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Item No. 10.1.2
Harbour East – Marine Drive Community Council
July 5, 2018 First Reading
September 6, 2018 Public Hearing

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

SUBMITTED BY: Original Signed

Kelly Denty, Director, Planning and Development
Original Sigend

Jacques Dubé, Chief Administrative Officer

DATE: June 20, 2018

SUBJECT: **Case 20269: Development Agreement – 307 Prince Albert Road and 5
Glenwood Avenue, Dartmouth**

SUPPLEMENTARY REPORT

ORIGIN

- Application by Monaco Investments Partnership to enable the development of an 8-storey multi-unit residential building containing ground floor commercial uses.
- April 5, 2018 motion of Harbour East – Marine Drive Community Council which was put and passed:

That Harbour East -Marine Drive Community Council:

1. *Adopt the amendments to Schedule A of the Dartmouth Land Use By-law, as set out in Attachment A of the staff report dated September 29, 2017;*
2. *Reject the draft development agreement as outlined in Attachment B of the staff report dated September 29, 2017; and*
3. *Request that staff return to Harbour East – Marine Drive Community Council with a revised development agreement based on the updated applicant proposal outlined in the supplementary information report dated March 6, 2018.*

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

1. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment A of this report, to allow for an 8-storey multi-unit residential building containing ground floor commercial uses, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially in the same form as set out in Attachment A of this report; and
3. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Monaco Investments Partnership has applied for development of an 8-storey multi-unit residential building with ground floor commercial uses on a site at the intersection of Prince Albert Road and Glenwood Avenue, Dartmouth (Map 1). To achieve this development, the applicant is required to enter into a development agreement with the Municipality.

Subject Site	307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth
Location	Southeast corner of the Prince Albert Road and Glenwood Avenue intersection
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Commercial (C) for the northern portion of 307 Prince Albert Road and Residential (R) for the balance of 307 Prince Albert Road and 5 Glenwood Avenue under the Dartmouth Municipal Planning Strategy (MPS)
Zoning (Map 2)	307 Prince Albert Road is zoned GC (General Commercial) and 5 Glenwood Avenue is zoned R-4 (Multiple Family Residential – High Density) under the Dartmouth Land Use By-law (LUB)
Size of Site	Approximately 2,388 square metres (25,705 square feet)
Street Frontage	Approximately 32 metres (105 feet) of frontage along Prince Albert Road and approximately 77 metres (253 feet) of frontage along Glenwood Avenue.
Site Conditions	There are two existing buildings on the site – a funeral home and a two-unit dwelling
Current Land Use(s)	307 Prince Albert Road is currently occupied by a funeral home, while 5 Glenwood Avenue is occupied as a two-unit residential building
Surrounding Use(s)	The surrounding area is comprised of commercial, residential, and open space uses including: <ul style="list-style-type: none"> • a car repair garage and an auto parts dealership; • a supermarket; • a hotel; • a combination of a retail fuel outlet, convenience store, and two restaurants; • low-density residential house forms; • multi-unit residential buildings; and • Kiwanis Grahams Grove Park and Lake Banook Regional Park.

Proposal

The applicant proposes to remove the existing buildings on the subject site and construct an 8-storey multi-unit residential building containing ground floor commercial uses. Further detailed elements of the proposal are as follows:

- A maximum of 90 dwelling units;
- A minimum of 33% of the dwelling units shall consist of 2 or more bedrooms;
- Up to 605 square metres of the ground floor level of the building may be occupied by commercial uses permitted under the GC (General Commercial) Zone;
- Vehicular parking will be internal to the building and will contain a minimum of one parking space per dwelling unit; and
- 16 parking spaces will be reserved for the commercial uses.

Recent Application History

On December 7, 2017, Harbour East – Marine Drive Community Council held a public hearing on a proposal for the following:

- 1) to rezone 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial);
- 2) to rezone 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density); and
- 3) to enter into a development agreement with the Municipality to allow for a 9-storey multi-unit residential building with ground floor commercial uses on the subject lands.

Public interest and input generated at the meeting was extensive and largely in opposition to the proposal. After allowing all interested parties to speak, the public hearing was closed.

The motion for Community Council's consideration after the closure of the hearing was:

Moved by Councillor Austin, seconded by Councillor Mancini

THAT Harbour East – Marine Drive Community Council adopt the amendment to Schedule A of the Dartmouth Land Use By-law, as set out in Attachment A of the staff report dated September 29, 2017.

Community Council chose to exercise its right to defer a final decision on the motion above and the following motion was adopted instead:

Moved by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council defer consideration of this matter pending a supplementary staff report discussing a six (6) storey proposal with an appropriate transition to surrounding low-rise neighbourhood.

That motion provided direction for staff to engage the applicant to determine their preferred approach. Following a period of discussion, the applicant indicated they were agreeable to an amended proposal as follows:

- Reduce the number of storeys from nine to eight;
- Proceed immediately with the proposed rezoning based on the December 7, 2017 public hearing in advance of approval of the development agreement; and
- Proceed with the approval process for the development agreement at a later date based on the revised building design (would require a new public hearing).

On April 5, 2018, Community Council approved both rezonings, but rejected the development agreement for the 9-storey building. In its decision to reject the development agreement, Council cited the incompatibility of a 9-storey building with existing neighbourhood uses.

Enabling Policy

Policy IP-5 of the Dartmouth MPS requires that all proposals for multi-unit residential developments within the R-3, R-4, C-2, MF-1 and GC Zones be considered through the development agreement process.

COMMUNITY ENGAGEMENT

The community engagement process for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of 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 (Map 2), and a public information meeting held on January 21, 2016 (10-storey proposal). Attachment B contains a copy of the minutes from the meeting. A public hearing held on December 7, 2017, by Harbour East – Marine Drive Community Council for a 9-storey proposal also yielded additional comments. Attachment C contains a copy of the minutes from the public hearing.

A public information meeting specific to the revised development agreement proposal (8-storey building) was deemed unnecessary due to the level of comments received during the January 21, 2016 public information meeting and the December 7, 2017 public hearing. The revised proposal is almost identical to the one that was before Council on December 7, 2017, except for the loss of one storey.

The public comments received during the previous public information meeting and the previous public hearing can be grouped under the following topics:

- Compatibility with surrounding neighbourhood;
- Commercial development along Glenwood Avenue;
- Potential impacts on Lake Banook's paddling course;
- Traffic issues;
- Safety of intersection;
- Parking;
- Lack of sidewalks along Glenwood Avenue; and
- Privacy concerns.

A public hearing must be held by Harbour East – Marine Drive Community Council before they can consider approval of the revised development agreement. Should Harbour East – Marine Drive Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The development agreement proposal will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and businesses.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that the proposed development is reasonably consistent with the intent of the MPS. Attachment D provides an evaluation of the proposed development agreement in relation to the relevant MPS policies. During the public information meeting held on January 21, 2016 (10-storey building proposal) and the public hearing held on December 7, 2017 (9-storey building proposal), several concerns were raised by area residents (see Community Engagement section above). These concerns were assessed against the relevant MPS policies and are discussed below.

Compatibility with Surrounding Neighbourhood

Land Use

The proposal is for an 8-storey residential building with ground floor commercial uses on the portion of the ground floor closest to Prince Albert Road. In terms of land uses, the proposal is compatible with other surrounding uses. A good portion of adjacent lands fronting on Prince Albert Road are presently zoned C-2 (General Business). Current businesses on these lands include a Sobeys Fast Fuels gas station, a Needs Convenience store, a Robins Donuts, a Captain Submarine, a car repair garage (Yuille Auto Works), a NAPA Auto Parts store, and an Atlantic Superstore. In addition, there is an established hotel (Hearthstone Inn) located just to the east of the subject site on Lawrence Street.

The residential nature of the rest of the proposed building is also in keeping, from a land use perspective, with multi-unit residential buildings located on Lawrence Street, as well as the Banook Shores development located at 271-275 Prince Albert Road (two blocks to the west of the site). Multi-unit residential developments are also compatible from a use perspective with low-density residential, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street, as is the case with this portion of Prince Albert Road.

Height, Massing, and Scale

In terms of height (8 storeys; 27 metres), the proposed building would be the tallest in the general area when compared to what currently exists. The next highest building in the area would be the Banook Shores development at 5 storeys (approximately 15.5 metres at its highest point). In an earlier staff report to Community Council (report dated September 29, 2017), staff advised that a 9-storey building was at the upper range of what is acceptable, in terms of compatible building height for this location. The original design for a 10-storey building, which went to a public information meeting in January of 2016, was stated as being incompatible by staff.

Staff advises that the impact of the proposed building on adjacent uses and the existing development form in the area, from a scale standpoint, will be minimized by how the building height and massing is distributed on the site. This distribution can be summarized in four points:

1. The building will transition down in height towards #7 Glenwood Avenue from 8 to 7 storeys and then to 4 storeys;
2. A change in grade and an approximate 6-metre landscaped buffer between the proposed mixed-use building and #7 Glenwood Avenue will provide a further transition. This design intervention will tend to diminish the appearance of the four-storey portion of the new building, making it look as if it is only 3 to 3.5 storeys in height where it abuts the two-storey house located at #7 Glenwood Avenue;
3. The proposed building will have two stepbacks in its massing along Glenwood Avenue (above the ground floor and above the 6th storey), which will help minimize the impact of the overall bulk of the building along this street; and
4. The 8th storey penthouse will be located exclusively on the commercially-zoned portion of the site and will cover no more than 30% of the roof area.

Density

The building is proposed to contain up to 90 dwelling units, which would result in a maximum density of approximately 152 units per acre (377 units per hectare). This proposed density is much higher than the existing density along Glenwood Avenue, which has been estimated to be between 5-10 units per acre based on an average lot size of 8,000 square feet and the R-2 (Two Family Residential) zoning assigned to these lands. The proposed density is also much higher than the densities of multi-unit residential buildings in the nearby area such as Banook Shores [30 units per acre; (73 units per hectare)], 8 Lawrence Street [65 units per acre; (161 units per hectare)], and 9 Lawrence Street [105 units per acre; (260 units per hectare)]. However, higher densities are acceptable on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street, as in the case with this portion of Prince Albert Road. Moreover, the density that is being proposed for the subject site is not dissimilar to

other densities that have been approved elsewhere in the Municipality¹, in recent years, under comparable transitioning contexts.

Commercial Development along Glenwood Avenue

The ground floor commercial uses that are being proposed as part of this application are to occur entirely on the lot identified by civic number 307 Prince Albert Road, which is zoned GC (General Commercial). The GC Zone allows for a wide variety of commercial uses as-of-right. Therefore, the entering into a development agreement would not increase the commercial development potential of the lot beyond what is already allowed within the existing zone.

Potential Impacts on Lake Banook's Paddling Course

The subject site falls just outside of the "Lake Banook Canoe Course Area" (Map 9s of the Dartmouth MPS), which places a 35-foot height restriction on new construction adjacent to Lake Banook to protect the paddling course from adverse wind conditions. Some residents have indicated concern that the proposed development agreement allows for a height of 27 metres on the subject site, which is approximately 16.3 metres higher than what would be allowed under the height restriction applied to neighbouring properties. However, HRM and the community have already determined the limits of potential wind impacts and established restrictions accordingly. It is also important to note that a minimum distance of 135 metres separates the subject site from the lake boundary.

Traffic Issues and Safety of Intersection

A Traffic Impact Analysis was prepared by WSP Canada Inc. and submitted as part of the application. It concluded that the site generated trips from the proposed development are not expected to have any significant impact on the performance of Prince Albert Road, Glenwood Avenue, or the regional road network. HRM Traffic Management staff have reviewed the analysis and accepted its findings. Traffic Management staff have also reviewed vehicle collision data from Halifax Regional Police over a three-year period (2014-2017) and advise that there are no inherent safety issues with the intersection of Prince Albert Road and Glenwood Avenue. It was concluded that upgrades to the existing stop-controlled intersection are not warranted.

Parking

The applicant is proposing one parking space per dwelling unit. A 1:1 ratio of parking space to residential unit is higher than what is being provided in the vast majority of urban projects on transit routes and is more than sufficient to meet the parking needs of the residential component. Additionally, 16 spaces will be reserved for the ground floor commercial uses.

Sidewalks on Glenwood Avenue

There is a near complete absence of sidewalks along Glenwood Avenue, except for a small portion of sidewalk fronting the subject site. If approved, the development agreement will require an extension of the existing sidewalk along the Glenwood Avenue frontage to the interior property line shared between the subject site and civic number 7 Glenwood Avenue. This would help ensure the safety of pedestrians as they navigate around the site.

Privacy Concerns

Privacy concerns have been raised with this project and staff advise that #7 Glenwood Avenue stands to be the most impacted in this regard. However, the transitioning down in height of the proposed building to #7 Glenwood Avenue, a change in grade, and the proposed landscaped buffer will all help in mitigating these concerns.

Conclusion

¹ E.g. St. Joseph Square on Gottingen Street which has a built density of 129 units per acre (319 units per hectare).

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Dartmouth MPS. It is therefore recommended that the proposed development agreement be approved.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2018-19 C310 Urban and Rural Planning Applications budget and with existing resources.

