



P.O. Box 1749
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Item No. 13.1.3
Harbour East-Marine Drive Community Council
June 30, 2016

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

SUBMITTED BY: Original Signed
Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: June 3, 2016

SUBJECT: **Case 18599: Eastern Passage/Cow Bay MPS and LUB Amendments - Multiple Unit Dwellings in the Commercial Designation and a Development Agreement for Multiple Dwelling Units at 1490 Main Road, Eastern Passage**

ORIGIN

- Application from GarMar Limited
- November 19, 2013, Regional Council initiation of the MPS amendment process

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay as set out in Attachments A and B of this report, regarding the allowances for multiple unit dwellings in the Commercial Designation in Eastern Passage, and schedule a joint Public Hearing with Harbour East-Marine Drive Community Council;
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay as set out in Attachments A and B of this report.

It is recommended that the Harbour East-Marine Drive Community Council:

3. Move Notice of Motion to consider the proposed development agreement, as set out in Attachment C of this report, to permit two multiple unit dwellings at 1490 Main Road, Eastern Passage. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

BACKGROUND

GarMar Limited is applying to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Eastern Passage/Cow Bay to allow two multiple unit dwellings at 1490 Main Road, Eastern Passage. As part of the application, amendments regarding the allowances for multiple unit dwellings are proposed to apply to the entire Community Commercial Designation and C-2 Zone (Maps 1 and 2).

Subject Site	Comprised of 2 properties: 1490 Main Road, 0 Main Road (PID 00400044) Maps 1, 2 and 3)
Location	North of Main Road East of Henneberry Drive and West of Silvers Lane (Map 3)
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Community Commercial Designation (CC) in the Eastern Passage/Cow Bay MPS
Zoning (Map 2)	C-2 (General Business) Zone under the Eastern Passage/Cow Bay LUB
Size of Site	1.94 ha (4.8 Acres)
Street Frontage	9 metres (29.6) feet along Main Road 83.6 metres (274) feet along Silver's Lane
Current Use of Subject Property	Single detached dwelling and detached garage at 1490 Main Road Vacant land at 0 Main Rd (PID 00400044)
Surrounding Uses	The surrounding area is comprised mainly of residential and small scale commercial uses. Immediate surrounding land uses include: <ul style="list-style-type: none"> • South – A mixed use commercial/office building. • West – vacant lands; • North – vacant lands; and • East - low density residential uses.

Proposal Details

The applicant proposes to develop two multiple unit dwellings. The major aspects of the proposal are as follows:

- two separate buildings on a lot, each containing 60 dwelling units;
- both buildings are to have four storeys and a penthouses that will contain common amenity areas for residents;
- below grade and surface parking;
- landscaping; and
- a mix of dwelling unit types and sizes.

Currently, the LUB permits multiple unit dwellings to a maximum of 12 units throughout the C-2 Zone, as-of-right, with no limitation over the number of buildings on a property. To enable the proposal, new development agreement policies are being recommended that will allow proposals for multiple unit dwellings of more than 12 dwelling units to be considered by development agreement. These allowances are to apply to the Community Commercial designation, excluding lands on the harbour side of Main and Shore Roads and those lands fronting on Government Wharf Road (Map 4). In addition, as updates to the existing LUB, the as-of-right allowance for more than one building on a lot is proposed to be removed.

MPS and LUB Context

The Community Commercial designation is the principal designation in the commercial core within Eastern Passage (Map 1). The Regional Plan identifies this area as an Urban Local Growth Centre that is appropriate for a mix of low, medium and high density residential development.

MPS Policy COM-2 indicates that development should “reflect the traditional waterfront uses and promote tourist related activities. Development shall be subject to specific size, scale, building placement, building design and construction, landscaping, signage and parking controls.” It further states that multiple residential unit dwellings must have direct access to Main, Cow Bay or Shore Roads”. Existing regulations currently limit multiple unit development to 12 unit buildings of three storeys and permit the development of more than one building on a lot.

Approval Process

The approval process for this application involves two steps:

- a) First, Regional Council must consider and, if deemed appropriate, approve proposed amendments to the MPS and LUB; and
- b) Secondly, Harbour East-Marine Drive Community Council must consider and, if deemed appropriate, approve a proposed development agreement.

A public hearing, which is required prior to a decision on both matters, may be held at the same time for both MPS and LUB amendments and the proposed development agreement. In the event Regional Council approves MPS and LUB amendments, Harbour East-Marine Drive Community Council may only make a decision on a proposed development agreement following the amendments to the MPS and LUB coming into effect. A decision on proposed MPS and LUB amendments is not appealable to the Nova Scotia Utility and Review Board. However, the decision on the proposed development agreement is appealable to the Board.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on January 15, 2014. Attachment D contains a copy of the minutes from the meeting. The public comments received include the following topics:

- the need for a greater choice of housing;
- traffic and density;
- the potential change in community character of the area with additional multiple unit dwellings;
- piped service capacity;
- the potential heights of buildings; and
- minimum lot sizes.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional 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

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that the proposed

amendments serve to recognize a need for multiple unit dwellings in the community and to rationalize the existing as-of-right allowances for developments to a maximum of 12 dwelling units. The following discussion reviews the rationale and content of the proposed MPS and LUB amendments, as well as the associated development agreement.

Proposed MPS and LUB Amendments

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS and LUB which are contained in Attachments A and B. A summary of the proposed amendments is as follows:

- new allowances for multiple unit dwellings with more than 12 dwelling units to be considered by development agreement; and
- removal of the as-of-right allowances more than one building on a lot.

Of the matters addressed by the proposed MPS and LUB amendments, the following has been identified for detailed discussion.

New Multiple Unit Dwelling Development Agreement Policy

The proposed development agreement policies will allow Community Council to consider proposals for multiple unit dwellings with more than 12 dwelling units, to a maximum height of four storeys, along with a penthouse, on lots that are a minimum of 1,858 square metres (20,000 square feet) in size. These allowances are to apply to the Community Commercial designation, excluding lands on the harbour side of Main and Shore Roads and those lands fronting on Government Wharf Road (Map 4). The proposed development agreement criteria require the consideration of matters such as below grade parking, landscaping and open space, amenity areas, setbacks, building design, and the provision of ground floor commercial space. These new allowances address a recognized need to accommodate a wider range of housing that is also called for within the Regional Plan.

Limitations on the Location of Multiple Unit Dwellings

Currently, multiple unit dwellings to a maximum of 12 units are permitted throughout the C-2 Zone, except along Government Wharf Road, with no limitation on the number of buildings on a lot. However, to help retain the traditional character of this part of the C-2 Zone area the amendments would only permit one 12 unit building as-of-right on the harbour side of Main and Shore Roads with no option for a development agreement. Lands on Government Wharf Road would continue to be excluded from multiple residential development.

One Multiple Unit Dwelling per Lot

As noted above, while the C-2 Zone limits multiple unit dwellings to a maximum of 12 units, there is no limit on the number of buildings that may be built on a lot. This is viewed as an oversight that is proposed to be addressed by only allowing one building per lot.

Waste Water System Capacity

Since the initiation of this MPS amendment in 2013, there has been an upgrade to the sewage treatment plant that services Eastern Passage. This upgrade has provided more available wastewater capacity. The commercial core is an appropriate area to locate higher density uses as envisaged by the RMPS provided development is of appropriate design to shape the residential sanitary allocation. With the proposed amendments, each application would be evaluated relative to servicing capacity through the development agreement process.

Proposed Development Agreement

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

- provisions enabling parking;
- provisions enabling a maximum of 120 residential units in two buildings;
- architectural, signage, lighting and maximum building height requirements;
- parking (bicycle and vehicular), circulation and site access;
- building services, maintenance and waste facilities; and
- options for non-substantive amendments by resolution of the Harbour East-Marine Drive Community Council.

The attached development agreement will permit the multiple unit dwellings, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the proposed MPS criteria as shown in Attachment E, the following have been identified for detailed discussion.

Building Form, Lot Coverage and Side Yard Setbacks

The development agreement enables development of two 4 storey buildings (120 total units) with non-habitable amenity spaces occupying penthouse areas. Underground parking and outdoor amenity areas are also proposed (Attachment C, Schedule B). The proposed lot coverage at 26.5% has been calculated by removing lands for future subdivision. Lots for the two buildings will have lot coverage at 25 and 27%, respectively. Heights are proposed to be permitted to five storeys however living space is proposed to be limited to the fourth floor minimizing privacy concerns to adjacent and abutting residentially zoned areas. Therefore, along the western property boundary a 6.0 metre (20 ft) setback is considered sufficient to mitigate impacts to the adjacent property. Setbacks along the eastern lot boundary have been enhanced to accommodate surface parking providing adequate distance to mitigate impacts to low density residential uses along Silver's Lane.

Phasing and Future Subdivision

The development is proposed in two phases. Future subdivision of lots is also proposed. As a result, there is a portion of the site intended for future subdivision that is not covered under the development agreement. Accordingly, some of the development agreement boundary does not align with the lot boundary in contemplation of the future subdivision approval.

Buffering Outdoor and Indoor Amenity and Services

A six foot high fence is proposed along the area where adjacent residential uses are situated except along the driveway portion at Main Road where the option of a vegetative buffer is permitted instead.

Pedestrian connections are established along the driveway corridor providing access to the commonly shared natural features on site and the street. In addition, a common amenity space for the building has been created along the southern side of the development adjacent to Silver's Lane. This area is intended to benefit the residents of the development and an easement agreement to this effect is a requirement of the development agreement. Indoor amenity is provided by way of common shared space on the top floor (approximately 697 sq.m or 7,500 sq.ft) of each building. Amenity and services within both buildings include underground car washes, movie theatres and internal common areas for gatherings.

Traffic, Vehicular Access and Parking

Proposed Policy COM-12 requires that consideration be given to the adequacy of road networks including access and egress to the development, as well as parking. The submitted Traffic Impact Study (TIS) concludes that the proposed development is capable of meeting access and egress requirements and that the proposed driveway width is sufficient. In addition, a total of 187 parking spaces are provided, with 51 below grade parking spaces per building as well as bicycle parking.

Conclusion

The proposed MPS policies allow multiple unit development within the Community Commercial Designation. This responds to a need for a greater variety of housing in the community, which is

consistent with the Regional Plan. The proposed development agreement for the lands at 1490 Main Road meets the proposed MPS policies. Therefore, staff recommends that Council adopt the amendments to the Eastern Passage/Cow Bay MPS and LUB provided in Attachments A and B of this report. Should Council decide to adopt the amendments, staff recommends that Harbour East-Marine Drive Community Council approve the development agreement as contained in Attachment C.

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 involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

The Harbour-East Marine Drive Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Eastern Passage/Cow Bay MPS and LUB, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Eastern Passage/Cow Bay MPS and LUB. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

