10.1.2

HALIFAX
REGIONAL MUNICIPALITY

PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Peninsula Community Council
June 14, 2010

TO: Chair and Members of Peninsula Community Council

SUBMITTED BY: Paul Dunphy, Director of Community Development

DATE: May 19, 2010

SUBJECT: **Case 01356: MPS Amendment & Development Agreement – 2579 Windsor Street, Halifax**

ORIGIN

- Application by Living Benefits Atlantic Limited
- February 16, 2010 – Initiation by Regional Council of the MPS amendment process

RECOMMENDATION

It is recommended that Peninsula Community Council:

1. Give Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment C of this report, 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 the Halifax Peninsula Land Use By-law, as provided in Attachments A and B of this report, and schedule a joint public hearing with Peninsula Community Council.

3. Recommend that Regional Council approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as provided in Attachments A and B of this report.

EXECUTIVE SUMMARY

Staff received an application to amend the Peninsula North Secondary Planning Strategy to allow an office at 2579 Windsor Street. The subject property is located in a mixed commercial-residential neighbourhood, which centres on Windsor, North and Gladstone Streets.

On February 16, 2010, instead of looking at 2579 Windsor Street in isolation, Regional Council authorized staff to consider commercial uses on the north side of Windsor Street between Willow and North Streets. As a result of public consultation, staff recommend that the residential zoning remain in effect, and that new policy be added to the Peninsula North plan to enable development agreements for offices on this block (Attachment A).

If Regional Council approves the proposed policy changes, Peninsula Community Council will be able to consider the proposed development agreement for an insurance and financial services office at 2579 Windsor Street (Attachment D).

BACKGROUND

In order to permit an insurance and financial services office at 2579 Windsor Street, Living Benefits Atlantic Limited has applied to amend the Peninsula North Secondary Planning Strategy (SPS) portion of the Halifax Municipal Planning Strategy (MPS). 2579 Windsor Street (PID 00145805) has approximately 33 feet of frontage on Windsor Street and a lot area of approximately 2600 square feet. The building on the lot is a typical house for this area.

The subject property is currently zoned R-2 (General Residential) under the Halifax Peninsula Land Use By-law (Map 1), and designated Medium Density Residential in Area 3 of the Peninsula North SPS) (Map 2), which does not contemplate commercial uses. For Peninsula Community Council to consider an office on this property, the MPS must be amended to include policy criteria. As a result of the public information meeting, staff recommend that the residential zone and designation remain, and that new policy be added to the plan to consider a development agreement for an office.

The approval process for this application has two steps:

1. Regional Council will consider and if deemed appropriate, adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law that enact the policies under which a development agreement may be considered (Attachments A and B); and
2. Provided that Regional Council approves the amendments, Peninsula Community Council will consider the approval of the proposed development agreement for 2579 Windsor Street (Attachment C).

Approvals for both the proposed amendments and the proposed development agreement require a public hearing. While these hearings can be held jointly, Peninsula Community Council may only make a decision on the development agreement following the approval of the MPS and LUB

amendments by Regional Council and the subsequent review of those amendments by the province. It should be noted that MPS amendments cannot be appealed to the Nova Scotia Utility and Review Board (NSUARB). However, an appeal mechanism to the NSUARB does exist for any decision of Community Council on a development agreement.

Surrounding Land Uses

Instead of looking at 2579 Windsor Street in isolation, Regional Council authorized staff to consider commercial uses on the entire north side of Windsor Street between Willow and North Streets. The subject property is located in a mixed commercial-residential neighbourhood, which centres on Windsor, North and Gladstone Streets (see Table 1 below).

At the southeast end of the block in question, there are two offices: Sigma Insurance, and the Quackenbush, Thomson & Robbins law office. Sigma Insurance is a non-conforming use, which has been located at 2567-69 Windsor Street since the early 1970s. Next door, Quackenbush, Thomson & Robbins Barristers and Solicitors has been located at 2571 Windsor Street since a development agreement for offices (and adjacent parking) was approved through Schedule C in 1991. At the northwest end, there is another office (Centum mortgage / Century 21 realty), followed by Sobeys and the Gladstone Professional Centre on the opposite side of North Street, all with Minor Commercial zoning and designation.

Table 1. Properties on Windsor Street between Willow and North Streets

	Civic Address	*Zoning*	*Designation*	*Current Use*
North side of Windsor Street				
	2567-69	R-2	Medium Density Residential	Sigma Insurance office (non-conforming)
	2571	R-2	Medium Density Residential	Quackenbush, Thomson & Robbins law office (DA)
	PID 00145649	R-2	Medium Density Residential	Parking for #2571 (DA)
	2579	R-2	Medium Density Residential	Living Benefits office
	2581-83	R-2	Medium Density Residential	Two residential units
	2587-89	C-2A	Minor Commercial	Centum mortgage / Century 21 realty office
South side of Windsor Street				
	2570	R-2	Medium Density Residential	Church
	2590	C-1	Medium Density Residential	Apartment building

DISCUSSION

Peninsula North Secondary Planning Strategy

In the early 1990s, this area underwent a detailed planning process which resulted in the Peninsula North Secondary Planning Strategy (SPS). During the detailed area planning process, the property owners on the north side of Windsor Street petitioned to be rezoned to the Minor Commercial (C-2A) Zone. At that time, staff recommended that the Medium Density Residential designation and General Residential (R-2) zoning be applied, and ultimately, Council chose not to rezone this block. Part of the rationale for this decision was that the existing commercial uses had options for future expansion: Centum / Century 21 had a commercial zone; Sigma Insurance could apply for an expansion under Policy 3.14 regarding non-conforming uses; and the Quackenbush, Thomson & Robbins law office was covered by site-specific Policy 10.4.

Considering a plan amendment

Amendments to the MPS are not considered routine and while Council has the ability to amend an MPS, it is under no obligation to do so. However, in this case, the Peninsula North SPS does not appear to effectively manage the commercial uses in this block. While the block in question is generally zoned and designated for residential uses, it is not a typical residential street for the Peninsula North area. Three of the five buildings are used commercially, and since the residential designation was applied, it has not resulted in a corresponding increase in residential uses. 2579 and 2581-83 Windsor Street form a residential island between commercial uses on a collector road.

