



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

Item No.
Halifax and West Community Council
December 13, 2017

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original Signed
Kelly Denty, Acting Director, Planning and Development

DATE: September 22, 2017

SUBJECT: Case 20680: Amendment to the Existing Stage II Development Agreement for Phase 1 Clayton Park, Halifax

ORIGIN

Application by Shelley Dickey Land Use Planning for an amendment to a development agreement to add one unit to an existing 55 unit multiple unit dwelling at 95 Chipstone Close, Halifax.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Approve, by resolution, the proposed Stage II Amending Agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
2. Require the Stage II Amending Agreement be signed by the property owners within 120 days, or any extension thereof granted by Council on request of the property owners, 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

Shelley Dickey Land Use Planning is applying for an amendment to a Stage II development agreement to add one unit to an existing 55 unit multiple unit dwelling and to update the existing development agreement to reflect current unit and population counts at 85 and 95 Chipstone Close, Halifax. Presently, 85 Chipstone contains 65 units while 95 Chipstone contains 55 units.

95 Chipstone Close was built in 1990 as a 54 unit building. The building was part of a 6 building complex known as Stonecrest Village, located in Phase 1 of Clayton Park West. The building was developed on Parcel D (Map 3), with a maximum density and population count divided between two buildings (85 and 95 Chipstone Close). In 2012, a building permit was issued for an additional unit within 95 Chipstone. The owner then converted an unused tenant storage room into another 2 bedroom unit. This resulted in a situation where the overall density for the site was exceeded by 1 unit, and a compliance case proceeded on the property. The property owner has since removed this extra unit and the building is currently in compliance with the existing development agreement.

Subject Site	95 Chipstone Close (PID# 40572307)
Location	West of Dunbrack Street and North of Lacewood Drive in Clayton Park, Halifax
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Residential (RES) within the Halifax Municipal Planning Strategy
Zoning (Map 2)	Schedule K under the Halifax Mainland Land Use By-law (LUB)
Size of Site	1.06 hectares (2.64 Acres)
Street Frontage	Approximately 13.94 m (45.75 ft.)
Current Land Use(s)	54 unit residential building
Surrounding Use(s)	Within a single family dwelling neighborhood. Undeveloped lands to the north and east and single family dwellings to the south and west.

Proposal Details

The applicant wishes to amend the existing Stage II Development Agreement for Parcel D to permit an additional 2 bedroom unit in an existing multiple unit building. The major aspects of the proposal are as follows:

- Amend the existing schedule to allow an additional unit; and
- Update the unit and population counts to reflect the current situation.

Existing Development Agreement

Stage I Development Agreement

On April 20, 1988, the former City of Halifax approved the Stage I development agreement for lands in Clayton Park between the west side of Dunbrack Street and the Bicentennial Highway. The Stage I agreement generally:

- Allows for a mixed use development containing residential, commercial, and institutional uses;
- Describes a road network for the area;
- Requires development to proceed by a phased approach;
- Provides maximum density; and
- Describes servicing for the area.

Stage II Development Agreement

At the same meeting, the former City of Halifax approved the Stage II Development Agreement for these same lands described previously. The agreement outlines permitted land uses, development regulations, open space and park requirements, access and parking, and specific densities on all the development parcels.

Enabling Policy and LUB Context

Implementation Policy 3.3 of the Halifax MPS discusses the application of the Schedule K Zone. The Schedule K zone allows for the consideration of mixed use development on lands located in Mainland Halifax through comprehensive development in the form of Stage I and Stage II development agreements.

The Stage I development agreement provides the concept and design for the overall development and includes high level details related to such elements as street layouts, types of land uses, and scale of buildings. A Stage I development agreement and any subsequent amendments require a public hearing before Council can consider approval.

Guided by the Stage I agreement, the Stage II agreement establishes detailed plans and elevations for particular phases of the development. A Stage II agreement does not require a public hearing and can be approved by a resolution of Council.

