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Item No. 13.1.4
Halifax and West Community Council
October 15, 2019

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director of Planning and Development

DATE: September 4, 2019

SUBJECT: **Case 21389: Child Care Centre Development Agreement for 55 Kearney Lake Road and 4 Grosvenor Road, Halifax**

ORIGIN

Application by WM Fares Architects, on behalf of LSJ Holdings Limited (Wedgewood's Little School).

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to consider the expansion of an existing child care centre at 55 Kearney Lake Road and the addition of a new child care centre at 4 Grosvenor Road, allowing for up to 80 children under care, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 200 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

WM Fares Architects, on behalf of LSJ Holdings Limited (Wedgewood's Little School), is applying to establish two child care centres by development agreement for up to 40 children at 55 Kearney Lake Road and up to 40 children at 4 Grosvenor Road, Halifax.

| | |
|---|---|
| Subject Site | 55 Kearney Lake Road, Halifax 4 Grosvenor Road, Halifax |
| Location | Southeast corner of Kearney Lake Road and Grosvenor Road |
| Regional Plan Designation | Urban Settlement (US) |
| Community Plan Designation (Map 1) | Residential (RES) |
| Zoning (Map 2) | R-1 (Single Family Dwelling) Zone - Halifax Mainland Land Use By-Law |
| Size of Site | 1431 sq. m (15,400 sq. ft.) 55 Kearney Lake Road 944 sq. m (10,160 sq. ft.) 4 Grosvenor Road |
| Street Frontage | 74 m (243 ft) along Kearney Lake Road 50 m (164 ft) cumulative along Grosvenor Road |
| Current Land Use(s) | Child care centre with 38 children (55 Kearney Lake Road) and an illegal child care centre with 8 children (4 Grosvenor Road) |
| Surrounding Use(s) | Child care centre at 56 Kearney Lake Road, single unit dwellings, medium density residential uses |

Proposal Details

The applicant proposes to enter into a development agreement for two child care centres at 55 Kearney Lake Road and 4 Grosvenor Road in Halifax. The major aspects of the proposal are as follows:

- Increase the permitted number of children in care from 38 to 40 at 55 Kearney Lake Road;
- Allow up to 40 children in care at 4 Grosvenor Road; and
- Modify on site parking and driveway facilities to improve safety and reduce potential for local street congestion.

No exterior changes to the existing buildings are proposed. Renovations would be permitted in accordance with the zone standards for the R-1 Zone of the Halifax Mainland Land Use By-law.

Existing Uses

Prior to 2009, the Halifax Mainland Land Use By-law permitted child care facilities for up to 14 children in the R-1 Zone in the principal dwelling of the operator. In 2009, the bylaw was amended reducing the maximum number of children to eight. This change aligned the Municipality's standards with Provincial licensing requirements.

All existing lawful child care facilities providing care to more than eight children became non-conforming uses after the adoption of this zoning change. Any new or expanded child care facilities for more than eight children can be considered by development agreement under the Halifax Municipal Planning Strategy Implementation Policy 3.20.

A child care centre for up to 38 children has lawfully operated at 55 Kearney Lake Road since the 1980s and is licensed by the Province. The entire building is used for the child care centre and there is no associated residential use. This use can continue in its current form under the non-conforming use provisions of the *Halifax Regional Municipality Charter*. The operators have applied to increase the number of children under care from 38 to 40 and a development agreement is required to allow this expansion.

A child care centre for 8 children is currently operating at 4 Grosvenor Road. However, there is no valid permit for this operation and the current zoning does not permit a child care centre unless it is in the primary dwelling of the operator. Currently the entire building is used as a child care centre and a license has not been issued by the Province. Under these circumstances, this operation is unlawful and does not meet the definition of a non-conforming use as set out in the HRM Charter. A development agreement is required to authorize the issuance of a permit to authorize this use and to allow the proposed 32 additional children.

Case 21795 (56 Kearney Lake Rd)

The owner and operator of the child care centre on the subject site also own a child care centre at 56 Kearney Lake Road. The applicant originally submitted a single planning application for one development agreement encompassing expansions for all three properties.

The child care centres at 55 and 56 Kearney Lake Road are licensed separately by the Province, the site conditions are materially different and the two locations are separated by Kearney Lake Road which is a significant barrier. In order to provide Council the flexibility to assess the relative merits of each site individually, planning staff split the application into two with technical review incorporating both projects where appropriate.

Enabling Policy and LUB Context

The Halifax Mainland Land Use By-law allows a “Day Care Facility” (called a “child care centre” in the MPS) for up to eight children in the R-1 Zone in conjunction with a dwelling. Halifax Municipal Planning Strategy Implementation Policy 3.20 enables consideration of child care centres not in compliance with the By-law by development agreement:

In order to encourage the establishment of child care centres in a variety of locations to meet the varied needs of families, and to allow the consideration of the specific circumstances of an individual location, a child care centre which does not meet applicable land use bylaw regulations may be permitted by development agreement.

Halifax MPS Policy 3.20.1 includes criteria that Community Council must consider (Attachment B).

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area, and a public information meeting held on November 1, 2018. Attachment C contains a summary of the meeting.

The public information meeting was held in conjunction with Case 21795 due to the proximity of the two applications and common ownership. Public feedback included the following topics:

- Traffic, especially concerning parents dropping off and picking up children;
- Vehicular and pedestrian safety and nuisance;
- Parking for staff on or off site;
- Street parking in general and use of private driveways for turning around;
- Use of the crosswalk on Kearney Lake Road for small children; and
- Largely in favour of daycares but concerns about location and intensity of use.