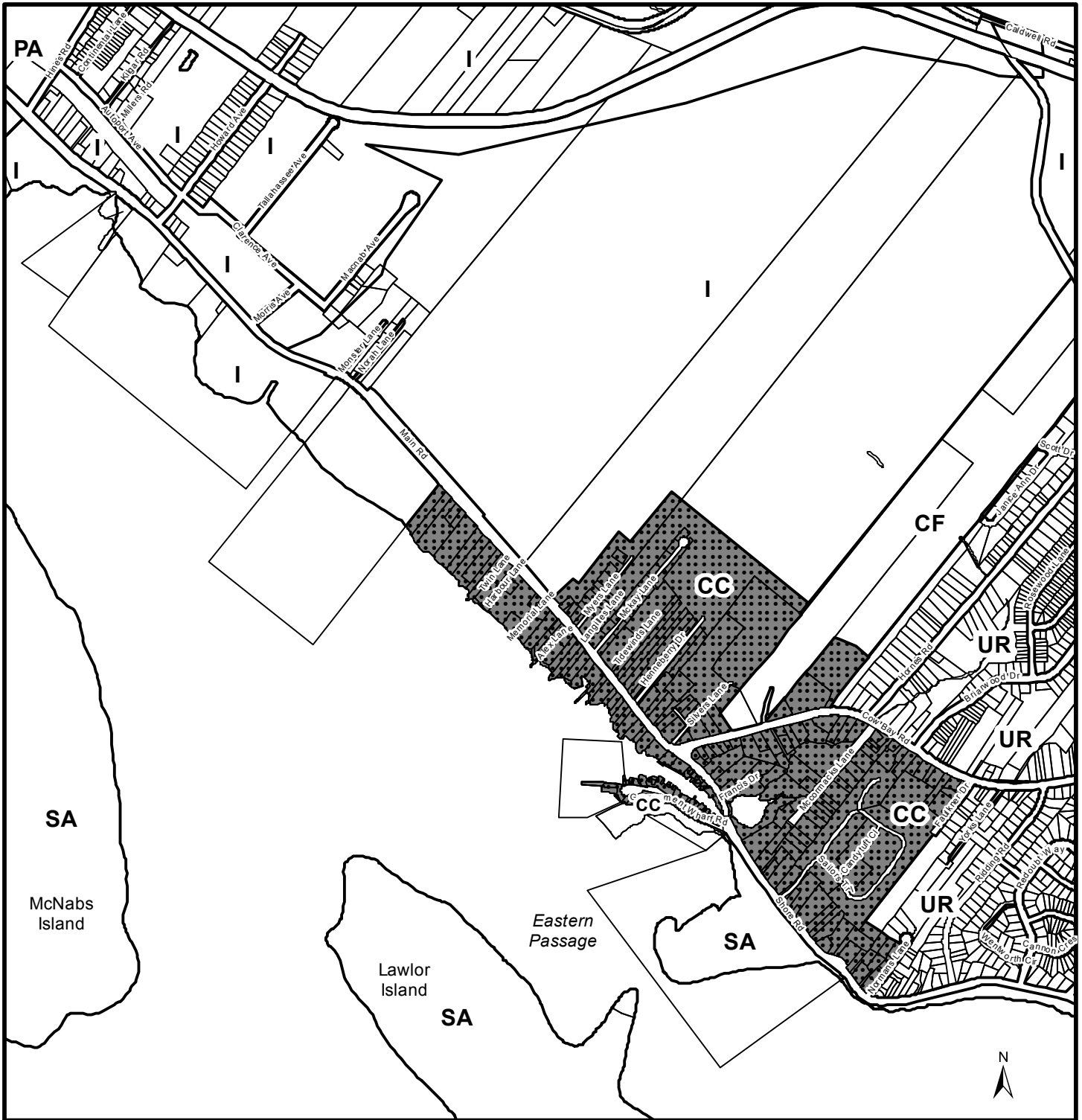
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Subject Property Proposed for DA
Map 4	Multiple Unit Dwellings in Excess of 12 Units by Development Agreement
Attachment A	Amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy Policy
Attachment B	Amendments to the Eastern Passage/Cow Bay Municipal Land Use By-law
Attachment C	Development Agreement

Attachment D Minutes of Public Information Meeting
Attachment E Eastern Passage/ Cow Bay MPS Evaluation of Proposal Against Proposed MPS Policy

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: Shayne Vipond, Planner III, 902-490-4335


Report Approved by: Original Signed
Kelly Denty, Manager, Current Planning 902-490-6800



Map 1 - Generalized Future Land Use

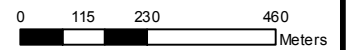
Eastern Passage

HALIFAX

 Subject Area

Designation

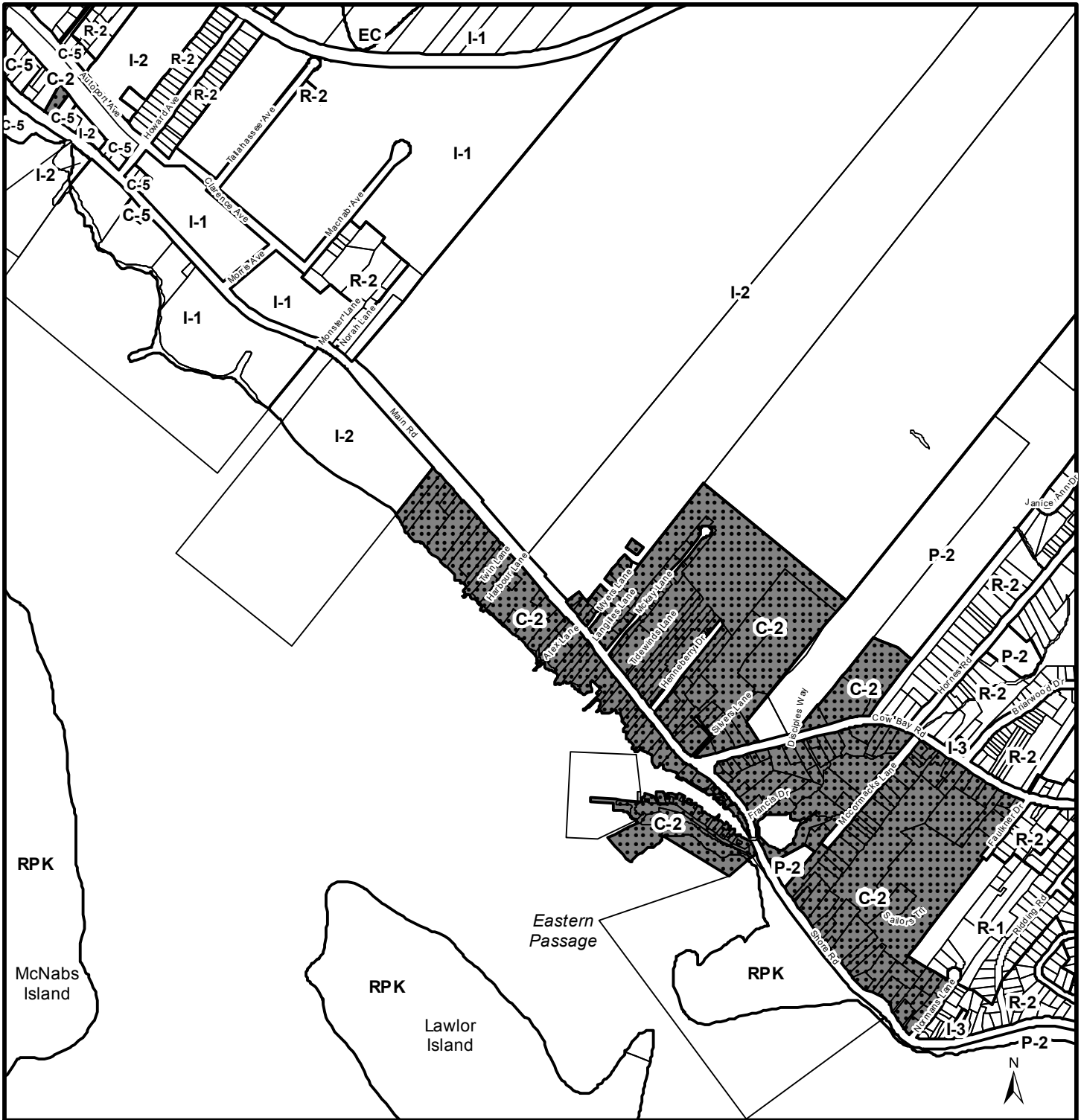
- UR Urban Residential
- CC Community Commercial
- I Industrial Mix
- SA Special Area



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


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

Eastern Passage/Cow Bay Plan Area



Map 2 - Zoning and Notification

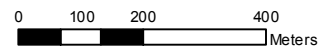
Eastern Passage

 Study Area & Notification Area

Eastern Passage/Cow Bay Plan Area

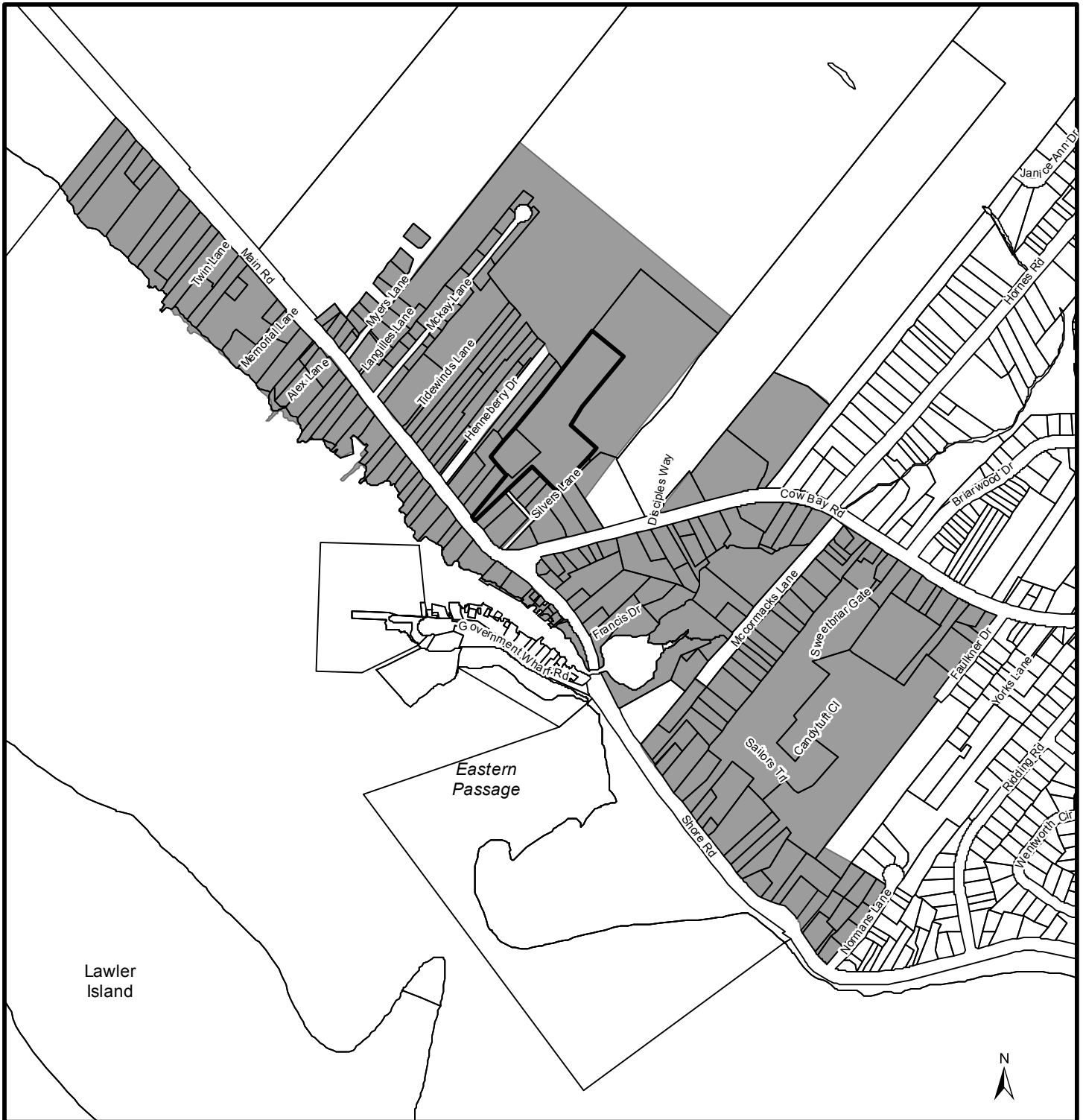
Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- C-2 General Business
- C-5 Mixed Use
- I-1 Light Industry
- I-2 General Industry
- I-3 Local Service
- P-2 Community Facility
- RPK Regional Park
- EC Environmental Conservation



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

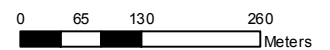
HRM does not guarantee the accuracy of any representation on this plan.