Attachment B contains a copy of the applicable policy from the Halifax MPS and Schedule K provisions from the Halifax Mainland LUB as well as a staff assessment of how this proposal adheres to this policy.

COMMUNITY ENGAGEMENT

The community engagement process for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through providing information through the HRM website and signage posted on the subject site. A public information meeting and public hearing are not required for a non-substantive amendment to a development agreement. The decision on the amendments is made by resolution of Council.

DISCUSSION

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

Proposed Amendments

The property was developed as part of the Clayton Park development and is developed under Schedule K policies. The Stage 1 agreement allowed for the development of lands and described the street network and maximum population densities and provided for development to occur through a series of phases, with each phase developed under a separate Stage II agreement. The Stage II agreement laid out the land uses and identified maximum unit and population counts on 18 separate development parcels. This request is on Parcel D, which allows for 108 units and a population of 244 people between two buildings. The request would update the unit count to 121 units and increase density of the site to 248.25 people. To allow for some flexibility in the internal layouts of each building and to ensure that the development proceeds in accordance with servicing constraints, permits have been issued in accordance with the overall density, rather than unit counts. This would account for the difference between the requested additional unit and the overall increase in unit counts.

Servicing Constraints

The original agreements restricted density in response to servicing constraints in Mainland North. The Langbrae system, which is the system that services the area where this proposal is located, is restricted to

a population of 2000 theoretical people. Under the proposal, the theoretical population would be 1873.25, below the maximum of 2000 persons.

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 existing agreement allows for the use, there is no change to the building envelope, and Halifax Water has not identified and servicing constraints in the area. Therefore, staff recommend that the Halifax and West 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 may be carried out within the approved 2017-2018 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 identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed Stage II 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 the proposed Stage II amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.
2. Halifax and West Community Council may choose to refuse the proposed Stage II Amending Agreement, and in doing so, must provide reasons why the proposed amending agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed Stage II amending development 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
Map 3:	Parcel D Location

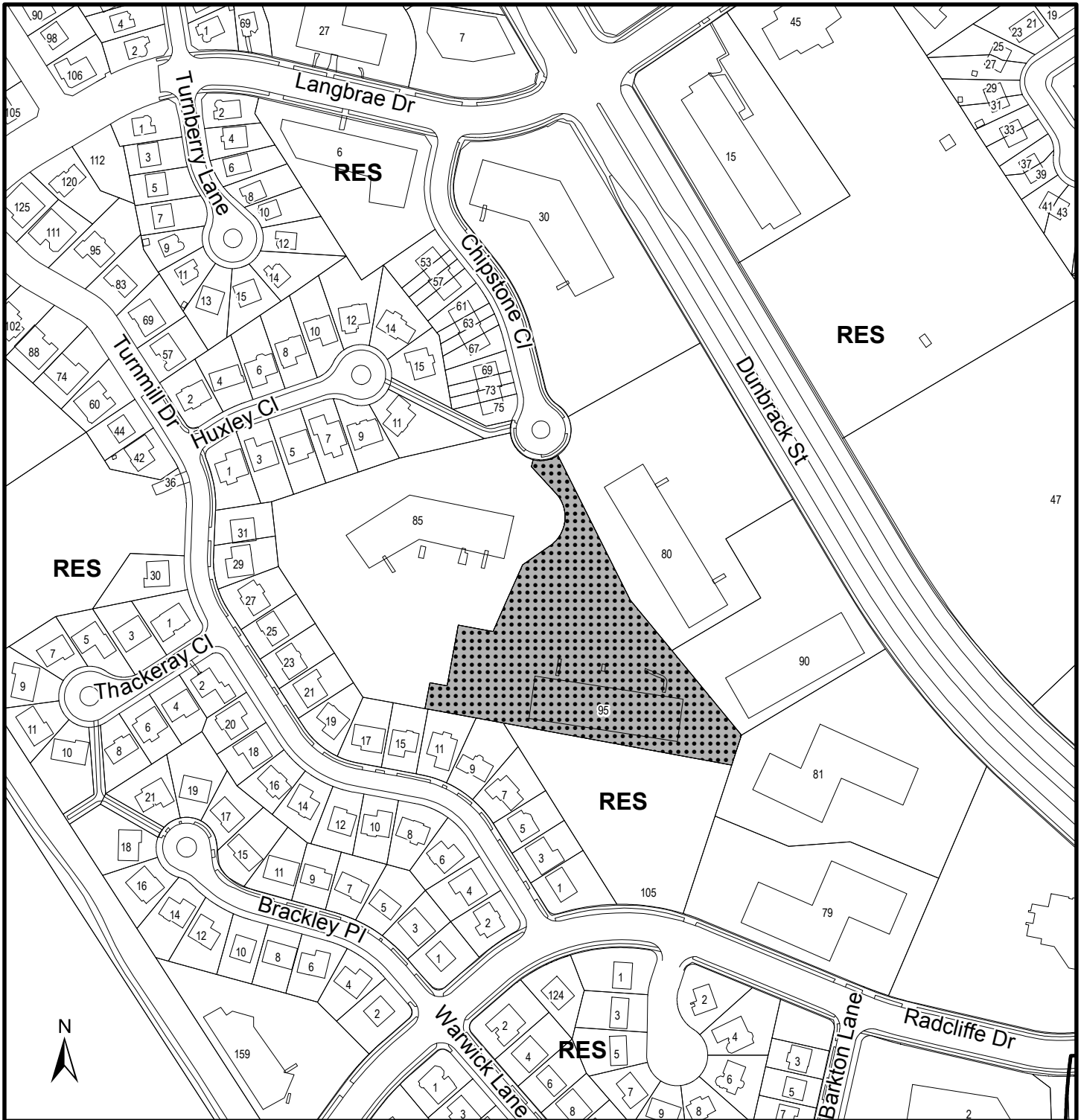
Attachment A: Proposed Stage II Amending Agreement and Schedules
Attachment B: Excerpt of Relevant Policies and Land Use By-law Sections

