



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

Item No. 13.1.2
Halifax and West Community Council
September 13, 2016

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

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: August 12, 2016

SUBJECT: **Case 19989: Amendment to Rockingham Ridge Stage II Development Agreement, 30 Farnham Gate Road, Halifax**

ORIGIN

- Application by FS Industries
- Approval on March 29, 2016 by Halifax and West Community Council of a Stage I amending agreement.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Approve the amending Stage II development agreement, as contained in Attachment A, to permit the development of a two storey commercial building at 30 Farnham Gate Road, Halifax; and
2. 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

This application has been submitted by FS Industries to allow the development of a freestanding commercial building within an existing commercial development located at the corner of Dunbrack Street and Farnham Gate Road, Halifax. The site, part of the mixed use Rockingham Ridge development, is currently subject to a Stage I and several Stage II development agreements that have been approved since 1984. These agreements have previously been amended on several occasions to allow time extensions for construction and to permit additional uses. On March 29, 2016, Community Council approved an additional amendment to the Stage I development agreement to allow for an increase in the total commercial square footage permitted on the site in order to enable the development of an additional building. This report deals with the associated amendment to the Stage II agreement and addresses the placement and design of the proposed freestanding commercial building.

Subject Site

Site	30 Farnham Gate Road, Halifax
Location	South-western corner of Dunbrack Street and Farnham Gate Road
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Residential Environments under the Halifax Municipal Planning Strategy (MPS)
Zoning (Map 2)	Schedule K under the Halifax Mainland Land Use By-law (LUB)
Size of Site	3.98 acres
Street Frontage	145 metres (475.7 feet) along Farnham Gate Road 55 metres (180.4 feet) along Dunbrack Street
Site Conditions	Fully developed and generally flat, except where adjacent to the street frontages, where the property slopes down towards the sidewalks.
Current Land Uses	Contains 2 buildings: a large U-shaped single storey strip mall containing a mix of general retail, personal service, restaurants and general commercial uses, and a standalone gas station. The property also contains an existing 15 metre telecommunication tower located along the eastern boundary of the subject property.
Surrounding Land Uses	The surrounding area is comprised of a mix of residential uses with some institutional and commercial uses. Surrounding land uses include: <ul style="list-style-type: none"> • multiple unit dwellings and low density residential uses to the south and west; • low density residential uses and a place of worship located to the north on the opposite side of Farnham Gate Road; and • future commercial buildings in the Rockingham South development to the east on the opposite side of Dunbrack Street.

Proposal

The applicant wishes to amend the Stage II development agreement to allow for construction of a freestanding commercial building in an existing parking area as follows:

- Two storey slab on grade structure with a gross floor area of 1566 square metre (16,856.3 square feet);
- To be clad in wood and masonry with pitched roof to complement the existing main building; and
- To be used for general office and minor commercial uses serving the local neighbourhood.

Enabling Policy and Zoning Context

Implementation Policy 3.3 of the MPS establishes the need for comprehensive planning in Mainland North and enables the application of the Schedule K Zone under the LUB. All development under Schedule K is then subject to approval by Community Council, through the application of Stage I and Stage II development agreements which enable residential or mixed use projects.

Stage I and Stage II Development Agreements

A Stage I development agreement establishes an overall framework for development such as street layout, the types of uses to be permitted, general building locations, permitted land uses, allowable residential density, and servicing and phasing requirements. A Stage I development agreement and any subsequent amendments require a public hearing before Council can consider approval. A Stage I agreement does not enable construction, as that is the purpose of a Stage II development agreement.

Through the guidance of the Stage I development agreement, a Stage II development agreement establishes detailed requirements for individual phases of development and can include detailed drawings for proposed buildings and specific landscaping and setback requirements. Where a Stage I development agreement requires a public hearing, a Stage II development agreement does not require a public hearing and is approved and amended by a resolution of Council.

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 consultation, achieved through a sign posted on the site. A public information meeting was held on September 2, 2015 and a public hearing was held on March 29, 2016, each with regard to the Stage I amendment and the details of the proposed building. Attachment C contains a copy of the minutes from the public information meeting. Notices of the meetings were posted on the HRM website, in the newspaper and mailed to property owners in the notification area shown on Map 2. The public comments received include the following topics:

- Concern over potential permitted uses and late night operation;
- Potential impact of increased traffic; and
- Loss of existing parking.

As this stage of the process requires a decision by resolution of Community Council, neither a further public information meeting or a public hearing are required. In keeping with standard practices, information concerning the application has been made available on the HRM website.

The proposed amending Stage II development agreement will potentially impact residents, property owners, community or neighbourhood organizations, and businesses.

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 amending development agreement in relation to the relevant MPS policies.

Proposed Amending Development Agreement

Stage II Amending Development Agreement

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

- the increase of the permitted commercial floor area from 50,000 square feet to 6,225 square metres (67,005.3 square feet);
- a maximum size of 1,566 square metres (16,856.3 square feet) of gross floor area for the proposed additional two storey commercial building;
- parking, circulation and site access;
- landscaping requirements surrounding the proposed building; and
- building services, maintenance and waste facilities.

The attached amending Stage II development agreement will permit the development of an additional commercial building, subject to the controls identified above. 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.

Building Design

The proposed building will be designed in a style similar to the existing commercial building on the site so that there is a similar architectural theme. As such, it will include building materials such as wood and masonry and will include a pitched roof. Although the building entrance will be located from the internal parking lot, the façade facing Dunbrack Street will include windows and be designed in a similar nature as the front of the building. This will create an improved relationship between the Dunbrack Street sidewalk and the site, by reducing the visual dominance of the parking lot that currently exists.