The concentration of commercial uses near Windsor and North Streets has existed for decades, and Willow Street was acknowledged as the "clearly definable boundary for the Windsor-North Street commercial area" in a 1991 staff report. While the rezoning of this block to C-2A was not approved in 1993, the staff report did state that "commercial could also be appropriate, but if there is to be a change in designation and zoning, then all of the properties along the [north] side of Windsor Street between North and Willow Streets should be included".

Public information meeting

Approximately 17 members of the public attended a public information meeting held on April 7, 2010. A survey was distributed at the meeting for specific feedback (Attachments E and F) and minutes were taken (Attachment G). Correspondence was also received through email (Attachment H). While over 80% of respondents thought offices and home occupations were appropriate, less than 40% thought any other commercial use was appropriate (Attachment F).

The feedback received through the survey, the meeting and correspondence was in favour of permitting the applicant's proposal through a development agreement, but against a rezoning to a commercial zone with as-of-right capabilities beyond the existing R-2 Zone. At the meeting, the applicant agreed that a development agreement would be acceptable to them.

Proposed policy

Existing Policy 10.4 of the Peninsula North SPS was based on Policy 3.14 to allow for an amendment to the existing development agreement in effect for 2571 Windsor Street (Attachment C). Policy 3.14 is a city-wide policy which applies to residential, commercial and industrial non-conforming uses and some of its criteria did not suit this particular mixed residential-commercial neighbourhood.

In consultation with the owners of 2571 Windsor Street, staff have proposed an amendment to Policy 10.4 to apply to the properties designated Medium Density Residential on the north side of Windsor Street between North and Willow Streets (Attachment A). In considering such a development agreement, the proposed policy outlines criteria for Council and staff to consider:

- Commercial uses are limited to offices, a relatively low-impact commercial use.
- Residential uses are permitted in combination with offices.
- The layout, design and architecture must be complementary to the existing neighbourhood.
- Landscaping and buffering may be required to reduce impacts on adjacent residential uses.

Development agreement

If the proposed amendments to the MPS and LUB are approved, Peninsula Community Council will make a decision on the development agreement for 2579 Windsor Street (Attachment D). The development agreement:

- Permits offices or R-2 (residential uses) in the existing building;
- Requires any alterations to the exterior of the building to retain the residential character of the building, as well as meet the requirements of the R-2 Zone;
- Requires three parking spaces in the rear yard;
- Requires an opaque wooden fence to screen the parking area from the adjacent residential uses at 2581-83 Windsor Street; and
- Prohibits temporary signage, such as sandwich boards or mobile signs.

Conclusion

To acknowledge the longstanding concentration of commercial uses near Windsor and North Streets, and to protect the existing character of the neighbourhood, staff recommend that Regional Council approve the proposed amendments to the Peninsula North SPS to consider offices and residential uses on the north side of Windsor Street between North and Willow Streets through development agreement.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the proposed budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on April 7, 2010 . A public hearing must be held by Council before they can consider approval of any amendments.

For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 1. Attachment G contains a copy of the minutes from the meeting. Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on Map 1.

The proposed MPS amendment will potentially impact local residents and property owners in the immediate area.

ALTERNATIVES

1. Regional Council may choose to approve the requested amendments provided in Attachments A and B of this report. This is the recommended course of action.

2. Regional Council may choose not to approve the amendments provided in Attachment A and B of this report. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed.

3. Regional Council may choose to either adopt certain amendments but not others outlined in this report, or alternatively request that additional amendments not identified in this report be made, in which case an additional staff report(s) may be required.

ATTACHMENTS

Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Amendments to the Halifax Municipal Planning Strategy
Attachment B	Amendments to the Halifax Peninsula Land Use By-law
Attachment C	Excerpt from the Halifax Municipal Planning Strategy
Attachment D	Development Agreement
Attachment E	Sample of survey from Public Information Meeting
Attachment F	Survey responses from April 7, 2010 Public Information Meeting
Attachment G	Minutes from April 7, 2010 Public Information Meeting
Attachment H	Correspondence

A copy of this report can be obtained online at http://www.halifax.ca/commcoun/cc.html then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Mackenzie Stonehocker, Planner I, 490-4793

Report Approved by: Austin French, Manager of Planning Services, 490-6717

Map 1 - Location and Zoning

North side of Windsor Street
between Willow and North Streets
Halifax

Area to be considered for office uses by development agreement

Area of notification

Halifax Peninsula Land Use By-Law Area

Zone

R-1	Single Family Dwelling
R-2	General Residential
R-3	Multiple Dwelling
C-1	Local Business
C-2	General Business
C-2A	Minor Commercial
P	Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 20 40 m

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

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

Map 2 - Generalized Future Land Use

North side of Windsor Street
between Willow and North Streets
Halifax

Area to be considered for commercial uses

Halifax Plan Area
Peninsula North Secondary Planning Strategy

Designation

MDR Medium Density Residential
HDR High Density Residential
MJC Major Commercial
MNC Minor Commercial

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 20 40 m

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

01 February 2010 | Case 01356 | T:/work/planning/hilary/casemaps//HPEN/01356 (HEC)

Attachment A:
Amendments to the Halifax Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Halifax Municipal Planning Strategy is hereby amended as follows:

1. By replacing Policy 10.4 of the Peninsula North Secondary Planning Strategy Generalized Future Land Use Map section with the following:

10.4 For the area designated Medium Density Residential on the north side of Windsor Street between North and Willow Streets, including civic numbers 2567-69, 2571, 2579, and 2581-83 Windsor Street, Council shall consider the alteration, replacement or expansion of existing structures provided the permitted uses shall be limited to office and residential uses by development agreement in accordance with the provisions of the *Halifax Regional Municipality Charter*. In considering such an agreement, or an amendment to an existing agreement, Council shall have regard for the following:

(a) The layout and design of the development shall be complementary to the existing character of the neighbourhood, through attention to factors including but not limited to:

(i) architectural design;
(ii) scale;
(iii) the size, location, and landscaping of courts, open spaces, and yards;
(iv) the location of primary and secondary entrances to the building;
(v) the size, location, and design of fences; and
(vi) the effects of any outdoor lighting or sign illumination on adjacent residential properties.

