the back so there is natural ventilation.

Mr. Goodyear questioned whether they would hold social functions in the building.

Mr. Bonnar responded no. The meetings are strictly business. If there is a strike, their workers might have to come and pick up their pickets. When they strike, he suspected it will be across Terminal Road.

Councillor Sloane spoke in favour of the dormers being made of an aesthetically pleasing material. Also she did not want white vinyl windows. Mr. Willwerth indicated they would be a soft colour.

Councillor Sloane questioned whether it would be an industrial style door.

Mr. Willwerth responded it would probably be a residential feel, similar to what most houses are using now.

Councillor Sloane commented she hoped they would put the window boxes in because it does help to soften the look. Good landscaping always makes things a bit better.

Ms. Kulyk questioned whether staff made up their mind yet.

Mr. Schaffenburg responded no. The report has not been written yet.

Mr. Goodyear commented that not a lot of people were in attendance but when they met in the neighbourhood everyone has the same opinion.

Councillor Sloane indicated the problem in the area is that they went from having 89% ownership down to 40%. One of the things they have been trying to achieve is home ownership, which has been difficult. Some people are in financial straights and are offered money to sell their homes. That is why when Mary brought up the parking lot by the tax revenue building, the PAC supported the recommendation to make sure it stayed as residential because it is important to try and maintain what they have. It is nice to see the downtown moving and expanding, but they also have to think about the people hanging on so that they can maintain their quality of life.

Mr. Schaffenburg commented the townhouses along the DND property were built five to seven years ago. They made the parking lot for the Sir John Thompson building non-conforming so they could continue to use it for parking for the building but if somebody else bought it they probably would not be able to use it for commercial parking because it has a residential zone. He did not think they have been using their building for quite awhile but they may still have some activities.

It was indicated they use it for some training courses. Mr. Schaffenburg noted there may be a continuous use if they continue to use the parking lot.

Mr. Goodyear said they were recently in the downtown of Saint John where they are making it all heritage.

Councillor Sloane indicated they are working on initiatives, beginning with Barrington Street. They have 95% of the people on the street in favour of the designation. Once it is recognized as a streetscape, the Federal government will put its marker on it as well and then the people who own the buildings on Barrington Street can go for grants for internal work. She attended the Capital Cities conference in P.E.I. last week and what was really interesting was the live and work concept in Gastown. He went into an area where no one would want to walk, and took buildings and put commercial on the bottom. We have older buildings. She thought the National Building Code in September realized a new standard for older type buildings for renovations so that will help a lot of people. Also, there is the Heritage Designation where you can get money. That will help us to get loft apartments in the downtown core which will help the area.

Ms. McGlashan commented they have the people but it's like the City is trying to push them out.

Ms. Kulyk stated they do not need to tear down solid brick building. She questioned why they can't keep the white building and build behind it.

Mr. Bonnar stated the existing structure is not suitable for the longshoremen.

Ms. Kulyk commented they could have taken the three houses and did something similar to across from the Public Gardens and they would have their streetscape and they could have made a lot of

money. Her house was built in 1830. Workmen marvel at the quality of the workmanship. Nobody builds like that any more. What they are building will not last as long as her house.

Councillor Sloane noted there are twenty-four internal parking spaces and the loop and questioned whether that was enough parking.

Mr. Willwerth commented the parking is a very good question. With commercial space in the downtown, parking is not required. Twenty-four spaces would be one of the highest ratios in the City. The alternative is to build that operation under grade and under the by-law they could do it as-of-right and people would have to take parking on the street. The longshoremen would like to solve that by getting as many cars on the site as possible.

Mr. Bonnar indicated it should not be a problem. He needed it clear in case they need emergency vehicles. Right now they have no parking at all. They use the lot next door which is not their property. They have permission from all the other landowners to use it for parking.

Mr. Goodyear questioned why on Morris Street.

Mr. Bonnar responded they would like to have it close to where they are on Hollis Street now. They like to be close to where their jobs are. They are usually fairly quiet.

Ms. Kulyk commented there would be nothing wrong with a grocery store but this is different. She expressed concern with opening up the door.

Mr. Goodyear commented they have seen huge changes.

Mr. Schaffenburg indicated that as a planner for about twenty-five years, he has seen a lot of changes; some are positive and others are not so positive. This application is a bit unusual in that the use is permitted; it is where the use is in the building which is not. It was commented they are changing the neighbourhood. They can go in tomorrow and do that down below grade. When they did the plan in 1983, one of the notions was to have a mix along Barrington Street and they decided the right should be there to have this residential/commercial mix. In terms of the Sir John Thompson building, which is a commercial building with a commercial lot, there was a great deal of discussion about that when the plan was done. They did not want that commercial to continue into the residential area and they were hoping for much more residential and lower residential. Along Harvey Street, some of that has occurred. They took away a right there from the Federal government because previous to that it was a C-2 property. In a neighbourhood where you have a lot of things going on, the neighbourhood is important. This is an unusual request. Usually people are asking for a change for a different use. In this case, they are asking for a different zone because of where they want to put the use. As things of concern and specific issues are identified, they should be looked at.

Councillor Sloane noted they can do this as-of-right or come and ask for this change, which is what they have to talk about tonight.

It was questioned what the development would look like without the zone change.

Mr. Willwerth responded it would be one storey with no parking or it would be an eight storey main floor commercial space with seven floors of residential.

Mr. Schaffenburg noted the other option is to have the parking in the basement.

It was questioned what the options were in terms of demolition.

Mr. Schaffenburg advised the only ability we have in terms of demolition relates to heritage properties. The Municipality has not asked for any more controls other than in the streetscape context which is what we are looking at for Barrington Street. That is the first one we are looking at. The property in question is not a registered heritage property. Many are not happy with the demolition controls we currently have for registered heritage properties but we can withhold a permit for a year.

