

**PENINSULA COMMUNITY COUNCIL
MINUTES
June 11, 2007**

PRESENT:

Councillor Sheila Fougere, Chair
Deputy Mayor Sue Uteck, Vice-Chair
Councillor Dawn Sloane
Councillor Patrick Murphy

STAFF:

Ms. Karen Brown, Solicitor
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in Council Chambers, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - April 2, 2007

MOVED by Councillor Sloane, seconded by Councillor Murphy, that the minutes of April 2, 2007, be approved as distributed. MOTION PUT AND PASSED.

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

Added:

12.1 Gross Floor Area Ratio Requirement (GFAR) Review - Deputy Mayor Uteck

Community Council agreed to hear Item - 9.3.1 - Presentation by the Friends of the Halifax Common as the first order of business.

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Presentation - Halifax Peninsula Community Health Board

No information received. This item to remain on the status sheet.

4.1.1 Presentation - Friends of the Public Gardens

It was noted that staff are working with the Friends of the Public Gardens to determine a use for the bequest of over \$100,000 from the estate of Margaret Jarvis, in memory of her father, Tom Wallace, to be used for a capital project in the Gardens. This item to remain on the status sheet.

4.1.2 Mitchell's Enviro Depot update

Councillor Sloane noted that there are still no "For Sale" signs posted on the property. This item to remain on the status sheet until the property transaction has closed.

4.1.3 Closure of HRM Private Lane - June Street to Princess Place

The Chair requested that the Clerk contact Mr. Mike Labrecque, Director, Transportation and Public Works, for an update on this matter for the July meeting. This item will remain on the status sheet.

4.1.4 CN Property Maintenance

It was noted that Councillors will be meeting with representatives from CN this week to discuss maintenance and safety issues. This item will remain on the status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 01028: Non-substantive Amendment - 5620 South Street, Halifax

C This item was deferred from the May 7, 2007 Peninsula Community Council meeting.
C A staff report dated April 17, 2007 on the above noted was before Community Council.

Ms. Randa Wheaton, Senior Planner, Community Development, advised that the Development Agreement for this matter was originally approved by Peninsula Community Council in August 2004 and amended (single building) in December 2005. She advised that Community Council approved an amending agreement for a landscape plan on June 12, 2006 but the agreement was not signed within the 120 day time period, and that this application is to replace the previously approved landscape plan. Ms. Wheaton went on to review the landscape plan with Community Council, noting the following:

C The landscape plan was revised in response to a Crime Prevention Through Environmental Design Audit (CPTED);
C Amendments include extensive site lighting, using historical pole mounted lighting;
C The improved lighting provides a greater opportunity for natural surveillance.

Ms. Wheaton responded to questions of clarification from Community Council.

Councillor Murphy suggested that a clause be included in the Development Agreement to require the maintenance of the exterior lighting on the property.

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Peninsula Community Council:

- 1. By resolution, approve the non-substantive amendment to the 5620 South Street (PID 41030727) Development Agreement as required for the approval of a revised landscape plan and of the separation wall and fence along the front of the Lands as detailed in the revised Second Amending Agreement appended as Attachment A of this report;**
- 2. Require that the revised Second Amending Agreement be signed and returned 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.**
- 3. Include a clause in the Development Agreement to require the maintenance of the exterior lighting on the property.**

MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings - None

8.2 Appeal Hearings

8.2.1 Appeal of the Approval of Variance No. 13743 - 1165/1171 Waterloo Street, Halifax

C A staff report dated June 5, 2007 on the above noted was before Community Council.

Mr. Andrew Faulkner, Development Officer, reviewed the staff report with Community Council, noting that this is an appeal of the Development Officer's decision to approve a variance from the Gross Floor Area requirements of the Halifax Peninsula Land Use Bylaw to permit a Single Unit Dwelling. Mr. Faulkner advised that there is currently a semi-detached building on the property, noting that two lots were consolidated into one lot to create a lot that is 9600 square feet in size. He noted that before and after the variance application, the community voiced concern regarding the use of the dwelling, and in response, staff worked with the owners to clarify the use. He advised that the new house will resemble the same approximate size as the existing house, and is in compliance with the Land Use By-law.

Mr. Faulkner responded to questions of clarification from Community Council.

Councillor Fougere opened the appeal hearing and called for speakers.

