

PENINSULA COMMUNITY COUNCIL
MINUTES

June 15, 2009

PRESENT: Councillor Sue Uteck, Chair
Councillor Jerry Blumenthal
Councillor Jennifer Watts
Councillor Dawn Sloane

STAFF: Ms. Karen Brown, Senior Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. **CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m.

2. **APPROVAL OF THE MINUTES**

MOVED by Councillor Blumenthal, seconded by Councillor Watts that the minutes of May 11, 2009 be approved. MOTION PUT AND PASSED.

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

Change in Order of Agenda Items:

The Chair advised that, due to a meeting conflict, staff were requesting that the Variance Appeal Hearing be held prior to the public hearing, to which Community Council agreed.

MOVED by Councillor Blumenthal, seconded by Councillor Watts that the agenda, as amended, be approved. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES / STATUS SHEET:**

4.1 **Status Sheet:**

4.1.1 **Neighbourhood Downzoning**

No update. To remain on the Status Sheet

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

No update. To remain on the Status Sheet

4.1.3 **Mitchell's Enviro Depot Update**

No update. To remain on the Status Sheet

4.1.4 **CN Property Maintenance**

No update. To remain on the Status Sheet

4.1.5 **Peninsula Place Flooding**

No update. To remain on the Status Sheet

4.1.6 **Litter Receptacles in the area of Robie/North/Agricola/Almon**

No update. To remain on the Status Sheet

4.1.7 Review Accessory Buildings on Northwest Arm

No update. To remain on the Status Sheet

5. MOTIONS OF RECONSIDERATION - none

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

Councillor Sloane entered the meeting at 7:03 p.m.

8. HEARINGS:

8.2 Variance Appeal Hearing - Case 15295 - 6339 Young Street, Halifax

A staff report dated June 3, 2009 was submitted.

Ms. Liz Scott, Development Technician outlined the application for a variance for the property at 6339 Young Street, Halifax, and the reasons why the Development Officer refused the request. In her presentation Ms. Scott advised that the existing legal use for the property is a two-unit dwelling, and the application is to construct an addition to convert it to a four-unit dwelling. She noted that the application did not meet the requirements of the R-2 Zone for a conversion to a four units in regard to:

- the required street frontage is 80ft.; and the existing is 33 ft.
- the required lot area is 8,000 sq ft.; and the existing is 3,630 sq. ft.
- the required sideyard is 6 ft.; and the existing is a 2ft. left sideyard.
- the maximum gross floor area permitted base on lot size is 2,625 sq. ft.; and the proposed is 4,408 sq. ft.

Ms. Scott explained that the proposed variance violates the intent of the land use bylaw for the following reasons:

- a four unit dwelling would increase the intensity of the use of the property in a neighbourhood that is predominately characterized by single family homes.
- most lots in the neighbourhood would have the same constraints if they applied to increase their number of units, therefore the difficulty associated with the proposal is general to properties in the area.

She advised that there has been no intentional disregard of the requirements of the land use bylaw. In conclusion of her presentation, Ms. Scott noted that the properties that are referenced in the letter of appeal, are outside the notification area.

The Chair outlined the rules of procedure for appeal hearings, and opened the hearing.

Mr. Henry Fortier, the appellant, addressed Community Council and advised that he has resided at his present location for 24 years. With regard to his proposal, he noted that over the past 24 years he worked on his basement and gradually finished it to create additional family space, but consider it as a third unit, and therefore the addition he wanted to put on the roof is being regarded as a fourth unit. Mr. Fortier explained the process started when

he intended to replace his flat roof with a peaked roof, and then decided that if he was changing roof, it would be an opportunity to put on an addition to the house. He noted that the building will remain the same size and that it would only go up in height. Mr. Fortier indicated that his request was not unique to the neighbourhood and he presented photos of civic #'s 6301 Young Street, a property at the corner of Young and Windsor Streets; 6306 to 6312 Cork Street as examples of properties that have either added another floor to their building or were apartment buildings.

Mr. David Kingwell, 6340 Young Street, expressed concern about the impact the proposal would have on the value of his house. In this regard, he read an opinion from a real estate agent who advised that the addition would seriously compromise the value of his house. He added that the view from his bedroom of the Bedford Basin and the Bedford highway would be impeded. Mr. Kingwell also expressed concern about additional traffic congestion with the proposal.

Ms. Natalie Chavarie, 6338 Young Street, advised that her concerns with the proposal were more about aesthetics, as it is not in keeping with the scale of the street and will overshadow the smaller homes. She noted that she was a new property owner in the area as of six months ago and is also concerned about the value of her house decreasing, as well as issues of traffic congestion and parking.

