

HALIFAX REGIONAL MUNICIPALITY

DISTRICT 12 PLANNING ADVISORY COMMITTEE April 21, 2008 MINUTES

PRESENT: Ms. Beverly Miller, Vice-Chair
Mr. Clary Kempton
Ms. Katherine Perrott
Councillor Dawn Sloane

REGRETS: Ms. Heather Ternoway, Chair
Mr. Logan McDaid

SPECIAL

PRESENTER(S): Mr. Luc Ouellet, Planner 1, Community Development - Planning Applications
Mr. Paul Sampson, Planner 1, Community Development - Planning Applications

STAFF: Ms. Gail Harnish, PAC/Administrative Coordinator
Ms. Sandra T. Riley, Legislative Assistant

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1. **CALL TO ORDER**

Ms. Beverly Miller, acting as the Chair, called the meeting to order at 6:42 pm

2. **APPROVAL OF ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS:**

MOVED BY Mr. Kempton, seconded by Ms. Miller that the order of business, as amended, be approved. MOTION PUT AND PASSED.

3. **APPROVAL OF MINUTES** - January 28 and March 10, 2008

January 28, 2008

Page 6 - 9.4 Demolition Permit Applications - "... a 4-6 month window.." should read "a 4-6 month window to start construction."

MOVED by Mr. Kempton, seconded by Ms. Miller that the minutes of January 28, 2008 be approved as amended. MOTION PUT AND PASSED.

MOVED by Ms. Perrott, seconded by Mr. Kempton that the minutes of March 10, 2008 be approved as distributed. MOTION PUT AND PASSED.

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

Correspondence:

4.1 **Letter from Mr. Paul Dunphy to Ms. Heather Ternoway**

Dated April 15, 2008 from Mr. Paul Dunphy, Director - Community Development, to Ms. Heather Ternoway, Chair - District 12 Planning Advisory Committee regarding the future development of the Harvey Street parking lot. Mr. Dunphy indicated that "staff discussed future development opportunities for the site with staff from Canada Lands Company Ltd.," and it was recognized "that townhouses are the most appropriate form of development for this site and, when the property is ready for disposal, will require the purchaser to develop the lands in that form." Ms. Miller suggested that the Committee request something in writing for clarification on zoning.

MOVED by Councillor Sloane, seconded by Mr. Kempton, that the future development of the Harvey Street parking lot be kept on the Status Sheet and that the Chair of the District 12 Planning Advisory Committee request to have the re-zoning formally solidified in writing. MOTION PUT AND PASSED

4.2 **Public Information Meetings (PIM)**

A letter dated April 15, 2008, from the Chair of the District 12 PAC requesting an additional PIM to discuss the proposal for Case 00971 - the Keith's Brewery lands- as members of the public in the first meeting were not prepared for development proposal discussion as they believed only the amendment to the CBD boundary would be discussed. Mr. Dunphy responded that another PIM is not needed, and at this point in the process, the appropriate forum for residents to express their opinions is at the public hearing.

Councillor Sloane advised that if there are extreme amendments, this would have to go back to the public, and the Committee would discuss it further after the presentation from staff.

4.3 Formal Review of HRMbyDesign final draft - letter from Paul Dunphy

This letter dated April 14, 2008 to Ms. Ternoway, chair of the District 12 Planning Advisory Committee is in response to a letter submitted to Mr. Dunphy from the Committee, and informed the Committee that staff will not be forwarding the HRMbyDesign amendment package to the Committee for review and recommendation.

Councillor Sloane suggested that the Committee review the planning documents of HRMbyDesign and formulate a report from the District 12 PAC in the event the Committee does become involved in the proceedings. Ms. Perrott advised that the language of the Terms of Reference may need to be updated for the future. Upon review of the Terms of Reference for the Committee, it was agreed that the following motion be put forth:

MOVED by Councillor Sloane, seconded by Mr. Kempton, that District 12 PAC submit a letter to Legal for an opinion on whether the Committee should have been involved in the HRMbyDesign final draft review and recommendation, and due to the Terms of Reference not being updated, what the tasks for the Committee should be.
MOTION PUT AND PASSED

4.4 Re: Case 01046: MPS Amendment and Development Agreement, South Park Street and Brenton Place, Halifax

Letters from Brian White, Planner, and another dated March 19, 2008 from Mr. Cesar Saleh of W. M. Fares Group.