Site Access and Parking

No changes are proposed to the existing driveway access points to the site. The proposed building will result in the removal of 35 parking spaces and as a whole. Under the parking ratio standards contained within the land use by-law, the site would be deficient in the quantity of parking spaces provided. However, the applicant has noted that the current parking lot is generally under-utilized and that due to the mix in the type of uses on site, there are different peak parking demand times. Further, the Regional Parking Strategy Functional Plan, as approved by Regional Council in 2008, suggests that the parking requirements in the land use by-laws are outdated and that reductions should be considered. Reductions to parking requirements are appropriate where several uses share a site, creating the opportunity for shared parking, and where a site is in close proximity to public transit. The site is occupied by a variety of commercial uses and abuts a transit stop, therefore there are no concerns regarding the reduction in parking spaces. This notwithstanding, a minimum of 160 parking spaces are required to be maintained.

Hours of Operation

The proposed amending agreement does not include any limitation on hours of operation. No uses within the existing building are subject to restrictions, and given the location of the proposed new building, there are no concerns that necessitate such a restriction.

Conclusion

Staff has 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 proposal meets the intent of policy 3.1.2 by consolidating commercial uses to a single site within the Rockingham Ridge development, thereby strengthening the existing local commercial node. Therefore, staff recommend that Halifax and West Community Council approve the proposed amending Stage II development agreement (Attachment A).

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 2016/17 budget 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 the proposed amending Stage II development agreement subject to modifications. This may necessitate further negotiation with the applicant and the preparation of a supplementary staff report. A decision of Community Council to approve this 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 amending Stage II development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

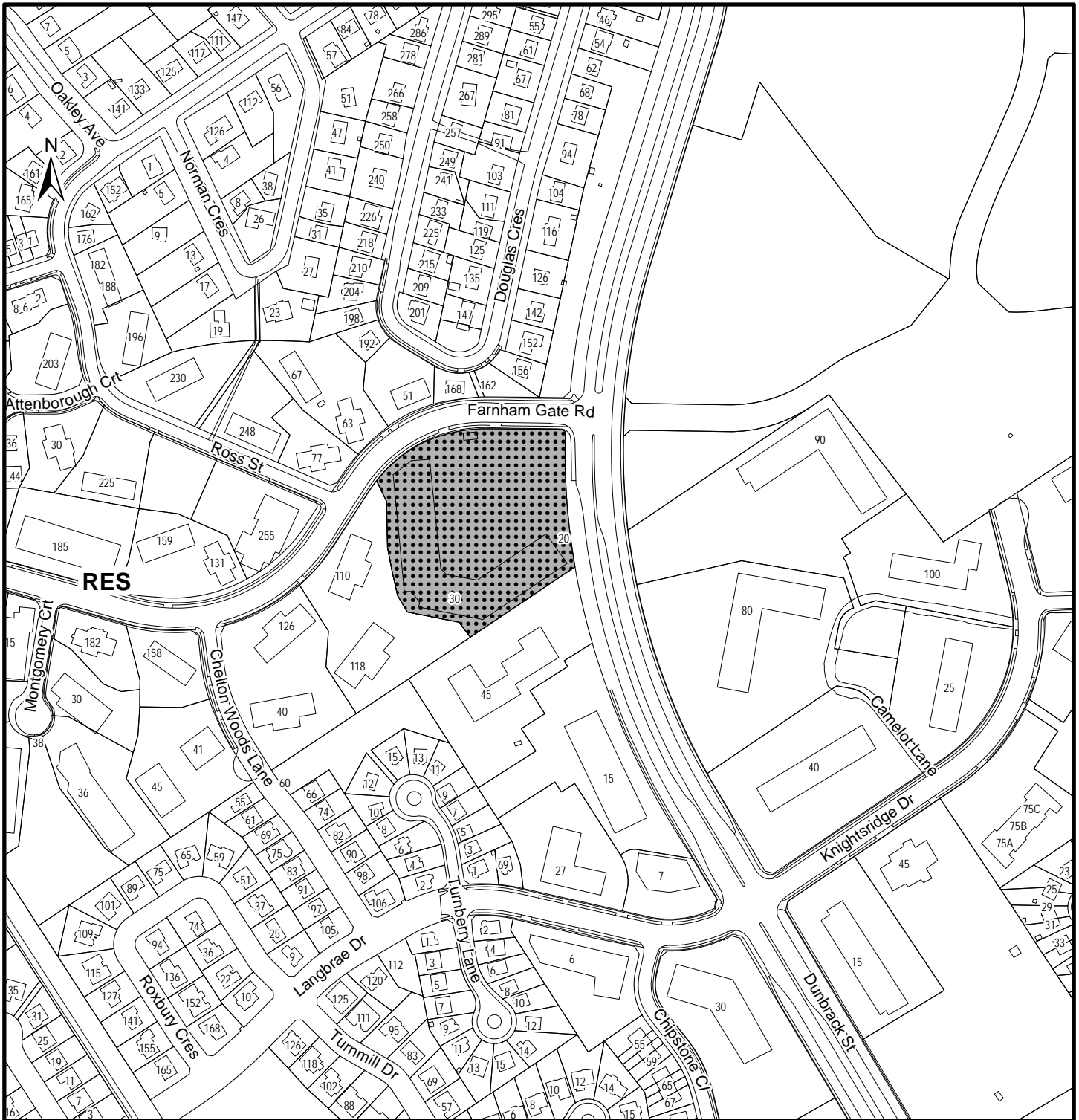
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Amending Stage II Development Agreement
Attachment B	Review of Relevant Municipal Planning Strategy Policies for Halifax
Attachment C	Minutes of Public Information Meeting