Councillor Sloane stated we have asked for changes relative to registered heritage buildings. Incentives are back and we are trying to get as many people to register their buildings as possible. We had three applications go forward last week.

Mr. Goodyear commented it has to be seen in the overall context of the neighbourhood.

Ms. McGlashan questioned whether the decision has been made.

Councillor Sloane responded no and indicated that Angus will take back the comments. The comments from the meeting will be included with the staff report.

Mr. Schaffenburg clarified that a public hearing must be held prior to Peninsula Community Council being in a position to consider approving the request.

It was questioned what the timeline was for tabling the staff report. Mr. Schaffenburg responded it would probably be within two to three months.

The meeting adjourned at approximately 8:00 p.m.

Attachment C: Extracts from the Plan and Land Use Bylaw (Peninsula Area)

**SECTION V  
SOUTH END AREA PLAN  
OBJECTIVES AND POLICIES**

**2. COMMERCIAL FACILITIES**

Objective Provision for a variety of commercial uses in appropriate locations to serve the needs of the area and compatible with the needs of the City.

- 2.1 In the South End it is the City's intent to allow for neighbourhood shopping facilities and minor commercial facilities. Commercial uses shall not be encouraged other than in accordance with Part II, Sections II and III of the Municipal Development Plan.
- 2.2 Spot rezonings to permit neighbourhood shopping facilities pursuant to and consistent with Part II, Section II, Policy 3.1.1 of the Municipal Development Plan may be permitted.
- 2.2.1 Pursuant to Policies 2.1 and 2.2, the City shall amend its Zoning Bylaw to provide for a residential neighbourhood commercial zone which provides for a maximum of six residential units and one neighbourhood commercial use in any given development.
- 2.3 Minor-commercial uses shall be permitted in areas designated as "Commercial" or "Residential-Commercial Mix" on the Future Land Use Map of this Plan.
- 2.3.1 In areas designated as "Residential-Commercial Mix", the City shall permit the following uses:
- (i) residential uses;
  - (ii) in new buildings, residential uses with minor commercial uses occupying the ground floor, provided that the commercial uses have independent and direct access to the street; and
  - (iii) in existing buildings, minor commercial uses and a mix of minor commercial and residential uses.
- 2.3.2 In areas designated as "Residential-Commercial Mix", the City shall not require provision of family-type housing accommodation in any building.
- 2.3.3 Pursuant to Policy 2.3.1, the City shall amend its Zoning Bylaw to provide for two residential commercial zones which would permit residential uses consistent with medium-density and high-density residential areas respectively, and each of which would permit minor commercial uses.
- 2.4 Minor commercial uses shall be permitted only in the areas so designated in the Plan and expansion of those areas may be permitted only through amendment to this Plan.

RC-3 ZONE  
HIGH DENSITY-RESIDENTIAL/MINOR COMMERCIAL ZONE

48CA(1) The following uses shall be permitted in any RC-3 Zone:

- (a) R-1, R-2, R-2T, R-2A, RC-1 and RC-2 uses;
- (b) R-3 uses as herein before set out;
- (c) minor commercial uses, excluding billboards, as set out in the C-2A Zone, provided that such uses are located below grade or up to three (3) feet above grade and that there shall not be more than two stories of commercial uses in the building; for the purposes of this section, grade shall be defined as being the elevation of the ground at any one point along any official street line abutting such lot;

REQUIREMENTS

48CB(1) Buildings erected, altered or used for RC-3 uses in an RC-3 Zone shall comply with the requirements of the R-3 Zone excluding the requirements as they relate to family type units, insofar as dwelling units are concerned and the C-2A Zone insofar as commercial uses are concerned all excepting that additions to building fronts where such buildings existed on the date of adoption of this section of this bylaw for commercial uses shall not be permitted and separate access for commercial and residential uses respectively to the exterior of the building shall be required.

C-2A ZONE  
MINOR COMMERCIAL ZONE

59A(1) The following uses shall be permitted in any C-2A Zone:

- (a) all R-1, R-2, R-2T and C-1 uses;
- (b) stores for the purpose of retail trade and rental excluding:
  - (i) motor vehicle dealers;
  - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and
  - (iii) adult entertainment uses
- (c) radio, television and electrical appliance repair shops;
- (d) watch and jewellery repair shops;
- (e) a store for the purpose of personal service including shoe repair shops, barber and beauty shops, dry cleaners, funeral services, and excepting massage parlours and adult entertainment uses and amusement centres;
- (f) bowling alley;
- (g) a motion picture theatre;
- (h) a service station;
- (i) offices;
- (j) a bank and other financial institutions;
- (k) a restaurant;
- (l) community facilities

Attachment D

September 15, 2005

Halifax Regional Municipality  
Planning & Development Services - West End Mall  
6960 Mumford Road  
P. O. Box 1749  
Halifax, Nova Scotia B3J 3A5

Roy W. Willwerth  
Gregory A. Starratt  
Christopher J. Young

Consultants  
Anthony P. Griffiths  
Harold G. Rounsefell

Attention: Mr. Angus Schaffenburg, Planner II

Dear Mr. Schaffenburg:

Reference: Re-zoning Morris Street

We are writing on behalf of Halkirk Properties Ltd. to confirm two points.

First, should the re-zoning be approved, Halkirk will provide a Letter of Undertaking limiting the height of the constructed building to two stories or approximately 34 feet.

Second, upon completion of the building ownership of the property will be transferred to the Longshoreman's Association.

Thank you.

Yours very truly,



Roy Willwerth, FRAIC

cc. Mr. Bill Greenwood