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jennifer Chapman, Planner III, Current Planning 902.490.3999

Report Approved by: Original Signed

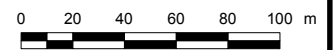
Carl Purvis, Planning Applications Program Manager, 902.490.4797



Map 1 - Generalized Future Land Use

95 Chipstone Close,
Halifax

HALIFAX



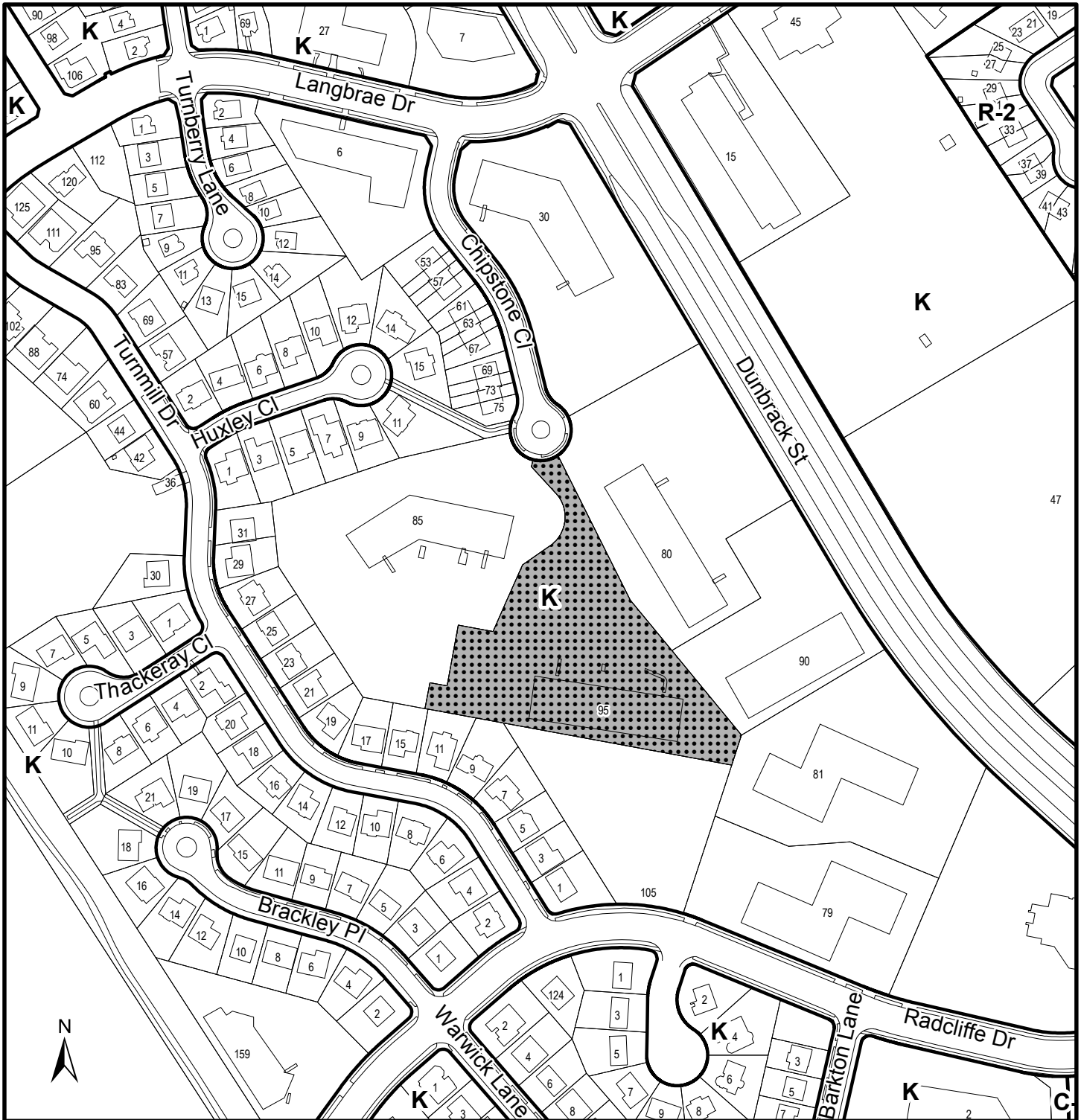
 Subject Property

Designation

RES Residential

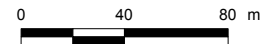
This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



