



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.2
Halifax and West Community Council
September 12, 2017
October 10, 2017

TO: Chair and Members of the Halifax and West Community Council

SUBMITTED BY: Original Signed

Kelly Denty, Acting Director, Planning and Development

DATE: August 29, 2017

SUBJECT: **Case 20141: 10th Amendment to Brunello Estates Development Agreement, Timberlea**

ORIGIN

Application by WSP Canada Inc., on behalf of Canadian International Capital Incorporated, for substantive amendments to the existing Development Agreement for Brunello Estates to allow single unit dwelling lots with reduced frontage to be permitted on Boulevards and Modified Urban Minor Collector streets.

LEGISLATIVE AUTHORITY

Refer to Attachment D

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give Notice of Motion to consider approval of the amending development agreement for Brunello Estates, as provided in Attachment A, to allow for reduced frontage single unit dwellings on Boulevards and Urban Modified Collectors, and schedule a Public Hearing;
2. Approve the amending development agreement, which shall be substantively of the same form as provided in Attachment A; and
3. Require the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, 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.

BACKGROUND

WSP Canada Inc., on behalf of the Canadian International Capital Incorporated, is applying for substantive amendments to the existing Development Agreement for Brunello Estates, Timberlea (Maps 1 and 2). The existing development agreement allows for a mixed-use development that includes residential, commercial, institutional, and park uses. The purpose of the requested substantive amendments is to allow single unit dwelling lots with reduced frontage to be permitted on Boulevards and Modified Urban Minor Collector streets.

Pursuant to the existing terms and conditions of the existing development agreement, the requested amendments are substantive in nature and require Council to hold a public hearing prior to deciding on the matter.

	Brunello Estates
Subject site	Comprised of various properties located in Timberlea (Map 1)
Location	Between Highway 103 and St. Margaret's Bay Road. The Timberlea Village Parkway runs through the centre of the development.
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Urban Residential in the Municipal Planning Strategy (MPS) for Timberlea, Lakeside, Beechville
Zoning (Map 2)	CDD (Comprehensive Development District) under the Land Use By-law (LUB) for Timberlea/Lakeside/Beechville.
Size of Area	Approximately 550 acres
Current Land Use(s)	The existing development agreement permits: <ul style="list-style-type: none"> • 3,200 dwelling units (2,500 units may be for multiple-unit residential purposes); • an 18-hole golf course; • commercial uses; • a Town Center (consisting of commercial, residential, institutional and open space uses); • an office campus; and • public and private open space uses.
Surrounding Use(s)	<ul style="list-style-type: none"> • To the North of the subject site, surrounding uses include commercial uses and low density residential uses. • To the East of the subject site, surrounding uses include mainly low-density residential uses. • To the South of the subject site, surrounding uses include the Western Commons and Otter Lake Waste Facility, both located on the opposite side of Highway 103. • To the West of the subject site, surrounding uses include mainly low-density residential uses. • The subject site is located near major water bodies including the Nine Mile River and Governor Lake.

Proposal Details:

The applicant proposes to amend the existing Development Agreement to allow for single unit dwellings with reduced lot frontages (lots with no less than 34 but less than 40 feet of frontage) to be developed on Boulevards and Modified Urban Minor Collector streets. Lots of this size are currently permitted only on local streets within the development.

Existing Development Agreement – Brunello Estates Subdivision:

In 2001, the former West Region Community Council held a public hearing and approved the original Development Agreement for Brunello Estates (formerly known as Westgate). The Agreement allows for a mixed-use residential and golf community in Timberlea consisting of residential, commercial, institutional and park uses. Since that time, there have been several amendments made to the original agreement.

Most Recent Amending Development Agreement (Case 18232):

In 2014, Halifax and West Community Council held a public hearing and approved the 9th amendment to the Brunello Estates development agreement to modify the requirements for single unit dwellings, which included the following:

- an increase in the number of single unit dwellings that have a minimum lot frontage of 40 feet and lot area of 4,000 square feet;
- the ability to develop reduced frontage single unit dwellings with a minimum lot frontage of 34 feet and minimum lot area of 3,400 square feet; and
- the ability to develop single unit dwellings with a minimum lot frontage of 40 feet to be located on boulevards or modified urban minor collector streets.

Enabling Policy and Zoning Context

Policies UR-27 to UR-34 of the Municipal Planning Strategy for Timberlea/Lakeside/Beechville are site specific policies that allow for the consideration of the mixed-use development for the subject lands. These policies were used to approve the original development agreement for Brunello was adopted, and remain a key consideration in the proposed amendments. Attachment B contains a copy of the applicable policy from the MPS.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and letters mailed to property owners within the notification area, as shown on Map 2. The public comments received include concerns regarding the following topics (Attachment C):

- The small size of the proposed lots;
- Snow removal;
- Street parking; and
- The aesthetics of lots with reduced frontages.

A public hearing must be held by Halifax and West Community Council prior to approval of the proposed amending development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed amending development agreement will potentially affect local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed amendment to the development agreement in relation to the relevant MPS policies.

Proposed 10th Amending Development Agreement:

Attachment A contains the proposed amending development agreement and the conditions under which the development may occur. The proposed amending agreement includes allowances for single unit dwellings with reduced lot frontages (lots ranging between 34 but less than 40 feet of frontage) to be developed on Boulevards and Modified Urban Minor Collector streets.

Of the matters addressed by the proposed Amending Agreement to satisfy the criteria contained within the MPS Policies', the following have been identified for detailed discussion:

Function of Minor Collector Streets:

The design and construction standards for streets varies depending on the anticipated traffic volumes, and whether a street will serve local traffic. Urban Minor Collectors are the highest order streets in Brunello, and are intended to serve the dual function of providing property access as well as facilitating high volumes of traffic. For streets serving a collector function, fewer driveways are desirable. Fewer driveways reduce the number of vehicle conflict points and allow more room for on-street parking, landscaping, and snow storage. To ensure adequate vehicle and service operations, on-street parking is often restricted to one side of Urban Minor Collectors. Allowing narrower lots equates to an increase in the overall number of driveways and a reduction in available on-street parking.

In many cases, on-street parking is relied upon by residents for their own use as well as by visitors and service providers accessing the residences. Narrower lots on collector streets also creates the need to ensure that sufficient driveway length can be provided to ensure residents' vehicles can be accommodated completely on their property so as to not block sidewalks. If not, this will put even more pressure on the need for on-street parking.