Ms. Melanie Macey, Waterloo Street, Halifax

Ms. Macey advised that she is one of the appellants in this matter, and has lived in the neighbourhood for 32 years. She indicated that insufficient notice and insufficient information was provided from staff regarding this matter, noting that no definitions or site plan were provided. Ms. Macey advised that she attempted to do her own research and found it frustrating and time consuming. She indicated that Waterloo Street is a small street, mainly of single family dwellings very close together. She encouraged Community not to underestimate the value of neighbourhoods and overturn the decision of the Development Officer.

Mr. Wallace Brennan, South Street, Halifax

Mr. Brennan advised that his property abuts the subject property, noting that the size of the proposed structure is the issue. Mr. Brennan provided the Clerk with photographs of the streetscape, and the view from his yard, along with the setback and location of the proposed building, for circulation to members. Mr. Brennan commented that he and neighbours are confused about the use of this large structure, noting that it is not for an average sized family since there are two kitchens planned. He also noted concern about future use if this owner should sell the property. Mr. Brennan indicated that the proposed structure is much larger than the existing house, and will block the view from his back yard.

Mr. Mendel Feldman, Property Owner, 1165/1171 Waterloo Street, Halifax

Mr. Feldman indicated that the proposal would cover less than 35% of the lot. He clarified that the use is compliant with the Land Use By-law, it is only the Gross Floor Area that is the issue. Mr. Feldman indicated that the application is to raise the basement height from 6.3 feet to 6.4 feet, in order to allow the basement to be a more usable space for his large immediate and extended families. He clarified that the footprint nor the mass of the building will be changed if the variance is granted, and the change in basement ceiling height will not even be noticed from the street.

Mr. Feldman responded to questions of members of Community Council at this time.

Councillor Fougere called three times for any further speakers in favour or against the application.

Hearing none, it was **MOVED** by Deputy Mayor Uteck, seconded by Councillor Murphy, that the appeal hearing be closed. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Deputy Mayor Uteck, seconded by Councillor Murphy, that the decision of the Development Officer to approve the variance be upheld. MOTION PUT AND PASSED.

8.2.2 Appeal of the Refusal of Variance No. 13673 - 1405 Edward Street, Halifax

C A staff report dated June 4, 2007 on the above noted was before Community Council.

Mr. Andrew Faulkner, Development Officer, reviewed the staff report with Community Council, noting that this is an appeal of the Development Officer's decision to refuse a variance from the left side yard, right side yard, and frontage requirements of the Halifax Peninsula Land Use Bylaw to permit a Two Unit Dwelling.

Mr. Faulkner responded to questions of clarification from Community Council.

Councillor Fougere opened the appeal hearing and called for speakers.

Mr. Scott Theriault, Edward Street, Halifax

Mr. Theriault advised that he lives across the street from the subject property, and he supports the development officer's decision to deny the variance. He noted that this property has been operating as a rooming house for a number of years. Mr. Theriault indicated that there is no parking available for the building, which will create further congestion of parking on the street.

Councillor Fougere called three times for any further speakers in favour or against the application.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Deputy Mayor Uteck, that the appeal hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that the decision of the Development Officer to refuse the variance be upheld.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Fougere submitted a petition signed by approximately 500 residents, in support of in-home dog care facilities as an occupation.

9.3 Presentations

9.3.1 Presentation by the Friends of the Halifax Common

Ms. Peggy Cameron, Co-Chair and founding member of the Friends of the Halifax Common, presented to Community Council, noting the following:

- C The Friends of the Halifax Common was recently founded, and currently has 50 members;
- C The Halifax Common Plan was adopted by Council in 1994, containing three volumes, to be used as a basis for the management, detailed planning, capital expenditures and evaluation of proposals for the Halifax Common;
- C The Common was originally deeded “for the use of the inhabitants of the Town of Halifax forever”;
- C The Friends of the Halifax Common believe that the plan is an extensive document that should be enforced;
- C The Friends of the Halifax Common are seeking permanent advisory committee capacity.

Ms. Cameron reviewed several policies from the Halifax Common Plan with Community Council, including:

- C Policy 2.1 which directs that the amount of public open space in the Common not be decreased;
- C Policy 3.1 which directs that the amount of land owned will not be decreased; and
- C Policy 3.2 which directs that the city seek to increase the amount of city owned land through recaptured land formerly owned by the city.