(b) Vehicular activity, particularly parking and loading, shall be controlled so as not to adversely affect the neighbourhood in terms of traffic flow and nuisance.

(c) Facilities for parking, refuse collection, loading and vehicular access shall be designed to avoid any adverse effects on adjacent properties and the street and to ameliorate existing problems, through attention to such factors as:

(i) loading;
(ii) surface treatment;
(iii) storm drainage; and
(iv) access from the street.

(d) Signage shall not create undue impact on the residential character of the neighbourhood.

(e) Landscaping, screening and buffering may be required to reduce impacts on residential uses.

(f) Hours of operation may be restricted to reduce impacts on residential uses.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Halifax, as set out above, were passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the _____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2010.

_____
Municipal Clerk

Attachment B:
Amendments to the Halifax Peninsula Land Use By-law

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

1. By replacing Section 98(1)(c) regarding 2571 Windsor Street (Peninsula North – Development Agreements) with the following:

Windsor Street – Northeast side from North to Willow Streets

(c) permit offices and residential uses in accordance with Policy 10.4.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Peninsula, as set out above, were passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the _____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2010.

_____
Municipal Clerk

Attachment C:
Excerpt from the Halifax Municipal Planning Strategy

Peninsula North Secondary Planning Strategy – Generalized Future Land Use Map

10.4 Council may, by development agreement, permit an amendment to the existing agreement at 2571 Windsor Street to permit the structure to be altered, and or expanded and the use changed provided that:

(a) no subdivision of the lot shall have occurred subsequent to the time of the adoption of this section;

(b) the layout and design of the development shall be complementary to the fabric of the neighbourhood, and this shall be achieved through attention to a variety of factors including, but not limited to, the following, on which Council shall specify conditions to be met in the development agreement:
- (i) architectural design;
- (ii) scale;
- (iii) the size, location, and landscaping of courts, open spaces, and yards;
- (iv) location of primary and secondary entrances to the building; and
- (v) size, location, and design of fences.

(c) vehicular activity, particularly parking and loading, shall be controlled so as not to adversely affect the neighbourhood in terms of traffic flow and nuisance;

(d) facilities for parking, refuse collection, loading, vehicular access, outdoor display, and outdoor storage shall be designed to avoid any adverse effects on adjacent properties and the street and to ameliorate existing problems, through attention to such factors as:
- (i) loading;
- (ii) surface treatment;
- (iii) storm drainage;
- (iv) access from the street; and
- (v) screening, buffering, and landscaping.
- (vi) the effects of any outdoor lighting or sign illumination on adjacent residential properties shall be minimized;
- (v) existing conditions resulting in noise, dust, vibration, odour, and emissions shall be required to be ameliorated where these cause a nuisance or hazard;
- (vi) operating hours may be restricted beyond the provisions of Ordinance 121 to prevent nuisance; and,
- (vii) with regard to on-site advertising any changes shall not create undue impact on the residential character of the neighbourhood.

Attachment D:
Development Agreement

THIS AGREEMENT made this _____ day of _____, 2010,

BETWEEN:

<INSERT DEVELOPER'S NAME>
an individual, in the Halifax Regional Municipality,
in the Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 2579 Windsor Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for an office on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 10.4 of the Peninsula North Secondary Planning Strategy of the Halifax Municipal Planning Strategy and Section 98(1)(c) of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Peninsula Community Council for the Municipality approved this request at a meeting held on **<INSERT DATE>**, referenced as Municipal Case Number 01356;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Halifax Peninsula Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, Lot Owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial / Federal Government, and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law; if not defined in these documents, their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 01356:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan

3.2 Requirements Prior to Approval

Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

The uses of the Lands permitted by this Agreement are the following:

(a) offices, subject to the provisions contained within this Agreement;

(b) any use permitted in the R-2 (General Residential) Zone, subject to the provisions contained within the Halifax Peninsula Land Use By-law.

3.4 Building

3.4.1 Any alterations to the exterior of the building shall retain the residential character of the building and shall be subject to the requirements of the R-2 (General Residential) Zone.

3.4.2 Nothing in this Agreement shall prevent the installation of a ramp for barrier-free access.

3.5 Parking and Access

3.5.1 The parking area for offices shall be sited as shown on Schedule B.

3.5.2 The parking area for offices shall provide a minimum of three (3) separately accessible parking spaces at least nine (9) feet wide and twenty (20) feet long.

3.5.3 The Developer shall provide an opaque wooden fence at least five (5) feet in height but no greater than six (6) feet in height between the parking area and the adjacent residential property at 2581-83 Windsor Street.

3.6 Signage

3.6.1 Signage for an office shall be limited to one non-illuminated sign not exceeding six (6) square feet in area.

3.6.2 Temporary signs, as defined by the Temporary Sign By-law, are not permitted.

3.7 Outdoor Lighting

Outdoor lighting shall be directed to driveways, parking areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.8 Maintenance

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

PART 4: AMENDMENTS

4.1 Non-Substantive Amendments

The following item is considered by both parties to be not substantive and may be amended by resolution of Council:

(a) The granting of an extension to the date of commencement as identified in Section 5.3 of this Agreement.

4.2 Substantive Amendments

Amendments to any matters not identified under Section 3.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 5: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

5.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

5.2 Subsequent Owners

5.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

5.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

5.3 Commencement of Development

5.3.1 In the event that development on the Lands has not commenced within three years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

5.3.2 For the purpose of this section, commencement shall mean issuance of an Occupancy Permit for an office.

5.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 4.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

5.4. Completion of Development

Upon the completion of the development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:

(a) retain the Agreement in its present form;
(b) negotiate a new Agreement; or
(c) discharge this Agreement.

5.5 Discharge of Agreement

If the Developer fails to complete the development after five years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

(a) retain the Agreement in its present form;
(b) negotiate a new Agreement; or
(c) discharge this Agreement.

PART 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

6.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

6.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty days written notice of the failure or default, then in each such case:

(a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and

waives any defense based upon the allegation that damages would be an adequate remedy;

(b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

(c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or

(d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____ , A.D., 2010.