Map 3 - Subject Property Proposed for Development Agreement

1490 Main Road,
Eastern Passage

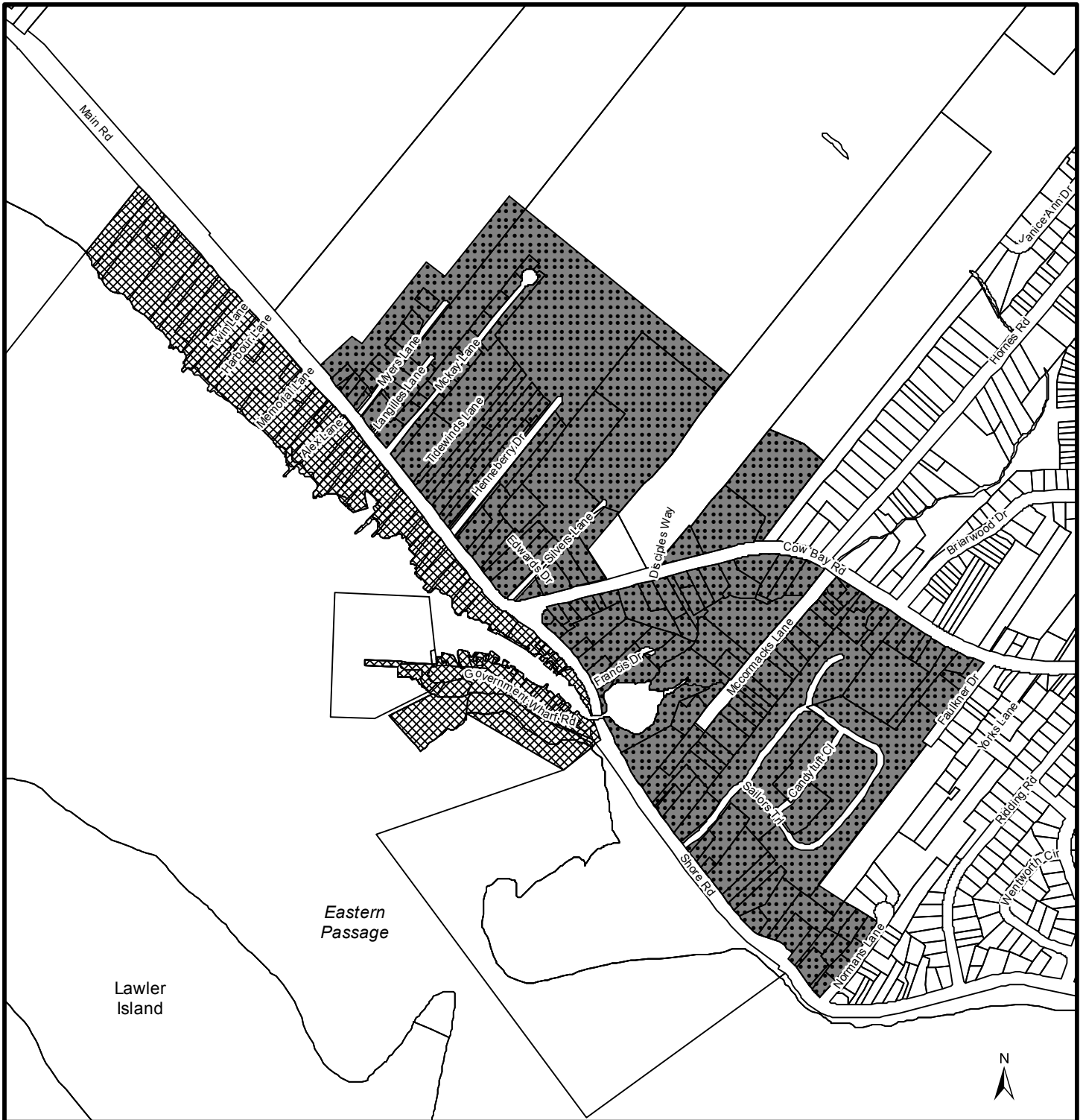
- Study Area
- Area Subject to DA



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.


Eastern Passage/Cow Bay Plan Area

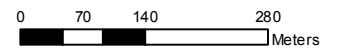


Map 4 - Multiple Unit Dwellings in Excess of 12 units Permitted by Development Agreement, Eastern Passage

HALIFAX

 Areas where Larger Multiple Unit Dwellings are to be Permitted by Development Agreement

 Areas to be Excluded



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

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

Eastern Passage/Cow Bay Plan Area

Attachment A

Amendments to the Municipal Planning Strategy for Eastern Passage/Cow Bay

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Eastern Passage/Cow Bay is hereby further amended as follows:

1. By adding the text below to the Table of Contents, immediately following the subsection Commercial and Industrial Uses Outside of the Commercial Designation:

“Multiple Unit Dwellings by Development Agreement”

2. By adding the text below to the Commercial Designation, immediately following Policy COM-11:

“Multiple Unit Dwellings in the Commercial Designation

Opportunities for multiple unit dwellings are needed to meet the demand for diversified housing in the community and are supported by the Regional MPS which designates the community as a Local Growth Centre. Small scale multiple unit dwellings are to be permitted on an as of right basis within the Commercial Designation and the C-2 Zone shall contain standards that help ensure these developments complement community character. Larger scale development will be considered in the Commercial Designation by development agreement with the goal of increasing housing choice while integrating such projects into the community. Lands on the harbour side of Main and Shore Roads will be excluded from consideration in order to encourage retention of the traditional character of this area.

COM-12 Excluding lands on the harbour side of Main and Shore Roads and those lands fronting on Government Wharf Road, multiple unit dwellings with more than 12 dwelling units shall be considered within the Community Commercial Designation by development agreement. In considering any such agreement, Council shall have regard to the following:

- (a) The lot shall be a minimum lot area of 1,858 square metres (20,000 sq ft);
- (b) The lot shall have frontage on a public street;
- (c) Access shall be from a public street unless another access is deemed to be acceptable by the Municipal Engineer;
- (d) Buildings shall be a maximum height of 4 storeys and a penthouse, where a penthouse is comprised of mechanical equipment or amenity areas and occupies a maximum of 30% of a rooftop area;
- (e) Buildings shall have a minimum setback from interior lot lines a distance that is equal to half the height of the building, exclusive of penthouses, with greater setbacks and the use of measures such vegetation, fences, and building massing and design to address impacts on adjacent residential uses;
- (f) Buildings shall be of a design that is complementary to the surrounding area;
- (g) There shall be a mixture of dwelling unit types and sizes;
- (h) There shall be a maximum density of 36 units per acre;
- (i) There shall be sufficient parking for residents and other uses and the majority of such parking shall be below-grade;
- (j) Areas that are not occupied by buildings or parking shall be comprised of landscaping;
- (k) There shall be sufficient common landscaped open space and amenity areas;
- (l) Properties that are within the vicinity of the intersection of Main Road, Shore Road, and Cow Bay Road, with sufficient frontage on these roads, shall have buildings with ground floor commercial uses that are consistent with the

character of this area, including having buildings situated close to an oriented to these roads, and in such instances consideration shall be given to reducing the setback provisions of (e); and

(m) The provisions of Policy IM-11.”

3. By adding the text below, immediately following Policy IM-9 (c) (i) as follows:

“(ii) Larger scale multiple unit dwellings according to Policy COM-12”

I HEREBY CERTIFY that the amendments to the Eastern Passage/ Cow Bay Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 201_.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 201_.

Municipal Clerk

Attachment B
Amendments to the Land Use By-law for Eastern Passage/Cow Bay

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Passage/Cow Bay is hereby further amended as follows:

1. By adding the following text to Part 3.6 immediately following 3.6 (c) (i):
 “(ii) multiple unit dwellings in excess of twelve (12) units in the C-2 (General Business) Zone in accordance with MPS Policy COM-12.”
2. By identifying the text below under Part 4.5 as “(a)” as follows:
 “(a) No person shall erect more than one (1) main building on a lot within any Residential Zone except for non-residential buildings within an RA (Rural Area) Zone and for mobile dwellings located in the Oceanview Estates mobile home park, PID 00369439.”
3. By adding the following text to Part 4.5 as follows:
 “(b) No person shall erect more than one (1) main multiple unit building on a lot within the C-2 (General Business) Zone.”

I HEREBY CERTIFY that the amendments to the Eastern Passage/ Cow Bay Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2016.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2016.

Municipal Clerk

**Attachment C
Proposed Development Agreement**

THIS AGREEMENT made this day of **[Insert Month]**, 2016,

BETWEEN:

[Insert Name of Corporation/Business LTD.]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")
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 at **[Insert - PID No.]**, 1490 Main Road, Eastern Passage, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for 2 multiple unit dwellings, each containing a maximum of 60 dwelling units, on the Lands, pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy COM -12 of the Municipal Planning Strategy for Eastern Passage/Cow Bay;

AND WHEREAS the Harbour East-Marine Drive Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18599; THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

- 1.1.1 The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Eastern Passage/Cow Bay and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms to the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18599:

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	Landscape Plan
Schedule D	Preliminary Plan of Subdivision/ Consolidation
Schedules E1, E2	Interior Parking Plans
Schedules F1, F2	Front and Rear Elevation Plans
Schedules G, G1	Left and Right Elevation Plans

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer:
- (a) A Lighting Plan in accordance with section 3.11 of this Agreement; and
 - (b) A Landscaping Plan in accordance with section 3.12 of this Agreement.
- 3.2.2 Prior to the issuance of the first Occupancy Permit, the Developer shall provide the following to the Development Officer:
- (a) Written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the lighting requirements set out in section 3.11 of this Agreement.
 - (b) Written confirmation from a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) that the Development Officer may accept as sufficient record of compliance with the landscaping requirements set out in section 3.12 of this Agreement; and
- 3.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
- 3.2.4 Prior to the Final Subdivision Approval for Lot A and B as per Schedule D, a registered easement in favour Lot B for access over Lot A shall be required.

3.2.5 If subdivision occurs prior to the completion of Phase 2, Lot A will require a temporary turning easement along the phasing line as indicated in Schedule D.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement shall be two (2) multiple unit dwellings, each containing a maximum of 60 dwelling units.

3.3.2 A minimum of 32 dwelling units in each building shall contain two (2) or three (3) bedrooms.

3.2.3 The penthouses shall:

- (a) shall not contain dwelling units; and
- (b) include a minimum 278 square metres of amenity area(s).

3.2.4 Accessory buildings shall be permitted pursuant to the requirements of the Land Use By-law.

3.4 Phasing

3.4.1 Development of the Lands shall be completed in two (2) consecutive phases, as shown on the Schedules. Phase 1 shall consist of up to sixty (60) dwellings units in Building A. Phase 2 shall contain up to sixty (60) dwelling units in Building B.

3.4.2 Development Permits for site work for Phase 2 shall not be granted until development of the previous Phase 1 has been completed. Development of Phase 1 will be considered complete when 50% of the total permitted number of dwelling units in Phase 1 are built and have received Occupancy Permits.

3.5 Requirements Prior to Permit Approvals for any Phase

3.5.1 Prior to the commencement of any tree removal, site grading or excavation, the Developer shall:

- (a) Provide a detailed design of the driveway inclusive of temporary turning circle or hammerhead for Phase 1 as shown in Schedules B and C.
- (b) Provide a detailed Site Disturbance Plan, in accordance with Part 5 of this Agreement.
- (c) An application for the first Development Permit for a building in any phase shall also include the construction of the necessary services, including but not limited to the Common Shared Private Driveway and temporary turning easement.

3.5.2 At the time of issuance of occupancy permits for any phase, the Developer shall provide the Development Officer with written certification from a Professional Engineer that all works have been completed in conformance with the approved engineering plans.

3.5.3 Notwithstanding any other provision of the Agreement, the Developer shall not occupy any portion of a multiple unit dwelling or use the Lands for any uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement, the Land Use By-law and the Subdivision By-law (except to the extent that the provisions of the Land Use By-law and Subdivision By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement

3.6 Requirements Prior to Permit Approvals for Phase 2

- 3.6.1 Where the lands are subdivided into Lots A and B, prior to the commencement of Phase 2, the Developer shall:
- (a) Provide a registered easement for pedestrian and vehicular access over the driveway in favour of Lot B; and
 - (b) Provide a registered easement for pedestrian access to the private park in favour of Lot A.

3.7 Siting and Architectural Requirements

- 3.7.1 The buildings shall be located and oriented as generally illustrated on Schedules B and C inclusive.
- 3.7.2 The main entrances to each building shall be emphasized by detailing, changes in materials, and other architectural devices or an acceptable equivalent approved by the Development Officer.
- 3.7.2 All façades shall be designed and detailed as primary façades. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.
- 3.7.3 Exterior building materials shall be in accordance with the Schedules or an acceptable equivalent approved by the Development Officer.
- 3.7.4 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent. Service entrances shall be integrated into the design of the building and shall not be a predominate feature.
- 3.7.5 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from the shared driveway or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.7.6 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

Solid Waste

- 3.8.1 The multiple unit buildings shall include designated space for five stream (garbage, recycling, paper, cardboard and organics) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.
- 3.8.2 All refuse and recycling materials shall be contained within the buildings.

3.9 Parking, Circulation and Access

- 3.9.1 A total number of 187 parking spaces shall be provided for Buildings A and B as shown on Schedules B, C, E1, and E2 as follows:
- (a) Building A shall provide 40 parking surface parking spaces and 51 subsurface parking spaces; and,

- (b) Building B shall provide 45 parking surface parking spaces and 51 subsurface parking spaces.

3.9.2 The parking area shall be hard surfaced in accordance with Schedule C.

3.9.3 The limits of the parking area shall be defined by landscaping, and either standard or rolled curb.

3.9.4 Exterior and interior bike parking shall be required and located as shown on Schedules C, E1 and E2.

3.9.5 In accordance with section 3.5.1 a temporary turning circle or hammerhead in Phase 1 as illustrated on Schedules B and C shall be required.