Types of Land Uses Appropriate for Minor Collector Streets:

For a new development application under current HRM Design Guidelines, staff would not typically be supportive of allowing townhouses or small lot single unit dwellings on collector streets due to the frequent spacing of driveways and increased demand for on-street parking that would result. However, in 2001 when the Brunello development was approved, townhouse dwellings with individual lot frontages as small as 18' were permitted in all residential areas, and on all classes of streets including Minor Collectors. This lot pattern represents the least preferred scenario due to its provision of minimal on-street parking, reduced snow storage opportunities and high number of vehicle conflict points.

The proposed amendment to allow for single unit dwellings with lot frontages as small as 34 feet as an alternative to narrower townhouse lots is considered an improvement to the existing situation. Driveway spacing would increase, resulting in greater on street parking and snow storage.

Townhouse Dwellings – Brunello Boulevard:

In order to reduce driveway conflict points and on-street parking issues along Brunello Boulevard, the proposed amendments will only allow for the development of reduced single unit dwellings or larger single unit dwellings along the boulevard. As such, the development of townhouses will be prohibited along Brunello Boulevard, from the intersection of Timberlea Village Parkway to an entrance of an existing club house (Schedule B of Attachment A).

Conclusion:

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that it is consistent with the intent of the MPS. The result of allowing reduced frontage lots with between 34 but less than 40 feet of frontage on Boulevards and Modified Urban Minor Collectors will potentially displace smaller townhouse lots that have already been approved, resulting in the reduction of the number of driveways on these streets. Therefore, staff recommend that the Halifax and West Community Council approve the proposed amendment to the development agreement.

FINANCIAL IMPLICATIONS

There are no financial implications. The Applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Development Agreement. The administration of the Development Agreement can be carried out within the approved 2017/18 C310 Planning Applications budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve proposed amendment to the existing development agreement subject to modifications. Such modifications may require further negotiations with the Developer, and may require a supplementary report or a public hearing. A decision of Community Council to approve the proposed amendment to the existing development agreement is appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to approve the proposed amendment to the existing development agreement. A decision of Community Council to approve the proposed amendment to the existing development agreement is appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

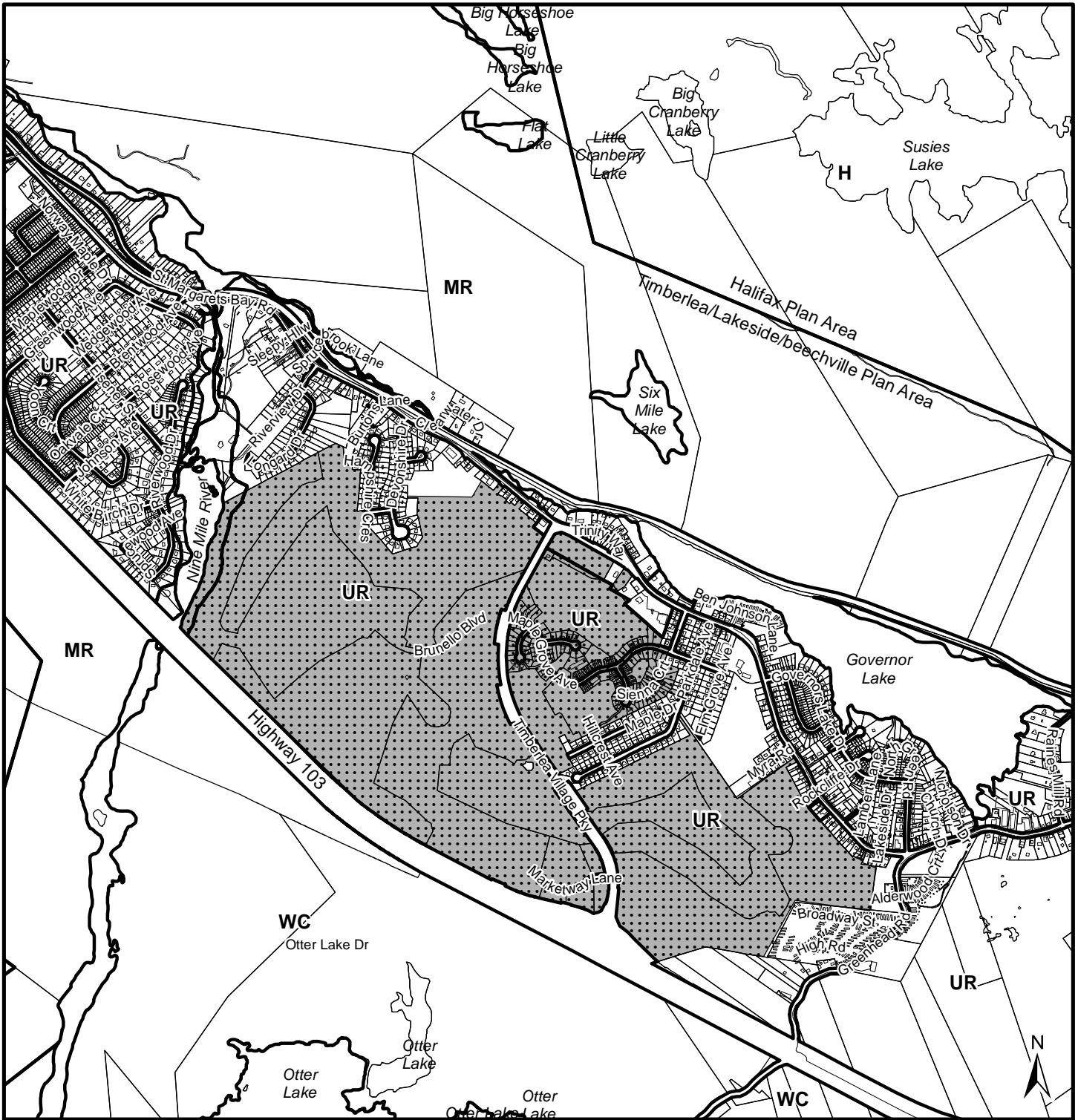
ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Proposed 10 th Amending Development Agreement
Attachment B	Review of Relevant MPS Policies for Timberlea Lakeside Beechville
Attachment C	Public Feedback through Correspondence
Attachment D	Legislative Authority

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Dali Salih, Planner II, Current Planning, 902.490.1948

Report Approved by: Original Signed
Carl Purvis, Planning Applications Program Manager, 902-490-4797



