



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

Item No. 10.1.1
Harbour East – Marine Drive Community Council
December 8, 2016
January 5, 2017

TO: Chair and Members of Harbour East - Marine Drive Community Council

SUBMITTED BY: ORIGINAL SIGNED

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: November 18, 2016

SUBJECT: **Case 20540: Amendments to an Existing Development Agreement for the Harbour Isle development, Marketplace Drive, Dartmouth**

ORIGIN

Application by WSP Canada Incorporated.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax East – Marine Drive Community Council:

1. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment A of this report, to allow for subdivision to create three (3) lots, to change the number of townhouse units permitted, and to permit alterations to parkade entrances for the development located at 39 Seapoint Road, Dartmouth, and to schedule a public hearing; and
2. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
3. Require the 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 Harbour Isle Halifax Incorporated is applying to amend the existing development agreement for the Harbour Isle development, to allow the lands to be subdivided to create three lots, to allow for additional parkade entrances, and to change the number of townhouse units permitted.

Subject Site	A single property located at 39 Seapoint Road, Dartmouth
Location	The corner of Marketplace Drive and Seapoint Road, located off Windmill Road and adjacent to Burnside Industrial Park
Regional Plan Designation	Halifax Harbour
Community Plan Designation (Map 1)	Wright's Cove Secondary Planning Strategy (WCSPS) designation under the Dartmouth Municipal Planning Strategy (MPS)
Zoning (Map 2)	R-3 (Multiple Family Residential – Medium Density)
Size of Site	8.51 acres (370,852 square feet)
Street Frontage	170.7 meters (560 feet)
Current Land Use(s)	One 13 storey mixed use residential tower
Surrounding Use(s)	Within the Wright's Cove area. Dartmouth Yacht Club is located to the north and vacant industrially zoned lands are located to the east and south of the site.

Proposal Details

The applicant proposes to amend the existing development agreement to allow for the following:

- existing Lot C4 to be subdivided to create three lots with frontage on Marketplace Drive; no changes to building locations or sizes are proposed;
- additional parkade entrances to be located on Marketplace Drive and Seapoint Road for buildings 2 and 3, respectively; and
- amendments to the number of townhouse units permitted.

Existing Development Agreement

On September 11, 2014, Harbour East Community Council (HECC) held a public hearing and approved a development agreement to allow for one (1) residential/commercial mixed use building and two (2) residential multi-unit buildings at 39 Seapoint Road, Dartmouth. Details of the existing agreement are as follows:

- mixed-use development consisting of commercial and residential uses with a maximum of 299 dwelling units and 4,500 square feet of ground floor commercial space;
- publically accessible waterfront trail;
- portion of the site west of Marketplace Drive to be serviced by a private laneway; and
- amenity space provided through internal common rooms, balconies and access to the waterfront trail. An open green space is to be provided at the south-east quadrant of the site at a future stage of the development.

Enabling Policy and LUB Context

The original development agreement (Case 18809) was approved pursuant to Policy WC-4 of the Wright's Cove Secondary Plan and Policies IP-5 and IP-1(c) of the Dartmouth Municipal Planning Strategy (Attachment B). These policies are also relevant to this amendment request.

The underlying R-3 Zone permits a variety of residential uses including single family dwellings, two unit dwellings, townhouses, apartment houses, lodging houses, and group homes.

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 postcards mailed to property owners within the notification area. No public comments were received for the proposed amendments.

A public hearing must be held by Harbour East – Marine Drive Community Council before they can consider 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 proposal will potentially impact local residents and property owners.

DISCUSSION

Staff have 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 amending development agreement in relation to the relevant MPS policies.

Proposed Amending Agreement

Attachment A contains the proposed amending development agreement for the subject site and the conditions under which the development may occur. The proposed amending development agreement addresses the following matters:

- Subdivision of existing Lot C4;
- Additional parkade entrances and corrections to the number of parking spaces; and
- Changes to number of townhouse units permitted.

Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

Subdivision

The applicant is proposing to subdivide existing Lot C4 to create three additional lots (a total of four lots fronting on Marketplace Drive including the remainder) with frontage on Marketplace Drive as per the revised Schedule D within Attachment A, and in accordance with the Halifax Regional Subdivision By-law. At the time the existing development agreement was negotiated, a comprehensive understanding of the projects financing was not known. As stated by the applicant, this subdivision as proposed is necessary to secure financing for the project. Policy WC-4 outlines a number of criteria to be considered within the development agreement including height, design, and the impact of development on surrounding properties. As outlined in Attachment B, because the proposed subdivision will not change the size, density, design, or location of permitted buildings within the existing development agreement, the intent of the policy is met.

Parkade Entrances

Due to requirements associated with the provincial condominium legislation regarding ownership and maintenance of common elements, separate underground parking accesses are required for each building. Driveway accesses cannot be shared among properties that are not part of the same condominium corporation or are not registered as condominiums. The legislation and the consumer protection offered under that statute governs only condominium property and such can be compromised if services are shared outside of the authority of the corporation. The applicant has proposed a parkade entrance for Building 2 off the Marketplace Drive cul-de-sac and an entrance for Building 3 at the end of Seapoint Road extension. Although parking spaces have been internally relocated to allow for these new entrances, the overall

number of spaces stipulated in the original development is maintained. These entrances have been reviewed by HRM Development Engineering and no issues have been identified. This notwithstanding, the driveway accesses will need to meet required sightlines and visibility for vehicles leaving the parking garage at building permit stage.

Townhouse Units

As a part of this review, inconsistencies were found between the text and schedules of the existing agreement in regards to the number of townhouse units permitted for each building site. Under the existing agreement, Building 2 is permitted a maximum of 98 dwelling units and 7 townhouse units. For Building 3, a maximum of 93 dwelling units and 12 townhouse units are currently permitted. Although the overall unit count for each building site remains unchanged at 105 units, the proposal would see the agreement amended to allow 97 dwelling units and 8 townhouse units for Building 2, and 95 dwelling units and 10 townhouse units for Building 3. Again, because the overall unit count, location, and size of buildings are not proposed to change, the intent of the policy is met.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The requested amendments do not change the location, size or density of the development as permitted under the existing agreement and are in keeping with the intent of the policy to develop the site with consideration to existing commercial and residential uses. Therefore, staff recommend that the Harbour East – Marine Drive Community Council approve the proposed development agreement.

FINANCIAL IMPLICATIONS

There are no budget 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 proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2016/17 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 are identified.

ALTERNATIVES

1. Harbour East – Marine Drive Community Council may choose to approve the proposed amending agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this amending agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Harbour East – Marine Drive Community Council may choose to refuse the proposed amending agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed amending agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

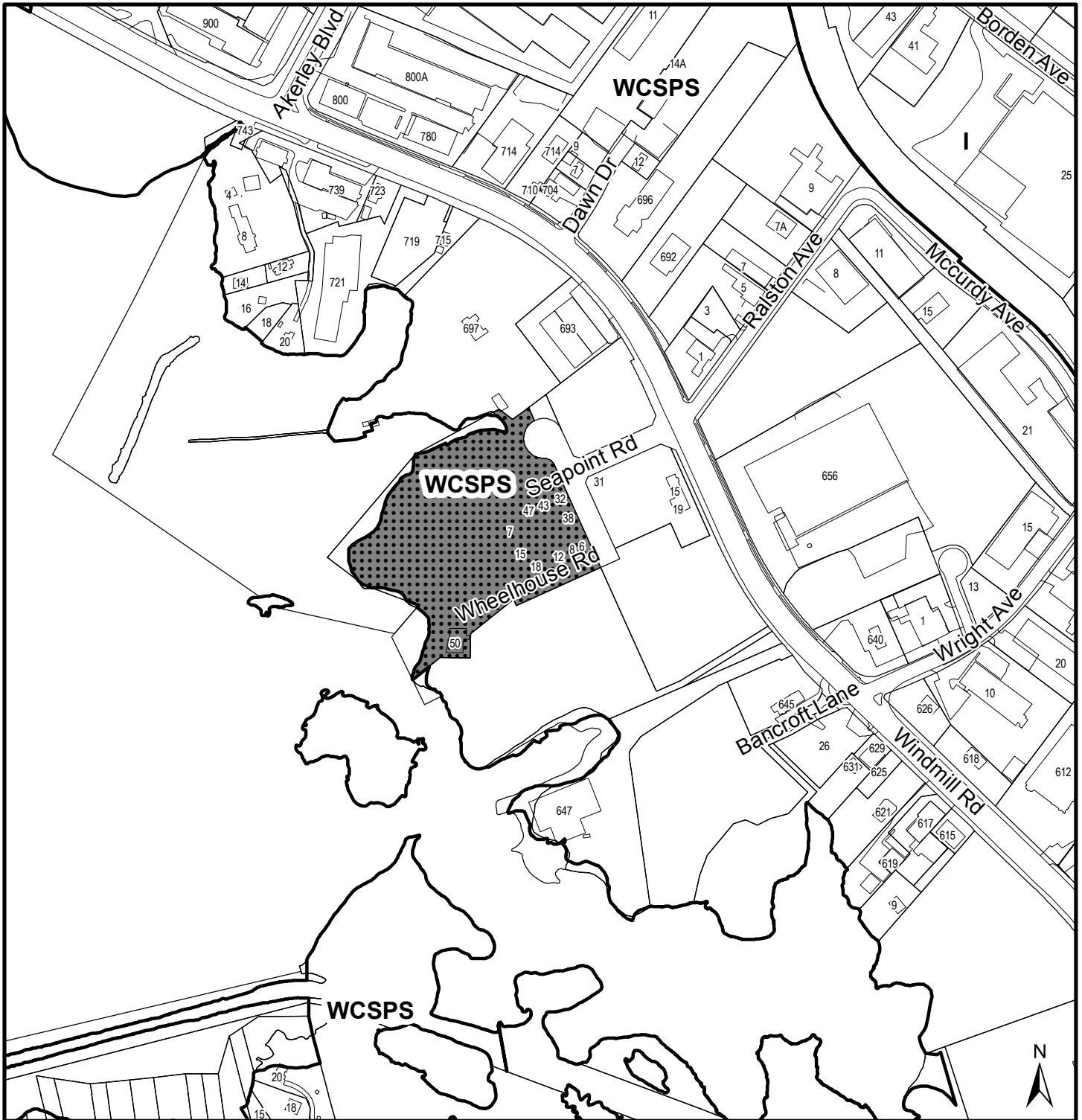
Attachment A: Proposed Development Agreement
Attachment B: Review of Relevant MPS Policies

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: Melissa Eavis, Planner II, 902.490.3966

Report Approved by: ORIGINAL SIGNED

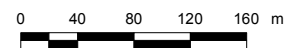
Kelly Denty, Manager, Current Planning, 902.490.4800