3.10 Subdivision and Development of the Lands

3.10.1 Where the lands are subdivided, said subdivision shall be in accordance with Schedule D.

3.11 Outdoor Lighting

3.11.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from the common shared driveway, adjacent lots and buildings.

3.11.2 Prior to the issuance of a Development Permit, the Developer shall prepare a Lighting Plan and submit it to the Development Officer for review to determine compliance with this Agreement. The Lighting Plan shall contain, but shall not be limited to, the following:

- (a) the location, on the building and on the premises, of each lighting device; and
- (b) a description of the type of proposed illuminating devices, fixtures, lamps, supports, and other devices.

3.11.3 The Lighting Plan and description shall be sufficient to enable the Development Officer to ensure compliance with the requirements of this Agreement. If such plan and description cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the Developer shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

3.11.4 The information used to satisfy the requirements of this section may be included on the site plan or building elevations provided that the Development Officer is satisfied of compliance with this Agreement.

3.12 Landscaping

3.12.1 Landscaping of the property shall be as shown on Schedule C.

3.12.2 The Developer agrees to construct a fence as identified on Schedule C. The fence shall be a minimum of 6 feet in height and opaque.

- (a) Notwithstanding section 3.12.2, a hedge a minimum of six feet in height may be planted along the north and south property boundaries of the driveway access onto the lands to a point that intersects with the perpendicular plane of Edwards Drive.
- (b) In no case shall the aforementioned hedge block from view the signage as shown on Schedule C and referred to in section 3.14.

- 3.12.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.12.4 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section and generally conforms with Schedule C. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.12.5 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.12.6 Notwithstanding Section 3.12.5 where the weather and time of year does not allow the completion of the outstanding landscape works at the time of issuance of an Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.13 Maintenance

- 3.13.1 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, parking areas and 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.

3.14 Signage

- 3.14.1 A maximum of one ground sign shall be permitted along the south east side of the lands at the entrance to the development not less than 20 feet from the street line to denote the development name. The maximum height of any such sign inclusive of support structures shall be 3.05 metres (10 feet) and the face area of any sign shall not exceed 4.65 square metres (50 square feet). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.
- 3.14.2 Ornamental plants shall be planted and maintained around the entire base of the sign as part of the required landscaping. The street frontage area of the Lands shall be topsoiled, sodded and landscaped.
- 3.14.3 Signs shall only be externally illuminated.

3.15 Screening

- 3.15.1 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from the driveway and parking areas and abutting residential properties. 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.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of Municipal service systems shall satisfy Municipal Design Guidelines unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work. Municipal water distribution, sanitary sewer and storm sewer systems shall conform to Halifax Regional Water Commission's latest edition of their Design and Construction Specifications unless otherwise deemed acceptable by Halifax Water and the Municipality.

4.2 Off-Site Disturbance

- 4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas 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 Officer, in consultation with the Development Engineer.

4.3 Underground Services

- 4.3.1 All secondary or primary (as applicable) electrical, telephone and cable service to all buildings shall be underground installation.

4.4 Site Preparation

- 4.1.1 The Developer shall not commence clearing, excavation or blasting activities required for construction prior to receiving a Development permit and other permits as applicable.

4.5 Outstanding Site Work

- 4.5.1 The Municipality may accept securities for the completion of outstanding on-site paving at the time of issuance of the first Occupancy Permit. Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed in accordance with the approved engineering plans. Should the Developer not complete the outstanding work within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the outstanding work as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Storm Water

- 5.1.1 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

5.2 Erosion and Sedimentation Control and Grading Plans

- 5.1.1 Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment. No work is permitted on the site until the requirements of this clause have been met and implemented.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- (a) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
 - (b) The length of time for the completion of the development as identified in Section 7.4 of this Agreement;
 - (c) Changes to the configuration and exterior design treatment of the buildings which in the opinion of the Development Officer do not conform with the Schedules;
 - (d) Changes in unit mix which in the opinion of the Development Officer do not conform with this Agreement;
 - (e) Changes in site layout which in the opinion of the Development Officer do not conform with the Schedules; and
 - (f) A reduction in parking which in the opinion of the Development Officer does not conform with the Schedules.

6.2 Substantive Amendments

- 6.1.2 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

- 7.1.1 A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

7.2 Subsequent Owners

7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean - installation of the footings and foundation for the proposed Building A.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. Completion of Development

7.4.1 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay as may be amended from time to time.

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development after 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (b) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

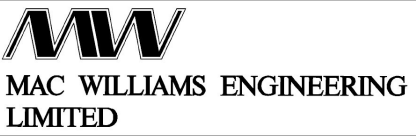
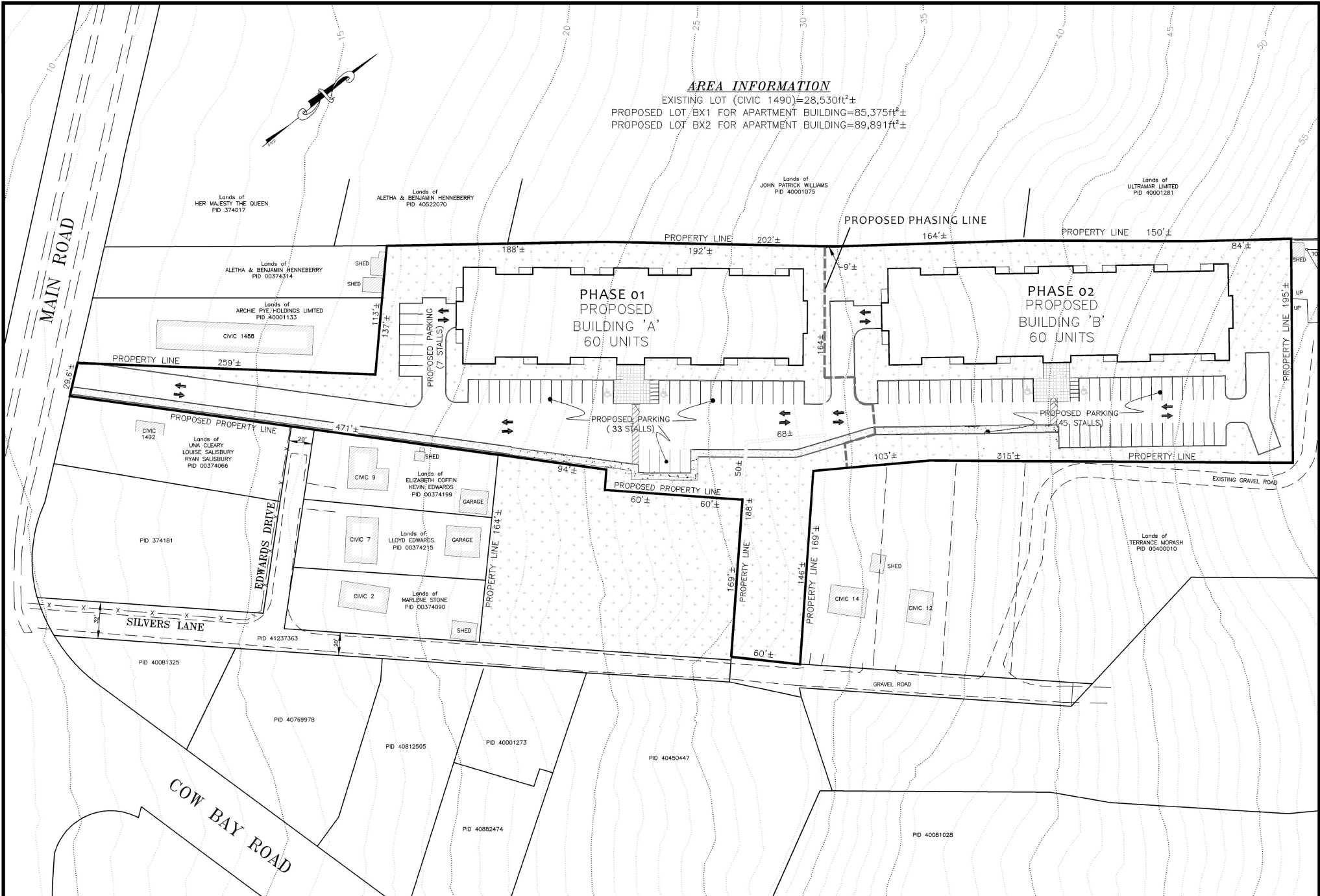
Per: _____

MAYOR

Witness

Per: _____

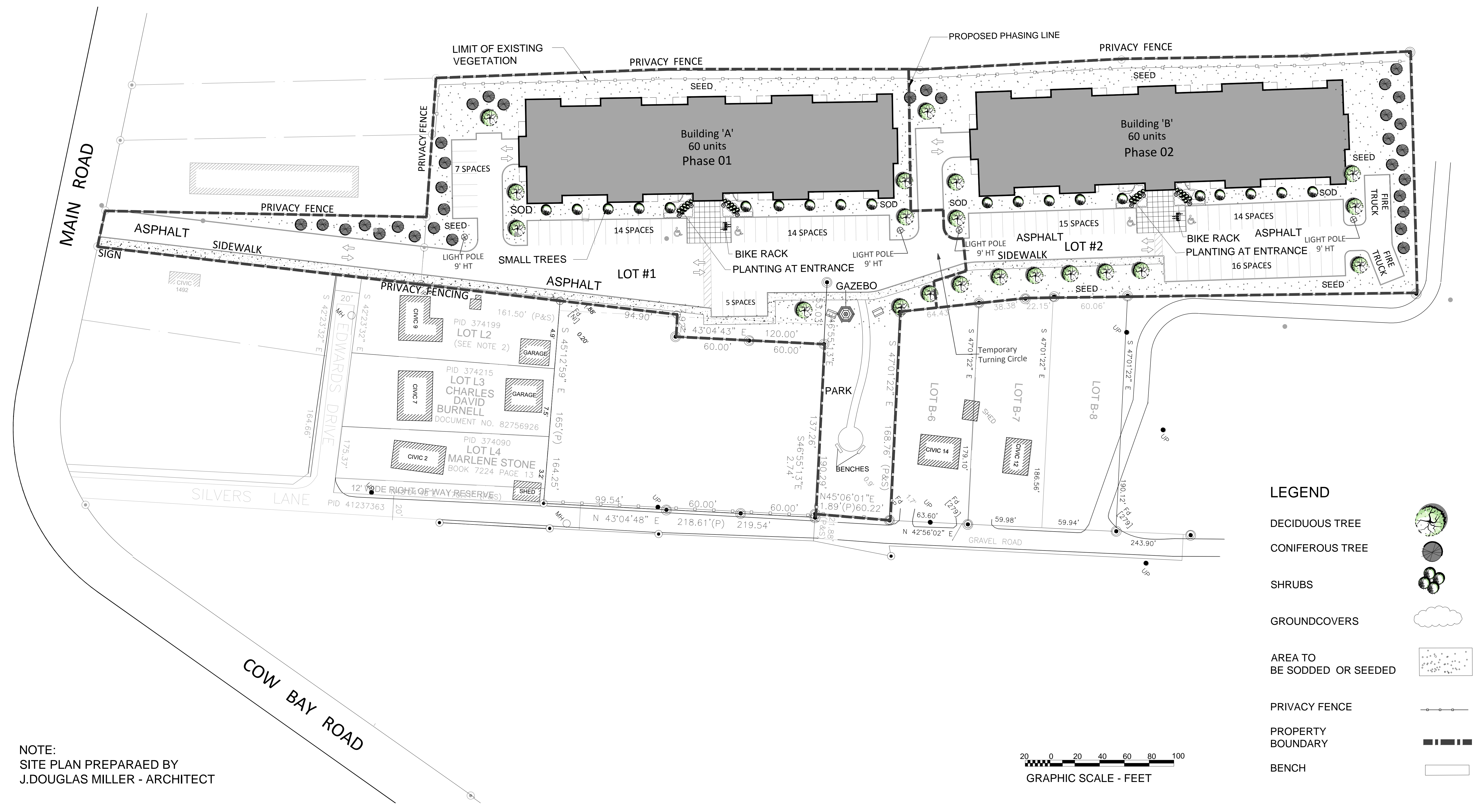
MUNICIPAL CLERK




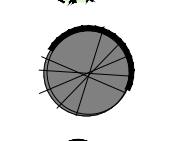
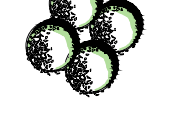

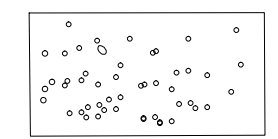
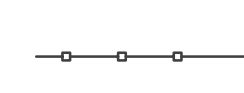