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: Mitch Dickey, Planner II, Current Planning, 902.490.5719

Report Approved by: **Original Signed**


Kelly Denty, Manager of Current Planning, 902.490.4800



Map 1 - Generalized Future Land Use

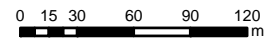
30 Farnham Gate Road

HALIFAX

 Area of Development Agreement Amendment

Designation

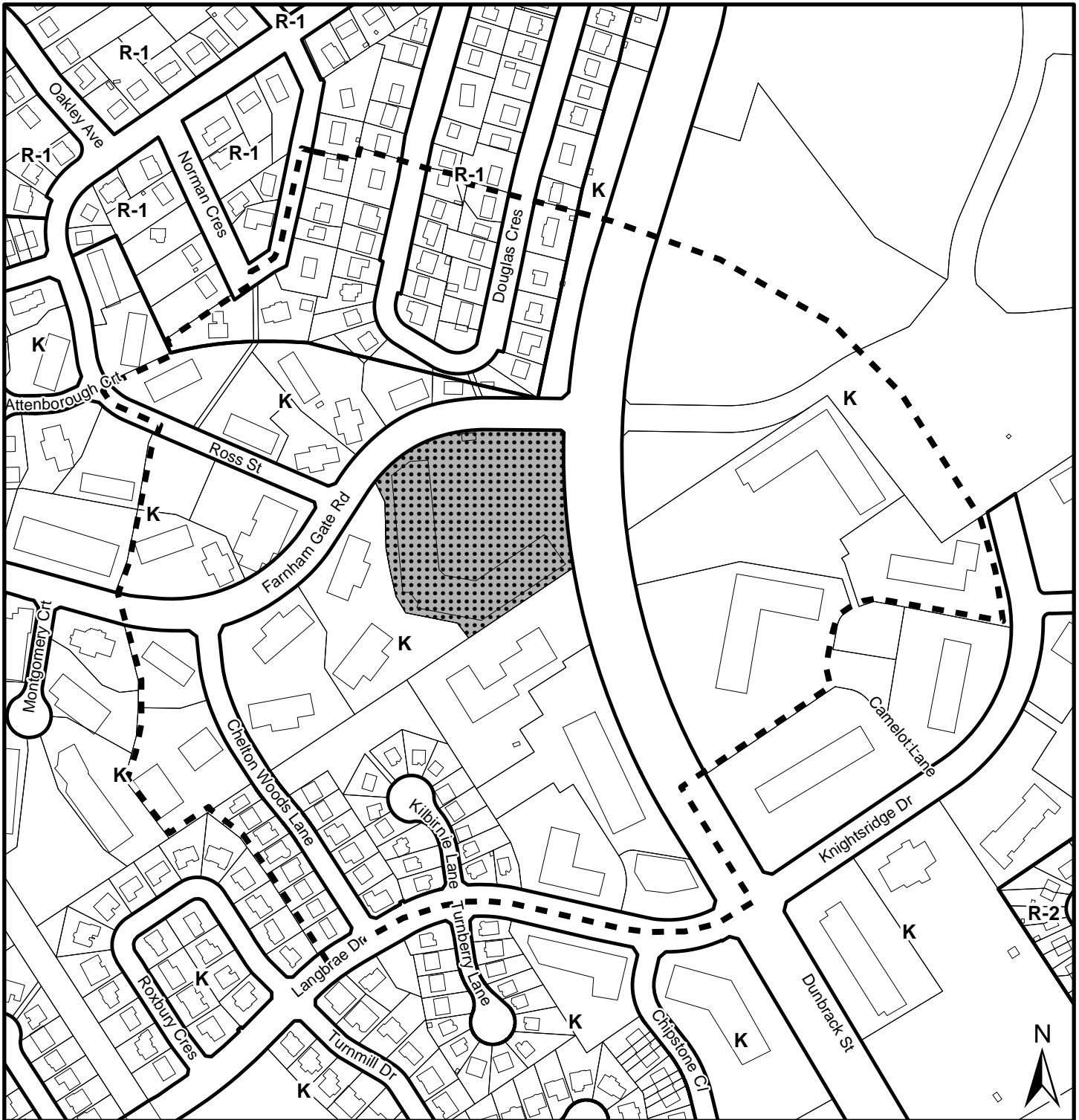
RES Residential Environment



Halifax
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 Area

30 Farnham Gate Road


HALIFAX

 Area of Development Agreement Ammendment

 Notification Area

Zone

R-1 Single Family Dwelling
 R-2 Two Family Dwelling I
 K Schedule K

0 15 30 60 90 120
 m

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.