RISK CONSIDERATION

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Harbour East – Marine Drive Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report. A decision of Council to approve this development agreement is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East – Marine Drive Community Council may choose to refuse the proposed development agreement, and, in doing so, must provide reasons why the proposed development agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

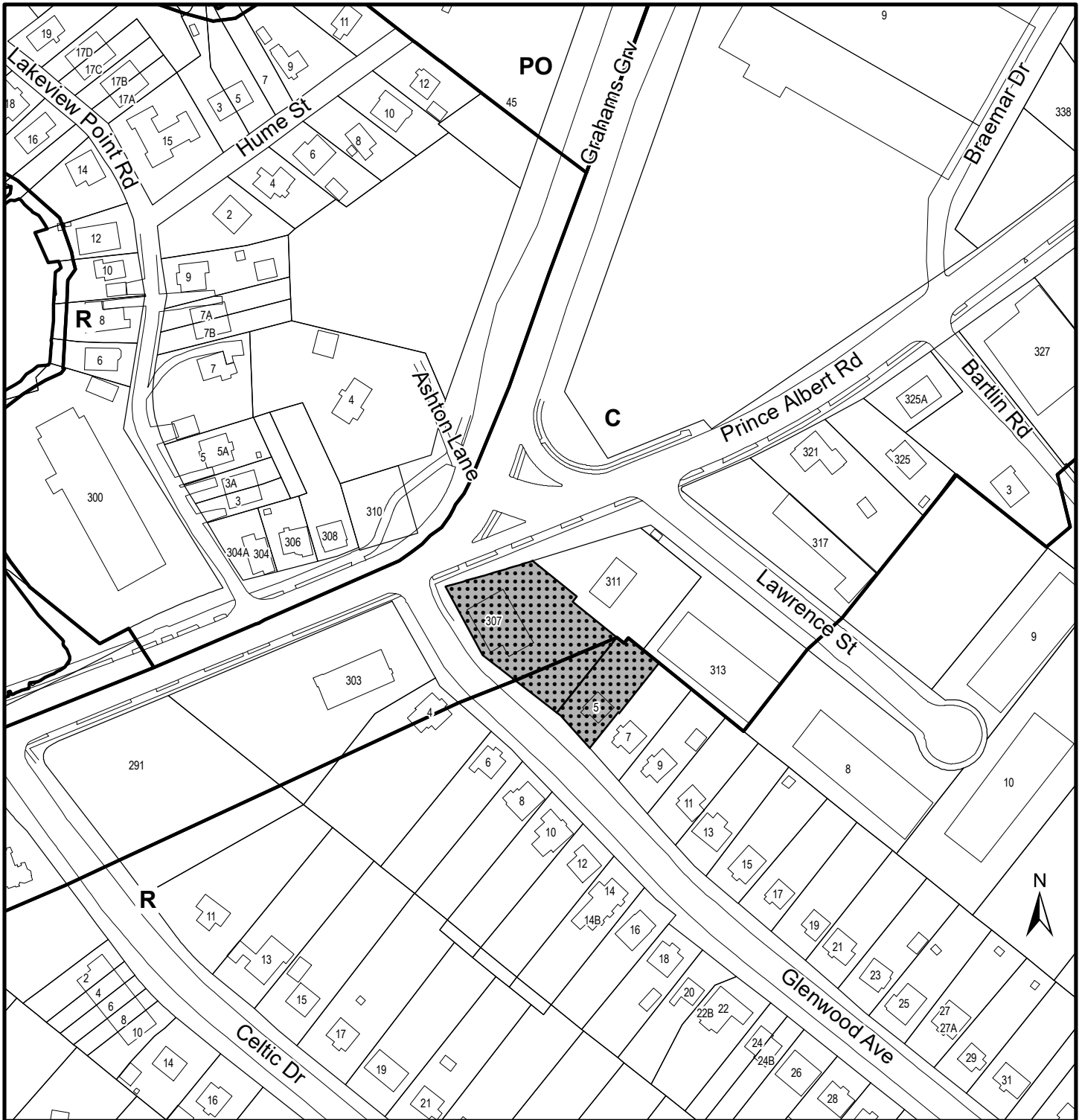
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification Area
Attachment A	Proposed Development Agreement
Attachment B	Public Information Meeting (PIM) Summary – January 21, 2016
Attachment C	Public Hearing (PH) Minutes Case 20269 – December 7, 2017
Attachment D	Review of Relevant Municipal Planning Strategy Policies

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

Report Prepared by: Luc Ouellet, LPP, Planner III, 902.490.3689

Original Signed

Report Approved by: Steven Higgins, Manager of Current Planning, 902.490.4382




Map 1 - Generalized Future Land Use

307 Prince Albert Road & 5 Glenwood Avenue,
Dartmouth

HALIFAX



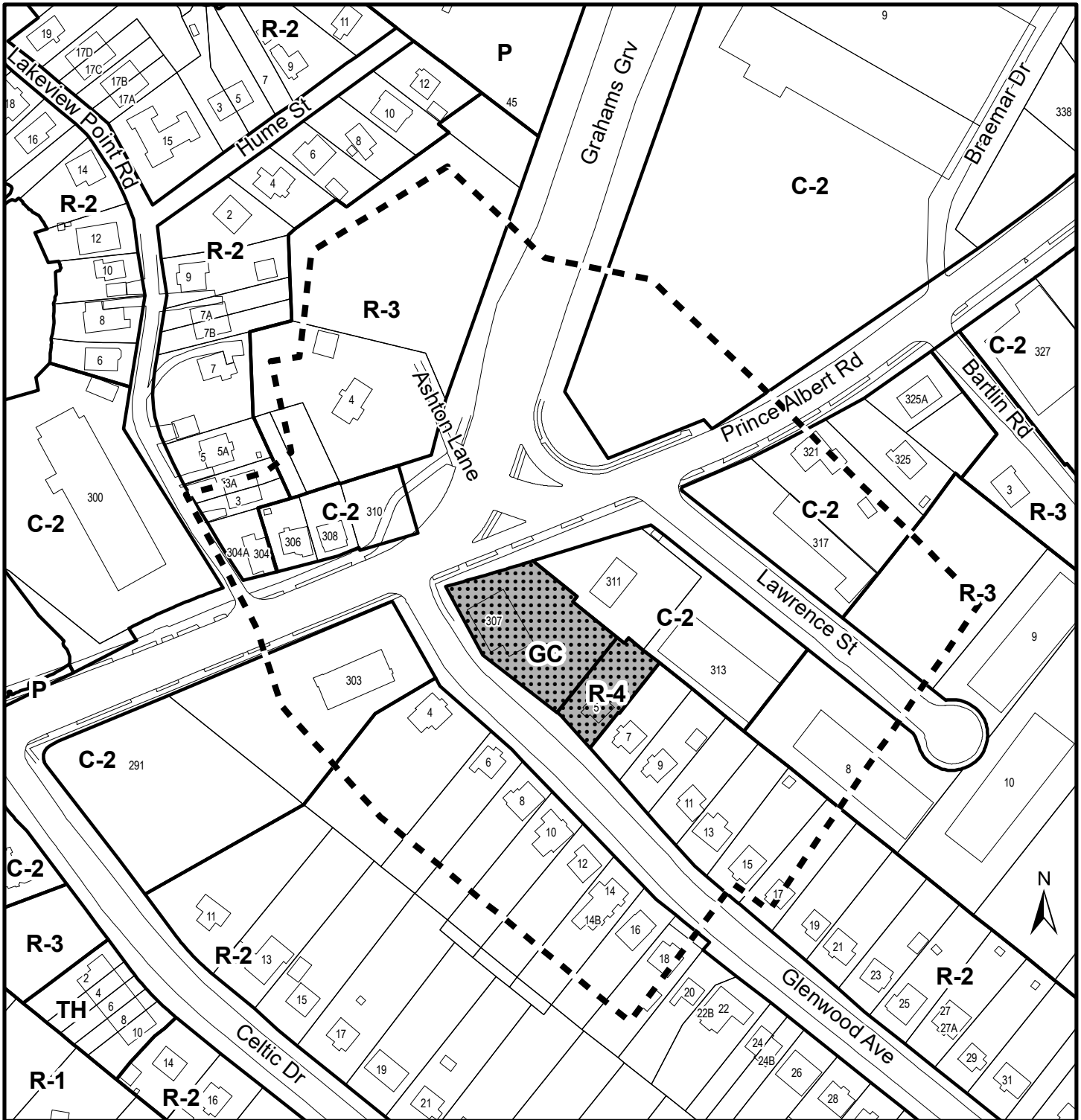
 Area of Proposed Development Agreement

Designation

- R Residential
- C Commercial
- PO Park & Open Space

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

307 Prince Albert Road & 5 Glenwood Avenue,
Dartmouth

HALIFAX

 Area of Proposed Development Agreement

 Area of Notification

Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- R-4 Multiple Family Residential (High Density)
- TH Town Housing
- C-2 General Business
- GC General Commercial
- P Park



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

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

Dartmouth Plan Area

4 May 2018

Case 20269 T:\work\planning\Casemaps\DART\20269\New maps for DA May 4 2018\ (HK)

Attachment A – Proposed Development Agreement

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

BETWEEN:

[INSERT PROPERTY OWNER]

individuals, in the Halifax Regional Municipality,
in the Province of Nova Scotia
(hereinafter collectively 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 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth, 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 the construction of an eight (8) storey multi-unit residential development with ground floor commercial uses and parking internal to the building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy IP-5 of the Dartmouth Municipal Planning Strategy and Section 18B of the Dartmouth Land Use By-law;

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 20269;

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

Attachment A – Proposed Development Agreement

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

Except as otherwise provided for herein, the development, subdivision and use of the Lands shall comply with the requirements of the Land Use By-law for Dartmouth 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 or 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.

Attachment A – Proposed Development Agreement

1.5 Costs, Expenses, Liabilities and Obligations

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

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

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

2.2 Definitions Specific to this Agreement

The following words used in this Agreement shall be defined as follows:

- (a) *landscape architect* means a professional full member in good standing with the Atlantic Provinces Association of Landscape Architects; and
- (b) *indoor amenity space* means common amenity areas located within a multi-unit residential building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

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 with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 20269:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Preliminary Landscape Plan
Schedule D	South Elevation
Schedule E	West Elevation

Attachment A – Proposed Development Agreement

Schedule F North Elevation
Schedule G East Elevation

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of a Development Permit the Developer shall submit to the Development Officer a Plan of Subdivision for the consolidation of the parcels making up the Lands. A Development Permit shall not be issued until the Plan of Subdivision has received approval from the Development Officer and has been registered at the Registry of Deeds or Land Registry Office for the County of Halifax, Nova Scotia and the Developer shall incur all costs in recording such document.
- 3.2.2 Prior to the issuance of a Development Permit the Developer shall provide the following to the Development Officer:
- (a) Written confirmation and photographic evidence demonstrating the existing buildings/structures on the Lands have been removed;
 - (b) A Wastewater Capacity Analysis acceptable to Halifax Water;
 - (c) A detailed Erosion and Sedimentation Control Plan in accordance with Section 5.1 of this Agreement;
 - (d) A detailed Grading Plan in accordance with Section 5.1 of this Agreement; and
 - (e) A detailed Landscape Plan in accordance with Section 3.10 and Schedule C of this Agreement.
- 3.2.3 Prior to the issuance of the first Occupancy Permit, the Developer shall provide the following to the Development Officer:
- (a) Certification from a landscape architect indicating that the Developer has complied with the detailed Landscape Plan required pursuant to Section 3.10.11 of this Agreement, or the posting of Security in accordance with Section 3.10.12; and,
 - (b) Written confirmation from the HRM Development Engineer indicating compliance with Section 4.2 of this Agreement.
- 3.2.4 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.

Attachment A – Proposed Development Agreement

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) a single, eight (8) storey multi-unit residential building with parking internal to the building; and
- (b) uses accessory to any of the foregoing uses.

3.3.2 Notwithstanding Section 3.3.1, commercial uses permitted under the C-2 (General Business) Zone may occupy up to 605 square metres of the ground floor level of the building.

3.4 Detailed Provisions for Land Use

3.4.1 The proposed development shall comply with the following requirements:

- (a) The building shall contain a maximum of ninety (90) dwelling units;
- (b) A minimum of 33% of the residential dwelling units shall consist of 2 or more bedrooms; and
- (c) Accessory uses may be permitted subject to R-4 (Multiple Family Residential) Zone requirements.

3.4.2 The proposed development shall be exempted from meeting the detailed requirements of the R-4 (Multiple Family Residential) Zone of the Land Use By-law. Instead, the Schedules and written provisions of this Agreement shall apply.

3.4.3 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the minimum front, side, and rear yards illustrated on Schedule B.

3.5 Building Siting, Massing and Scale

The building to be constructed on the Lands shall comply with the following siting, massing and scale requirements:

- (a) The underground parking garage/podium shall be allowed to occupy 100% of the lot;
- (b) The building, above the underground parking garage/podium, shall be located on the Lands as shown on Schedule B;
- (c) The massing of the building shall be as shown on Schedule B and Schedules D to G, inclusive; and,
- (d) The maximum height of the building shall not exceed 27 metres above the mean grade of the finished ground adjoining the building.

Attachment A – Proposed Development Agreement

3.6 Architectural Requirements

- 3.6.1 The proposed building's exterior design and materials shall be as shown on Schedules D to G.
- 3.6.2 The Development Officer may permit the balconies, shown on Schedules D to G, to be decreased in number or size, or relocated.
- 3.6.3 The Development Officer may permit alteration to exterior cladding materials, shown on Schedules D to G, provided that doing so does not affect the external appearance of the building.
- 3.6.4 Notwithstanding Section 3.6.3, the following external cladding materials shall be prohibited:
 - (a) vinyl, except for vinyl windows;
 - (b) plastic, except for architectural laminate panels;
 - (c) bare or painted plywood;
 - (d) standard concrete blocks, however architectural concrete products are permitted;
 - (e) exterior insulation and finish systems where stucco is applied to rigid insulation as a primary weather protection for the building envelope;
 - (f) mirrored glass in spandrel panels or vision glass panels; and
 - (g) darkly tinted glass, excepting spandrel glass panels.

3.7 Functional Elements

- 3.7.1 All vents, down spouts, flashing, electrical conduits, meters, 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.
- 3.7.2 The building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) and utilitarian features such as propane tanks, electrical transformers, and standby power generators are not visible from Prince Albert Road or Glenwood Avenue. Furthermore, no mechanical equipment, propane tanks, electrical transformers, and standby power generators shall be located between the building and abutting properties unless screened by a combination of opaque fencing, masonry walls, or building with suitable landscaping and noise reduction measures are implemented.
- 3.7.3 Mechanical equipment shall be permitted on the roof provided the equipment is integrated into the roof design or screened from public view.
- 3.7.4 Fixed or retractable awnings are permitted at ground floor level, provided the awnings and canopies are designed as an integral part of the building façade.

Attachment A – Proposed Development Agreement

3.7.5 Notwithstanding Sections 3.7.1 and 3.7.2, heat pumps shall be permitted for individual dwelling units and may be located on balconies.

3.8 Access, Circulation and Parking

3.8.1 The driveway access layout and entrance to the parking levels internal to the building on the Lands shall be as generally illustrated on Schedule B.

3.8.2 The driveway access on the Lands shall have a hard-finished surface such as asphalt, concrete, or interlocking precast concrete paver stones.

3.8.3 The limits of the driveway access shall be delineated by curbing, and such curbing shall not be asphalt.

3.8.4 Vehicular parking shall be provided via internal parking levels and the following minimum number of parking spaces shall be provided:

- (a) one parking space per dwelling unit; and
- (b) sixteen parking spaces for commercial uses provided under Section 3.3.2.