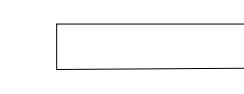
COVE'S EDGE COURT
 MAIN ROAD, EASTERN PASSAGE, N.S.
 PROPOSED SITE PLAN

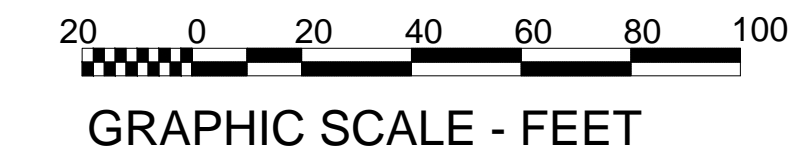
Revision		Date	By
No.	Comments		
01	Issue for DA-HRM - July 15th, 2015	July 15th 2015	SRW

Date: July 15th, 2015
 Scale: Not to Scale
 Project No.: 12588
 Drawing No.: 12588-SK01



LEGEND

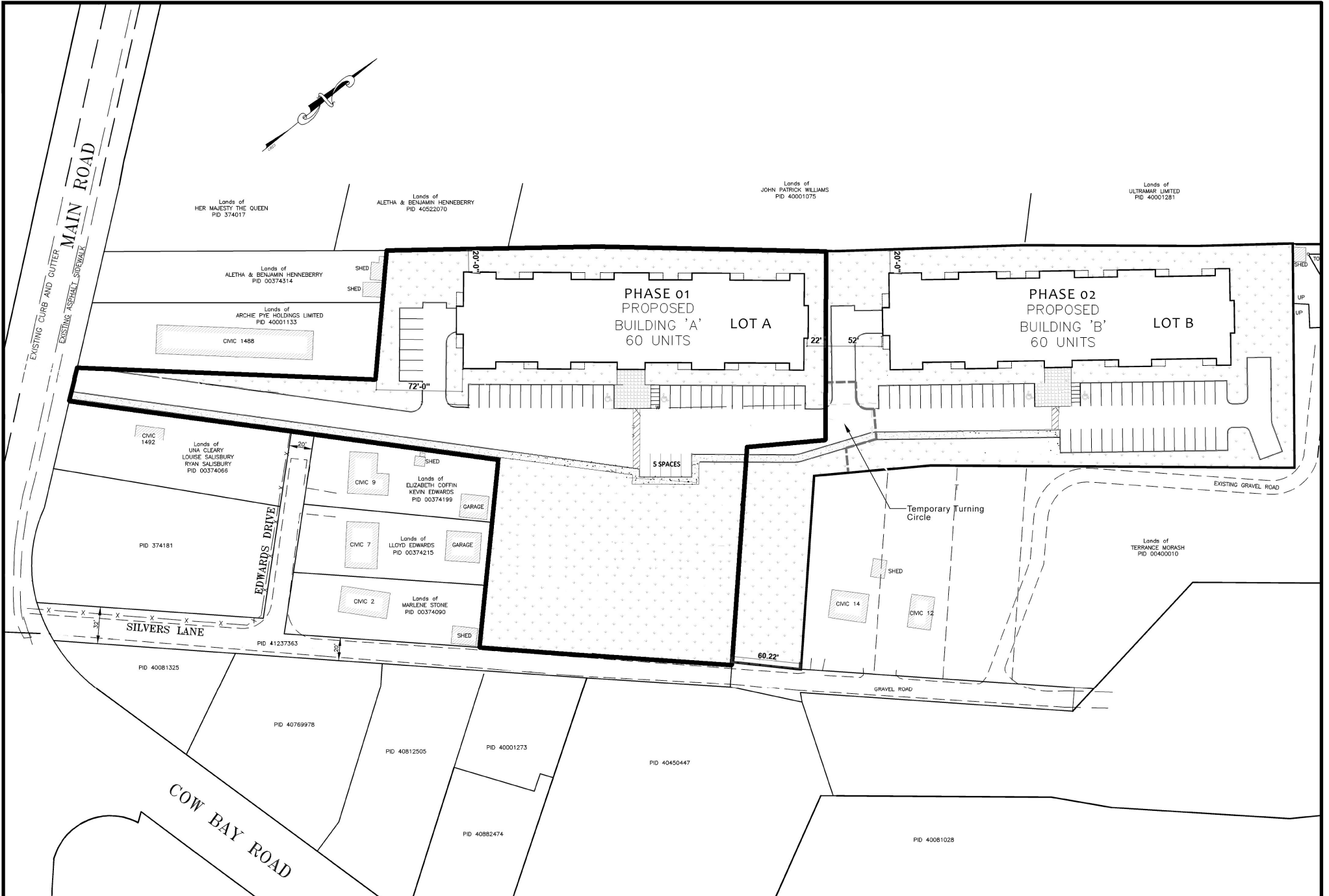
- DECIDUOUS TREE 
- CONIFEROUS TREE 
- SHRUBS 
- GROUNDCOVERS 
- AREA TO BE SODDED OR SEEDED 
- PRIVACY FENCE 
- PROPERTY BOUNDARY 
- BENCH 




NOTE:
SITE PLAN PREPARED BY
J.DOUGLAS MILLER - ARCHITECT

Designer Gordon Ratcliffe LANDscape ARCHITECTS 2055 Route 329, RR #1 HUBBARDS, NOVA SCOTIA CANADA, B0J 1T0 TEL: (902) 478 - 3683 FAX: (902) 857 - 1108 grla@eastlink.ca	Project by : Garmar Investments Ltd.	Revision : NO. Comments Date By 01 Issue for DA-HRM - July 15th, 2015 July 15th,2015 LG	Scale : AS NOTED Drawn: LG Date: July 15th, 2015	LANDSCAPE PLAN L.1
	Project Name : COVE'S EDGE COURT			

Case 18599 Schedule D - Preliminary Plan of Subdivision/Consolidation

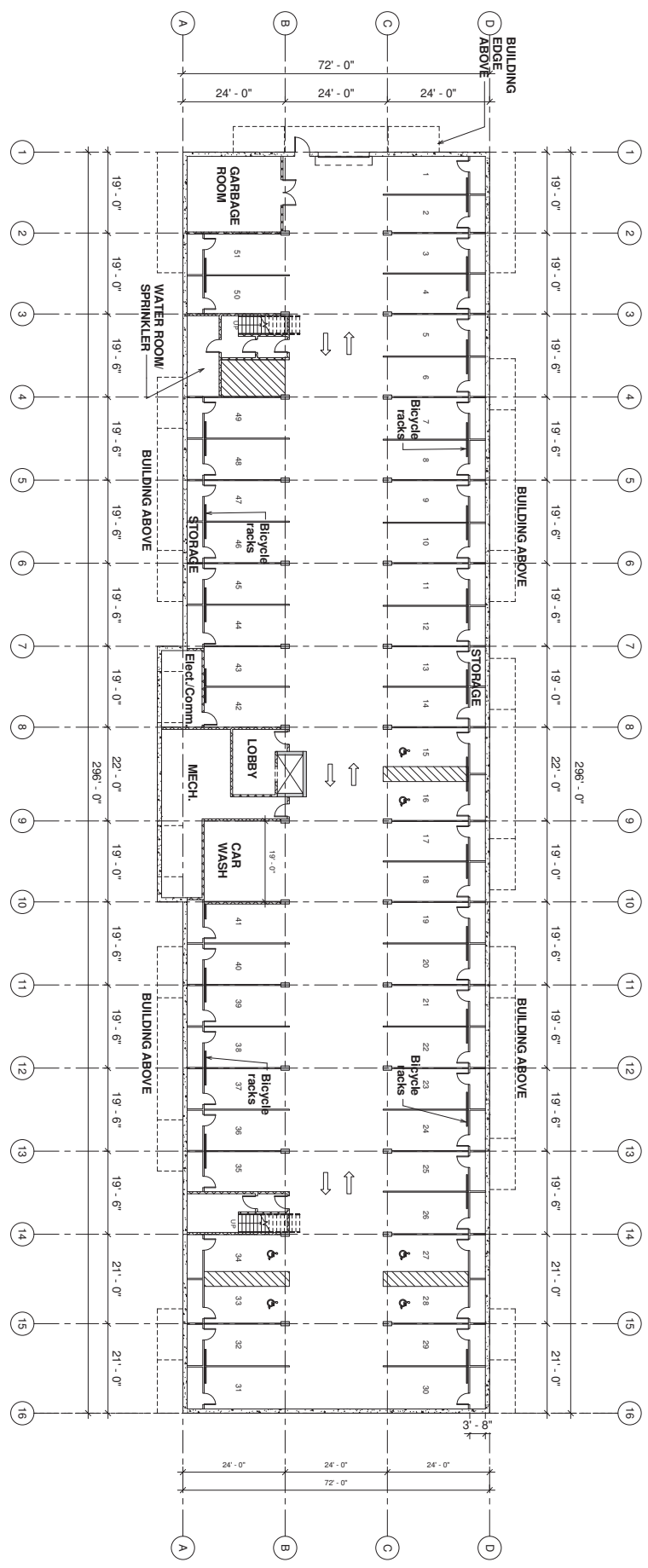


 MAC WILLIAMS ENGINEERING LIMITED	COVE'S EDGE COURT MAIN ROAD, EASTERN PASSAGE, N.S.		Revision		Date: July 15th, 2015	
			No.	Comments	Scale: Not to Scale	
			01	Issue for DA-HRM - July 15th, 2015	Date: July 15th 2015	By: SRW
	PRELIMINARY PLAN OF SUBDIVISION/CONSOLIDATION					
					Project No.: 12588	
					Drawing No.: 12588-SK06	

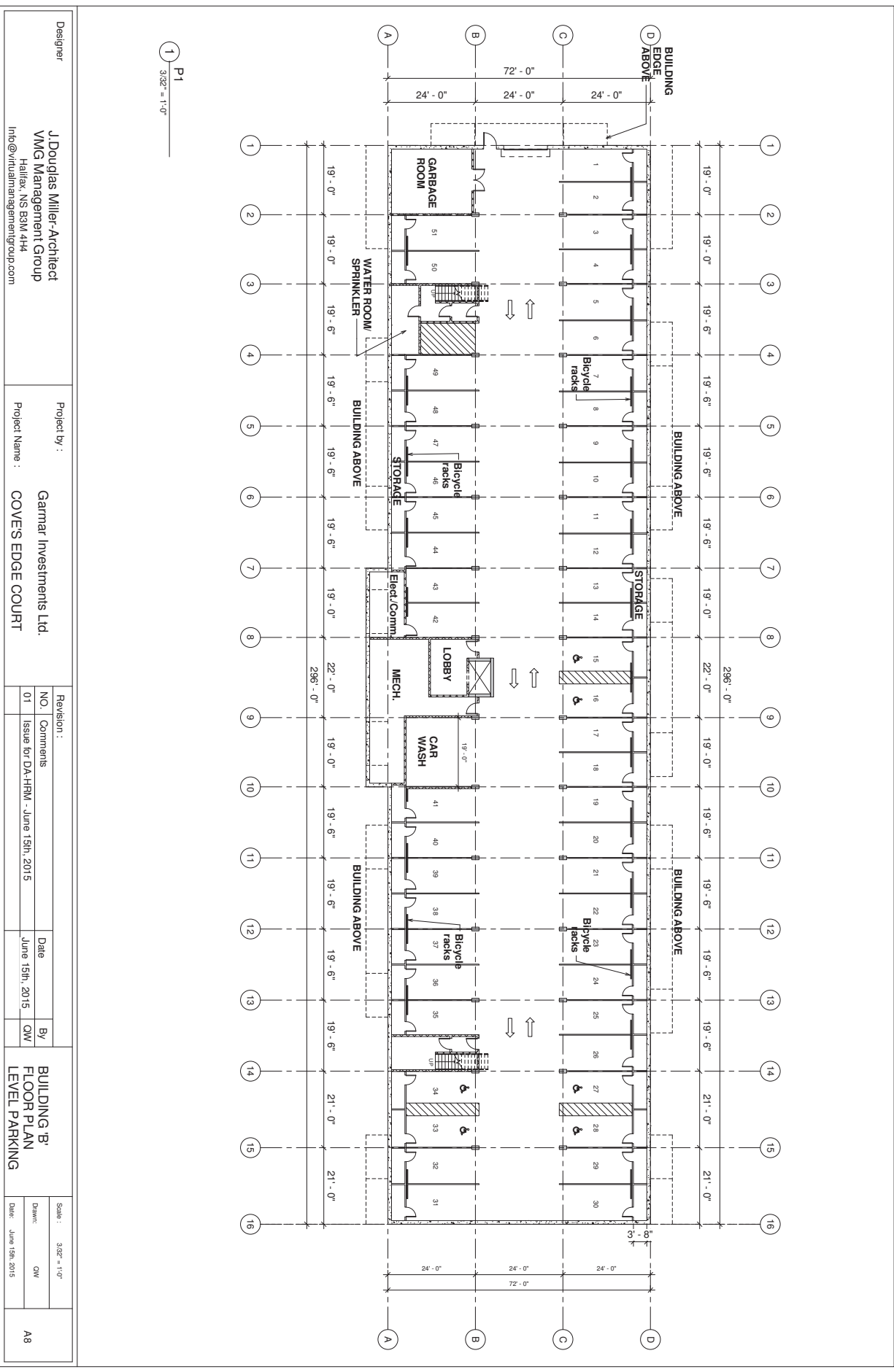
Case 18599- Schedules E-1-Building A Interior Parking Plans