Map 2 - Zoning
 95 Chipstone Close,
 Halifax

HALIFAX

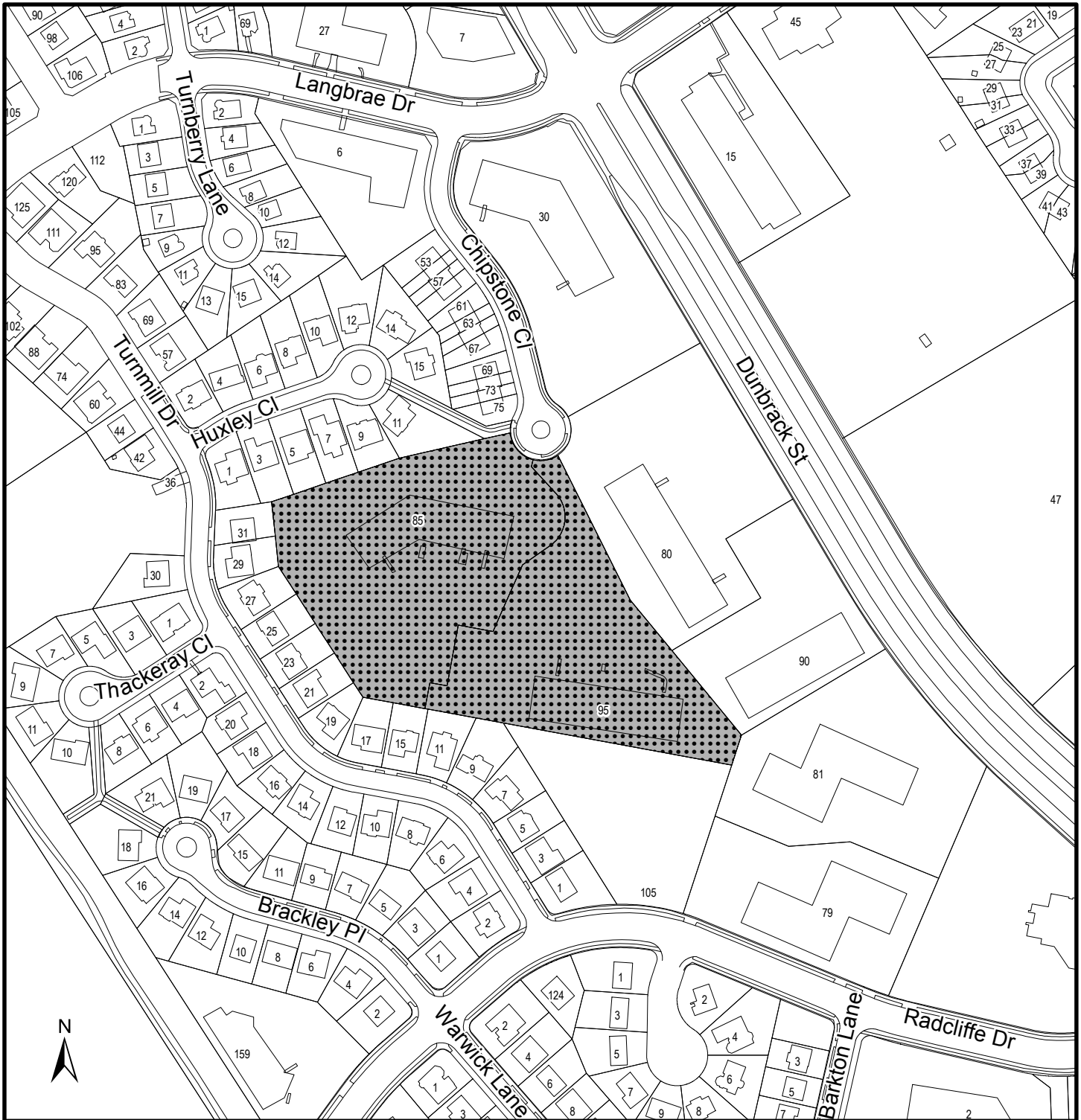


Subject Property

Zone
 K Schedule K

Halifax Mainland
 Land Use By-Law Area

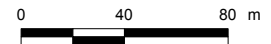
This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.
 The accuracy of any representation on this plan is not guaranteed.



Map 3
 95 Chipstone Close,
 Halifax

HALIFAX

 Parcel D



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.

Halifax Mainland
 Land Use By-Law Area

Attachment A: Proposed Stage II Amending Agreement and Schedules

THIS 5th AMENDING AGREEMENT made this day of , 20__.

BETWEEN:

[INSERT Name of Corporation/ Business LTD.]

a body corporate, in the Province of Nova Scotia (British Columbia)
(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 at 95 Chipstone Close, Clayton Park and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the former City of Halifax approved an application (Case 5006) by the Developer to enter into a Stage I Development Agreement to allow for residential development on lands between the west side of Dunbrack Street and the Bicentennial Highway on April 20th, 1988 ,which said Development Agreement was registered on November 4, 1988 at the Halifax County Land Registration Office as Document Number 64849, Book No. 4658, pages 760-771 (hereinafter called the "Stage I Agreement"), and does apply to the Lands;

AND WHEREAS the former City of Halifax approved an application (Case 5006) by the Developer to enter into a Stage II Development Agreement to allow for residential development on lands between the west side of Dunbrack Street and the Bicentennial Highway on April 20th, 1988 which said Development Agreement was registered on November 4, 1988 at the Halifax County Land Registration Office as Document Number 64850, Book No 4658, page 722-783 (hereinafter called the "Stage II Agreement"), and does apply to the Lands;

