



**DISTRICTS 7 & 8 PLANNING ADVISORY COMMITTEE  
MINUTES  
JANUARY 26, 2015**

PRESENT: Councillor Watts  
Councillor Mason  
Mr. Brenden Sommerhalder, Chair  
Ms. Katherine Kitching, Vice Chair  
Mr. Michael Haddad  
Ms. Sunday Miller  
Mr. Grant Cooke  
Mr. Adam Hayter  
Mr. Michael Bradfield

STAFF: Ms. Jennifer Chapman, Planner  
Mr. Paul Sampson, Planner  
Mr. Andrew Reid, Legislative Assistant

OTHER: Mr. Louie Lawen, Dixel Developments

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda, supporting documents, and information items circulated to the Districts 7 & 8 Planning Advisory Committee are available online: <http://www.halifax.ca/boardscom/D78PAC/150126d78pac-agenda.php>*

*The meeting was called to order at 4:04 p.m. and the Committee adjourned at 6:30 p.m.*

**1. CALL TO ORDER**

The Vice Chair called the meeting to order at 4:04 p.m. and welcome new member Grant Cooke to the meeting.

- Community Announcements

Councillor Watts described numerous community event closures related to pending storm forecasts.

**2. APPROVAL OF MINUTES – November 24, 2014 and January 19, 2015**

Mr. Sommerhalder entered the meeting at 4:10 p.m.

**MOVED by Watts, seconded by Councillor Mason that the minutes of November 24<sup>th</sup>, 2014 be approved as presented. MOTION PUT AND PASSED.**

Mr. Hayter noted a number of additional comments made by residents to be entered into the minutes.

**MOVED by Mr. Hayter, seconded by Mr. Bradfield that the public meeting minutes of January 19<sup>th</sup>, 2015 be approved as amended. MOTION PUT AND PASSED.**

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

Additions:

8.1 Public meetings - location and method of notifications

Ms. Kitching added section 8.1 to the agenda.

**MOVED BY Councillor Watts, seconded by Mr. Bradfield that the agenda be approved as amended. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES – NONE**

**5. CONSIDERATION OF DEFERRED BUSINESS – NONE**

**6. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**6.1 Correspondence**

**6.2 Petitions**

**7. REPORTS**

**7.1 STAFF**

**7.1.1 Case 19646 - Application by GTL Investments Ltd. for non-substantive amendments to an existing development agreement at the former St. Joseph's Church Site on Gottingen, Kaye and Russell Streets, Halifax, to allow for changes to the landscaping requirements, an increase in dwelling units from 83 to 105, and minor changes to the exterior architectural appearance of the building, including materials, architectural treatments and fenestration pattern.**

The following was before the Districts 7 & 8 PAC:

- *A staff memorandum dated January 20, 2015*
- *A staff presentation dated January 26, 2015*

Mr. Paul Sampson, Planner, presented Case 19646, described the site location, zoning, and the approved 2012 development agreement. Mr. Sampson outlined the three types of changes possible to Development Agreements. He described how minor changes are reviewed by staff staff, non-substantive amendments by Community Council vote, and substantive changes by public hearing and vote. He also indicated that all types of amendments were subject to appeal. Mr. Sampson described the proposed changes including landscaping changes, increase of units, and building design changes. Mr. Sampson presented site elevations and site plans as well as described proposed changes to the configuration of ground level commercial.

The Committee held a discussion on how feedback would be provided. Mr. Sampson explained that there were multiple non-substantive changes being considered. Councillor Watts recommended the Committee approach the task in order, addressing landscaping, increase of units, and changes to exterior appearance.

The Committee posed questions of clarification:

- How did notification occur regarding these changes.
- What is the definition of non-substantive.
- What feedback is sought from the PAC.
- Is the PAC able to deliberate on whether the changes are non-substantive.
- Percent of distribution of units in previous development agreement and current agreement.
- Would the population density be changing.
- Options for providing a recommendation on substantive vs. non-substantive changes
- Did the original agreement acknowledge the three trees the current proposal sought to remove

Mr. Sampson clarified that with non-substantive amendments, notification was posted online and information was posted on a site sign. Mr. Sampson explained that a non-substantive amendment is a previously agreed to possibility to make changes to the agreement. He referenced section 6.1 of the 2012 development agreement of things that could be changed via resolution of council. Mr. Sampson stated that the feedback sought by the Committee would be whether the proposed changes keep in terms with the development agreement and with the planning documents. Mr. Sampson stated that it is Council's decision on whether the developer is keeping with the terms of the agreement.

