

**Halifax and West Community Council**  
**March 18, 2013**

**TO:** Chair and Members of Halifax and West Community Council

**SUBMITTED BY:** Original Signed  
Brad Anguish, Director, Community & Recreation Services

**DATE:** March 12, 2013

**SUBJECT:** Case 16958: Rezoning 2100-2102 Oxford Street, Halifax

**ORIGIN**

Application by Cygnet Properties Ltd.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter; Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading of the proposed rezoning of 2100-2102 Oxford Street, Halifax, from the R-2 (General Residential) Zone to the C-1 (Local Business) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of 2100-2102 Oxford Street, Halifax, from the R-2 (General Residential) Zone to the C-1 (Local Business) Zone, as contained in Attachment A of this report.

## **BACKGROUND**

The property owner, Cygnet Properties Ltd., has submitted a request to rezone 2100-2102 Oxford Street, Halifax, from the R-2 (General Residential) Zone to the C-1 (Local Business) Zone (Map 2). The applicant is proposing to renovate and convert an existing, two-storey building to allow for a commercial office space, and the construction of a third floor to accommodate two residential units. The commercial component of the proposal cannot be enabled under the current zoning provisions of the R-2 Zone. Therefore, the applicant is requesting to rezone the subject property to the C-1 Zone to allow for both commercial and residential uses.

### **Location, Designation, Zoning and Surrounding Land Use**

The subject property is:

- located on the south west corner of Oxford Street and Oak Street, in a predominantly residential neighbourhood with low to medium density housing (Map 2);
- currently occupied by a vacant, two-storey building situated on a 5,221 square foot lot;
- designated 'Residential Environments' under the Halifax Municipal Planning Strategy (MPS) (Map 1); and
- zoned R-2 (General Residential) Zone under the Halifax Peninsula Land Use By-law (LUB) (Map 2).

### **Halifax Municipal Planning Strategy (MPS) – Enabling Policy**

The Halifax MPS contains criteria (Policy 3.1.1 of the Commercial Facilities Section of the Citywide Objectives and Policies) to enable Council to consider rezoning the subject property to the C-1 Zone. This policy further references Implementation Policies 4.1 and 4.2. These policies are provided for reference in Attachment B.

### **Halifax Peninsula Land Use By-law (LUB) - Land Use Provisions**

Under the Halifax Peninsula LUB, the C-1 Zone permits a range of commercial uses such as offices, banks, restaurants, and beauty parlours. This zone also allows for various residential uses that including single unit dwellings, semi-detached and duplex dwellings, townhouses and multiple-unit dwellings. Permitted land uses and zone provisions are detailed in Attachment C.

### **History of Site: Previous Commercial Use**

Municipal records indicate that the existing, two-storey building has occupied the subject property for approximately 59 years. The main level of the building was utilized for an engine sale and repair shop owned by Cleveland Industries Ltd., and the second level consisted of two residential units. The commercial repair shop was a non-conforming use as it pre-dated the current residential zoning, however, this status has been lost as the shop ceased to operate in 2007. Therefore, the property may now only be developed as per the requirements of the R-2 Zone.

### **Original Proposal**

In 2011, the applicant submitted a request to rezone the subject property to the C-1 Zone. The area under application included the adjacent lot to the west which formed part of the subject site and comprised an area of 10,225 square feet (Map 3). The applicant proposed to alter the existing

building by extending it along the full frontage of Oxford Street and constructing a substantial addition to accommodate commercial office space on the first and second floors and four residential units on a third floor. The proposal included 22 parking spaces at the rear of the building with vehicular access from Oak Street.

As the C-1 Zone permits a wide range of commercial uses with various levels of intensity, the proposal presented the potential for compatibility issues with the surrounding low density residential area. The C-1 Zone also permits R-3 uses subject to meeting the requirements of the R-3 (Multiple Dwelling) Zone. In this case, the subject property met the minimum requirements for a multi-unit dwelling use; therefore, rezoning the site to the C-1 Zone would enable the development of a four to five storey multi-unit building. Given this risk, staff was concerned that the requested rezoning could enable development that would be incompatible with the neighbouring residential area. To limit high density residential development possibilities, as part of the rezoning application, staff considered undertaking amendments to remove R-3 Zone uses from the list of permitted uses in the C-1 Zone.

Concerns of land use incompatibility were also expressed by area residents through correspondence and at the Public Information Meeting (PIM) held on June 22, 2011 (PIM minutes are available in Attachment D). In response, the applicant chose to revise their proposal and explore alternative development options for the property.

### **Revised Proposal**

Following the June 2011 PIM, the applicant was successful in engaging the community in various development exercises and informal meetings to address residents' concerns. In 2012, the applicant presented a revised proposal with a request to subdivide the site into two parcels and to only rezone the parcel containing the existing two-storey building (Map 2). Altering the existing building to allow for a commercial space is still part of the proposal; however, a third floor is proposed to house only two residential units. In addition, the adjacent, vacant parcel to the west is to remain within the R-2 Zone and is proposed to be developed for duplexes.

Council should note that by subdividing the original property into two lots and rezoning only the lot with the existing building, the opportunity for a multi-unit building to be developed on the site has been eliminated as the lot proposed to be rezoned does not meet the minimum lot area requirements of the R-3 Zone. As a result, the proposal to remove R-3 uses from the C-1 Zone was not pursued.

Based on community concerns expressed at the first PIM and informal meetings with area residents, the applicant prepared a restrictive covenant agreement with neighbouring residents to narrow the types of C-1 Zone uses to be established. Covenants are civil matters and HRM has no authority relative to their enforcement. This was explained to area residents when the revised proposal was presented at the second PIM in April 2012 (Attachment E).

### **Required Variances**

The existing building on the newly subdivided lot does not meet the R-2 Zone or the requested C-1 Zone standards for lot coverage, rear and side yard setbacks, and gross floor area (GFAR). Therefore, the applicant was advised that prior to addressing the rezoning request, those

particular requirements of the R-2 Zone would have to be relaxed through the variance process. As a result, the applicant submitted variance requests to relax the required lot coverage, rear yard setback, gross floor area (GFAR) and right side yard setback requirements to accommodate the existing building (detailed in the Discussion section). All of the requested variances were approved by the Development Officer and no appeals were filed with Community Council.

### **DISCUSSION**

Staff have reviewed the proposed rezoning in accordance with relevant policies contained in the City-wide Objectives and Policies Section of the Halifax MPS (Attachment B). The Residential Environments Designation is intended to encourage the provision and maintenance of diverse and quality housing and residential development through retention, rehabilitation and infill that is compatible with existing neighbourhoods. Further, the Commercial Facilities Designation consists of policies that encourage a variety of commercial centres to be integrated within residential neighbourhoods in order to serve community needs. In staff's opinion, the proposed rezoning is consistent with the intent of MPS policy.

The following issues have been identified for more detailed discussion:

#### **1) Compatibility with Surrounding Neighbourhood**

One of the key considerations when reviewing an application for the rezoning of a property from a residential zone to a commercial zone is the compatibility of the proposed land use with the existing neighbourhood. This issue is intensified when the requested commercial zone permits a wide range of residential and commercial uses with various levels of intensity.

#### **Location**

MPS policies require any proposed commercial use within areas designated Residential Environments to locate at or adjacent to the intersections of local streets rather than in mid-block. The subject property is located on the corner of Oxford Street and Oak Street, and within a predominantly established low to medium density residential neighbourhood. Oxford Street is categorized as a two-lane collector street with sidewalks on both sides that consists of a mix of residential and commercial uses. Oak Street, on the other hand, is a residential two-lane local street with sidewalks on both sides that consists of low density residential uses.

Therefore, due to the location of the subject property in relation to the high volume street and its proximity to a low density residential neighbourhood, the proposed commercial use is considered appropriate for the location and provides a reasonable and consistent response to the current land use arrangement.