Map 1 - Generalized Future Land Use

HALIFAX

PID 41350497,
Dartmouth



 Area of Existing Development Agreement

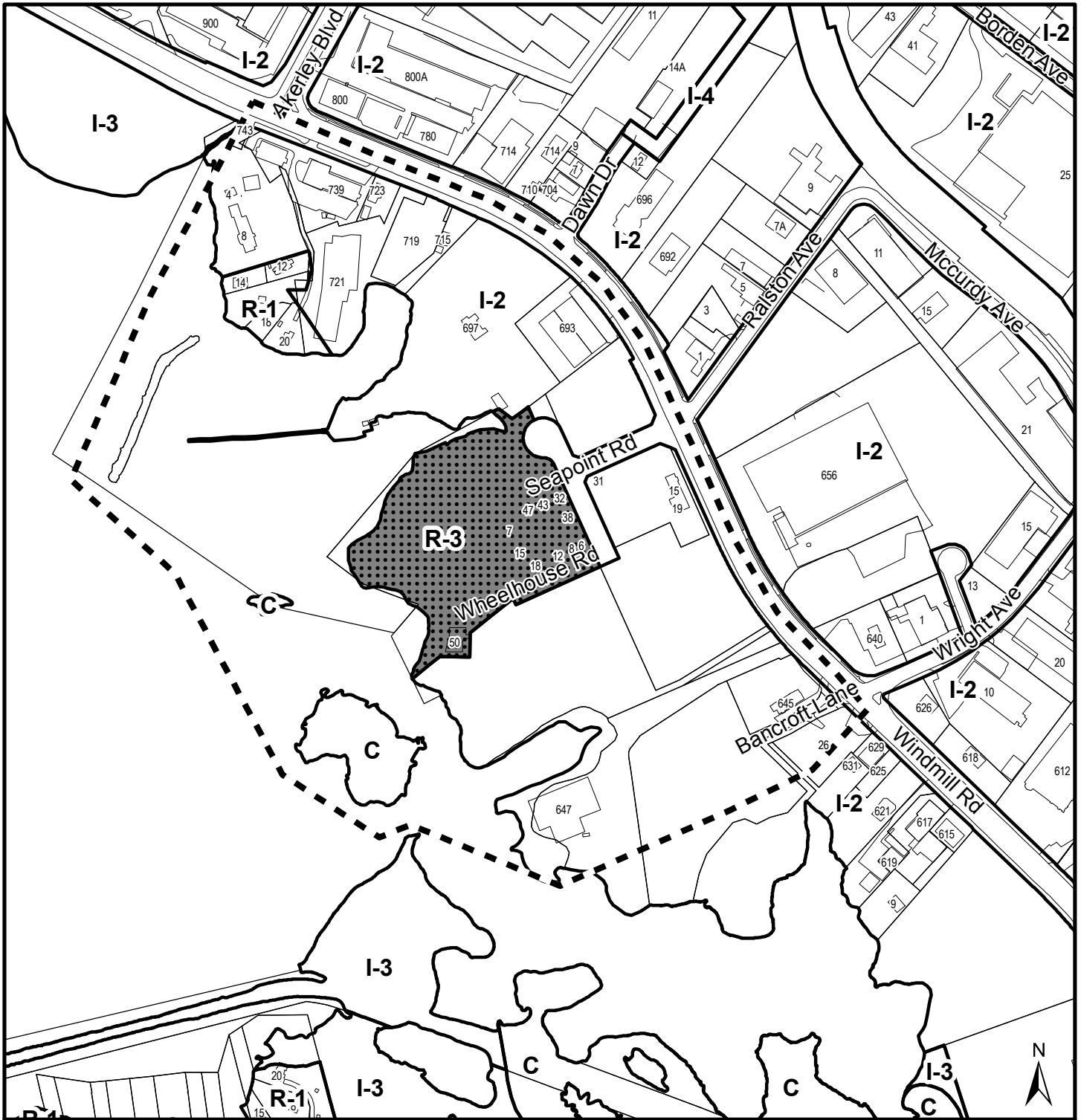
Designation

I Industrial
WCSPS Wrights Cove Secondary Planning Strategy

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

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


Dartmouth Plan Area




Map 2 - Zoning and Notification

PID 41350497,
Dartmouth

HALIFAX

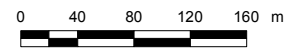
 Area of Existing Development Agreement

 Area of Notification

Dartmouth
Plan Area

Zone

- R-1 Single Family Residential
- R-3 Multiple Family Residential (Medium Density)
- I-2 General Industrial
- I-3 Harbour-Oriented Industrial
- I-4 Salvage
- C Conservation



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

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

ATTACHMENT A

Amending Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

[Insert Name of Corporation/Business LTD.]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located between Wright's Cove and Windmill Road, Dartmouth, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Municipality entered into a Development Agreement with GJR Development Ltd. to allow for 255 dwelling unit within 3 multi-unit residential buildings, which was registered at the Land Registry Office in Halifax as Document Number 88788139 (hereinafter called the "Original Agreement");

AND WHEREAS GJR Developments Ltd. transferred its interest in the Lands to Sheppards Island Incorporated, which changed its name to Harbour Isle Halifax Incorporated on May 14, 2008, said change of name having been registered at the Land Registry Office in Halifax as Document Number 93015643 (hereinafter called the "Amending Agreement");

AND WHEREAS the Original and Amending Agreements were discharged and the Municipality entered into a new Development Agreement to allow a 13 storey residential/commercial mixed use building, which was registered at the Land Registry Office in Halifax as Document Number 100146514 (hereinafter called the "Second Agreement");

AND WHEREAS the Second Agreement was discharged and the Municipality entered into a new Development Agreement to allow for 1 residential/commercial mixed use building and 2 residential multi-unit buildings on the Lands pursuant to the provisions of the *Halifax Municipality Charter* and pursuant to Policies WC-4, IP-1(c) and IP-5 of the Dartmouth Municipal Planning Strategy, which was registered at the Land Registry Office in Halifax as Document Number 106565022 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested that the Municipality enter into an Amending Development Agreement to allow for further subdivision of the Lands and separate parkade entrances for each building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies WC-4, IP-1(c), and IP-5 of the Dartmouth Municipal Planning Strategy and Part 4 of the Dartmouth Land Use By-law (hereinafter called the "First Amending Agreement");

AND WHEREAS the Harbour East Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number **20540**;

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 First Amending Agreement, all other terms, conditions and provisions of the Existing Agreement shall remain in effect.
2. Amend Section 3.1 of the agreement by inserting the following text as shown in bold and deleting text as shown in strikethrough as follows:
 - 3.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18809:

Schedule A	Legal Description of the Land(s)
Schedule B – B3	Comprehensive Site Plan, Site plans Bldgs 1-3
Schedule C – C4	Comprehensive Landscape Plan, Landscape plans
Schedule D	Preliminary Plan of Subdivision/Consolidation
Schedule E – E3	Parking plans Bldgs 2 & 3
Schedule F – F2	Servicing, Stormwater Management, Erosion and Sedimentation Control Plans
Schedule G – G3	Building 1 Elevation plans
Schedule H – H4	Building 2 Elevation plans
Schedule I – I4	Building 3 Elevation plans
Schedule Ba	Comprehensive Site Plan
Schedule B1	Site Plan Building 1
Schedule B2a	Site Plan Building 2
Schedule B3a	Site Plan Building 3
Schedule Ca	Comprehensive Landscape Plan
Schedule C1a	Landscape Plan
Schedule C2a	Landscape Plan
Schedule C3a	Landscape Plan
Schedule C4a	Landscape Plan
Schedule Da	Plan of Subdivision/Consolidation
Schedule Ea	Parking Plan Building 2
Schedule E1a	Parking Plan Building 2
Schedule E2a	Parking Layout Building 3
Schedule E3a	Parking Layout Building 3
Schedule F	Servicing Plan
Schedule F1	Stormwater Management Plan
Schedule F2	Erosion and Sedimentation Control Plan
Schedule G	Building 1 North Elevation Plan
Schedule G1	Building 1 South Elevation Plan
Schedule G2	Building 1 West Elevation Plan
Schedule G3	Building 1 East Elevation Plan
Schedule H	Building 2 Elevation Plan
Schedule H1	Building 2 Elevation Plan

Schedule H2	Building 2 Elevation Plan
Schedule H3	Building 2 Elevation Plan
Schedule H4a	Building 2 Elevation Plan
Schedule I	Building 3 Elevation Plan
Schedule I1	Building 3 Elevation Plan
Schedule I2a	Building 3 Elevation Plan
Schedule I3	Building 3 Elevation Plan
Schedule I4	Building 3 Elevation Plan

3. By replacing Schedule B with Schedule Ba and all references to Schedule B with Schedule Ba.
4. By replacing Schedule B2 with Schedule B2a and all references to Schedule B2 with Schedule B2a.
5. By replacing Schedule B3 with Schedule B3a and all references to Schedule B3 with Schedule B3a.
6. By replacing Schedule C with Schedule Ca and all references to Schedule C with Schedule Ca.
7. By replacing Schedule C1 with Schedule C1a and all references to Schedule C1 with Schedule C1a.
8. By replacing Schedule C2 with Schedule C2a and all references to Schedule C2 with Schedule C2a.
9. By replacing Schedule C3 with Schedule C3a and all references to Schedule C3 with Schedule C3a.
10. By replacing Schedule C4 with Schedule C4a and all references to Schedule C4 with Schedule C4a.
11. By replacing Schedule D with Schedule Da and all references to Schedule D with Schedule Da.
12. By replacing Schedule E with Schedule Ea and all references to Schedule E with Schedule Ea.
13. By replacing Schedule E1 with Schedule E1a and all references to Schedule E1 with Schedule E1a.
14. By replacing Schedule E2 with Schedule E2a and all references to Schedule E2 with Schedule E2a.
15. By replacing Schedule E3 with Schedule E3a and all references to Schedule E3 with Schedule E3a.
16. By replacing Schedule H4 with Schedule H4a and all references to Schedule H4 with Schedule H4a.

17. By replacing Schedule I2 with Schedule I2a and all references to Schedule I2 with Schedule I2a.

18. Section 3.3.1(b) and 3.3.1(c) shall be repealed and replaced with the following:

(b) A multi-unit residential building, shown as Building 2 on Schedules B and B2, with a maximum of 97 dwelling units, not exceeding a height of 16 storeys and 8 ground-level townhouse-style units, as generally shown on Schedules B, B2 and H through H4 inclusive;

a. A minimum of 70% must be 2 or 3 bedroom units

(c) A multi-unit residential building, shown as Building 3 on Schedules B and B3, with a maximum of 95 dwelling units, not exceeding a height of 16 storeys, and 10 ground level townhouse-style units, as generally shown on Schedule B, B3 and I through I4 inclusive;

a. A minimum of 70% must be 2 or 3 bedroom units.

