

# **HALIFAX REGIONAL MUNICIPALITY**

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## **PENINSULA COMMUNITY COUNCIL MINUTES SEPTEMBER 13, 2004**

**PRESENT:**

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

**STAFF:**

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

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**1. CALL TO ORDER**

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

**2. APPROVAL OF MINUTES - July 12, 2004 (Regular) and August 16, 2004 (Special)**

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the minutes of the regular meeting of Peninsula Community Council held on July 12, 2004 and the special meeting of Peninsula Community Council held on August 16, 2004, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Deletion:

8.2.1 Appeal of the Development Officer's Decision to Approve an Application for a Variance - 2138 Windsor Street, Halifax

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet**

**4.1.1 Correspondence - Stuart Grossert, Questions re 6199 Coburg Road**

Councillor Uteck advised that staff were preparing a letter to respond to Mr. Grossert's concerns. This matter will remain on the status sheet.

**4.1.2 Presentation/Public Participation - Use of Path, 855 Marlborough Woods**

- Consideration of an information report dated July 7, 2004 was deferred from the July 12, 2004 meeting of Peninsula Community Council.

Mr. Peter Bigelow, Manager, Real Property Planning, noted that an information report was before Community Council and indicated that staff was available to respond to questions.

This matter is to be removed from the status sheet.

**4.1.3 Public Participation - Eric Turner - Motion re Public Participation Process**

Councillor Fougere advised that staff is preparing a response to this matter. She went on to request that the item remain on the status sheet until such time as Peninsula Community Council and Mr. Turner receive the response.

**5. MOTIONS OF RECONSIDERATION - None**

**6. MOTIONS OF RESCISSION - None**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Community Council Decision - Variance Hearing - Appeal of the Decision of the Development Officer to Refuse a Variance Application at 2437 Davison Street**

- A decision with regard to the above matter was deferred to this meeting to provide an opportunity for members of the community to meet with representatives of O'Regan's to reach a compromise relative to this matter.

Councillor Sloane advised that she met with the residents, representatives of O'Regan's and the Greenstem Housing Cooperative to discuss the issues. Councillor Sloane indicated that a consensus has been reached that the backyard not be entirely asphalt.

**MOVED by Councillor Sloane, seconded by Councillor Fougere that the decision of the Development Officer be overturned and the appeal granted. MOTION PUT AND PASSED UNANIMOUSLY.**

**8. HEARINGS**

**8.1 Public Hearings**

**8.1.1 Case 00662: Amendment to Development Agreement - 5251 South Street, Halifax**

- This matter was given First Reading at the meeting of Peninsula Community Council held on July 12, 2004.

Ms. Randa Wheaton, Planner, gave a brief presentation of the application to amend the development agreement for 5251 South Street, Halifax, as found in the June 11, 2004 staff report. Ms. Wheaton noted that staff and the District 12 Planning Advisory Committee are recommending approval of the proposed amendments.

The Chair called for persons wishing to speak in favour of or against the proposed amendments.

**Mr. Hugh Pullen, Peninsula South Community Association**

Mr. Pullen clarified that the amendment before Community Council was the only amendment to this particular Development Agreement. He went on to indicate that concern is being felt in the neighbourhood that Development Agreements are happening by amendment. Mr. Pullen, noting that he was in favour of this particular development, indicated that he would like to see a Development Agreement which would not require further amendment.

**Dave Farnham, Halifax**

Mr. Franham expressed concern that it seemed that the developer does not give back to the community when they seek other than as of right development. He went on to note that in other municipal jurisdictions this practice is well established. Mr. Franham indicated that it was time to start requiring developers to give something to the community.

Councillor Uteck indicated that this is the case for subdivision approval where the developer has to allot a certain percentage of land for parkland. She went on to indicate that staff were working on a similar requirement for condominium and apartment development.

The Chair called three times for persons wishing to speak in favour of or against the proposed amendments.

Hearing none, the following motion was placed.

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

**MOVED by Councillor Sloane, seconded by Councillor Fougere that Peninsula Community Council:**

- 1. Approve the proposed amending development agreement for 5251 South Street, Halifax presented as Attachment 1 to the June 11, 2004 staff report.**
- 2. Require that the amending agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Variance Hearings**

**8.2.1 Appeal of the Development Officer's Decision to Approve an Application for a Variance - 2138 Windsor Street, Halifax**

This matter was deleted during the setting of the agenda.

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Petition - Councillor Fougere - Fence at 2918/2920 and 2928 Connolly Street**

Councillor Fougere submitted a petition on behalf of Cheryl Harding, a resident in her District, regarding the fence at 2918/2920 and 2928 Connolly Street. The petition requests that HRM consider instituting a regulation that prohibits a fence from being more than 6.5 in height. The Councillor requested that this matter be referred to staff for a response.

**10. REPORTS**

**10.1 Case 00628: Halifax MPS and LUB Amendment, Development Agreement - 5837 Cunard Street and 2372 June Street**

- A memorandum dated August 11, 2004 from Gary Porter, Planner II, was before Community Council for consideration. A supplementary memo dated September 13, 2004 from Angus E. Schaffenburg, Planner II, was distributed to Community Council.

Mr. Schaffenburg addressed the Community Council noting that the supplementary memo advised that Section 2.14 of the Development Agreement was omitted from the August 11, 2004 version. Section 2.14 is to be inserted in the Development Agreement and the existing Section 2.14 re-numbered as Section 2.15. Mr. Schaffenburg further noted that the persons per acre in section 2.4 of the Development Agreement, should be 250.3 rather than 350.