#### **Commercial Use**

The applicant has indicated that the commercial component of the proposal will be a commercial office space for one business or cluster of businesses for primarily local walk-in trades such as a medical or dental clinic, or a real estate agency. The proposed commercial use meets the intent of the Commercial Facilities Designation as it promotes neighbourhood shopping facilities that service primarily local and walk-in trade. However, the requested C-1 Zone permits a wide range of commercial uses that include banks, public halls, municipal buildings, hairdressers, beauty parlours, etc. The zone also permits restaurants, which are subject to strict LUB provisions that

limit the gross floor area to 1,000 square feet, prohibit vehicle drive through order and pick up windows, and others (Attachment C). Therefore, should Council decide to approve the rezoning proposal, the subject property could be developed for any use permitted within the C-1 Zone subject to the development meeting the applicable provisions of the zone.

**2) C-1 Zone Requirements**

The C-1 Zone permits a variety of commercial uses that include offices, restaurants, banks, hairdressers, public halls and others, and residential uses such as single unit dwellings, duplexes and multiple-unit buildings. The proposed mixed-use development must comply with the C-1 Zone and R-2 Zone requirements as outlined in the Halifax Peninsula LUB (Attachment C). A review of the proposal to the applicable zone provisions is outlined as follows:

	<b>C-1 Zone Requirements</b>	<b>Proposed (Commercial Space)</b>	<b>R-2 Zone Requirements</b>	<b>Proposed (Two res. Units)</b>
<b>Lot Area (min)</b>	4,000 sqft	5,221 sqft	5,000 sqft	5,221 sqft
<b>Frontage (min)</b>	40 ft	57.95 ft	50 ft	57.95 ft
<b>Side Yard (min)</b>	4 ft	0 ft <i>(approved through variance)</i>	5 ft	0 ft <i>(approved through variance)</i>
<b>Rear Yard (min)</b>	20 ft	15 ft <i>(approved through variance)</i>	20 ft	15 ft <i>(approved through variance)</i>
<b>Lot Coverage (max)</b>	35%	37% <i>(approved through variance)</i>	35%	37% <i>(approved through variance)</i>

The proposal meets all of the above-noted requirements of the C-1 Zone as a result of the approved variance applications. Council should note that this proposal is a request for rezoning, not a development agreement; therefore, should Community Council approve the proposed rezoning, the property owner would be permitted to develop the subject property for any use allowed under the C-1 Zone provided that the zone provisions are satisfied. Nonetheless, it is staff’s opinion that the revised proposal is appropriate and compatible with the surrounding residential neighbourhood.

**Conclusion**

It is staff’s opinion that the proposed rezoning is consistent with the relevant policies and the intent of the Halifax MPS as described above. Therefore, staff recommend that Halifax and West Community Council approve the proposed rezoning as provided in Attachment A.

**FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2012/13 operating budget for C310 Planning & Applications.

**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

two Public Information Meetings, which were held on June 22, 2011 and April 25, 2012. Attachments D and E contain the minutes from the public meetings.

A public hearing has to be held by Council before they can consider approval of the proposed rezoning. 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, as shown on Map 2, will be notified of the hearing by regular mail.

The proposed rezoning will potentially impact the following stakeholders: local residents, property owners, and community or neighbourhood organizations.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications have been identified.

### **ALTERNATIVES**

1. Council may choose to approve the proposed rezoning contained in Attachment A of this report. This is the staff recommendation.
2. Council may refuse the proposed rezoning, and in doing so, must provide reasons based on a conflict with the MPS policies.

### **ATTACHMENTS**

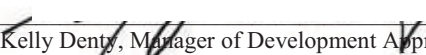
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Subject Property Prior to Subdivision
Attachment A	Proposed Amendments to the Halifax Peninsula LUB
Attachment B	Review of Relevant Halifax MPS Policies
Attachment C	Excerpt from the Halifax Peninsula LUB
Attachment D	First Public Information Meeting Minutes – June 22, 2011
Attachment E	Second Public Information Meeting Minutes – April 25, 2012

---

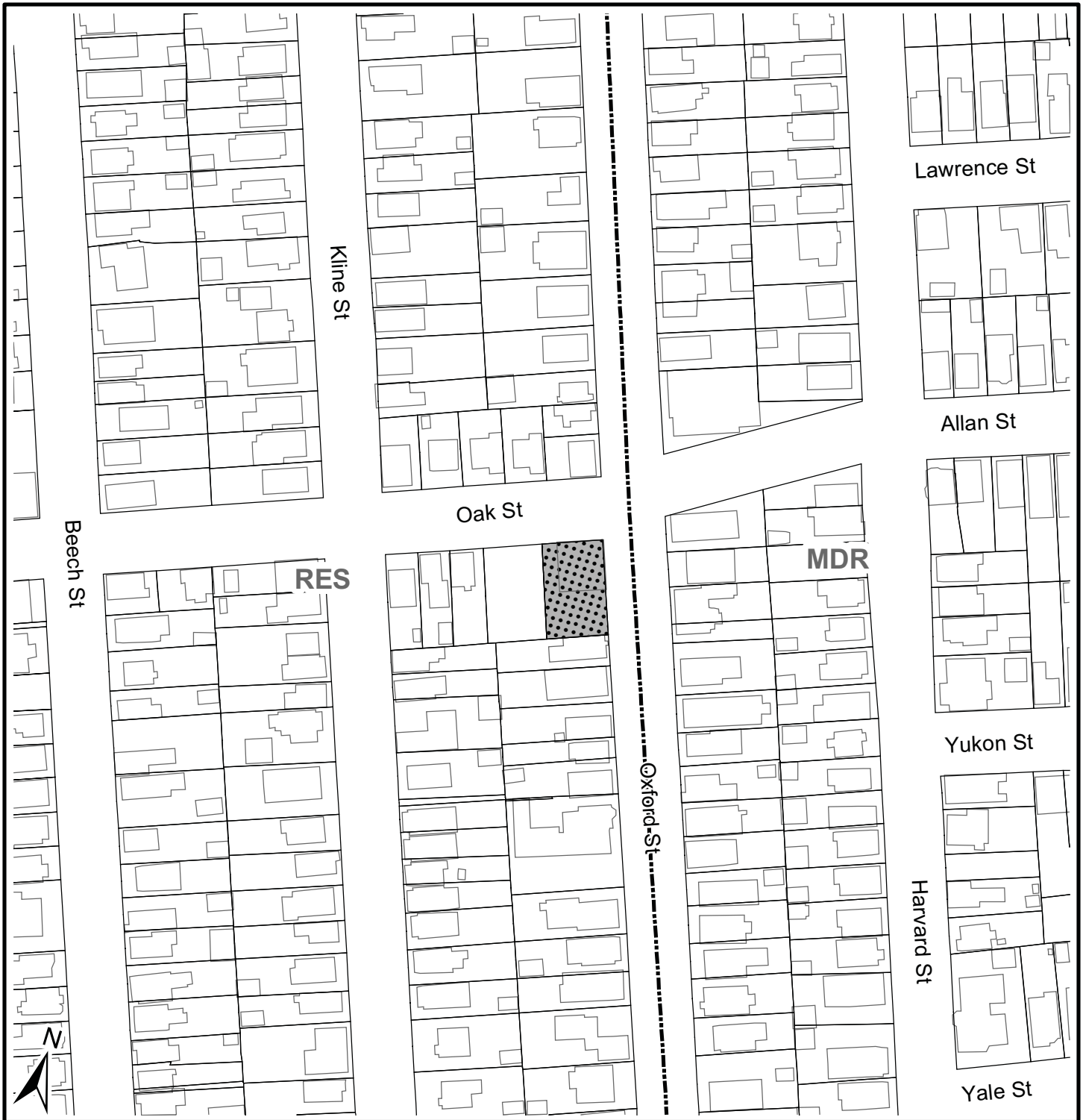
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Dali H. Salih, Planner, Development Approvals, 490-1948

Original Signed


Report Approved by:   
Kelly Denty, Manager of Development Approvals, 490-4800


---



**Map 1 - Generalized Future Land Use**

2100-02 Oxford Street  
Halifax

 Area proposed to be rezoned from R-2 (General Residential) to C-1 (Local Business)

 Detailed plan area boundary

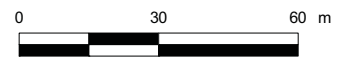
Halifax Plan Area  
Peninsula North Detailed Plan Area

**Designation - Halifax**

RES Residential Environments

**Designation - Peninsula North Area 1**

MDR Medium Density Residential




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.