Regarding distribution of units, Mr. Sampson responded that the previous agreement only stipulated a maximum number of units and population density limits. Mr. Sampson also stated that no draft of the amending development agreement was yet at their disposal. He also clarified that any comments regarding units made would need to be based on planning policy.

Regarding population density, Mr. Sampson also stated that the maximum number of persons in the development agreement and municipal planning strategy was 200 persons and this number could not be exceeded. Councillor Watts added that while certain development agreements stipulate configurations of size, the current one did not.

The Committee discussed their options for providing a recommendation. Certain members were concerned to express that the changes were substantive, while others were not. Mr. Sampson responded that the Committee may state if one aspect did not fall into the category of a non-substantive amendment; he also stated that reasons would need to be given according to municipal planning strategy policy if the Committee sought to reject the proposal.

Mr. Sampson indicated that the existing trees on the site would need to be reinstated and that the developer would work with staff on this.

The Committee entered into discussion on landscaping requirements.

One member of the Committee questioned if the Development Officer had determined the changes to landscaping to be non-conforming. Mr. Sampson responded that the Officer reviewed the proposed information and determined the landscaping changes were not in conformance with Schedule O of the original agreement. Mr. Sampson stated that one of the trees is in the right of way and three additional trees on the property are proposed to be removed. Mr. Sampson highlighted that existing policy did not require the trees be retained.

The Chair called a recess at 5:06 p.m. The Committee reconvened at 5:13 p.m.

The Chair called for comments on landscaping changes. One Committee member stated approval for removing the trees as long as they were reinstated on the development and voiced approval for the development overall, stating that the development was attempting to keep with the neighbourhood with the change to building materials.

Councillor Mason asked that it be noted for Council's consideration that the community was largely concerned at the time with being provided more family friendly units and believed they were being promised this in the development agreement. He also voiced support for the increase in the quality of the finishing, moving of the entrance, retention of the townhouses and increase in the commercial area. He stated concern that the family friendly element was missing.

The Committee agreed to hear from the Developer regarding changes to the landscaping. Mr. Louie Lawen, Dixel Developments, highlighted numerous problems with the original drawings. Mr. Lawen stated that there were 6 trees originally on the site and only 3 now exist and that he was unsure what happened to them, as they were not there when his group purchased the property. Mr. Lawen clarified that there was one tree in Right-of-Way and this would not be touched. Mr. Lawen highlighted that the 3 trees would need to be removed due to their proximity to the foundation of the proposal. He indicated that 12-14 trees will be planted on the site. Mr. Lawen also described the landscaped backyard and common room. Mr. Lawen described the amenity areas in the proposal, and the developer's commitment to the landscaping space in proximity to St. Joseph's school.

The Committee expressed support for the use of other vegetation, including vines along the wall of the St. Joseph's side. Mr. Sampson referenced 3.6.6 of the original agreement and outlined that the text of agreement in addition to the drawings will be amended to reflect the proposal and this would be the next step.

**MOVED by Councillor Mason, seconded by Mr. Haddad that the Districts 7 & 8 Planning Advisory Committee has reviewed Case 19646 Application by GTL Investments Ltd. and recommends approval of the application as outlined in the memorandum and attachments package dated January 20, 2015, with consideration to the following matters:**

- **Encourage support for other uses of vegetation on the site.**

One Committee member stated concern for preserving the tree at the corner of the site on Gottingen and Kaye Street and that the larger trees also be preserved. The Committee noted concern that the original development agreement drawings were not accurate and reflective of the site.

**MOVED by Ms. Kitching that the motion be amended to include the following consideration:**

- **That HRM and the proponent work together to preserve the trees on the site and replace them with a variety of types where possible on the site or in the Right of Way.**

Mr. Sampson indicated that the applicant would be planting trees wherever possible. A Committee member stated concern over the loss of the larger trees on site and the type and size of trees proposed to be planted. The Committee received clarification that trees in the Right of Way would be the purview of the Urban Forest Master Plan. The motion was lost as it received no seconder.

The Committee entered into discussion on the number of units.

A member of the Committee stated it should be noted that the Development Agreement was lacking because it did not contain a limit on the number or kinds of units. Mr. Sampson responded that it was standard to allow flexibility in the development agreement and this was intentional to permit Council to make the decision.