19. Section 3.3.3 shall be repealed.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

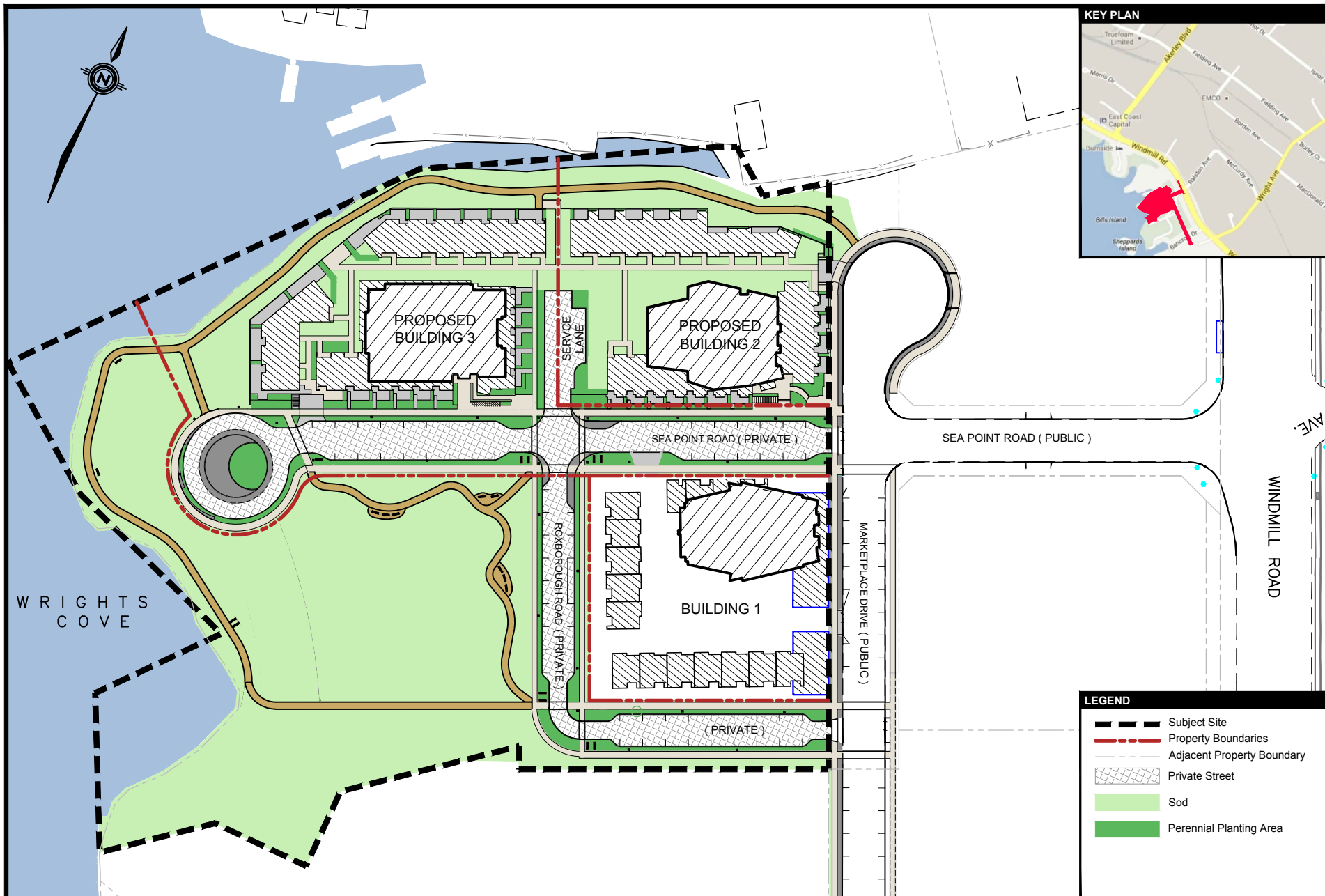
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Kevin Arjoon, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

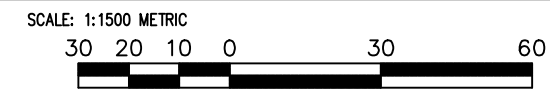


LEGEND

- Subject Site
- Property Boundaries
- Adjacent Property Boundary
- Private Street
- Sod
- Perennial Planting Area



SCHEDULE Ba COMPREHENSIVE SITE PLAN
HARBOUR ISLE
 Windmill Road, Dartmouth, Nova Scotia

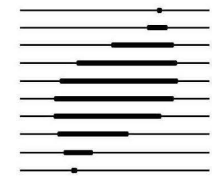


DESIGNER: KWATTERS PLANNER: C WALLACE

SHEET: -
 DATE: 02-SEP--2016

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ARCHITECTURE

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VANCOUVER BC V6A 1B2

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archited@iredale.ca
www.iredale.ca

DA Permit Set
Harbour Isle
03 July 2014
REVISED AS PER HRM

Consultant

HARBOUR ISLE -
TOWER 2 & 3

Dartmouth, NS

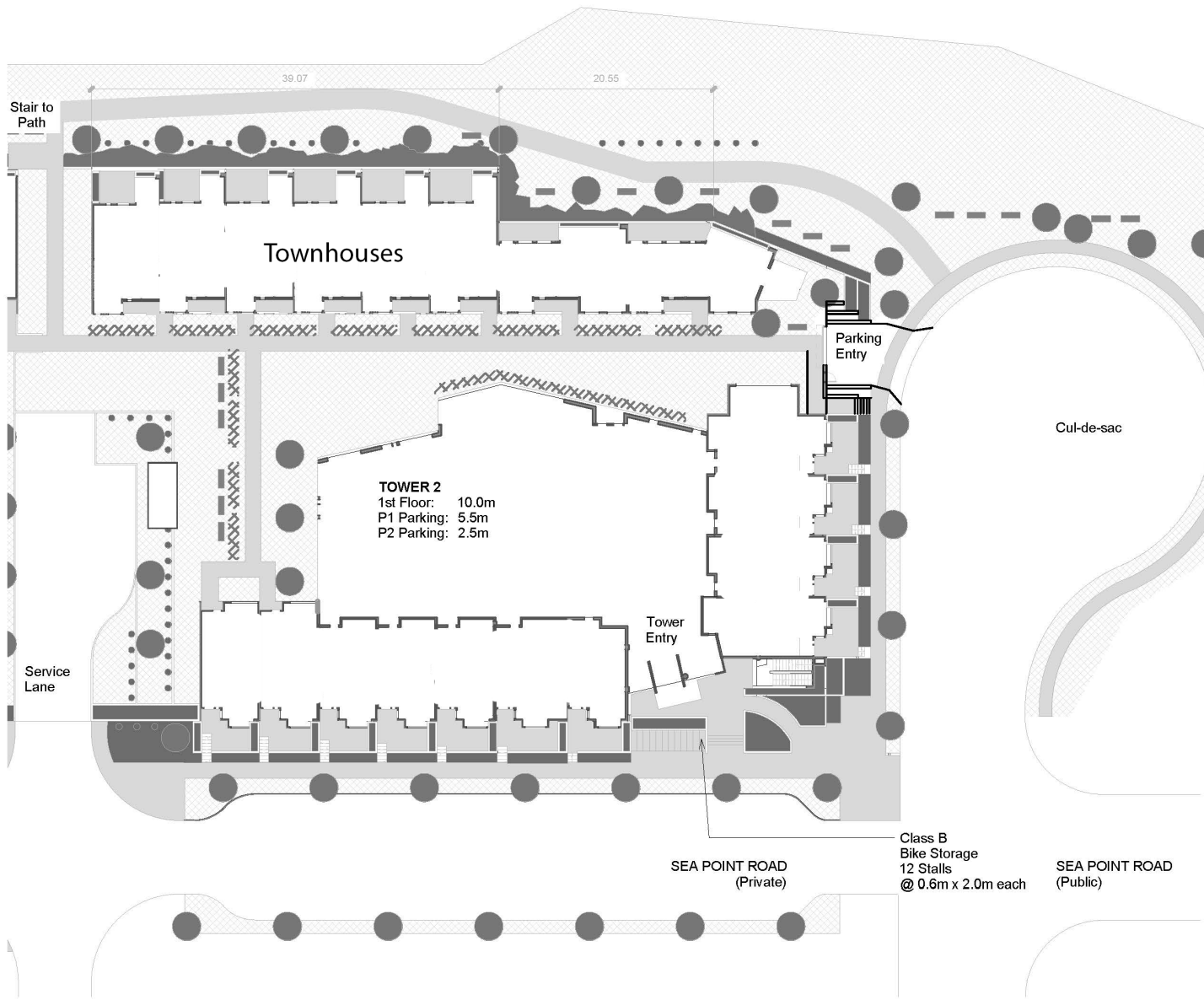
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Tower 2 - Site Plan

Scale
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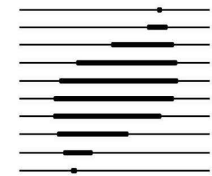
Project No.	13021
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Phase No.	Sheet No.
	F-2.100



Case 20540: Schedule B2a - Site Plan Building 2

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DA Permit Set
Harbour Isle
03 July 2014
REVISED AS PER HRM

