

HALIFAX REGIONAL MUNICIPALITY

DISTRICT 12 PLANNING ADVISORY COMMITTEE November 28, 2005 MINUTES

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

ABSENT: Mia Rankin

STAFF: Angus Schaffenburg, Senior Planner
Gail Harnish, Admin/PAC Coordinator
Jennifer Weagle, Legislative Assistant
Sherryl 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 ORDER OF BUSINESS

Additions:

- 8.1 Grand Parade/Province House/Birks Site Public Lands Planning Advisory Committee update
- 8.2 Spring Garden /Queen Street Area Public Lands Planning Advisory Committee update
- 8.3 Invitation to District 11/Councillor Murphy to amalgamate with District 12 PAC
- 8.4 Status of Letter on the Halifax Common Task Force
- 8.5 Requirements for surveys for development agreements
- 8.6 Meeting schedule discussion
- 8.7 Discussion on Information Item - Harvey St. parking lot

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

3. APPROVAL OF THE MINUTES - June 27, July 25, and September 7, 2005

MOVED by Councillor Sloane, seconded by Beverly Miller, that the minutes of June 27, 2005 be approved as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Beverly Miller, seconded by Clary Kempton, that the minutes of July 25, 2005 be approved as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Beverly Miller, seconded by Councillor Sloane, that the minutes of September 7, 2005 be approved as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

Business arising from Item 3 of the minutes of June 27, 2005 & Item 3.4 of the minutes of July 25, 2005 - Request for Urban Design Presentation

It was noted that a motion was made at the June 27, 2005 meeting to request that the Urban Design Planner make a presentation to the District 12 PAC regarding practices and

codes. It was further noted that the Committee was advised at the July 25, 2005 meeting that the parties were not yet prepared to make this presentation. It was requested that a letter be written to the Urban Design Planner requesting that the presentation be made.

Business arising from the minutes of November 22, 2004, June 27, 2005 and July 25, 2005 - Gerrard Lodge Update

Mr. Kempton advised that the Committee has been requesting clarification on the status of the property for the past year. Ms. Harnish clarified that three motions had been made regarding this property, as follows:

- C That Peninsula Community Council request that a full survey on the Gerrard Lodge property be carried out.
- C 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.
- C 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.

Ms. Harnish advised that the survey is being undertaken and a report to Peninsula Community Council will be completed with regard to these matters.

Ms. Miller advised that at the September meeting of the Peninsula South Community Association, the Association supported District 12 PAC's recommendation to rely on surveys instead of location certificates for all developments requiring Development Agreements and recommended that this practice apply to the whole of Peninsular Halifax. Councillor Sloane suggested that the Peninsula South Community Association write a letter to Peninsula Community Council to this effect. Ms. Miller advised she would follow up with the Association to have this done.

Ms. Miller further advised the Committee that she had attended the property and completed measurements. At the closest point, the distance between the building and the wooden fire escape is 4.2 feet.

The Committee agreed that they would wait for the survey to be completed before discussing this matter further.

Business arising from the minutes of July 25, 2005 - 7.3 Building Conservation Standards

At the July 25, 2005 meeting, Ms. Miller indicated her agreement to review the Municipal Planning Strategy for Halifax and compile items for a checklist for evaluating planning applications. Ms. Miller indicated that she has not yet had an opportunity to do this and she will work on this task.

Business arising from the minutes of July 25, 2005 - 7.4 Meeting with Regional Planning

The Committee discussed setting up a working group to review the Regional Plan. The Chair suggested that the Committee set out specifically what it should be commenting on. The Committee decided that the most efficient way to review the draft Regional Plan is to have staff present to the Committee the particulars of the plan that will directly effect District 12.

MOVED by Councillor Sloane, seconded by Clary Kempton, that a recommendation be made to staff to provide the District 12 PAC with a synopsis of the effects the Regional Plan will have on District 12. MOTION PUT AND PASSED UNANIMOUSLY.

5. Public Participation - General Planning Issues

Separate correspondence was received by the Committee from the Federation of Nova Scotian Heritage and the Provincial Heritage Property Owners Association of NS regarding the United Gulf Developments TexPark development. The correspondence from the Federation of Nova Scotian Heritage requested a representative of the Federation present to the Committee. The Chair advised that she and Ms. Harnish had reviewed the Committee's previous decision on presentations to the Committee. The Chair clarified that presentations can be made to the Committee on general planning matters, but not on specific development applications, as this would be treading on the territory of public information meetings and public hearings.

Councillor Sloane advised that a few MLA's have approached the Mayor with regard to enacting legislation to place a height restriction on the perimeter of the Citadel. Councillor Sloane suggested that perhaps the Federation should be directed to speak with an MLA involved with the height restriction legislation.

Further discussion ensued regarding the subject of presentations to the Committee, reference was made to previous email discussions on the subject and a request for the minutes of September 27, 2004 was made. The Committee then directed that a letter be written to the Federation of Nova Scotian Heritage requesting clarification on the intent of their requested presentation. It was suggested that the letter should also advise the Federation that they will be welcome to attend the upcoming District 12 PAC meeting that

will be dealing with the TexPark development, to respond to questions of clarification from the Committee. A January 2006 date is to be set for this meeting.