### Map 2 - Zoning and Notification

2100-02 Oxford Street  
Halifax

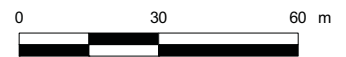
 Area proposed to be rezoned from R-2 (General Residential) to C-1 (Local Business)

 Area of notification

#### Zone

Halifax Peninsula  
Land Use By-Law Area

R-2 General Residential



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 3 - Subject Property prior to subdivision - 2012**

2100-2102 Oxford Street  
Halifax



 Subject Property prior to subdivision - 2012

Halifax Plan Area

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

**ATTACHMENT A:**  
**Proposed Amendments to the Halifax Peninsula Land Use By-law (LUB)**

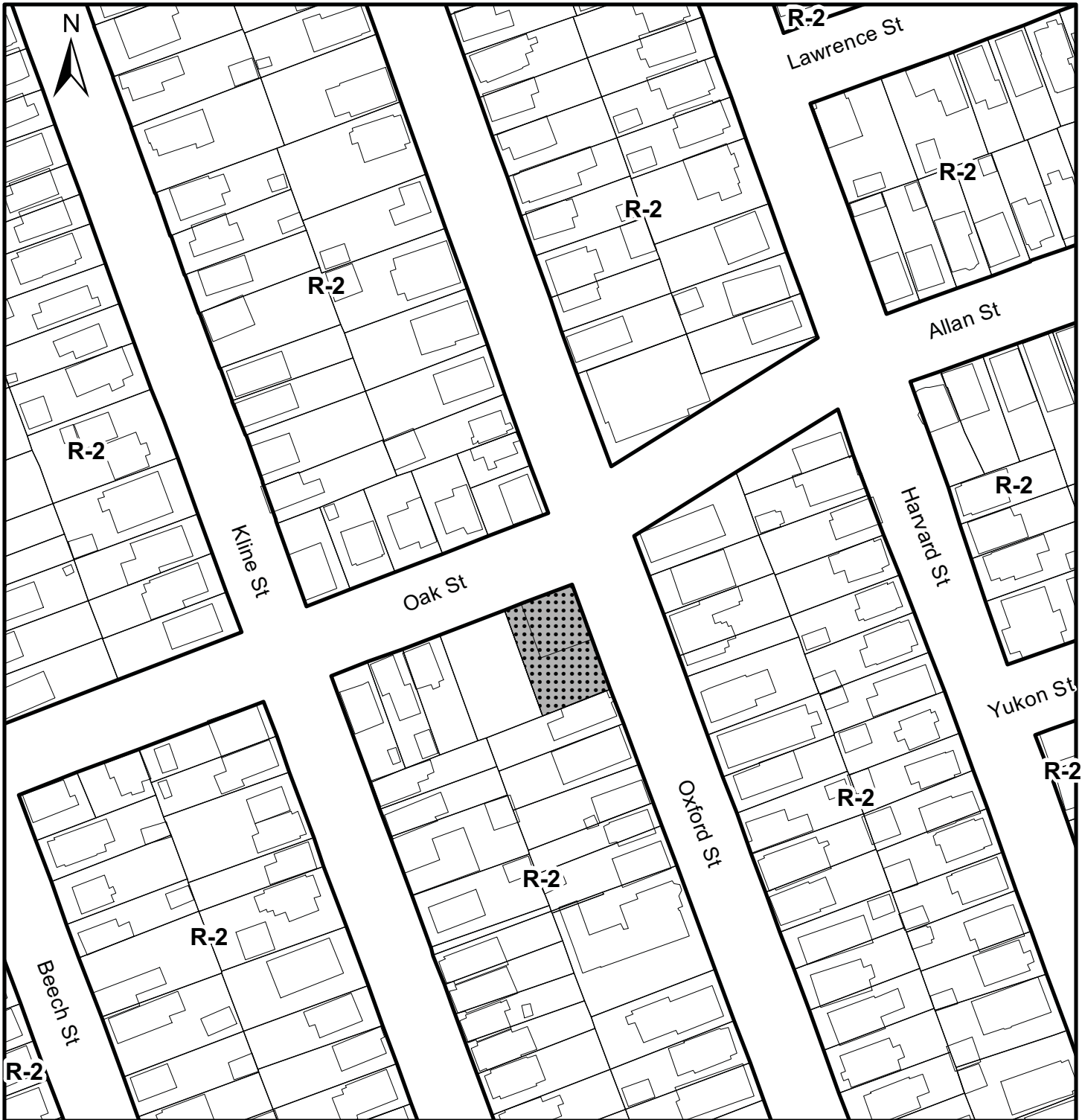
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula as adopted by Regional Council on the 30<sup>th</sup> day of March, 1978, and approved by the Minister of Municipal Affairs on the 11<sup>th</sup> day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [**insert date of hearing**] is hereby amended as follows:

1. Amend zoning map, **ZM-1**, by rezoning 2100-02 Oxford Street, Halifax, from R-2 (General Residential) Zone to C-1 (Local Business) Zone, as shown on **Schedule A** attached.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Peninsula, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2013.


GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Municipal Clerk



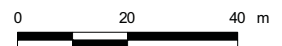
**Schedule A Area to be Rezoned**

2100-2102 Oxford Street  
Halifax

 Area to be rezoned  
from R-2 (General Residential)  
to C-1 (Local Business)

Zone  
R-2 General Residential

Halifax Peninsula  
Land Use By-Law Area



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.

**ATTACHMENT B:**

**Review of Relevant Halifax Municipal Planning Strategy (MPS) Policies**

The proposal may be considered by Council through the following applicable policies of the Halifax Municipal Planning Strategy:

**Section II: City-Wide Objectives and Policies**

**Residential Environments**

<b>Applicable Policies</b>	<b>Staff Comments</b>
<p><b>Policy 2.1:</b> Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</p> <p><b>Policy 2.1.1:</b> On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhood; and the City shall develop the means to do this through the detailed are planning process.</p>	<p>The proposed development consists of retaining, rehabilitating and converting the existing building to allow for a commercial use, and constructing a third floor to accommodate two residential units. The proposal is consistent with Policies 2.1 and 2.1.1.</p>
<p><b>Policy 2.2:</b> The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The subject property is located within a predominantly residential neighbourhood that comprises of low and medium density residential uses. The proposed mixed use development is considered compatible in terms of use and intensity with existing development patterns on Oxford Street. Utilizing the vacant building for a commercial use and two residential units maintains the integrity and stability of the surrounding neighbourhood. The proposal is consistent with Policy 2.2.</p>
<p><b>Policy 2.4:</b> Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential</p>	<p>As the existing vacant building has occupied the subject property for an extended period of time and it lost its non-conforming status, development possibilities were limited to uses permitted under the R-2 Zone. The proposal retains the existing residential character of the neighbourhood as the existing building is proposed to be re-used and renovated.</p>

<p>areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	<p>The proposal is consistent with Policy 2.4.</p>
<p><b>Policy 2.4.1:</b> Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The subject property is located on the corner of Oxford Street and Oak Street, and within a predominantly established low to medium density residential neighbourhood. Oxford Street is considered a two-lane collector street with a mix of residential and commercial uses. Oak Street is a residential two-lane local street that consists of low density residential uses. The proposed mixed use development does not conflict with the scale, character or stability of the neighbourhood as the ‘commercial expansion’ is subject to the provisions of the C-1 Zone. The proposal is consistent with Policy 2.4.1.</p>

**Section II: City-Wide Objectives and Policies**

Commercial Facilities

<b>Applicable Policies</b>	<b>Staff Comments</b>
<p><b>Policy 3.1.1:</b> Neighbourhood shopping facilities in residential environments should service primarily local and walk-in trade, and should be primarily owner-occupied. They shall be required to locate at or adjacent to the intersections of local streets rather than in mid-block. Neighbourhood shopping facilities may include one business, for example a corner store or a cluster of businesses. This policy shall serve as a guideline for rezoning decisions in accordance with Implementation Policies 4.1 and 4.2 as appropriate.</p>	<ul style="list-style-type: none"> <li>- The proposed commercial use will provide services to the community. Residents already living in the area will have the benefit of walking to their appointments, taking the bus, which stops directly in front of the building, or use the parking which will be provided.</li> <li>- The proposal meets the requirement of locating the commercial office space adjacent to the intersections of local streets (Oxford Street and Oak Street) rather than in mid-block.</li> <li>- The proposed commercial use may include one business or a cluster of businesses as the building is proposed to occupy two levels of the existing building.</li> </ul>

Council should note that buildings in the C-1 Zone have a height restriction of 35 feet and limited to maximum lot coverage of 35% (37% in this case as a 2% Variance was granted). Staff believe that these restrictions provide sufficient limitations to confine uses to a size and scale that reinforces the neighbourhood character. Therefore, the proposal is consistent with Policy 3.1.1.

