

PENINSULA COMMUNITY COUNCIL  
MINUTES

September 14, 2009

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

REGRETS: Councillor Dawn Sloane

STAFF: Ms. Karen Brown, 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 MINUTES** - June 15, 2009; July 7, 2009 (special); August 11, 2009 (special)

**MOVED by Councillor Blumenthal, seconded by Councillor Watts that the minutes of the regular meeting of June 15, 2009 and of the special meetings of July 7, 2009 and August 11, 2009 be approved. MOTION PUT AND PASSED.**

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

There were no additions or deletions to the agenda; and the agenda was accepted as presented.

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

4.1 **Status Sheet:**

4.1.1 **Neighbourhood Downzoning**

No update. To remain on Status Sheet.

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

No update. To remain on Status Sheet.

4.1.3 **Mitchell's Enviro Depot Update**

No update. To remain on Status Sheet.

4.1.4 **CN Property Maintenance**

No update. To remain on Status Sheet.

4.1.5 **Peninsula Place Flooding**

No update. To remain on Status Sheet.

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

No update. To remain on Status Sheet.

4.1.7 **Review Accessory Buildings on Northwest Arm**

An information report dated August 13, 2009 was submitted. This item was removed from the Status Sheet.

5. **MOTIONS OF RECONSIDERATION:** None
6. **MOTIONS OF RESCISSION:** None
7. **CONSIDERATION OF DEFERRED BUSINESS:** None
8. **HEARINGS:**
- 8.1 **Public Hearings:**

8.1.1 **Case 01252: Rezoning of 6581 and 6589 Chebucto Road, Halifax**

A staff report dated June 23, 2009 was before Community Council for consideration.

A letter dated September 11, 2009 was submitted from Mr. Blair Beed.

First Reading of this matter had been given at a special meeting of Peninsula Community Council on July 7, 2009.

Ms. Randa Wheaton, Senior Planner provided the presentation on the application by 3234098 Nova Scotia Limited for a rezoning of 6581 and 6589 Chebucto Road, Halifax from R-2 to C-1. She advised that the property owner intends to renovate the existing two storey building and expand the building with a small addition for professional office use. Additional points of her presentation are as follows:

- parking for customers will be provided on the consolidated site.
- the main business will be operated by the owner; clients living within the area will be able get to their appointment by taking the bus, walking or by parking in adjacent parking lot.
- a small office building is proposed for the site with the owner occupying the first floor and part of the second floor.
- the owner is proposing visual improvements to the building and site.
- once rezoned, it can be utilized to any C-1 use and is not tied to any one proposal.

Ms. Wheaton responded to questions from Community Council.

In response to a question by Councillor Blumenthal, Ms. Wheaton concurred that the property had been used as a hair salon in the past, but this was an illegal use.

The Chair invited the applicant to come forward at this time to provide comments if they so wished.

Ms. Denise Deveau, the applicant, addressed Community Council and advised that the property in question is in need of major repairs and has been vacant for many years. She explained that she intended to operate a small business centre which provides assistance devices for senior citizens; and with the other offices that will be created she will rent to businesses that do off-site consulting. Ms. Deveau noted that the hours of

operation will be between 8:00 a.m. and 6:00 p.m., with little or no activity in the evenings or weekends. Ms. Deveau also advised that she circulated a letter to the neighbours advising of her intention, and has received no calls in response. She added that at the public meeting held in April there were concerns expressed about the size of the proposed addition and about parking; in response to this, she has reduced the size of the addition and this will allow for more parking. She also pointed out that there was a bus stop directly in front of the property.

Ms. Deveau advised that a second letter had been circulated to the neighbours as there were concerns that the traffic counts were more than what had been stated; however, following a recent traffic count that was carried out it was determined that the counts were the same as in the original, with possibly a slight increase.

With regard to concern about possible future use of the building, Ms. Deveau advised that the business was entering its 25<sup>th</sup> year, and has seven locations in three counties throughout the Province; and that recently a third generation family member has joined the business.

The Chair reviewed the rules of procedure and opened the public hearing.

Mr. Troy Mazmanian, Halifax addressed Community Council, advising that he was opposed to the application. He pointed out that he owned a property which is adjoined to the side and rear of the property in question, and that his main concern with the proposal is the impact on the value of his property of having a commercial residence beside it. He noted that it was his expectation when the nonconforming status was lost, that the property would revert to R-2, and that it might possibly become a 2-unit apartment. Mr. Mazmanian added that he bought his property as an investment property and in conversation with people in the real estate business, it was suggested that he sell his property once he became aware that the property in question was being considered for commercial zoning. Other concerns that Mr. Mazmanian noted that he had with the proposal were:

- the 35 ft. allowable height would put his property in perpetual shade
- the parking capacity he has on his property will be misconstrued as parking for the new business.
- the potential down the road for the business to change, e.g. a dry cleaner business or restaurant and the impact this type of business would have on the resale value of his property.

