

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES December 8, 2003

PRESENT:

Councillor Sheila Fougere, Chair
Councillor Jerry Blumenthal
Councillor Dawn Sloane
Councillor Sue Uteck

STAFF:

Mr. Barry Allen, Municipal Solicitor
Ms. Sherryll Murphy, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. APPROVAL OF MINUTES - November 10, 2003

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the Minutes of the November 10, 2003 meeting of Peninsula Community Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

9.3.1 Presentation: Graham Reid and Susanna Cheng re City of Halifax, Halifax Common Plan - Approved October 1994

12.1 Case 00576: 3490 Prescott Street: Extension of Time Limit for Signing Agreement

12.2 Security for Seniors

MOVED by Councillor Sloane, seconded by Councillor Uteck that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Correspondence from Stuart Grossert re 6199 Coburg Road

No report was received relative to this matter. The item is to remain on the status sheet.

4.1.2 Case 00576 - Development Agreement for Self Storage Facility - 3490 Prescott Street Halifax

No report received relating to no exit signs. The item is to remain on the status sheet.

4.1.3 All Way Stop - Leeds Street at Robie Street

- An information report dated November 14, 2003 submitted by Rick Paynter, Traffic Authority, was before Community Council for consideration.

Councillor Blumenthal noted that he was not satisfied with the report and went on to suggest that the sight lines from the stop signs were not very good. Councillor Blumenthal requested that the matter go back to staff for a further review.

The item is to remain on 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 00574 - Land Use By-law Amendments for area bounded by Chebucto Road, Roosevelt Drive, Flynn Street and MacDonald Street

- This matter was given First Reading at the November 10, 2003 meeting of Peninsula Community Council. A previously circulated staff report dated October 22, 2003 prepared for Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.
- Correspondence dated November 20, 2003 from Gloria Stephens, 2565 Roosevelt Drive in favour of the proposed amendments, was also before Community Council for consideration.

Mr. Gary Porter, Planner, briefly reviewed the October 22, 2003 staff report noting that staff is recommending approval of proposed amendments to the Halifax Peninsula Land Use Bylaw as contained in Attachment A of the staff report. Mr. Porter responded to questions from members of Council.

The Chair called for all those wishing to address Council with regard to this matter.

Eric Turner, 7034 Chebucto Road

Mr. Turner addressed Council noting the following:

- He had serious reservations about rezoning the area to R-1
- He is approaching retirement and presently has a duplex. He intends to rent one portion of the duplex for retirement income. He is concerned that if the property burns down, he would not be able to re-build what is on the lot now
- If the area is to be R-1, his property will have to be exempted or his particular piece of property should remain R-2.

A resident of 2542 Phillip Street addressed Community Council indicating that she agreed with the R-1 zoning as it appears that single family is the way to limit loopholes. She went on to indicate that she did not see 35% lot coverage as a problem.

Councillor Uteck clarified that under the R-1 zoning that if someone has one kitchen, they can build eight bedrooms and have students living in the home.

Mr. Doug Ferguson, 6983 Churchill Drive briefly reviewed a letter he had submitted dated December 7, 2003 in opposition to the rezoning to R-1. A copy of the letter is on file.

Mr. John Sharpells, 2531 Phillip Street thanked Councillor Fougere and staff for their assistance in working through this issue. Mr. Sharpells indicated that he was strongly in favour of the recommendations noting that there appeared to be a number of loopholes under the R-2 zoning. He went on to note that he had no preference with regard to what lot coverage should be permitted (the present 35% or the 30% proposed).

Ms. Judy Dunn, an area resident, indicated that the vote has been held and the majority of the residents in the area are in favour of the proposed amendments.

A resident of 2532 Sherwood Street addressed Community Council noting that he sympathized with the previous speakers who want to retain their R-2 zoning. However, he expressed concern that enforcement is not strict enough to ensure the R-2 zoning is not violated. He noted that he was disappointed with the unscrupulous nature of developers in his area. In conclusion, the resident noted that it appeared that 2538-40 Sherwood Street was being used as construction yard and commented on the construction vehicles which are being parked on the street.

The Chair requested that staff look into this concern regarding 2538-40 Sherwood Street.

The Chair called three times for persons wishing to speak. Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

A brief discussion ensued.