A summary of the discussion at the Public Information Meeting is included in this report as Attachment C.

Emails and phone calls (11) were also fielded by staff with most callers attending the PIM; comments received echoed the concerns listed above.

A public hearing must be held by Halifax and West Community Council before it can consider the proposed development agreement. If Community Council decides to proceed with a public hearing on this application, in addition to the published newspaper advertisements, staff will notify property owners within the notification area shown on Map 2 by regular mail.

The proposal will potentially impact local residents, property owners and parents in the broader community who require child care.

DISCUSSION

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

Proposed Development Agreement

Attachment A contains the proposed development agreement for the subject site and the conditions under which the development may occur. The development agreement would permit two child care centres for up to 80 children divided equally between the two sites, as follows:

- A maximum of 40 children under care permitted at 55 Kearney Lake Road;
- A maximum of 40 children under care permitted at 4 Grosvenor Road;
- Both properties within the single subject site will be subject to one development agreement;
- R-1 uses are permitted if child care centre is no longer operational;
- Each building must retain residential characteristics;
- Outdoor play area required with safety boundaries and screening;
- Hours of operation from 7:00 a.m. to 6:30 p.m.;
- 9 hard-surfaced vehicle on-site parking spaces, and dedicated walkways to the buildings;
- A driveway loop connecting the properties to provide safer vehicular and pedestrian access, improve sightlines, and reduce congestion;
- Bicycle parking as required by the Halifax Mainland Land Use By-law for recreation facilities, community centres and libraries;
- Minimum standards for outdoor lighting, signage, refuse screening, and maintenance; and
- Changes to dates of commencement and completion are listed as non-substantive matters.

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

Traffic, Parking, and Pedestrians

Community concern expressed through the engagement process was primarily focussed on traffic, pedestrian activity and the supply of parking. The bulk of staff analysis focused on these aspects of the proposal in consultation with the Development Engineer and HRM Traffic Management.

Child care centres rely heavily on unloading and loading children from vehicles. Pedestrian activity between vehicles and the buildings are a primary safety concern as noted in Implementation Policy 3.20.1 (e): “vehicular access to and egress from the child care centre and pedestrian movement shall be accommodated in a manner which encourages safety.”

The proposal includes the addition of a driveway loop connecting 55 Kearney Lake Road and 4 Grosvenor Road as shown on the site plan (Attachment A, Schedule B). Off-street parking is also provided for 9 vehicles.

These improvements are enabled by a change in the streetline through a municipal real estate transaction recently approved by Regional Council that enlarged the 4 Grosvenor Road property to provide the additional on-site space required for the driveway and off-street vehicle parking.

Users of both facilities will enter the site from the Grosvenor Road driveway serving 55 Kearney Lake Road and exit from the 4 Grosvenor Road driveway. The points of access and egress are both on Grosvenor Road providing adequate sight lines and more efficient traffic flow.

Implementation Policy 3.20.1(c) requires on-site parking for child care centre employees. The proposed development agreement anticipates providing one parking space for every two employees. Staff are satisfied that this ratio will be satisfactory because the site is located on a transit route and is embedded within a residential neighbourhood, making it possible for employees to take transit, walk or cycle to work.

Concentration of Child Care Centres

Implementation Policy 3.20.1 g. directs Council to consider whether approving the development agreement would produce a concentration of child care centres within a particular neighbourhood. A child care centre operated by the same property owner is located at 56 Kearney Lake Road, across the street from the subject site. Halifax and West Community Council approved a development agreement to increase the number of children permitted at that site from 14 to 16 after a public hearing on August 6, 2019 (Case 21795). This approval combined with the two child care centres proposed in this application would result in three child care operations in the immediate area around the intersection of Kearney Lake Road and Grosvenor Road.

Notwithstanding their physical proximity, staff do not consider the two proposed child care centres to be in the same neighbourhood as the recently approved operation at 56 Kearney Lake Rd. These operations are separated by Kearney Lake Road which is a busy arterial street that provides a substantial barrier between the sites. Under these circumstances, staff advise that approving the proposed development agreement is not expected to generate negative impacts that are typically associated with a concentration of child care centres within a particular neighbourhood.

Conclusion

Staff reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The reconfiguration of the parking and driveway facilities adequately responds to concerns relating to traffic, parking, and pedestrian safety. The greater community will be served with increased child care capacity while the local community will benefit from a safer, more efficient design. A development agreement allows for greater control over compatibility, safety, and parking than would be possible by-right. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2019-2020 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 can make decisions that are consistent with the MPS; Community Council decisions can be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.





Map 1 - Generalized Future Land Use

HALIFAX

56 Kearney Lake Rd,
Halifax



-  Area of Proposed Development Agreement for Case 21389
-  Area of Proposed Development Agreement for Concurrent Case 27195