**Zoning Implementation Policies**

<b>Policy</b>	<b>Staff Comments</b>
<p><b>IM-4.1:</b> The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.</p> <p><b>IM-4.2:</b> The City shall review the proposal to determine that it is not premature or inappropriate by reason of:</p> <ul style="list-style-type: none"> <li>(i) the fiscal capacity of the City to absorb the costs relating to the development; and</li> <li>(ii) the adequacy of all services provided by the City to serve the development.</li> </ul>	<p>HRM has sufficient capacity to accommodate the needs of this site.</p>

**ATTACHMENT C:**  
**Excerpt from the Halifax Peninsula Land Use By-law**

**C-1 (Local Business) Zone**

- 49(1) The following uses shall be permitted in any C-1 Zone:
- a) R-1, R-2, R-2T and R-3 uses;
  - b) stores for the purpose of retail trade and rental excluding:
    - i. motor vehicle dealers;
    - ii. motor vehicle repair shops
    - iii. adult entertainment uses; and
    - iv. amusement centres.
  - c) **restaurant**, bank, public hall, office, municipal building, hairdresser, beauty parlour; receiving office of a dry cleaner or dyer; **(RC- May 11, 2009; E- May 30, 2009)**
  - d) any use accessory to any of the foregoing uses.
- 49(2) No person shall in any C-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 49(3) No person shall in any C-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

**REQUIREMENTS**

50 Buildings erected, altered, or used for C-1 uses in a C-1 Zone shall comply with the following requisites:

Lot Frontage (Ft.)	40 ft
Lot Area (Sq.Ft.)	4000 sqft
Side Yard (Ft.)	4 ft

**SIGNS**

51 Any persons carrying on a business may place upon and parallel to the front of the building a non-illuminated signboard not exceeding 3 feet in height and limited to the space immediately above the ground floor store windows extending the length of such front and appertaining solely to the ownership of the business conducted therein. Illuminated signs may be erected provided that they do not constitute a nuisance or hazard to the public.

**HEIGHT**

52 The basic height of buildings in this zone shall not exceed 35 feet.

**FRONT YARD SETBACK**

53 The building line laid down for the adjacent residential buildings shall also apply to those buildings hereafter erected or altered to C-1 uses. If, however, it is intended to erect or alter a building for C-1 uses between two existing buildings of C-1 uses, neither of which

encroach over the street line, then such erections or alterations may be carried out in line with the two adjacent existing buildings.

#### **REAR YARD SETBACKS: PENINSULA NORTH**

53A Any building erected, altered or used for C-1 purposes in the C-1 zone in the **Peninsula North Area**, shall be set back a minimum of 20 feet from a rear lot line.

#### **R-1, R-2, R-2T AND R-3 USES IN C-1 ZONE**

54 Buildings erected, altered or used for R-1, R-2, R-2T and R-3 uses in a C-1 Zone shall comply with the requirements of their respective zones.

55 Lot coverage - maximum lot coverage shall be 35 percent.

#### **RESTAURANTS**

55A Notwithstanding Section 49 (1)(c), restaurants may be permitted provided that:

- a) they do not exceed a gross floor area of 1,000 square feet;
- b) an opaque fence having a minimum height of five feet is constructed abutting any residentially zoned property;
- c) lighting facilities, if provided, are directed away from any abutting residentially zoned property;
- d) any commercial refuse container is enclosed in a structure which visually screens it from the street and any abutting residentially zoned property;
- e) any commercial patio is not located in yards abutting any residentially zoned property;
- f) any take-out area does not exceed ten (10) percent of the gross floor area of the restaurant; and vehicle drive through order and pick up windows are not permitted. (RC - May 11, 2009; Eff - May 30, 2009)



**ATTACHMENT D**  
**First Public Information Meeting Minutes – June 22, 2011**

**7:00 p.m.**  
**Bayers Road Office, Halifax**

**IN ATTENDANCE:** Dali Salih, Planner, HRM Planning Services  
Kelly Denty, Planning Supervisor, HRM Planning Services  
Sharlene Seaman, Planning Controller, HRM Planning Services  
Holly Kent, Planning Technician, HRM Planning Services  
Councillor Jennifer Watts  
Councillor Russell Walker  
Councillor Dawn Sloane

**ALSO IN ATTENDANCE:** Jim Taylor, Cygnet Properties  
Debbie White, Cygnet Properties  
Bill Campbell, Consultant for Cygnet Properties

**PUBLIC IN ATTENDANCE:** Approximately 32

---

The meeting commenced at approximately 7:00 p.m.

**1. Opening remarks/Introductions/Purpose of meeting – Dali Salih**

Dali Salih opened the meeting by introducing herself as a Planner for the Western Region with Halifax Regional Municipality (HRM). She introduced HRM Staff, the applicant and the Councillors present. She welcomed everyone and thanked them for coming.

She stated that the reason for the meeting was to review an application by Cygnet Properties Limited to rezone 2100-02 Oxford Street, Halifax, from R-2 (General Residential) Zone to C-1 (Local Business) Zone to allow for commercial offices and residential uses; and as part of the application, Staff will consider amendments to the Halifax Peninsula Land Use By-law to remove the R-3 (Multiple Dwelling) Zone from the C-1 (Local Business) Zone to limit major residential developments.

Ms. Salih stated that the purpose of the meeting was to explain the planning policy, the rezoning and Land Use By-law amendment planning process, and for the applicant to present their proposal. She noted that no decisions would be made at the meeting. The meeting would also be an opportunity for the public to ask questions and give feedback concerning the application. She

gave the agenda and gave guidelines for the meeting.

Ms. Salih showed the subject properties using a map. She noted that the site is located in a predominantly residential neighbourhood that is generally bounded by Chebucto Road, to the north, Chebucto Lane and Monastery Lane to the east, Quinpool Road to the south and Connaught Avenue to the west. She provided different views of the site. The property is about 10,000 square feet in area. It is occupied by a vacant 2-storey, non-conforming, mixed use building with parking and landscaped spaces at the rear.

Ms. Salih provided some history on the site. Records show that the ground floor of the building was occupied for approximately 57 years, as a small engine repair shop. The shop was not permitted in the current zone. As it predated the zoning of the building, it was recognized and classified as a non-conforming use. The non-conforming status of the commercial use has been lost as the use has been discontinued for longer than six months. The upper level of the building contained two residential units but currently the entire building is vacant.

A site plan submitted by the applicant was shown. The commercial component of the proposal consists of re-using the existing vacant 2-storey building and extending it along Oxford Street with the residential units occupying the third floor. Vehicular access to the site is proposed from Oak Street, and 22 parking spaces are proposed for the rear of the building.

A map was shown noting that the property is currently zoned R-2 (General Residential) Zone under the Halifax Peninsula Land Use By-law along with the surrounding properties. The map shows that the commercial uses are mostly concentrated along Quinpool Road, with some on Chebucto Road.

The uses allowed under the R-2 Zone are semi-detached or duplex dwelling, a building with no more than 4 apartments, and R-1 Zone uses.

The uses allowed under the C-1 Zone include stores for the purpose of retail trade and rental excluding motor vehicle dealers and repair shops; adult entertainment uses; and amusement centers. The C-1 Zone also permits a restaurant, bank, public hall, office, municipal building, hair dresser, beauty parlour, receiving office of a dry cleaner, and R-1, R-2, R-2T and R-3 Zone uses. She showed the different land uses on a chart.