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Peninsula Community Council approve the development agreement as contained in Attachment A of the August 11, 2004 with the following changes:**

**1. The following section be added to the development agreement:**

**2.14 The Developer may subdivide the lands so that the two storey June Street portion (building B), the 10 storey Cunard Street portion (building A) and the two storey Princess Place portion (building A) are on separate lots. The June Street Portion (building B) may be further subdivided into a maximum of seven lots having a minimum frontage of 20 feet and a minimum depth of 50 feet in accordance with dwelling unit configuration and as shown on Schedule G-1. The Princess Place portion (building A) may be further subdivided into a maximum of five lots having a minimum frontage of 22 feet and a minimum depth of 35 feet in accordance with dwelling unit configuration and as shown on Schedule G-01. Nothing in this agreement shall preclude the application of Section 7 of the Halifax Subdivision By-law.**

**2. The existing Subsection 2.14 be renumbered 2.15**

**3. In Section 2.4 of the development agreement reference to “305 persons per acre” be changed to correctly read “250.3 persons per acre”.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 Case 00607: Development Agreement - Thomas Kenny House, 1390 Thornvale Avenue, Halifax**

- A staff report dated August 12, 2004 prepared for Paul Dunphy, Director of Planning & Development Services, was before Community Council for consideration.

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Peninsula Community Council give Notice of Motion to consider an application by Thornvale Estates Limited, for 1390 Thornvale Avenue, Halifax, to permit a residential development, and schedule a public hearing for October 4, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3 Case 00654: Request for MPS/LUB Amendment to Permit a Health Centre at 5667 Kaye Street, Halifax**

- A staff report dated August 27, 2004 prepared for Sharon Bond, Acting Director, Planning and Development Services, was before Council for consideration.



**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Peninsula Community Council recommends that Regional Council take no further action on the request to amend the Halifax Municipal Planning Strategy and Land Use Bylaw for the property located at 5667 Kaye Street, Halifax, to permit a holistic health centre. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.4 Case 00683: Development Agreement for Warehouse, 7111 Chebucto Road, Halifax**

- A staff report dated August 31, 2004 prepared for Sharon Bond, Acting Director, Planning and Development Services, was before Council for consideration.

**MOVED by Councillor Fougere, seconded by Councillor Blumenthal that Peninsula Community Council give Notice of Motion to consider the proposed development agreement and schedule a public hearing for October 4, 2004 to consider the development Agreement for a warehouse at 7111 Chebucto Road. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.5 Case 00645: Rezoning from R-2 General Residential to R-1 Single Family Dwelling Zone - Area Bounded by MacDonald Street, Chebucto Road, the Rear Lots Fronting the East Side of Quinn Street and Quinpool Road**

- A staff report dated September 2, 2004 prepared for Paul Dunphy, Director of Planning and Development, was before Council for consideration.

**MOVED by Councillor Fougere, seconded by Councillor Sloane that Peninsula Community Council give Notice of Motion to consider the proposed rezoning of the area bounded by MacDonald Street, Chebucto Road, the rear of the lots fronting on the east side of Quinn Street and Quinpool Road, excluding 6833-35 Quinpool Road, from R-2 General Residential Zone to R-1 Single Family Dwelling zone, as contained in Attachment A of the September 2, 2004 staff report, and schedule a public hearing for October 4, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.6 Case 00614: Development Agreement - 5620 South Street, Halifax**

- A staff report dated September 7, 2004 prepared by Paul Dunphy, Director of Planning and Development Services.

Mr. Schaffenburg addressed Community Council briefly noting that Regional Council had approved the required amendments to the Municipal Planning Strategy and Land Use By-law and that the Development Agreement could now be approved.

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

1. **Approve the development agreement, as amended, to permit three apartment buildings at 5620 South Street, as contained in Attachment A of the September 7, 2004 staff report.**
2. **Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

11. **MOTIONS** - None
12. **ADDED ITEMS** - None
13. **NOTICES OF MOTION** - None
14. **PUBLIC PARTICIPATION**

**Mr. Beaumont, Halifax**

Mr. Beaumont expressed concern regarding the availability of information/reports on the agenda for the Peninsula Community Council. He noted that a report listed on the agenda for the last meeting had not been available until 4:00 p.m. on the day of the meeting. Mr. Beaumont indicated that this lack of availability of information limited the participation of the public.

Community Council agreed that the process for the distribution of the Peninsula Community Council agenda package be altered to provide that the package is distributed to members of the Community Council the Wednesday preceding the meeting. This will ensure that reports are available to the public four days prior to the meeting date.

**Mr. Hugh Pullen, Halifax**

Mr. Pullen clarified that the public hearing relative to item 10.6, Case 00614, Development Agreement, 5620 South Street had been held jointly with Regional Council on July 13, 2004. Mr. Pullen went on to request that staff review the process when items of this kind are before Community Council.

Mr. Pullen went on to note that the information report does not respond to the question of whether the Marlborough Woods pathway is a public right of way under the law in Nova Scotia.

The Chair indicated that as the pathway is located on private property, the determination of whether it is a public right of way by virtue of use is a matter for the civil courts.

**An unidentified member of the public**

Referring to Case 00614, Development Agreement, 5620 South Street, the individual expressed concern that there had been insufficient notification and a very limited opportunity to participate.

15. **NEXT MEETING** - October 4, 2004

16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:10 p.m.

Sherrill Murphy  
Legislative Assistant