

# HALIFAX REGIONAL MUNICIPALITY

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## DISTRICT 12 PLANNING ADVISORY COMMITTEE July 25, 2005 MINUTES

**PRESENT:** Heather Ternoway, Chair  
Beverly Miller  
Clary Kempton  
Lucy Trull  
Councillor Dawn Sloane

**REGRETS:** Graeme Gunn (Regrets)  
Mia Rankin (Regrets)

**STAFF:** Richard Harvey, Planner  
Gail Harnish, Admin/PAC Coordinator  
Julia Horncastle, Legislative Assistant  
Jennifer Weagle, Legislative Assistant

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1. **CALL TO ORDER**

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

2. **APPROVAL OF ORDER OF BUSINESS**

**Additions**

Item 7.1 Appointment of a District 12 PAC member for each Spring Garden/Queen Street Area Public Lands Plan Advisory Committee and the Grand Parade/Province House/Birks Site Public Lands Plan Advisory Committee.

Item 7.2 Letter from Mr. Philip Pacey regarding the Texpark Site.

Item 7.3 Building Conservation Standards

Item 7.4 Meeting with Regional Planning

**MOVED by Ms. Heather Ternoway, seconded by Ms. Beverly Miller, that the agenda, as distributed with additions, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

3.1 **Update - Gerrard Lodge**

A memorandum from Mr. Steven Higgins, Development Officer, dated June 29, 2005, was before the Committee for consideration.

Mr. Clary Kempton provided photos of the property to the Committee and made the following comments:

- ! That this matter has been an issue for the Committee since December.
- ! Either the addition to Gerrard Lodge or the neighbouring home was built over the property line.
- ! Mr. Kempton recommends that the Committee request a full survey of the property.
- ! The only measurement information available for the property is from a location certificate, which contains incorrect information. A location certificate is not satisfactory for mortgage purposes. A location certificate only certifies the bounds of a building within a property, not the property boundaries itself.
- ! There are only 28 inches between the buildings. The initial space requirement was to be 6.4 feet between the buildings, but was allowed to be reduced to 4.4 feet due to size restrictions.

Mr. Richard Harvey, Planner with Planning and Development Services advised that HRM would be responsible for incurring the cost of the survey.

Ms. Beverly Miller inquired how the two buildings, being only 28 inches apart, impacts on fire regulations. Councillor Sloane indicated that the exterior would have to be made of a non-combustible fire resistant/retardant material such as hardy board.

It was further clarified by Mr. Richard Harvey that Fire and Emergency Services inspect new construction for fire regulation compliance and Building Inspection Services inspect existing homes for fire regulation compliance.

During the discussion that ensued regarding changing policy to require a full survey prior to the granting of a Development Agreement the following comments were made:

- ! Mr. Harvey commented that the measurements available to the Committee are only an assumption until a full survey has been conducted. It is common working practice not to rely upon a location certificate. Policy should be changed to require the Development Agreement to be based upon a formal survey.
- ! Mr. Kempton indicated that this proposal was rejected by Peninsula Community Council previously as they thought it would be too expensive for developers to submit surveys each time.
- ! Mr. Harvey responding to the Committee's inquiries, informed them that a survey of a lot of approximately 100 feet by 100 feet would cost about \$1,000.00.

**MOVED by Ms. Beverly Miller, seconded by Mr. Clary Kempton, that Peninsula Community Council request that a full survey on the Gerrard Lodge property. MOTION PUT AND PASSED UNANIMOUSLY.**

The committee continued discussions regarding making a recommendation to Peninsula Community Council to incorporate into policy the requirement of a full survey instead of a location certificate. The following comments were made:

- ! The policy should pertain to all Development Agreements within District 12.
- ! Requiring a full survey prior to the approval of a Development Agreement would clarify how many units a developer can put on a property, eliminating problems like that of Gerrard Lodge.
- ! The Developers will require a full survey from the bank prior to securing financing for any developments, therefore requiring a full survey prior to the approval of a Development Agreement is not an unrealistic request.

**MOVED by Ms. Beverly Miller, seconded by Councillor Sloane, that the Committee recommend that Peninsula Community Council, as a working practice, rely on surveys instead of location certificates for all developments requiring Development Agreements within District 12. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Sloane recommended that the Committee draft a letter to Mr. Paul Dunphy explaining this recommendation using the example of Gerrard Lodge and including Mr. Clary Kempton's photos. Committee agreed.

