

**PENINSULA COMMUNITY COUNCIL
MINUTES**

November 5, 2007

PRESENT: Councillor Sheila Fougere, Chair
Deputy Mayor Sue Uteck, Vice-Chair
Councillor Patrick Murphy

REGRETS: Councillor Dawn Sloane

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 7:07 p.m. in the Council Chamber, 3rd Floor, City Hall.

The Chair noted regrets from Councillor Sloane, who is attending another event this evening on behalf of HRM.

2. **APPROVAL OF MINUTES**

MOVED by Councillor Murphy, seconded by Deputy Mayor Uteck, that the minutes of October 1, 2007 be approved as distributed. MOTION PUT AND PASSED.

MOVED by Deputy Mayor Uteck, seconded by Councillor Murphy, that the minutes of October 17, 2007 (special meeting) be approved as distributed. MOTION PUT AND PASSED.

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

MOVED by Councillor Murphy, seconded by Deputy Mayor Uteck, that the order of business be approved as amended. MOTION PUT AND PASSED.

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

4.1 **Status Sheet**

4.1.1 **Neighbourhood Downzoning**

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

4.1.2 **Deputy Mayor Uteck - Review of Gross Floor Area Ratio Requirements**

This item to remain on the status sheet pending a full report to Council on this matter in November 2007.

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

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

4.1.4 **Mitchell's Enviro Depot update**

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

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

This item to be referred to the Regional Council status sheet. This item can be deleted from the Peninsula Community Council status sheet.

4.1.6 CN Property Maintenance

No information received. This item 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 00796: Development Agreement - 927 South Bland Street, Halifax

C An extract of the June 11, 2007 Peninsula Community Council minutes was before Community Council.

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

Mr. Brian White, Planner, advised that this application is for a development agreement to permit a multi-unit residential building at 927 South Bland Street, Halifax. Mr. White reviewed the May 30, 2007 staff report and photos of the property with Community Council, noting that staff are proposing an amended recommendation to also allow the removal of the existing commercial storage facility at 5497 Atlantic Street and the creation of landscaped open space as shown on the revised Schedule B Site Plan.

Mr. White responded to questions of clarification from members, clarifying the following:

C The development agreement would allow up to 120 units; however, the developer intends to create 106 units. This flexibility in the number of units is intended for the internal conversion of the size of units, depending on market conditions;

C A 25 foot right of way will be maintained between the property and the grain elevators;

C The number of parking spaces have been reduced from 89 to 75, to allow for the proposed landscaped open space;

C As per construction standards, there will be no open balconies on the rear of the building

facing the grain elevators;

- C A traffic study was undertaken by the applicant, and submitted for review by Traffic Authority staff, with no concerns raised.

Mr. Richard Kassner, Kassner Goodspeed Architects, presented to Community Council, noting the following:

- C He designed the building, on behalf of the applicant;
- C A request was made at the public information meeting for a “pocket park”, and in response parking spaces were removed to allow for the park;
- C He is working with a civil engineer and the Halifax Port Authority on the design of a blast wall for the rear of the building, which will be one storey high and of a stacked block construction to direct a blast skyward.

The Chair called for speakers for or against the proposed development agreement.

Mr. Jim Lorimer, Atlantic Street, indicated that he owns a business immediately adjoining the subject property. He noted a concern that it is a very large building for such a small property, and noted a concern with traffic in the area, in particular with regard to the five easements on the property which are used for trucking to and from the grain elevators. Mr. Lorimer encouraged the developer to combine the park space with the reuse of the existing building for an arts centre for the community, as opposed to demolishing the building.

Ms. Marie Welton, Atlantic Street, commented that he is pleased that a park will be included on the property.

Mr. Gordon Laing, President, Southwest Properties, noted that the developer, Southwest Properties, has a long history in the south and west ends of Halifax. He indicated that Southwest Properties are trying to be a good neighbour, holding community meetings and listening to input from residents by lowering the number of units and including the park.

In response to Councillor Murphy, Mr. Laing indicated that they would be willing to consider the reuse of the building on the site for a cultural centre, as suggested.