**HARBOUR ISLE -
TOWER 2 & 3**

Dartmouth, NS

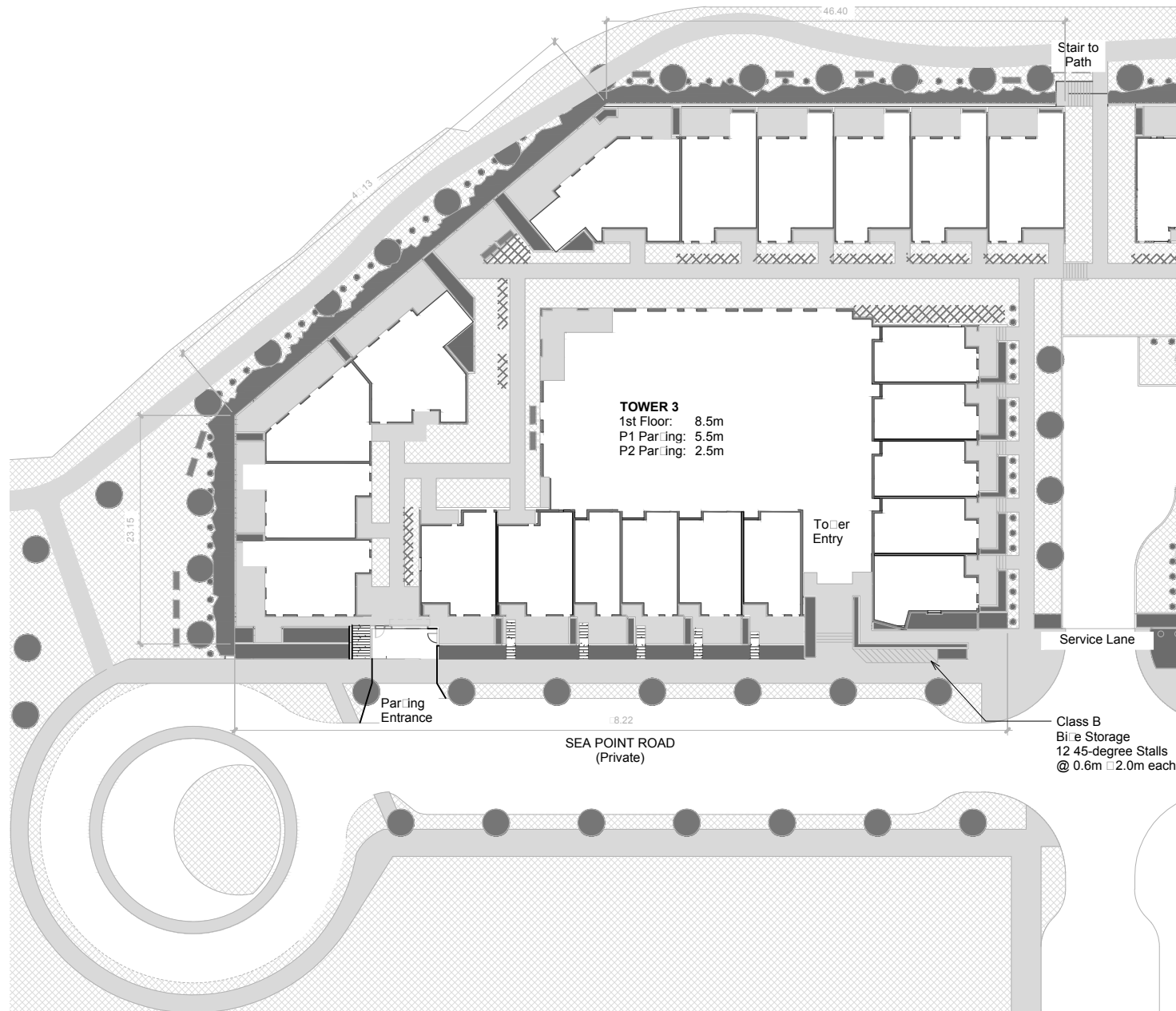
Tower 3 - Site Plan

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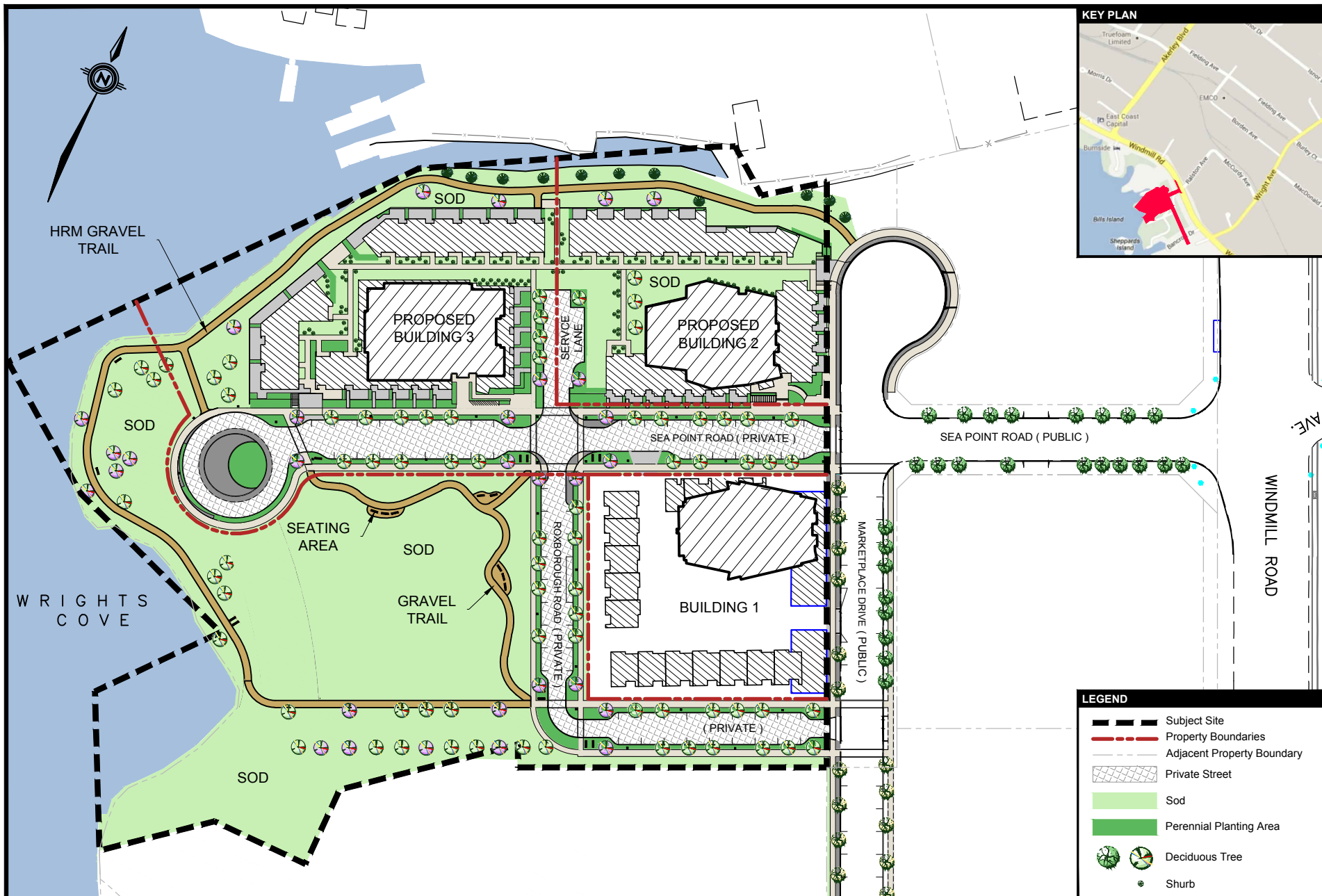
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Project No.	13021
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Phase No.	Sheet No.
	F-3.100



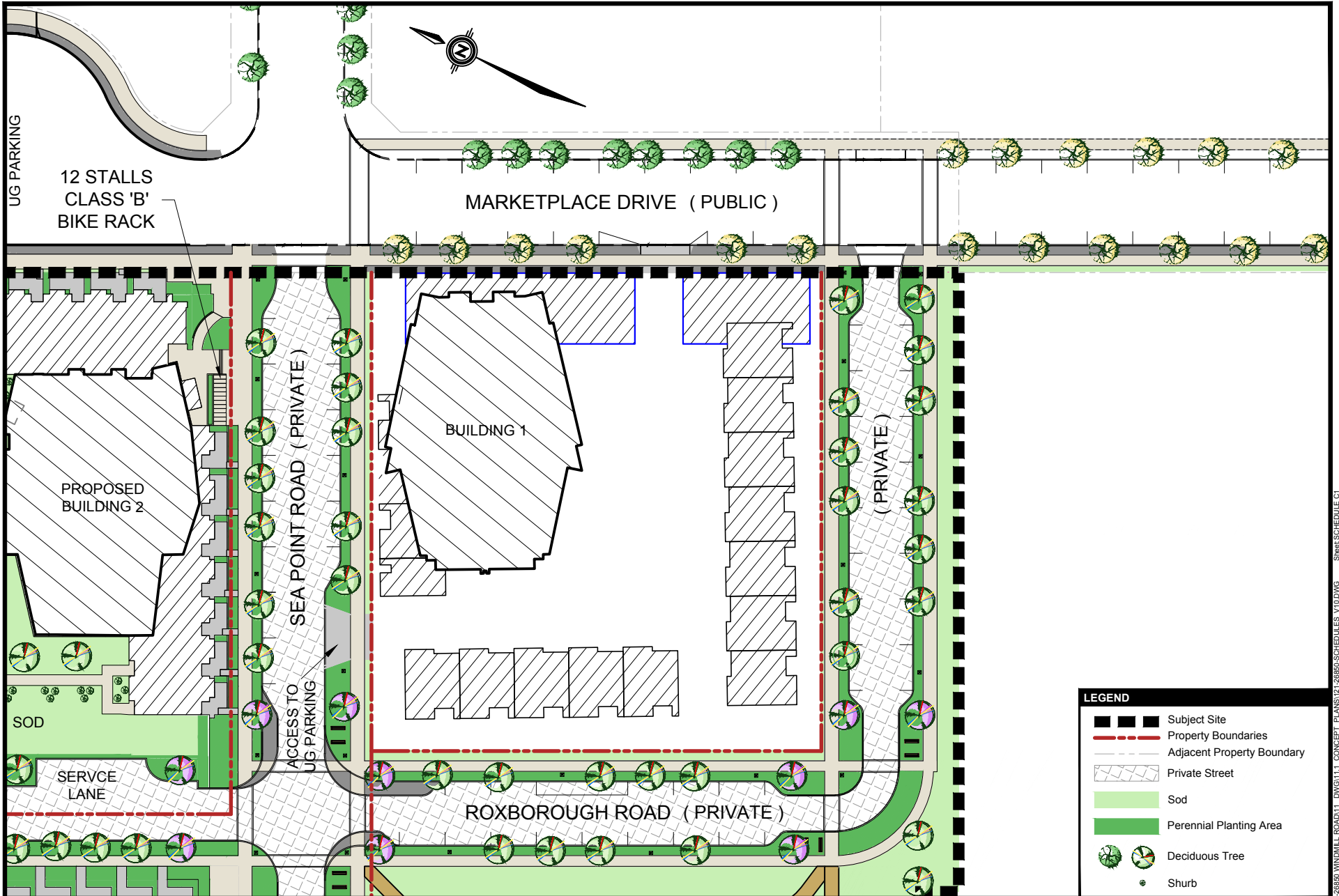
Case 20540: Schedule B3a - Site Plan Building 3



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SCHEDULE Ca - LANDSCAPE
PLAN HARBOUR ISLE
 Windmill Road, Dartmouth, Nova Scotia



SCHEDULE C1a - LANDSCAPE PLAN
1 HARBOUR ISLE
 Windmill Road, Dartmouth, Nova Scotia

SCALE: 1:750 METRIC



DESIGNER: KWATTERS

PLANNER: C WALLACE

SHEET:

1 of 4

DATE:

02-SEP--2016



LEGEND	
	Subject Site
	Property Boundaries
	Adjacent Property Boundary
	Private Street
	Sod
	Perennial Planting Area
	Deciduous Tree
	Shrub



SCHEDULE C2a - LANDSCAPE PLAN
2 HARBOUR ISLE
 Windmill Road, Dartmouth, Nova Scotia

