

HALIFAX REGIONAL MUNICIPALITY

**PENINSULA COMMUNITY COUNCIL
MINUTES**

March 9, 2009

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

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

TABLE OF CONTENTS

1. CALL TO ORDER 4

2. APPROVAL OF MINUTES 4

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS 4

4. BUSINESS ARISING OUT OF THE MINUTES / STATUS SHEET

4.1 Status Sheet:

4.1.1 Neighbourhood Downzoning 4

4.1.2 Presentation - Halifax Peninsula Community Health Board 4

4.1.3 Mitchell's Enviro Depot Update 4

4.1.4 CN Property Maintenance 5

4.1.5 Peninsula Place Flooding 5

4.1.6 Litter Receptacles in the area of Robie/North/Agricola/Almon ... 5

5. MOTIONS OF RECONSIDERATION: 5

6. MOTIONS OF RESCISSION: 5

7. CONSIDERATION OF DEFERRED BUSINESS:

7.1 Variance #15083 - 5537 Cornwallis Street 5

8. HEARINGS:

8.1 Public Hearings: 5

8.2 Variance Hearings: 5

8.2.1 Variance #15162 - 6825 Edward Arab Avenue 5

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence: 6

9.2 Petitions: 6

9.3 Presentations: 6

10. REPORTS:

10.1 Staff Reports: 7

10.2 Committee Reports: 7

10.2.1 Heritage Advisory Committee: Case 01225: Discharging Agreement - 1390 Thornvale Avenue, Halifax 7

10.3 Members of Peninsula Community Council: 7

11. MOTIONS: 7

12. ADDED ITEMS:

12.1 District 12 Planning Advisory Committee Report - Case 01233: Discharging Agreement - 5511 Charles Street, Halifax 7

12.2 District 12 Planning Advisory Committee Report - Case 01095 -
MPS/LUB Amendments - Pet Care Facilities 8

13. NOTICES OF MOTION 8

14. PUBLIC PARTICIPATION 8

15. NEXT MEETING: 9

16. ADJOURNMENT: 9

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Council Chamber, City Hall.

2. APPROVAL OF MINUTES

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the minutes of February 9, 2009 be approved. MOTION PUT AND PASSED.

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

Additions:

12.1 District 12 Planning Advisory Committee Report - Case 01233: Discharging Agreement - 5511 Charles Street, Halifax

12.2 District 12 Planning Advisory Committee Report - Case 01095 - MPS/LUB Amendments - Pet Care Facilities

MOVED by Councillor Sloane, seconded by Councillor Blumenthal 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

There was no update. To remain on the Status Sheet.

4.1.2 Presentation - Halifax Peninsula Community Health Board

There was no update. To remain on the Status Sheet.

4.1.3 Mitchell's Enviro Depot Update

Councillor Sloane advised that she has spoken with the proponent recently. She also noted that they are carrying out a second phase of environmental assessment, pointing out that some hydrocarbon was found on the property.

4.1.4 CN Property Maintenance

There was no update. To remain on the Status Sheet.

4.1.5 Peninsula Place Flooding

There was no update. To remain on the Status Sheet.

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

There was no update. To remain on the Status Sheet.

5. **MOTIONS OF RECONSIDERATION:** None

6. **MOTIONS OF RESCISSION:** None

7. **CONSIDERATION OF DEFERRED BUSINESS:**

7.1 **Variance #15083 - 5537 Cornwallis Street (deferred from February 9, 2009 meeting)**

Councillor Sloane advised that she spoke with the person who was opposed to the proposal and was advised that they do not have plans in the near future to develop their property, but intend to develop at some point in the future and they felt this proposal would present difficulty. She added that she has also spoken with the proponent and neighbours of the area and was supportive of the application because the development would be a Work/Live initiative and this is something supported in the HRMbyDesign Plan. As well, twice the proponent has offered to sell the property to the appellant.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the decision of the Development Officer be overturned and the variance be granted. MOTION PUT AND PASSED.

8. **HEARINGS:**

8.1 **Public Hearings:** None

8.2 **Variance Hearings:**

8.2.1 **Variance #15162 - 6825 Edward Arab Avenue**

A staff report dated February 26, 2009 was submitted.

E-mail correspondence dated March 3, 2009 from Dave and Pat Tanner was circulated.

Mr. Mike Cowper, Development Technician, presented the report outlining the application for a variance for front yard setback requirements of the Halifax Peninsula Land Use By-law to permit the addition to a single unit dwelling at 6825 Edward Arab Avenue, Halifax, and the reasons why the Development Officer refused the request.

In his presentation, Mr. Cowper noted that the proposal would violate the intent of the Land Use Bylaw for the following reasons:

- it will reduce the required 15 ft. front yard setback to 7ft.
- the difficulty experienced in this case is general to the properties in the area

He noted that no construction has occurred at the site, therefore intentional disregard to the Land Use Bylaw is not a consideration in refusing the variance.

There were no questions of clarification from Community Council.

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

Mr. Chester and Mrs. Lerosé Doucette address Community Council advising that they were the applicant in this case.

Using sketches and photographs, Mr. Doucette explained his proposal. He noted that he wanted to put an addition on the front of the house for aesthetic value. Mr. Doucette advised that he had strong support from his neighbours and he read four letters in support of his application from the following: Michelle and Scott Allison; Catherine and Dan Robinson; Dave and Pat Tanner; and Jeff Stevens and Rhonda Kirkwood.