Halifax Mainland
 Land Use By-Law Area

**Attachment A
Amending Stage II Development Agreement**

THIS 8th AMENDING AGREEMENT made this day of , 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 within Rockingham which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the former Halifax City Council of the Municipality approved an application to enter into a Stage I development agreement to allow for a mixed use development on the Lands (municipal reference number 4341), which said Development Agreement was registered at the Halifax County Land Registration Office on February 2, 1984 as Document Number 7268 (hereinafter called the "Existing Stage I Agreement");

AND WHEREAS the former Halifax City Council of the Municipality approved an application to enter into a Stage II development agreement of Phase I of the development (municipal reference number 4341), which said Development Agreement was registered at the Halifax County Land Registration Office on August 14, 1984 as Document Number 48399 (hereinafter called the "Existing Stage II Agreement");

AND WHEREAS the former Halifax City Council of the Municipality approved an application to enter into an amending development agreement to the Stage II Development Agreement for Phase I and 2B to allow for the development of additional townhouse units, (municipal reference number 4766) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on January 3, 1986 as Document Number 246 (hereinafter called the "First Amending Stage II Agreement");

AND WHEREAS the former Halifax City Council of the Municipality approved an application to enter into an amending development agreement to the Stage II Development Agreement for Phase I regarding the development of the shopping centre, (municipal reference number 4341) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on March 26, 1986 as Document Number 17968 (hereinafter called the "Second Amending Stage II Agreement");

AND WHEREAS the former Halifax City Council of the Municipality approved an application to enter into an amending development agreement to the Stage II Development Agreement for regarding the re-approval for the development of lot K-27, (municipal reference number 6156) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on October 5, 1990 as Document Number 50826 (hereinafter called the "Third Amending Stage II Agreement");

AND WHEREAS the former Halifax City Council of the Municipality approved an application to enter into an amending development agreement to the Stage II Development Agreement to allow a free standing gas bar (municipal reference number 6679) on the Lands, which said Development Agreement was

registered at the Halifax County Land Registration Office on August 13, 1993 as Document Number 32690 (hereinafter called the "Fourth Amending Stage II Agreement");

AND WHEREAS the Developer has requested further amendments to the Existing Agreement and Amending Agreements to allow of the development of an additional commercial building;

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 19989;

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

1. The following provisions shall apply to the development of Building C, as shown on Schedule B, of this Agreement.

(a) The Developer shall develop and use Building C 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 19989:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan and Landscape Plans
Schedule C	Elevations

(b) The building placement and exterior design and materials shall be as generally shown on the schedules.

(c) The building shall be no higher than 13.7 metres (45 feet).

(d) The total gross floor commercial area shall be no larger than 1566 square metre (16,856.3 square feet).

(e) Uses shall be limited to those uses permitted in the C-2A (Minor Commercial) Zone of the Halifax Mainland Land Use By-law, as amended from time to time.

(f) All vents, down spouts, flashing, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design.

(g) The building shall be designed such that the mechanical systems (HVAC, exhaust fans, vents etc.) shall be located on the rooftop and are not visible from all abutting streets and abutting properties. This requirement shall exclude individual residential mechanical systems.

(h) Fixed or retractable awnings and canopies are permitted at the ground floor level, provided that the awnings and canopies are designed as an integral part of the building façade.

(i) All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened so that they are not visible from all adjacent streets or properties.

(j) All exposed concrete surfaces shall be architecturally textured. Any exposed foundation in excess of two (2) feet in height shall be architecturally detailed.

(k) Prior to the issuance of a Development Permit, the Developer shall submit a Landscape Plan, prepared by a Landscape Architect which shall provide details of all landscaped areas as shown on Schedule B. Tree species will be chosen in consultation with the Urban Forester of the Municipality.

- (l) Pedestrian connectivity from Farnham Gate Road along the entire west side of Building C, as shown on Schedule B, shall be provided.
- (m) Exterior signage shall comply with the requirements of the Land Use Bylaw.
- (n) Notwithstanding any other requirements of the Existing Stage II Agreement and amending agreements, a minimum of 160 vehicle parking spaces shall be provided for the whole site.
- (o) All waste bins, propane tanks, natural gas service hookups, and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from all adjacent streets. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- (p) Lighting shall be directed to driveways, parking areas, loading areas, building entrances. Walkways shall be arranged so as to divert the light away from streets, adjacent lots and buildings and shall be of a full cut-off design.
- (q) The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- (r) All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications and shall receive written approval from the Development Engineer prior to undertaking any work.
- (s) Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas (including vegetative berms) and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.
- (t) If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.
- (u) Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Halifax Mainland Land Use By law, as may be amended from time to time.

2. Section 5 of the Existing Stage II Agreement, as amended, shall be further amended by inserting the following text as shown in bold and deleting text as shown in strikethrough as follows:

"The total area of commercial buildings on the lands will not exceed a commercial gross floor area of 6,225 square metres (67,005.3 square feet) ~~50,000 sq.ft.~~"