Mr. Jason Campbell, 6326 Young Street, advised that he has lived at this location for seven years and his concern with the proposal was of the possibility of it becoming an apartment building and the impact this would have on his home. He added that it was a beautiful street to live on and he pointed out that the Municipality has spent money to move it away from being a major thoroughfare. Mr. Campbell added that more traffic would be hindrance to growth of his community and noted that, in winter, the snow conditions often result in the street being reduced to one lane of traffic, and therefore, any possible additional traffic to the street is a concern.

The Chair called for any further speakers; there being none, it was MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the appeal hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Watts, seconded by Councillor Sloane that Peninsula Community Council uphold the decision of the Development Officer to refuse the variance.

Councillor Watts advised that her motion to uphold the Development Officers' decision was based on Policy 2.4 of the Municipal Planning Strategy, i.e 'to retain the residential character of a stable neighbourhood'.

Councillor Sloane also noted that a focus of the HRMbyDesign process has been on stabilized neighbourhoods. She indicated that she supported the Development Officer's decision because the gross floor area ratio on this would be too high, and that she strongly supported retaining these types of smaller communities.

MOTION PUT AND PASSED.

8.1 Public Hearings:

8.1.1 Case 01228 - Development Agreement - 6955 Bayers Road, Halifax

A staff report dated April 16, 2009 was submitted.

A letter, dated June 2, 2009 was submitted from Mr. David L. Comeau.

Ms. Randa Wheaton, Senior Planner, presented the staff report, reviewing the application by 3106631 Nova Scotia Limited for a development agreement to permit a 9-storey residential multiple unit building (124 units) at 6955 Bayers Road, Halifax. Ms. Wheaton noted that the developer had made a previous application but due to the concerns of the neighbouring residents, the developer went back to the community for consultation on what would be more acceptable. In regard to this application Ms. Wheaton noted the following points:

- the developer is dedicating public park area to HRM
- improved entry at Bayers Road will allow only right turns into and out of the site
- existing access road will be improved and include new curbs and sidewalks
- the scale, height, and massing of the building better addresses the community around it
- a traffic study was done which stated it will not have any noticeable impact on Bayers Road traffic
- high quality materials will be used and the exterior building materials are proposed to be aluminum/glass curtain wall, tinted precast concrete panels and concrete columns
- a landscape plan will be prepared by a Landscape Architect.
- the proposed building meets the R-3 Zone standards
- servicing capacity has been determined to be adequate

In response to a question by the Chair, Ms. Wheaton advised that an initial notification that was mailed out incorrectly indicated that the tonight's public hearing was being held at the Keshen Goodman Library; however, the error was noticed early enough and staff followed up and issued another notice with the correct information.

The Chair reviewed the rules of procedure for public hearings and opened the hearing for anyone wishing to speak.

Mr. Dave MacDougall, Halifax, advised that he was representing the committee of residents who initially formed to prevent the construction of the 16 storey development that was proposed previously by the same developer. Mr. MacDougall advised that the committee was pleased with this proposal and are supporting it. He noted that the resulting proposal is a compromise on their part and on developer, and he added that it is a testament to their work, with guidance with city staff. He added that the final issue is the transit access to the site and neighbouring side streets, and the developer has agreed to collaborate on this problem.

Mr. Dusty Miller, Halifax advised that he was still in favour of this project as he was with the last proposal. Mr. Miller presented a photograph of the property in question as it now

stands and suggested that the proposed building would be a welcome addition to the area, in particular, for many seniors who cannot look after their homes, but would still like the independence of living on their own, in a clean modern apartment. He also pointed out that there has been new construction at the Bayers Road Centre creating new offices and that there were approximately 1200 employees now at the Centre. He suggested that many of them would probably want the ability to live near, and to walk to work.

Mr. John Greatwich, Halifax, advised that he grew up in this neighbourhood and continues to live there. Mr. Greatwich noted his concerns with the proposal were related to traffic issues. He added that the area has become a thoroughfare with too much shortcutting through the neighbourhood and this created both vehicle and pedestrian issues for the residents who live there. Mr. Greatwich noted that with the developer taking responsibility for the driveway, curb and sidewalk, he had questioned whether the driveway will be enlarged, but has not received an answer. He also questioned whether there would be adequate visitor parking, as the residents are already putting up with on-street parking by people who don't live in the area.

