

DISTRICT 12 PLANNING ADVISORY COMMITTEE
MINUTES

AUGUST 31, 2009

PRESENT: Ms. Heather Ternoway, Chair
Mr. Clary Kempton
Councillor Dawn Sloane
Ms. Katherine Perrott

REGRETS: Ms. Beverly Miller, Vice-Chair

STAFF: Ms. Gail Harnish, Admin/PAC Coordinator

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6. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in the Media Room, City Hall.

7. APPROVAL OF MINUTES - JUNE 22, 2009 AND AUGUST 10, 2009

June 22, 2009

It was noted the word "teh" in the second paragraph on Page 5 should be "the".

MOVED by Mr. Kempton, seconded by Councillor Sloane, that the revised minutes of June 22, 2009 be approved. MOTION PUT AND PASSED.

August 10, 2009

The Chair requested that reference be included in the minutes to indicate the meeting was a special meeting called at the request of the clerks office to deal with the planning application for 1314 Martello Street, Halifax.

MOVED by Ms. Perrott, seconded by Mr. Kempton, that the revised minutes of August 10, 2009 be approved. MOTION PUT AND PASSED.

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

Councillor Sloane agreed to provide an update on the Mitchell's Enviro Depot property under added items.

It was agreed to revise the order of business to deal with the two staff reports prior to considering deferred business.

MOVED by Councillor Sloane, seconded by Mr. Kempton, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

9. BUSINESS ARISING OUT OF THE MINUTES - NONE

7. REPORTS:

7.1 Case 01301: Non-substantive DA amendments - 1445-1467 South Park Street, Halifax

Mr. Luc Ouellet, Planner, presented the proposed amendments using a PowerPoint

presentation. The proposed amendments are to the development agreement approved by Regional Council on August 12, 2008, for a 19-storey mixed use residential/commercial building commonly known as the Trillium on South Park Street and Brenton Place.

Mr. Ouellet confirmed the difference in the wrap-around balconies is from the 14th storey up, and that they will have a glass railing.

Mr. Ouellet advised the rationale provided for taking out the glass at the bottom had to do with the public art piece. The architect thought the art piece would not show as well if there were windows there, and that it would be better seen if there was no interference with lighting. The other reason had to do with retail space and how it is laid out, especially the one on the left hand corner entrance.

Councillor Sloane expressed concern that the removal of the windows would create a blank wall.

Mr. Ouellet confirmed the detailed feature on the circular roof is still there but is probably not as prominent in terms of its elevation.

Councillor Sloane questioned whether they planned on having benches and planters with flowers in the landscaped area at ground level. Trees tend not to get maintained.

Mr. Ouellet advised they could include planters if they wanted but noted the back portion would not be accessible to the public. It was pointed out the area could be accessed through the commercial businesses. Some of the trees are necessary for wind mitigation.

Ms. Ternoway confirmed the public art piece would be approximately 10-11' in height.

Reference was made to Policy EC-2(c) of the Regional Municipal Planning Strategy which states "buildings should avoid long, un-interrupted blank walls, especially facing sidewalks or other public areas...". It was questioned how staff considered this policy in terms of the blank wall.

Mr. Ouellet indicated it is something we can accept because of the abundance of glass contained in the curtain wall system, as well as along the frontage of both south park and Brenton Place.

Ms. Perrott stated she did not think the justification provided is satisfactory, particularly for removing both levels of windows.

Ms. Ternoway pointed out the information in the fifth bullet on Page 2 of the report does not match with what is on the schedule. It should indicate the hot tub is being proposed for the 14th floor and the exercise swimming pool is being proposed for the 3rd floor.

MOVED by Ms. Perrott, seconded by Mr. Kempton, that the District 12 Planning Advisory Committee recommend that Regional Council:

- 1. Approve by resolution the non-substantive amendments to the existing development agreement for 1445-1467 South Park Street, Halifax, as detailed in the amending agreement appended as Attachment A of the report dated July 13, 2009, with an amendment to Schedules C, D, X and Y to include windows on the second storey (Level 200) to comply with Policy EC-2(c) of the Regional Municipal Planning Strategy.**
- 2. Require that the amending agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional 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.

7.2 Case 01246: Development Agreement, 5280-82 South Street and 5279 Tobin Street, Halifax

Mr. Paul Sampson, Planner, presented the application. He noted the applicants, Deborah and Jeffrey Conrad, were in attendance.