Ms. Wendy Bird, Halifax expressed concern about the overall planning of the area in question. She suggested that there has been no discussion as to what is best for the property and that she has seen nothing from the Director of Community Development to justify this zoning change, nor was there any benefit to the community or city. With regard to the specific property she noted her concern over the lack of assurance from the property owner as to the type of business that would be locating there; and concern about the size of the lots and whether it was adequate, and of traffic concerns.

Mr. Fred Pegley, Halifax, addressed Community Council and expressed concerns over the hours of operation of commercial business at this location, and that there was nothing to protect the neighbourhood from different uses of the property in the future.

He suggested that in his view there was a 75% increase in the size of the building and that parking would not be adequate and result in people parking on the sidestreets.

In response to Mr. Pegley's remarks, Ms. Wheaton clarified that it was more of a 25% increase in the building size and not 75%.

There being no further speakers, the Chair advised that the applicant could come forward to respond to any comments raised.

Ms. Deveau explained that her proposal has not changed from when it was presented at the public meeting. She advised that it will be an office that provides assistance devices for seniors. Ms. Deveau also addressed the concern of whether there would be enough parking spaces for clients and noted that, at most, there would be 2 or 3 employees and that the offices other than her business would not have their own reception service as the businesses would share the same reception desk. She advised that given one or two clients per day, there would be more than enough parking spaces to accommodate clientele.

**MOVED by Councillor Watts, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED.**

Ms. Wheaton responded to questions from the Councillors.

Councillor Watts indicated that she was supportive of the application. She noted that communities were changing and this proposal is a way of bring services closer to the communities. The Councillor also noted that for approximately the past 50 years there has been a commercial venture at the location and it could have continued as so, if it had not lost the nonconforming status.

**MOVED by Councillor Watts, seconded by Councillor Blumenthal that Peninsula Community Council approve the proposed rezoning of 6581 and 6589 Chebucto Road, Halifax, (PID #'s 40723363 & 00116525) from R-2 (General Residential) Zone to C-1 (Local Business) Zone as set out in Attachment A of the June 23, 2009 staff report. MOTION PUT AND PASSED.**

8.2 **Variance Hearings:** None

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS:**

9.1 **Correspondence:** None

9.2 **Petitions** - None

9.3 **Presentations:** None

10. **REPORTS:**

10.1 **Staff Reports:**

**10.1.1 Case 01240: Halifax MPS & LUB Amendment - Gladstone Ridge, Halifax**

A staff report dated June 29, 2009 was submitted.

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

- 1. Move Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment D to allow for a 5 storey, mixed use commercial and residential building and two semi-detached dwellings, 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 contained in Attachment "A" of the June 29, 2009 staff report and schedule a joint public hearing with Peninsula Community Council.**

**MOTION PUT AND PASSED.**

**10.2 Committee Reports:**

**10.2.1 District 12 Planning Advisory Committee: Case 01246 - Development Agreement, 5280 -82 South Street and 5279 Tobin Street, Halifax**

A report dated September 1, 2009 was submitted from the Chair of the District 12 Planning Advisory Committee, with an attached staff report dated August 11, 2009.

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

- 1. Approve the proposed development agreement as contained in Attachment A of the staff report dated August 11, 2009 to allow for the subdivision of property at 5280-82 South Street and 5279 Tobin Street, Halifax; and**
- 2. Require the agreement be signed and delivered within 120 days from the date of delivery of documentation to the applicant for execution, or any extension thereof granted by Council on request of the Applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including an applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**



**10.3 Members of Peninsula Community Council:**

**10.3.1 Councillor Watts - Winter Parking Ban Meeting**

Councillor Watts advised of an information meeting scheduled for September 30, 2009 providing residents an opportunity to hear and provide input in regard to the winter parking ban. She noted that the meeting will be formally advertized.

**10.3.2 Appointment to District Boundaries Review Committee**

**MOVED by Councillor Watts, seconded by Councillor Uteck that Councillor Blumenthal be appointed as Peninsula Community Council's representative on the District Boundaries Review Committee. MOTION PUT AND PASSED.**

**11. MOTIONS: None**

**12. ADDED ITEMS: None**

**13. NOTICES OF MOTION: None**

**14. PUBLIC PARTICIPATION:**

No one came forward to address Community Council at this time.

**15. NEXT MEETING - October 5, 2009**

**16. ADJOURNMENT:**

The meeting adjourned at 7:41 p.m.

Sheilagh Edmonds  
Legislative Assistant

**INFORMATION ITEMS**

1. An Information Report dated August 13, 2009 RE: Accessory Buildings Along the North West Arm, Halifax (Status Sheet item 4.1.7)