Ms. Cindy Littlefair, member of the Friends of the Halifax Common, presented to Council, noting the following:

- C The Friends of the Halifax Common are here to reinstate the original objective of the use of the Commons, and they believe the original use is being overlooked;
- C The group have had minimum attention on this matter;
- C Out of the original Common 235 acres, there are 158 remaining;
- C The remaining acreage has been taken by sidewalks, boulevards, and private development.

Ms. Littlefair pointed out uses of the Common that the group do not believe fit with the original intent, such as the IWK parking garage, the VG parking lot, the Bengal Lancers, and the QEH site recently approved for expanded hospital use.

The Chair thanked Ms. Cameron and Ms. Littlefair for their presentations and asked that this information be referred to staff. She requested that staff obtain copies of the three volumes of the Halifax Common Plan for members.

10. REPORTS

10.1 Staff Reports

10.1.1 Case 00918: Land Use By-law Amendment, Halifax Peninsula, Dog Care Facilities

C A staff report dated May 10, 2007 on the above noted was before Community Council.

Mr. Paul Sampson, Planner, advised that this is an application by Janet Chernin of Canine Casbah, 6430 Oak Street, Halifax, to amend the Halifax Peninsula Land Use By-law to allow dog care facilities to be permitted in conjunction with residential dwellings. Mr. Sampson reviewed the report with Community Council and responded to questions of clarification.

At this time, Deputy Mayor Uteck took the Chair and Councillor Fougere took a seat in Council.

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Peninsula Community Council give Notice of Motion to consider the proposed amendments to the Halifax Peninsula Land Use By-law, as shown in Attachment A of the May 10, 2007 staff report, to permit dog care facilities in conjunction with residential dwellings, and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Fougere returned to the Chair and Deputy Mayor Uteck returned to her seat in Council.

10.1.2 Case 00796: Development Agreement - 927 South Bland Street, Halifax

C A staff report dated May 30, 2007 on the above noted was before Community Council.

Mr. Paul Sampson, Planner, advised that this is an application by Southwest Properties Limited on behalf of Summer Wind Partners (2000) Limited for a development agreement to permit a multi-unit residential building at 927 South Bland Street, Halifax. Mr. Sampson reviewed the report with Community Council.

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Peninsula Community Council move Notice of Motion to consider approval of the proposed development agreement, presented as Attachment A, for 927 South Bland Street, Halifax, and schedule a Public Hearing.

Deputy Mayor Uteck indicated that she is concerned with the lapse of time since the last community meeting held two years ago regarding this development, and indicated that she will organize another community meeting to be held prior to the public hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Case 82557: Fence Permit Application - 2120 Newton Avenue, Halifax

C A staff report dated June 1, 2007 on the above noted was before Community Council.

Councillor Fougere advised that fence permit applications are treated in the same manner as variance hearings and opened the floor to those who received notification wishing to speak in favour or against this fence permit application.

Mr. Dan Shaw, First Street, Halifax, noted that he has an issue with the size of the fence, noting the poor visibility backing out next to the fence. He commented that there are many children in the neighbourhood, and there have been many close calls because of the size of the fence. He suggested that if the fence posts were set on an angle, it would be easier to see the sidewalk.

Ms. Lily MacDonald, co-owner of 2120 Newton Avenue, Halifax, indicated that they were unaware of the height restriction when they first moved to the property. She noted that they occupy a corner lot and want privacy. Ms. MacDonald indicated that they have had discussions with their neighbours and they would be in agreement to angling the fence posts to allow a better line of sight. She clarified that the fence is already built.

Mr. Rick Brown, Supervisor Permits and Inspections, presented the June 1, 2007 staff report at this time. Mr. Brown responded to questions of clarification from members of Community Council.

Mr. Ron Gerrard, First Street, Halifax, noted that he is confident the property owners did not intend to create an issue, they just desired privacy on their property. Mr. Gerrard suggested lattice work, which would allow drivers to see movement.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that this matter be deferred to the July 9, 2007 meeting of Peninsula Community Council.

The Chair clarified that this matter will be deferred to allow time for the property owners and neighbours to discuss a suitable solution to the visibility issues surrounding this fence. The Chair offered her assistance with these discussions.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Committee Reports

10.2.1 Case 01002: Development Agreement - 5896 Spring Garden Road, Halifax

- C A report dated May 29, 2007 from the District 12 Planning Advisory Committee, with attached staff report, was before Community Council.
- C A report dated June 7, 2007 from the Heritage Advisory Committee, with attached staff report, was before Community Council.