SIGNED, SEALED AND DELIVERED in the presence of:

_____

<INSERT DEVELOPER'S NAME>

Per:_____

Per:_____

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

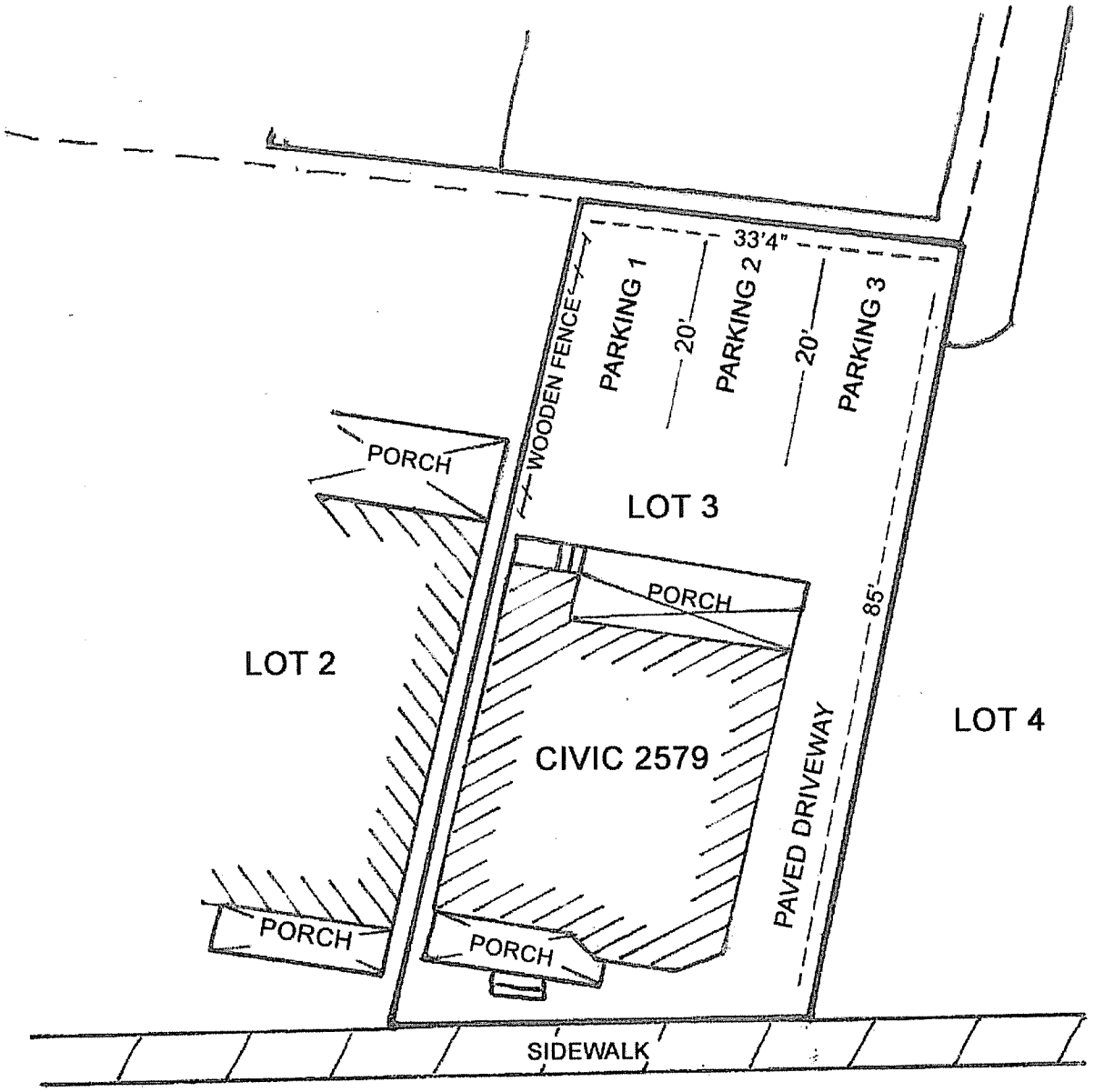
_____

HALIFAX REGIONAL MUNICIPALITY

Per:_____
Mayor

Per:_____
Municipal Clerk

Case 01356
Schedule B - Site Plan



WINDSOR STREET

Attachment F:
Survey responses from April 7, 2010 Public Information Meeting

The survey included as Attachment D of this report was circulated at the April 7, 2010 public information meeting, and 11 surveys were returned in total. When asked ***which lands uses were considered appropriate*** for the north side of Windsor Street between Willow and North Streets, the responses were as follows:

Residential uses	64%	Single unit dwellings and two-unit dwellings
	55%	Townhouses
	27%	Buildings up to four dwelling units
	9%	Multiple unit dwellings with more than four dwelling units
Commercial uses	91%	Offices
	82%	Home occupations
	36%	Other financial services
	27%	Restaurants
	18%	Day care facilities, barbers or beauty parlours
	9%	Stores, banks, small scale repair shops, dry cleaner drop-off, commercial recreation, public halls or community facilities
	0%	Movie theatres, service stations or vehicle repair

- It is important that the community aesthetic is maintained. We already have plenty of commercial properties who add nothing to our landscape. As a taxpayer, I find this troubling – especially as one living on the edge of what could lose all of its curb appeal.
- Am taking into consideration the entire area and not just this subject block – changes are underway for St. Johns Church (across the street) with plans for a seven-storey building. Additionally, I believe that Snow's Funeral Home (on Windsor) has closed. I strongly believe the area should remain residential or with 'minor' commercial buildings. Would like to see buildings remain three storeys or less.
- I am a resident of ----------. I fully support Mr. Collins' application and have no fear of future commercial encroachment on my property.
- I am very strongly in favour of any new developments to maintain the residential character of the existing buildings (like Quackenbush law office). I would be in favour of a development agreement that maintains the architectural, size and existing conditions in 2010, number of offices, and present height maintained.
- By development agreement, with potential to reversion to residential or partial residential.
- Please do not rezone. A development agreement for office use is fine.
- If the property is not zoned for business use currently, for no reason should a business be allowed to operate until zoning is changed, if at all. If not, why couldn't business operate anywhere?