AND WHEREAS the former City of Halifax approved an application by the Developer to enter into an amending Stage II Development Agreement to allow for an apartment building on Parcel A (30 Chipstone Close, Halifax) on September 6, 1989, which said Development Agreement was registered on October 27, 1989 at the Halifax County Land Registration Office as Document Number 58850, Book No. 4831, pages 335-337 (hereinafter called the "First Amending Stage II Agreement"), and does not apply to the Lands;

AND WHEREAS the former City of Halifax approved an application by the Developer to enter into an amending Stage II Development Agreement to change the side yard requirements for single unit dwellings of the Stage II Agreement on October 18, 1989, which said Development Agreement was registered on December 8, 1989 at the Halifax County Land Registration Office as Document Number 67847, Book No. 4854, pages 568- 570 (hereinafter called the "Second Amending Stage II Agreement"), and does not apply to the Lands;

AND WHEREAS the former City of Halifax approved an application by the Developer to enter into an amending Stage II Development Agreement to allow for two four storey apartment buildings on Parcel C of the Stage II Agreement on July 25, 1991, which said Development Agreement was registered on

September 27, 1991 at the Halifax County Land Registration Office as Document Number 40434, Book No. 5138, Page 845 (hereinafter called the "Third Amending Stage II Agreement"), and does not apply to the Lands;

AND WHEREAS the former City of Halifax approved an application by the Developer to enter into an amending Stage II Development Agreement to allow for two four storey apartment buildings on Parcel E of the Stage II Agreement, on June 17, 1993, which said Development Agreement was registered at the Halifax County Land Registration Office on July 16, 1993 as Document Number 27943, Book 5433 Page 238 (hereinafter called the "Fourth Amending Stage II Agreement"), and does not apply to the Lands;

AND WHEREAS the Stage II Development Agreement, the First Amending Stage II Agreement, the Second Amending Stage II Agreement, the Third Amending Stage II Agreement and the Fourth Amending Stage II Agreement together comprise the Existing Stage II Development Agreement (hereinafter called "the Existing Agreement");

AND WHEREAS the Developer has requested amendments to the Existing Agreement to allow for 1 additional unit on the Lands and to update the Agreement to reflect the existing density pursuant to the provisions of the *Halifax Regional Municipality Charter*, and pursuant to Policies in Section II, Policy 3.3.1, 3.3.2, 3.3.4 and 3.3.5 of the Halifax Municipal Planning Strategy and Section 68 of the Halifax Mainland Land Use By-law (hereinafter called the 'Fifth Amending Stage II 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 20680.

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 Fifth Amending Stage II Agreement all other terms, conditions and provisions of the Existing Agreement shall remain in effect.
2. The schedules of the Existing Agreement shall be amended by deleting Schedule B Statistics, Clayton Park West and replacing it with Schedule B-1 Statistics, Clayton Park West (attached).
3. The Existing Agreement shall be amended by deleting all text references to "Schedule B" and replacing each with a reference to "Schedule B-1".
4. Where the written text of this Fifth Amending Stage II Agreement conflicts with information provided in the Schedules attached to this Fifth Amending Stage II Agreement, the written text of this Fifth Amending Stage II Agreement shall prevail.

IN WITNESS WHEREOF 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:_____

SIGNED, 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

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

Schedule B-1 Statistics

Clayton Park West

	Clayton Park West	Phase 1							
		Land Use							
		Other Uses		Residential Units					
			**Multiple Family Residential Units	**Multiple Family Maximum Height in Storeys	TH.	R-2	R-1	Acreage	Pop.
LANGBRAE	A	Commercial (5000 sq ft)	42	4				2.6	95
	B			3	12	*		1	40
	C		100	13				4	225
	D		121	4	*			5.7	248.25
	E		100	13				4.7	225
	F	Park						2	
	G			3			18	3.6	60
	H	Park						1.8	0
	I			3	108	*	18	12.3	422
	J		30	4	*	*	*	1.7	68
	M	Park						2.3	
	P	Senior Citizen	54	3	*	*	*	2.5	108
	R			3		54	*	5.6	181
S			3		56	*	5.7	188	
	Street areas not included in above							3	
	Sub totals		447		120	110	36	58.5	1860.25
LACEWOOD	K	Church		3				3.2	
	N		50	4	*	*	*	2.6	113
	O		50	4	*	*	*	2	113
	Q			3	54	*	*	5.6	181
	T		156	4	*			7.7	351
	U		60	6				3.1	135
	V		150	4	*			6.9	338
	Street areas not included in above							2.6	
	Sub totals		466		54			33.7	1231
	Total		913		174	110	36	92.2	3091.25