SCALE: 1:750 METRIC

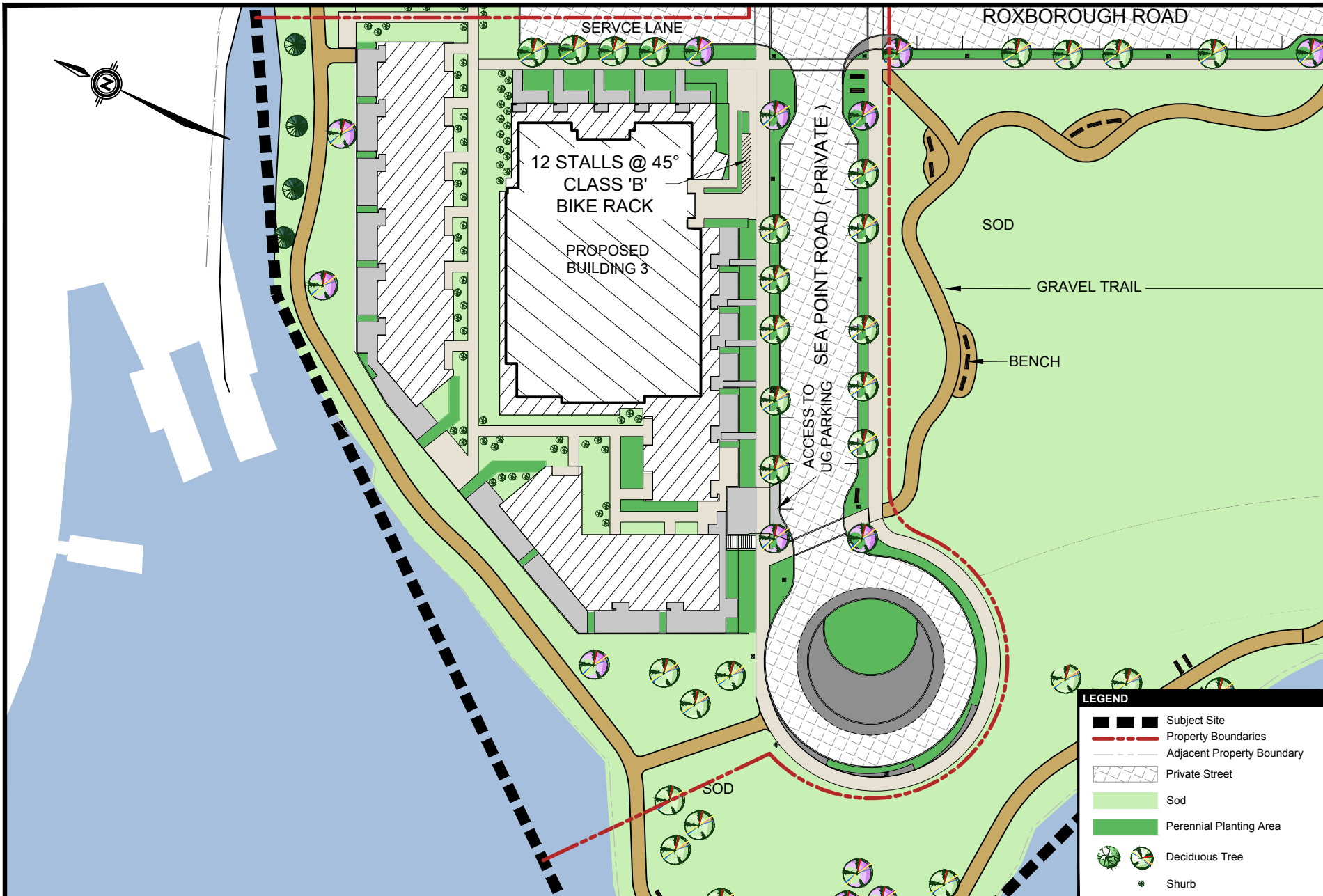


DESIGNER: KWATTERS

PLANNER: C WALLACE

SHEET:
2 of 4
 DATE:
 02-SEP--2016

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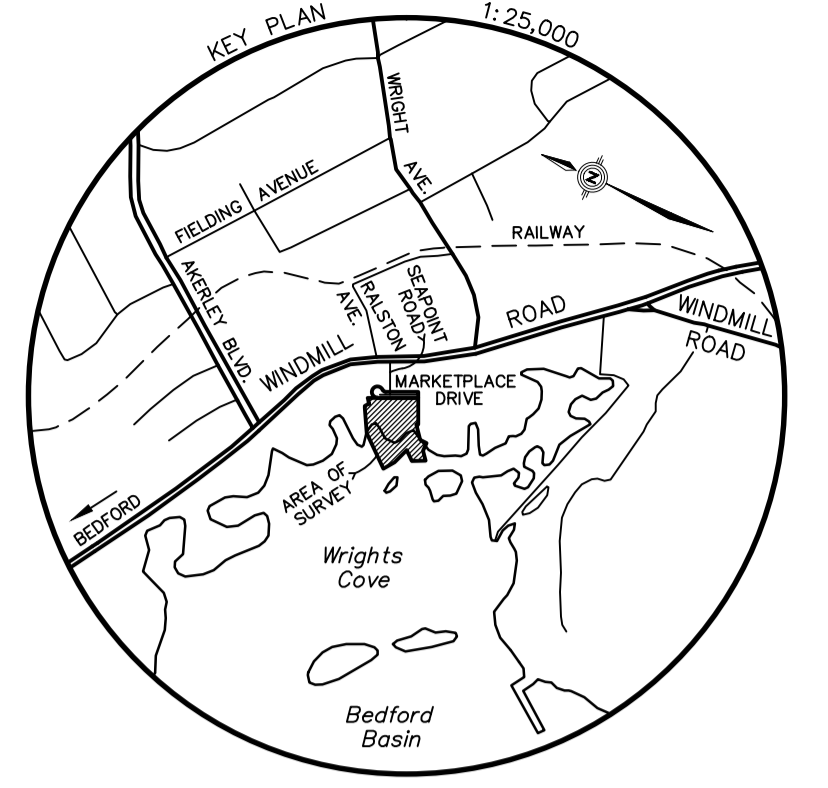
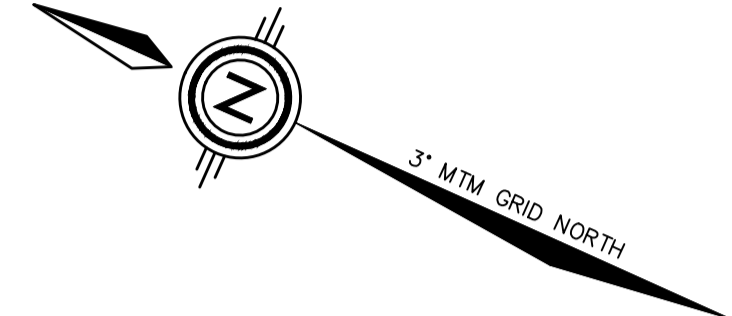
SCHEDULE C3a - LANDSCAPE PLAN
3 HARBOUR ISLE
 Windmill Road, Dartmouth, Nova Scotia



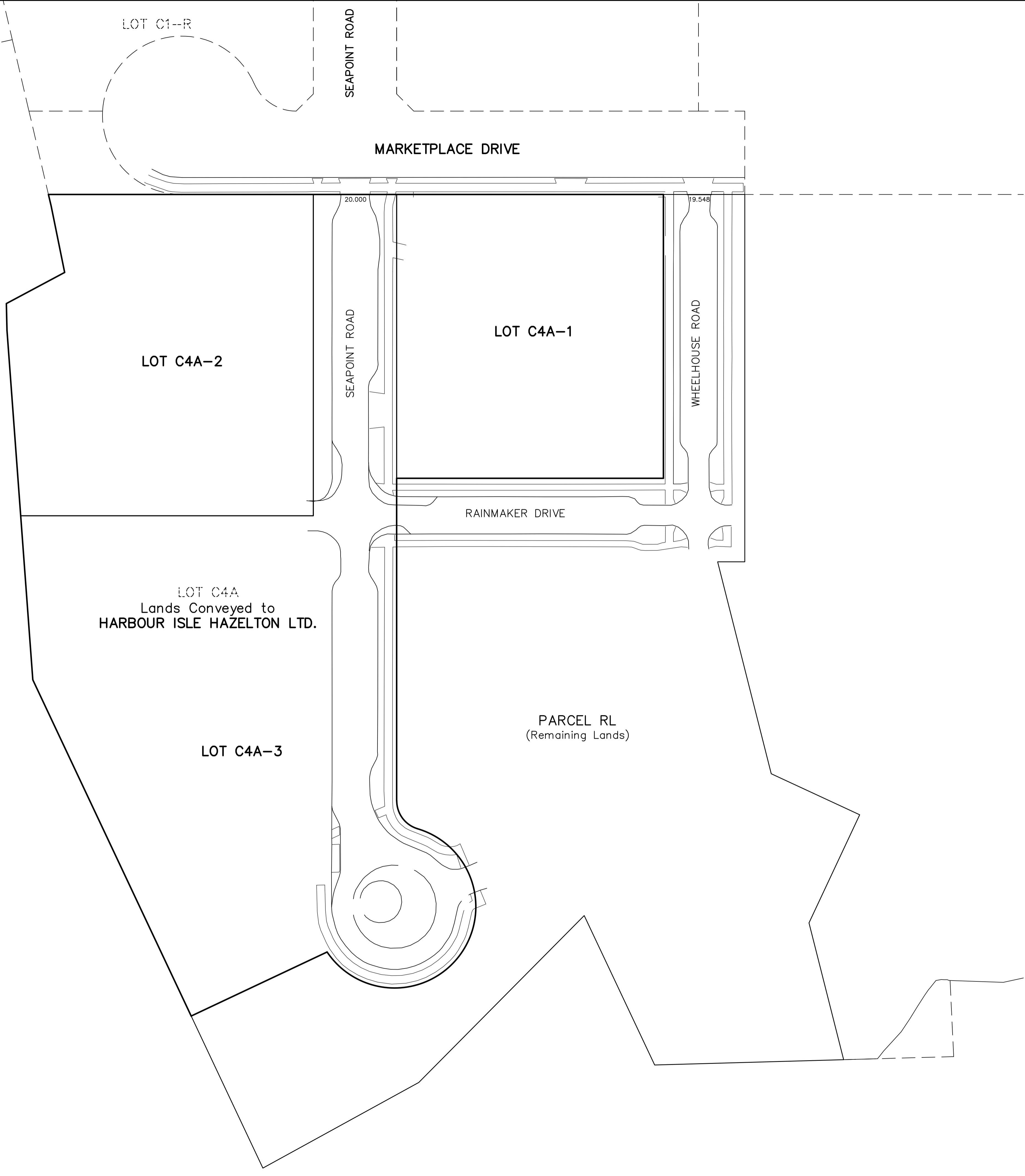
DESIGNER: KWATTERS

PLANNER: CWallace

SHEET:
3 of 4
 DATE:
 02-SEP--2016



Schedule Da: Plan of Subdivision / Consolidation



LOT C4A
Lands Conveyed to
HARBOUR ISLE HAZELTON LTD.