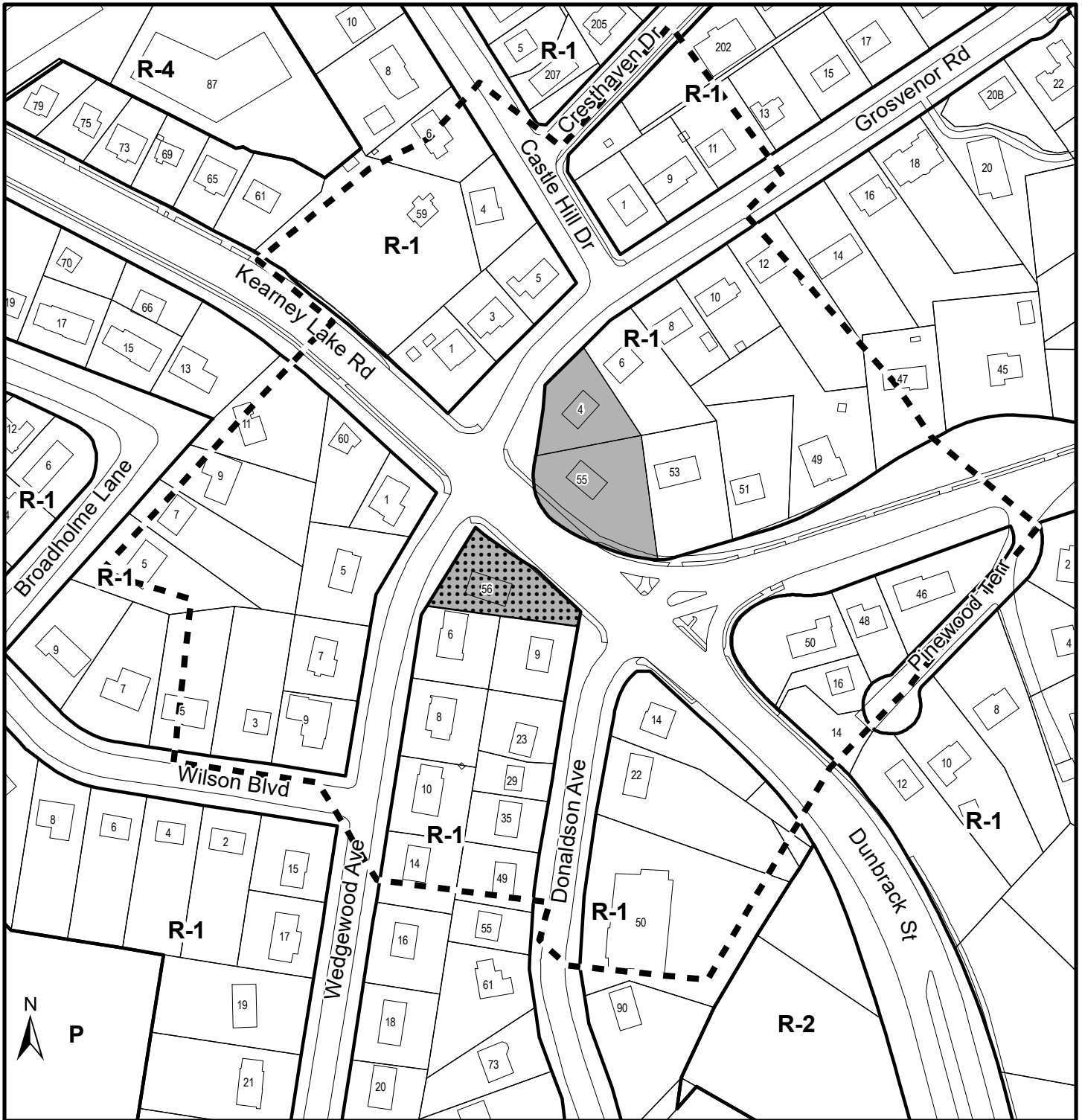
Designation

RES Residential Environments

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.




Halifax Plan Area



Map 2 - Zoning and Notification

56 Kearney Lake Rd,
Halifax

HALIFAX

-  Area of Proposed Development Agreement for Case 21795
-  Area of Proposed Development Agreement for Concurrent Case 21389
-  Area of Notification

- Zone**
- R-1 Single Family Dwelling
 - R-2 Two Family Dwelling
 - R-4 Multiple Dwelling
 - P Park and Institutional



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

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

Halifax Mainland Land Use By-Law Area

Attachment A: Proposed Development Agreement

THIS AGREEMENT made this day of _____, 2019,

BETWEEN:

LSJ HOLDINGS LTD., a corporation in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain Lands located at 56 Kearney Lake Road and 4 Grosvenor Road, Halifax, 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 a child care centre on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Implementation Policies 3.20 and 3.20.1 of the Halifax Municipal Planning Strategy and Section 71(8) of the Land Use By-law for Halifax Mainland;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 21389;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Halifax Mainland and the Regional Subdivision By-law, as amended from time to time.
- 1.2.2 Variances to the requirements of the Land Use By-law for Halifax Mainland shall be permitted in accordance with the *Halifax Regional Municipality Charter*.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, Lot Owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

1.7 Lands

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

- 2.2.1 The following words used in this Agreement shall be defined as follows:
- (a) "Child care centre" shall have the same definition as in the Land Use By-law for Halifax Mainland (Edition 199) under "Day Care Facility".
 - (b) "Existing Building" means buildings in existence as of the effective date of this Agreement.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed with the Halifax Regional Municipality as Case Number 21389:

| | |
|------------|--------------------------------|
| Schedule A | Legal Description of the Lands |
| Schedule B | Site Plan |

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer:
- (a) A detailed Erosion and Sedimentation Control Plan in accordance with Section 5.2.1 of this Agreement;
 - (b) A detailed Site Grading and Stormwater Management Plan in accordance with Section 5.2.1 of this Agreement; and
 - (c) A detailed Site Disturbance Plan in accordance with Section 5.2.1 of this Agreement.
- 3.2.2 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land

Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

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

- (a) a child care centre at 55 Kearney Lake Road for not more than 40 children occupying the existing building;
- (b) a child care centre at 4 Grosvenor Road for not more than 40 children occupying the existing building; and
- (c) any use within the R-1 (Single Family Dwelling) zone, subject to the provisions contained within the Land Use By-law for Halifax Mainland.