The Chair called for any further speakers for or against the proposed development agreement. Hearing none, it was **MOVED by Deputy Mayor Uteck, seconded by Councillor Murphy, that the public hearing be closed. MOTION PUT AND PASSED.**

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

1. **Amend the development agreement, included as Attachment “A” of the staff report dated May 30, 2007, to permit the removal of the existing commercial storage facility at 5497 Atlantic Street and the creation of landscaped open space as shown on the**

revised Schedule B Site Plan; and

2. **Approve the proposed development agreement, presented as Attachment “A” to the May 30, 2007 staff report, with the aforementioned amendments; and**
3. **Require that the development agreement be signed and delivered 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 or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Deputy Mayor Uteck noted concern that families are not being encouraged to move to the Peninsula, by not requiring a family oriented use in development agreements for buildings such as this. She noted concern that the South End has not yet been included in the Community Visioning process through the Regional Plan, although the South End was the first to ask for the process. Deputy Mayor Uteck supported the suggestion for the reuse of the existing building for a cultural centre, noting however that the site is contaminated and requires remediation which may create difficulties in reusing the building. She indicated a need for a commitment from the Port Authority to the neighbourhood on the viability of the grain elevators.

Councillor Murphy noted that the development will be an improvement to the existing site, however, there are safety issues to be addressed with regard to this property.

MOTION PUT AND PASSED.

8.2 Appeal Hearings

8.2.1 Appeal of the Development Officer’s decision to refuse a variance - 1405 Edward Street, Halifax

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

Ms. Erin MacIntyre, Development Technician, advised that this report deals with 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 By-law to permit a Two Unit Dwelling, Ms. MacIntyre reviewed the report with Community Council at this time, noting that the property owner originally applied for the variance on March 2007, which was refused and appealed, the appeal being refused Peninsula Community Council on June 11, 2007. Ms. MacIntyre indicated that the variance was re-applied for on August 29, 2007, refused, and appealed again on October 3, 2007, which is the appeal before Community Council at this time.

Deputy Mayor Uteck inquired how many times a variance appeal can be heard by Community Council. She also inquired whether the appellant not attending an appeal hearing would be a reason to allow another appeal.

Ms. MacIntyre clarified that as per section 56(1) “when a motion has been resolved in the negative, it shall not be again brought before the Council, except with the consent of two-thirds of the whole Council, until two months have elapsed and , if again resolved in the negative, shall not be again brought before the Council until the expiry of the civic year.”

The Chair called three times for those wishing to speak in favour or against the proposed variance. No persons came forward at this time.

The Chair inquired whether the Appellant was present, at which time no persons came forward. The Solicitor clarified that the Appellant had submitted a letter outlining the reasons for his appeal dated October 3, 2007, and that Community Council may make a decision on the appeal.

MOVED by Deputy Mayor Uteck, seconded by Councillor Murphy, that the appeal hearing be closed. MOTION PUT AND PASSED.

MOVED by Deputy Mayor Uteck, seconded by Councillor Murphy, that Peninsula Community Council uphold the Development Officer’s decision to refuse the variance.

Deputy Mayor Uteck noted disappointment that the Appellant did not appear to address Community Council with regard to his appeal.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations - None

10. REPORTS

10.1 Staff Report - None

10.2 Committee Reports - None

11. MOTIONS - None

12. ADDED ITEMS

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION - None

Mr. Graham Hicks, Young Street, commented that there is no sidewalk on the eastern side of Upper Water Street between the Casino and the roadway. He noted that there is a sidewalk along the wall on the western side of the road, but most people use the dirt path along the eastern side of Upper Water Street.

The Chair asked that these comments be passed along to Transportation and Public Works staff.

Mr. Pete Lavelle, Bel Aire Terrace, noted that Councillor Murphy recently made comments with regard to the Fairview Overpass, and encouraged Community Council members to give consideration to the recently changed intersection of Young and Windsor Streets. He noted the danger of a head on collision at the intersection, and pedestrian safety issues.

The Chair clarified that not long after the changes were made to the intersection, Council requested further modifications, which were completed. She indicated that Mr. Lavelle's comments will be forwarded to Transportation and Public Works staff to review the intersection for additional adjustments and ask for updated statistics on accidents in the intersection, to make the intersection safer for pedestrians and vehicular traffic.

15. NEXT MEETING - December 3, 2007

The next regular meeting of the Peninsula Community Council will be held Monday, December 3, 2007 at 7:00 p.m.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:14 p.m.

Jennifer Weagle
Legislative Assistant