## **2. Overview of planning process – Dali Salih**

Ms. Salih stated that the property is designated Residential Environments under the Halifax Municipal Planning Strategy (MPS) and provides the following policy that enable Council to consider the proposal:

- **Policy 3.1.1** states that Neighbourhood shopping facilities in residential environments should service primarily local and walk-in trade, and should be primarily owner-occupied. They shall be required to locate at or adjacent to the intersections of local streets rather than in mid-block. Neighbourhood shopping facilities may include one business, for example a corner store or a cluster of businesses.

- **Policy 2.2** states that the integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood.

HRM Staff believe that applying the C-1 (Local Business) Zone to the entire property is not in keeping with Policy 2.2. There is an opportunity for the site to be subdivided to accommodate an R-1 (Single Family) Zone use for example.

As part of this process, HRM will consider amendments to the Halifax Peninsula Land Use By-law (LUB) to remove R-3 (Multiple Dwelling) Zone uses from the C-1 (Local Business) Zone. This is the second part of the application.

She showed the properties across the Peninsula that are zoned C-1. The C-1 properties are located at the corner of Quinn Street and Quinpool Road, the corner of Chebucto Road and Connaught Avenue, Beech Street, the corner of North Street and Windsor Street, the corner of Bayers Road and Windsor Street, on Windsor Street, on the corner of Connolly Street and Windsor Street, the corner of Agricola Street and Bayers Road, and along Islevile Street. She showed these sites using an aerial view. The R-3 Zone requires a minimum lot size of 8,100 square feet and 90 feet of continuous frontage. These are the only locations that satisfy this requirement. She showed an aerial view and noted that they already have apartment buildings on them.

A table was shown which outlined the uses allowed under each zone and the height restriction for each. The R-1, R-2 and R-2T Zones have 35 feet height precinct. Unlike other zones, R-3 Zone land use provisions such as height precinct, building size and distances between external walls are determined by angle controls and angular planes, which may potentially lead to increase in residential density.

In terms of policies, the Halifax MPS promotes maintaining the integrity and stability of existing residential neighbourhoods and encourage retaining their scale, intensity and character, especially when considering future residential development in the Peninsula. These policies 2.2, 2.4 and 2.4.1, enable Council to consider amending the Halifax Peninsula LUB.

- **Policy 2.2:** The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood
- **Policy 2.4:** Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.

- **Policy 2.4.1:** Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood

Ms. Salih reviewed the planning process. The rezoning and land use by-law amendment planning processes starts with an application. Staff does a preliminary review to ensure that the MPS allows consideration of the request. Then, Staff will proceed with a Public Information Meeting.

Staff will gather feedback from the public, comments from other HRM departments, and (in this case) recommendations from District 12 Planning Advisory Committee on the Halifax Peninsula LUB amendments HRM Staff is considering and compare that information with what is stated within the MPS. The minutes from tonight's meeting will be included in the Staff Report that goes to council which will recommend Council approve or refuse the proposal.

Staff will send the report to Peninsula Community Council and Chebucto Community Council with a recommendation to move forward, or not. For this application, Community Council will likely schedule a joint 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 public hearing, Council will make their decision based on staff recommendation, the advisory committee's recommendation, and the public hearing. Whether the application is approved or refused, there is an appeal period, during which the decision can be appealed to the Nova Scotia Utility and Review Board.

Ms. Salih passed the floor to the applicant for presentation of the proposal.

### **3. Presentation of Proposal – Debbie White**

Ms. White introduced herself as the Manager of Cygnet Properties. She noted that the application was for the rezoning of 2100 Oxford Street. The applicant and the consultant were introduced. She gave a brief overview of their interest in the property and the plans they have for it to date. She went out into the community to gather some comments from the residents.

The property has a long history of commercial use. Commercial uses have been shown on this property in the City Directory since 1908. Up to recently, it has been used as Cleveland Industries office, shop and apartments.

The applicant was interested in the property because it is in a central location on a major street with a good access. It needs improvement, including financial investments to improve the appearance. It is a good site for a neighbourhood scale office use. When the sign went up for the application, she received phone calls inquiring about rentals. They are trying to attract small office people. Each floor is 3,500 square feet of office space. They may get 3 to 4 offices on each level. The first 2 levels are going to be office space. She has taken several inquiries from professionals such as, a dentist, an artist, small business owners and a business associate of hers. These are the type of clients they are trying to attract. She has had inquiries about residential spaces in the building. They are hoping to have four 1-bedroom apartments at the top of the building. People have informed her that there are not a lot of options when it comes to renting in

the area.

They are trying to retain residential and a commercial mix. There are small offices for professional services and four spaces for residential uses. They have ample parking to avoid street congestion. The parking would be for tenants and professional purposes. They are trying to meet the height, servicing and accessing requirements from HRM. They have commissioned a Traffic Impact Statement and it concluded that the low numbers of vehicular trips that will be generated by the site are not expected to have any significant impact on the adjacent street. The Commercial space does not require parking but it has been added to take strain off the on-street parking. The property will be landscaped where it shares the property line with the adjacent residential uses. They have already taken some suggestions to add shrubs, flower boxes and green space.

She stated that HRM should take a look at the range of alternatives in order to achieve what is reasonable. Limiting the height of the building will limit the number of units. They can't fit more than what they are proposing due to the lack of space. They want to provide seniors a place to go. It will be equipped with an elevator and on-site laundry. She welcomes feedback from HRM, on all alternatives.

In summary, they see this historical commercial site as an opportunity that with investment to improve its appearance, will provide an appropriate small office and residential use in a central location. She gave an example of a dwelling on Connaught and Chebucto where someone took an old pharmacy and turned it into a beautiful building. She advised that this is what they are trying to do with the site. She thanked everyone for listening to her presentation.

Ms. Salih gave the ground rules and opened the floor for questions and comments.

#### **4. Questions/Comments**

**Janice Snair**, Halifax, lives across from where the parking lot is proposed to empty out on the street. She thinks that the proposal would not be catastrophic to the neighbourhood but believes that it would be catastrophic if the entire site was zoned C-1 and Cygnet Properties decided not to go through with this development and decided that a take-out or drive through restaurant from Oxford to Oak was more relevant. She doesn't care to talk about the history of the site as it was non-conforming and inconsistent. It would not be a neighbourhood store that services people in the area. She believes that 60 to 70 percent of the neighbors are in attendance and have invested in their properties (new construction and beautification projects) to raise the residential values. They do not see this as increasing the value or the nature and quality of lives on the street. She asked if there was a density limit on the C-1 Zone.

Ms. Salih stated that there was no density limit.

Ms. Snair stated that having no density limit is a problem. Once they are permitted, they can cover the whole property, as per a newspaper article she read earlier. She noted that the property could be covered by the whole proposal. Regardless of good intentions, the applicant can change what could be done under the C-1 Zone.

Ms. Salih stated that the provisions for having restaurants under the C-1 Zone are quite strict. Not all drive-throughs and pick up windows are permitted under restaurants under the C-1 Zone. In terms of the density in the area, although the C-1 Zone does not speak of density details, based on previous applications and practice, 35 percent lot coverage is what is found appropriate.

Ms. Snair stated that after the application is approved, the rights under the C-1 Zone can be used whether it is appropriate or not. Respectfully, the normal might not necessarily be the case.

Ms. Salih stated that once the property is zoned, all of the uses allowed under the zone are as of right.

**Janet Chernin**, Halifax, stated that although HRM states traffic flow would not be an issue at the site, it would be an issue at the corner, at her residence. During peak hours, there is a constant flow of cars entering Oak Street from Connaught Avenue. This is a daily occurrence and she sometimes cannot get her own car out of her driveway. It has become a thru fare, specifically from Kline and Oak to Oxford and Oak. It now becomes three lanes of cars proceeding on the right hand side up to Oxford and turning down. Cars magically go in the middle along Alan Street. This does not include the massive amounts of traffic on Clyde Street that have no stop sign.

There have been more than 12 vehicular and bicycle accidents at the corner of Oak and Kline Streets. This is a real problem. The applicant stated that because they have a parking lot with 22 spaces, the street parking will be reduced. Ms. Chernin feels that a lot of people would probably be more comfortable parking their cars on the street. There are residents who cannot get out of their driveways at peak times and this is a real problem. She questioned the applicant and quoting that they said “plans that we have, so far”. If it becomes a C-1 Zone, they can do whatever they want within the boundaries of the C-1 Zone, in this residential neighbourhood.