3.3.2 The Development Officer may permit unenclosed structures attached to the main buildings such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the Land Use By-law for Halifax Mainland, as amended from time to time.

3.3.3 One (1) accessory building in accordance with the requirements of the Land Use By-law for Halifax Mainland, as amended from time to time, is permitted on each property on the Lands.

3.3.4 Should a main building be destroyed or demolished, wholly or in part, the following shall apply:

- (a) reconstruction as a detached one-family dwelling within the R-1 Zone is permitted on each lot subject to the provisions contained within the Land Use By-law for Halifax Mainland;
- (b) use as a child care centre (day care facility) may continue subject to 3.3.1(a) or (b) in accordance with this Agreement; or
- (c) upon granting of an occupancy permit, the new main building shall be deemed the existing building.

3.3.5 The Lands may not be consolidated.

3.4 Architectural

3.4.1 Alterations to the exterior of the buildings shall be subject to the R-1 (Single Family Dwelling) Zone standards contained within the Land Use By-law for Halifax Mainland and shall not be such that the buildings no longer appear to be residential in nature, in the opinion of the Development Officer.

3.4.2 Nothing in this Agreement shall prevent facilities for physically challenged children or playground equipment from being erected on the property.

3.5 Outdoor Play Area

3.5.1 The outdoor play area(s) shall be located as generally identified on Schedule B, and playground equipment shall be permitted on the Lands.

3.5.2 The outdoor play area(s) shall be screened or fenced in a manner to ensure the safety and security of the children under care.

3.5.3 The outdoor play area(s) may be expanded or relocated so long as they are wholly on the Lands at no more than 70% of lot coverage excluding the main building floorplate and parking.

3.5.4 The outdoor play area(s) shall not occupy a designated parking space.

3.6 Hours of Operation

3.6.1 The child care centre may operate Monday to Friday between the hours of 7:00 a.m. to 6:30 p.m.

3.6.2 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

3.7 Parking, Circulation and Access

3.7.1 The parking area shall be hard surfaced and generally sited as shown on Schedule B.

3.7.2 The parking area shall provide a minimum of 9 parking spaces each of a size compliant with the Halifax Mainland Land Use By-law, as amended from time to time.

3.7.3 Traffic within the parking area shall be one-way with the entrance on 55 Kearney Lake Road and the exit on 4 Grosvenor Road.

3.7.4 Signage prohibiting vehicular exits from 55 Kearney Lake Road shall be erected.

3.7.5 Pedestrian walkways shall connect the parking stalls to the main buildings as generally shown on Schedule B.

3.7.6 Except as otherwise permitted by this Agreement, pedestrian pathways or gates to an abutting property shall not be permitted.

3.7.7 Bicycle parking shall be required in accordance with the requirements for recreation facilities, community centres and libraries by the Land Use By-law for Mainland Halifax, as amended from time to time.

3.8 Outdoor Lighting

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

3.9 Maintenance

3.9.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal, snow and ice control, and salting of walkways and driveways.

3.9.2 All disturbed areas of the Lands shall be reinstated to original condition or better.

3.10 Signs

3.10.1 The sign requirements shall be in accordance with the R-1 (Single Family Dwelling) Zone of the Land Use By-law for Halifax Mainland, as amended from time to time.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

4.1.1 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 Engineering prior to undertaking the work.

4.2 Off-Site Disturbance

4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.3 Solid Waste Facilities

4.3.1 Each main building on the Lands shall include designated space for five stream commercial waste containers (1. Garbage, 2. Blue Bag Recyclables, 3. Paper, 4. Corrugated Cardboard, and 5. Organics) to accommodate source separation program in accordance with By-law S-600 as amended from time to time. This designated space for five (5) waste containers shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.

4.3.2 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing, masonry walls, or landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

5.2.1 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 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.

5.3 Sulphide Bearing Materials

- 5.3.1 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

- 6.1.1 The following item is considered by both parties to be not substantive and may be amended by resolution of Council:

- (a) The granting of an extension to the date for Commencement of Development as identified in Section 7.3.1 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within 2 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 for Halifax Mainland.
- 7.3.2 For the purpose of this section, commencement of development shall mean an application for a Development Permit.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under 6.1.1 if the Municipality receives a written request from the Developer.

7.4 Completion of Development

7.4.1 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 Halifax Municipal Planning Strategy and Land Use By-law for Halifax Mainland as may be amended from time to time.

7.4.2 For the purpose of this section, completion of development shall mean successful issuance of an Occupancy Permit

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development, or phases of this development, after 2 years from the date of registration of this Agreement at the Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (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 Halifax Municipal Planning Strategy and Land Use By-law for Halifax Mainland, as may be amended from time to time.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 90 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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:

LSJ HOLDINGS LTD

Witness

Per: _____

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

Per: _____

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

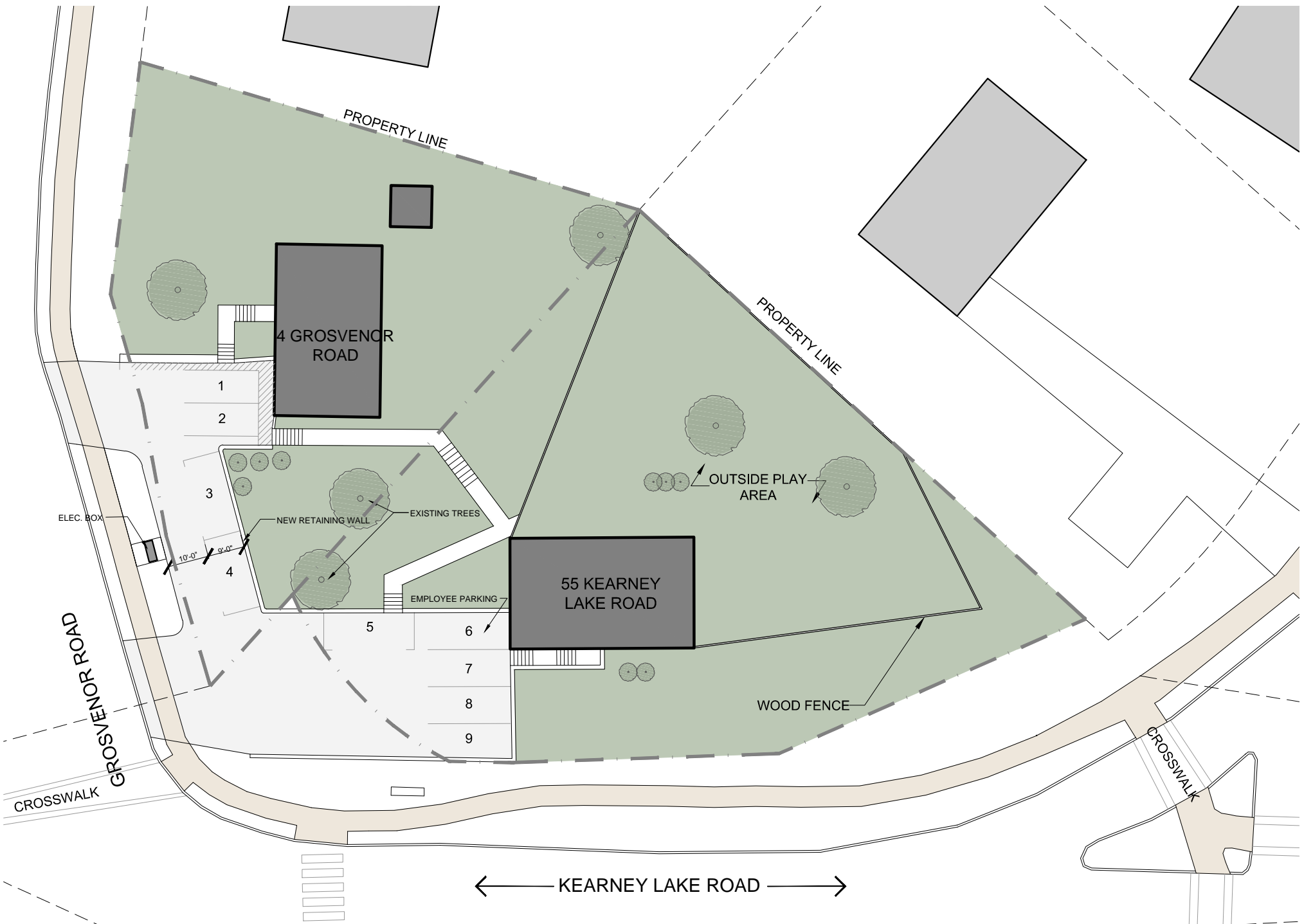
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

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

A Commissioner of the Supreme Court
of Nova Scotia



55 KEARNY LAKE ROAD + 4 GROSVENOR ROAD

HALIFAX, NS

SCHEDULE B
SITE PLAN

Project No.: 2018.01
Scale: 1" = 30'-0"
Date: 12 Aug 2019



WM FARES
ARCHITECTS

A01

Attachment B: Review of Relevant Regional and Halifax MPS Policies

| Regional Municipal Planning Strategy | |
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| Implementation Policies | |
| Policy G-15: | |
| <i>In considering development agreement applications pursuant to the provisions of this Plan, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:</i> | |
| <i>(a) that the proposal is not premature or inappropriate by reason of:</i> | |
| <i>(i) the financial capability of HRM to absorb any costs relating to the development;</i> | Proposal is for change of use and physical changes are restricted to the site plan. Any costs will be absorbed by the property owner. |
| <i>(ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;</i> | The proposal was reviewed by Halifax Water and development engineering – no concerns identified in capability of existing services to absorb any additional demands. |
| <i>(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;</i> | Schools in the area: <ul style="list-style-type: none"> - Rockingham Elementary School; - Grosvenor Wentworth Elementary School; - Park West Elementary School; - Clayton Park Jr. High; - Fairview Jr. High; - Halifax West High School. Community and recreation facilities in the area: <ul style="list-style-type: none"> - Wedgewood Park; - Tremont Plateau Park; - Hemlock Ravine Park; - D.J. Butler Park; - Sheffield Park; - Halifax Mainland Common; - Keshen Goodman Public Library; - Halifax Transit Lacewood Terminal; - Canada Games Centre; - Glenbourne Park; - Centennial Arena; and - Castle Hill Park. |
| <i>(iv) the adequacy of road networks leading to or within the development; and</i> | HRM Traffic Management had no concerns about the adequacy of road networks leading to or within the development. |
| <i>(v) the potential for damage to or for destruction of designated historic buildings and sites;</i> | There are no heritage properties on the subject site. |
| <i>(b) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i> | |