	Total Units	1233						
	* Indicates possible alternative land use							
	** Multiple Family includes a mixture of unit and building designs as well as rental and different forms of ownership.							
	Proposed maximum population for park dedication = 3091.25 persons							

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

Halifax Municipal Planning Strategy

**Section II – City-Wide Objectives and Policies
Residential Environments**

Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

Policy	Comment
<i>2.1.2 On the Mainland, residential development should be encouraged to create sound neighbourhoods through the application of a planned unit development process and this shall be accomplished by Implementation Policy 3.3. It is the intention of the City to prepare and adopt a planned unit development zone subsequent to the adoption of this Plan.</i>	The existing Stage I agreement is enabled as per this policy.
<i>2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i>	There are no changes proposed to the form of the building and it is in keeping with the character of the neighbourhood.

Implementation Policies

Zoning

Policy	Comment
<i>3.3 For the residentially designated undeveloped areas of Mainland North, the City shall, pursuant to Section 38(2)(p) of the Planning Act, establish such development regulations as are necessary to implement the policies of this Plan.</i>	The subject property is designated residential environments and is located in Mainland North.
<i>3.3.1 Further to Policy 3.3 above, these areas shall be identified on the zoning map and within such areas no development permit shall be issued unless the proposed development has been approved by a resolution of Council, and further, except under an agreement with Council pursuant to Section 34(1) of</i>	The subject property is zoned Schedule K which allows development subject to Stage I and Stage II development agreements.

<i>the Planning Act.</i>	
<i>3.3.2 Further to Policy 3.3.1 above, the purpose for which land within these areas is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types, shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and shall include provision for automobile, transit and pedestrian circulation and an emphasis on conservation of natural environment features including lakes and waterways, mature trees and natural topographic features. In addition to the above, City Council may consider provision for minor commercial uses in accordance with Policy 3.1.2 in Section II, provided that such uses are consistent with the policies of this Plan, are compatible in design form and function with comprehensively planned development and with development adjacent to a comprehensively planned development, and that such uses are located in such manner as to be in accord with Policy 2.4.1 of Section II, as the principles of said policy may apply to areas of vacant land.</i>	The existing agreement allowed for residential development in this area. This request is to consider an additional residential unit within the existing building envelope.
<i>3.3.3 The City shall prepare and adopt plans for major public facilities including the location of collector roadways, schools and major community open space in the residentially designated undeveloped areas of the City.</i>	N/A
<i>3.3.4 In entering into agreements pursuant to Policy 3.3.1 above, Council shall be guided by the policies contained in Section II of this Plan, and shall not enter into agreements which are inconsistent with the policies of this Plan.</i>	The proposal is consistent with Section II of the Halifax MPS.
<i>3.3.5 Prior to entering into any agreements pursuant to Policy 3.3.1, Council shall advertise its intention to do so and shall hold a public hearing at which time any objections shall be heard.</i>	A public hearing is required before Council can consider approval of the proposed Stage I amending agreement.

Halifax Mainland Land Use By-law

Schedule "K"

- 68(1) Any area of land shown as Schedule "K" shall be a Comprehensive Development District.
- 68(2) No development permit shall be issued for a development in a Schedule "K" unless the proposed development has been approved by a resolution of Council.
- 68(3)(a) The purpose for which land within a Schedule "K" area is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types; shall include provision for

local commercial uses that are intended to serve the residents of the immediate area, and community facilities for the use of residents in the immediate area; and shall include provision for automobile, transit, and pedestrian circulation; and an emphasis on conservation of natural environment features including lakes and waterways, mature trees, and natural topographic features. In addition to the above, Council may consider provision for commercial uses in accordance with the policies of the Municipal Planning Strategy.