Map 1 - Generalized Future Land Use

HALIFAX

Brunello Estates
Timberlea

 Subject Properties

Designation

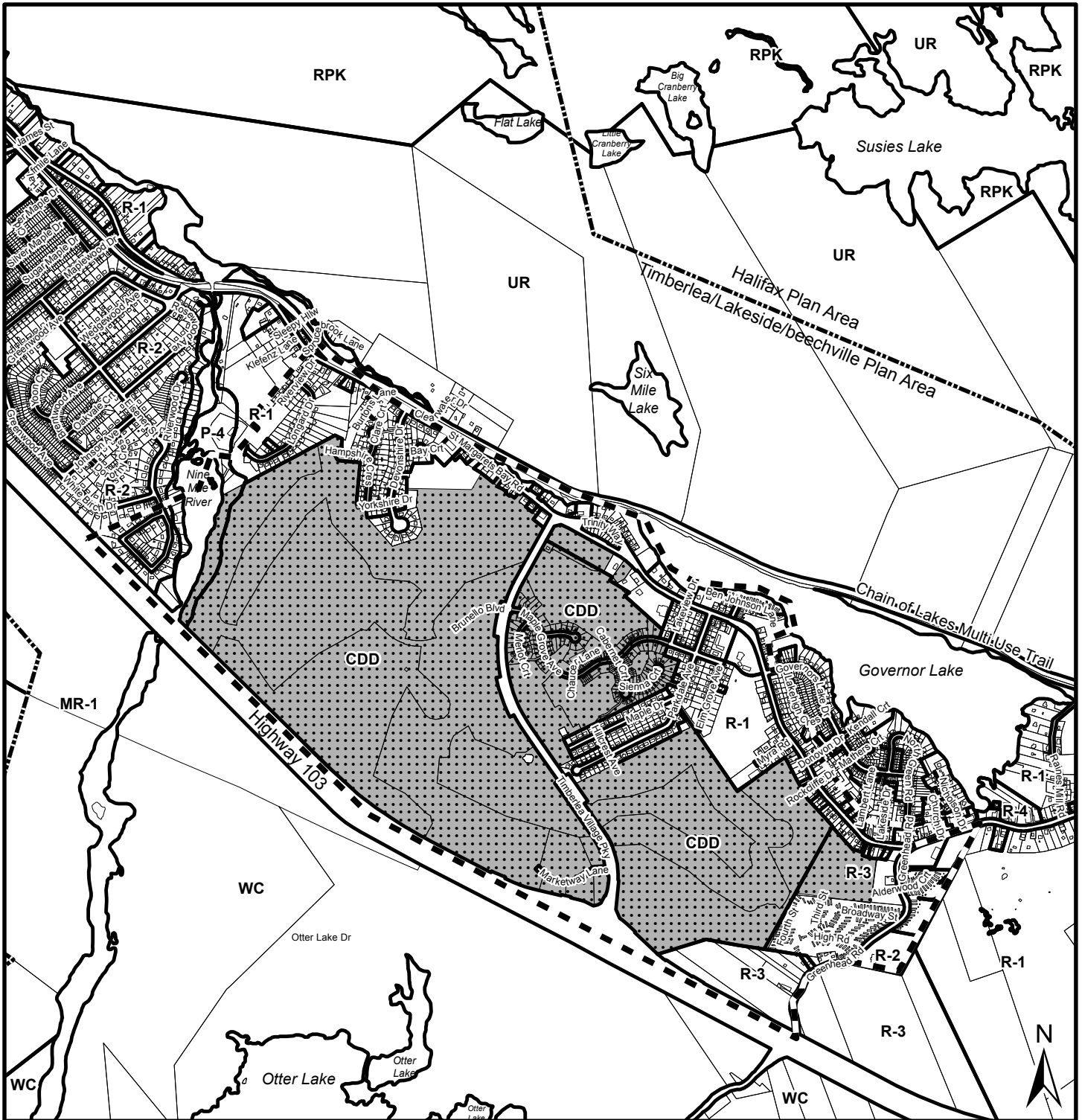
- UR Urban Reserve
- MR Mixed Resource
- WC Western Common
- H Holding Area



Timberlea/Lakeside/Beechville
Plan Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning and Notification

Brunello Estates
Timberlea

 Subject Properties

 Area of notification

Timberlea/Lakeside/Beechville
Plan Area

Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- CDD Comprehensive Development District
- MR-1 Mixed Resource
- P-4 Conservation
- WC Western Common Regional Park
- UR Urban Reserve
- RPK Regional Park

HALIFAX

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This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.

County Land Registration Office on August 7, 2008 as several document numbers, including Document Number 91320987 (hereinafter called the "Fourth Amending Agreement"), and which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to provide additional density tracking information with each Building Permit application (municipal reference number 01312) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on November 9, 2010 As Document Number 97179270 (hereinafter called the "Fifth Amending Agreement") and which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to modify the road layout, parkland size and configuration and to complete minor text changes (municipal reference number 16934) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on February 17, 2012 as several document numbers, including Document Number 100119461 (hereinafter called the "Sixth Amending Agreement") which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to develop Blocks 1, 2 and 3 for alternate housing (municipal reference number 17521) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on January 9, 2013 as Document Number 102272615 (hereinafter called the "Seventh Amending Agreement") and which does not apply to the Lands;

AND WHEREAS the former Halifax and West Community Council of the Municipality approved an application to enter into an amending development agreement to alter the Commercial Use boundary along Market Way Lane and clarify standards for commercial development on Ca (Commercial) lands (municipal reference number 17826) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on January 22, 2014 as Document Number 104497863 (hereinafter called the "Eighth Amending Agreement") and which does not apply to the Lands;

AND WHEREAS the former Halifax and West Community Council of the Municipality approved an application to enter into an amending development agreement to alter lot frontage requirements for single unit dwellings (municipal reference number 18232 on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on March 16, 2015 as Document Number 106793525 (hereinafter called the "Ninth Amending Agreement") and which applies to the Lands;

AND WHEREAS the Original Agreement and First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Amending Agreements together comprise the Existing Agreement (hereinafter called "the Existing Agreement");

AND WHEREAS the Developer has requested further amendments to the Existing Agreement to allow for reduced frontage single unit dwellings to be located on Boulevards and Modified Urban Minor Collector Streets (hereinafter called the "Tenth Amending Agreement");

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 20141;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Except where specifically varied by this Tenth Amending Agreement, all other terms, conditions and provisions of the Existing Agreement shall remain in effect.
2. Section 2.1 of the Existing Agreement is amended by inserting the following Schedule after Schedule U-4:

Schedule V Intersection of Timberlea Parkway, Brunello Boulevard & Clubhouse Entrance

3. The Schedules of the Existing Agreement are amended by inserting Schedule V (attached) after Schedule U-4.
4. Section 2.4.1(c) of the Existing Agreement is amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in **bold**, as follows:

“2.4.1(c) Pursuant to Section 2.2.1, reduced frontage single unit dwellings (with a lot frontage of less than 40 feet (12.19 metres)) may be approved ~~subject to the following except where the required lot frontage abuts any boulevard or modified urban collector street.~~ **The approval shall be subject to the following:**

- | | |
|---------------------------------------|---|
| (i) Minimum Lot Area: | 3,400 square feet (315.87 square metres) |
| (ii) Lot Frontage: | 34 feet (10.36 metres) except that for lots with a frontage on the outside curve, a frontage of 30 feet (9.14 metres) shall be permitted, provided that the lot width of 34 feet (10.36 metres) is provided measured at a distance 25 feet (7.62 metres) from the street line (Schedule E) at the centre point of the lot frontage. |
| (iii) Minimum Front and Flankage Yard | 15 feet (4.57 metres) |
| (iv) Minimum Side | 8 feet (2.44 metres) on one side, 4 feet (1.22 metres) on the other provided that there is 12 feet (3.66 metres) between each building. |
| (v) Minimum Rear Yards | 8 feet (2.44 metres) |
| (vi) Maximum Lot Coverage | 45% |
| (vii) Building Height | 40 feet (12.19 metres) |
| (viii) Required Parking | A minimum of 2 spaces per dwelling unit shall be provided. The driveway width shall be subject to the By-law S-300, Street By-law, and shall extend to provide sufficient depth for 2 parking spaces on the lot. A garage shall be considered to provide one parking space. |
| (ix) Driveway Spacing | A Traffic Study, undertaken pursuant to Section 2.5, shall identify appropriate driveway spacing on each section of each Modified Urban Minor Collector street, as determined by the Development Engineer.

To increase driveway spacing, wherever considered possible by the Development Engineer of the Municipality, driveways for adjacent houses on Modified Urban Minor |

Collector shall be paired. These paired driveways shall include a landscaped strip separating the paired driveways where possible, as determined by the Development Officer.

5. Section 2.4.2 of the Existing Agreement is amended by inserting the text shown in **bold**, as follows:

“2.4.2 Townhouse Dwellings

~~Townhouse dwellings shall be permitted in all designations, as shown on Schedule B2.C, excepting in the Ca designation that the provisions of 2.2.2 are met.~~

Townhouse dwellings shall be permitted in all designations, as shown on Schedule B2.C, except in the ‘Ca’ designation, where provisions under section 2.2.2 shall apply, subject to the following requirements:

Minimum Lot Area: Minimum lot area shall be 1800 square feet (167.2 sq.m)
Minimum Lot Frontage: Minimum lot frontage shall be 18 feet (5.5 sq.m)

Notwithstanding the foregoing, for lots with frontage on the outside of a curve, a frontage of 12 feet (3.66 m) shall be permitted, provided that a lot width of 18 feet is provided at the main front building wall.

Minimum Front and Frankage Yard: 20 feet (6.1 m) on any boulevard or minor collector residential street, 15 feet (4.57 m) on all other streets except “commercial (Town Centre)

Minimum Side and Rear Yards: 8 feet (2.44 m) at the side and rear of each building block

Maximum Lot Coverage and Building Height: 40% lot coverage
40 foot (12.2m) maximum height

Maximum Units per Building Block: Maximum Units per building block shall be 8

Driveway width and Parking: Driveways are to be in compliance with By-law S-300, Street Bylaw. Where on-street parking is not to be provided, 2.25 parking spaces per dwelling shall be provided. The additional space may be provided on the lot, or in a common off-street visitor parking area which shall be maintained by the Developer pursuant to Section 2.8.

Driveway Spacing A traffic study, undertaken pursuant to Section 2.5 shall identify appropriate driveway spacing on each section of each boulevard, commercial, and modified urban minor collector street. Where less than one driveway per unit is to be allowed, a shared parking area may be developed in the front yard of each townhouse block provided that the design meets all applicable municipal requirements. To increase driveway spacing, wherever considered possible by the Development Engineer of the Municipality, driveways for adjacent townhouses on such streets shall

be paired. These paired driveways shall include a landscaped strip separating the paired driveways where possible, as determined by the Development Officer.

Exception

Townhouse dwellings shall not be permitted along Brunello Boulevard, from the intersection of Timberlea Village Parkway to the Clubhouse Entrance, as shown on Schedule V.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 20____.

SIGNED, SEALED AND DELIVERED in the presence of:

Witness

Witness

<INSERT REGISTERED OWNER NAME>

Per: _____

Per: _____

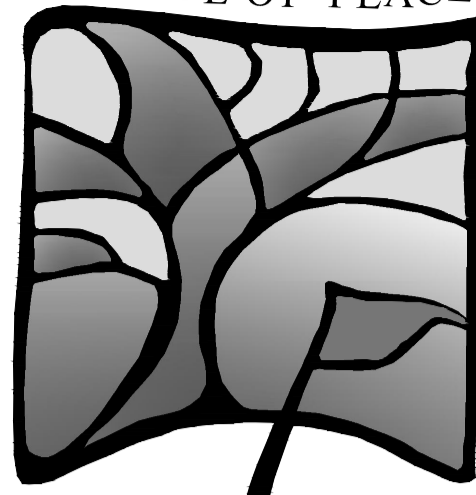
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SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

=====
HALIFAX REGIONAL MUNICIPALITY

Per: _____
Mayor

Per: _____
Municipal Clerk

A SENSE OF PLACE



Brunello Estates

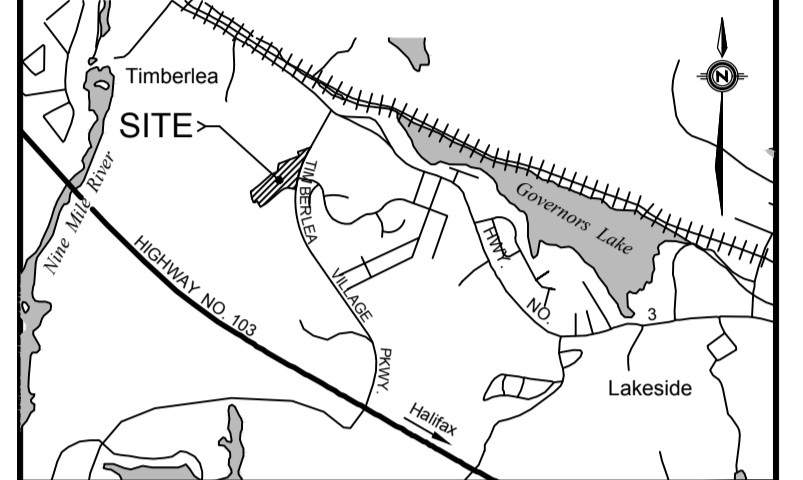
Schedule V - Intersection of Timberlea Parkway, Brunello Boulevard and Clubhouse Entrance