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| <p><i>(i) type of use;</i></p> | <p>Child care centre uses are supportive of residential uses. Embedding them within established residential neighbourhoods helps create complete communities that are more walkable by reducing the distance families need to travel to access child care. Modestly scaled child care centres are inherently compatible with residential uses.</p> <p>In this case, the request is an increase in the number of children in care from 46 to 80 (+34 children) over the two sites. The child care centres are existing, but the increase in the number of children in care could trigger compatibility issues, particularly relating to traffic and parking. The applicant has made revisions to the site plan by improving the access and egress and providing additional on-site parking to mitigate these concerns.</p> |
| <p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p> | <p>The proposed development agreement requires that the child care centre use be conducted within the existing structures on the subject site. Any changes to height, bulk and lot coverage would be governed by the R-1 Zone standards of the Halifax Mainland LUB.</p> |
| <p><i>(iii) traffic generation, access to and egress from the site, and parking;</i></p> | <p>HRM Traffic Management expressed concern about the effect increasing the number of children in care would have on traffic safety and congestion.</p> <p>As a result of these comments, the applicant provided a revised site plan with a reconfigured driveway and additional on-site parking. HRM Traffic Management was satisfied that the revised site plan resolved their concerns.</p> |
| <p><i>(iv) open storage; and</i></p> | <p>The proposed development agreement does not permit open storage on the subject site.</p> |
| <p><i>(v) signs;</i></p> | <p>The development agreement only permits signage in accordance with the R-1 (Single Family Dwelling) Zone standards in the Halifax Mainland Land Use By-law.</p> |
| <p><i>(c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and</i></p> | <p>No concerns.</p> <p>Proposed development agreement limits child care centre use to the existing buildings on the subject site, with additions and renovations controlled by the R-1 zone standards in the Halifax Mainland LUB.</p> <p>There is no evidence that the subject site is susceptible to flooding. There are no known watercourses, marshes or bogs on the subject site.</p> |
| <p><i>(d) if applicable, the requirements of policies E-10, T-3, T-9, EC-14, CH-14 and CH-16.</i></p> | <p>Not applicable.</p> |

| Halifax Municipal Planning Strategy – Section II: City Wide Objectives and Policies | |
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| Policy | Staff Comments |
| <p>Policy 2.1 <i>Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</i></p> | <p>The subject site is located in Halifax Mainland and in a neighbourhood already developed and fully serviced.</p> |
| <p>Policy 2.2 <i>The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p> | <p>The proposed use will decrease residential intensity and increase commercial intensity. Day care facilities are a special type of land use, part commercial (fee for service), part residential (children eat, sleep, and play as if in a domestic setting), and part educational (there is a curriculum for care and learning under the Provincial Department of Education license). The current day care facility has been in operation since 2005. The applicants demonstrate community need through an admission wait list. The neighbourhood possesses housing and schools ideal for families with dependant children. The current local schools are over-subscribed indicating high demand. Child care is regulated Provincially as part of the education system.</p> <p>Implementation Policy 3.1 was repealed 1990; Implementation Policy 3.2 does not apply.</p> |
| <p>Policy 2.4.2 <i>In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.</i></p> | <p>Day care facilities are commercial per this clause of the MPS (see policy 2.2 above).</p> |
| <p>Policy 2.5.1 <i>The City views the neighbourhood as the foundation for detailed area planning. In the process of detailed area planning, residents shall be encouraged to determine what they consider to be their neighbourhoods, and to work with City Council and staff in arriving at an acceptable definition of their neighbourhood and a neighbourhood plan.</i></p> | <p>Community engagement was by way of webpage, postcard mailout, and a Public Information Meeting, held November 1, 2018 in conjunction with case 21795.</p> |
| <p>Policy 2.10 <i>For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily</i></p> | <p>See Implementation Policy 3.20, below.</p> |

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| <p>landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</p> | |
| <p>Halifax Municipal Planning Strategy – Implementation Policies</p> | |
| <p>Policy 3.20 <i>In order to encourage the establishment of child care centres in a variety of locations to meet the varied needs of families, and to allow the consideration of the specific circumstances of an individual location, a child care centre which does not meet applicable land use bylaw regulations may be permitted by development agreement.</i></p> | <p>The current building used as a child care facility reflects local demand over almost 25 years.</p> <p>The applicant made a case for demand given the nearby school is oversubscribed necessitating portables, and a wait list is required for the current child care operations. This indicates the neighbourhood and broader community is made up of families with dependant children in part, and that child care services are a necessity for local families.</p> |
| <p>Policy 3.20.1 <i>In considering approval of such development agreements, Council shall consider the following:</i></p> | |
| <p><i>(a) for a child care centre located within a dwelling, alterations to the exterior of the building shall not be such that the building no longer appears to be residential in nature. This shall not prevent facilities for physically challenged children, or playground equipment to be erected on the property.</i></p> | <p>The building form must continue to be residential and will be specified in the development agreement. A play area is required, screened from neighbours. Accessibility is allowed, and Provincial regulations may supersede.</p> |
| <p><i>(b) the hours of operation shall be such that adverse impacts of noise and traffic movements on adjacent residential uses are reduced.</i></p> | <p>Daycare use is a type of commercial use and activity is concentrated during commuter peak traffic within the neighbourhood. Provisions have been made in the development agreement to define staff parking and set aside enough stalls for parent pick-up and drop-off. A new parking and driveway scheme will limit negative impacts.</p> |
| <p><i>(c) parking shall be required on the site of the child care centre to accommodate the employees of the centre. Parking areas should, where necessary, be visually buffered from any adjacent residential uses by the use of fences, screening and/or landscaping as appropriate.</i></p> | <p>The amount of parking will be specified based on staffing levels. Temporary parking for drop-off and pick-up by parents has been described and may utilize limited on street parking and a majority on site parking. The site already possesses adequate buffering.</p> |
| <p><i>(d) site design features, including landscaping, outdoor play space, parking areas and driveways shall be designed, sized and located to provide for the needs of the users of the facility, as well as to address potential impacts on adjacent residential uses.</i></p> | <p>Site design features will be specified in the development agreement to minimize neighbourhood impact and stress safety and compatibility. The existing driveway has been used for almost 25 years in child care operations and will be linked between the 2 properties (a loop) to improve access and safety. Outdoor play space will be fenced for safety and buffering.</p> |
| <p><i>(e) vehicular access to and egress from the child care centre and pedestrian movement shall be accommodated in a manner which encourages safety.</i></p> | <p>The site design shall incorporate a safe pedestrian path from the parking and drop off areas to the building.</p> |