Ms. Chernin stated that she had to “fight the City” for four years to have a development agreement. One of the biggest issues for her in home, small business was that it would cause a traffic disruption in the neighbourhood. Traffic can only be determined as an issue depending on what type of business it is and the amount of traffic they get. She feels that balconies and height may become an issue with privacy. The zoning change will change the neighbourhood and they just don’t need that type of change.

**Susan Tooke**, Halifax, has lived in the area for over 20 years and to her the area is residential. She rejects the idea of making any changes to a residential neighbourhood. Changing it to C-1 would also set precedence for it to be done again in the future. There are lots of office spaces in the area. She believes the area should be kept residential.

**Roy Miller**, Halifax, lives across the street from the site. He understands that the MPS is in place to promote the integrity and stability of the existing residential neighbourhoods. He cannot understand the logic behind the conversion of the property to commercial when it is in the middle of a residential neighbourhood. He feels that it is totally inconsistent with HRM’s strategy.

**Lynn Reiersen**, Halifax, lives across the street and slightly down from the proposal. She has been concerned for quite some time about what would happen on that site. She feels that the property is going to eventually be turned into something and worries that it may be developed by

a developer that does not produce high quality residential units and does not have a concern about longevity in the community. They could build duplexes which would downgrade the value of the surrounding properties and the atmosphere in the neighbourhood. She is concerned that Oxford will be turned into a thru fare, with houses where everyone drives and no one walks. This small commercial operation with small residential units and elevators for the seniors in the area is a great opportunity for the residents to have a high quality developer produce a high quality development. There will always be traffic and she does not agree that it will increase traffic.

**Melanie Briand**, Halifax, disagrees with changing the zoning as they are a residential neighbourhood. Changing the zoning to commercial, sets precedence. There is considerable traffic on Oak Street. As a parent that has had children go through Cornwallis Street, Tupper Street and Oak Street every morning, she feels that traffic isn't controlled on Oak. It has always been a paramount issue for people in the neighbourhood. She feels that the development will add to traffic in the neighbourhood. The parking area in the rear will be maxed out from the people living and working there. People coming into the business will overflow the traffic and parking. She would like to see residential units only in the area as there is a great sense of community shared amongst the residents. Commercial takes away from the neighbourhood and she is opposed to the proposal.

**Richard Rudnicki**, Halifax, is against the proposed change. The area is unique to North America as the homes are 80 years old or more. He has walked and biked all through the city and the homes are beautiful in the area. The property will be developed and he understands that. He noticed a lot of traffic in the area during peak traffic times. This proposal will increase the traffic, no doubt in his mind. It will be more dangerous than it is now. He doesn't want a commercial business smack dab in the middle of a residential neighbourhood. He asked what the businesses have to offer the residents. Quinpool Road is a great commercial area. It should be built up and is in walking distance of the neighbourhood. He feels that the development should be townhouses or something residential that will complement the surrounding homes.

**Robin Lee**, Halifax, has a C-1 property in Halifax. He stated that he had very short notice of the meeting and the proposed changes to the C-1 Zone. He is not aware of any notification due to the mail strike. Some C-1 property owners have not received notification and he requested proper notification be given and the meeting rescheduled.

Ms. Salih stated that the notification was done about a week to 10 days ahead of the meeting and it is required by the By-laws to notify residents by mail and to place an ad in the paper. She showed the notification area on a map. She understood that notifications were received as she did receive emails and phone calls concerning the proposal.

Mr. Lee stated that every request should be considered on its own merits. C-1 uses were recently changed and these frequent changes are not helpful for orderly planning or development. The proposal to remove R-3 Zone uses from the C-1 Zones will devalue existing C-1 properties. He strongly objects to the proposal as it will impose economic hardship on C-1 owners, existing C-1 properties and should be grandfathered. He finds that it is unethical to favor one property for rezoning at the expense of all the other C-1 property owners. He requested that the proposal be withdrawn.

Ms. Salih stated that there are only 13 C-1 zoned properties across the Peninsula. The only properties that use what is allowed under the R-3 Zone are required to have a minimum of 8,100 square feet. There are only four properties that use that zone, the others are too small. The concern Staff have about having the R-3 in the C-1 Zone is that there is no height restriction. By removing the R-3 Zone, the height will be capped for any future use in order to blend with surrounding neighbourhood. Because the R-3 Zone was created in the 1950's and geared towards the high density residential developments to offer more flexibility.

Mr. Lee noted that Paul Dunphy Quoted "Zoning letters are indicative only and not definitive". He asked how confident he should feel that there will be no changes in the future.

Kelly Denty, Planning Supervisor, noted that the quote Mr. Lee was referring to comes from an article in the newspaper. It was referring to a zoning confirmation letter, which is written by staff, in respect to a request from a developer. This letter states the permitted uses as provided by a property's zoning whereas if you apply for a permit, you are issued a permit specifically for that particular development. Mr. Dunphy's statement is a little different than what Mr. Lee's question was.

**Fay Lee**, Halifax, is a C-1 property owner and noted that there would be adverse effects to the other C-1 properties if any of the suggested changes happened. She feels very confused as she has not had time to do more research on the matter. She was not notified as a C-1 property owner. She asked where the request to piggyback the amendments came from.

Ms. Salih stated that the consideration to amend the LUB and the C-1 Zone has been an ongoing concern for HRM Staff. Staff felt that this was the perfect opportunity as it is more applicable to the proposal. Community Council will make the final decision on both applications.

Ms. Lee strongly objects as she feels that this is not the perfect proposal. It is a very imperfect way to try and involve all the C-1 owners who are very surprised to hear of this. It affects the C-1 people and she requested that there be a proper opportunity, with a public meeting for the C-1 owners. She feels that they are being used as a stick to beat Cygnet properties. She doesn't take much interest in that as she has enough to do in her own area. She does not wish to be used in this way. She noted that having a restaurant on that zone was taken away and then put back again. Common sense should say that they should be given their own opportunity and not combined with any other applications. She felt obliged to object to the proposal for those reasons. She provided a written letter for submission. She feels that clarification is required before staff moves any further with the proposal.

Ms. Salih stated that restaurants were removed from the Halifax By-law in 1979 because it was suggested by Staff that having a restaurant in neighbourhood areas is not consistent with MPS policy. At that time, the density in Halifax was completely different than it is now. The application that amended the By-law to allow restaurants back was completed in 2009. The main argument to allow restaurants back in, with specific restrictions, was added because of the change in density according to the Regional Plan and HRM-by-Design project.

Ms. Lee stated that she would like every citizen to be notified if this is to go to HRM by Design. She feels that this will be a lengthy process.



Ms. Salih stated that HRM-by-Design guidelines are not applicable in this case. It was a part of the argument used in a previous case.

**Chris Forgeron**, Halifax, stated that he is in favor with the development and is quite familiar with the area. It is a unique location and something needs to go there. Having lived on Oxford, he attests that the street is a parking lot in the morning and the evenings. He feels that the 22 space parking lot will cause some concern for people. There will be traffic regardless of whatever goes there. He feels that “slum lords” should be avoided more than anything else. He is worried about students coming in, not caring about the property, having late nights and loud parties. A development of this type would have less of a chance to have these types of issues. Whatever goes there should be something that is quiet during the night time.

**Steve Cann**, Halifax, backs out into the spot where the proposed parking lot will be. Traffic is always a problem and he currently has trouble getting out onto the street. He usually has to go around the block to get out. He would have 22 cars backing out into the street side that is facing his parking lot. He is very concerned about this and feels that it will cause a problem for him. He understands that the property should be getting the “best” use on the property. There are good R-2 developments that could go there.