One Committee member expressed concern that the landscaped spaces should be able to adequately accommodate the increase in units from 83 to 105.

Mr. Lawen responded that the overall volume of the building has not changed and he highlighted that almost every single unit has a deck or balcony on their unit.

Mr. Lawen commented that attracting families into urban core would require affordability. He stated that older units were 2,000 sq.ft and would be difficult for the average family to afford. Mr. Lawen stated the proposed square footage of the units exceeded most proposals on the peninsula and he was confident the building would attract some families.

One Committee member inquired if the townhouses would remain two levels. Mr. Lawen responded that only 4 of the townhouses would be two levels, as these limited desirability for seniors.

A Committee member inquired if an amenity space or meeting room could be included in the development agreement and encouraged the developer to include as many family oriented units as possible.

**MOVED by Ms. Kitching, seconded by Mr. Bradfield to amend the motion to include the following consideration:**

- **Encourage the developer to include a guest room or meeting room in the proposal.**

The Committee suggested that this guest room could be created by using one of the additional 23 units in the new development agreement.

The Committee entered into discussion over changes to exterior appearance.

A Committee member voiced approval for the building material changes but stated concern for the elimination of the corner plaza at Kaye and Gottingen St.

**MOVED by Councillor Watts, seconded by Mr. Bradfield to amend the motion to include the following consideration:**

- **Request consideration to maintain a public space at Kaye and Gottingen Street that would invite public use and give consideration to maintaining a tree at that location.**

Certain Committee members voiced concern for a corner space while others stated that there were sufficient public spaces in proximity. Other Committee members indicated that there was no provision in the original development agreement for a public space at the corner.

A Committee member inquired why the preserved stain glassed windows protruded and was not part of the building's wall; the member also stated concern for safety. Mr. Lawen responded that the windows were too large to be incorporated in the side. He also stated the intention for the stained glass to be a part of the public realm and nearby park. In response to protective measures for the glass, Mr. Lawen stated that it would be encased in a glass window for full protection from the weather.

A member of the Committee commented on the bump outs of the townhouses as being quite different than the preceding design. Another Committee member indicated that it was difficult to assess the changes without a colour rendering and encouraged the applicant to further consult the public on aesthetic changes.

The Committee commented on the curtain walls of the development in terms of affordability, efficiency and character.

**MOVED by Mr. Hayter, seconded by Mr. Bradfield to amend the motion to include the following consideration:**

- **Consider an alternative to the proposed curtain walls to increase energy efficiency and aesthetic consistency with the character of the neighbourhood.**

Mr. Sampson commented that there was quite a bit of curtain wall use at ground level. Mr. Sampson indicated that the Committee should be as specific as possible when passing recommendations.

The Committee questioned if the recessed garage entrance was maintained in the amended proposal and if the number of parking spaces would increase in number. Mr. Lawen responded that the recessed garage would be maintained. He also stated that the number of parking spots would increase from 90 to 113. He stated that parking would be additional to tenants and that it would be an amenity to the neighbourhood.

The motion now reads:

**MOVED by Councillor Mason, seconded by Mr. Haddad that the Districts 7 & 8 Planning Advisory Committee has reviewed Case 19646 Application by GTL Investments Ltd. and recommends approval of the application as outlined in the memorandum and attachments package dated January 20, 2015, with consideration to the following matters:**

- **Encourage support for other uses of vegetation on the site.**
- **Encourage the developer to include a guest room or meeting room in the proposal.**
- **Request consideration to maintain a public space at Kaye and Gottingen Street that would invite public use and give consideration to maintaining a tree at that location.**
- **Consider an alternative to the proposed curtain walls to increase energy efficiency and aesthetic consistency with the character of the neighbourhood.**

**MOTION PUT AND PASSED.**

#### **7.1.2 Case 19595: R-2A (General Residential Conversion) Zone Amendments**

**MOVED BY Mr. Bradfield, seconded by Mr. Hayter that this item be deferred until the date of the next meeting.**

**MOTION PUT AND PASSED.**

#### **8. ADDED ITEMS**

##### **8.1 Public meetings - location and method of notifications**

This item was deferred until the date of the next meeting.

#### **9. DATE OF NEXT MEETING – February 23, 2015**

#### **11. ADJOURNMENT**

The Committee adjourned at 6:30 p.m.

Andrew Reid  
Legislative Assistant