3.8.5 Signage shall be provided to differentiate between commercial and residential parking spaces.

3.8.6 All parking spaces contained within the internal parking levels of the building shall comply with the size requirements of the Land Use By-law.

3.8.7 The development on the Lands shall include designated bicycle parking as per the requirements of the Land Use By-law.

3.9 Outdoor Lighting

3.9.1 Outdoor lighting shall be directed to driveways, parking areas, loading areas, building entrances, walkways and balconies, and shall be arranged so as to direct the light away from streets and adjacent lots and buildings.

3.9.2 The building may be illuminated for visual effect, provided such illumination is directed away from streets and adjacent lots and buildings, and does not flash, move or vary in intensity, such that it creates a hazard to public safety.

3.10 Landscaping

3.10.1 Prior to the issuance of a Development Permit, the Developer shall provide the Development Officer with a detailed Landscape Plan, which complies with the provisions

Attachment A – Proposed Development Agreement

of Section 3.10 and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule C. The Landscape Plan shall be prepared by a landscape architect.

- 3.10.2 Planting details for at grade and on slab planting situations for each type of plant material proposed on the detailed Landscape Plan shall be provided, including a species list with quantities, size of material, and common and botanical names (species and variety).
- 3.10.3 The minimum acceptable sizes for plant material shall be as follows:
- (a) High branching deciduous trees at grade – 60 mm caliper;
 - (b) High branching deciduous trees on slab – 45 mm caliper;
 - (c) Coniferous trees – 1.5 m in height; and,
 - (d) Shrubs – 0.6 m in height or spread.
- 3.10.4 All plant material shall conform to the Canadian Nursery Trades Association’s Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.10.5 All retaining wall systems are to be identified including the height and type of fencing proposed in conjunction with it. A construction detail of any fence and wall combination shall be provided and certified by a Professional Engineer.
- 3.10.6 All proposed retaining walls shall be constructed of a decorative precast concrete or stone retaining wall system or equivalent.
- 3.10.7 Construction Details or Manufacturer’s Specifications (including model and colour) for all constructed landscaping features such as tree protection hoarding, benches, light standards and luminaries, trash receptacles, bike racks, tree grates and guards, planter seating walls, wood arbours, pergolas, patio tables and chairs, outdoor garbage enclosures, railings, and fencing shall be provided to the Development Officer with the application of the Development Permit, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of the building on the Lands and the character of the surrounding area.
- 3.10.8 No HRM street trees are to be removed or damaged during the construction phase. The detailed Landscape Plan shall identify plywood tree protective hoarding located as close to the dripline of the existing street trees as possible to protect them during the construction phase.
- 3.10.9 The large blank podium wall identified as Masonry Type 2 and Ceramic or Metal Panel Type 1 on Schedule G shall be tempered by the introduction of trees, shrubs, vines, textural plantings, trellises, or a combination thereof.

Attachment A – Proposed Development Agreement

- 3.10.10 Planting on rooftops above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. Approximately 50 percent of the plant material shall be evergreen or material with winter colour and form. It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping, as well as the anticipated mature weight of the plant material on any rooftop or podium.
- 3.10.11 Prior to issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a landscape architect certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.10.12 Notwithstanding Section 3.10.11, where the weather and time of year do not allow for the completion of the outstanding landscape works prior to the issuance of the first 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 landscape architect. 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 landscaping work as described herein and illustrated on Schedule C, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve (12) months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in Section 3.10 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.

3.11 Maintenance

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, the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming, and litter control, garbage removal, snow and ice control/removal, and the salting of walkways and driveways.

3.12 Signs

- 3.12.1 Exterior signage for the commercial uses shall meet the requirements of the Land Use By-law for Dartmouth and shall be limited to:
- (a) awning signs made of fabric material above ground level windows and doors;
 - (b) fascia and projecting signs along the ground-floor level; and
 - (c) signs identifying the brand name, civic address, or corporate logo of the building.

Attachment A – Proposed Development Agreement

3.12.2 A permanent ground sign, which identifies the development, shall be permitted on the Lands near the corner of Prince Albert Road and Glenwood Avenue. The ground sign shall not exceed a surface area of 3 square metres and a height of 1.5 metres, and shall be located so as not to impede traffic sightlines.

3.12.3 Signs shall not be internally-illuminated, excepting:

- (a) traditional neon gas tubing;
- (b) open/exposed neon gas tubing channel letters and characters;
- (c) back-lit individually raised profile letters and characters with light-emitting diode (LED) illumination;
- (d) Back-lit standard channel letters and characters with light-emitting diode (LED) illumination; and
- (e) reverse channel (halo-lit) letters and characters with either neon gas tubing or light-emitting diode (LED) illumination.

3.13 Solid Waste Facilities

The building shall include a designated space for waste streams source separation services in accordance with By-law S-600 (*Solid Waste Resource Collection and Disposal By-law*) as amended from time to time. This designated space for source separation services shall be included within the building and shown on the building plans and approved by the Development Officer and Building Official in consultation with HRM Solid Waste Resources.

3.14 Amenity Space

The Developer shall provide a minimum of 100 square metres in indoor amenity space.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.

4.2 Off-Site Disturbance

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. Furthermore, the Developer shall be responsible for all costs and work

Attachment A – Proposed Development Agreement

associated with the relocation of on-site/off-site underground services, overhead wires, and traffic signals to accommodate the needs of the development.

4.3 Underground Services

All secondary electrical, telephone, and cable service to the proposed building shall be through an underground installation.

4.4 Outstanding Site Work

Security for the completion of outstanding on-site paving work at the time of issuance of the first Occupancy Permit may be permitted. Such security 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 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 by the Development Officer when all outstanding work is satisfactorily completed.

4.5 Wastewater Capacity Analysis

Prior to the issuance of a Development Permit, a Wastewater Capacity Analysis, as directed by Halifax Water, shall be submitted. Any system upgrades required to accommodate the proposed building shall be the responsibility of the Developer.

4.6 Extension of Sidewalk along Glenwood Avenue Frontage

Prior to the issuance of the first Occupancy Permit, the Developer shall extend the existing sidewalk along the Glenwood Avenue frontage to the interior property line shared between the Lands and civic number 7 Glenwood Avenue, Dartmouth.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plans

Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised

Attachment A – Proposed Development Agreement

from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and

- (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

5.2 Archaeological Monitoring and Protection

The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

5.3 Sulphide Bearing Materials

The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

The following items are considered by both parties to be not substantive and may be amended by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the plans attached as Schedules B-G):

- (a) The granting of an extension to the date of commencement of development as specified in Section 7.3.3 of this Agreement;
- (b) The granting of an extension to the length of time for the completion of the development as specified in Section 7.4.3 of this Agreement;
- (c) Changes to the Preliminary Landscape Plan as illustrated on Schedule C;
- (d) Changes to the exterior architectural appearance of the building other than as per Section 3.6.3;
- (e) Changes to the parking requirements pursuant to Section 3.8; and
- (f) Changes to the sign requirements pursuant to Section 3.12.

6.2 Substantive Amendments

Attachment A – Proposed Development Agreement

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

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 for the County of 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 four (4) 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 Agreement, commencement of development shall mean the installation of the footings and foundation for the proposed building.
- 7.3.3 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 If the Developer fails to complete the development after six (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;

Attachment A – Proposed Development Agreement

- (b) Negotiate a new Agreement; or
- (c) Discharge this Agreement.

7.4.2 For the purpose of this Agreement, completion of development shall mean the issuance of the first Occupancy Permit.

7.4.3 Council may consider granting an extension of the completion 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 completion of development time period.

7.5 Discharge of Agreement

Upon the completion of the whole development, or complete phases of the 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 Dartmouth, as may be amended from time to time.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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 (24) hours of receiving such a request.

8.2 Failure to Comply

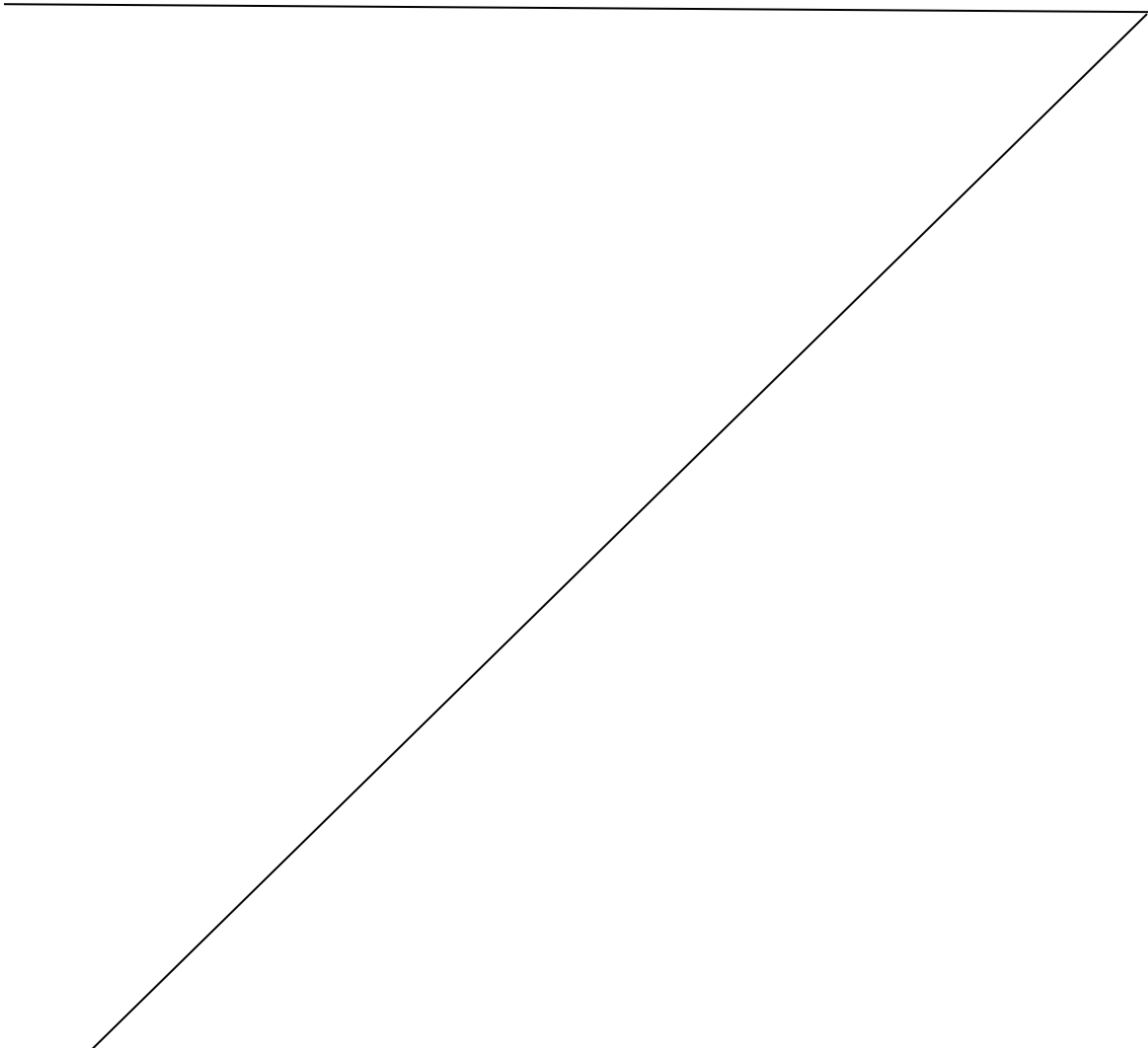
If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:

- (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

Attachment A – Proposed Development Agreement

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.



Attachment A – Proposed Development 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

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

Attachment A – Proposed Development Agreement

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

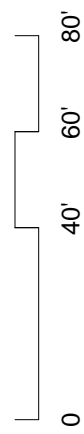
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

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

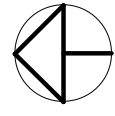
A Commissioner of the Supreme Court
of Nova Scotia



Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

SITE PLAN

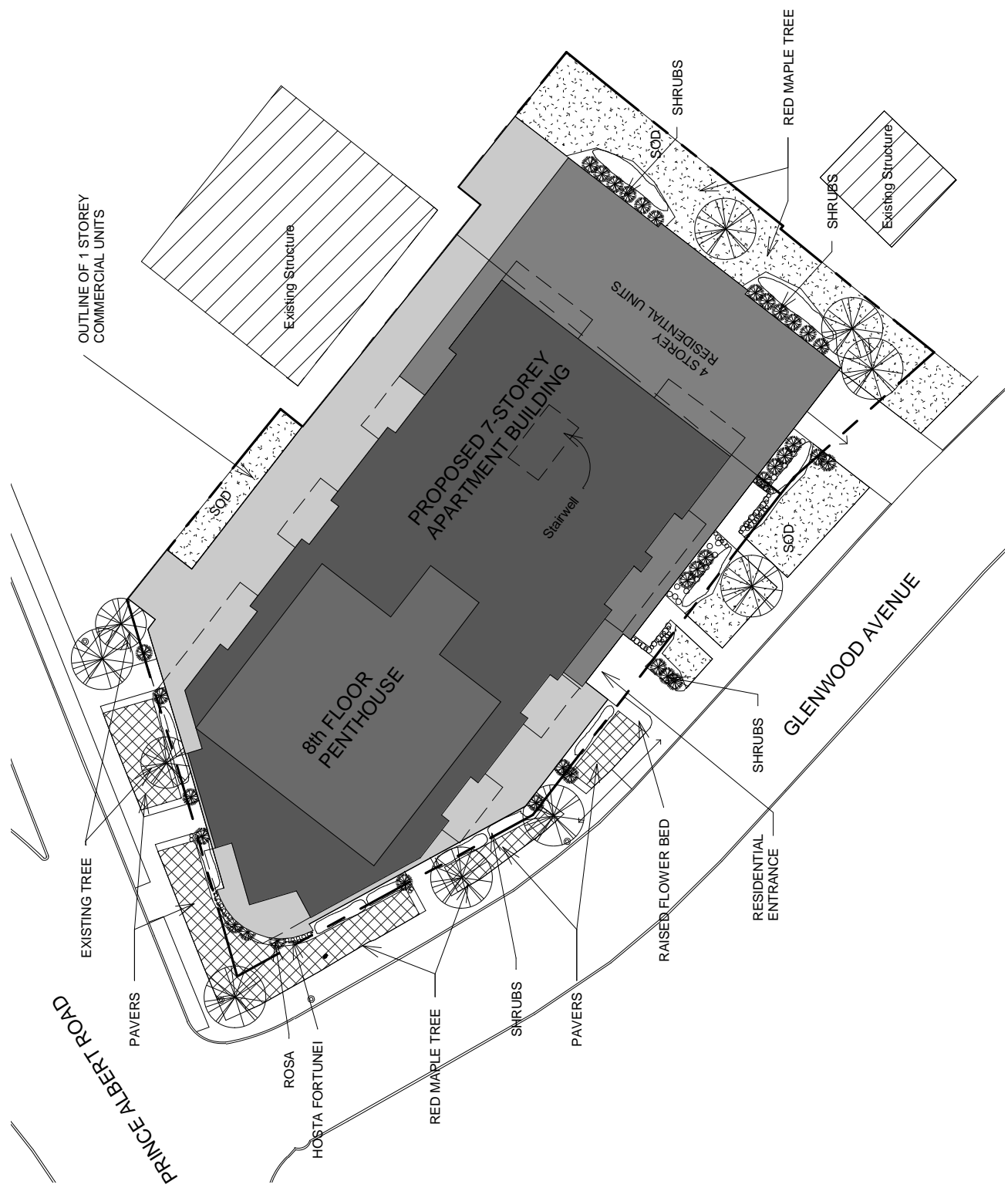
SCHEDULE B



SCALE: NTS

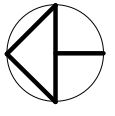
DATE: 2/7/2018

Paul Skerry Associates Ltd.
ARCHITECTS
 5514 LIVINGSTONE PLACE
 HALIFAX N.S. B3K 2B9



Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

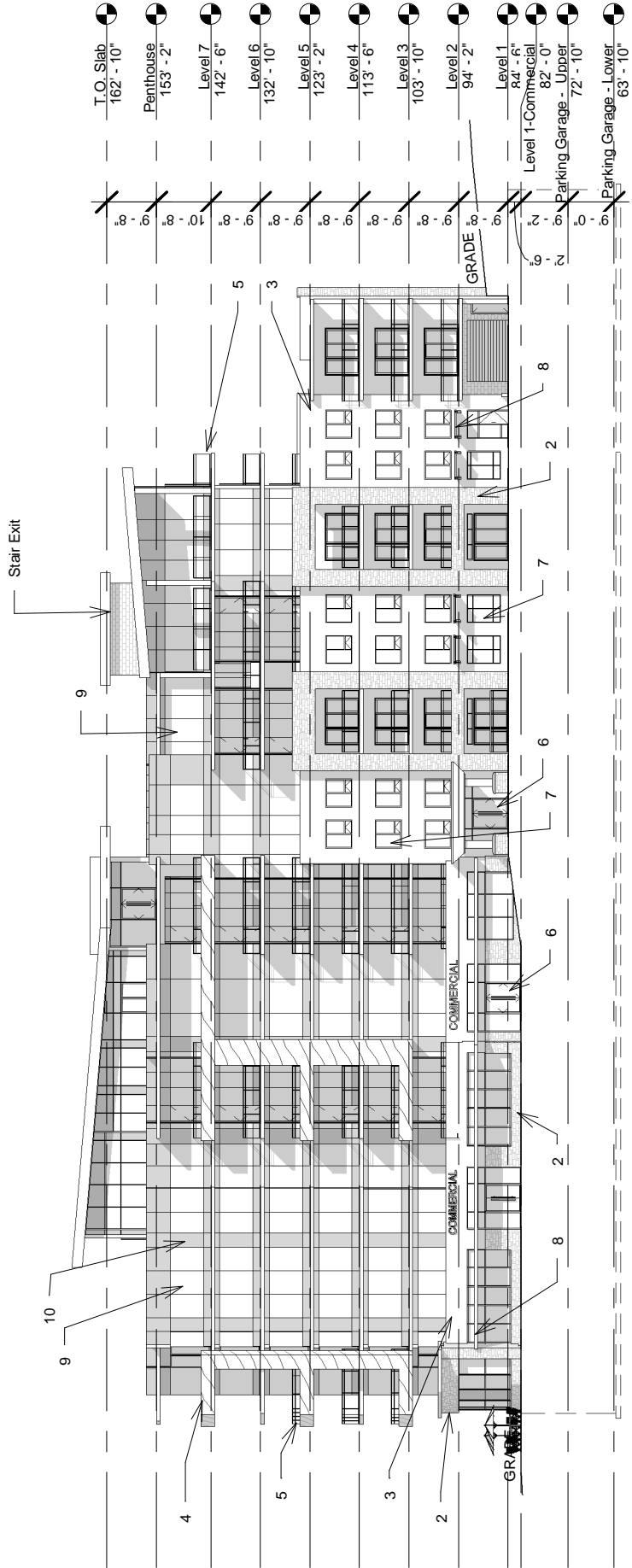
LANDSCAPE PLAN
SCHEDULE C



SCALE: NTS
 DATE: 2/7/2018

LEGEND

- 1 MASONRY TYPE 1
- 2 MASONRY TYPE 2
- 3 CERAMIC OR METAL PANEL TYPE 1
- 4 CERAMIC OR METAL PANEL TYPE 2
- 5 ALUMINUM/GLASS RAILING
- 6 ALUMINUM GLAZING SYSTEM
- 7 VINYL WINDOW/DOOR
- 8 ALUMINUM/GLASS CANOPY
- 9 VISION GLASS
- 10 METAL, CERAMIC, OR GLASS SPANDREL
- 11 GLASS BLOCK



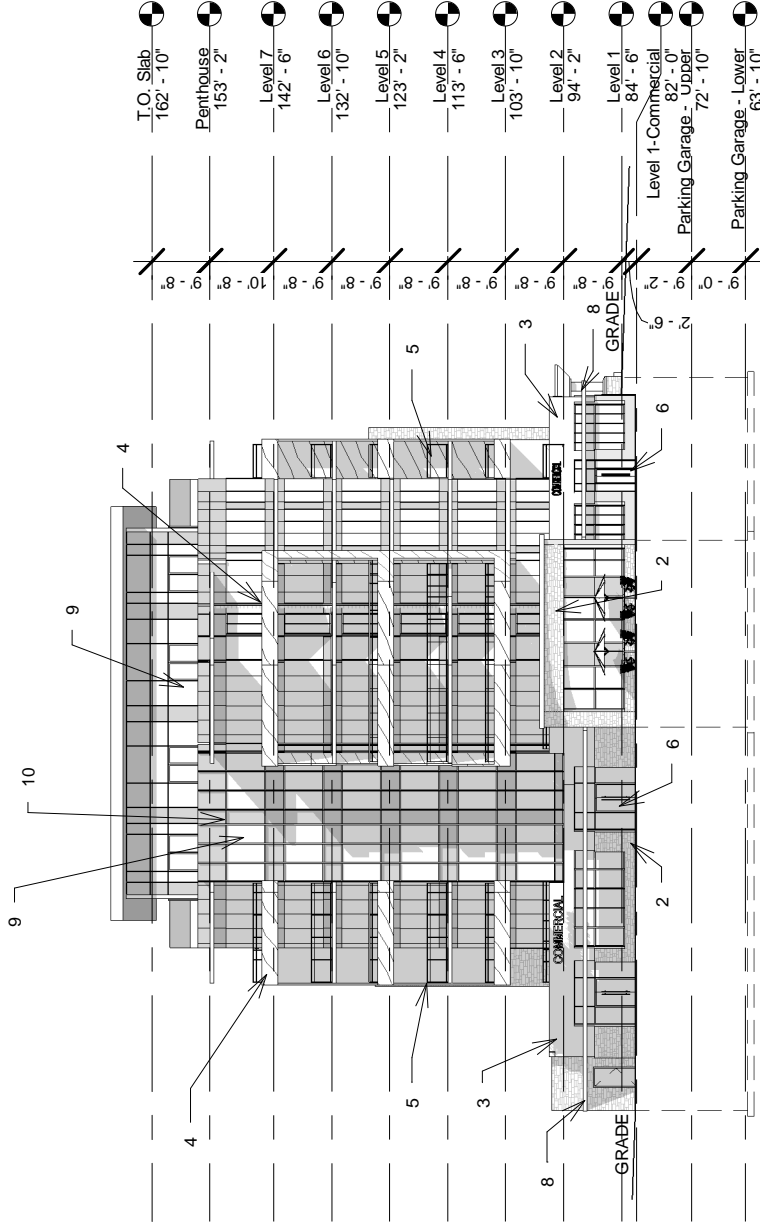
Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

SOUTH ELEVATION
SCHEDULE D

SCALE: NTS
 DATE: 2/7/2018

LEGEND

- 1 MASONRY TYPE 1
- 2 MASONRY TYPE 2
- 3 CERAMIC OR METAL PANEL TYPE 1
- 4 CERAMIC OR METAL PANEL TYPE 2
- 5 ALUMINIUM/GLASS RAILING
- 6 ALUMINIUM GLAZING SYSTEM
- 7 VINYL WINDOW/DOOR
- 8 ALUMINIUM/GLASS CANOPY
- 9 VISION GLASS
- 10 METAL, CERAMIC, OR GLASS SPANDREL
- 11 GLASS BLOCK



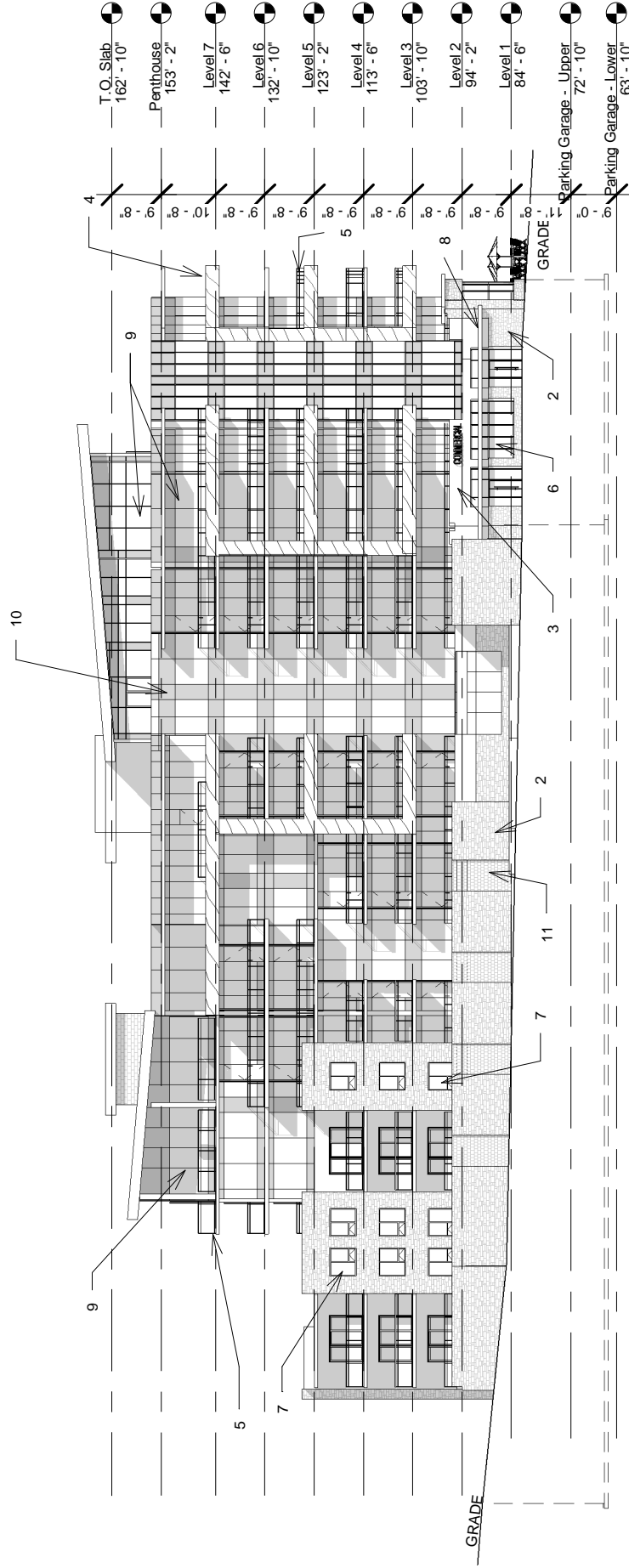
Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

WEST ELEVATION
SCHEDULE E

SCALE: NTS
 DATE: 2/7/2018

LEGEND

- 1 MASONRY TYPE 1
- 2 MASONRY TYPE 2
- 3 CERAMIC OR METAL PANEL TYPE 1
- 4 CERAMIC OR METAL PANEL TYPE 2
- 5 ALUMINUM/GLASS RAILING
- 6 ALUMINUM GLAZING SYSTEM
- 7 VINYL WINDOW/DOOR
- 8 ALUMINUM/GLASS CANOPY
- 9 VISION GLASS
- 10 METAL, CERAMIC, OR GLASS SPANDREL
- 11 GLASS BLOCK



Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

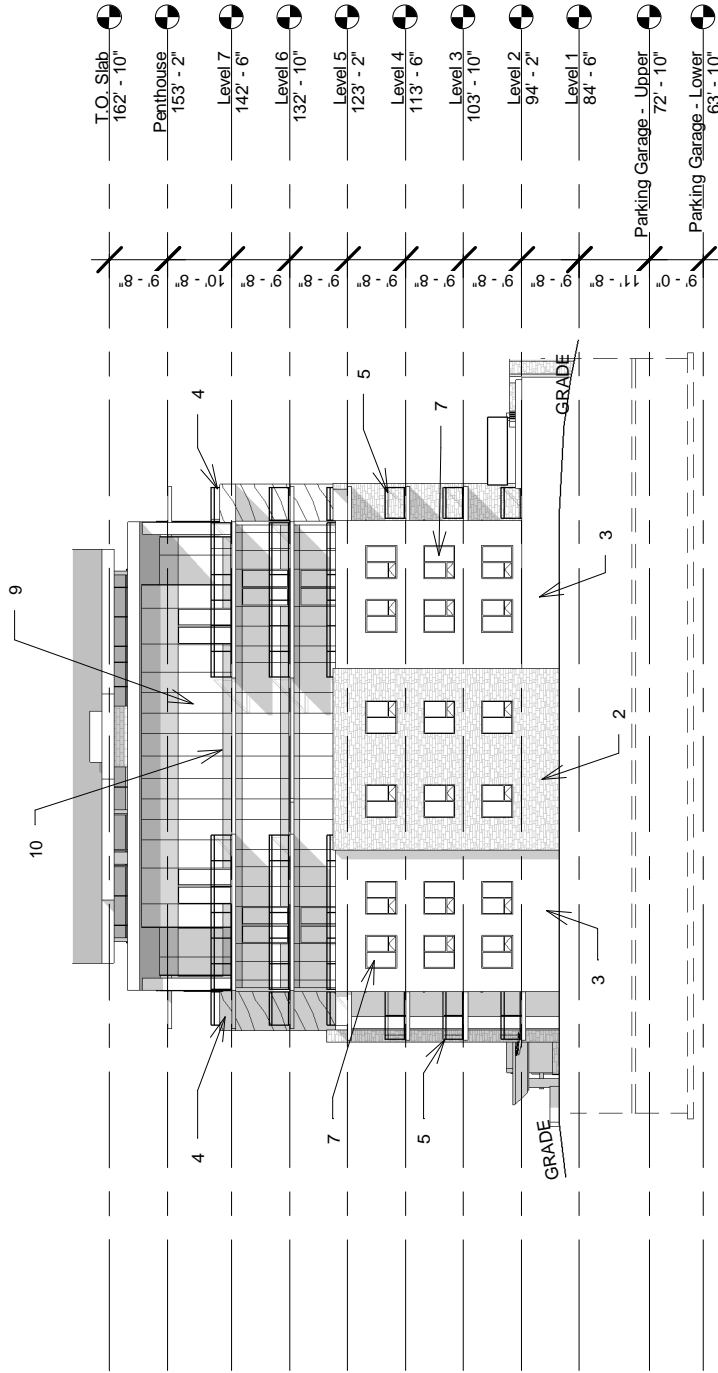
NORTH ELEVATION
SCHEDULE F

SCALE: NTS
 DATE: 2/7/2018

Paul Skerry Associates Ltd.
ARCHITECTS
 5514 LIVINGSTONE PLACE
 HALIFAX N.S. B3K 2B9

LEGEND

- 1 MASONRY TYPE 1
- 2 MASONRY TYPE 2
- 3 CERAMIC OR METAL PANEL TYPE 1
- 4 CERAMIC OR METAL PANEL TYPE 2
- 5 ALUMINUM/GLASS RAILING
- 6 ALUMINUM GLAZING SYSTEM
- 7 VINYL WINDOW/DOOR
- 8 ALUMINUM/GLASS CANOPY
- 9 VISION GLASS
- 10 METAL, CERAMIC, OR GLASS SPANDREL
- 11 GLASS BLOCK



Proposed Commercial/Residential
 Lot 1-A-C & 5AB-D
 Dartmouth, N.S.

EAST ELEVATION
SCHEDULE G

SCALE: NTS
 DATE: 2/7/2018

ATTACHMENT B – PUBLIC INFORMATION MEETING (PIM) SUMMARY

HALIFAX REGIONAL MUNICIPALITY Public Information Meeting Case 20269

Thursday, January 21, 2016
7:00 p.m.

Alderney Elementary School, 2 Penhorn Drive, Dartmouth, NS

STAFF IN

ATTENDANCE: Ben Sivak, Major Project Planner, HRM Development Approvals
Holly Kent, Planning Technician, HRM Development Approvals
Tara Couvrette, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Gloria McCluskey, District 05
Councillor Lorelei Nicoll, District 04
Applicant, Wadih Jabbour, Monaco Investments Partnership
Architect, Greg Johnson from Paul Skerry & Associates Limited

PUBLIC IN

ATTENDANCE: Approximately 63

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

Call to order, purpose of meeting – Ben Sivak

Mr. Sivak introduced himself as the Planner and Facilitator for the application; Wadih Jabbour representing Monaco Investments Partnership the applicant, Architect - Greg Johnson from Paul Skerry & Associates Limited, Holly Kent as the Planning Technician; Tara Couvrette as the Planning Controller, Councillor Gloria McCluskey, District 05 and Councillor Lorelei Nicoll, District 04.

Case 20269 - Application by Monaco Investments Partnership to 1) rezone lands located at 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial); 2) rezone lands located at 5 Glenwood Drive from R-2 (Two Family Dwelling) to R-4 (Multiple Family Residential - High Density); and 3) enter into a development agreement to allow a 10 storey residential building containing approximately 90 units with ground floor commercial uses on the combined site.

The purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for the applicant to present the proposal and answer any questions regarding the application; and e) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1. Presentation of Proposal – Ben Sivak

Mr. Sivak introduced himself and provided a brief introduction to the case.

Mr. Sivak made a presentation to the public outlining the purpose of the meeting, status of the application and the rezoning/development request. Mr. Sivak outlined the context of the subject lands, and relevant planning policies.

Presentation of Proposal – Architect, Greg Johnson from Paul Skerry & Associates Limited

Mr. Johnson explained his proposal for the site and showed slides of what the development would look like from different angles and viewpoints.

2. Questions and Comments

Gary Patterson, 73 Glenwood Ave – He feels the area has a strong sense of community with family ties going back 3 generations. His first concern is that the zoning for the ½ acre site had been changed, tweaked and altered to allow for the development of a high rise building. He stated not many years ago the limit was 35 feet. A ½ acre site isn't a lot of room to put a high rise building on. He stated his issue is with the precedent that would be set when we allow developers to buy up the residential properties and plow them under. It is a bad idea.

Jeff Weatherhead, 4 Ashton Lane - He wanted to follow-up on what Gary said and point out what the Architect said. Mr. Johnson stated that 5 Glenwood is in pretty good shape and he thinks this needs to be emphasized for the record. We have good housing in this area and to take out that good housing is a significant problem. Rezoning is a really big obstacle. The 2011 traffic report - he sat through the UARB's decision and read through the UARB decision and the traffic report was highly discredited. That report was aggressively criticized and refuted by the UARB. The traffic engineer thought all of the traffic was turning down towards Prince Albert but the traffic was turning down towards Superstore because people can't get out of the intersection at that spot. There are a lot of traffic problems in that area. In the Sullivan's Pond / Lake Banook Master Plan that area of highway is found to be high risk and dangerous. There was a lady who was hit and as a result of her injuries she passed away. It is not the volume that the 90 unit building will raise it's the obstruction at a very dangerous intersection. The wind study - the chair for the UARB identified it was a software desktop analysis that was generated in 2000 if not earlier as part of the doctoral program for the gentleman and he has not done any update or worked on any water base manual craft watercourse to test or improve his desktop software. He acknowledged that for an additional ten thousand dollars over the cost of doing the desktop analysis what should be in every one of these cases is an actual wind tunnel analysis which is different than a software analysis. We like the Main Street development and we think density is a good idea but not at the density rates that you are purposing at 90 units per ½ acre. That has density rates of over 300 people per acre. This is on an awkward intersections, it might be different if you were set back off the street like on Baker Drive. There is a plan for 2016; Regional Council is going to vote on a new Regional Municipal Planning Strategy that will change the overall rules that we have and he is wondering if Ben has looked or talked to Jacob about the Center Plan to see how it would impact this site. What are the alternatives? We want to see development, we want to see use and we know that 60-70 % of the housing is seniors in the area and in 5-10 years those folks are going to want at step down type of accommodation and we want that to be there, we just don't want that to be there in ways that make it unlivable for all of us. We need to understand scale, we need to understand safety around street access, and the impact it has on the immediate neighbour's. **Ben Sivak** – Explained RP+5 and the Center Plan and explained we can't look at policies that council might approve in the future and instead have to look at the policies that are currently approved.

Irene Schofield, 30 Harris Road – Stated that we are not opposed to progress and in favor of increasing density in our area but the question is scale. A 10 storey building on the corner of a residential street is not compatible for the area. This would lead to increased hazards and

somebody getting killed in the streets. The traffic on Glenwood, Prince Albert and the Circumferential Highway will all be affected. We have children who would like to have affordable housing and if you keep tearing down and demolishing the houses they will not have a chance or opportunity to ever own a home. This development is an accident waiting to happen from our community. She went over the traffic issues that were spoken about in front of the UARB. We do want increased population, we do want to increase the school enrolment, people have chosen this school because of its low enrollment and the children are excelling here. We ask that you oppose the 10 storey and compromise with a 6-8 storey building with about 45 – 60 units.

Margaret Cassidy, 49 Tremont Street – She stated she is not opposed to development and she wants economic growth for the community. She would like to see a building that the community can be proud of and fits in with the overall topography of the area. She is worried about the shadows that a building this size would have to its surrounding neighbours. She would like this development to be opposed in its current format because there is nothing progressive about a development of this height. For all of the reasons that everyone is stating please give this a thumbs down. She stated she was not opposed to the Banook Shores development because it was right sized and fit into the neighbourhood and did not impede on anyone's privacy. This building is a very new, very modern design that would fit in better over on Baker Drive.

Alison Crowe, 9 Glenwood – Stated that if the developer was proud of this development and thought it would be a great asset and was going to bring property values up that he would have told her when she purchased her house from him that he was building this. He could have disclosed that information on the sale of the house. If it in fact improved the community you would have acknowledged it, but you did not. Knowing that now and standing here today she does not trust what he says he will do. She doesn't believe what he is building will improve the community on any level. She said she is all for development and she loves Dartmouth. Yes, get rid of the funeral home, but a 10 storey building that sits on top of its neighbours the way is not helpful on any level. Come back with another proposal, something that we are encouraged to welcome.

Dean Ross, Glenwood Ave – He agrees with all the other speakers. He had concerns about the 500 foot buffer away from the lake. He wanted to know what point of this development meets that 500 foot buffer. Is it at the corner of the Prince Albert Road property, or is it at the corner of 5 Glenwood Ave? **Mr. Sivak** – Explained the 35 foot height limit and the buffer area around Lake Banook. He stated it is not a straight line but it zig zags around properties, it is an irregular shape. This subject property is just outside the height limit. He was not sure what portion of the property is within 500 ft. **Dean Ross** – If the property that is on Prince Albert Road is less than 500 feet and they needed to include 5 Glenwood Ave in order to get the 500 feet would that be okay to build this building? **Mr. Sivak** – Explained that what council approved is that 500 feet is not set in stone it was a rough guide when they were establishing that irregular shape. The property on Prince Albert Road and the property on Glenwood Ave are both outside of that height limit. **Dean Ross** – When children leave this building there are no sidewalks going up Glenwood Ave. People who are going to be coming to this development are going to be parking all up and down both sides of Glenwood Ave. The road is not wide enough to have two lanes of traffic parked up and down both sides of the street. The garage door for this building has always been; drive up Glenwood, go behind and it is going to be opening and closing to those couple of houses on Glenwood Ave 7/9 the ones across the street, the garage doors constantly going up and down and the commercial trucks running in and out, the noise and disturbance to the neighbours will be huge. He is opposed to the development. 90 parking spots for 90 units is not enough parking. Most people have at least 2 vehicles.

Carl Huntington, 8 Glenwood Ave – He is opposed to the development and rezoning. The community has already demonstrated that this development does not meet the needs of the community because of scale, mass and density. Council has already turned this down and that was upheld by the UARB. Not much has changed with this proposal; the density is roughly the same. The rezoning application should not be approved for the following reasons; one - a commercial development should not be allowed to creep up into a residential zone, existing established neighbourhoods are supposed to be protected from this type of development in the language of the Dartmouth MPS, two – the present land use of 5 Glenwood Ave as affordable family housing is a better use and fit than the proposed underground parking entrance to the apartment tower, three – the parking entrance is proposed to go across the street from his driveway and there are safety concerns for his children as well as the safety of other children on the street as they walk to school in the morning during peak traffic times. The sidewalk purposed for the development will not be adequate for the kids walking to and from school. Kids will be forced onto the street to walk around the cars parked on the sides of Glenwood Ave. Will Glenwood Ave residents be forced to pay for sidewalks to keep our kids safe. In essence we will be forced to pay for to subsidize this development to keep our kids safe. This development will negatively impact the personal enjoyment of our properties, our privacy and likely the property values for years. We urge planning staff to not recommend this development and rezoning application for approval by council.

Paul Mombourquette, 7 Glenwood Ave – He has been there for 50 years and the area was quiet and full of families but in the early 70's without them knowing a four storey motel went up. A four storey wall went up along the back on his property and so went some of their privacy etc. Now there would be a 10 storey building on the other side of me, two sides completely blocked. We built a little patio to read and watch the birds. We are worried about people tossing things off their balconies and hitting us because the property is not more than 67 feet way. This area was always a residential area with single family homes. Construction of this worries me because you are going to have a tower crane going over the top of our homes and there have been accidents and things falling off of cranes, which will be responsible for that, the developer? There are so many things to take into consideration when you build something like this. It is nice to have density, look at Baker Drive, perfect; Horizon Court over by Mic Mac Mall is the same thing. Density can be done for Dartmouth but it has to be done right and this is not the right location. I go on record as opposing this.

Lorena MacDonald, Banook Shores – Banook Shores is a high density community, Banook Shores does sit on a piece of land though that is 2 acres and has 62 units with 82 underground parking spaces and 25 outdoor parking spaces. We stretch out across Prince Albert Road and we look at the lake. We sit on an old commercial site that was a gas station and car dealership so it improved the site. There was a development agreement that was required, our roof is green and has to remain green so that it doesn't stand out to the people behind on Cranston when they look down at the lake, it has to appear like grass. The siding is gray, it has to remain gray because it has to blend into the community, and it can't stand out so that when people are out enjoying the lake and they look to the shoreline they didn't see some large building protruding from the sideline. I am all for development but development needs to work. I am all for putting a building on the funeral home site, the funeral home has been an eye sore for years but we need to scale it back. We need to think of how it is going to look with the neighbourhood. We need to blend the colors and the design. The stretch of road from the gazebo to the Superstore is very dangerous. We need to think about the traffic, trying to get out of the condo is much more difficult now than when she first moved in. The other concern is sunlight. The sun sets across the lake and it is going to set on that glass tower and blind people during rush hour traffic in the evening and nobody is ever going to see the crosswalk lights. I am for development, we need to approve that site but you need to go back to the drawing board and

put something there that fits.