Mr. Luc Ouellet, Planner, advised that this is an application by Geoff Keddy Architect and Associates to discharge an existing development agreement and to enter into a new development agreement to permit a restaurant/coffee shop within a municipally registered heritage property located at 5896 Spring Garden Road, Halifax. Mr. Ouellet reviewed the reports with Community Council.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Peninsula Community Council Give Notice of Motion to consider the proposed development agreement, as described in Attachment "A" of the staff report dated May 16, 2007, to permit a restaurant/coffee shop within the registered heritage property located at 5896 Spring Garden Road, Halifax, and schedule a public hearing. MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Deputy Mayor Uteck - Review of Gross Floor Area Ratio Requirements

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that staff prepare a report, for the October 1, 2007 Peninsula Community Council meeting, reviewing the effectiveness of the Gross Floor Area Ratio regulations adopted in October 2006, including the number of applications, who is being affected by the regulations, and any suggested amendments by staff. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

Councillor Sloane

Take Notice that at the next meeting of Peninsula Community Council on Monday, July 9, 2007, I will be directing questions to staff regarding staff recouping permit fees (ie: building permits, fence permits, etc.) from individuals who have undertaken work without paying for or applying for permits.

14. PUBLIC PARTICIPATION

Ms. Janet Shotwell, Murray Place, Halifax

Ms. Shotwell commented on the historical and community importance of the Halifax Common to the Peninsula and to HRM. She noted that there have been sites that could have been reclaimed by HRM as Common land on University Avenue along with the QEH site.

Ms. Beverly Miller, South Street, Halifax

Ms. Miller noted concern with regard to the Waterloo Street GFAR requirements. She noted that she is pleased staff will be working on a review of the GFAR regulations, and noted that the Waterloo Street report and the other houses on Waterloo Street that are in excess of the regulations could be used as examples.

15. NEXT MEETING

The next meeting of Peninsula Community Council will be held on Monday, July 9, 2007 at 7:00 p.m.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.

Jennifer Weagle
Legislative Assistant

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MINUTES
June 11, 2007**

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13. NOTICES OF MOTION - None	12
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16. ADJOURNMENT	13

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in Council Chambers, City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - April 2, 2007

MOVED by Councillor Sloane, seconded by Councillor Murphy, that the minutes of April 2, 2007, be approved as distributed. MOTION PUT AND PASSED.

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

Added:

12.1 Gross Floor Area Ratio Requirement (GFAR) Review - Deputy Mayor Uteck

Community Council agreed to hear Item - 9.3.1 - Presentation by the Friends of the Halifax Common as the first order of business.

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Presentation - Halifax Peninsula Community Health Board

No information received. This item to remain on the status sheet.

4.1.1 Presentation - Friends of the Public Gardens

It was noted that staff are working with the Friends of the Public Gardens to determine a use for the bequest of over \$100,000 from the estate of Margaret Jarvis, in memory of her father, Tom Wallace, to be used for a capital project in the Gardens. This item to remain on the status sheet.

4.1.2 Mitchell's Enviro Depot update

Councillor Sloane noted that there are still no "For Sale" signs posted on the property. This item to remain on the status sheet until the property transaction has closed.

4.1.3 Closure of HRM Private Lane - June Street to Princess Place

The Chair requested that the Clerk contact Mr. Mike Labrecque, Director, Transportation and Public Works, for an update on this matter for the July meeting. This item will remain on the status sheet.

4.1.4 CN Property Maintenance

It was noted that Councillors will be meeting with representatives from CN this week to discuss maintenance and safety issues. This item will remain on the status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 01028: Non-substantive Amendment - 5620 South Street, Halifax

- C This item was deferred from the May 7, 2007 Peninsula Community Council meeting.
- C A staff report dated April 17, 2007 on the above noted was before Community Council.