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

=====

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

<INSERT REGISTERED OWNER NAME>

Per: _____

Per: _____

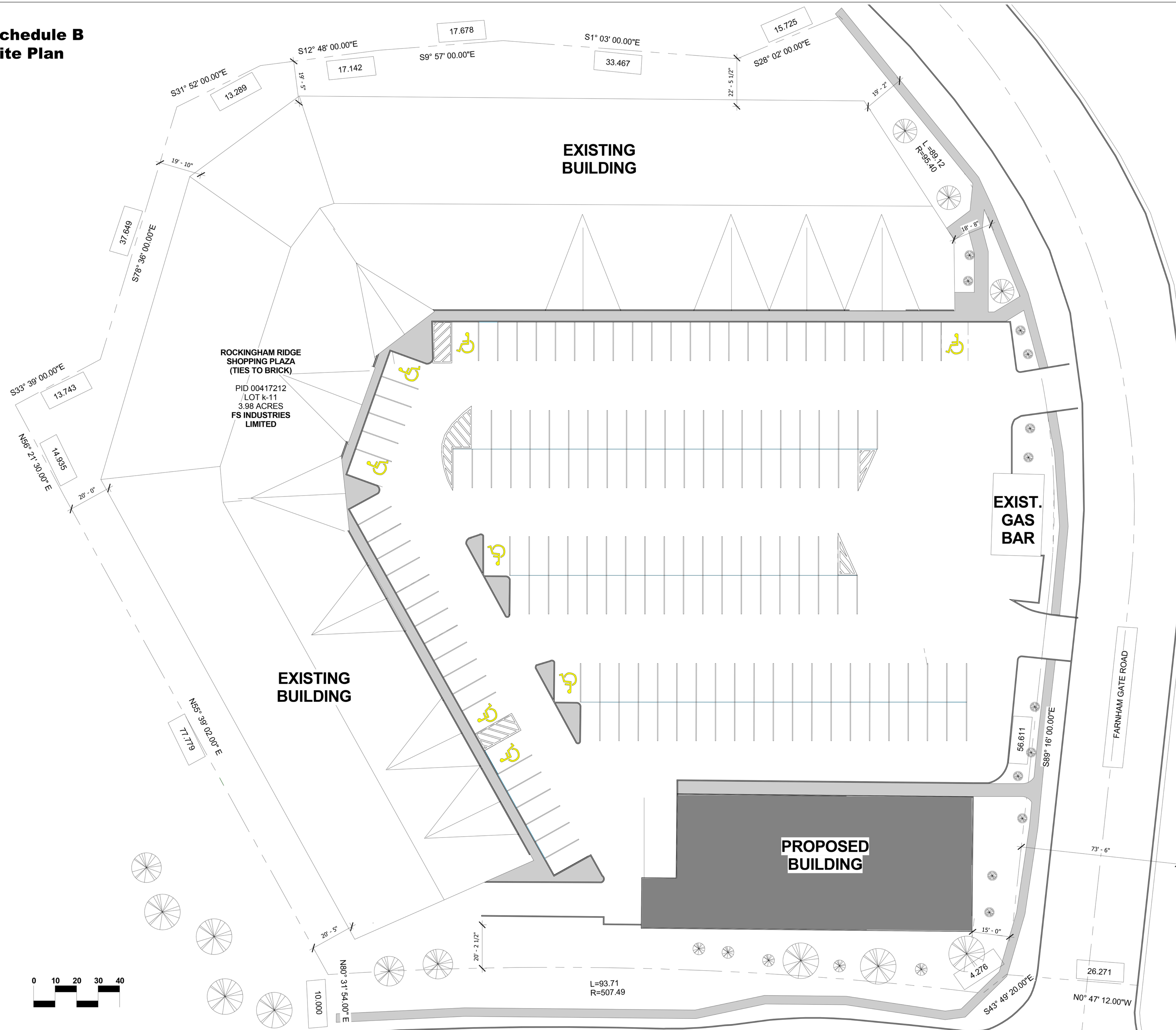
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HALIFAX REGIONAL MUNICIPALITY