Mr. Cann feels that it is not appropriate to say that student housing will go there. If you want to develop the property, develop it well. R-2 allows for the best and highest use. This would be the right answer for the neighbourhood. There are good reasons not to put a commercial property there. There is an 8.7 vacancy rate in commercial property in HRM. This is down quite a bit from what it was. There are lots of commercial properties available such as St. Pats. They are already developing West End Mall and they are attracting the clients that this proposed development is calling for. That might be a better location for such a development. If in three years they don't build anything as it may not be an economically viable plan, they may have to go in another direction. This could be developed as an R-2 and could still make a profit. There would be a higher probability of the developer accomplishing what they want and it being done well. He asked that the Public Hearing not be held in the summer due to the attendance rate.

Ms. Salih stated that the Public Hearing will be scheduled by the Community Council and noted that it probably would not be held at that time. The applicant submitted a Traffic Impact Statement and it was reviewed by HRM's Development Engineering Staff. It was found to be adequate. In terms of parking, Staff have concerns about the amount of parking spaces proposed. Policy states that the proposed building should be located at, or adjacent to, the intersection near local streets rather than in mid-lock. The use of street parking is considered a traffic calming mechanism.

Mr. Cann asked if the traffic study was done while school was in or out.

Ms. Salih stated that the study was done by an engineering company and it was reviewed by HRM.

Ms. Chernin asked what the density rate of cars were on the street and asked if this was the same company that did the traffic flow study on Allen Street to Robie Street. They did not include Connaught Street to Oxford Street. She asked if the study showed 3 lanes of traffic at the highest density times. She requested a second study that reflects that.

Ms. Salih stated that she can only speak to the study submitted and noted that it was available online. She advised that she would look into it.

Melanie Briand stated that over the years traffic has been a huge issue in the neighbourhood. Although HRM finds the flow acceptable, the community does not. There have been many changes due to development and the community has been asking for decades to have a traffic pattern changed. Changing this zone is unacceptable.

**Winston Manual**, Halifax, lived in the area for many years and objects to the proposal. This is a residential neighbourhood and proposing a C-1 Zone in the middle of the R-2 area, will lower the integrity of the neighbourhood. The integrity will be compromised. The C-1 Zone could change over a period of time. Although they have good intentions, anything that falls under the C-1 Zone could be placed there in the future.

**Barbara Jollimore**, Halifax, has lived in the area for over 50 years. She feels that this is her neighborhood. Parking is the problem on her street. In the summer, people park and ride on the bus. When the students get back, sometimes it gets worse. She is against the zoning change.

**Cheryl MacRae**, Halifax, is against the rezoning as it is a residential area and the community has invested heavily into their properties because they wanted to stay in the neighborhood. C-1 is the wrong way to go as she is worried about what might go there in the long run.

**Judy Beaver**, Halifax, lived in the area for 59 years and has lived in a house that has been passed down for many generations. She stayed in the neighborhood for one reason; community spirit. She knows her neighbors and feels that the area is a unit within the city. She feels that putting a C-1 zoning on the proposed site is the thin edge of the wedge. She is totally and utterly against this development and the possibilities of what might be there in ten years.

Ms. Salih stated that all decisions on rezoning, or amendments to the LUB or the MPS are up to Regional or Community Councils. She noted that no decisions would be made at the Public Information Meeting.

**Martin Beaver**, Halifax, stated that he has lived in the area for 59 years and he sees no need to change the zoning. Leaving it as an R-2 Zone will avoid having a slum lord in the area. He feels that there is no need for change in the area when it comes to the zoning.

**Barbara Mullinger**, Halifax, has lived in the area for 67 years. She is not interested in any zoning that is not residential.

**Clary Romans**, Halifax, asked if the R-3 Zone is removed, would the project be terminated.

Ms. Salih stated that final decisions are up to Council. This meeting is to get feedback.

Mr. Romans asked if the zone change would change the assessments of the properties.

Ms. Salih stated that there is nothing in the policy concerning property assessments.

Kelly Denty stated that properties are assessed based on how they are developed not what the zoning is. The assessed value is done by the Province based on evaluations on how the property is built.

Ms. Briand asked if the property owner could put a bigger building on the property after the zone has changed to C-1, with an R-3 designation.

Ms. Salih stated that they could put any use on the property as long as it was permitted under the zone.

Ms. Briand stated that the neighbors could agree to the zoning change but by default, if the other change isn't made, the other property owner could put up a much larger structure and increase density on the property.

Ms. Salih stated that if the property is rezoned and the R-3 Zone is not removed, R-3 uses become as-of-right.

Ms. Briand stated that she is now more opposed than ever.

Mr. Beaver stated that the application is to consider amending the R-3. He asked if that meant that they are only currently considering this.

Ms. Salih stated that by saying 'consider', this means that Staff will be looking into it as a possible change.

Mr. Beaver wanted clarification on the word 'consider'. He feels that the word "shall" or the word "will" sounds better. The word "consider" is like using a smoke screen. He noted that he does not want the rezoning to happen.

Ms. Salih stated that all comments will be put forth to Council and it will be Council's decision.

Mr. Cann stated that the C-1 owner's object to proposal and other individual owners will oppose the removal of R-3. He feels that if more people oppose, it will reduce the odds that Council will remove the R-3.

Kelly Denty stated that the only reason Staff is able to entertain the C-1 Zone change is if the R-3 uses are removed.

**Laurie Mullinger**, Halifax, believes it is inappropriate to mix the two different changes. He would like staff to deal with changing C-1 separately before entertaining the idea of putting an apartment building in the neighbourhood. The idea of putting seniors on the top level is great but there are students who like to party that may end up living there. He feels that there are lots of spaces to rent in Halifax. The landlord will not wait to rent the units to someone who is in the best interest of the neighbourhood.

Mr. Mullinger would like to see a traffic impact study based on three families living in the proposed site and compare it with the current proposal. He noted that he is opposed to the development.

Ms. Lee stated that as a C-1 owner, she strongly rejects to the removal of the R-3 designation. It is a valuable part of the C-1 Zone. This will defy logic to blend the two changes and strongly objects to the development.

Susan Tooke asked to what degree the residents opinions are taken into consideration.

Ms. Salih advised that the minutes from the meeting will be added to the Staff Report. It will be forwarded to Council and they will base their decision on the Public Hearing, the Staff Report and recommendations from other committees.

Ms. Chernin stated that the traffic impact study is for Oxford, as per the report. She was advised by her realtor that her home would be decreased in value. The developer can change his plan at any time once the rezoning goes through. She does not want C-1 in her neighborhood.

Janice Snair stated that both groups, C-1 owners and the neighbors, do not want these changes to go forth together as they are separate issues.

**Cindy Mullinger**, Halifax, loves the neighbourhood as it is developed well and people have been there for a long time. She is opposed of the proposal as she feels that it would be a disgrace to the neighbourhood. She feels that the traffic report wasn't done properly if it was conducted when school was out. It would make a big difference if it was done when school was in.

**Bill Campbell**, the Consultant for Cygnet Properties, stated that it may be worthwhile to look into the interpretation of the lot coverage area. He noted that the traffic impact statement was submitted and is available on line. He advised that the R-3 Zone change was not requested by the applicant. The amendment to the zone may not be as brutal as removing it from the C-1 Zone. He hopes there may be a middle ground in looking at some alternatives that may satisfy some concerns that the neighbourhoods have as well as the current C-1 land owners. He thinks other alternatives could be considered and asked staff to look into that.

Mr. Campbell noted that he interprets policy 3.1.1 to state that for consideration of a local business use, the location of the development should be on a corner lot. He asked Ms. Salih to confirm that information.

Ms. Salih stated that he is correct as policy states that neighbourhood commercial and local business uses are required to be located at or adjacent to street intersections. In term of location and in terms of the proposed use, the policy applies.

Ms. Snair believes that on policy 3.1.1, there are equal issues as they don't meet the requirements. It would not be primarily owner occupied and it would not include one business.

Mr. Campbell stated that if you look at the text of the policy, it has a "should" policy and a "shall" policy. The third does permit for a cluster of businesses. He noted that staff will be going through the application thoroughly.

Ms. Salih did a final review of policy 3.1.1.

Ms. White stated that she receives calls every day for one bedroom apartments in Downtown Halifax and there aren't any to rent. When looking for availability, finding a one bedroom is miniscule. She has a multitude of people calling her, including Doctors, Lawyers, University students and seniors. She absolutely wants to service seniors.