WSP Canada Inc.
1 Spectacle Lake Drive
Dartmouth, Nova Scotia, Canada B3B 1X7
T 902-835-9955 F 902-835-1645 www.wspgroup.com

SEAL:

KEY PLAN:



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REVISION:

NO.	DATE	YYYY/MM/DD	DESCRIPTION

PROJECT NO: 121-24187	DATE: (YYYY/MM/DD) 2017/04/11
ORIGINAL SCALE: HORIZONTAL: 1:1000 VERTICAL: N/A	IF THIS BAR IS NOT 25mm LONG, ADJUST YOUR PLOTTING SCALE.
DESIGNED BY: C. MUTCH, P.ENG.	
DRAWN BY: S. HANNAM, CET	
CHECKED BY: C. MUTCH, P.ENG.	

SCALE: 1:5000 METRIC

CLIENT:

Schedule V - Intersection of Timberlea Parkway, Brunello Boulevard and Clubhouse

CLIENT REF. #

PROJECT:

A SENSE OF PLACE

BRUNELLO ESTATES
PHASE 2.1
TIMBERLEA, NOVA SCOTIA

TITLE:

SHEET NUMBER:

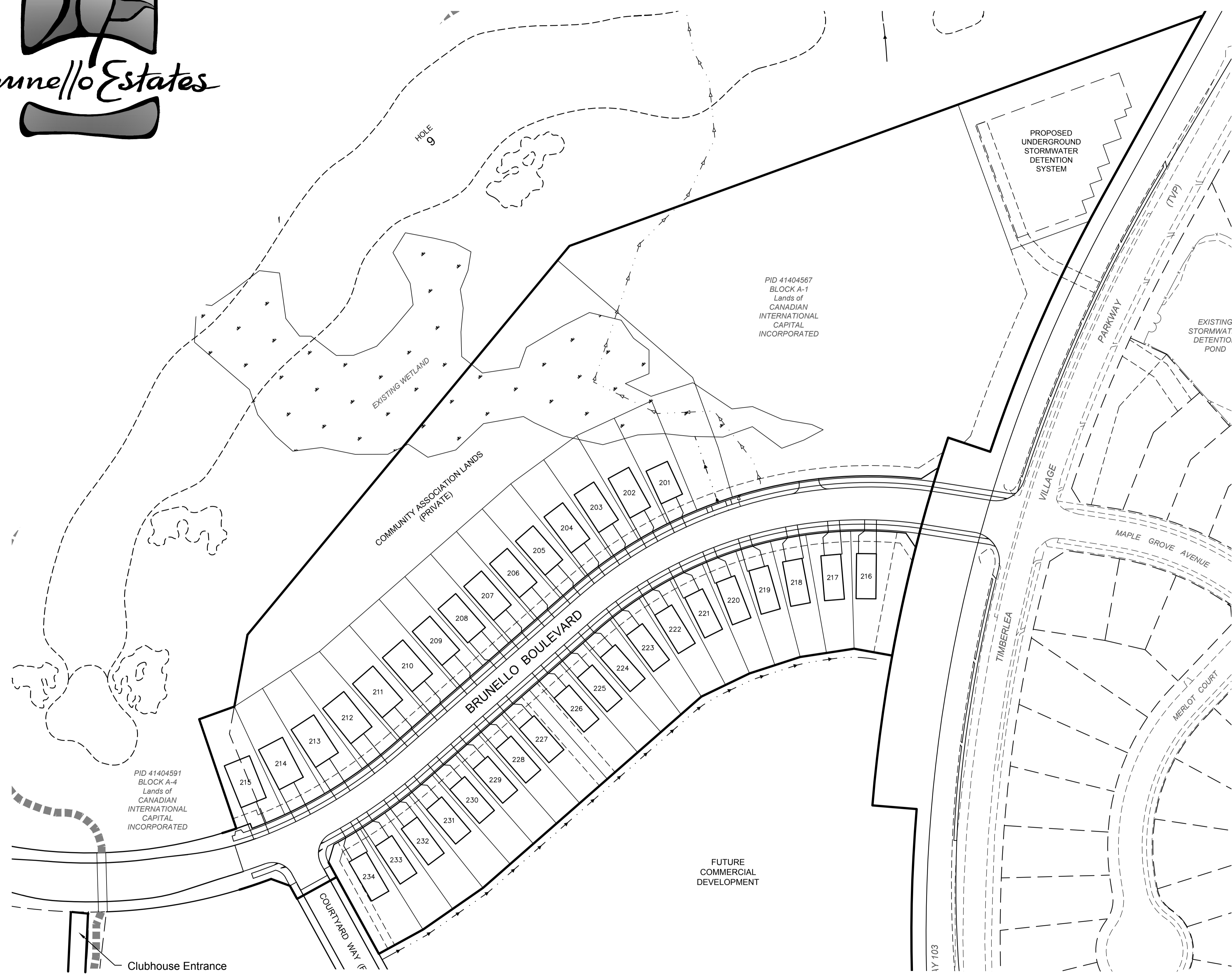
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SHEET # 1 OF 1

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**ATTACHMENT B:
Excerpt of Relevant Policies and Land Use By-law Sections**

Within the existing service boundary, a large contiguous undeveloped area of approximately 600 acres presents a major urban infill opportunity within the region. With the site's proximity to existing urban development, and major government investments locally in road, sewer and water infrastructure, development of this site is critical to encouraging cost-effective, rational urban growth in the region.