Ms. Randa Wheaton, Senior Planner, Community Development, advised that the Development Agreement for this matter was originally approved by Peninsula Community Council in August 2004 and amended (single building) in December 2005. She advised that Community Council approved an amending agreement for a landscape plan on June 12, 2006 but the agreement was not signed within the 120 day time period, and that this application is to replace the previously approved landscape plan. Ms. Wheaton went on to review the landscape plan with Community Council, noting the following:

- C The landscape plan was revised in response to a Crime Prevention Through Environmental Design Audit (CPTED);
- C Amendments include extensive site lighting, using historical pole mounted lighting;
- C The improved lighting provides a greater opportunity for natural surveillance.

Ms. Wheaton responded to questions of clarification from Community Council.

Councillor Murphy suggested that a clause be included in the Development Agreement to require the maintenance of the exterior lighting on the property.

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Peninsula Community Council:

- 1. By resolution, approve the non-substantive amendment to the 5620 South Street (PID 41030727) Development Agreement as required for the approval of a revised landscape plan and of the separation wall and fence along the front of the Lands as detailed in the revised Second Amending Agreement appended as Attachment A of this report;**
- 2. Require that the revised Second Amending Agreement be signed and returned 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.**
- 3. Include a clause in the Development Agreement to require the maintenance of the exterior lighting on the property.**

MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings - None

8.2 Appeal Hearings

8.2.1 Appeal of the Approval of Variance No. 13743 - 1165/1171 Waterloo Street, Halifax

C A staff report dated June 5, 2007 on the above noted was before Community Council.

Mr. Andrew Faulkner, Development Officer, reviewed the staff report with Community Council, noting that this is an appeal of the Development Officer's decision to approve a variance from the Gross Floor Area requirements of the Halifax Peninsula Land Use Bylaw to permit a Single Unit Dwelling. Mr. Faulkner advised that there is currently a semi-detached building on the property, noting that two lots were consolidated into one lot to create a lot that is 9600 square feet in size. He noted that before and after the variance application, the community voiced concern regarding the use of the dwelling, and in response, staff worked with the owners to clarify the use. He advised that the new house will resemble the same approximate size as the existing house, and is in compliance with the Land Use By-law.

Mr. Faulkner responded to questions of clarification from Community Council.

Councillor Fougere opened the appeal hearing and called for speakers.

Ms. Melanie Macey, Waterloo Street, Halifax

Ms. Macey advised that she is one of the appellants in this matter, and has lived in the neighbourhood for 32 years. She indicated that insufficient notice and insufficient information was provided from staff regarding this matter, noting that no definitions or site plan were provided. Ms. Macey advised that she attempted to do her own research and found it frustrating and time consuming. She indicated that Waterloo Street is a small street, mainly of single family dwellings very close together. She encouraged Community not to underestimate the value of neighbourhoods and overturn the decision of the Development Officer.

Mr. Wallace Brennan, South Street, Halifax

Mr. Brennan advised that his property abuts the subject property, noting that the size of the proposed structure is the issue. Mr. Brennan provided the Clerk with photographs of the streetscape, and the view from his yard, along with the setback and location of the proposed building, for circulation to members. Mr. Brennan commented that he and neighbours are confused about the use of this large structure, noting that it is not for an average sized family since there are two kitchens planned. He also noted concern about future use if this owner should sell the property. Mr. Brennan indicated that the proposed structure is much larger than the existing house, and will block the view from his back yard.

Mr. Mendel Feldman, Property Owner, 1165/1171 Waterloo Street, Halifax

Mr. Feldman indicated that the proposal would cover less than 35% of the lot. He clarified that the use is compliant with the Land Use By-law, it is only the Gross Floor Area that is the issue. Mr. Feldman indicated that the application is to raise the basement height from 6.3 feet to 6.4 feet, in order to allow the basement to be a more usable space for his large immediate and extended families. He clarified that the footprint nor the mass of the building will be changed if the variance is granted, and the change in basement ceiling height will not even be noticed from the street.

Mr. Feldman responded to questions of members of Community Council at this time.

Councillor Fougere called three times for any further speakers in favour or against the application.

Hearing none, it was **MOVED** by Deputy Mayor Uteck, seconded by Councillor Murphy, that the appeal hearing be closed. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Deputy Mayor Uteck, seconded by Councillor Murphy, that the decision of the Development Officer to approve the variance be upheld. MOTION PUT AND PASSED.

8.2.2 Appeal of the Refusal of Variance No. 13673 - 1405 Edward Street, Halifax

C A staff report dated June 4, 2007 on the above noted was before Community Council.