Attachment G:
Minutes from April 7, 2010 Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 01356 - Living Benefits Atlantic Limited

7:00 p.m.
Wednesday, April 7, 2010
Bloomfield Centre, Halifax

IN ATTENDANCE:	Mackenzie Stonehocker, Planner, HRM Planning Services Shanan Pictou, Planning Technician, HRM Planning Services Sharlene Seaman, Planning Controller, HRM Planning Services Councillor Jennifer Watts
ALSO IN ATTENDANCE:	Corry Collins, Applicant Susan Collins, Applicant Bill Campbell, Consultant
PUBLIC IN ATTENDANCE:	Approximately 17

The meeting commenced at approximately 7:05 p.m.

1. Opening remarks/Introductions/Purpose of meeting - Mackenzie Stonehocker

Ms. Stonehocker opened the meeting by welcoming everyone to the meeting. She introduced herself as the planner in charge of the application. She introduced the applicant and HRM staff. She also gave the overall guidelines of the meeting.

She stated that the purpose of the meeting was to hear public comments and questions concerning the application by Living Benefits Atlantic Limited for an amendment to the Peninsula North Secondary Planning Strategy (part of the Halifax Municipal Planning Strategy) to allow commercial uses on the north side of Windsor Street between Willow and North Streets, specifically at 2579 Windsor Street, Halifax.

2. Overview of planning process - Mackenzie Stonehocker

Ms. Stonehocker stated that the planning department had received an application to amend the Peninsula North Secondary Planning Strategy to allow for commercial uses on the north side of Windsor Street between North and Willow. The purpose of our meeting tonight is to explain the process, and for the applicant to present their proposal. The meeting would be a chance for the

public to give comments on the application. She would explain the planning process, then the applicant would give a presentation of the proposal. Once they're finished, she would pass around a survey, and open the floor to questions and comments from the public. She gave the overall guidelines and rules for the meeting.

She showed a map of the area, showing buildings in grey and property lines in pink. Just above the junction of Windsor and North Streets is Sobeys and the Gladstone Professional Centre. The new Gladstone condo buildings are above Sobeys. The area we're interested in tonight is highlighted in yellow: the application is looking at the north side of Windsor Street between North Street and Willow Street.

She showed a birds' eye view of the subject area, showing the entire block from North Street to Willow Street. The subject area includes six properties: five of those properties have buildings on them, and the last one is vacant and used as a parking lot in the middle of the block.

Ms. Stonehocker showed the zoning in the area on a map. The subject properties are zoned R-2 (General Residential), which allows residential uses up to four units, as long as the lot is large enough. While most of the properties in this area are zoned residential, there is also a significant amount of commercial activity. Sobeys is zoned Minor Commercial, as are the properties across the street from Sobeys on both Windsor and North Streets. There is also a property zoned C-1 on the south side of Windsor and North. It used to be a gas station, and it was rezoned once the gas station moved. Since then, a four storey apartment building has been built. The subject properties, with their R-2 zoning, are designated in the Peninsula North plan for Medium Density Residential uses in the future. At this point, the R-2 zone matches that Medium Density Residential designation, but not the existing commercial uses on this block.

She advised that this planning application was started with Living Benefits Atlantic Limited. They would like to operate an insurance office at 2579 Windsor Street, marked with a star on the map. Because the properties are designated for residential uses in the future, the plan doesn't allow us to consider rezoning the property to commercial. If staff, the public and Council think it is appropriate, the plan could be changed to allow commercial uses in this area. She then spoke about the planning process and what the Peninsula North planning documents say.

She stated that the planning department has looked at the request for commercial uses on this block, and think that it is reasonable to investigate further. Between North and Willow Streets, there are six properties on the north side of Windsor Street, as shown in a table in the presentation. Three of the five buildings are already used commercially. On the left of the table, the Century 21 real estate / Centum mortgage office has Minor Commercial zoning, so it is permitted as of right. On the other end of the block, we have two more commercial uses. On the far right, the Sigma insurance office is zoned R-2, but the commercial use is non-conforming: this property has been used commercially for so long that it is grandfathered. Next to Sigma, the Quackenbush, Thomson & Robbins law office is also zoned R-2, but the commercial use is permitted through a development agreement: the plan has a special policy allowing for a development agreement for offices on this

property. The last two properties are zoned residential and have no options for commercial uses beyond home occupations.

She stated that the following steps would be followed when considering the possibility of commercial uses on this block. The process begins with an application for a plan amendment. For all plan amendments, staff need to ask Regional Council if we can even investigate the issue. For this case, on February 16th, Council said staff can look into it. Once Regional Council initiates the process, staff proceed with a public information meeting, which is tonight's meeting. After the public information meeting, staff will gather the feedback from the public and comments from other HRM departments, and give a professional opinion on whether the plan should be changed or not, and if so, how it should be changed. Along with the minutes from tonight's meeting, staff's opinion will be written into a staff report that will have proposed amendments for Council to consider.

She stated that the report would be sent to Regional Council with a recommendation to move forward or not, and Council would schedule a public hearing. The public hearing is another opportunity for the public to speak, or written submissions can be sent to the Municipal Clerk's office in advance of the hearing. After the hearing, Council will make their decision, based on the staff recommendation and the public hearing. Whether they approve it or refuse it, there is no chance to appeal; plan amendments are not subject to appeal to the Nova Scotia Utility and Review Board.

Ms. Stonehocker advised that this was an overview of what staff looks at for an application and the next steps we'll follow. After the meeting, staff will undertake a detailed review of the application, taking into consideration any issues raised tonight. Then staff will write a staff report, which will include a recommendation about changing the plan. The report and recommendation will go to Regional Council, and they will set a date for a public hearing. People who received letters notifying them of tonight's meeting, as well as people who signed up tonight, will receive another letter when the public hearing has been scheduled. There will also be an ad in the newspaper and on our website. The public hearing will be held and Regional Council will make a decision regarding the plan amendment. Whether they approve it or refuse it, the decision cannot be appealed to the Utility and Review Board.