Ms. Chernin asked why not go for a residential, as opposed to a C-1, and build more one bedroom apartment units and not commercial as there seems to be such a high demand for residential.

**5. Closing comments**

Ms. Salih thanked everyone for attending and provided her contact information.

**6. Adjournment**

The meeting adjourned at approximately 9:00 p.m.

## ATTACHMENT E

### Second Public Information Meeting Minutes – April 25, 2012

7:00 p.m.  
Bayers Road Office, Halifax

**IN ATTENDANCE:** Dali Salih, Planner, HRM Planning Services  
Holly Kent, Planning Technician, HRM Planning Services  
Sharlene Seaman, Planning Controller, HRM Planning Services  
Councillor Jennifer Watts  
Councillor Russell Walker

**ALSO IN ATTENDANCE:** Jim Taylor, Cygnet Properties  
Bill Campbell, Consultant for Cygnet Properties  
Stephen Ling, Lawyer for Cygnet Properties

**PUBLIC IN ATTENDANCE:** Approximately 10

---

The meeting commenced at approximately 7:00 p.m.

#### **1. Opening remarks/Introductions/Purpose of meeting – Dali Salih**

Ms. Salih opened the meeting by introducing herself as a planner for the Western Region with Halifax Regional Municipality (HRM). She introduced HRM Staff, the applicant and the Councillors present. She welcomed everyone and thanked them for coming.

The reason for the meeting was to review an application by Cygnet Properties Limited to rezone a portion of 2100-02 Oxford Street, Halifax, from R-2 (General Residential) Zone to C-1 (Local Business) Zone to allow for commercial offices and residential uses.

#### **2. Overview of planning process – Dali Salih**

Ms. Salih stated that this was the second public information meeting. The first one was held on June 22, 2011. The purpose of this second meeting is to inform the public of the revised proposal, to explain planning policy and the rezoning process associated with this type of application. No decisions had been made on the application and no decisions would be made at this meeting.

She showed the general area, including property lines, using a map. The property is located on the southwest corner of Oak and Oxford Street, in a predominantly residential area. An aerial view of the site as shown. It is approximately 10,000 square feet and is occupied by a vacant two storey, mixed use building, with a parking area. The property consisted of a small engine sales and repair shop, owned by Cleveland Industries Limited, which is no longer in business. It also continues to have two residential units on the second floor.

Ms. Salih showed the old proposal. The applicant proposed re-using the existing 2-story building and extending it along Oxford Street and adding a third floor for residential units. Access to the site was proposed to be from Oak Street with 22 parking spaces around the back of the building. The applicant is currently proposing to rezone the east portion of the subject property to allow a professional office space and the addition of a residential third floor. Vehicular access to the site is proposed to be from Oak Street, and 6 parking spaces at the rear of the building. They are also proposing to use the remainder of the property for residential uses permitted under the R-2 Zone, such as duplexes.

She noted that the property is zoned R-2 (General Residential) Zone and is designated Residential Environments under the Halifax Municipal Planning Strategy (MPS).

She showed a map noting that the current zoning is R-2 (General Residential) Zone under the Halifax Peninsula Land Use By-law (LUB) as are the surrounding properties. The map shows that the commercial uses are mostly concentrated along Quinpool Road with some on Chebucto Road.

The uses allowed under the R-2 Zone are semi-detached or duplex dwelling, a building with no more than 4 apartments, and R-1 Zone uses. The maximum height in the C-1 Zone is 35 feet.

In terms of policy support, the Halifax MPS promotes maintaining the integrity and stability of existing residential neighbourhoods and encourage retaining their scale, intensity and character especially when considering future residential development in the Peninsula. These policies 2.2, 2.4 and 2.4.1, enable Council to consider the residential uses permitted under the R-2 Zone:

- **Policy 2.2:** The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood.
- **Policy 2.4:** Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.
- **Policy 2.4.1:** Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood.

The property is designated Residential Environments under the Halifax MPS and provides the following policy that enables Council to consider the rezoning:

- **Policy 3.1.1** states that Neighbourhood shopping facilities in residential environments should service primarily local and walk-in trade, and should be primarily owner-occupied. They shall be required to locate at or adjacent to the intersections of local streets rather than in mid-block. Neighbourhood shopping facilities may include one business, for example a corner store or a cluster of businesses.

Ms. Salih passed the floor to the applicant for presentation of the proposal.

### **3. Presentation of Proposal – Bill Campbell**

Mr. Campbell introduced himself as the Consultant for Cygnet Properties. He noted that Cygnet Properties has made revisions for this proposal. They met with the community twice since the last public information meeting to look at options for the redevelopment of the site. Based on the feedback received from the community, they were looking to reduce the amount of commercial uses and introduce residential uses on the property in the form of duplexes. Cygnet Properties tried to limit the use of commercial space and uses within the C-1 Zone.

Mr. Campbell referred to the restricted covenants being imposed on the site. This would limit the use of a restaurant that would be permitted as-of-right under the C-1 Zone. These covenants were circulated with the neighbourhood. Restricted covenants are not required or enforced by the HRM planning process. This is a private matter between property owners. Cygnet Properties could answer any question regarding the covenants, at the meeting.

Mr. Campbell wanted to address a concern brought forth from the community about the possibility of introducing commercial uses in mid-blocks. He reiterated that the policy states that it “shall” be on a corner or intersections of a street, rather than a mid-block. He hopes that this provides the community with some comfort of restricting C-1 uses mid-block.

Ms. Salih reviewed the Municipal Planning Process; the rezoning planning process starts with an application. Staff does a preliminary review, to ensure that the MPS allows consideration of the request. If there is some level of policy support, Staff will proceed with a public information meeting.

Staff will then gather the feedback from the public, comments from other HRM departments, along with the minutes from tonight’s meeting, there will be a Staff Report that either recommends Council approve or refuse the proposal.

Staff will send the report to Peninsula Community Council, with a recommendation to move forward or not. For this application, Community Council will likely 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 public hearing, Council will make their decision, based on the Staff’s recommendation and the public hearing. Whether they approve it or refuse it, there is an appeal period, during which the decision can be appealed to the Nova Scotia Utility and Review Board.

Ms. Salih gave the ground rules and opened the floor for questions and comments.



#### 4. Questions/Comments

**Barbara Jollimore**, Halifax, likes the neighbourhood as it is currently. She has lived there for over fifty years and feels that the properties are in good condition. The neighbors work hard to keep it that way. This is an R-2 neighborhood and she is opposed to any development that is not R-2.

**Roy Miller**, Halifax, asked about the covenants for the property. He understands that the restrictions are attached to the land and wanted reassurance that it would not expire if there were to be new owners. He asked if the plan was to sell the properties when developed.

**Stephen Ling** introduced himself as the Lawyer for Cygnet Properties. He explained that the land would be burdened by this covenant. This is recorded in the deed and future developments would be bound by the covenant. The property would benefit from the covenant. When you have a burden, there has to be a benefit on covenants. Covenants are enforced by the other property. The plan is to sell the properties.

Mr. Miller asked if the development restrictions are recorded and available to the public.

Mr. Ling stated that they will be registered under the Land Registration Act. This is available on Property On-line and is public information.

Mr. Miller asked if the covenants will remain in place if there is a transfer of ownership and if there would be an expiry date.

Mr. Ling stated that yes, it would run with the title of the land. There will not be an expiry date.

Mr. Miller asked if the neighbors would receive a copy of the covenants.

Mr. Ling advised that he could make copies of the covenants for anyone who would like to have them. He talked briefly about the draft covenants. It is a condition of rezoning.

**Patrick Connors**, Halifax, has been living in the area for over 70 years. He applauds the work that Bill Campbell has done on behalf of Cygnet Properties. He noted that there has always been a commercial building on that lot. Each time the neighbourhood residents made quite a stink concerning the commercial use. One business was run out of business because of the residents. He is happy to see something important happening there and hopes to get rid of the vacant wall for graffiti. He noted that there were lots of residential in the area and the small commercial space is welcomed. He is happy that they are giving something back to the neighbourhood.

#### 5. Closing comments

Ms. Salih thanked everyone for attending and provided her contact information.

#### 6. Adjournment

The meeting adjourned at approximately 7:25 p.m.