Councillor Sloane advised she agreed to waive the PIM because the application was seen to be a pretty minute thing. Letters were sent to neighbours advising them of the application but no one replied.

It was noted there appears to be five through lots in the area.

Mr. Sampson advised there are instances where there are two buildings on one property, but the owners have not applied to subdivide them. The variances granted in 1988 and 1990 allowed for the development of the second building. They did not allow for the subdivision of the property because variances can only be issued for existing lots.

Mr. Sampson confirmed he was not aware of any existing easements and right-of-ways assigned to this continuous lot.

Ms. Ternoway referenced Section 3.3.2 of the agreement and questioned whether a future owner of the lot could apply to increase the floor area. Mr. Sampson advised they could but would have to go through the full process to do so.

MOVED by Councillor Sloane, seconded by Ms. Perrot, that the District 12 Planning Advisory Committee recommend that Peninsula Community Council:

- 1. Approve the proposed development agreement as contained in Attachment A of the report dated August 11, 2009, to allow for the subdivision of property at 5280-82 South Street and 5279 Tobin Street, Halifax; and**
- 2. Require the agreement be signed and delivered within 120 days from the date of delivery of documentation to the applicant for execution, or any extension thereof granted by Council on request of the Applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including any applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10. CONSIDERATION OF DEFERRED BUSINESS

- 5.1 How the Committee's Report on HRMbyDesign was reported in the Council minutes
- 5.2 How the Committee's Report was dealt with in the supplementary report

The Committee expressed concern that many of its suggestions included in the presentation to Council at the public hearing were not addressed in Attachment B (Response to Public Comments) of the Supplementary Report.

Ms. Ternoway indicated she disagreed with the rationale that the Downtown Halifax planning documents were regional and felt they were a local issue.

The Committee agreed that it would express their concerns by way of a presentation to the Peninsula Community Council during the public participation session at the October 5th meeting.

- 5.3 Update from Councillor Sloane - Gottingen Terrace

Councillor Sloane advised that Dave McCusker talked to Grant Wanzel about putting

parking bays in the front of the buildings but he said no. Mr. Wanzel held a meeting with the neighbourhood. Pictures of the units being proposed and their prices are available for viewing on her web page. The idea is to get people to move back downtown but in an affordable way.

6. PUBLIC PARTICIPATION - GENERAL PLANNING ISSUES - NONE

8. STATUS UPDATES

8.1 Monthly Status Updates - Planning Applications

The Committee reviewed the monthly status updates for District 12.

8.2 Review of Status Sheet

The Committee reviewed its status sheet.

8.3 Decisions of Council

8.3.1 Development Agreement - Hollis & Morris Street

First reading was given and the public hearing has been scheduled for September 14, 2009.

The Committee agreed it would not make a verbal presentation to Council. The report from the Committee was an information report which expressed concerns and provided comments but did not provide a recommendation.

8.4 Demolitions Permit Applications

The list of applications was circulated for the information of the Committee.

The Committee asked about the status of demolition permits to facilitate the Waterside project.

9. ADDED ITEMS

9.1 Mitchell's Enviro Depot update

Councillor Sloane advised we have an individual interested in the property and an understanding has been signed with Mr. Mitchell's lawyer that whoever buys the property must be approved by HRM. The property taxes are being paid but HRM has a

substantial lien on the property.

Councillor Sloane indicated there was a fire there the other night and Dangerous & Unsightly staff had to secure the building again. It looks like it is going through Environmental Phase 2. The height precinct is five storeys in the front. In order for the apartment/condominium units to be affordable, they need the building to be fifteen storeys in height. She asked for feedback from Committee members.

Mr. Kempton referenced the building at the corner of Faulkner and Gottingen Street which he felt declined in quality and design as it progressed. Councillor Sloane noted that building was done as-of-right as opposed to by a development agreement.

Ms. Perrott noted development is quickly developing along Gottingen Street and perhaps another developer could make a profit with an 8 storey building.

Moved by Ms. Perrott, seconded by Mr. Kempton, to ask for a staff report on an evaluation of options for City action on that property.

MOTION PUT AND PASSED.

10. NEXT MEETING

The next meeting is scheduled for Monday, September 28, 2009.

11. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Gail Harnish
Admin/PAC Coordinator