She provided her contact information, and noted that once the applicant had presented, she would be happy to answer any questions about the planning process. She then passed the floor to the applicant.

3. Presentation of Proposal - Corry Collins

Mr. Corry Collins introduced himself as the applicant. He is a Financial Planner who holds four professional designations: Chartered Life Underwriter, Registered Health Underwriter, Certified Financial Planner and Chartered Financial Consultant. He has been a planner for the past twenty five years in Halifax and is a member of the Million Dollar Round Table, the top one percent of financial insurance professionals in the world.

He stated that he has spoken about his practice in three different countries and most recently been invited to speak in Portland, Oregon. He felt it was important to mention those details to let the people at the meeting know that he was a professional and that he is expected to do the right thing.

He noted that ninety percent of his clients are high earning physicians and are sent to him based on a referral. They, one at a time, sit in his office and expect to find a well kept, professional environment. That is the type of office he is looking for. He feels that this lends credibility to what he does professionally and also hopes it will add credibility to his comments and answers at the meeting.

His wish is to process the zone change from its current status to a C-2A Zone. This will permit his property to be used strictly for a professional office use, as this is his occupation.

Mr. Collins hired Bill Campbell as he did not fully understand the planning process. He had spoken with Councilor Watts about a year ago and feels that it is now time to continue the process. He has owned the house for two years and has had his daughter living in it for compliance. She has since decided to move out to continue her education in Urban Planning.

He stated that he found himself in a position where he wanted to be on the 'right side of right' with respect to the zoning rules, so he sought professional help from Mr. Campbell, who is a professional, to help him do things the correct way.

He described his office stating that it was a low profile professional office. Many meeting are held via conference calls as about fifty percent of his clients live outside of Nova Scotia. Many of his meetings are held at his clients' offices and the remainder are held in front of his desk.

He noted that the back yard has been paved with asphalt for years and a fenced in parking lot. This indicates to him that the neighbors are accustomed to a commercial use. The building is also surrounded by commercial uses. Around the corner is Century 21, in the back yard is Turner Drake, on the other corner is an insurance office and there are also two residents who live on the block. They have all signed letters of support for the application. There is also a law office to the left, Quackenbush, Thomson & Robbins.

He stated that Sobeys is located to the north and there is a funeral home just up the street. He joked that more than one client has made the comment that they can literally walk down the street, buy car insurance in one office, sign a will in the next office, buy life insurance in the next office, eat lunch at Sobeys, choke on a chicken bone and die, and have a funeral, all in one block.

He requested approval to use his property commercially. He stated that he first requested C-1, which is the lowest intensity commercial zone, plus a development agreement to control future use, but it was not possible. The HRM Planning Department suggested the current process as it may be more appropriate.

He stated that he supports the rezoning and has zero plans to change the appearance of the building. He has removed a one hundred year old dead tree, which was a danger to the surrounding neighbors. He has painted the trim work, planted shrubs and continues to maintain the property as per the expectations of the neighbors and his clients.

In conclusion, he stated that HRM staff's intentions appear to support the logic of the rezoning and he asked the public for their support and welcomed any questions and comments.

Ms. Stonehocker opened the floor to questions or comments and reminded people to speak one at a time, and state their name and address for the record. She handed out surveys that would be of assistance for the application and noted that they should be returned by next Friday, April 16th. She wanted to know what the public thought was appropriate for this area.

4. Questions/Comments

Pete Smith asked Ms. Stonehocker to describe the difference between the commercial zones and asked why some properties have a development agreement.

Ms. Stonehocker advised that a development agreement was a legal agreement between HRM and the property owner that runs with the land and outlines specific rules for a property. The agreement stays with the property, even if it is sold at a later date. Zones come from the Land Use By-law and also include regulations for development. The C-1 Zone is a local business zone that permits a small range of businesses, such as offices and stores. It is the least intense of the commercial zones. The next level is the C-2A Zone which also allows offices, as well as a larger variety of commercial uses, such as stores, movie theatres, bowling alleys and service stations. The C-2 Zone includes all general business uses. This is the most intense of the three commercial zones, so it is not something that would be considered for this area. An example of this would be Kempt Road in Halifax.

Lloyd Robbins works at the Quackenbush, Thomson & Robbins law office and does not have a problem with office uses but he is concerned with the rezoning approach. He feels that a development agreement would be more acceptable instead of a rezoning, since a rezoning would leave too many options open, like vehicle repair.

Donna Smith asked why the zoning was to be changed for the whole block.

Ms. Stonehocker stated that commercial zoning was considered for the entire block when the Peninsula North Plan was written, since there has been a commercial presence since at least the nineteen-sixties. Since there is commercial from end to end, staff decided to look at the whole block.

Donna Smith asked what the difference would be when the zone changed as the applicant is already running a business from the location.

Ms. Stonehocker stated that under the R-2 Zone, the applicant would have to live there and run the business as a home occupation. The application is to allow for an office without a residential use.

Corry Collins stated that his daughter had been living at the house but would not be residing there any longer due to finishing her schooling. If no one were to reside in the building, possibly he would have a problem with the city as he would not be complying with the current zone.

Pete Smith asked if the rezoning could open the door for someone to put an apartment building on the block at a later time.

Ms. Stonehocker stated that the lots could be consolidated by a developer. The C-2A Zone only permits four residential units, but the C-1 Zone would allow an apartment building.

Joanne Syms stated that she was concerned with the fact that the entire block would be considered for rezoning. She is very skeptical about that.

Megan Williams stated concern for the rezoning as she is worried about future use and the block changing from what is currently there. She believes that a development agreement would be more appropriate for the area.

Ms. Stonehocker stated that a development agreement does give more assurance for the land use.

Joanne Syms noted that this specific block is mostly commercial but wanted to remind everyone that there are residential houses in the area.

Michelle Daignault believes that the residential neighborhood is being encroached upon by commercial uses. The buildings in the area already look like houses. She does not think the area should be rezoned. The residential look of the neighborhood should be maintained. She asked what could happen if the zone were to remain the same and no one lived on the property.

Ms. Stonehocker stated that HRM could potentially prosecute if the applicant did not comply with the Land Use By-law.