Mr. Andrew Faulkner, Development Officer, reviewed the staff report with Community Council, noting that this is an appeal of the Development Officer's decision to refuse a variance from the left side yard, right side yard, and frontage requirements of the Halifax Peninsula Land Use Bylaw to permit a Two Unit Dwelling.

Mr. Faulkner responded to questions of clarification from Community Council.

Councillor Fougere opened the appeal hearing and called for speakers.

Mr. Scott Theriault, Edward Street, Halifax

Mr. Theriault advised that he lives across the street from the subject property, and he supports the development officer's decision to deny the variance. He noted that this property has been operating as a rooming house for a number of years. Mr. Theriault indicated that there is no parking available for the building, which will create further congestion of parking on the street.

Councillor Fougere called three times for any further speakers in favour or against the application.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Deputy Mayor Uteck, that the appeal hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that the decision of the Development Officer to refuse the variance be upheld.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Fougere submitted a petition signed by approximately 500 residents, in support of in-home dog care facilities as an occupation.

9.3 Presentations

9.3.1 Presentation by the Friends of the Halifax Common

Ms. Peggy Cameron, Co-Chair and founding member of the Friends of the Halifax Common, presented to Community Council, noting the following:

- C The Friends of the Halifax Common was recently founded, and currently has 50 members;
- C The Halifax Common Plan was adopted by Council in 1994, containing three volumes, to be used as a basis for the management, detailed planning, capital expenditures and evaluation of proposals for the Halifax Common;
- C The Common was originally deeded “for the use of the inhabitants of the Town of Halifax forever”;
- C The Friends of the Halifax Common believe that the plan is an extensive document that should be enforced;
- C The Friends of the Halifax Common are seeking permanent advisory committee capacity.

Ms. Cameron reviewed several policies from the Halifax Common Plan with Community Council, including:

- C Policy 2.1 which directs that the amount of public open space in the Common not be decreased;
- C Policy 3.1 which directs that the amount of land owned will not be decreased; and
- C Policy 3.2 which directs that the city seek to increase the amount of city owned land through recaptured land formerly owned by the city.

Ms. Cindy Littlefair, member of the Friends of the Halifax Common, presented to Council, noting the following:

- C The Friends of the Halifax Common are here to reinstate the original objective of the use of the Commons, and they believe the original use is being overlooked;
- C The group have had minimum attention on this matter;
- C Out of the original Common 235 acres, there are 158 remaining;
- C The remaining acreage has been taken by sidewalks, boulevards, and private development.

Ms. Littlefair pointed out uses of the Common that the group do not believe fit with the original intent, such as the IWK parking garage, the VG parking lot, the Bengal Lancers, and the QEH site recently approved for expanded hospital use.

The Chair thanked Ms. Cameron and Ms. Littlefair for their presentations and asked that this information be referred to staff. She requested that staff obtain copies of the three volumes of the Halifax Common Plan for members.

10. REPORTS

10.1 Staff Reports

10.1.1 Case 00918: Land Use By-law Amendment, Halifax Peninsula, Dog Care Facilities

C A staff report dated May 10, 2007 on the above noted was before Community Council.

Mr. Paul Sampson, Planner, advised that this is an application by Janet Chernin of Canine Casbah, 6430 Oak Street, Halifax, to amend the Halifax Peninsula Land Use By-law to allow dog care facilities to be permitted in conjunction with residential dwellings. Mr. Sampson reviewed the report with Community Council and responded to questions of clarification.

At this time, Deputy Mayor Uteck took the Chair and Councillor Fougere took a seat in Council.

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Peninsula Community Council give Notice of Motion to consider the proposed amendments to the Halifax Peninsula Land Use By-law, as shown in Attachment A of the May 10, 2007 staff report, to permit dog care facilities in conjunction with residential dwellings, and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Fougere returned to the Chair and Deputy Mayor Uteck returned to her seat in Council.

10.1.2 Case 00796: Development Agreement - 927 South Bland Street, Halifax

C A staff report dated May 30, 2007 on the above noted was before Community Council.

Mr. Paul Sampson, Planner, advised that this is an application by Southwest Properties Limited on behalf of Summer Wind Partners (2000) Limited for a development agreement to permit a multi-unit residential building at 927 South Bland Street, Halifax. Mr. Sampson reviewed the report with Community Council.