Mr. Dan Goodspeed advised that he was the designer of the project. He noted that this development involved a lot of dialogue between all those concerned and he was proud of the final product. He added that his motive was to try and give something to the city in terms to celebrate the Memorial Grave Site for Unidentified Victims of the Halifax Explosion next to them. He advised that the building footprint has been reduced and that there will be new fencing and landscaping within the Memorial Grave Site. With regard to the previous speaker's concern about visitor parking, Mr. Goodspeed advised that the proposal has 25 visitor parking spots, which is typically higher than what would be found in most similar proposals.

The Chair called three times for any additional speakers, there being none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing closed. MOTION PUT AND PASSED.**

MOVED by Councillor Blumenthal, seconded by Councillor Watts that Peninsula Community Council:

- 1. Approve the proposed Development Agreement for 6955 Bayers Road, Halifax, presented as Attachment A of the April 16, 2009 staff report; and**
- 2. Require the proposed Development Agreement be signed within 120 days, or an extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

At 7:47 p.m. Ms. Brown retired from the meeting.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence: None

9.2 Petitions: None

9.3 Presentations:

9.3.1 Peninsula Transit Corridor - David McCusker, Manager, HRM Regional Transportation

Mr. David McCusker, Manager, Regional Transportation, provided a presentation updating Community Council on the Peninsula Transit Corridor. Highlights of his remarks are as follows:

- the transit corridor would be used for express-bus service
- it allows buses to be competitive with vehicle traffic
- it attracts ridership; it improves the reliability of transit service, and reduces operating costs
- the corridor would include Bayers Road, Windsor Street, Cogswell Street, Gottingen Street, and Barrington Street with Windsor Street being 'inbound' and Gottingen Street 'outbound'
- to compensate for on-street parking on Gottingen Street that would be lost, some considerations are: enhancement and additional creation of off-street public parking; side street parking would be optimized; permit parking in the transit lane during off-peak hours; and parking bays would be created through streetscaping
- timeline of the proposed corridor is: develop the Gottingen Street Plan over the summer; public consultation this fall; and any construction would likely begin in the next construction season, with this year being used for planning and negotiation for land acquisition.

Mr. McCusker responded to questions from Community Council. The Councillors put forward the following points:

- concern was expressed about removing on-street parking from Gottingen Street. It was noted that the commercial district was coming back to life and this would become an issue if there were no parking permitted; a suggested alternative was Agricola Street. It was also noted that a housing development was being considered for the Gottingen Street area and the proposed corridor would probably have an impact on it.
- in reference to possible Windsor Street/Willow Tree intersection changes to accommodate the transit corridor, it was pointed out that there is a

streetscape project designed for Quinpool Road and that the corridor project may conflict with what is proposed in the streetscaping plan. It was suggested that staff communicate with the consultant of the Quinpool Road Streetscaping project to ensure they are in communication to avoid any conflicting issues which might arise.

- a suggestion was put forward that if staff determine that Bayers Road would require widening, consideration be given to taking the required land from the median, which runs down the middle of the roadway.
- concern was expressed that Gottingen Street would become an exit route for transit and this would have a negative impact on the commercial growth of Gottingen Street. It was suggested that North Street and Chebucto Road could be put in the corridor, with reversing lanes utilized.

In his closing remarks, Mr. McCusker referred to concern over the impact the corridor would have on a proposed development for the Gottingen Street area and advised that there is no intention to negatively impact on any development, and that he would welcome an opportunity to discuss the integration of the corridor and negotiate something which would be beneficial to the developer as well as the Municipality. In regard to the comment about using the median on Bayers Road for space for a transit lane, Mr. McCusker indicated this was a possibility with a que-jump on Connaught Road; however, he noted that there was a large section of Bayers Road that did not have a median.

10. REPORTS:

10.1 Staff:

10.1.1 5755 Sackville Street, Halifax: MOU - Halifax Rugby Football Club

Ms. P. J. Temple, Team Lead, Tax, Grants and Special Projects provided a verbal update on the a Memorandum of Understanding between the Municipality and the Halifax Rugby Football Club in regard to the property at 5755 Sackville Street, noting that the formal report on the matter would be going to Regional Council on June 23, 2009. Ms. Temple responded to questions.

10.2 Committee Reports - None

10.3 Members of Peninsula Community Council - None

11. MOTIONS - None

12. ADDED ITEMS - None

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION:

No one came forward to address Community Council.

15. NEXT MEETING - September 14, 2009

16. ADJOURNMENT

The meeting adjourned at 8:34 p.m.

Sheilagh Edmonds
Legislative Assistant