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| <p><i>(f) signs for the child care centre shall be of a size, design and placement on the lot which reduces impacts on adjacent residential uses.</i></p> | <p>The R-1 Zone By-law referencing signage shall apply.</p> |
| <p><i>(g) centres shall not be located so as to produce a concentration within a particular neighbourhood. In addition, only one centre with a licensed capacity of more than 14 children shall be permitted on any cul-de-sac.</i></p> | <p>Since the subject site is on the opposite side of an arterial road from the sister application 21795, there is minimal connection between the two and therefore a concentration is deemed not applicable. Despite the physical proximity, the functional impacts of these two facilities do not materially overlap. The subject site is not located on a cul-de-sac.</p> |
| <p><i>(h) all other relevant policies of the municipal planning strategy with particular reference to the Residential Environments section.</i></p> | <p>See above.</p> |

Attachment C: Summary of Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY Public Information Meeting Case 21389 and 21795

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

Thursday, November 1, 2018
7:00 p.m.
St. Peter's Anglican Church Hall

STAFF IN

ATTENDANCE: Scott Low, Planner, HRM Planning and Development
Alden Thurston, Planning Technician, HRM Planning and Development
Cara McFarlane, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Councillor Russell Walker, District 10
Councillor Richard Zurawski, District 12
Cesar Saleh, WM Fares Architects
Sonia, Jamil and Lyla Hage, Owners of Wedgewood's Little School

PUBLIC IN

ATTENDANCE: Approximately 20

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

1. Call to order, purpose of meeting – Scott Low

Mr. Low is the Planner and Facilitator for the application and introduced the area Councillors, the applicant and staff members.

Case 21389 - Application by WM Fares Architects, on behalf of Wedgewood's Little School Ltd., requesting a development agreement to permit a child care centre in 2 buildings at 55 Kearney Lake Road and 4 Grosvenor Road, Halifax with a proposed 76 children under care.

Case 21795 - Application by WM Fares Architects, on behalf of Wedgewood's Little School Ltd., requesting a development agreement to permit a child care centre at 56 Kearney Lake Road, Halifax with a proposed 46 children under care.

The purpose of the Public Information Meeting (PIM) is to:

- Identify the proposal site and highlight the proposal;
- Give the applicant an opportunity to present the proposal; and
- Receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Scott Low

Mr. Low provided a proposal fact sheet to the audience and gave a brief presentation of the proposal for the properties at 55 Kearney Lake and 4 Grosvenor Roads, Halifax (Case 21389 – District 10, Councillor Walker) and 56 Kearney Lake Road (Case 21795 – District 12, Councillor Zurawski) outlining the status of the application, the Applicant's request, site context of the subject lands, the relevant planning policies [2.4.2 (Residential Environments-Citywide), 3.20 / 3.20.1 (Implementation Policies)] within the Halifax Municipal Planning Strategy and existing zone [R-1 (Single Family Dwelling) Zone] within the Halifax Mainland Land Use By-law (LUB). The daycare was created before the current by-law came into effect and the Halifax Charter protects the business on the property from future changes of the LUB; therefore, the use is permitted to continue. If approved, the development agreement would essentially supersede the zone allowing the number of children to increase but control the intensity.

Presentation of Proposal – Cesar Saleh, Professional Engineer, WM Fares Architects

Mr. Saleh presented the development agreement proposal for the subject properties to allow for child care centres at 55 Kearney Lake and 4 Grosvenor Roads (Case 21389) and 56 Kearney Lake Road (Case 21795) and outlined the site context and site plan (change to allow for vehicles to turn within the parking area but no external change, only internal, to the existing structures). The proposal is only for a change in the number of children which is also governed Provincially.

Presentation of Proposal – Sonia Hage, Owner (as well as Jamil Hage and Lyla Hage), Wedgewood's Little School

Ms. Hage presented their background and experience as licensed daycare owners/operators. The daycare at these locations have always been at capacity; therefore, the owners would like to expand the current programs to accommodate toddlers and before/after school students.

3. Questions and Comments

Irene Phinney, Wedgewood Avenue is fine with the number of children currently at the daycare but is concerned about increased numbers of children at 56 Kearney Lake Road and people parking (including employees) on both sides of the street (is very narrow) to pick up / drop off children as it is so close to the corner. Parents turn around in neighbours' driveways and there are no sidewalks on Wedgewood Avenue. Navigating snow removal / plows and emergency vehicles is very difficult. Wedgewood Avenue and Kearney Lake Road are very busy and dangerous and not safe to take children across that crosswalk. Entering onto Kearney Lake Road by vehicle is also a real challenge.