Designer: J Douglas Miller-Architect VMG Management Group Halifax, NS B3M 4H4 info@vmdmmanagementgroup.com		Project by: Garnar Investments Ltd. Project Name: COVERS EDGE COURT	
Revision: NO. Comments 01 Issue for DA-THM - June 15th, 2015		Date: June 15th, 2015 By: CW	
Scale: 3/32" = 1'-0" Drawn: CW		Date: June 15th, 2015	
BUILDING 'A' FLOOR PLAN LEVEL PARKING		A1	

P1
3/32" = 1'-0"



Case 18599 Schedule E2-Building B Interior Parking Plans



P1
3/32" = 1'-0"

Designer:
J. Douglas Miller-Architect
VMG Management Group
Halifax, NS B3M 4H4
Info@virtuallmanagementgroup.com

Project by:
Garmar Investments Ltd.
COVERS EDGE COURT

Revision:

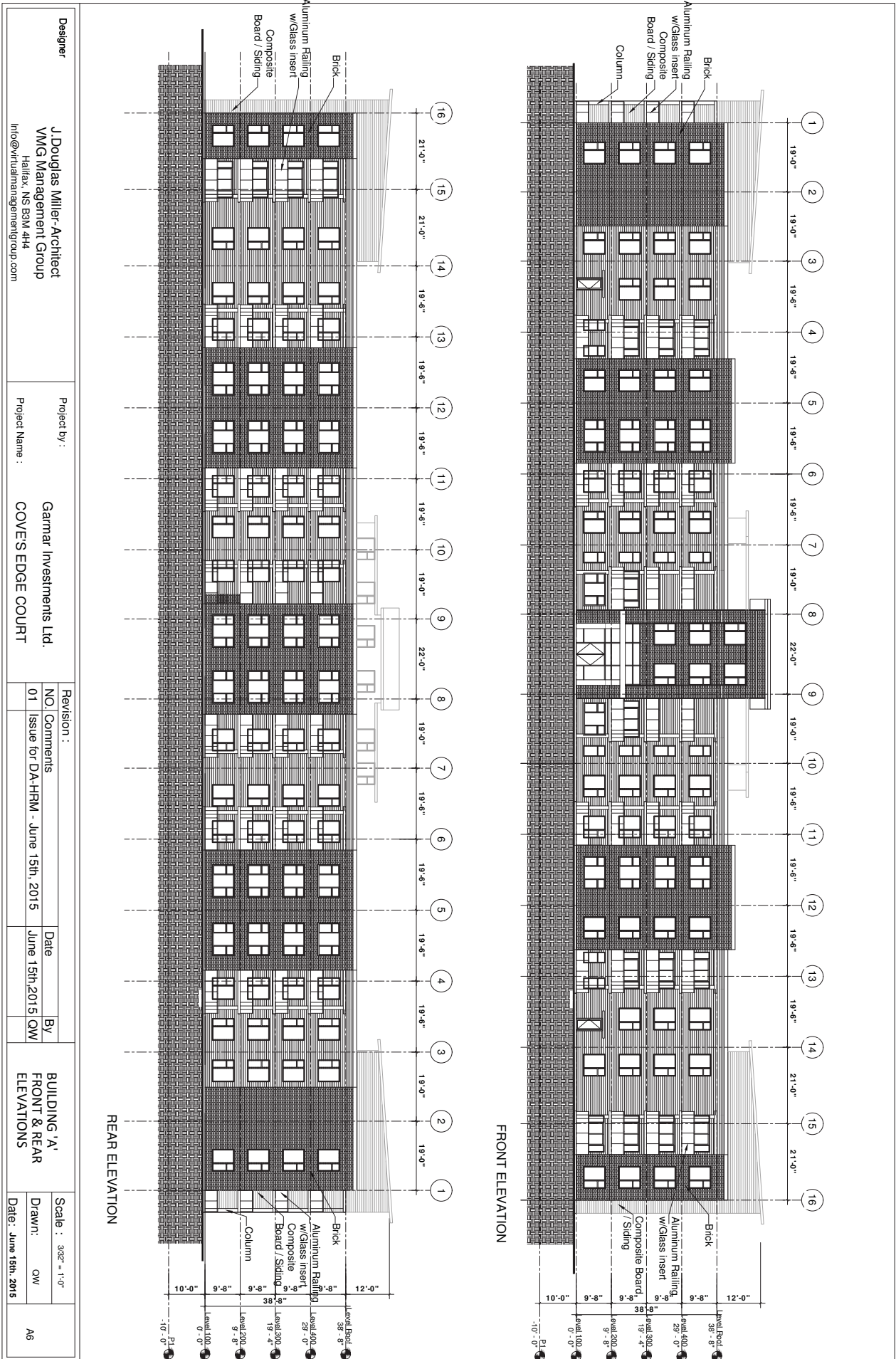
NO.	Comments	Date	By
01	Issue for DA-THM - June 15th, 2015	June 15th, 2015	CW

**BUILDING B'
FLOOR PLAN
LEVEL PARKING**

Scale: 3/32" = 1'-0"
Drawn: CW
Date: June 15th, 2015

A8

Case 18599 - Schedule F-1 Building A Front and Rear Elevation Plans



Designer
 J. Douglas Miller-Architect
 VMG Management Group
 Halifax, NS B3M 4H4
 Info@virtualmanagementsgroup.com

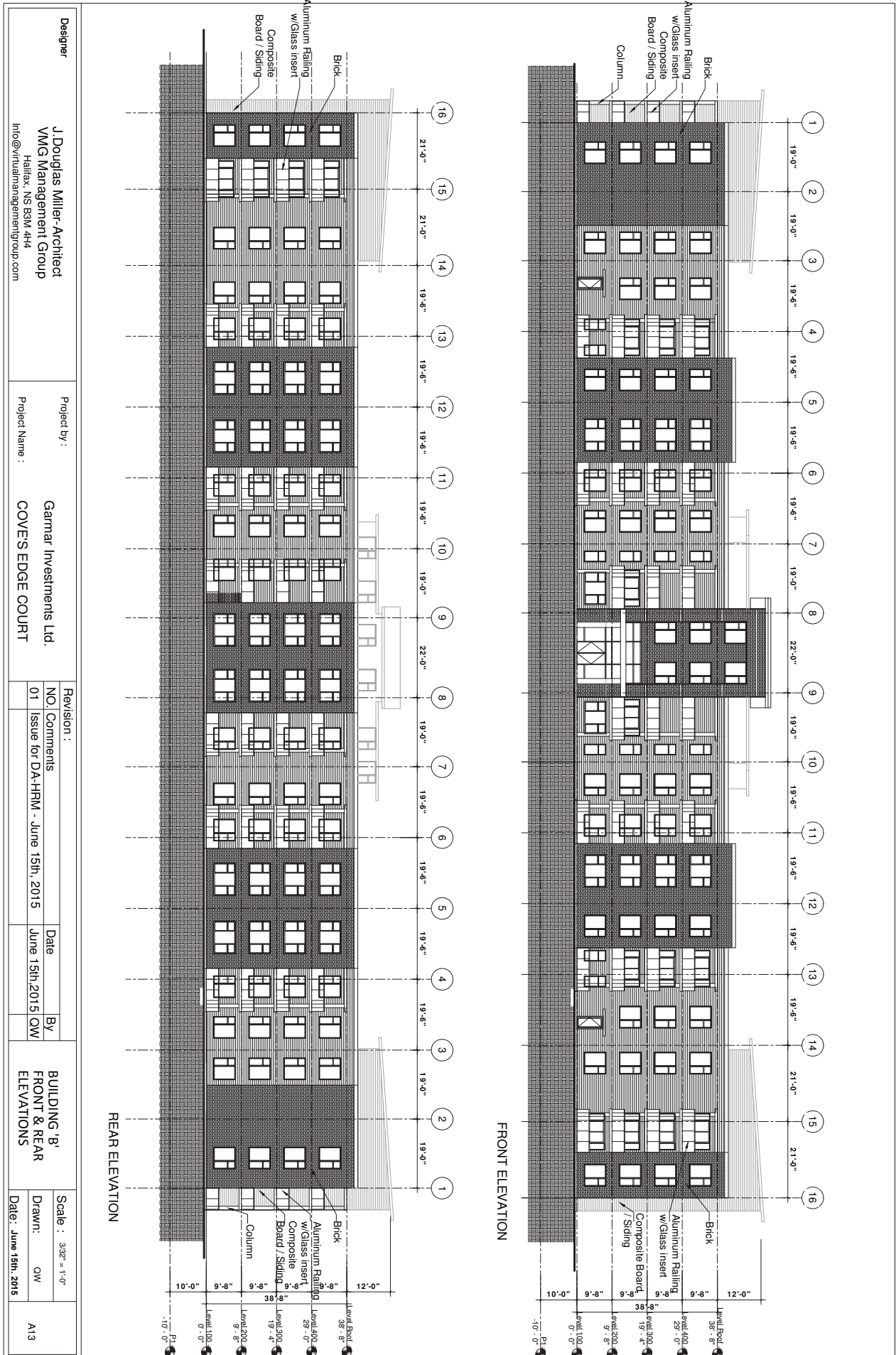
Project by:
 Gammar Investments Ltd.
Project Name:
 COVER'S EDGE COURT

Revision:		Date	By
NO.	Comments		
01	Issue for DA-HRM - June 15th, 2015	June 15th, 2015	QW

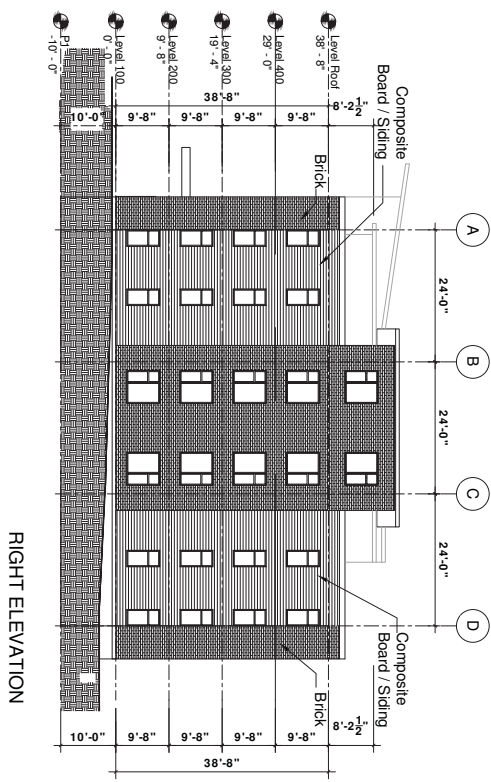
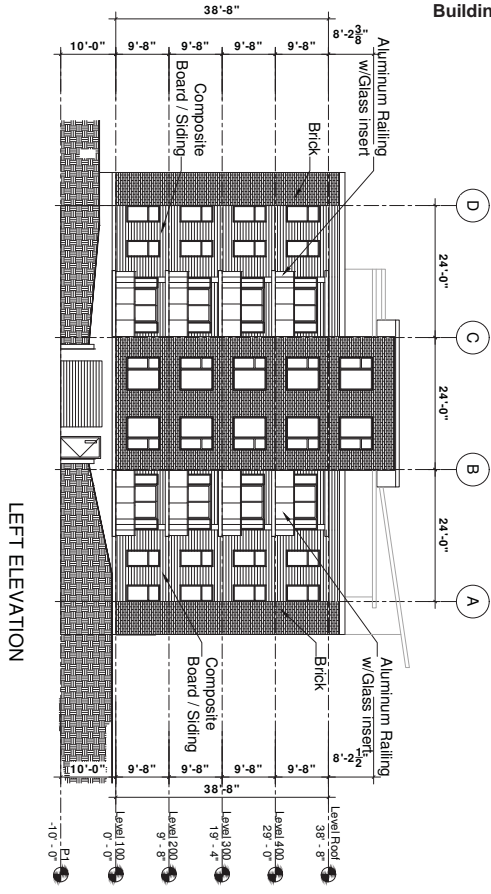
BUILDING 'A'
FRONT & REAR
ELEVATIONS