Mr. Kempton recapped the letters stating that the District 12 PAC had suggested that the Victorian houses at South Park and Brenton Place should be marked for re-location as opposed to demolition. Mr. White's letter stated that planning staff is not opposed to that idea and will do whatever they can to help facilitate this action. Mr. Cesar Saleh of W.M.

Fares Group stated that they are very interested in collaborating with District 12 Pac and HRM to assess the possibility. The Committee's suggestion was to move these houses from their current location to the Victoria General Hospital parking lot.

In response to an email from Ms. Kelly Denty, Supervisor, Planning Applications - Community Development, regarding follow up inspection for Demolition Permits, Mr. Kempton suggested having past demolitions added to the Committee's status sheet as a record.

MOVED by Councillor Sloane, seconded by Mr. Kempton that the District 12 Planning Advisory Committee seek a legal opinion regarding past demolitions and add this item as a followup on the status sheet. MOTION PUT AND PASSED

5. **PUBLIC PARTICIPATION - GENERAL PLANNING ISSUES** - no requests received
6. **CASE 01046: MPS/LUB Amendments and Development Agreement, South Park Street and Brenton Place, Halifax {Luc Ouellet}**

A staff report dated March 28, 2008 on the above noted was before the Committee. Mr. Luc Ouellet, Planner 1, Community Development - Planning Applications [Western Region], advised the Committee that Case 01046 is an application by W.M. Fares to amend the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law to permit a 19-storey mixed use residential/commercial building on the northeast corner of South Park Street and Brenton Place (1441-1467 South Park Street and 5679-5683 Brenton Place) in Halifax, by development agreement. Mr. Ouellet circulated a handout for the presentation. Mr. Ouellet reviewed the staff report and gave a presentation with the following points outlined:

- Current Use on Site [2 slides]
- MPS Designation
- Zoning
- "As-of-Rights" Development Options
- Proposal
- East from South Park Street
- North from Brenton Place
- West from Brenton Place
- South from Spring Garden Road
- Aerial View - Northeast
- Aerial View - Northwest
- Aerial View - Southeast
- Design Highlights
- Rationale for Proposed MPS Changes
- Proposed MPS/LUB Amendments
- Evaluation of MPS/LUB Amendment Proposal

- Tall Buildings in Vicinity of Brenton Place
- Wind Impact Study Methodology
- Pedestrian Wind Comfort and Safety Categories
- Wind Impact Study Conclusions
- Recommendations for Wind Control Measures
- Shadow Impact Study Methodology
- Shadow Impact: (4 Slides) Winter; Spring; Summer; Fall
- Shadow Impact: Schmitdville

MOVED by Ms. Miller, that the District 12 Planning Advisory Committee reject the recommendation that Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law, as contained in Attachment “A” and “B” of this report, and schedule a public hearing.**
- 2. Move notice of Motion to consider the development agreement, as contained in Attachment “C” of this report, to allow for a 19-storey mixed use residential/commercial building on the northeast corner of South Park Street and Brenton Place, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**
- 3. Approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law, as contained in Attachments “A” and “B” of this report.**

Contingent upon the amendment to the Halifax Municipal planning Strategy and the Halifax Peninsula Land Use By-Law being approved by Regional Council and becoming effective pursuant to the requirements of the Municipal Government Act, District 12 Planning Advisory Committee further recommends that Regional Council:

- 4. Approve the development agreement, as contained in Attachment “C”.**
- 5. Require that the development 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 or 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 WITH NO SECONDER

Ms. Miller moved this motion to reject the recommendation based on the following:

- The current height is four and a half times higher than allowed on the site
- The alleged changes to the urban neighbourhood is limited to the demolition of three houses on South Park Street
- The PIM indicated that it does not have the acceptance of the Schmidville community.