Councillor Fougere left the Chair and Councillor Sloane assumed the Chair.

Councillor Fougere addressed the matter noting that two public meetings, with approximately 100 residents at each meeting, had provided very good feedback from the area. She went on to indicate that although she sympathized with those who will have non-conforming uses, the concern is development which is not in keeping with the character of the neighbourhood. Residents in the neighbourhood believe that the proposed amendments is the best response to those concerns.

MOVED by Councillor Fougere, seconded by Councillor Uteck that Peninsula Community Council approve the proposed amendments to the Halifax Peninsula Land Use Bylaw as follows:

1. **Amend Zoning Map ZM-1 by rezoning all of the properties within the area bounded by Chebucto Road, Roosevelt Drive, Flynn Street and MacDonald Street with the exception of 7018-22 Chebucto Road from R-2 (General Residential Zone) to R-1 (Single Family Zone).**
2. **Amend Zoning Map ZM-2 by designating the area bounded by Chebucto Road, Roosevelt Drive, Flynn Street and MacDonald Street as "Peninsula West Area 1"**
3. **Amend Section 1 by adding immediately following the definition of "Height", the following:**

"Height Peninsula West Area 1" when applied to a building, means the vertical distance of the highest point of the roof above the mean grade of all street lines adjoining the lot on which the building is located where such building is located on a lot having the same or higher elevation than the abutting street line or the mean grade of the natural ground adjoining such building where such building is located on a lot having a lower elevation than the abutting street line. For the purpose of this section, natural grade means the grade existing on the date of adoption of this section.

4. Amend Section 1 by adding immediately following the definition of "Peninsula North Area 7, the following:
"Peninsula West Area 1" means the area designated as Peninsula West Area #1 on zoning map ZM-2.

5. add immediately preceding Section 29, the following:

LOT COVERAGE - PENINSULA WEST AREA 1

For those properties zoned R-1 within Peninsula West Area 1, the maximum lot coverage shall be 30 percent.

6. Add immediately following Section 43MA, the following:

APARTMENT BUILDINGS - PENINSULA WEST AREA 1

43MB Within Peninsula West Area 1, a lot which did not exist prior to the date of adoption of this section shall not be used for a three or four unit apartment building

The **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

At this time the meeting recessed for 10 minutes. The meeting reconvened at 7:40 p.m. with all the same Councillors being present and Councillor Fougere resuming the Chair.

8.2 Variance Hearings

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Delegations

9.3.1 Presentation: Graham Reid and Susanna Cheng re City of Halifax, Halifax Common Plan - Approved October 1994

This matter was dealt with later in the meeting.

10. REPORTS

10.1 Case 00613 - Possible Amendments to the Height and Lot Coverage Provisions (Status Sheet Item)

- A supplementary staff report dated November 27, 2003 prepared for Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.

Mr. Gary Porter briefly reviewed the report noting that the matter was before Community Council this evening to ratify the listed priority areas.

MOVED by Councillor Uteck, seconded by Sloane that Peninsula Community Council instruct staff to undertake a process to consult with the residents and property owners of the nine areas identified in Attachments A-I, in the order shown, in order to:

- **determine if the current R-1, R-2 or R-2A zones and zoning requirements are allowing development which is out of character with the neighbourhood; and**
- **to suggest amendments to the land use by-law and Municipal Planning Strategy, where appropriate to address the concerns.**

Councillor Fougere left the Chair and Councillor Sloane assumed the Chair.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the list of identified areas be amended to provide for the addition of a tenth area generally described as the area bounded by MacDonald Street, Quinn Street, Quinpool Road and Chebucto Road.

The **MOTION TO AMEND WAS PUT AND PASSED UNANIMOUSLY.**

The **MOTION, AS AMENDED, WAS PUT AND PASSED UNANIMOUSLY.**

Councillor Fougere resumed the Chair and Councillor Sloane returned to her seat.

10.2 Supplementary Report - Case 00461: Development Agreement for 1270 Oxford Street, Halifax

- A supplementary staff report dated November 25, 2003 prepared for Paul Dunphy, Director, Planning and Development Services was before Community Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council give Notice of Motion to consider approval of the proposed development agreement, presented as Attachment 1 to the November 25, 2003 staff report, and schedule a new public hearing for January 12, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

9.3.1 Presentation: Graham Reid and Susanna Cheng re City of Halifax, Halifax Common Plan - Approved October 1994

- This matter was added to the agenda during the setting of the agenda. A copy of the City of Halifax, Halifax Common Plan was distributed to members of Community Council.