These lands were rezoned from R-1 to CDD in 1992 to enable broad planning for the whole site, and a conceptual master plan for a mixed use community of up to 10,000 residents was prepared for this area in 1994. A first phase of approximately 240 units was given approval through the development agreement process, however, development did not proceed. A new landowner is now proposing a different master plan, which would provide for a mixed use community of up to 3200 homes with up to 8000 residents, in association with an 18-hole golf course, a town centre, and a commercial area. The proposal represents an innovative and efficient community design, with benefits to both the municipality and area residents. Given the unique nature and large size of the proposal, a set of site-specific policies to guide Council in considering detailed development proposals for this site is appropriate. Where there is disagreement between these site specific policies and other policies of this plan, the site specific policies shall prevail.

Given the size of the site and the length of time to reach buildout, it is reasonable to assume that any development agreement should allow flexibility, as market conditions and phasing are subject to change. Aspects of the development may require further detailed analysis prior to development proceeding. Conceptual approval can be given to certain land use components (such as the town centre, commercial areas, and multiple unit dwellings) of the project through an initial development agreement. Council would then have the ability to consider detailed site and building plans as nonsubstantial amendments to the initial agreement.

Policy	Staff Comment
<p>UR-27: Within the area as shown on Map UR-1, Council may consider permitting a mixed use development, with a range of land uses including a golf course, low density residential, townhousing, multiple unit dwellings, a town centre, various commercial development, and an office campus. Such development may only be considered through the development agreement process, and pursuant to the policies outlined specific to this site, and having regard to the provisions of Policy IM-12.</p>	<p>The Development Agreement permits a mixed-use development, with a range of land uses including a golf course, low density residential, townhouses, multiple unit dwellings, a town centre, various commercial development, and an office campus was permitted by the former Western Region Community Council on December 18, 2001.</p>
<p>Under the mixed use community scenario, up to 45% of the land may be taken up by the golf course use. In order to provide for an economic density, and to ensure that existing municipal infrastructure is adequately utilized, it is appropriate to provide for a greater proportion of higher density uses on the site. It is important, however, that a range of housing types be provided for to accommodate a range of household needs.</p>	
<p>UR-28: Within the area shown on Map UR-1, a range of housing types to a maximum of 3200 dwelling units shall be provided for, subject to the following:</p> <p>(a) That a substantial number of single unit dwellings be provided, especially adjacent to existing low density neighbourhoods;</p> <p>(b) Alternative forms of single units such as clustered units, retirement cottages and live-</p>	<p>The existing agreement already requires 700 of the total number of units to be single unit dwellings. The proposed amending agreement allows for further flexibility in developing single unit dwellings with reduced frontage along Boulevards and Modified Urban Minor Collector streets.</p> <p>All other subsections of this policy have been addressed in the existing agreement.</p>

<p>work units may be considered as a small proportion of the total number of single units;</p> <p>(c) Auxiliary dwellings, two unit dwellings and townhousing shall be permitted subject to appropriate criteria on building and site design;</p> <p>(d) Medium density housing may be permitted, subject to appropriate limits on density, and with appropriate requirements for landscaping and tree retention, architectural design features to ensure a high-quality appearance of buildings, variety in scale, massing and height, and provision of sufficient amenity space;</p> <p>(e) That where single unit dwellings about the Westgate site, only single unit dwellings or open space uses may be considered; and</p> <p>(f) That a range of adequate recreation facilities is provided, pursuant to current municipal parkland planning guidelines.</p>	
<p>The development of a golf course can provide for substantial retention of existing grades and forested areas. Diversion of storm water from developed areas to the golf course for irrigation and creation of water features is also of benefit, by reductions in peak flows leaving the site when compared to more typical developments, and providing a level of storm water treatment, provided that adequate easements are given to the municipality. However, concerns do exist with regard to the potential for erosion and sedimentation to occur during construction, and to ensure that nearby watercourses are not detrimentally affected. The potential for stray golf balls impacting on non-golf course uses is also to be addressed, as is the potential for providing for regulated, public use in designated portions of the course in winter, in a manner that balances the public benefits with the need for course operators to protect the course from vandalism and unintentional damage to greens, tees, and other sensitive areas.</p>	
<p>UR-29: Within the area shown on Map UR-1, development of a golf course and associated uses shall only be permitted through the development agreement process, to address the following:</p> <p>(a) potential environmental impacts of the golf course on waterbodies (namely Nine Mile River, and streams and piped systems leading into Otter Lake and Governor's Lake) during and after construction;</p> <p>(b) provision of adequate separation of golf holes from existing and new housing according to current accepted standards;</p> <p>(c) provisions of municipal easements for stormwater drainage from streets and residential properties onto the golf course;</p> <p>(d) conditions for any use of treatment plan</p>	<p>With regards to the use of alternative street and access standards for reduced-frontage lots, the amending agreement requires a traffic study to identify appropriate driveway spacing on each section of each Modified Urban Minor Collector street.</p> <p>All other subsections of this policy have been addressed in the existing agreement.</p>

<p>effluent in irrigation;</p> <p>(e) regulated public use of designated portions of the course for pond skating and sledding in a manner which does not encourage damage of the golf course.</p> <p>(f) The use of alternative street and access standards, grading, and private streets, can assist with tree preservation, and create a more country like character for a development, even within an urban area. However, past experience has shown that there is very often a demand from residents to upgrade to a higher street standard, and any development agreement must therefore address this to ensure that costs for such upgrading are not borne by the public. In addition, it is important that an adequate mechanism is put in place to deal with snow and ice clearing and surface maintenance of any private roads and lanes.</p>	
<p>UR-30: The use of private roads which function as minor local streets within the development may be considered by Council. Private lanes for lot access for up to 6 dwelling units may further be considered. In considering such developments, Council shall have regard to the following:</p> <p>(a) That the width of the traveled way meets applicable requirements for emergency vehicle access;</p> <p>(b) That the roads are capable of being upgraded to a public street standard, provided that any such upgrading shall be wholly at the cost of the developer and/or abutting property owners; and</p> <p>(c) That an adequate mechanism through a body such as the developer, a condominium corporation or homeowners' association is set up to administer regular road maintenance and repairs in the long term.</p>	<p>Addressed in the existing development agreement and amending development agreements.</p>
<p>A major component of the community proposal is the concept of recreating a traditional town centre. This would consist of buildings placed at the street line with minimal sideyards to encourage pedestrian use, on street parking, wide sidewalks, greater lot coverages and densities, with a goal of replicating those features and characteristics of successful town centres. The ultimate population of the development, and of Timberlea/Lakeside as a whole, will be of a size which can support such a concept. Attention to detail and careful consideration of all aspects of land use, architecture and urban design is needed, if the goal of creating a mixed-use core with an attractive, traditional town character is to be properly achieved. Land uses in the town centre should cover a broad range of categories, and may be directed at the local, neighbourhood or regional market. The volatility of the office and retail market dictates that there be flexibility, however, no uses which are unacceptable by reason of noise, dust, odour or the need for outdoor working or storage areas should be considered.</p>	
<p>UR-31: Within the area as shown on Map UR-1, it shall be the intention of Council to permit the</p>	<p>Addressed in the existing development agreement and amending development agreements.</p>