Mr. Ouellet responded to questions of clarification from the Committee, after which the Committee discussed putting forward a motion to Regional Council.

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

1. **Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law, as contained in Attachment “A” and “B” of this report, and schedule a public hearing.**
2. **Move notice of Motion to consider the development agreement, as contained in Attachment “C” of this report, to allow for a 19-storey mixed use residential/commercial building on the northeast corner of South Park Street and Brenton Place, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**
3. **Approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law, as contained in Attachments “A” and “B” of this report.**

Contingent upon the amendment to the Halifax Municipal planning Strategy and the Halifax Peninsula Land Use By-Law being approved by Regional Council and becoming effective pursuant to the requirements of the Municipal Government Act, District 12 Planning Advisory Committee further recommends that Regional Council:

- **Approve the development agreement, as contained in Attachment “C”.**
- **Require that the development 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 or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Further, as part of this process, that the developer actively pursue either the retention of the three Victorian houses on South Park Street and/or the relocation of the three Victorian houses to different land. **MOTION PUT AND PASSED.**

Ms. Miller is opposed to the motion based on the following:

- It would be irresponsible for the Committee to approve a building of this type when there was so much community opposition at the public information meeting.

The meeting recessed at 8:43 pm and reconvened at 8:51 pm.

7. CASE 00971: MPS/LUB Amendment and Development Agreement, Halkirk (Keith's Brewery) lands, Lower Water, Bishop and Hollis Streets, Halifax {Paul Sampson}

MOVED by Councillor Sloane, seconded by Ms. Miller, that District 12 PAC would hear the Staff presentation for Case 00971, however questions and answers will be held over until the meeting of April 28, 2008

A staff report dated April 02, 2008 on the above noted was before the Committee. Mr. Paul Sampson, Planner 1, Community Development - Planning Applications advised the Committee that Case 00971 is a request by Halkirk Properties Limited to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land use By-Law to permit a mixed-use development on the southern portion of the "Keith's Brewery" lands, bounded by Lower Water, Bishop, Hollis and Salter Streets, by development agreement. He gave a presentation with the following slides:

- Site Location/Description
- Site Location/Description
- Proposal
- Proposed Development (4 slides)
- Exterior Materials (Alexander)
- Signs
- Keith Hall
- Portico
- Facade Rehabilitation
- Surrounding Area (8 slides):
 - Benjamin Wier House. Mix of heritage and contemporary.
 - Lt. Governor's House
 - Black-Binney House
 - Bishop's Landing
 - 1360 Water street
 - Waterfront Place

- Waterford, Hollis St.
- Mixed Use/office area to North
- MPS Designation/Zoning
- Rationale for MPS/LUB amendments
- Heritage/Scale & Design
- Wind Study
- Shadow Study
- Other Considerations:
 - Views
 - Traffic/Parking
 - Streetscape
 - Infrastructure
 - Land Use
 - HRMbyDesign
- Staff Recommendation:
 - Approval
- Committee
 - Recommendation

8. STATUS UPDATES

8.1 Monthly Status Updates - Planning Applications

8.2 Decisions of Community Council

8.3 Review of District 12 PAC Status Sheet

8.4 Demolition Permit Applications

Due to time constraints, items 8.1 through 8. 4 were not discussed in this meeting.

9. ADDED ITEMS - Correspondence

The correspondence submitted relates to new issues that have been raised since the public information meeting and will be dealt with in the next meeting to ensure the Committee has had the opportunity to review them.

10. NEXT REGULAR MEETING DATE

The next regular meeting of the District 12 PAC is scheduled for May 26, 2008 at 6:30 p.m. in the Trophy Room, City Hall.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.

Sandra T. Riley
Legislative Assistant