Preliminary
Plan of Survey of
LOTS C4A-1, C4A-2 and C4A-3
being a Subdivision of LOT C4A
Lands Conveyed to
HARBOUR ISLE HAZELTON LTD.
MARKETPLACE DRIVE
DARTMOUTH
COUNTY OF HALIFAX
PROVINCE OF NOVA SCOTIA

10 8 6 4 2 0 10 20 30 40 50
SCALE : 1/500 (METRIC)
NOVEMBER 29, 2016

STATISTICS

TOWER 2

Ground floor Toilets	8
Ground floor Studios	10
Tower Units	87
TOTAL	105

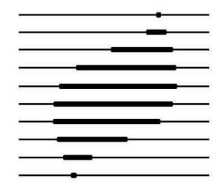
PARKING

TOWER 2

Level P1	5
Level P2	2
Total	16
SPACES PER UNIT	1.59

Class A Bike Storage	45
Class B Bike Storage	12
TOTAL BIKE STORAGE PER UNIT	0.54

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DA Permit Set
Harbour Isle
03 July 2014
REVISED AS PER HRM

HARBOUR ISLE -
TOWER 2 3

Dartmouth, NS

Tower 2 - P1 Plan

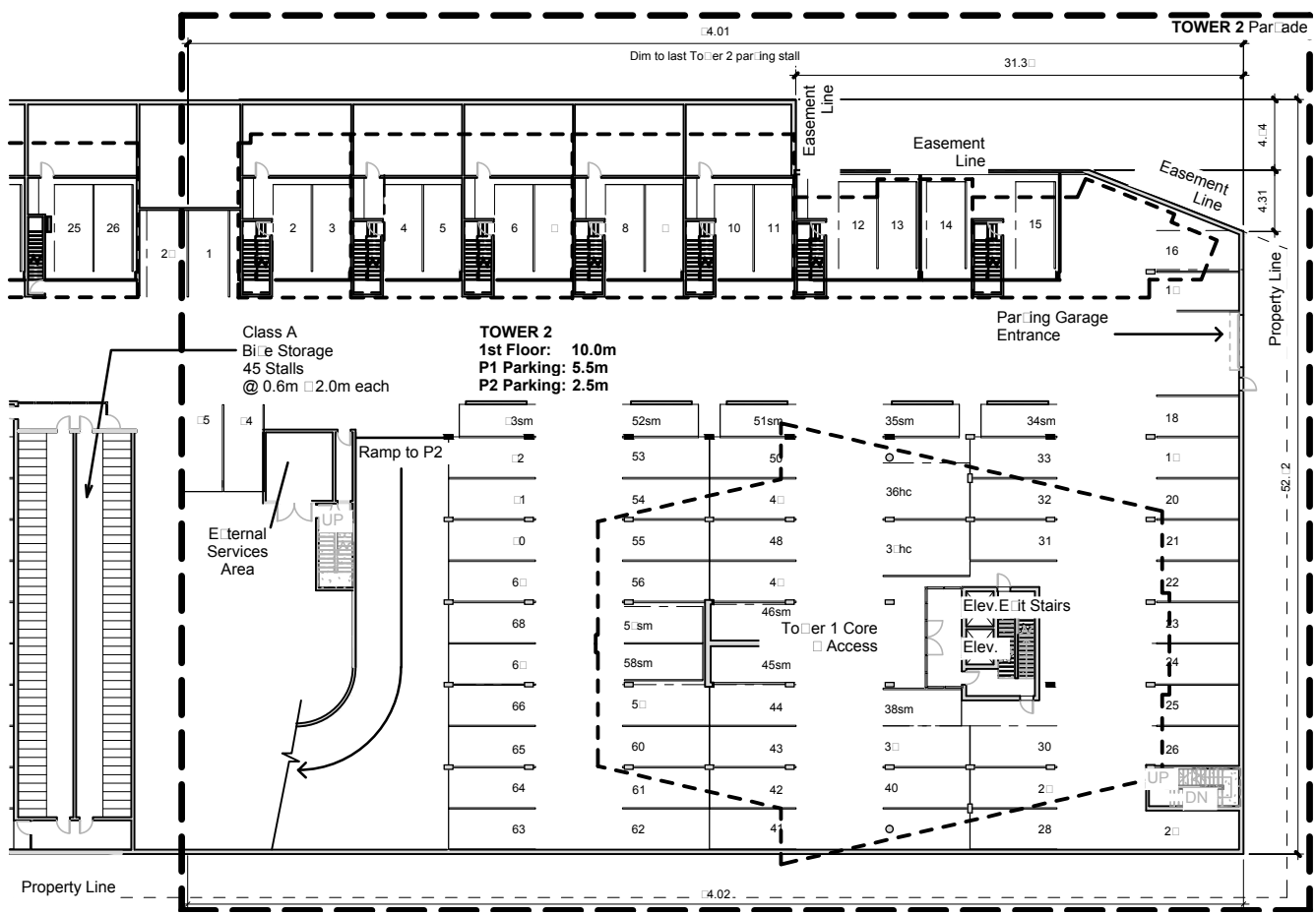
NOT TO SCALE

Drawn by:	AL	Checked by:	GC, PH	Checked by:	GC, PH
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Project No.
13021



Phase No.	Sheet No.
	F-2.101



Case 20540: Schedule Ea - Parking Plan Building 2

STATISTICS

TOWER 2

Ground floor To□nhomes	8
Ground floor Studios	10
To□er Units	87
TOTAL	105

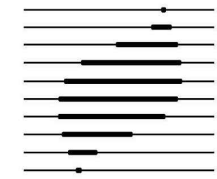
PARKING

TOWER 2

Level P1	□5
Level P2	□2
Total	16□
SPACES PER UNIT	1.59

Class A Bi□e Storage	45
Class B Bi□e Storage	12
TOTAL BIKE STORAGE PER UNIT	0.54

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HARBOUR ISLE -
TOWER 2 □ 3

Dartmouth, NS

Tower 2 - P2 Plan

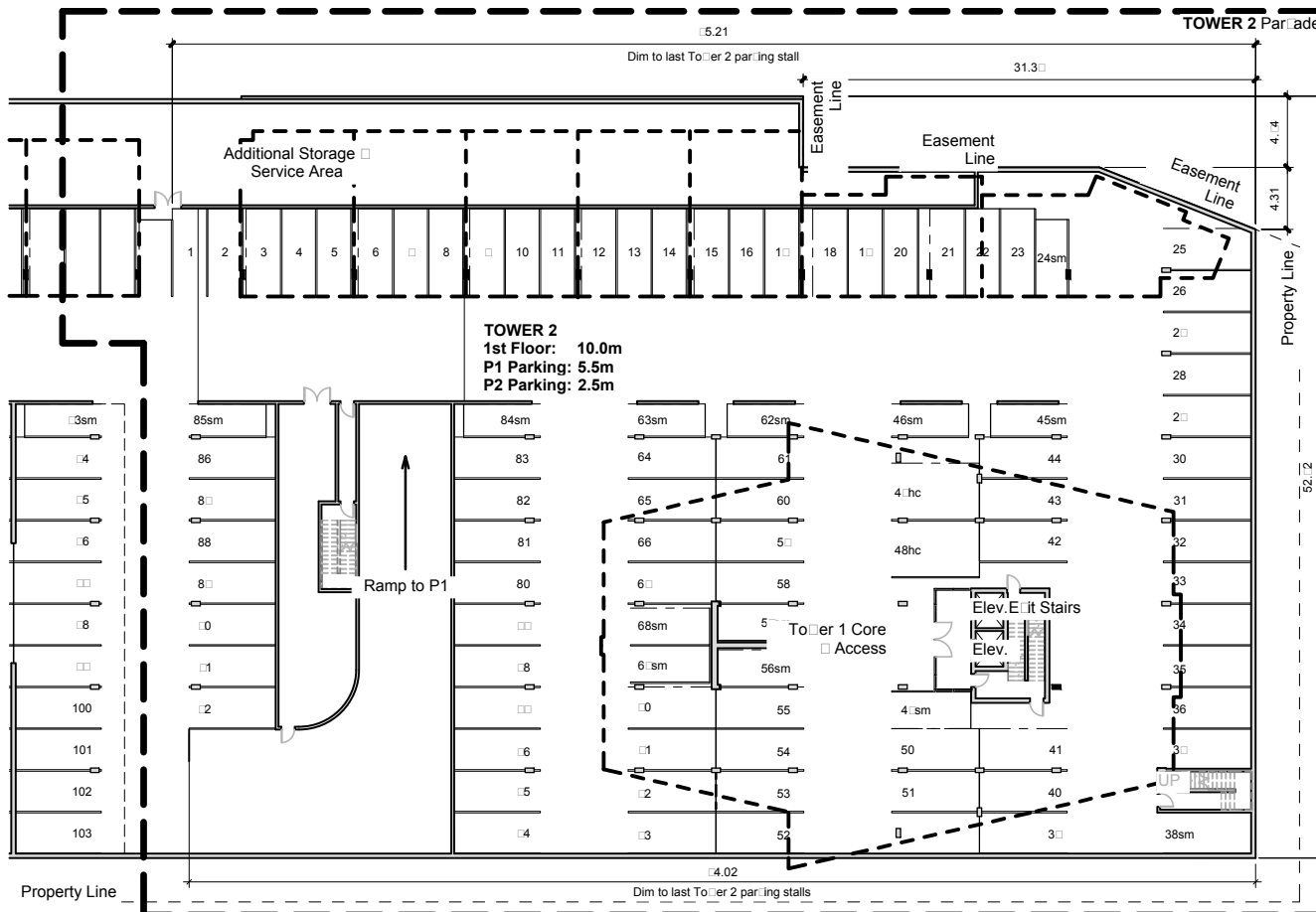
NOT TO SCALE

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Project No. 13021

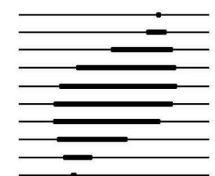


Phase No. Sheet No. **F-2.102**



Case 20540: Schedule E1a - Parking Plan Building 2

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HARBOUR ISLE - TOWER 2 & 3

Dartmouth, NS

Tower 3 - P1 Plan

NOT TO SCALE

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Project No.	13021
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Phase No.	Sheet No.
	F-3.101



STATISTICS

TOWER 3

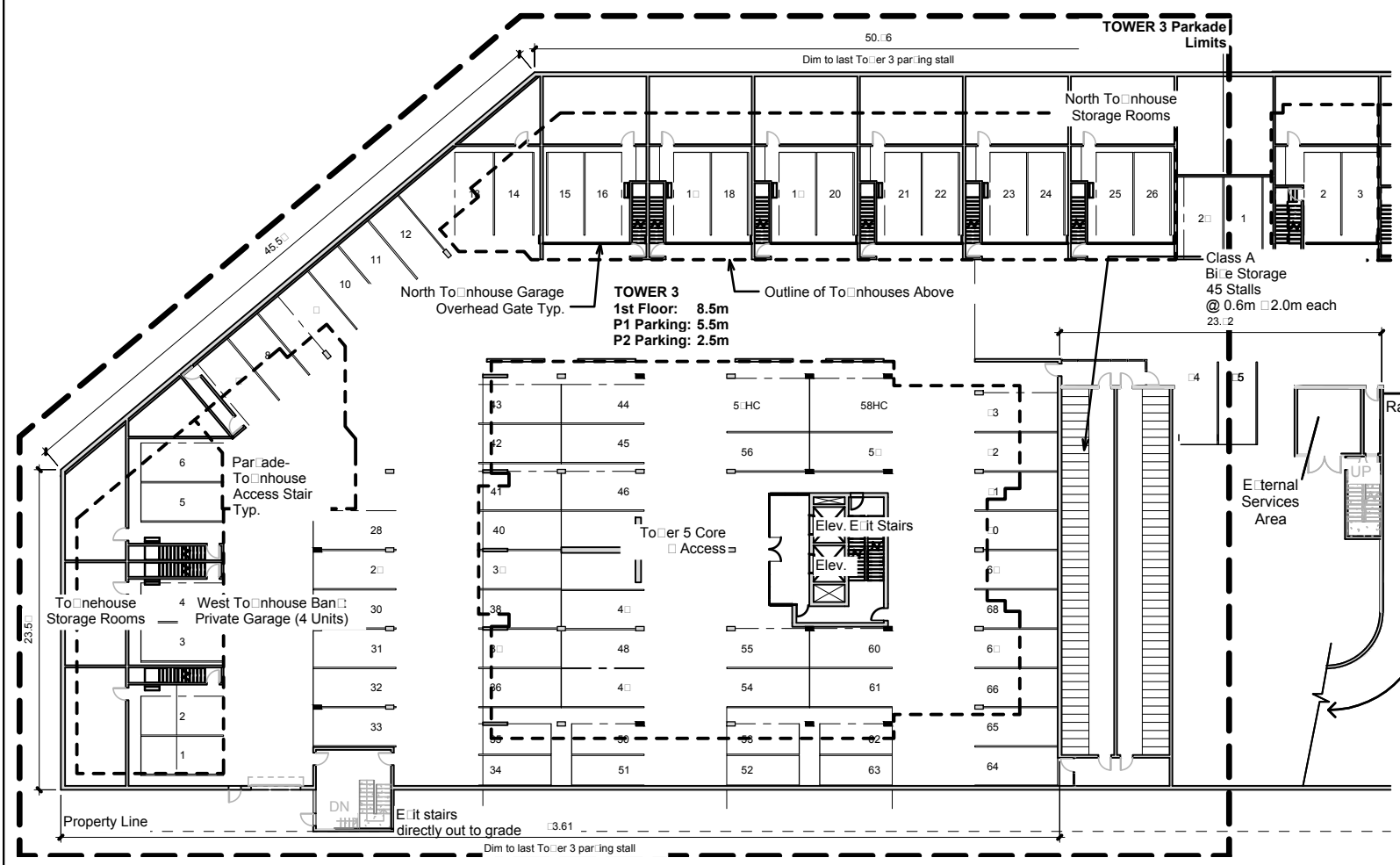
Ground floor Townhomes	10
Ground floor Studios	11
Townhome Units	84
TOTAL	105