Per: _____
Mayor

Per: _____
Municipal Clerk

**Schedule B
Site Plan**

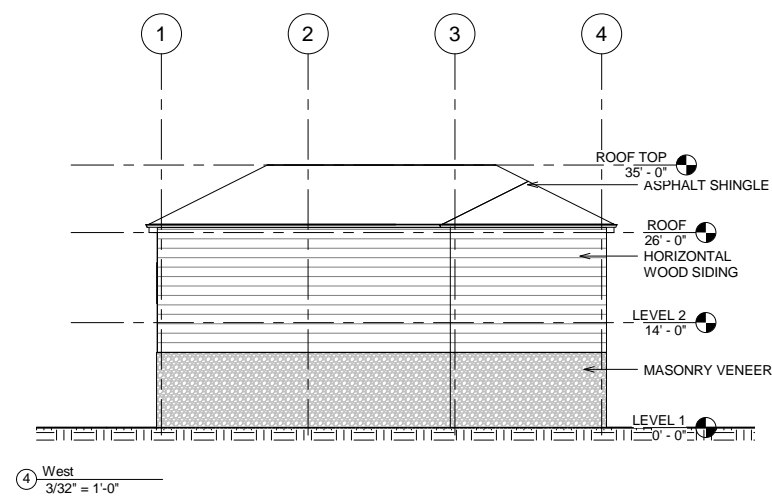
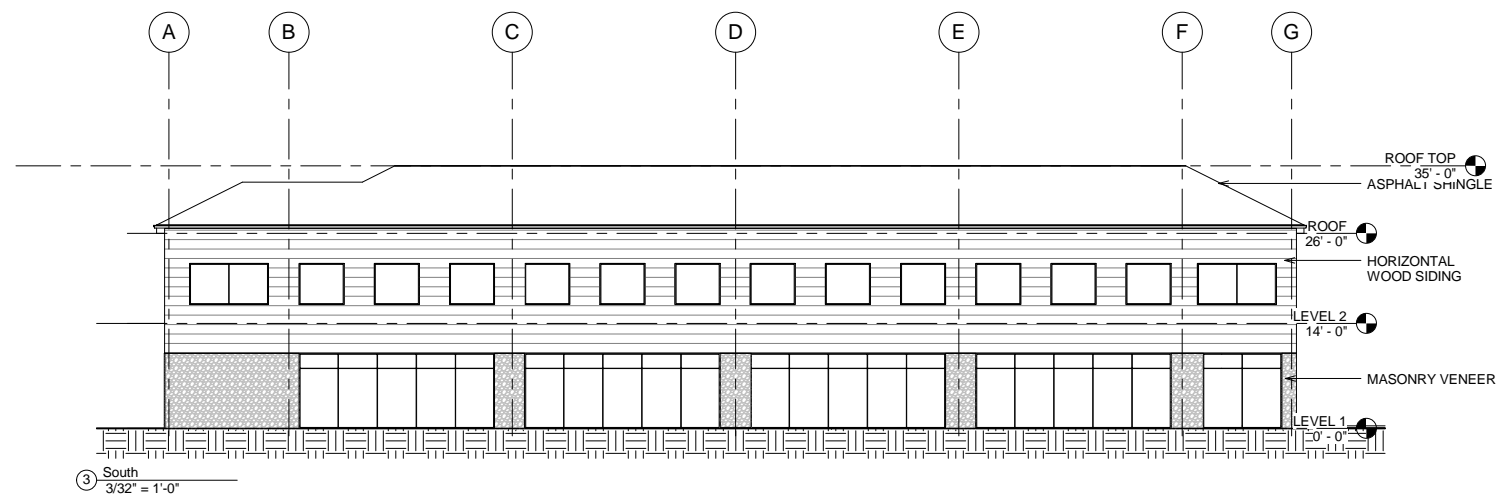
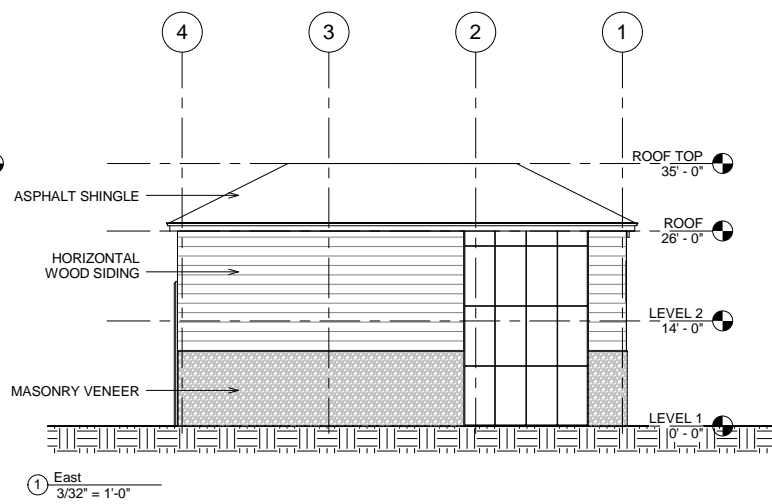
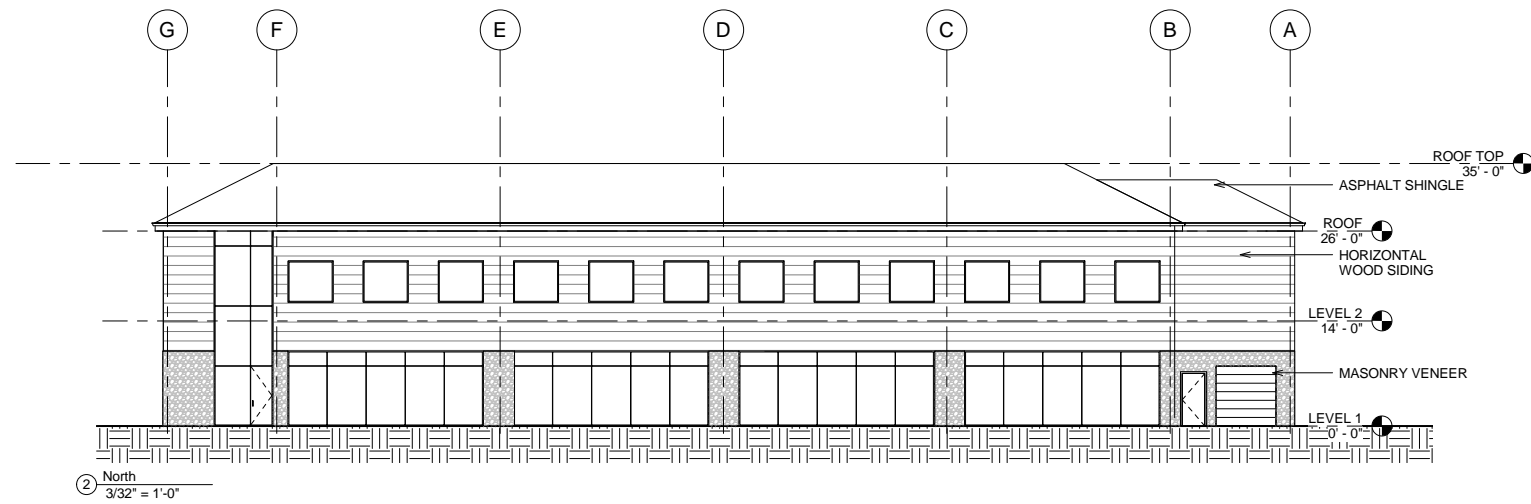


No.	Description	Date
3	HRM COMMENTS	2016.02.08
2	MATERIAL	2015.06.26.
1	HRM PLANNING COMMENTS	Date 1

**Rockingham
Ridge Plaza**
Nova Scotia
Site

Project Number	14060
Date	2014.10.31
Drawn By	SNF
Checked By	MAH
A103	
Scale	

**Schedule C
Elevations**



No.	Description	Date
2	HRM COMMENTS	2015.10.14
1	MATERIAL	2015.06.26.