Later, in the meeting, discussion continued regarding public participation, during which reference was made to the September 27, 2004, in particular the following was noted:

- C The Committee must guard against meetings becoming Public Information Meetings.
- C The Committee can receive written submissions relative to planning matters and seek clarification of the content of that submission.
- C Public participation be limited to scheduled public participation relative to new initiatives or general planning matters with a limit of two per meeting.
- C The Committee can provide an opportunity to the public to clarify matters relating to the items to be dealt with by the Committee.

6. Case 00665 - Rezone 5220 Morris Street, Halifax - Angus Schaffenburg

- A staff report dated November 14, 2005 was before the Committee.

Mr. Angus Schaffenburg, Senior Planner, Planning and Development Services, introduced Mr. Roy W. Willwerth, Duffus Romans Kundzins Rounsefell Architects Limited, who was in attendance on behalf of the Applicant, Halkirk Properties Limited. Mr. Schaffenburg provided an overview of the report. Responding to questions from the Committee, Mr. Schaffenburg clarified that the east and west elevations were not included with the package, because this is a re-zoning application, therefore, less detail is required from the applicant than if it were a development application.

Mr. Willwerth clarified the parking element of the design structure, noting that indoor parking would be on street level with an elevated entry. Office space would be located on the second floor.

Mr. Kempton noted the following concerns:

- C Whether covered parking and twenty-four parking spaces are necessary for a small building, particularly as it would remove a significant amount of the street scape being located on the first floor.
- C Why the neighbouring Letson Court development, also a Halkirk Properties development, did not incorporate square footage for parking during the design process of Letson Court.

Mr. Schaffenburg indicated that the building will be used as a dispatch centre for the Longshoremens' Association, therefore, they will require short term parking for their

workers. Councillor Sloane indicated that this would ensure parking off the street so as not to hinder parking for residents.

Facade materials were discussed, with Mr. Willwerth indicating that the building will have a synthetic stone tile facade, similar to material used on Bishops Landing.

It was noted by Ms. Trull that street level pedestrian interaction is very important in design and approving street level parking in this building would set a precedent in HRM.

At the request of the Committee, Mr. Schaffenburg clarified that the present zoning (RC-3 - High Density Residential/Minor Commercial Zone) permits minor commercial use, however, this zoning stipulates that any commercial uses must be at street level. Re-zoning the property to C-2A (Minor Commercial Zone) would not contain the street level commercial requirement. Mr. Schaffenburg further noted that offices are a permitted use in any C-2A zone. He further clarified that a rezoning, as opposed to a Development Agreement, was recommended as there is no enabling policy for a Development Agreement in this circumstance. As set out in Alternative 2 of the staff report, a site specific plan amendment would be required for the site to be considered by way of a Development Agreement.

Ms. Miller noted that the neighbours do not favour this rezoning, and rezoning the building to commercial would be in violation of the South End Area Plan. Ms. Miller noted she would not be supporting the recommendation.

It was clarified at the request of the Committee that Letson Court, the neighbouring property, does have underground parking. Mr. Schaffenburg noted that there are right-of-way issues on the property would complicate space allowed for underground parking. Several options for parking were suggested including sharing parking with Letson Court and designing a taller, narrower building (to a maximum height of 70 feet) to allow space for open air parking on the lot.

Mr. Willwerth clarified that the proposal was designed to achieve the minimal 24 parking spaces required by the Longshoremen. He noted that it would be easier and less expensive for the Longshoremen to have underground parking constructed, however, it would take away from the number of parking spaces. Mr. Willwerth indicated that having underground parking would also take away from the street animation, more so than having ground floor parking, as it would require a vestibule and a twenty foot garage door with ramp.

At the request of Committee members, Mr. Willwerth advised that sharing parking with Letson Court has been explored, however the parking spaces are nearly full from the condo residents and there would be potential legal difficulties with the *Condominium Act*.

Ms. Ternoway read from the staff report which states “Although application of the C-2A Zone potentially enables larger commercial development with no residential component to be developed on this site, staff is satisfied that the developer will construct what is proposed...”. She noted that this indicates the possibility that the building could be sold after construction, allowing for a larger commercial development on the site. Mr. Willwerth clarified that the Longshoremen have been in their existing location for close to 100 years and advised that the Longshoremen may be willing to provide a letter of undertaking indicating that they would not move or sell the building.

Mr. Schaffenburg clarified that a stipulation of the minor commercial use is that such uses are required to be “located below grade or up to three feet above grade”. Grade is defined as “being the elevation of the ground at any one point along any official street line abutting such lot”. Mr. Schaffenburg clarified that the slope of Morris Street would not allow for vehicles to enter on the side of the building.

MOVED BY Mr. Clary Kempton, seconded by Ms. Beverly Miller, that Peninsula Community Council reject the proposed rezoning on the basis of the elimination of street level commercial space and the elimination of residential space from this site. MOTION PUT AND PASSED.