<p>development of a mixed-use town centre, inclusive of medium to high density residential development, retail, hotel, commercial, office and personal service uses, and community and open space uses. Such an area must be carefully designed in order to function as intended, and to be aesthetically pleasing, therefore any development agreement for the site shall require a design study prior to issuance of development permits which will address:</p> <ul style="list-style-type: none"> (i) streetscape appearance and furniture; (ii) landscaping; (iii) architecture; (iv) parking; (v) traffic circulation and transit; (vi) pedestrian use; and (vii) open space provision. 	<p>With regards to traffic circulation associated with reduced-frontage lots, the amending agreement requires a traffic study to identify appropriate driveway spacing on each section of each Modified Urban Minor Collector street.</p>
<p>The size of the community as a whole dictates that provision be made for larger commercial developments to provide groceries, retail, service, and office uses. Under the current scenario, lands adjacent to Exit 3 are targeted for major commercial development, to include a grocery store, strip mall, offices and personal service uses, food service, gas station and similar uses. As the community grows, an expansion of this commercial area may be warranted to serve the community and larger market areas, subject to appropriate design and servicing considerations. Particular concerns relate to landscaping and means of storm water collection and treatment.</p>	
<p>UR-32: It shall be the intention of Council to consider an expansion of the commercial area adjacent to Exit 3 off Highway 103 subject to the provisions of Policy IM-12.</p>	<p>Addressed in the existing development agreement and amending development agreements.</p>
<p>The development of employment nodes in key areas can help reduce traffic congestion, by creating jobs closer to employees' homes. Within this area, there is potential for creation of a small office park adjacent to Exit 3, between Highway 103 and the planned Timberlea East Collector road.</p>	
<p>UR-33 It shall be the intention of Council to consider development of an office campus, between the proposed Timberlea East Collector and Highway 103, adjacent to Exit 3 through the development agreement process and subject to the following criteria:</p> <ul style="list-style-type: none"> (a) landscaping; (b) signage design; and (c) provision of adequate internal roads, parking, and service areas. 	<p>Addressed in the existing development agreement and amending development agreements.</p>
<p>Timberlea Village Drive was constructed by the Municipality to help alleviate traffic volumes on Highway 3, and serve as a major access point for the larger community to Highway 103. Construction of this road at public expense has been of substantial benefit to the abutting lands, by providing ease of access to four pre-approved intersection locations. Although the road is currently below its design capacity, development of this site will likely trigger the need for upgrading. Additional municipal expenditures on this road which would support development on this site or any other are not acceptable, as such costs should be borne by the cost causer. Council should require developers to pay for any portion of future upgrading costs which are attributable to their development.</p>	
<p>UR-34: It shall be the intention of Council to require the developer of the lands as shown on Map UR-1 to contribute toward the future upgrading of Timberlea Village Drive which bisects the site. The amount of such contribution</p>	<p>Addressed in the existing development agreement and amending development agreements.</p>

<p>shall be determined based on the findings of a transportation study, to be undertaken at the developer's expense, which shall determine the proportion of costs attributable to the development. (RC - October 31, 2001 / E - December 8, 2001)</p>	
<p>SECTION IV – IMPLEMENTATION</p>	
<p>IM-12 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:</p>	
<p>(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.</p>	<p>The proposal meets the intent of the MPS. The Agreement requires conformity with all other municipal by-laws and regulations.</p>
<p>(b) that the proposal is not premature or inappropriate by reason of:</p> <ul style="list-style-type: none"> (i) the financial capability of the Municipality to absorb any costs relating to the development; (ii) the adequacy of sewer and water services; (iii) the adequacy or proximity to school, recreation or other community facilities; (iv) the adequacy of road networks leading or adjacent to, or within the development; and (v) the potential for damage to or for destruction of designated historic buildings and sites. (vi) the proposed means of handling storm water and general drainage within and from the development. (RC - October 30, 2001 E / December 8, 2001) 	<p>Addressed in the existing agreement and amending development agreement.</p>
<p>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</p> <ul style="list-style-type: none"> (i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) traffic generation, access to and egress from the site, and parking; (iv) open storage and outdoor display; (v) signs; and (vi) any other relevant matter of planning concern. 	<p>Addressed in the existing agreement and amending development agreement.</p> <p>With regards to traffic generation, site access and parking for lots with reduced frontages, the amending agreement requires a traffic study to identify appropriate driveway spacing on each section of each Modified Urban Minor Collector street.</p>
<p>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.</p>	<p>Addressed in the existing agreement.</p>
<p>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure</p>	<p>N/A</p>

<p>Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC July 2, 2002 / E - August 17, 2002)</p>	
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**Attachment C:
Public Feedback through Correspondence**

From: Bruce Hayes
Sent: December-03-15 3:02 PM
To: MacLellan, Jillian <maclelj@halifax.ca>
Subject: Case 20141 Reduced frontage Brunello Estates

I feel this make the area look to congested and not fit the appearance of the community.

Bruce Hayes

From: MacNeill, Shane
Sent: December-21-15 2:08 PM
To: MacLellan, Jillian <maclelj@halifax.ca>
Subject: Case 20141

Jillian Maclellan,

As a resident of the Timberlea Area I would like to take this opportunity to state by disapproval of any attempt to allow residential lots of this small size frontage 34'-39'. There can be no justification for lots of that small size in an area such as ours. Perhaps on the Halifax Peninsula where available land is scarce. But certainly not in a more semi-rural area such as ours. I could go on and on. But I simply wanted to take this opportunity to voice the disapproval of both myself and my wife on this issue.

Regards
Shane MacNeill

From: Brady Doyle
Sent: December-02-15 7:51 PM
To: MacLellan, Jillian <maclelj@halifax.ca>
Subject: Proposed Amendment; Timberlea/Brunello

Good evening Jillian,

I would consider myself a very strong supporter of development and the Brunello Estates would be included. The Dexter's have my long-term support overall. However, I do have some reservations and concerns with reducing frontage to 34-39 feet.