Michelle Daignualt feels strongly that a development agreement would be better for the property as there is too much risk down the road for other types of businesses.

Joanne Syms feels that the residents are being encroached upon when it comes to commercial uses.

Marlene Coffey stated that she was not against commercial development but would be upset if the attractive and unique neighborhood was lost. She prefers a cozy, residential style of commercial development.

Donna Smith stated that the buildings are quaint, especially the law office. She appreciates that the applicant will maintain the property but would like to ensure that the area will keep the same style.

Michelle Daignault stated that this part of the Peninsula is a desirable place to live and she doesn't want commercial development to take away the potential for residential regeneration. She also feels that commercial uses could be encroaching on the neighborhood.

Ms. Stonehocker stated that she agreed with the statement for potential regeneration but clarified that residential uses are still permitted in commercial zones.

Andrew Rau-Chaplin stated that the block was a buffer zone and the original Peninsula North Plan had made the right decision for residential uses. The commercial uses largely end at North, petering out to a residential area. The applicant's proposal would match the historical uses and a development agreement makes sense, whereas wholesale change does not make sense.

Jane Reid wants to keep the aesthetic of the neighborhood. She believes there are less assurances with commercial zones. She believes that a development agreement would have tighter reigns for this residential area.

Donna Smith expressed concerns about parking, since there is limited parking and stopping on Windsor Street. Encouraging commercial development would be problematic because even friends stopping by have problems finding a parking spot.

Ms. Stonehocker stated that HRM distinguishes between different levels of traffic impact for different commercial uses.

Pete Smith asked about the time lines for the process.

Ms. Stonehocker stated that the case was opened in November, went to Regional Council for initiation in February, and now, a public information meeting in April. The next step would be a staff report to Council. This might happen in June or shortly after the Council summer break. The official time line for a plan amendment is eleven months. This means the case should be finished by October.

Pete Smith stated that he supported minor changes for the applicant's proposal, but since there were no other applications, there should be no major changes to the zoning.

Corry Collins responded to the comments he had heard so far. For parking, there is a paved lot behind the house. He also likes the aesthetics of the neighborhood, and wants to maintain the character of the house. His goal is to have his office the right way, so he would not be walking on eggshells waiting for the city to kick him out. He would be happy with a development agreement for an office, which was his original intent. He clarified that he did originally request a development agreement and was directed by HRM to apply for a rezoning.

Susan Collins also stated that in the future she would like to see one of her children reside in the home as it meant a lot to her.

Joanne Syms asked why HRM would suggest a rezoning if the applicant asked for a development agreement.

Ms. Stonehocker stated that most likely HRM's planning department would have looked into the existing options for commercial use and needed to investigate a new option for the area. For a development agreement, there was no policy to use to negotiate a development agreement. For the C-1 and the C-2A Zones, there was no policy to allow a rezoning in the residential designation. Since there are no existing policies, the plan needs to be changed to add a new policy. Because there are several commercial properties on the block, if the plan is to be changed, staff felt the entire block should be investigated. The initiation is broad enough to propose a new policy for either a rezoning or a development agreement for commercial uses.

Joanne Syms asked who makes the proposal.

Ms. Stonehocker stated that the planning department proposes changes, which are written in consultation with other HRM staff, such as the Development Officer. The proposed amendments would then go into a staff report which is forwarded to Council for a decision.

Michelle Daignault asked if there were any new plans for Windsor Street.

Ms. Stonehocker stated that there are no new plans for that area. The Halifax Municipal Planning Strategy dates back to nineteen-seventy-eight and covers the Peninsula and Mainland. Certain areas within Halifax have secondary plans, such as Mainland South or Fairview or the South End. This particular area falls into the Peninsula North Secondary Plan which outlines detailed planning policies for the neighbourhood. In the future, similar to the HRM by Design process for Halifax Downtown, a new plan for the rest of the Peninsula and for Downtown Dartmouth will be written. This will probably occur in the next five years, and it will likely include changes to zoning all over the Peninsula.

Donna Smith advised that there used to be more traffic on Windsor Street which has since been diverted. This diversion is comforting to her. She stated that if Ms. Stonehocker believes Windsor Street should be busier, she should go back to school.

Ms. Stonehocker stated as part of the HRM by Design process for the Peninsula, staff would take the Transportation Master Plan, which comes from the Regional Plan, into account when proposing changes to zoning that could affect traffic.

Ms. Stonehocker summarized that there had been some clear feedback that the residential character is valued and that only certain types of commercial uses would be appropriate. It looks like a development agreement would be a good option. Once the staff report is written up, it will be

available on the HRM website, and everyone who signed up will be notified when a public hearing has been scheduled.

Susan McLeod asked about the difference between a public meeting and a public hearing.

Ms. Stonehocker explained that tonight's public meeting is to gain feedback from the public about the proposal, and tonight's minutes would be attached to the staff report for all of the councillors to read. A public hearing is held in front of Council, and gives the public a chance to speak right before Council makes a decision.

Pete Smith asked if there were any other options besides a commercial rezoning or a development agreement.

Ms. Stonehocker stated that in this case, we are limited to as-of-right through a commercial zone, or a development agreement. In between those options, there is something called site plan approval. This method is used in the new Downtown Halifax plan, but it would probably not be an appropriate option for this area. Site plan approval is based on a zone, so it does not give the same assurances as a development agreement.

Pete Smith asked whether a rezoning would stick with the property.

Ms. Stonehocker explained that either a rezoning or a development agreement would remain with the land, even if it is sold to someone else.

Donna Smith asked what is covered by a development agreement.

Ms. Stonehocker explained that a development agreement is a legal agreement between the owner and the municipality that outlines specific rules for a property. The rules can cover items like permitted uses, parking, landscaping and hours of operation. The agreement runs with the land, and if changes are needed to the agreement in the future, another public process is required. If, for this case, staff recommends the plan be changed to allow a development agreement for offices on this property, staff would also include a development agreement in the staff report so before the hearing, the public will be able to see both the new policy and the specific development agreement.

Megan Williams asked about the age of the houses in this area.