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Peninsula Community Council move Notice of Motion to consider approval of the proposed development agreement, presented as Attachment A, for 927 South Bland Street, Halifax, and schedule a Public Hearing.

Deputy Mayor Uteck indicated that she is concerned with the lapse of time since the last community meeting held two years ago regarding this development, and indicated that she will organize another community meeting to be held prior to the public hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Case 82557: Fence Permit Application - 2120 Newton Avenue, Halifax

C A staff report dated June 1, 2007 on the above noted was before Community Council.

Councillor Fougere advised that fence permit applications are treated in the same manner as variance hearings and opened the floor to those who received notification wishing to speak in favour or against this fence permit application.

Mr. Dan Shaw, First Street, Halifax, noted that he has an issue with the size of the fence, noting the poor visibility backing out next to the fence. He commented that there are many children in the neighbourhood, and there have been many close calls because of the size of the fence. He suggested that if the fence posts were set on an angle, it would be easier to see the sidewalk.

Ms. Lily MacDonald, co-owner of 2120 Newton Avenue, Halifax, indicated that they were unaware of the height restriction when they first moved to the property. She noted that they occupy a corner lot and want privacy. Ms. MacDonald indicated that they have had discussions with their neighbours and they would be in agreement to angling the fence posts to allow a better line of sight. She clarified that the fence is already built.

Mr. Rick Brown, Supervisor Permits and Inspections, presented the June 1, 2007 staff report at this time. Mr. Brown responded to questions of clarification from members of Community Council.

Mr. Ron Gerrard, First Street, Halifax, noted that he is confident the property owners did not intend to create an issue, they just desired privacy on their property. Mr. Gerrard suggested lattice work, which would allow drivers to see movement.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that this matter be deferred to the July 9, 2007 meeting of Peninsula Community Council.

The Chair clarified that this matter will be deferred to allow time for the property owners and neighbours to discuss a suitable solution to the visibility issues surrounding this fence. The Chair offered her assistance with these discussions.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Committee Reports

10.2.1 Case 01002: Development Agreement - 5896 Spring Garden Road, Halifax

- C A report dated May 29, 2007 from the District 12 Planning Advisory Committee, with attached staff report, was before Community Council.
- C A report dated June 7, 2007 from the Heritage Advisory Committee, with attached staff report, was before Community Council.

Mr. Luc Ouellet, Planner, advised that this is an application by Geoff Keddy Architect and Associates to discharge an existing development agreement and to enter into a new development agreement to permit a restaurant/coffee shop within a municipally registered heritage property located at 5896 Spring Garden Road, Halifax. Mr. Ouellet reviewed the reports with Community Council.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Peninsula Community Council Give Notice of Motion to consider the proposed development agreement, as described in Attachment "A" of the staff report dated May 16, 2007, to permit a restaurant/coffee shop within the registered heritage property located at 5896 Spring Garden Road, Halifax, and schedule a public hearing. MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Deputy Mayor Uteck - Review of Gross Floor Area Ratio Requirements

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that staff prepare a report, for the October 1, 2007 Peninsula Community Council meeting, reviewing the effectiveness of the Gross Floor Area Ratio regulations adopted in October 2006, including the number of applications, who is being affected by the regulations, and any suggested amendments by staff. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

Councillor Sloane

Take Notice that at the next meeting of Peninsula Community Council on Monday, July 9, 2007, I will be directing questions to staff regarding staff recouping permit fees (ie: building permits, fence permits, etc.) from individuals who have undertaken work without paying for or applying for permits.

14. PUBLIC PARTICIPATION

Ms. Janet Shotwell, Murray Place, Halifax

Ms. Shotwell commented on the historical and community importance of the Halifax Common to the Peninsula and to HRM. She noted that there have been sites that could have been reclaimed by HRM as Common land on University Avenue along with the QEH site.

Ms. Beverly Miller, South Street, Halifax

Ms. Miller noted concern with regard to the Waterloo Street GFAR requirements. She noted that she is pleased staff will be working on a review of the GFAR regulations, and noted that the Waterloo Street report and the other houses on Waterloo Street that are in excess of the regulations could be used as examples.

15. NEXT MEETING

The next meeting of Peninsula Community Council will be held on Monday, July 9, 2007 at 7:00 p.m.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.

Jennifer Weagle
Legislative Assistant