Mr. Graham Reid, Urban Issues Committee of the Ecology Action Committee, with the assistance of Susanna Cheng, Ecology Action Committee, made a brief presentation to Community Council regarding the Halifax Common Plan. The key highlights included:

- Referred to a project which is intended to bring greater recognition of the freshwater brook which runs under the Halifax Common and distributed a draft of a pamphlet in this regard
- Urged the Peninsula Councillors and Regional Council as a whole to get reacquainted with the Halifax Common Plan
- The Plan and the policies adopted are still current
- The Plan seems to have been forgotten with amalgamation
- The Halifax Common Plan is a comprehensive and responsible
- Referred to the item appearing on the In Camera Council agenda regarding a Halifax Common High School and suggested that such a proposal would contradict the policies in the Halifax Common Plan
- Commented that the Plan's policy should be respected or a public process carried out to amend that policy
- Referred specifically to the section headed Increase City-Owned Land in the Executive Summary and Policy and Pages 20 (Section 2.1) and 21 (Section 3) as applicable policy within the plan

After a brief discussion, Mr. Reid noted that Mr. Marcus Garnet had copies of the Halifax Common Plan for all members of Council.

The Chair advised that this presentation would be forwarded to staff for their comment to Regional Council.

12. ADDED ITEMS

12.1 Case 00576: 3490 Prescott Street: Extension of Time Limit for Signing Agreement

- A supplementary staff report dated December 4, 2003 prepared for Paul Dunphy, Director, Planning and Development Services, was circulated to members of Community Council.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Peninsula Community Council approve an extension of the time requirement for signing of the development agreement for Case 00576 to permit a self storage facility, 3490 Prescott Street, Halifax, to April 30, 2004, or any further extension thereof granted by Community Council on request of the applicant, otherwise the approval of November 10, 2003 will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Security for Seniors - Councillor Sloane

Councillor Sloane referred to the recent burglarizing of a senior 's home on Creighton Street while the family was at church and expressed concern for the security of seniors at this time of year. She further expressed concern that homes are under surveillance by criminals. Councillor Sloane requested that the matter be forwarded to the Halifax Regional Police Department with a view to having a press release made relative to how seniors can best protect themselves against such incidents.

Councillor Sloane further requested that staff investigate the rooming houses in this area in terms of whether they are operating legally.

13. NOTICES OF MOTION

14. PUBLIC PARTICIPATION

Hugh Pullen, 6262 Oakland Road

Mr. Pullen expressed concern regarding the reaction to the findings of the investigation of the fire at the Halifax Grain Elevator. He went on to ask who had control of the Halifax Grain Elevators and why the Fire Department was unable to get in to inspect the property. Mr. Pullen indicated that the Grain Elevators were a potential bomb in the south end if they are not run

efficiently. He went on to suggest that the Mayor and Council should write to the appropriate government body, the Member of Parliament and the local MLA regarding this matter.

The Chair indicated that the matter would be referred to staff.

Elinor Egar Reynolds, Jubilee Road

Ms. Reynolds referred to an invitation to a Regional Planning open house she had received noting that an open house was not planned on the Peninsula. Councillor Fougere clarified that two additional open houses had been added since the invitation was issued, one of which is to be held in the ferry terminal.

Referring to the proposed public participation process for the Regional Plan, Ms. Reynolds indicated that June to September is not the time for public participation. She went on to suggest that Regional Planning must very seriously consider doing a pilot project in the Jubilee Road neighbourhood. Ms. Reynolds noted a number of neighbourhood concerns including traffic; speeding; impact of universities and hospitals; problems with students including noise, garbage, run down properties and a lack of snow removal; and no community centre. She went on to note that there appeared to be too much development without a regional plan. In conclusion, Ms. Reynolds commented that creative leadership was needed.

The Chair indicated that Ms. Reynolds comments would be forwarded to Regional Planning staff.

15. NEXT MEETING - MONDAY, JANUARY 12, 2004

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 p.m.

Sherryl Murphy
Legislative Assistant