PARKING

TOWER 3

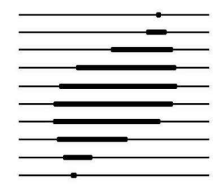
Level P1	3
Level P2	103
Total	106
SPACES PER UNIT	1.68

Class A Bike Storage	45
Class B Bike Storage	12
TOTAL BIKE STORAGE PER UNIT	0.54



Case 20540: Schedule E2a - Parking Layout Building 3

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HARBOUR ISLE - TOWER 2 & 3

Dartmouth, NS

Tower 3 - P2 Plan

NOT TO SCALE

Drawn by: AL Checked by: GC/PH Checked by: GC/PH

Project No. 13021



Phase No. Sheet No.
F-3.102

Case 20540: Schedule E3a - Parking Layout Building 3

STATISTICS

TOWER 3

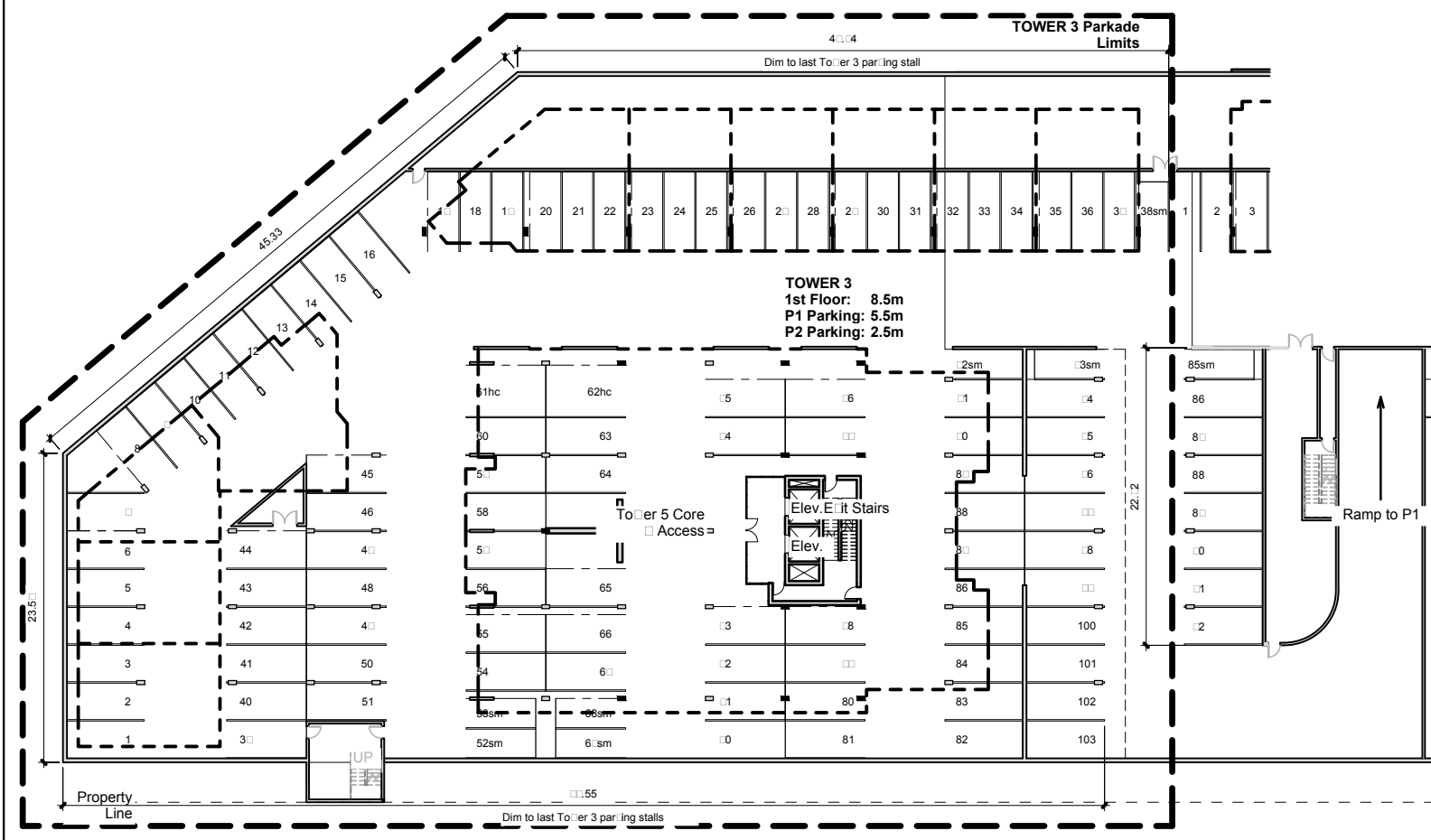
Ground floor Townhomes	10
Ground floor Studios	11
Townhome Units	84
TOTAL	105

PARKING

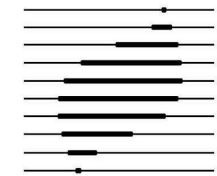
TOWER 3

Level P1	3
Level P2	103
Total	106
SPACES PER UNIT	1.68

Class A Bike Storage	45
Class B Bike Storage	12
TOTAL BIKE STORAGE PER UNIT	0.54



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HARBOUR ISLE - TOWER 2 □ 3

Dartmouth, NS

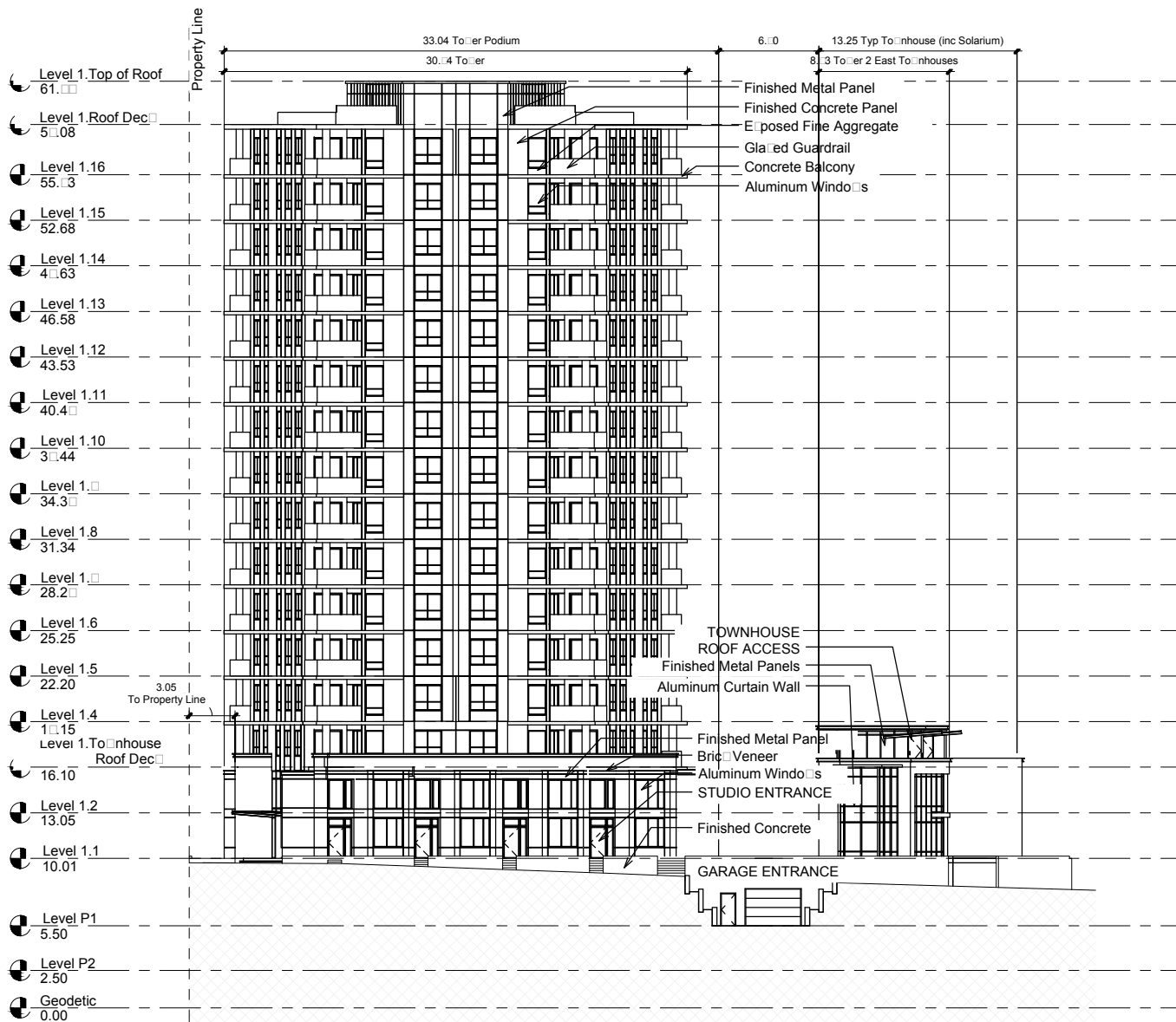
Tower 2 - East Elevation

NOT TO SCALE

Drawn by:	AL	Checked:	GC:PH	Checked:	GC:PH
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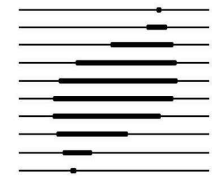
Project No.	13021
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Phase No.	Sheet No.
	F-2.205