Peter Jabbour, Nephew of one of the owners of this development and a business owner at 73 Tacoma Drive – He is a member of the Village on Main Businesses and their goal is to rejuvenate the Main Street district and surrounding areas both commercially and residentially. He supports this project and he believes in this community. This project would not only bring a new façade to Prince Albert Road but would also bring new families to this area. With those families we would be able to sustain our schools and keep our businesses flourishing. We need more people in this area; more people will lead to more ties in the community and help us with the growth of these areas. He purchased his building on Tacoma Drive a year ago because he believes this community is filled with active people who want to see this area grow, becoming better and be all it can be. Projects like this will help increase property values encourage new investors and developers in the area and bring in added revenue. With that added revenue we can improve our parks and our roads and maintain our community and most importantly support our schools. He supports this project.

Nancy Radcliffe, 357 Prince Albert Road – Given that this development has changed its focus or target market since 2012, in a typical development of this size what percentage of children would there be? **Wadih Jabbour** – He stated around 35%. **Nancy Radcliffe** – So about 30 more children adding to the enrollment. In 2012 HRM identified this section of Prince Albert Road as a growth corridor. Is it still identified as a growth corridor? **Mr. Sivak** – That is a hard question, that project never resulted in any policies or regulations that council approved. He fully expects that through the center plan they would revisit that idea of corridors and where and how more density should be located. **Nancy Radcliffe** – Can you answer why it was never adopted or translated into policy? **Mr. Sivak** – No. **Nancy Radcliffe** – She stated her understanding is that as density is increased it does lead to traffic calming measures. Can you speak to that at all? **Mr. Sivak** – explained that this was because of added lights and signs and other measures like that. It is up to the engineers to go over the reports and provide feedback. **Nancy Radcliffe** – Would you agree that status quo in a thru fare situation is not the best answer to calming traffic. We have a great neighbourhood with great amenities and amazing walkability in certain areas, we have a terrific school and great shopping. We have a tremendous opportunity for growth and she supports the development.

Bill Rothwell, 12 Glenwood – He thinks the lower part of Glenwood is an extremely dangerous piece of road. He noticed that if there was a funeral at the funeral home there was barely enough room to get down the street. They just put in mailboxes and with the little bit of traffic it is still very narrow. There are kids walking up and down the street with not enough room. There are trucks at Robin's Donuts and a snow plow that was coming down the street had to raise his blade up as far as he could to just squeeze through there. Cars going up the street doing 70 to 80 miles per hour just to get up the hill and to add another large project there to make the area more congested would make an already dangerous situation worse.

John Ross, 6 Lakeview Point Road – 7-8 years ago there was a project purposed for paddlers cove which is 100 meters from this property. After a lot of discussion and a lot of thinking on behalf of council members they made a decision not to approve a 6 storey with a penthouse for 7 storeys. Shortly after that there was a meeting at Creighton Park School and from that came the decision to make sure there was a 35 foot height ceiling anywhere within 500 feet of the lake and, Ben, it wasn't considered approximate it was 500 feet, it is only 407 feet from the corner of this property to Lake Bannock. Whoever did make that determination to fit this piece of property into an area that is less than 500 feet is still a question mark. He agrees development is good but he is not keen on hearing the story about Main Street, Main Street should be tied into the Westphal / Woodlawn community not this community. This is the third time around and each time council in their wisdom has turned down the project. The height, scale and density needs to be considered as Banook Shores fits into the community. If this were Baker Drive that may be

acceptable but it is not as acceptable in a residential community. This can work but make it 6 storeys and people here would be willing to work with you and the people here would be great neighbours.

May Fredericks, 371 Prince Albert Road – She has issues with traffic where that building is going to be located. She stated that she has to cut through Superstore because of the traffic. She likes development but it needs to be scaled back. She stated that 10 years ago they requested lights be put up and they were told they were not needed. Superstore came along and had enough money they made their own lights so now we will never get lights. If we have a developer we want them to pay for lights there to make it safe and pay for sidewalks or convince council to do that for us.

Graciella Grbac, Humber Park – With village on Main Street Business and Principal District – She feels this can work, this can be a very vibrant community. There is hope in an eclectic community with a mix of commercial and residential, embrace it don't be afraid of it.

Louise D'entremont, 11 Glenwood Ave – She is not in favor of this development. She thinks it would be an eye sore. It doesn't fit with the area. Banook Lake is an international Lake and lots of people come here for the low density area. We are known all over for this. If you build the high rise there will be no privacy. It is very dangerous to park in front of the mailbox and get your mail this will make it worse. With no sidewalks it is very dangerous to walk between the cars for more than just children. It is dangerous for people who walk their dogs etc. She is against the rezoning and the development. She would like to see a community center or something for artists.

Irene Schofield, 30 Harris Road – Will this be family housing. The first time you came out it was supposed to be senior housing. **Wadih Jabbour** – What we have purposed originally was a condo and we were targeting seniors. **Irene Schofield** – I find it hard to believe that a child would even make it safely to school from that corner. You mentioned the Dartmouth Main Street revitalization, if you compare your Dartmouth Main Street with Lakecrest Drive and Raymond Street and those family's still have what they bought, a nice neighbourhood. Lakecrest Drive they just did two new buildings there but they fit within the neighbourhood. They are low rise and they do fit well. Main Street is totally different, you want your Main Street mini city to stand out but you don't need that in a neighbourhood. I oppose this position.

John Ross – To the developer I want to say, nobody is opposed to a higher density then currently exists on the corner of Glenwood and Prince Albert Rd. I would like to see you succeed here. A 6 storey building with 40 units could work here and I don't think you would have a fight from the neighbours to do that. We would like something that is compatible with the community.

3. Closing Comments

Mr. Sivak, thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 8:40 p.m.



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
December 7, 2017**

PRESENT: Councillor Bill Karsten, Chair
 Councillor Tony Mancini, Vice Chair
 Councillor David Hendsbee
 Councillor Lorelei Nicoll
 Councillor Sam Austin

STAFF: Joshua Judah, Senior Solicitor
 Krista Vining, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

*The meeting was called to order at 6:04 p.m. Community Council recessed at 9:20 p.m. and reconvened at 9:30 p.m. They recessed again at 9:35 p.m. and reconvened at 9:37 p.m. Community Council moved into In Camera (In Private) at 9:42 p.m. and reconvened in public at 9:52 p.m.
The meeting adjourned at 9:53 p.m.*

1. CALL TO ORDER

The Chair called the meeting to order at 6:04 p.m.

TABLING OF 2017 ANNUAL REPORT

The following was before the Community Council:

- Staff recommendation report dated November 3, 2017

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council accept and table the 2017 Annual Report as presented.

MOTION PUT AND PASSED.

- **Public Participation of Annual Report**

Councillor Karsten called three times for members of the public to come forward and speak to the annual report. There were no speakers.

2. APPROVAL OF MINUTES – November 2, 2017

MOVED by Councillor Nicoll, seconded by Councillor Mancini

THAT the minutes of November 2, 2017 be approved as circulated.

MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Community Council agreed to address Item 11.1 Correspondence and Item 11.2 Petitions prior to Item 10.1.1 Public Hearing for Case 20269.

MOVED by Councillor Nicoll, seconded by Councillor Austin

THAT the order of business be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.1.1. This correspondence was circulated to the Community Council.

For a detailed list of correspondence received refer to the specific agenda item.

11.2 Petitions

11.2.1 Councillor Austin

Councillor Austin submitted a petition on behalf of the Banook Area Residents Association containing 428 signatures from residents opposed to the rezoning and development proposal for a 9 storey, 90 unit high rise residential building at 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth (Case 20269).

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARING

10.1.1 Case 20269: Rezoning and Development Agreement – 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth

The following was before the Community Council:

- A staff recommendation report dated September 29, 2017
- Correspondence from Hon Timothy Olive, Mike Murphy, Patty Snow, Gary Vermeir, Marlene Corey, Carl Helmick, Vivien Blamire, William and Mary McKenna, Carl Huntington, Michael Carven, Stephane Kirchhoff, Bruce Nunn, Catherine Carven, Sheilia Sperry, Monique and Laurence Wilkinson, Anne Timmins, Elaine Keene, Tracy Taylor, Derek, Lesley and Lauren Latham, Andrea D'Sylva, Olivia Smith, Cecilia Smith, Erik Gyurcsanyi, Carl Huntington and Kim Morrison, Linda Fairn, Charlie Burnet, Wendy Lill, John Dalziel, Karen F. Beazley, Kim MacIntyre, Virginia Schonhoffer, Andrea McQuillin, Derek, Lesley and Lauren Latham, Andrea D'Sylva, Cecilia Smith, Jeff Weatherhead, Steven Courchene, Tryna Booth, Christel and Edward Ramsay, Barry J. Cameron, John and Judy Dudar, M. D. Duncan, Diane and Ron Noseworthy, Tasha Armenta, Ryan Keddy, Pam Rubin, Roberto Armenta, Louise Mussett, Maurice E. Lloyd, Marina and Jim Lothian, Helen Jones, Lorena MacDonald, Dale Hudson, Sean Wilson, Nancy Bowes, Arlene Diepenbrock, Janice Foote, Larry Clark, Shelagh Skerry, Peter Stephenson, Rosie Porter, Judi Conlon, Janet M. Stevenson, Susan Gannett, Eileen Bowness, Susan Hare-LeBlanc, Geri Kaiser

Luc Ouellet, Planner III presented the application of Monaco Investments Partnership to enable the development of a nine storey multi-unit residential building with ground floor commercial uses at 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth. It was noted that as the proposal cannot be enabled through the existing zoning applied to the lands, the applicant has requested the following:

1. a rezoning of 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial);
2. a rezoning of 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density); and
3. entering into a development agreement with the Municipality to allow the proposed building.

A copy of the staff presentation is on file.

Staff responded to questions of clarification. In response to a question on the status of the Centre Plan, the Solicitor advised that Community Council can only consider current policies and legislation currently enacted and can not anticipate what might be in the future.

The Chair opened the public hearing and invited the applicant to come forward to address the Community Council.

Kevin Riles, President and CEO of KWR Approvals Inc., representing the applicant, reviewed the proposal, showing the design changes to reduce the height from 15 storeys to nine storeys (eight storeys plus penthouse). The redesign also includes:

- the elimination of the Prince Albert Road driveway; relocating the building's driveway further from the Prince Albert Road intersection
- indoor parking with 106 stalls
- a minimum of 33% of the 90 condominium dwelling units will be two bedrooms or more

A copy of the presentation is on file.

Riles responded to questions of clarification on the design changes from the original proposal made in 2010 for 15 storeys, 95 units with no commercial.

The Chair reviewed the rules of procedure and called for members of the public to come forward and speak for or against the matter.

Maurice Lloyd, Dartmouth stated that the community wants development at the proposed site. They noted that the previous proposal for 15 storeys and 95 units was completely out of scale and in 2011, the Nova Scotia Utility and Review Board (UARB) upheld the decision of the Harbour East-Marine Drive Community Council to reject the proposal. Lloyd indicated that there was nothing to suggest that the current proposal for nine storeys and 90 units would be supported by the community. They further spoke to the infrastructure surrounding the area and asked members to reject the proposal and only consider and approve developments that support the objectives of the community (e.g. six storeys or less).

Heather Murray, Dartmouth commented on developments being built further away from the city core. Murray pointed out that on average a signal family home outside the downtown core has two to three vehicles, and drive wherever they need to go, causing large amounts of traffic. They proposed walkable communities as a solution to reduce the number of vehicles on the roads.

Gloria McCluskey, Dartmouth expressed support for the concerned residents. McCluskey commented on the previous proposal. They were concerned with the impact the development would have on Lake Banook's world class paddling course. McCluskey pointed out that there is a 35-foot height restriction around the lake in order to protect it but that the development was outside of this restricted area. They provided examples where other cities and countries do not permit or have high buildings around the lakes with paddling courses. It was suggested that when developers are purchasing the land, they should do so based on what legally can be built there. McCluskey asked the members to defeat the proposal.

Lorena MacDonald, Dartmouth compared the proposal to the Banook Shores condominium, which is the closest high density building in the area at four storeys, plus penthouse and 62 units. MacDonald spoke to traffic issues at the intersection of Glenwood Drive and Prince Albert Road. They noted that parking is permitted on both sides of Glenwood Drive and there are no sidewalks. There have been many accidents from motorists trying to turn onto Prince Albert Road. MacDonald explained that the addition of 90 units would increase the traffic. The speaker was concerned that the developer could choose to change the building from a condominium to an apartment building with smaller units. They explained that in 2011 the UARB asked the community to work with the municipality and the developer on a vision for this site, which they see as being no more than six storeys. MacDonald also commented on the development having full lot coverage under the rezoning which is unreasonable for the neighbourhood.

Liz Campbell, District 6 stated that any development on or near a lake or watershed in the Municipality needs to be sympathetic to its surrounding and community spaces. It would be ideal if developers worked in concert with the local community, people directly affected, to create a vision. The speaker supported the community engagement and work undertaken to date on the centre plan initiative and asked members to reconsider taking this into account when making their decision. Campbell commented on the impact to Lake Banook and the risk to the world class paddling course if the development is approved. They suggested it would also set a precedent for future development in this area, highlighting other impacts to the lake from other developments. Campbell suggested that the proposal was reliant on

outdated data (e.g. traffic and wind studies) and the instruments used for the wind study was not certified or credited for calibration. They further spoke to the impact on Dartmouth's identity and wanted the developer to withdraw their application and work with the community to develop the site that would enhance the community.

Carl Huntington, Glenwood Avenue opposed the development as it does not meet the requirements of the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for scale, massing, height and density. The speaker echoed comments made about the UARB decision in 2011 and community consultation held for RP+5 and the centre plan initiative. Huntington commented on the impact the proposal would have on the look and feel of Lake Banook and for those who use it. The speaker sought compatibility for the neighbourhood and asked the members to reject the proposal.

Kim Morrison, Glenwood Avenue expressed similar points regarding the development not meeting the requirements of the MPS and LUB. They suggested that commercial development should not be permitted in a residential zone and were concerned for children's safety walking to school. Morrison commented on how the development would increase commercial traffic, tenants and visitors would park on the street, and it would also negatively impact the enjoyment of their property, backyard privacy and property value for years. Morrison asked the members to vote against the proposal.

Rhonda Roche, Dartmouth spoke to the community's vested interest in the centre plan initiative. They questioned why the development was before Community Council, and suggested that the developer could make minor changes to the building's façade after construction had started.