Mr. Doucette also pointed out that the entry to the house that they use is not up to code by today's standards, and there is an open stairway, and by changing the entranceway as they have proposed, it would bring it up to code.

The Chair called three times for anyone wishing to speak to this matter; 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 the decision of the Development Officer be overturned and the variance be granted. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence: None

9.2 Petitions: None

9.3 Presentations: None

10. REPORTS:

10.1 Staff Reports: None

Councillor Uteck left the Chair to address the following issue. Councillor Sloane assumed the Chair.

10.2 Committee Reports:

10.2.1 Heritage Advisory Committee: Case 01225: Discharging Agreement - 1390 Thornvale Avenue, Halifax

A report dated March 2, 2009 was submitted from the Chair of the Heritage Advisory Committee, with an attached staff report dated December 19, 2008.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula

Community Council:

1. Approve the discharging agreement, presented as Attachment A of the December 19, 2008 staff report for lands located at 1390 Thornvale Avenue, Halifax.
2. Require that the discharging agreement be signed within 120 days, or any extension thereof granted by Community Council on the request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

Councillor Uteck assumed the Chair.

10.3 Members of Peninsula Community Council: None

11. MOTIONS: None

12. ADDED ITEMS:

12.1 District 12 Planning Advisory Committee Report - Case 01233: Discharging Agreement - 5511 Charles Street, Halifax

A report dated February 27, 2009 from the Chair of the District 12 Planning Advisory Committee was submitted, with an attached staff report dated February 5, 2009.

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

1. By resolution, approve the discharging agreement, presented as Attachment "A" to the report dated February 5, 2009 , for the lands located at 5511 Charles Street, Halifax; and
2. Require that the discharging agreement be signed within 120 days, or any extension thereof granted by Community Council on the request of the application, from the date of final approval by Community Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

12.2 District 12 Planning Advisory Committee Report - Case 01095 - MPS/LUB Amendments - Pet Care Facilities

A report dated February 27, 2009 from the Chair of the District 12 Planning Advisory Committee was submitted with an attached staff report dated December 15, 2008

Mr. Paul Sampson, Planner 1, provided a presentation in regard to an application by Janet Chernin to amend the Peninsula Land Use By-law to allow dog care facilities to be permitted in conjunction with residential dwellings. He concluded his remarks by advising that staff do not feel the amendment is warranted and recommend refusal, as there are many other opportunities for such a facility in the appropriately zoned areas.

Mr. Sampson responded to questions from Community Council.

In response to a question by Councillor Watts to expand on the idea of a site-specific amendment as outlined in the third Alternative, Mr. Sampson advised that it would amend the Municipal Planning Strategy for that one site only, and under that Alternative, Council would be asked to also approve a development agreement for that site. He added that, in future, anyone wanting to do something similar in residential areas, would have to request an MPS amendment, as well, and not just the development agreement.

MOVED by Councillor Watts, seconded by Councillor Sloane that Peninsula Community Council recommend that Halifax Regional Council approve a site-specific amendment to the MPS/LUB and the proposed development agreement, as outlined in Attachment B of the December 15, 2008 staff report. MOTION PUT AND PASSED

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Phil Pacey, President of Heritage Trust, read and submitted his concerns about how the HRM by Design Plan would put Municipal Heritage Properties at risk. A copy of his presentation was submitted for the official file.

Ms. Ann Marie Norton, representing the Peninsula South Community Association read and submitted a presentation expressing concern about the Halifax by Design Plan and the affect it would have on the residents of much of Peninsula South. In her remarks she advised that she had three main concerns with the Plan, i.e. it would take a step backwards in regard to citizen participation; 2. the assumption that there are too many appeals of development projects and the need to speed up the approval process; 3. The assumption that there is an urgent need for office space. A copy of her presentation was submitted for the official file.

Mr. Denny Blouin, Halifax, read and submitted his concerns about the HRM by Design Plan and that Regional Council will be asked to approve a plan for development before it has put into law, a plan for sustainability. A copy of his presentation was submitted for the official file.

Councillor Sloane advised that the Heritage Advisory Committee was meeting this

Wednesday to discuss the HRM by Design Plan, and she asked the Legislative Assistant to forward copies of the three presentations to the Committee, for information.

Mr. Danny Chedrawe, Halifax addressed Community Council and advised that, overall he supported the HRM by Design Plan, but pointed out the need for a balance between progressive development and maintaining and respecting the heritage of Halifax. He suggested that there be a requirement for any new development in the downtown to provide funds which go into a type of heritage fund that would be used for maintaining heritage buildings.

Ms. Bev Miller, Halifax, addressed Community Council in regard to the HRM by Design Plan and, in particular, a report by Turner Drake and Partners Ltd. She noted that this report disputed the view that there is a demand for new development in the downtown and she encouraged Community Council to read the full report before taking any action on the HRM by Design Plan.

Ms. Dulcie Conrad, representing the Halifax Homeowners Association, addressed Community Council and suggested that there needs to be more public participation on the HRM by Design Plan before a decision is made. She advised that the heritage of Halifax is also Canada's heritage and she cautioned against going to fast on the issue, pointing out that once a decision has been made, there is no going back.

15. NEXT MEETING: April 6, 2009

16. ADJOURNMENT:

The meeting adjourned at 8:01 p.m.

Sheilagh Edmonds
Legislative Assistant