Jeff Lawley, Grosvenor Road respects the business owners but echoes the concerns about safety and the parent drivers who drop off / pick up their children at the daycare. Glad that the driveway is going to be redone and have the vehicles not backing up into the street. Appreciates wanting to expand the business but safety of the children and the residents of the neighbourhood come first. Kearney Lake Road is very dangerous in the winter and will become more and more congested as the top of Larry Uteck Boulevard becomes more developed. **Mr. Low** reiterated that the policy states that safety is the first consideration. Currently, there are 60 children using these three sites and there is no structured use of the street parking. In that respect, the development agreement gives the opportunity to bring some structure even with an increase in intensity of use. **Mr. Lawley** wondered if it would be possible to down-size the proposal and if so, would it come back to a public forum? **Mr. Low** –The development agreement is a negotiation between the Municipality and the property owner(s) and it would depend on the viability of the proposal. The numbers will depend on pedestrian and traffic safety. Another public information session would

be held if there was a material and / or significant change to the proposal.

Glenn Taylor, Wedgewood Avenue [REDACTED] was pleased to see in the presentation that pedestrian and traffic safety is the major concern but doesn't feel it is the employees' parking that is the concern but the pick ups and drop offs by parents. Mr. Taylor strongly recommends, due to the amount of traffic, that there only be parking on one side of Wedgewood Avenue at least up past their property because it is so narrow and to consider either moving the community mailboxes that are located there or designate parking spots for that purpose. The parking and traffic between Wedgewood Avenue, Wilson Boulevard and Kearney Lake Road have to be considered. A fire hydrant located on the street also limits parking. **Mr. Low** – Traffic issues are being looked at more than anything else.

Margaret Whalen, Donaldson Avenue is concerned about the noise level and age group from the increased number of children as well as the hours of operation. There is another daycare going in further up the Kearney Lake Road which will intensify the amount of daycare available. **Mr. Low** – The Province is in the process of changing the Daycare Act to address demographic issues and considers these centres as partners in early childhood education.

Al Jamieson, Wedgewood Avenue does not want to discourage the development as they have had excellent relationship with the past owner(s) and no issues with the current owner(s). The traffic on Kearney Lake Road is unbearably busy and very dangerous. The curvature at Wedgewood Avenue needs some attention as it creates a real problem due to difficulty seeing vehicles on both sides of the road (a signal light or turn arrow would be helpful). Many people use an alternate route to avoid the danger. The proposal is in keeping with the intent of the previous owner of the daycare but the increase in pick ups / drop offs will create problems for parking alongside of Wedgewood Avenue. Mr. Jamieson is also concerned with the duration of construction. What would the timeframe be? **Mr. Low** – At least about three or four months until going before Halifax and West Community Council and maybe six months before the development agreement would be signed / registered.

Sherry Walsh, Grosvenor Road echoes many of the previous concerns. Currently, high density creates problems with courtesies when people drop off / pick up children as some are parking illegally but it will be worse with the increase in capacity. The traffic study that was done used research from 2012 and 2016 which stated that there would be no increase in development in the area that would impact the density of the number of vehicles. The statistics on number of vehicles was taken in July when schools are out and parents are home and does not truly represent the actual traffic flow in the area. The already high-density streets are narrow and is worse during the winter. Safety of the children and getting in and out of that very small street are issues of concern. Ms. Walsh does not see it being feasible in this high traffic area.

Zack Swick, Grosvenor Road has experience entering in and out of the driveway and echoes previous concerns. There is currently too much traffic along Grosvenor Road and safety is an issue with people stopping and getting out of their cars. Painted lines within the driveway will not improve that. As a parent, registering a child at a daycare of that size would be a concern. The intensity of these uses in the neighbourhood need to be considered when looking at the amounts of children being dropped off / picked up. Mr. Swick did not appreciate some of the false statements (no employee on-street parking) that were part of the original application; therefore, statements for the current application are questionable. Is there any outcome to this process that would negotiate physical changes in the driveways or buildings? **Mr. Low** – The building code may ask for some minor revisions most importantly being egress points (from the existing buildings) and the Province requires a certain amount of natural light which may lead to more windows. A larger driveway could be an outcome.

Cameron Morrison, Donaldson Avenue has no objection to the daycare; however, echoes the

previous concerns. Coming down Kearney Lake Road from the lake is a raceway and has a blind hill. A set of lights at the corner of Wedgwood Avenue and Kearney Lake Road would help tremendously. This request has been suggested repeatedly at many different public meetings held in the area.

Vincente Bonilla, Donaldson Avenue does not have an issue with the daycare but is concerned for the safety of their children when people turn in their driveway. This will be worse with the increased capacity. There has to be a set of lights and sidewalks. Could a School Zone sign be erected on Kearney Lake Road for the safety of the daycare children? **Mr. Low** – Signs are administered through a separate agency and not determined by Council. It will be brought to attention along with the safety issues.

John Achenbach, Grosvenor Road thanked the owners for notifying residents in the area of their intentions. Mr. Achenbach's concerns are mostly with traffic. The ability to park on the side of the street in a safe manner during the winter is very difficult and the snow plow leaves half of the street inaccessible. **Mr. Low** – Curbside snow inventory is considered when looking at curbside parking. HRM is potentially looking at tentatively creating loading zones in front of daycares here as a pilot project.

Loretta Bennett, Grosvenor Road – Grosvenor Road was once a dead-end street and Kearney Lake Road a country road. Presently, crossing the road is very unsafe. The amount of traffic that goes down Kearney Lake Road cannot be overstated. The traffic study is not recent and doesn't reflect the true traffic flow. **Mr. Low** – HRM Staff also audits the study and if necessary, it will be revised.

4. Closing Comments – Scott Low

Mr. Low thanked everyone for coming and expressing their comments.

5. Adjournment

The meeting adjourned at approximately 8:30 p.m.