Jeff Weatherhead, Ashton Lane compared the development's density rates to other condos and apartments in the area. Weatherhead was concerned with the rate of growth and density the development would bring to the area, setting a precedent for future developments. They had confidence that the Community Council would determine what is fair and reasonable height for the site. Weatherhead supported as-of-right development for the site and commented on the UARB's 2011 decision, asking members to refuse the proposal.

Marion Eisner, Glenwood Avenue wanted the proposal to be denied.

Archie Munroe, Ashton Lane echoed points made on the UARB's 2011 decision and concerns around density rates and traffic issues. Munroe wanted the proposal to be denied.

Paul Mombourquette, Glenwood Avenue spoke about the impact on neighbouring properties, density rates, the paddling course and traffic. Similarly, Mombourquette commented on the UARB's 2011 decision, the development's lack of compatibility with the neighbourhood, and how it was not in keeping with the Dartmouth MPS and LUB. They did not want the proposal to be approved.

Adam Conter, Halifax supported the proposal, providing examples of areas in Dartmouth where redevelopment has benefited the community (e.g. 66 Ochterloney Street). They welcomed new opportunities to the area that would add viability. Conter suggested that traffic issues could be addressed by adding traffic lights at Glenwood Avenue.

Irene Schofield, Dartmouth spoke in opposition to the proposal, explaining that they would support a four to six storey building for that site. They noted that the community has tried to get traffic lights to no avail, highlighting the many motor vehicle accidents. In addition to traffic and parking issues on Prince Albert Road, Schofield provided the example of the challenges for commercial trucks trying to make deliveries.

Nancy McInnis Leek, Glenwood Avenue echoed points made around density concerns and having a friendly safe community.

Charlie Burnet, Dartmouth urged the members to reject the proposal as it does not fit with the proposed Centre Plan and nature of the area.

Cheryl Crocker, Celtic Drive asked that the proposal be rejected. They spoke to the challenges and dangers of trying to cross Prince Albert Road with their children, and having to stop because it was unsafe. They thought the addition of ninety units would only make crossing the street harder. Crocker supported having a family oriented community and developing density where people can walk safely.

Mike Murphy, Dartmouth referenced the petition submitted by the Banook Area Residents Association earlier in the meeting. They were not opposed to development on this site but wanted development that was reasonable and in keeping with the area. Murphy also pointed out a potential hazard of sunlight reflecting off the building's glass windows making it difficult for drivers to see.

John Dalziel, Dartmouth did not support the development.

Sandra Inglis, Dartmouth spoke to the impact to Lane Banook and the potential loss in revenue for the Banook Canoe Club. They spoke about protecting the lake, reiterating points made about traffic and parking issues.

Alison Crowe, Glenwood Avenue did not support the proposal. They commented on how the developer had purchased the properties at 5 and 9 Glenwood Avenue and then selling 9 Glenwood Avenue. Crowe explained that the developer did not disclose their plan for 5 Glenwood Avenue at the time of the sale.

Margaret Cassidy, Dartmouth spoke to traffic hazards and density rates. They commented on the windfall from the development and the impact it would have on the neighbourhood, particularly to adjacent homes. Cassidy commented that good development design should include choices, and asked that the proposal be denied as it is not compatible with the neighbourhood.

Agnes Gyurcsanyi, Dartmouth did not support the proposal's extreme height and density, which would increase traffic in the area.

Peter Neville, Colburn Walk echoed points made on high winds, increased traffic, the impact on Lake Banook and the Banook Canoe Club. They too saw a vision of a family friendly neighbourhood that is safe for children and people to walk.

Heather Clark, Dartmouth supported comments made opposing the proposal and the 2011 decision by the UARB. Clark asked that the proposal be denied.

Alan Parslow, Dartmouth reaffirmed points made about the impact on Lake Banook's paddling course. They were concerned that only a simulation wind test was conducted, suggesting that the developer pay for an expert to complete a wind tunnel test before moving forward. They asked Community Council to turn down the proposal.

Liz Cummings, Dartmouth did not support the proposed development. They commented on the neighbourhood needing infrastructure upgrades from Nova Scotia Power in order to accommodate the development. Cummings also spoke to the impact the development would have on traffic.

Jan McCarthy, Dartmouth questioned whether there was a need for more development in this area. They provided examples of numerous vacancies in both apartments and condos in the area, along with other high rise proposals and developments happening in the community.

Bill Rothwell, Glenwood Avenue saw similarities between this proposal, at 90 units with commercial space, and the developer's previous proposal for 95 units with no commercial. Rothwell commented on traffic and parking issues and asked members to vote against the proposal.

Heather Jodrey, Dartmouth spoke respecting the impact on property values, vacancy rates, and the lack of cohesiveness. Jodrey supported a five to six storey development and agreed that the developer should pay for studies needed.

Michael Creighton, Dartmouth supported the development and asked members to support the proposal.

Tash Armention, Creighton Street supported high density in cities, but that it needs to be done in a smart way. They explained that the proposal needs to be scaled down in order for it to add to a liveable neighbourhood and urged members to vote against the development.

David Jones, Dartmouth reaffirmed how the development does not fit with the resident`s vision for the community.

Karen Pom, Dartmouth commented on Lake Banook`s beauty and the need to protect it.

Shelly Hills, Dartmouth spoke to the digression and erosion around Lake Banook over the years because of numerous developments around the lake. They encouraged the developer and future developers to put a percentage of their funds into protecting the lake. Hills noted that Lake Banook is one of the cleanest lakes for paddling and swimming.

Walter Forwarder, Dartmouth pointed out that on their way to the hearing they had a near miss at Prince Albert Road intersection. Forwarder supported development but could not support nine-storeys on this site. They suggested that adding traffic lights would only create congestion during rush hour. They urged members to turn down the proposal.

John Ross, Lakeview Point Road echoed concerns regarding density and height and the development not fitting in with the surrounding neighbourhood. Ross reaffirmed that residents are not opposed to development if it is the right size for the area, suggesting six storeys could work economically for the developer.

Warren Wesson, King Street commented on how important Lake Banook is to the community. Wesson suggested that Dartmouth cannot develop using the same plan as Halifax because of the number of lakes the community has.

Donna Christensen, Dartmouth recognized the proposal`s beautiful design, but could not support the height and width, and the impact it would have on the neighbourhood. They asked Community Council to protect the lake and residential neighbourhood.

Kevin Riles was invited to come forward and responded to points and questions raised by the speakers. Riles appreciated the concerns around traffic, explaining that they followed due process and had done three traffic studies, including a collision study through HRM Transportation and Public Works. Rowan Williams Davies & Irwin Inc. (RWDI), who completed the wind study, have expert knowledge of wind around paddling courses and lakes. RWDI`s advice was that the development would not have an affect on the Lake Banook. Riles provided assurance that the building`s design would be upheld through the development agreement process. They explained that if the development was done as-of-right, the site could have a hotel or major commercial development and in their view, would not be ideal for the community. They added that as-of-right development does not require a development agreement.

In response to points of clarification raised by the Community Council, the following was noted:

- The wind engineering study completed by RWDI looked at wind in relation to 15 storeys. The Dartmouth MPS does not require the developer to complete or provide a wind study. The applicant completed this as an extra exercise to demonstrate and alleviate concerns
- The application process for rezoning can be made at any time by a property owner or developer for Council consideration. There is no limit on the number of applications that can be submitted.
- A copy of RWDI`s wind engineering study conducted for 15 storeys was submitted to planning, but was not included in the September 29, 2017 staff report as it did not match the application for a nine-storey proposal. Planning supported the study as it concluded that the distance from the proposal to the closest shoreline of Lake Banook was too far to have any impact on the paddling/canoe course.

- The solicitor advised that there would be potential opportunity for both the applicant and community to appeal the decision of Case 20269 to the Nova Scotia Utility and Review Board.

In response to comments made by the public, and prior to the public hearing closing, the Applicant advised that they would be willing to redesign the building and remove one full floor; proposing seven storeys plus penthouse, reducing the number of units from 90 to 75.

The Chair called three times for any further speakers, there being none it was MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Austin, seconded by Councillor Mancini

THAT Harbour East-Marine Drive Community Council adopt the amendment to Schedule A of the Dartmouth Land Use Bylaw, as set out in Attachment A of the staff report dated September 29, 2017.

Councillor Austin recognized traffic issues at Prince Albert Road, noting that a review was being done to look at the fundamental design of the road. They explained that the addition of 90 units would not cause increased traffic as traffic flow from those units would be staggered over a wide period of time. Councillor Austin recognized the lack of sidewalks on Glenwood Avenue and agreed that there would be more on-street parking from the development. The Councillor questioned why a detailed wind analysis was not done for the nine-storey proposal, based on how important the lake is to the community, but did not see a concern based on the distance between the two. Where Councillor Austin did see an issue, and agreed with residents, was on the compatibility component. Councillor Austin sought advice from the solicitor on deferring the matter for a supplementary staff report.

Community Council recessed at 9:20 p.m. and reconvened at 9:30 p.m.

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council defer consideration of this matter pending a supplementary staff report discussing a six (6) storey proposal with an appropriate transition to surrounding low-rise neighbourhood.

The solicitor explained that a new application made by the developer to reduce the proposal from eight storeys plus a pent house to six storeys with an option for a penthouse would be a substantive change and require new first reading and public hearing. If the developer chooses not to go with this approach, the Community Council would proceed with the current proposal and decide whether to adopt the amendments to the Dartmouth Land Use By-law before them.

Staff estimated that the supplementary report would be back to Community Council for their January, 2018 meeting.

MOTION TO DEFER PUT AND PASSED.

Community Council recessed at 9:35 p.m. and reconvened at 9:37 p.m.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

This matter was addressed earlier in the meeting, see page 2.

11.2 Petitions

11.2.1 Councillor Austin

This matter was addressed earlier in the meeting, see page 2.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Proposed 2018 Meeting Schedule

The following was before the Community Council:

- A staff report dated November 16, 2017

MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council approve the proposed 2018 meeting schedule as outlined in Attachment 1 of the staff report dated November 16, 2017.

Upon review, members agreed to reschedule their December 6th meeting to December 13th, to avoid conflicts with events taking place on the anniversary of the Halifax Explosion.

MOTION AS AMENDED PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE)

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following:

15.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <https://www.halifax.ca/city-hall/boards-committees-commissions/volunteer-boards-committees/public-appointment-policy>

15.1.1 Citizen Appointments to Shubencadie Canal Commission – *Private and Confidential Report*

This matter was dealt with later in the meeting, see page 11.

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

A resident extended seasons greetings to Community Council members.

Councillor Karsten turned the meeting over the Legislative Assistant at this time.

19. ELECTION OF CHAIR AND VICE CHAIR

The Legislative Assistant called for nominations for the position of Chair of Harbour East-Marine Drive Community Council.

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Councillor Mancini be nominated as Chair of Harbour East-Marine Drive Community Council.

There being no further nominations, Councillor Mancini was declared Chair for 2018.

MOTION PUT AND PASSED.

The Legislative Assistant turned the meeting over to Councillor Mancini and took their seat.

Councillor Mancini called for nominations for the position of Vice Chair of Harbour East-Marine Drive Community Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Councillor Austin be nominated as Vice Chair of Harbour East-Marine Drive Community Council.

There being no further nominations, Councillor Austin was declared Vice Chair for 2018.

MOTION PUT AND PASSED.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

To convene into In Camera (In Private) to deal with Item 15.1.1.

MOTION PUT AND PASSED.

Community Council convened into In Camera (In Private) 9:42 p.m.
Community Council reconvened into public session at 9:52 p.m.

The In Camera (In Private) matter (Item 15.1.1) was ratified at this time.

15.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <https://www.halifax.ca/city-hall/boards-committees-commissions/volunteer-boards-committees/public-appointment-policy>

15.1.1 Citizen Appointments to Shubenacadie Canal Commission – *Private and Confidential Report*

This matter was dealt with In Camera (In Private) and ratified as follows:

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council:

- 1. Approved the citizen appointments to the Shubenacadie Canal Commission made during the In Camera (In Private) session;**
- 2. That the citizen appointments be released to the public following ratification and notification of the successful candidates; and**
- 3. That the private and confidential staff report dated November 23, 2017 not be released to the public.**

MOTION PUT AND PASSED.