**Rockingham
Ridge Plaza
Nova Scotia
Elevations**

Project Number 14060
Date 2014.10.31
Drawn By SS/SNF
Checked By MAH

A301

Scale 3/32" = 1'-0"

Attachment B
Review of Relevant Municipal Planning Strategy
Policies for Halifax

Policy Criteria	Staff Comment
IMPLEMENTATION POLICIES	
<p>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.</p>	<p>The subject property is designated residential environments and is located in Mainland North.</p>
<p>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 the Planning Act.</p>	<p>The subject property is zoned Schedule K Zone which identifies areas on the Zoning Map where a Stage I and Stage II Development Agreement require approval from Council before any development permits can be issued.</p>
<p>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.</p>	<p>The existing Stage I and Stage II development agreements permit the development of a primarily residential development in form of a variety of housing types.</p> <p>The existing Stage I and Stage II development agreements permit the development of a commercial node at the corner of Dunbrack Street and Farnham Gate Road.</p> <p>The proposed amendment to the Stage II development agreement will allow for an additional commercial building with an appropriate design within the existing commercial node. The proposed uses include locally-oriented retail uses and office uses.</p>
<p>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.</p>	<p>N/A</p>
<p>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.</p>	<p>The majority of the policies within Section II of the Municipal Planning Strategy for Halifax, address residential development and encourages the retention of stable neighbourhoods. The proposed development is an expansion to an existing commercial property that will continue to serve the surrounding</p>

	neighbourhoods.
<p>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</p>	<p>A public hearing is not required before Council can consider approval of the proposed amending Stage II agreement.</p>
<p>SECTION II</p> <p>2. RESIDENTIAL ENVIRONMENTS</p> <p>Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.</p>	
<p>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposed commercial building is located on a property that is already developed for commercial uses. Further, the opposite side of Dunbrack Street is also to be developed for commercial uses which will strengthen the commercial node for this area.</p>
<p>SECTION II</p> <p>3. COMMERCIAL FACILITIES</p> <p>Objective: The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.</p>	
<p>3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposed amending Stage II development agreement clarifies that the commercial uses permitted on the Lands are limited to those uses in the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland.</p> <p>The subject property is located along Dunbrack Street which is considered a principle street. The subject property is already developed for commercial uses. Access to the property and surface parking is from Farnham Gate Road.</p>

Attachment C
Minutes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 19989

Wednesday, September 2, 2015
7:00 p.m.

Keshen Goodman Library (Thomas Raddall Room)

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, HRM Development Approvals
Alden Thurston, Development Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Reg Rankin, District 12
Councillor Russell Walker, District 10
Rick Cecchetto, FS Industries, Applicant
Mike Harvey, Architect

PUBLIC IN

ATTENDANCE: 9

The meeting commenced at approximately 7:00 p.m.

1. Call to order, purpose of meeting – Jillian MacLellan

Ms. MacLellan introduced herself as the Planner facilitating this application through the planning process; Alden Thurston and Cara McFarlane, HRM Development Approvals; Councillor Reg Rankin, District 12; Councillor Russell Walker, District 10; Rick Cecchetto, FS Industries; and Mike Harvey, Architect.

The Public Information Meeting (PIM) Agenda was reviewed.

The purpose of the PIM is to identify that an application has been received, give some background on the proposal and receive feedback from the public. This is purely for information exchange and no decisions are made at the PIM.

A development agreement was defined to the public. Larger developments within the Mainland North area require a Stage I and Stage II development agreement. The Stage I development agreement applies to an overall concept to the development whereas the Stage II development agreement is more site specific.

2. Overview of planning process – Jillian MacLellan

The planning process: HRM receives an application; A PIM is held; HRM Staff performs a detailed review (Halifax Water, Development Services and Development Engineering); After

comments have been received from the public and the different review agencies, negotiations will begin on the development agreement for the property; Staff will draft a report along with a recommendation advising Halifax and West Community Council (HWCC); HWCC will schedule a public hearing where they would render a decision to approve or reject the proposal; HWCC will first render a decision on the Stage I Development Agreement and if approved, a two-week appeal period would follow; Following the appeal period, HWCC will make their decision on the Stage II Development Agreement (no public hearing is required for the Stage II decision); this is followed by another two-week appeal period; and if no appeals are filed, permits can be issued.

3. Presentation of Proposal – Jillian MacLellan

Tonight's PIM is to discuss Case 19989 which is a proposal by FS Industries to amend the Stage I and Stage II development agreement for Rockingham Ridge to develop an additional commercial building on the property located at 30 Farnham Gate Road.

The location and orientation of the subject property were shown.

The site is currently developed as a commercial plaza and a Wilsons Gas Station. The proposed new commercial building would be located just at the corner of the site.

A couple of photos of the existing commercial plaza and gas station were shown.

The existing Rockingham Ridge Stage I and Stage II development agreement permits mainly residential development with some commercial. The Stage I development agreement concentrated the commercial development at the corner of Farnham Gate Road and Dunbrack Street and limits the floor area to 50,000 square feet. This development agreement was approved in October 1983. The Stage II development agreement (more site specific) was approved in June 1984. A couple of amendments to the development agreement have been approved since then: a) In February 1986 (regarding buffer and commencement date); b) July 1991 (to allow a donut shop – never completed); and c) in 1993 (to allow the Wilsons Gas Station).