Case 20540: Schedule H4a - Building 2 Elevation Plan

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Harbour Isle
03 July 2014

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HARBOUR ISLE -
TOWER 2 & 3

Dartmouth, NS

Drawing Title

Tower 3 - South Elevation

Scale

NOT TO SCALE

Drawn by:

AL

Checked by:

GC:PH

Checked by:

GC:PH

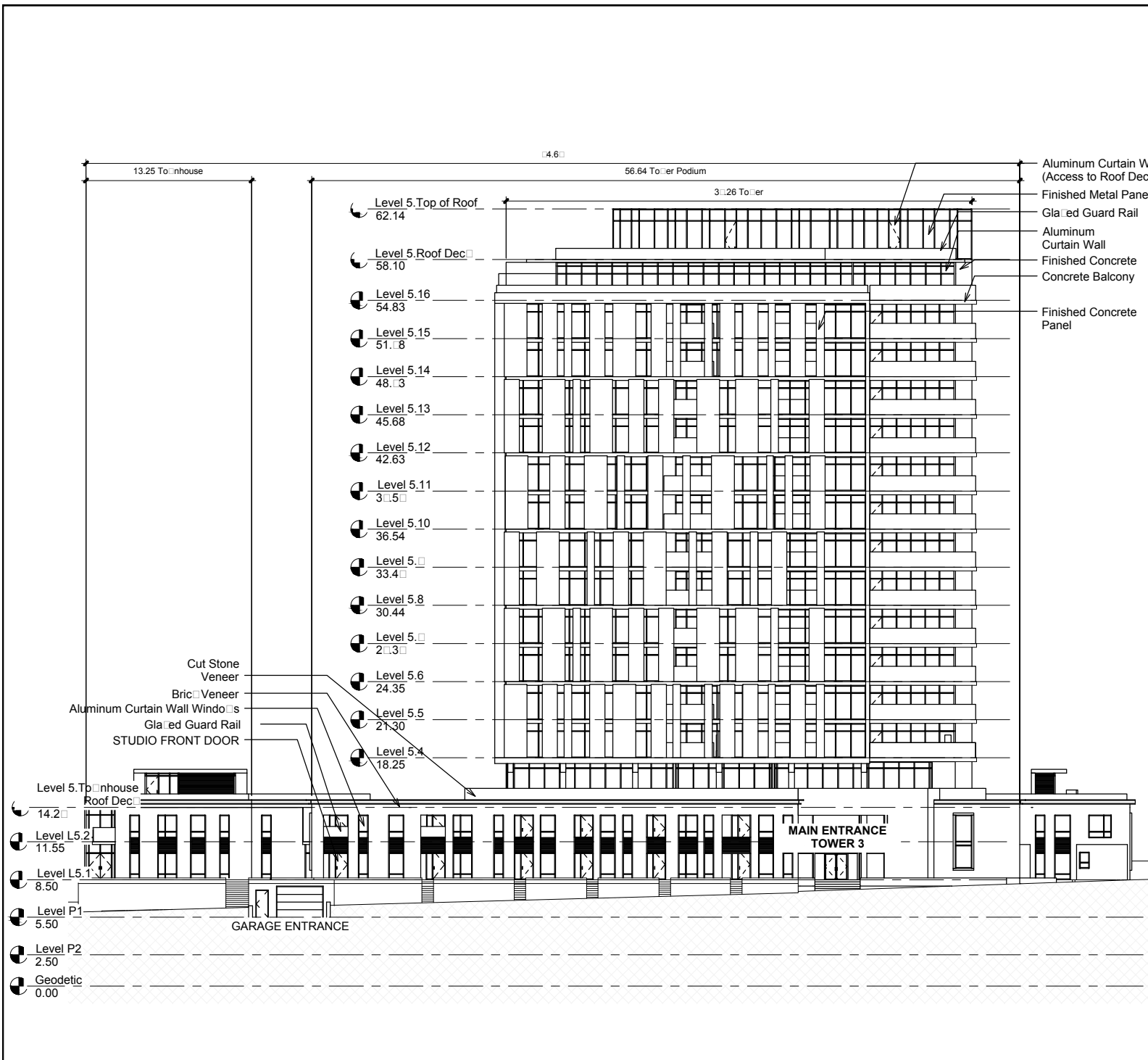
Project No.

13021

Phase No.

Sheet No.

F-3.203



Case 20540: Schedule I2a - Building 3 Elevation Plan

ATTACHMENT B

Review of Relevant MPS Policies

Dartmouth MPS Policy Evaluation

Policy WC-4: Within the Harbour-Related Commercial/Residential designation shown on Schedule WR-1, existing business will be permitted to expand in accordance with the I-2 (General Industrial) Zone provisions of the Land Use By-law. Harbour-related commercial uses, institutional uses, offices, hotels, townhouses, apartment buildings, restaurants and public and private recreation uses may be considered within this designation subject to approval of a development agreement. The following matters shall be considered in any agreement:

Policy	Comment
<i>(a) no residential development may be located within 300 feet of the Windmill Road right-of-way except that minor variances to this setback may be considered provided that the development viability of the commercial area is not compromised and effective screening, such as fencing or landscaping, is included to serve as a buffer between the commercial and residential developments;</i>	No proposed changes to building locations.
<i>(b) no building shall exceed 16 storeys in height;</i>	No proposed changes proposed to building height.
<i>(c) notwithstanding (b) above, no building shall exceed six (6) storeys in height where the building is proposed to be located on a property abutting, or adjacent to, a property containing a single-unit dwelling in existence at the time of application for a development agreement;</i>	Not applicable.
<i>(d) measures are taken in the building design of residential, institutional or office uses to mitigate noise;</i>	No proposed changes to building design.
<i>(e) where applicable, provision is made for the construction of a publicly accessible waterfront trail across the lands;</i>	No proposed changes to the trail location.
<i>(f) all development on the lands shall incorporate provisions that mitigate potential damages from coastal flooding and storm-surge events;</i>	Not applicable.
<i>(g) that a survey be completed by a qualified person, verifying that there is no evidence of unexploded ordnance on and adjacent the subject site, particularly if water-lot infill is being proposed;</i>	Not applicable.
<i>(h) any development contemplated on Sheppard's Island cover no more than twenty-five percent (25%) of the area of the island, and the trees on the remaining seventy-five percent (75%) area are retained in order to screen development on the island and mainland from harbour related industrial activities in the outer cove; and</i>	Not applicable.
<i>(i) the criteria of policy IP-1(c) and IP-5 for any apartment building development.</i>	See below.

ATTACHMENT B

Review of Relevant MPS Policies

(o) Apartment Building Development

Careful consideration should be given to the construction of apartment buildings throughout the City. Recently, concerns have been expressed about the exterior design, density, concentration, site treatment, massing and traffic issues as they relate to apartment development. These issues could be addressed by the Development Agreement process and would also permit public involvement in the evaluation of the proposed development.

Policy IP-5 It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.

In considering the approval of such Agreements, Council shall consider the following criteria:

Policy	Comment
<i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i>	No proposed changes to the building design, height, bulk, or scale.
<i>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</i>	The proposed amendments do not affect building design or location. Although new lots will be created, height, size, bulk, and density remain unchanged.
<i>(ii) traffic generation, access to and egress from the site; and</i>	The proposed changes do not affect traffic generation for the site. HRM Engineering has reviewed the proposed site access and no concerns were identified.
<i>(iii) parking;</i>	Corrections have been made to the number of parking spaces provided within each building but otherwise, no changes are proposed to the total number of parking spaces provided.
<i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i>	Not applicable.
<i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i>	Not applicable.
<i>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</i>	Not applicable.
<i>(f) that mature trees and other natural site features are preserved where possible;</i>	Not applicable.
<i>(g) adequacy of buffering from abutting land uses;</i>	Not applicable.
<i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i>	Not applicable.
<i>(i) the Land Use By-law amendment criteria as set out in Policy IP- 1(c).As amended by By-law C-692, Dec. 4, 1991).</i>	See below.

ATTACHMENT B

Review of Relevant MPS Policies

IP-1(c) Zoning By-law

The Zoning By-law is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act. **The zoning by-law may use site plan approval as a mechanism to regulate various uses. (RC-Sep 8/09;E-Nov 14/09)**

Notwithstanding the above, it shall be the intention of Council not to pre-zone lands outside the development boundary as shown on the Generalized Land Use Plan: Map 9; **Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983 and By-law C-493, Dec.9, 1983 and By-law C-511, July 6,1984).**

It shall recognize that certain areas are premature for specific zoning classifications by reason of lack of services, public facilities or other constraints. Council shall use the H-zone (Holding Zone). **In the H Zone the permitted types of uses shall be limited in accordance with the Reserve classification in Table 4 (As amended by By-law C-475, Sept. 20, 1983).** In this manner, Council can maintain a comparatively high degree of control, and major development proposals contemplated for such areas shall be processed as zoning amendments.

In considering zoning amendments and contract zoning, Council shall have regard to the following:

Policy	Comment
(1) <i>that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i>	The proposed changes are in keeping with the policies and intent of the Dartmouth MPS. See above.
(2) <i>that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal</i>	No proposed changes to use, bulk, or scale of the proposal.
(3) <i>provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i>	Not applicable.
(4) <i>that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the City is to absorb any costs relating to the development</i>	No concerns were identified regarding the potential financial implications for HRM.
<i>(ii) the adequacy of sewer and water services and public utilities</i>	Halifax Water has reviewed the proposed changes and no concerns were identified.
<i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i>	Not applicable.
<i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i>	Not applicable.
<i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i>	Not applicable.
<i>(vi) preventing public access to the shorelines or the waterfront</i>	Not applicable.
<i>(vii) the presence of natural, historical features, buildings or sites</i>	Not applicable.
<i>(viii) create a scattered development</i>	Not applicable.

ATTACHMENT B

Review of Relevant MPS Policies

<i>pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i>	
<i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i>	No detrimental effects on other areas of the city were found.
<i>(5) that the proposal is not an obnoxious use</i>	No change in use is proposed.
<i>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i>	
<i>(i) type of use, density, and phasing</i>	No proposed changes to use, density or phasing.
<i>(ii) emissions including air, water, noise</i>	Not applicable.
<i>(iii) traffic generation, access to and egress from the site, and parking</i>	Discussed above.
<i>(iv) open storage and landscaping</i>	Not applicable.
<i>(v) provisions for pedestrian movement and safety</i>	Not applicable.
<i>(vi) management of open space, parks, walkways</i>	Not applicable.
<i>(vii) drainage both natural and sub-surface and soil-stability</i>	Not applicable.
<i>(viii) performance bonds.</i>	Not applicable.
<i>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors</i>	Not applicable.
<i>(8) that in addition to the public hearing requirements as set out in the Planning Act and City bylaws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</i>	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 postcards mailed to property owners within the notification area. No public comments were received for the proposed amendments.
<i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i>	
<i>(i) Council with a clear indication of the nature of proposed development, and</i>	Complete.
<i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i>	Complete.
<i>(10) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges – Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots</i>	Not applicable.

ATTACHMENT B

Review of Relevant MPS Policies

<p><i>created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i></p>	
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