The original proposal was for 50 and 60 foot lots which was previously amended to 40 feet; traditionally this is the minimum within HRM for subdivision.

Why would the developer want to get an exception below the 40? Why would HRM be supportive of this when the developer already has 40, 50, 60 along with a variety of townhomes and designated multi-unit areas?

I am not confident that myself or other people already in the neighbourhood will be 100% supportive of this proposed amendment but I will have an open mind until further information or public consultation occurs.

Thank you,
Brady

From: Katie Davidson
Sent: December-04-15 9:26 AM
To: MacLellan, Jillian <maclelj@halifax.ca>
Subject: Proposed Amendment to Development Agreement - Timberlea

Hello Ms. MacLellan,

I am writing in regards to the notice I received in the mail earlier this week pertaining to the Proposed Amendment to Development Agreement in the Brunello Estates area of Timberlea, NS.

I currently do not reside in Brunello Estates so the change in frontal property size won't directly affect me, however, I wanted to raise the concern regarding snow removal and street parking in this area if the property sizes are reduced even further from the minimum of 40 feet (for single unit dwellings) to the proposed change to 34 - 39 feet.

I have a friend who lives in a townhouse on Maple Grove Ave, and every time I have visited her we are grateful that the street isn't fully occupied by residents yet as there isn't much street parking. My friend's driveway is always full with their two cars (her and her husband's), which is normal in many households leaving the street the only area where their visitors are able to park. This street already has many townhouse complexes and every row of houses put up is full of driveways meeting the street. The only areas to park on the street as to not block a driveway are in between the rows of townhouses, which is space that is getting smaller and smaller with each new development. There is also at least one fire hydrant I can recall near her house that would be illegal to park in front of (I believe 3 metres is the rule).

My friend and her husband have not yet lived a winter in their Maple Grove townhouse, but I believe they will have difficulty with snow removal since their property fronts are so close together, and they have no back yard to shovel snow to, and the only front "yard" they have is a driveway, and a small row of shrubs to separate them from their neighbour's driveway. As someone who resides in a semi-detached house in Governor's Glenn (Lakeside/Timberlea border), I can tell you that last year our neighbourhood struggled to find places to put all the snow since our front yards aren't very large in between the neighbours we share a wall with. Fortunately, we have some yard space in between the semi-detached houses and most of us have back yards which is where we were able to throw most of the snow.

In closing, if the Brunello Estates development is able to shorten their property frontage in order to squeeze in a few more properties per street thus earning more profits, they may indirectly be causing more safety concerns for everyone on the street during winter, as well as causing unforeseen inconveniences to their buyers when their friends are unable to park nearby when they visit.

I hope these concerns will assist your decision to allow or deny the proposed changes to the Brunello Estates development agreement.

Katie Davidson,
Timberlea, NS

From: Gordon Steeves
Sent: November-30-15 4:48 PM
To: MacLellan, Jillian <maclelj@halifax.ca>
Subject: Re: letter sent to home owners regarding Case # 20141

Hi: I have looked on the map provided and on google earth and I cannot find any " Boulevards " nor any " modified minor urban collectors ". Not being an urban planner I need some words I can understand. Are you referring to the entrance road that has a name and some unnamed roads?

By permitting the amendments there would be more single dwellings per hectare. I believe that for us residents we would have at least two concerns.

Two obvious concerns are increased water runoff and sewage. Then the transportation pressures, increased vehicle traffic with no metro bus service servicing Brunello Estates. We already have too much traffic at certain times of the day on the old engineered roadbed of the # 3. All we need out here is a traffic jam when there is a medical / fire event.

Attachment D – Legislative Authority

Development Agreements By Community Council

The *Community Council Administrative Order*, subsection 3 (1) “Subject to subsection (3) of this section, sections 29, 30 and 31 of the *Halifax Regional Municipality Charter* apply to each Community Council.”

Halifax Regional Municipality Charter:

Development agreements by community councils

- 31** (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.
- (2) Where a municipal planning strategy of the Municipality provides for development by agreement, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.
- (3) A development agreement, or amendment to a development agreement, entered into by a community council must be signed by the Mayor and the Clerk on behalf of the Municipality.
- (4) Where a development agreement entered into by a community council purports to commit the Municipality to an expenditure, the commitment has no force or effect until approved by the Council. 2008, c. 39, s. 31.

HRM Charter, Part VIII, Planning and Development, including:

Development agreements

- 240** (1) The Council may consider development by development agreement where a municipal planning strategy identifies
- (a) the developments that are subject to a development agreement;
 - (b) the area or areas where the developments may be located; and
 - (c) the matters that the Council must consider prior to the approval of a development agreement.
- (2) The land-use by-law must identify the developments to be considered by development agreement. 2008, c. 39, s. 240.

Content of development agreements

- 242** (1) A development agreement may contain terms with respect to
- (a) matters that a land-use by-law may contain;
 - (b) hours of operation;
 - (c) maintenance of the development;
 - (d) easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;
 - (e) grading or alteration in elevation or contour of the land and provision for the disposal of storm and surface water;
 - (f) the construction, in whole or in part, of a stormwater system, wastewater facilities and water system;
 - (g) the subdivision of land;
 - (h) security or performance bonding.
- (2) A development agreement may include plans or maps.
- (3) A development agreement may

- (a) identify matters that are not substantive or, alternatively, identify matters that are substantive;
- (b) identify whether the variance provisions are to apply to the development agreement;
- (c) provide for the time when and conditions under which the development agreement may be discharged with or without the concurrence of the property owner;
- (d) provide that upon the completion of the development or phases of the development, the development agreement, or portions of it, may be discharged by the Council;
- (e) provide that, where the development does not commence or is not completed within the time specified in the development agreement, the development agreement or portions of it may be discharged by the Council without the concurrence of the property owner. 2008, c. 39, s. 242.

Requirements for effective development agreement

- 243** (1) A development agreement must not be entered into until
- (a) the appeal period has elapsed and no appeal has been commenced; or
 - (b) all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Board.
- (2) The Council may stipulate that a development agreement must be signed by the property owner within a specified period of time.
- (3) A development agreement does not come into effect until
- (a) the appeal period has elapsed and no appeal has been commenced or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Board;
 - (b) the development agreement is signed by the property owner, within the specified period of time, if any, and the Municipality; and
 - (c) the development agreement is filed by the Municipality in the registry.
- (4) The Clerk shall file every development agreement, amendment to a development agreement and discharge of a development agreement in the registry. 2008, c. 39, s. 243.