It was suggested that in the discussion section of the report, references to the South End Area Plan and the Halifax Regional Plan (regarding the repopulation of the peninsula) be included.

7. STATUS UPDATES

7.1 Monthly Status Sheet

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

7.2 Decisions of Community Council

Decisions of Community Council were reviewed by the Committee.

8. ADDED ITEMS

8.1 Grand Parade/Province House/Birks Site Public Lands Planning Advisory Committee Update

Ms. Trull provided an update of the Grand Parade/Province House/Birks Site Public Lands Planning Advisory Committee and advised that due to scheduling conflicts, in the new year she will no longer be able to attend the meetings which are held at 1:00 p.m. at the Ferry

Terminal. Ms. Trull advised that she will speak to the Chair at the December 14, 2005 meeting about changing the meeting time, and if it is not possible to change the time of the meetings, another member of the District 12 PAC would have to take her place. Ms. Miller and Mr. Gunn indicated an interest in taking Ms. Trull's place on the Committee.

It was requested that this item be placed on all future agendas for updates.

8.2 Spring Garden /Queen Street Area Public Lands Planning Advisory Committee Update

Ms. Ternoway advised that the Committee has met once with members of the library, area churches, citizens, to discuss the best uses for Municipal and Provincially owned vacant or underutilised lands. The Committee also discussed plans for a public library on the Halifax Infirmary site. Ms. Ternoway noted that there have been three applicants to undertake the study for the lands, and the study was awarded to EDM and Urban Strategies as a collaborative effort. She advised that the Committee will be meeting this coming Thursday with the team.

It was requested that this item be placed on all future agendas for updates.

8.3 Invitation to District 11/Councillor Murphy to Amalgamate with District 12 PAC

It was noted at the last District 12 PAC meeting that Councillor Patrick Murphy, District 11, suggested forming a joint District 11/District 12 Planning Advisory Committee.

Discussion ensued, during which the following was noted:

- C District 11 issues are very different from District 12 issues.
- C District 12 PAC already has a full agenda with Downtown issues.
- C District 12 PAC should meet more frequently.
- C After amalgamation, there was a Peninsula PAC, from which the District 12 PAC originated.

Mr. Kempton suggested that a website be created to inform the public about current proposals and issues before the Committee.

MOVED BY Ms. Beverly Miller, that a letter be written to Councillor Murphy indicating support of forming a District 11/District 12 PAC.

The Chair requested a seconder for Ms. Miller's motion, there being none, **THE MOTION WAS LOST.**

MOVED BY Ms. Miller, seconded by Councillor Sloane, that District 12 PAC write a letter to encouraging him to form a District 11 PAC, and indicate that the District 12 PAC and District 11 PAC maintain separate Committees, holding joint meetings on joint matters of interest. MOTION PUT AND PASSED.

8.4 Status of Letter on the Halifax Common Task Force

This matter was not discussed.

8.5 Requirements for Surveys for Development Agreements

This item was discussed under Item 4 - Business Arising Out of the Minutes.

8.6 Meeting Schedule Discussion

The Committee discussed the irregular frequency with which the Committee has been meeting. It was suggested that the Committee commit to meeting every month.

It was also suggested that the District 12 PAC maintain a status sheet, similar to the Peninsula Community Council status sheet, for projects coming out of Committee meetings undertaken by Committee members.

MOVED BY Ms. Beverly Miller, seconded by Councillor Sloane, that the District 12 PAC meet monthly and maintain a District 12 PAC status sheet. MOTION PUT AND PASSED UNANIMOUSLY.

8.7 Discussion on Information Item - Harvey St. Parking Lot

Ms. Miller noted that the staff information report does not fully address the issue of the neighbourhood wanting specific zoning to allow only townhouses on Harvey Street. She noted that the present R2A zoning allows townhouses, however it also includes other types of buildings. Ms. Miller indicated that a site specific policy restricting the development on that portion of land to townhouses.

Councillor Sloane indicated that she had previously mis-communications with Mr. Richard Harvey, Planner, which resulted in this matter being closed. Mr. Harvey noted that the lands were already zoned to include townhouses and therefore Councillor Sloane indicated that the matter could be closed.

MOVED BY Ms. Beverly Miller, seconded by Councillor Sloane, that the District 12 PAC recommend that Peninsula Community Council request a staff report with a

proposed policy to have the Harvey Street parking lot on the zoning and designation that would only allow townhouses.

It was clarified that this could be included in the community secondary plan to the Regional Plan. It was noted that the lands may be sold and developed before the adoption of the Regional Plan, and that the matter should go to Peninsula Community Council to be dealt with in a timely manner.

MOTION PUT AND PASSED.

9. NEXT REGULAR MEETING DATE

The next regular meeting of the District 12 Planning Advisory Committee will be held in January 2006. Ms. Harnish will set a date and advise Committee members.

It was noted that the annual election of Chair and election of Vice-Chair would be added to the agenda for the January 2006 meeting.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 p.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEM

- 1. Information Report - Harvey Street Parking Lot - Townhouses (Case 00644 - Zoning Review)**

This item was discussed under Added Item 8.7 - Discussion on Information Item - Harvey St. Parking Lot.