Councillor Sloane further commented that, regarding paragraph 2 of the Memo from Mr. Steven Higgins dated June 29, 2005, there should be an alternative to remedies (a) and (b), such as a fine, for the developer if the measurement is less than 4.4 feet from the building to the property line. Councillor Sloane also suggested that since staff has to deal with the files, they should have the discretion to require a survey.

Mr. Clary Kempton suggested that the developer should be required to restore the stone facade of the building.

Ms. Beverly Miller, regarding 5(d) of the Memo from Mr. Steven Higgins indicated she would like further information on how the decision was reached that a 20% reduction in the lot size of Gerrard Lodge was substantially in conformance with the Development Agreement.

**MOVED by Ms. Beverly Miller, seconded by Mr. Clary Kempton, that the Committee request further explanation from Mr. Steven Higgins regarding the decision that a 20% reduction in the lot size of Gerrard Lodge was substantially in conformance with the Development Agreement. MOTION PUT AND PASSED UNANIMOUSLY.**

### **3.2 Mr. Clary Kempton - Consideration of Outdoor Rinks in HRM**

Mr. Clary Kempton distributed materials to the Committee for their review. Mr. Kempton discussed the various location options for outdoor rinks within District 12 and requested that the Committee review the materials provided and make any recommended changes to Ms. Harnish by Wednesday, July 27, 2005.

Councillor Sloane stated that she would like to see action taken on this matter by October ie. organization of volunteers. She recommended that the Committee also forward the information provided by Mr. Clary Kempton to Mr. Bernie Smith, Manager of the Spring Garden Area Business Association, as well as Regional Council. Councillor Sloane also recommended that the Commons and the George Dixon Centre be added to the possible sites.

Ms. Beverly Miller suggested that the outdoor rinks proposal be put in the context of increased physical activity, focussing on downtown workers. The proposal should follow the HRM mandate of Healthy Sustainable Communities and promoting a better quality of life.

### **3.3 Halifax Common Task Force**

This matter will be brought before Council on September 6, 2005.

### **3.4 Request for Urban Design Presentation**

Further to the emails provided to the Committee between Jacqueline Hamilton, Andy Fillmore and Gail Harnish dated July 20, 2005, the parties are not yet prepared to make a presentation on this topic.

## **4. PUBLIC PARTICIPATION - GENERAL PLANNING ISSUES**

There were no requests to present received.

### **5. Richard Harvey - General discussion on rooming houses and residential occupancies**

Mr. Richard Harvey led a discussion on potential land use by-law amendments regarding rooming houses and residential occupancies.

## **6. STATUS UPDATES**

### **6.1 Monthly Status Sheet**

The monthly status sheet was reviewed and discussed by the Committee.

## **7. ADDED ITEMS**

### **7.1 Appointment of a District 12 PAC member for each Spring Garden/Queen Street Area Public Lands Plan Advisory Committee and the Grand Parade/Province House/Birks Site Public Lands Plan Advisory Committee**

The Committee reviewed and responded to an email from Andy Fillmore to Gail Harnish dated July 22, 2005, requesting the appointment of a District 12 PAC member for each Spring Garden/Queen Street Area Public Lands Plan Advisory Committee and the Grand Parade/Province House/Birks Site Public Lands Plan Advisory Committee.

Ms. Lucy Trull volunteered for the Grand Parade/Province House/Birks Site Public Lands Plan Advisory Committee and Ms. Heather Ternoway volunteered for the Spring Garden/Queen Street Area Public Lands Plan Advisory Committee.

**7.2 Letter from Mr. Philip Pacey regarding the Texpark Site**

This item was distributed to Committee members for their information and review.

**7.3 Building Conservation Standards**

A copy of the standards used by the Heritage Advisory Committee (HAC) was circulated. The Committee had previously discussed creating a checklist which it would use to evaluate planning applications against, similar to the checklist used by HAC. Ms. Miller agreed to look at the Municipal Planning Strategy for Halifax to see how many items might be on a checklist.

**7.4 Meeting with Regional Planning**

There was a suggestion to consider forming a working group to review the draft regional plan. Committee members are to look through the draft plan and identify what they feel is important, particularly as it pertains to the urban core (District 12 in particular). A joint meeting is to be held with regional planning staff and HAC at a future date.

**8. NEXT REGULAR MEETING DATE**

The next regular meeting of the District 12 Planning Advisory Committee is scheduled for August 22, 2005 at 7:00 p.m. in the Trophy Room, City Hall.

**9. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:00 p.m.

Jennifer Weagle  
Legislative Assistant