68(3)(b) Notwithstanding clause (a), pursuant to Section II, Policy 3.3 of the Municipal Development Plan, the lands designated commercial on the east of Bicentennial Drive at the Bayers Lake Interchange shall be developed primarily as a mixed commercial/residential area.

68(4) For greater certainty, but without limiting the general powers of Subsection 68(3) above, the following uses may be permitted;

- a) detached one family dwellings;
- b) semi-detached dwellings;
- c) duplex dwellings;
- d) apartment houses
- e) attached houses;
- f) public park or playground;
- g) commercial uses;
- h) local commercial uses intended for the use of residents of the immediate area;
- i) a community centre;
- j) golf course;
- k) notwithstanding Section (h) above, regional scale retail uses, including large-format outlets, shall only be permitted on those lands situated at the south-east quadrant of the Lacewood Drive/Bicentennial Drive interchange; and
- l) uses accessory to any of the foregoing uses.

68(5) An application for a development permit in any Schedule "K" area shall be submitted in two stages, the first stage of which shall be a tentative plan that shall include the following information for the entire area of land owned by the applicant which is designated as Schedule "K":

- a) A plan to a scale of 1" = 100', or 1" = 40', showing the following information:
 - i) The location of the various uses and their areas;
 - ii) Delineation of the various residential areas indicating for each such area its size and location, number of dwelling units (including number of bedrooms for each unit), types of dwelling units (i.e., townhouse, apartments, single family dwellings), parking layout and population density;
 - iii) The location, size, shape, and surface treatment of public and private open spaces;
 - iv) The proposed interior roadway system and connection to existing roadways including location of bus bays;
 - v) Topography of the area showing contour intervals of not more than five feet of elevation, as well as an indication of soil coverage of the site;
 - vi) All existing and proposed rights-of-way and easements, either public or private, within the area;
 - vii) Description, size and location of the proposed community cultural facilities, community centres, etc.;
 - viii) Description, size and location of proposed local commercial uses intended for the use of residents of the immediate area;
 - ix) The uses and ownership of land abutting the area in question;
 - x) A key plan with a scale between 1" = 200' and 1" = 1,320' showing the location of the site in relation to the surrounding communities;
 - xi) General indication of how the phasing and scheduling is to proceed, if phasing is intended for the project.

- b) A plan to a scale of 1" = 100' and 1" = 40' showing an outline of the existing and proposed:
 - i) roadways, walkways, rights-of-way and easements;
 - ii) sanitary sewer system;
 - iii) storm sewer system;
 - iv) water system;
 - v) surface drainage and means of disposal of the water;
 - vi) street and walkway lighting;
 - vii) telecommunication system; and
 - viii) electrical distribution system.
 - c) A plan showing the overall drainage areas contributing to the flows of the area in question.
- 68(6) After holding a public hearing and considering the plan proposal submitted under Subsection 68(5), Council shall determine whether the applicant may proceed to final approval and on what conditions, if any, Council may refuse the proposal where, in the opinion of Council, the proposal is inconsistent with the purposes of Schedule "K" or Section 5 of this by-law.
- 68(7) In the event that Council does not refuse the application, the applicant shall provide:
- a) such information as required by Sections 63 and 64 of the by-law for that portion of the proposal for which the applicant is applying for a development permit;
 - b) such additional information (final servicing plans, survey plan, etc.) as may be required by the Development Officer; and
 - c) the terms of the proposed agreement pursuant to Subsection (8).
- 68(8) Approval by Council under Section 68(6) shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct.
- 68(9) Council shall consider the application for final approval and shall either approve the development or notify the applicant of the objectionable features of the final plan.