Lloyd Robbins responded that the Quackenbush, Thomson & Robbins law office was built in eighteen-ninety.

5. Closing comments

Ms. Stonehocker asked for any other questions and thanked everyone for attending the meeting.

6. Adjournment

The meeting adjourned at approximately 8:05 p.m.

Attachment H:
Correspondence

During this case, correspondence was received from the following individuals who wished their opinions to be a part of the public record:

- Marlene Coffey
- Liz Cunningham
- Michelle Daignault
- Shelly Sarwal

April 27, 2010

Dear Ms. Stone:

I recently attended a public information meeting regarding case #01356 on April 7. 2010. I was surprised and alarmed to read in my information brochure that "Regional Council has directed staff to consult with the public to consider commercial zoning for the entire north side of Windsor Street between North and Willow Streets. I can see these buildings from my home where I live on Willow Street and have always felt that their size and public private interface reflects the homes that are my street and those that lie even closer on Windsor Street in the region that lies south of this block. Many of the homes that are near this case 01356 application are older heritage style that compliment the home style offices that exist in the area. I see an attempt to have entire block rezoned commercial as very detrimental to the neighbourhood. I feel as a property owner living close to Windsor St., that Living benefits Atlantic Ltd. should receive a specific development amendment/agreement for the property where a less intense commercial use will be allowed and specific height restrictions applied. I am also wondering what it means when it is regulated that the owner has to live in the commercial building? Does this ensure an commercial property owner will have invested interest in the health of the nieghbourhood?. Can you please explain the various commercial zonings that are now being considered for this property? Can you also tell me who is allowed to speak in favor of or against this rezoning/amendment application when it reaches its public meeting stage where City Council makes its decision by voting? Is there preference given to those who live close to the property in questions or is just as much consideration given to those who live elsewhere and are not affected by the development?

Also, several of my neighbours who live further west to me on Willow Street did not receive information notices about this case. Can you please tell me if there is a policy about how far away you have from a "case" in process before HRM Planning Services information is delivered?

I will only briefly mention another redevelopment proposal since it has not yet reached the status of a case number in your department. You had mentioned at your April 7 meeting regarding this case that no mention was to be made of the information and "rumours" being made about the St. John's United Church 7 story Spirit Redevelopment Project. This redevelopment project is widely discussed on their website and they held an open house about it last night. The Architect for the project, Michael Napier, was speaking to me at the open house and told me that presently, the Windsor Street area is an area in flux and HRM has future designs and plans to make the entire street a very heavily commercialized area. He claims that in the future, a 7 story building that the Church wants to build will be the smallest building on that block that faces case #01356. I am very concerned to hear this and wonder if you would care to comment on this? I only mention this since I wonder if this is also part of case 01356 and the city's intention to commercially rezone the entire block?

Thank you very much.

Marlene Coffey

April 27, 2010

Hi MacKenzie,

I am writing in regards to case #01356. I am a resident of North Street just off Windsor. I am alarmed at the city's proposal to rezone Windsor from North to Willow as commercial (I believe C2A?), not even sure what this re-zoning would allow.

This case coupled with St. John's United Church wanting to build a seven storey apartment building across the street has myself and MANY of my neighbors wondering what our wonderful, quiet neighborhood will look like in the future.

I am not alone in my belief that North Street should be a boundary line in terms of commercial development and that the area of Windsor between North and Willow should remain residential.

I am writing to inquire whether these views are reflected in your proposal and when we might see what the Planning Department is recommending? I am very concerned about the apparent pressures to commercialize the quaint residential area we live in.

I am also wondering why it appears that the city is "pushing for this rezoning proposal". It is my understanding that the gentleman in one of these properties simply asked for the opportunity to continue to run his business out of a residence?

Respectfully,
Liz Cunningham

April 27, 2010

Hi MacKenzie,

I was at an open house last evening for the the St. John's Redevelopment proposal for a senior's residence development and was concerned to hear that the city may be suggesting a zone change for the area on Windsor between North and Willow.

We met last month during the public hearing on the application for the re-zoning proposal for the east side of Windsor Street from North to Willow. I was not alone in my belief that North Street should be a boundary line in terms of commercial development and that the area of Windsor between North and Willow should remain residential.

The applicant assured the group that it was the city that had suggested the rezoning and that he would be content with any solution that left him in a legal position to run his business out of the house. He also assured the group that he had no intention on changing the house and was interested in it remaining a residence. At the end of the evening, I left with the clear impression that there was strong public disapproval of the possible change in zoning and that it should remain as residential (R2) with perhaps a developmental agreement (DA) put in place for the applicant (who was asking to continue to run his financial advisory services out of a house without living there).

I am writing to inquire whether these views are reflected in your proposal and when we might see what the Planning Department is recommending? I am very concerned about the apparent pressures to commercialize the quaint residential area we live in.

Best regards,
Michelle Daignault

April 27, 2010

Ms. Stonehocker:

I attended the public information meeting regarding this case on April 7, 2010 and wanted to take this opportunity to re-iterate the comments made by members of the community during that meeting.

Regarding 2579 Windsor Street, I have no issue with a development agreement for that property going forward that would allow Living Benefits Atlantic Limited to continue to operate its business from that building.

However, I strongly oppose any plans to re-zone that block of Windsor Street between North and Willow Streets to commercial zoning.

I do recognize that a number of the buildings on that block are commercial establishments; however, these properties have retained the look and feel of the surrounding houses and blend well with the neighbourhood. If the block were re-zoned, future development in that area might not be in keeping with the esthetics of the surrounding homes.

The neighbourhood around North and Willow Streets consists primarily of single-family dwellings. It is a quiet area with considerable pedestrian traffic, particularly children who attend Oxford School at the end of Willow Street. The larger neighbourhood is a wonderful mix of residences and commercial establishments; I am certain that everything one needs can be found within a few blocks radius. These businesses, however, mainly operate out of small buildings or houses that have been adapted for commercial use. I am concerned that a change in zoning for that block will open the door to larger multi-storied buildings and the attendant issues related to traffic, parking, noise, shadows and so on.

I think you for considering this letter and the opportunity to provide input.

Sincerely,

Shelly Sarwal