

DISTRICT 12 PLANNING ADVISORY COMMITTEE
MINUTES

February 24, 2010

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

REGRETS: Ms. Katherine Perrott
Ms. Beverly Miller, Vice-Chair

STAFF: Ms. Gail Harnish, Admin/PAC Coordinator
Ms. Julie Vandervoort, Legislative Support

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1. CALL TO ORDER

The meeting was called to order at 7:16 p.m. in Halifax Hall, City Hall.

2. APPROVAL OF MINUTES - November 30, 2009

Mr. Kempton noted an error in Mr. Sampson's name on page 4 of the minutes. The minutes were otherwise approved.

MOVED by Councillor Sloane, seconded by Mr. Kempton that the minutes of November 30, 2009 be approved as amended. MOTION PUT AND PASSED.

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

The Committee approved the order of business and agreed to add the following new items under section 10:

10.1 Role of District 12 PAC regarding information meetings on plan amendments

10.2 Roles of the Design Review Committee and of District 12 PAC

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

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CONSIDERATION OF DEFERRED BUSINESS

5.1 Case 01171: Development Agreement - Barrington/Sackville/Granville Streets, Halifax

Ms. Ternoway stated that the Committee will not be able to obtain a legal opinion until issues relating to grandfathering within the Barrington Street Conservation District are resolved. Councillor Sloane stated that she wished to emphasize the need for a legal opinion as soon as possible as it will also have an impact on future projects. The Committee agreed.

MOVED by Mr. Kempton, seconded by Councillor Sloane that consideration of Case 01171 be deferred until a legal opinion is received. MOTION PUT AND PASSED.

6. PUBLIC PARTICIPATION - GENERAL PLANNING ISSUES – NONE

7. APPROVAL OF 2010 MEETING SCHEDULE

The Committee noted the change in date from May 24, 2010 to May 31, 2010. Councillor Sloane stated that Committee members should be surveyed about the July and August dates.

8. REPORTS:

8.1 Case 0139: Development Agreement – 5896 Spring Garden Road and 1489 Carlton Street

- A staff report, dated January 13, 2010, was submitted.

Mr. Luc Ouellet, Planner, gave a Power Point presentation on the development proposal. He stated that, to his knowledge, no complaints have been received regarding the existing building. Councillor Sloane stated that everyone at the Public Information Meeting was in favour of the proposal and that Just Us! was considered as asset to the area. Mr. Kempton asked about the residential units and the basement and Mr. Ouellet stated that there was fire separation between the commercial and residential spaces and the basement was storage on both sides. Ms. Ternoway asked about the current ramp into the building. Mr. Ouellet stated that no new exterior construction was needed in terms of a ramp. Mr. Ouellet stated that the proposal satisfied the applicable policies of the Halifax Municipal Planning Strategy [MPS].

MOVED by Councillor Sloane, seconded by Mr. Kempton that the District 12 PAC recommend that Peninsula Community Council approve the four following recommendations:

- 1. Give Notice of Motion to consider the proposed development agreement, as described in Attachment A (of the staff report dated January 13, 2010) to permit a restaurant/coffee shop within the registered heritage properties located at 5896 Spring Garden Road and 1490 Carlton Street, Halifax, and schedule a public hearing.**
- 2. Approve the development agreement, included as Attachment A (of the staff report dated January 13, 2010).**
- 3. Require the agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

4. **Discharge the existing development agreement that applies to 5896 Spring Garden Road, to take effect upon the registration of the new development agreement.**

MOTION PUT AND PASSED.

8.2 Case 01227: Development Agreement – City Centre Atlantic

- A staff report dated January 11, 2010 was submitted.

Ms. Ternoway stated that this meeting was open to the public and all were welcome but this Committee was not the forum for public presentations on specific developments. Councillor Sloane stated that e-mails on agenda items could be sent to her.

Mr. Richard Harvey, Senior Planner, gave a Power Point presentation on the development proposal. He stated that the proposal had been reviewed against the Halifax MPS and Land Use By-Law and was found to be in accordance with both. He stated that the Heritage Advisory Committee had not yet looked at this proposal but the Royal Artillery Park and this addition did not impact on each other. He clarified that Heritage Way is six stories of residential space, not five stories as indicated in the staff report. Mr. Kempton asked about disruption to parking; Mr. Harvey stated there would be no change to the parking structure and had not heard anything about parking disruption during construction.

Councillor Sloane asked about public input and the e-mails sent on this proposal. Mr. Harvey stated that if Council adopts the proposal, it must have a public hearing on it. He stated staff were responding to the e-mails attached to the report. Councillor Sloane asked about reduced sunlight and if there was a case study of new developments affecting existing property values. Mr. Harvey clarified that as the policy only refers to sunlight penetration onto the street there was no such policy-related research available. Councillor Sloane requested that staff research this issue and that she be copied on any replies to the above-mentioned e-mails.

There was extensive discussion on the proposed design and Committee members expressed concern about the prominence of a section of blank wall along one side. Mr. Harvey stated that it was a matter of how City Centre Atlantic was constructed originally. Mr. Lawen, developer, requested permission to show Committee members building plans and was granted ten minutes. Mr. Lawen stated that the Building Code did not permit glass in that part of the wall unless the glass was fire-rated.

Ms. Ternoway stated she was concerned that the wind study did not appear complete or independent and that the potential impact of wind needed further independent examination. She asked why this proposal, while grandfathered under the old rules, had not taken the new rules into consideration. Mr. Harvey stated that there were not

significant differences between the old rules and HRM by Design for this particular project, except for step-back, and a step-back in this case would change the volume of the proposed addition. He further explained that this site is being 100% built on an existing site.

The Committee members concluded that, while they were trying to work with the March 31st deadline for a public hearing on this application, as a result of concerns about the blank wall in that location on Spring Garden Road and also with the wind study, they could not support this application and must reject it.

MOVED by Mr. Kempton, seconded by Councillor Sloane that the District 12 PAC recommend Regional Council refuse the proposed development agreement. MOTION PUT AND PASSED.

Due to time constraints, Councillor Sloane proposed deferring the remaining items on the agenda.

MOVED by Councillor Sloane, seconded by Mr. Kempton that the remaining agenda items be deferred to the next meeting. MOTION PUT AND PASSED.

9. STATUS UPDATES -- Deferred.

9.1 Monthly status updates - Planning applications

9.2 Review of status sheet

9.3 Decisions of Council

9.4 Demolition Permit Applications

10. ADDED ITEMS – Deferred.

10.1 Role of District 12 PAC regarding information meetings on plan amendments
(this item was added for the purpose of discussing District 12 PAC's role and mandate in hosting public information meetings with reference to the amendments to plans, particularly the Barrington Street Conservation Plan)

10.2 Roles of the Design Review Committee and of District 12 PAC
(this item was added for discussion on defining the respective roles of District 12 PAC and the Design Review Committee and the notification and hosting of meetings)

11. NEXT MEETING

The next meeting is scheduled for Monday, March 25, 2010.

12. ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Julie Vandervoort
Legislative Support