Scale: 3/32" = 1'-0"
Drawn: QW
Date: June 15th, 2015
A6

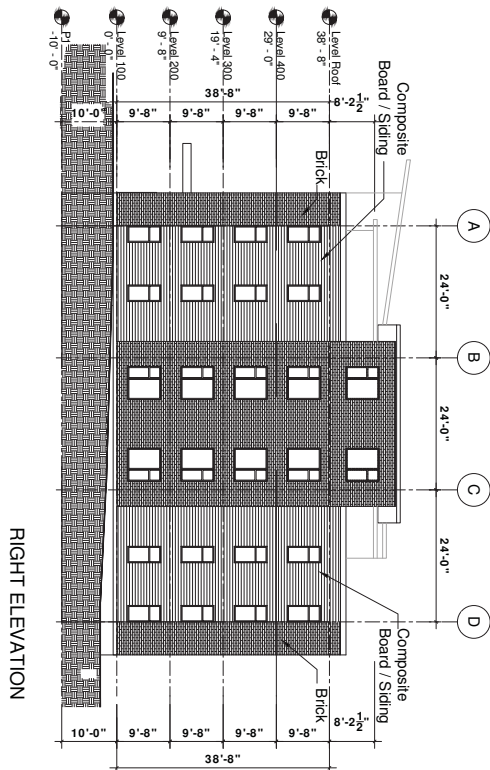
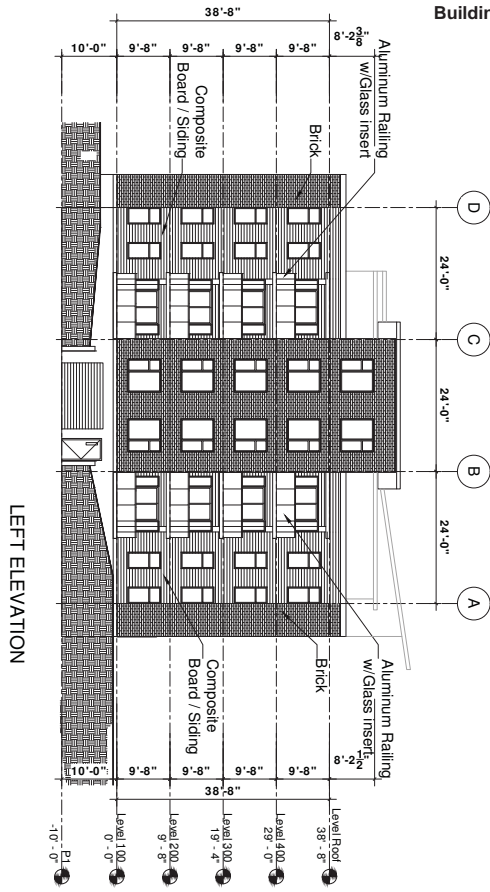
Case 18599- Schedule F-2- Building B Front and Rear Elevation Plans



Designer: J Douglas Miller-Architect VMG Management Group Halifax, NS B3M 4H4 info@vmdmmanagementgroup.com		Project by: Garnar Investments Ltd. COVER'S EDGE COURT	
Revision: NO. Comments 01 Issue for DA-HRM - June 15th, 2015		Date June 15th, 2015 (CW)	
By CW		Scale: 3/32" = 1'-0" Drawn: CW Date: June 15th, 2015	
BUILDING 'B' FRONT & REAR ELEVATIONS		A13	



Designer: J. Douglas Miller - Architect VMG Management Group Halifax, NS B3M 4H4 Info@virtuamanagerengineering.com		Project by : Garmar Investments Ltd. Project Name : COVERS EDGE COURT	
Revision :		Scale : 3/32" = 1'-0"	
NO	Comments	Date	By
01	Issue for DA-HRM - June 15th, 2015	June 15th, 2015	QW
BUILDING 'A' LEFT & RIGHT ELEVATIONS			Drawn: QW Date: June 15th, 2015
			A14



Designer J. Douglas Miller - Architect VMG Management Group Halifax, NS B3M 4H4 Info@virtuamanagerengineering.com		Project by : Garmar Investments Ltd. Project Name : COVERS EDGE COURT	
Revision :		Scale : 3/32" = 1'-0"	
NO	Comments	Date	By
01	Issue for DA-HRM - June 15th, 2015	June 15th, 2015	QW
BUILDING 'B' LEFT & RIGHT ELEVATIONS			Drawn: QW Date: June 15th, 2015
			A14

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 18599**

**7:00 p.m.
Monday, February 17, 2014
Eastern Passage/Cow Bay Fire Hall
1807 Caldwell Road, Eastern Passage**

STAFF IN

ATTENDANCE:

Shayne Vipond, Planner, Planning Applications
Holly Kent, Planning Technician
Jennifer Purdy Planning Controller

ALSO IN

ATTENDANCE:

Councillor Bill Karsten
Gary Edwards, Garmar Investments

PUBLIC IN

ATTENDANCE:

55

The meeting commenced at approximately 7:07p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Shayne Vipond, Senior Planner, Planning Applications, called the meeting to order at approximately 7:07 p.m. in the Eastern Passage / Cow Bay Fire Station, 1807 Caldwell Road, Eastern Passage.

He introduced himself as the planner guiding this application through the process and advised that HRM has received a request to amend the Community Commercial Designation (MPS) and C2 Zone (LUB) for EP/CB to permit multiple unit buildings with more than 12 residential units and with heights in excess of three stories through the development agreement process.

Process and Overview of Application

Mr. Vipond reviewed the application process, noting that the public information meeting is an initial step, whereby HRM identifies to the community early in the process that an application has been received and what policies allows it to be considered. Staff will also identify what the applicant is proposing and give them the opportunity to present their proposal to the community. Staff will seek feedback from citizens and will also undertake a detailed evaluation of the proposal which will be included within a staff report. HRM has no position on the proposal and no decisions have been made to

this point or at this meeting. Following this meeting, there will be a detailed review, where staff will prepare a detailed staff report and bring forward to Regional Council that will be held jointly with Harbour East-Marine Drive Community Council will then decide whether or not to approve these applications.

Presentation on Application, reviewing a slide of the subject area, Mr. Vipond explained that existing policy under the Municipal Planning Strategy limits the viability of multiple unit residential development in Eastern Passage on larger lots and that there is a policy in place that requires staff to retain traditional community character. He explained that within the C-2 zone there is a maximum of 12 units allowed. The Building height maximum is 35 feet (3 stories); the multiple unit dwellings must take direct access from Main Road, Shore Road or Cow Bay Road and added that more than one building is permitted on a lot. He explained that there could be in excess of 12 multi-unit dwellings; however the parcel size should larger, perhaps a minimum of 1 acre in size or greater. The building heights would also be in excess of 3 stories (4 or 5 stories approx.) and each project should undergo review for approval. He added that the objective is also to protect the integrity of the commercial core.

Mr. Gary Edwards, Garmar Investments Ltd., introduced himself and his family as being a family run business and explained that their current zoning allows for 180 Apartment Units (450 persons), 15 – 3 storey buildings, 12 units per building and added that the lot area is 4.8 acres. Reviewing a slide of the site plan, he explained that they are proposing 120 apartment units in two 60 unit buildings each being 5 storeys high. Mr. Edwards explained that there is a lack of accommodations in Eastern Passage for those who want to rent and for those who are looking to downsize, for example, seniors. This will allow them to be able to sell their home and still be able to stay within the community. The buildings will have an elevator; 4 indoor amenity spaces, roof top amenity space, a heated underground parking area, and will be energy efficient. Developing smaller buildings would not allow for these options.

Mr. Edwards explained that they only plan on constructing one building at a time and if there is a need for the second building, then they will construct the other one. In regards to traffic, he explained that by only putting in 2/3 of the units, there will be less of a flow.

Mr. Vipond explained that Mr. Edwards requested that the policy would only apply to these lands. The discussion tonight should be on form and looking at options. The mandate for this meeting is to discuss the changes of building form from what is already permitted to something of a different form, greater units in one building envelope.

Questions and Answers

Ms. Lynne Snow, Mount Edward Road explained that she had previously resided in Eastern Passage prior to recently moving to Dartmouth. She wanted to explain an experience a friend had with her complications of trying to find accommodations within the Eastern Passage area and also added that she now is a home finder and explained that she receives a lot of interest from people who would like to move to this area however, there is nothing available. She explained that there is a great need for this development and thinks that it is a good idea.

Mr. Tom Birchall, Eastern Passage explained that he represents the Halifax County Condominium Corporation and believes that the 1 acre restriction is a good idea but, staff should also look at density as

it applies as opposed to the number of units. He also suggested that a maximum restriction put in place in keeping with the commercial corridor. He asked if this area has the transportation infrastructure to handle this development as well as others; there are significant traffic issues that are starting to show up. He added that Nova Scotia Power had indicated concerns in the past about their ability to be able to provide the appropriate grid into the area over a longer period of time that he doesn't believe were ever addressed. He addressed concern with increasing the density, how will it fit into other infrastructure in the area and gave an example of how it fits into the long term plan of development. He also expressed concern with not having a full policing presence in the area and this development will increase the requirement for that. There are also concerns with High schools and wants to make sure that all of these aspects are reviewed and considered before moving forward with this proposal. He added that he is in favor of the special use of the one-time exemption for only this particular property.

Mr. Dan Henneberry, Eastern Passage expressed concern with the construction and the development itself affecting the quality of his water, as he is on a well system. He would like some mechanism placed within the development agreement to protect water quality.

Mr. Vernon Rankin, Eastern Passage addressed concern that if this development goes forward that it would set precedence for surrounding property owners to go forward with the same proposals and asked if there is something in place to ensure that this does not happen.

Mr. Vipond explained that this amendment would only apply to properties shown at this meeting within the commercial corridor. He added that other proposed projects would also be required to go through the planning process and would deal with traffic, sewage infrastructure impacts etc. He explained that once this application is sent out for a traffic review, if it is found that the laneway is not sufficient to manage the traffic at this location, the application might not be approved.

Mr. Ian Hamilton, Eastern Passage explained that he is a local realtor and is in favor of this proposal and feels that there is a need for this in the area for seniors and the baby boomers who are looking to downsize out of their larger family homes with less maintenance. He added that it is nice to have additional amenities including the elevators. He also added that he is in favor of the MPS Policy permitted these multi-use buildings in access of 12 units on 1 acre plus lots. There are very few opportunities where this could take plus, but enough that it provides the community with these benefits.

Mr. Vipond explained that HRM does not differentiate between whether or not it is a seniors building or an apartment/condo building. HRM staff cannot control the tenure.

Ms. Leslie Anderson, Eastern Passage addressed the following concerns:

- High rise buildings with an ocean view will not be affordable for someone on a fixed income.
- Displace residents who have been in the area for generations
- Fisherman's Cove is protection but, not the houses of the people who built Fisherman's Cove
- Currently a strong community bond that will be no longer be there if an apartment building is built; these residents will be unknown
- Traffic concerns on Main Road
- No existing infrastructure to support this development
- Known sanitary capacity limitations in the area
- Does not want Main Road to turn into Bedford Highway

- Concern with location of the development. The MPS policy is meant for structures to have direct access to Main Road. They will have to build a road there to gain access.
- Explained that if the area is rezoned, a lot of residents will have to move due to raised property taxes.

Ms. Anderson explained that if this proposal goes through, this will be a complete dismantlement of this Community. She added that she understands that there is a need for housing in the area but feels that it can be done in a different way that would not have such a dramatic impact. She asked what the maximum amount of storeys will be and added that nobody wants something too high.

Ms. Elizabeth Kwindt, Cow Bay expressed concern with raising the height limits would affect the character of the community. She also addressed concern with this development catering to a younger age that will create noise and fast cars. She has concern with traffic and access to Main Road as well as building height concerns. She explained that this development will ruin the character.

Mr. Neil Bowlby, Cow Bay explained that he is in favor of this type of project and would be interested in downsizing his living arrangements but, still stay within the community. He explained that there will always be traffic concerns however, explained that there are ideas in place to help with traffic future issues and gave an example of the road through to Baker Drive from behind Shearwater.