**20. DATE OF NEXT MEETING – January 4, 2018, 6:00 p.m. HEMDCC Meeting Space Main Floor,
Alderney Gate 60 Alderney Drive, Dartmouth**

21. ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

Krista Vining
Legislative Assistant

ATTACHMENT D – REVIEW OF RELEVANT MUNICIPAL PLANNING STRATEGY POLICIES

Table 1: Most Relevant Dartmouth Municipal Planning Strategy Policies

Chapter 11 – Implementation	
Policy IP-1	
Policy Section	Staff Comment
(c) In considering zoning amendments and contract zoning, Council shall have regards to the following:	
(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan	This is the staff position for the reasons outlined in this report.
(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal	<p>The proposal is for an 8-storey residential building (7 storeys + penthouse) with ground floor commercial uses (for the portion of the ground floor closer to Prince Albert Road). In terms of uses, the proposal is compatible with other surrounding uses. A good portion of adjacent lands fronting on Prince Albert Road are zoned C-2 (General Business). Current establishments on these lands include a Sobeys Fast Fuels gas station, a Needs Convenience store, a Robins Donuts, a Captain Submarine, a car repair garage (Yuille Auto Works), a NAPA Auto Parts store, and an Atlantic Superstore. In addition, there is an established hotel (Hearthstone Inn) located just to the east of the subject site on Lawrence Street. The residential nature of the rest of the proposed building is also in keeping, from a use perspective, with multi-unit residential buildings located on Lawrence Street, as well as the Banook Shores development located at 271-275 Prince Albert Road (two blocks to the west of the site). Multi-unit residential developments are also compatible with low-density residential, from a use perspective, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street as is the case with this portion of Prince Albert Road.</p> <p>In terms of bulk and scale, the building being proposed will be the tallest building in the general area when compared to what currently exists (the next highest building would be the Banook Shores development at 5 storeys). Staff advise that an 8-storey building (7 storeys +</p>

	<p>penthouse) is acceptable, in terms of compatible building height, for this location.</p> <p>Staff advise the impact of the proposed building on adjacent uses and the existing development form in the area will be minimized by how the bulk is distributed on the site, which can be summarized in three points:</p> <p>(1) The building will transition down in height towards #7 Glenwood Avenue (from 8 to 7 storeys and then to 4 storeys).</p> <p>(2) A change in grade and an approximate 6-metre landscaped buffer between the proposed mixed use building and #7 Glenwood Avenue will provide a further transition. This last design intervention will tend to hide the ground floor of the new building, making it look as if the new building is only 3 to 3 and a half storeys in height where it abuts the two-storey house located at #7 Glenwood Avenue.</p> <p>(3) The proposed building will also have two step backs in the massing of the building along Glenwood Avenue (above the ground floor and above the 6th storey), which will minimize the impact of the overall bulk of the building along this street.</p> <p>(4) The 8th storey penthouse will be located exclusively on the commercially-zoned parcel and will cover no more than 30% of the roof area.</p>
<p>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</p>	<p>The applicant is proposing an approximate 6-metre landscaped buffer between the proposed building and the single-unit dwelling at #7 Glenwood Avenue. In addition, the applicant is proposing to transition the building down in height towards #7 Glenwood Avenue (from 8 to 7 storeys and then to 4 storeys). A change in grade within the approximate 6-metre landscaped buffer between the proposed mixed use building and #7 Glenwood Avenue will provide a further transition. This last design intervention will tend to hide the ground floor of the new building, making it look as if the new building is only 3 to 3 and a half storeys in height where it abuts the</p>

	<p>two-storey house located at #7 Glenwood Avenue.</p> <p>The proposed building will also have two step backs (above the ground floor and above the 6th storey) in the massing of the building along Glenwood Avenue, which will minimize the impact of the overall bulk of the building along this street. Staff believes the transitioning down to #7 Glenwood Avenue, as well as #6, #8 and #10 Glenwood Avenue (on the opposite side of the street) is enough to properly respect the existing low-density house form character of Glenwood Avenue.</p> <p>Section 3.10 of the draft development agreement requires that landscaping be provided around the proposed building.</p> <p>Section 3.7 of the draft development agreement requires the screening of mechanical equipment, propane tanks, electrical transformers and standby power generators. Section 3.13 of the draft development agreement requires that solid waste receptacles be located within the building. No open storage is enabled under the draft development agreement.</p> <p>The only site access for vehicles will be from a driveway on Glenwood Avenue. As part of the redevelopment of the site, the developer will be closing an existing driveway which is located within the Prince Albert Road/ Grahams Grove intersection. This modification removes a conflict point from Prince Albert Road resulting in all site traffic being directed to a stop-controlled intersection which has good visibility in all directions.</p>
<p>(4) that the proposal is not premature or inappropriate by reason of:</p>	
<p>(i) the financial capability of the City is to absorb any costs relating to the development</p>	<p>The subject site is well served by existing municipal infrastructure. Any cost to upgrade municipal infrastructure, in order to accommodate the project, will be the responsibility of the developer.</p>
<p>(ii) the adequacy of sewer and water services and public utilities</p>	<p>There is sufficient capacity in the stormwater and water distribution systems to service the proposed development. The developer will be required to provide evidence at the building</p>

	<p>permit stage that sufficient capacity exists in the local wastewater system. Any necessary upgrades to the wastewater system will be the responsibility of the developer.</p>
<p>(iii) the adequacy and proximity of schools, recreation and other public facilities</p>	<p>The subject site is located in close proximity to Alderney Elementary School, which accommodates students from grades Primary to 6. As of September 2017, the school was operating at less than 50% of available capacity. The subject site is also located in close proximity to Kiwanis Grahams Grove Park, Lake Banook Regional Park, Silvers Hill Park and Lions Beach Park; the Dartmouth Multi-use Trail which is part of the Trans Canada Trail system; and both the Mic Mac Amateur Aquatic Club and the Banook Canoe Club.</p>
<p>(iv) the adequacy of transportation networks in adjacent to or leading to the development</p>	<p>See Staff Report Discussion sections pertaining to traffic, intersection safety, and parking. HRM Traffic Management has reviewed the analysis and has accepted the findings of a submitted TIS. It also concluded that upgrades to the existing stop-controlled intersection are not warranted.</p>
<p>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</p>	<p>The closest water body from the subject site is Lake Banook. However, there is a minimum distance of 135 metres that separates the site from Lake Banook. Additionally, a four-lane road and other developed areas are located between the site and Lake Banook. Therefore, the proposed development is not expected to have a direct impact on the erosion and sedimentation conditions of the Lake. Likewise, the proposed uses are not expected to pose a contamination hazard for the Lake. The closest watercourse to the subject site is located approximately 85 metres away in a southwesterly direction. The proposed development is also not expected to impact this watercourse.</p>
<p>(vi) preventing public access to the shorelines or the waterfront</p>	<p>The proposed project will not impact access to the waterfront or to any shoreline within the municipality.</p>
<p>(vii) the presence of natural, historical features, buildings or sites</p>	<p>There are six mature trees along the Prince Albert Road frontage. It is the intent of the applicant to preserve as many of these trees as possible. The applicant is also proposing the planting of new trees as part of the preliminary landscape plan attached to the draft development agreement. There are no other valuable natural features</p>

	<p>associated with the site. The subject site is not a designated heritage property, nor does it contain a designated heritage building or a building worth designating. However, the subject site does fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. Prior to any disturbance of the lands, the developer will need to contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage. The developer will then need to comply with any of the requirements set forth by the Province of Nova Scotia in regards to archaeological resources.</p>
(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized	The subject site is an infill site and its redevelopment will utilize existing services and infrastructure.
(ix) the detrimental economic or social effect that it may have on other areas of the City.	Planning staff does not expect any detrimental economic or social effect from this project on other areas of the municipality.
(5) that the proposal is not an obnoxious use	The proposed project will not lead to any inherent obnoxious uses.
(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:	
(i) type of use, density, and phasing	Sections 3.3 and 3.4 of the draft development agreement include controls over use and density. No controls over phasing were incorporated within the draft development agreement, however, as the proposed building is intended to proceed under a single construction phase.
(ii) emissions including air, water, noise	The proposal is for an 8-storey mixed use residential and commercial building. Staff does not anticipate any noise emissions beyond what could be expected from such a use. Specific controls were therefore not included in the draft development agreement.
(iii) traffic generation, access to and egress from the site, and parking	Section 3.8 of the draft development agreement specifies controls in regards to traffic generation, access to and egress from the site, as well as parking. These items are not anticipated to conflict with adjacent or nearby land uses.
(iv) open storage and landscaping	Section 3.13 of the draft development agreement requires that solid waste receptacles be located within the building. No open storage is enabled under the proposed development agreement.

	Section 3.10 of the draft development agreement requires the provision of landscaping.
(v) provisions for pedestrian movement and safety	There is a lack of sidewalks along Glenwood Avenue and the draft development agreement will require the developer to extend the existing sidewalk along the Glenwood Avenue frontage to the interior property line shared between the subject site and civic number 7 Glenwood Avenue.
(vi) management of open space, parks, walkways	The proposed project is a single building which covers most of its site. As such, the proposal does not include any open spaces, parks, or walkways.
(vii) drainage both natural and sub-surface and soil-stability	Staff is not aware of any soil-stability issues on the subject site and therefore did not include controls within the draft development agreement on this matter. During the permit stage, HRM Development Engineering will review the grading and stormwater management plans for the subject site.
(viii) performance bonds.	A development agreement will enabled this proposal, which negates the need to make use of performance bonds.
(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors	The proposed site is suitable in terms of the steepness of slope. The subject site is not impacted by any watercourse, marsh, swamp, or bog, nor is it susceptible to flooding. Staff is not aware of any soil or geological conditions on the subject site that would negatively impact the proposed development or abutting properties. The subject site is not located next to a major highway, ramp, railroad, or other nuisance factors.
(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the “voluntary” public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council	A public information meeting on a 10-storey version of this proposal was held on January 21, 2016. A public hearing on a 9-storey version of this proposal was held on December 7, 2017. Both these meetings helped in informing the current proposal, as well as providing an opportunity for the public to better understand the current proposal, the issues at stake, and the overall planning process.
(o) Apartment Building Development	
Careful consideration should be given to the construction of apartment buildings throughout the City. Recently, concerns have been expressed about the exterior design, density, concentration, site treatment, massing and traffic issues as they relate to apartment development. These issues could be	

addressed by the Development Agreement process and would also permit public involvement in the evaluation of the proposed development.	
<p>Policy IP-5 It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.</p> <p>In considering the approval of such Agreements, Council shall consider the following criteria:</p>	<p>Policy IP-5 applies as the request is to enter into a development agreement to allow for an 8-storey mixed use residential and commercial building on a site that has both GC (General Commercial) and R-4 (Multiple Family Residential – High Density) zoning.</p>
(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;	Refer to earlier policy analysis provided regarding Policy IP-1 and to the Discussion section of the Staff Report.
(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:	
(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;	<p>Controls for these elements are contained throughout the draft development agreement, as follow:</p> <ul style="list-style-type: none"> • Height (Sections 3.1, 3.3, and 3.5, and Schedules D to G) • Size and bulk (Sections 3.1 and 3.5, Schedule B, and Schedules D to G) • Density (Section 3.4) • Lot coverage (Sections 3.1 and 3.5, and Schedule B) • Lot size and frontage (Schedules A and B) <p>Staff believes there are adequate controls to reduce conflict with adjacent or nearby uses.</p>
(ii) traffic generation, access to and egress from the site; and	Section 3.8 of the draft development agreement specifies controls in regards to traffic generation, access to and egress from the site. These items are not anticipated to conflict with adjacent or nearby uses.
(iii) parking;	Section 3.8 of the draft development agreement specifies controls in regards to parking. Vehicular parking will be provided via internal parking levels containing a minimum of 106 parking spaces.
(c) adequacy or proximity of schools, recreation areas and other community facilities;	The subject site is located in close proximity to Alderney Elementary School, which

	<p>accommodates students from grades Primary to 6. As of September 2017, the school was operating under 50% of available capacity. The subject site is also located in close proximity to Kiwanis Grahams Grove Park, Lake Banook Regional Park, Silvers Hill Park and Lions Beach Park; the Dartmouth Multi-use Trail which is part of the Trans Canada Trail system; and both the Mic Mac Amateur Aquatic Club and the Banook Canoe Club.</p>
<p>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</p>	<p>See Staff Report Discussion sections pertaining to traffic, intersection safety, and parking. HRM Traffic Management has reviewed the analysis and has accepted the findings of a submitted TIS. It also concluded that upgrades to the existing stop-controlled intersection are not warranted.</p>
<p>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</p>	<p>Refer to earlier policy analysis provided regarding Policy IP-1 and to the Discussion section of the Staff Report.</p>
<p>(f) that mature trees and other natural site features are preserved where possible;</p>	<p>There are six mature trees along the Prince Albert Road frontage. It is the intent of the applicant to preserve as many of these trees as possible. The applicant is also proposing the planting of new trees as part of the landscape plan attached to the draft development agreement. There are no other valuable natural features associated with the subject site.</p>
<p>(g) adequacy of buffering from abutting land uses;</p>	<p>The abutting land uses from the subject site are a combination of a retail fuel outlet, convenience store, and two restaurants at 303 Prince Albert Road (Sobeys Fast Fuels/Needs Convenience/Robins Donuts/Captain Submarine), a garage at 311 Prince Albert Road (Yuille Auto Works), a 4-storey hotel at 313 Lawrence Street (Hearthstone Inn), a single-unit dwelling at #7 Glenwood Avenue, and four single-unit dwellings along the opposite side of Glenwood Avenue (4, 6, 8 and 10 Glenwood Avenue).</p> <p>The developer is proposing an approximate 6-metre landscaped buffer between the proposed building and the shared interior property line with #7 Glenwood Avenue. In addition, the developer is proposing to transition the building down in height towards #7 Glenwood Avenue (from 8 to 7 storeys and then to 4 storeys). A change in grade within the approximate 6-metre</p>

	<p>landscaped buffer between the proposed mixed use building and #7 Glenwood Avenue will provide a further transition. This last design intervention will tend to hide the ground floor of the new building, making it look as if the new building is only 3 to 3 and a half storeys in height where it abuts the two-storey house located at #7 Glenwood Avenue.</p>
<p>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</p>	<p>The developer will need to abide with section 5.1 of the draft development agreement, which deals with Erosion and Sedimentation and Grading Plans. Grading and stormwater management plans will be reviewed by HRM Development Engineering at the permit stage.</p>
<p>(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).</p>	<p>This is discussed earlier in this document.</p>
<p>(q) Lake Banook Canoe Course Lake Banook canoe course is one of the best natural canoe courses in the world and it hosts both national and international canoe events. It is the only course of its kind in Atlantic Canada. The paddling and rowing regattas that occur on the lake are major recreational events and have a significant historical, economic and social benefits to the region. In 2004, the importance of protecting the Lake Banook Canoe Course from large-scale development was highlighted in a Wind Impact Study on the Lake Banook Canoe Course for two developments abutting the lake. Thus, wind impacts resulting from large building developments which prevent the course from holding national and international regattas would have significant regional impacts.</p> <p>Due to the importance of protecting the Lake Banook canoe course, the potential for large-scale buildings to negatively impact the course and the lack of height restrictions for most land uses, Council shall adopt regulations to restrict building heights around Lake Banook. Further, any height restriction shall apply to all buildings, regardless of how they are developed (by right or through a discretionary approval process).</p>	
<p>Policy IP-9 It shall be a policy of Council to apply a maximum height restriction through the Land Use By-law to all buildings situated within “Lake Banook Canoe Course Area” as identified on Map 9s”</p>	<p>The subject site falls just outside the “Lake Banook Canoe Course Area” as identified on Map 9s.</p>
<p>Policy IP-10 Further to Policy IP-9, Council shall not consider any rezoning or development agreement application for buildings having a height greater than 35 feet within the Lake Banook Canoe Course Area.</p> <p>Within the Lake Banook Canoe Course Area, there are instances where buildings exceed the maximum height restriction. Generally such buildings would be made non-conforming structures and subject to the provisions of the</p>	<p>The 35-foot height restriction does not apply to the subject site, as it falls just outside the “Lake Banook Canoe Course Area” as identified on Map 9s.</p>

Municipal Government Act. It is not the intention of Council to require these buildings to comply with the new height restriction nor be prevented from being replaced. Instead, Council objective is to maintain current height conditions and allow for modifications and replacement of existing buildings.