FS Industries is proposing a 16,000 square foot (8,000 square feet on each floor), two storey, commercial building addition to the existing commercial plaza and Gas Station. The proposal would consist mainly of general retail on the bottom floor and offices on the second floor. The entire site would be a total of 64,311 square feet. The Stage I development agreement set a limit of 50,000 square feet; therefore, an amendment would have to be made to allow the additional square footage, and further amendments to the Stage II development agreement would have to be made to change the overall site plan to include that additional building. The building would have wood siding with some masonry work and a pitched roof.

The proposed site plan, elevations and a rendering (provided by the architect) were shown.

Presentation of Proposal – Rick Cecchetto, FS Industries

The existing premises will remain the same (gas station would remain). The proposal is to add a two storey stand-alone building, with an 8,000 square foot footprint. The idea is to match the new building with the existing (wood siding, color, asphalt shingles, slope of roof, etc.) There are no tenants in mind but the applicant believes the area can support the growth and it would provide more services for the neighbourhood. Some retailers are looking for space with more square footage than what the existing plaza can offer. One retailer for the entire ground floor would be ideal and offices on the second floor.

There has been some design work done to make sure the building fits into that corner without impeding on the rest of the site. Also, a Traffic Impact Study (TIS) has been done. There were no red flags raised.

Future renderings will include the existing Wilsons Gas Station on the site.

4. Questions and Comments

Marian Conrad, Douglas Crescent lives across from the proposal. Was the 50,000 square foot limit set by HRM or the developer? **Ms. MacLellan** – This would have been negotiated through the development agreement with the property owner at that time. Density (calculated differently in 1984) could have been a consideration at the time along with other various reasons.

Irene Radmaker, Farnham Gate Road – Traffic there is terrible and that parking lot is full most of the day. Where will people coming to use those services park? There are many empty retail spaces in the neighbourhood; therefore, the proposal for retail is redundant.

Ms. Conrad – The type of retailer occupying that space is very important to her. She doesn't want to see another establishment (similar to Dooley's) move in due to the partying and noise at late/early hours of the night/morning. It would be nice to see a retailer like Pete's Frootique who have regular business hours and would provide a huge service to the community. **Ms. MacLellan** – A clause regarding uses and hours of operation can be negotiated as part of the development agreement.

Barb Nickerson, Kilbirnie Lane – What will be in this new building? **Ms. MacLellan** – There is no proposal at this time for a specific type of use. The applicant is proposing retail on the ground floor and office space on the top. There will be no changes to the existing building. **Ms. Nickerson** – Will there be retail space with the Rockingham South development or all residential? **Ms. MacLellan** – Rockingham South will have some retail (no proposal at this time) but the majority will be residential.

Eric Penney, Farnham Gate Road – Parking there is quite packed at times. With the extra footprint, more parking will be needed especially in the Winter.

Ms. Nickerson agrees with Mr. Penney. There is very little extra space in that parking lot especially with cars consistently coming and going to Wilsons. There really isn't enough parking to keep a two storey business satisfied.

Councillor Reg Rankin, District 12 – Would it be possible to exclude certain (i.e. entertainment) uses within the development agreement? Without additional parking, how does this impact parking on the side streets? **Ms. MacLellan** does not believe that on-street parking is permitted in this neighbourhood. This is something that staff will discuss with the developer and applicant to come up with a parking solution. **Councillor Rankin** – Does that proposed footprint currently accommodate parking? If so, this will be taken away and should be included in the TIS. **Ms. MacLellan** – The TIS does not consider parking specifically but staff will consider parking during the internal review.

Ms. Nickerson – There is a blind curve going up Farnham Gate Road; therefore, making a left-hand turn into Wilsons is very dangerous. In the future, depending on how many buildings and people will be generated from the Rockingham South development, she anticipates more traffic flow and shortcutting through Farnham Gate Road. In her opinion, this is a terrible idea and is against the proposal.

Erika Stokes, Chelton Woods Lane does not see the need for more retail especially with retail available in the Rockingham South development. Maybe more offices would be fine. From an

aesthetic viewpoint, she likes the look of the existing low building and is concerned the two storey building would give the impression of a block. **Mr. Harvey** – The proposed building will look similar to the existing building but will be two storeys with a pitched roof.

Mr. Cecchetto does not see another entertainment type establishment moving into the building (centre wouldn't be able to accommodate it) but would like to see more traditional types of retail uses. There are approximately 20 parking spaces (vacant most of the time) that will be removed due to the proposal. The issue won't be taking parking away but rather making sure the lot can accommodate additional parking that may be required.

Ms. Conrad – What guarantee is there that an entertainment use will not move into the new building? **Ms. MacLellan** – There is no guarantee but a provision regarding types of use and hours of operation can be included in the development agreement.

Ms. Nickerson – Would the approval of this proposal allow for the existing building to increase to two storeys in the future? Can the development agreement be applied to that portion of the site only? **Ms. MacLellan** – That would require another public process due to an amendment to the development agreement. There are other things to consider as well like density, commercial and residential uses, etc. It would be very difficult to apply the development agreement to a portion of the property. **Mr. Cecchetto** – There is no intention of adding a second storey to the existing building.

Ms. Radmaker – She is fine with office space but there is no need for retail in the area. **Mr. Cecchetto** believes there is an appetite in the community based on feedback received from retailers.

5. Closing Comments

Ms. MacLellan thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 7:37 p.m.