Ms. Geri Thompson, Cow Bay explained that she is in favor of the development as she is also looking to downsize and would like to stay within the community. She added that the applicants take good care of their properties and feels that they would also take good care of these apartments as well.

Mr. Dale Wilson, Eastern Passage explained that he is in favor for the development as presented however, expressed concern with infrastructure. There has attended six proposals in the past and receives the same understanding that in order to receive infrastructure there needs to be critical mass. He asked when Eastern Passage will have enough residents that HRM will start considering infrastructure. There is currently a lack of emergency services; policing; sports and recreation; sewage etc. however, when reviewing and possible approving an MPS amendment, none of the issues are raised. He explained that HRM should address this prior to moving forward with the application. He added that Eastern Passage is larger than the town of Truro and also larger than Yarmouth. He also addressed concern that if the MPS amendment goes through, then all new constructions can be done as-of-right as opposed to coming back to the public.

Mr. Vipond explained that each development proposal would have to be evaluated on case by case basis.

Mr. Wilson asked a scenario of a developer purchasing three lots to create the 1 acre needed to build this type of development and suggested that a mechanism be put into place to restrict this from happening. He added that as it stands right now, he is not in favor of the MPS amendment.

Mr. Rick Osborne, Eastern Passage explained that he owns two properties in the area. He explained that he agrees with the development as long as it is away for everyone else who has a property in the area. He does not agree with the 1 acre stipulation and that those with ½ acre should also have this option. He also does not believe that a landowner should be allowed to do this without the permission of other

landowners within the commercial zone. He also addressed concern with property taxes being affected and asked if property taxes will go up if this becomes an as of right development in this area.

Mr. Vipond explained that he is unable to speak to property tax issues. The Planning Department bases their recommendations on land use compatibility; how uses function and relate to adjacent properties.

Mr. Osborne explained that this issue should be considered when forwarding an application like this one. There was some discussion regarding lands to the rear of this property and how it is a split zone. He also addressed concern with the impact this will have on sewage.

Mr. Vipond explained that each development will be evaluated on its own merit and that sewage capacity will be considered and calculated. The right capacity is considered based on as of right potential.

Mr. Osborne explained that these figures should all be presented during these public processes.

Councillor Karsten explained that the particular lands for this proposal most likely have already been assigned sewage through Halifax Water.

Mr. John Bennett, Caldwell Road expressed concern with policing in this area. If the numbers of residents are going to be increasing then the area needs more infrastructure. He explained that there are currently a few new developments already in construction within the area including expansions to two trailer parks. With the increase in people, the roads will not support the traffic. He asked if they will be widening Main Road or what the plan is going to be, as the City has to do something to help this area out. He asked if there will be a traffic light put in or if there are plans for a controlled intersection.

He addressed concern with the amendment covering areas that also include the waterfront area. He asked if the amendment to allow up to 5-storeys will override the by-law that prevents any sort of development within 60 meters of the high-water mark.

Mr. Vipond explained that that would still be buffer requirements as per the Regional Municipal Planning Strategy. At this point in the application, staff is trying to determine if there is a height that would be appropriate. He also explained that there has been a traffic study that has been submitted. This study will have to be reviewed by HRM staff and they may identify that the road may need further requirement and they could even provide analysis that the road cannot handle any additional traffic. He explained that there are a number of outcomes that may come out of the analysis and that this meeting is the initial step of the process.

Mr. Bennett expressed concern with making these changes now will later in the future come back again for a different agreement going beyond these suggested limits. There has to be a stopping point.

Mr. Norman Wibchrat, Shore Drive explained that he has no issues with the development however, suggested that the only way Eastern Passage will grow in a great way is by working together. He explained that there are currently a lot of narrow properties in Eastern Passage leaving a lot of land 'landlocked'. He explained that it would be nice to have access to these lands so that the kids growing up have the ability to buy and own a home in that empty land. He suggested to HRM staff and

Councillors that they look at the overall future of Eastern Passage and put on the record that the traffic is horrendous, and the Mount Hope Avenue / Shearwater connector really needs to be encouraged. More roads need to be added to get in and out of Eastern Passage so that it will be easier and safer for the residents. He also added that he would like this meeting to open up the opportunity to have another meeting to discuss Eastern Passage overall and determine where the downtown is. This will help when looking at the overall development. He added that he disagrees with the 1 acre minimum and that there are criteria's already in place, adding another restriction may hinder a property owner that may just be slightly less than 1 acre. He asked clarification that if the 1 acre stipulation was added, does this mean that a 12 unit could never be placed on a ¾ acre.

Mr. Vipond explained that not necessarily will this be the case and that this discussion is more so for if a property owner wanted to change form, then there should be other additional considerations.

Mr. Wibchratt explained that explained that he would like to see an overall plan to determine what the maximum height for the community is. He added that he believes the height maximum should be 4-5 storeys and anything higher would not fit in with the community.

Ms. Gretchen Birt, Cow Bay Road explained that a lot of her clients have been looking to move within the area however, nothing has been available; therefore she supports development in the community. She expressed concern that within the commercial zone, it is open to businesses and multi-units. She added concern with developers not being able to purchase her property because they are being constrained by the 12-unit as of right clause. She asked if the policy amendments be approved, who can she trust?

Mr. Vipond explained that if this policy is approved, a policy would be created that would be set in the Municipal Planning Strategy that would include a number of evaluation criteria for example traffic, infrastructure, land use compatibility issues etc. He added that it would require a similar process as the current application.

Ms. Birt asked what happens first, the development agreement approval or the Policy Amendment.

Mr. Vipond explained that in this particular case, it is all moving forward concurrently but the policy must be approved first to allow the DA to be considered; staff is currently in the fact finding stage at this time.

Ms. Birt explained that she would like to see the amendment happen. And asked how long the process will be.

Mr. Vipond explained that it will go before Council sometime late fall for a decision.

Mr. Ed Collett explained that he is in favor of the development as it will be good for the seniors and new generations coming to the area. However, added concern regarding water and sewage capacity and suggested that Council and the MLA address these concerns and make sure it can handle the additional people prior to approving more development.

Mr. Brian Birt explained that he supports the development and the amendment and has been frustrated for some time with the limitations. He does not want to give up their as-of-right land and still be limited to 12 units. He doesn't want to see a situation where his as-of-right is traded to have every project looked at independently. He also addressed concern regarding traffic and explained that if increasing density in traffic flow there needs to be two lanes from the sewer plant all the way to Eastern Passage.

Ms. Bernadette Naugle, Mayers Lane explained that she supports the proposal of an apartment building with an elevator as this will be beneficial to her in the future.

Mr. Frank_____

Explained that he owns a few properties along the water in Eastern Passage and thanked the applicants for putting this through a public process, as it was not necessary. He addressed concern with the staff's presentation and that there is a lot of information missing which is unacceptable from a tax payer perspective. He explained that there should be more information such as land size, infrastructure etc., and these items need to be addressed. He also addressed concern with the black and white slides and noted that it is not up to date with today's abilities.

A gentlemen asked what CCM stands for and asked why Normans Lane is zoned half commercial and ½ residential. This doesn't make sense and the whole street should be zone commercial.

Mr. Vipond explained that it is Community Commercial Designation.

Closing Comments

Mr. Vipond thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

Adjournment

The meeting adjourned at approximately 8:35p.m.

Attachment E - Eastern Passage/ Cow Bay MPS
Evaluation of Proposal Against Proposed MPS Policy

COM-12 Excluding lands on the harbour side of Main and Shore Roads and those lands fronting on Government Wharf Road, multiple unit dwellings with more than 12 dwelling units shall be considered within the Community Commercial Designation by development agreement. In considering any such agreement, Council shall have regard to the following:

	Policy Criteria	Comment
(a)	The lot shall have a minimum lot area of 1,858 square metres (20,000 square feet);	Site is in excess of 20,000 square feet.
(b)	The lot shall have frontage on a public street;	The site has frontage on Main Road;
(c)	Access shall be from a public street unless another access is deemed to be acceptable by the Municipal Engineer;	The site has direct access to Main Road;
(d)	Buildings shall be a maximum height of 4 storeys and a penthouse, where a penthouse is comprised of mechanical equipment or amenity areas and occupies a maximum of 30% of a rooftop area;	The proposed buildings are four storeys in height with a penthouse on the fifth floor which is comprised of common internal amenity area (approximately 492 sq. m. (5300 sq. ft.) and space for mechanical equipment.
(e)	Buildings shall have a minimum setback from interior lot lines a distance that is equal to half the height of the building, exclusive of penthouses, with greater setbacks and the use of measures such vegetation, fences, and building massing and design to address impacts on adjacent residential uses;	Setbacks from the buildings to the western interior lot line are a minimum of 6.0 metres (20ft), which is equal to half the height of the building (exclusive of the penthouse). Setbacks along the eastern lot boundary have been enhanced to create areas for parking and to mitigate impacts to existing development. Development is separated and adequately buffered to adjacent lands through fencing and vegetation around the perimeter of the property.
(f)	Buildings shall be of a design that is complementary to the surrounding area;	Site is a flag lot. The design of the proposed buildings are suitable for back land developments and will integrate well into the existing neighbourhood.
(g)	There shall be a mixture of dwelling unit types and sizes;	A range of 1, 2 and 3 bedrooms units are proposed
(h)	There shall be a maximum density of 36 units per acre;	The proposed density is approximately 30 units per acre
(i)	There shall be sufficient parking for residents and other uses and the majority of such parking shall be below-grade;	Of the 187 parking space provided 56% (102 spaces) are proposed to be subsurface. The total number of parking spaces is considered adequate to meet residents` parking needs in a suburban context.
(j)	Areas that are not occupied by buildings or parking shall be comprised of landscaping;	The proposal contains landscaped, green areas around the building perimeter and parking areas.
(k)	There shall be sufficient common landscaped open space and amenity areas;	A pocket park is proposed to service the development. An easement in favour of both buildings (independent of future ownership) is required to enable common access over time.
(l)	Properties that are within the vicinity of the intersection of Main Road, Shore Road, and Cow Bay Road, with sufficient frontage on these roads, shall have buildings with ground floor commercial uses that are consistent with the character of this area, including having buildings situated close to an oriented to these roads, and in such instances consideration shall be given to reducing the setback provisions of (e); and	The site is a flag lot with narrow frontage on Main Road and is set back some 78.9 metres (259 feet) restricting its direct orientation to the street. Therefore ground floor commercial is not considered suitable for this development.

	Policy Criteria	Comment
(m)	Provisions of Policy IM-11 (a), (b) and (d).	See below

IM-11 - In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have appropriate regard to the following matters:

	Policy Criteria	Comment
(a)	that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;	The proposed developed meets the intent of the Eastern Passage/ Cow Bay MPS.
(b)	that the proposal is not premature or inappropriate by reason of:	
	(i) the financial capability of the Municipality to absorb any costs relating to the development;	There would be no costs to HRM.
	(ii) the adequacy of sewer and water services;	No concerns were identified regarding the capacity of sewer or water infrastructure.
	(iii) the adequacy or proximity of school, recreation and other community facilities;	Comments were not provided from HRSB. There are adequate parkland and community facilities within a short distance.
	(iv) the adequacy of road networks leading or adjacent to or within the development; and	There are no concerns relative to traffic generation and the capability of the existing street network to handle this traffic.
	(v) the potential for damage to or destruction of designated historic buildings and sites.	N/A
(c)	that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	
	(i) type of use;	Residential land uses are adequately screened and separated from low density residential uses.
	(ii) height, bulk and lot coverage of any proposed building;	Height is five stories with four stories of living area. The bulk of the proposal is appropriate as buildings are set back from Main Road some 78.9 metres (259 feet). Lot coverage does not exceed 28% percent of the total lot area leaving sufficient additional lands for green space and parking.
	(iii) traffic generation, access to and egress from the site, and parking;	A Traffic Impact Study has been submitted. The proposed driveway access is sufficient to provide adequate access and egress. A total of 187 surface and subsurface parking spaces are provided and are considered sufficient to meet the parking demands for the 120 dwelling units proposed.
	(iv) open storage;	No open storage is proposed
	(v) signs; and	Entry signage is provided and meets the LUB standards therefore conflicts are not anticipated.
	(vi) any other relevant matter of planning concern.	N/A

	Policy Criteria	Comment
(d)	that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and	The site is relatively flat with a slight grade. There are no identified watercourses on the site.
(e)	any other relevant matter of planning concern.	N/A
(f)	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 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)	N/A