



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 13.1.2**  
**Harbour East – Marine Drive Community Council**  
**Special Meeting**  
**August 6, 2020**

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

**SUBMITTED BY:** *-Original Signed-*  
\_\_\_\_\_  
Kelly Denty, Director of Planning and Development

*-Original Signed-*  
\_\_\_\_\_  
Jerry Blackwood, Acting Chief Administrative Officer

**DATE:** June 1, 2020

**SUBJECT:** **Case 20756: Amendments to the Dartmouth Municipal Planning Strategy for 246 Waverley Road and 2 and 4 Montebello Drive, Dartmouth**

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**ORIGIN**

- August 2016 – Application by Michael Napier Architecture, on behalf of G2J Residential Holdings
- April 25, 2017 – the following motion of Regional Council was put and passed:
  1. *Initiate a process to consider amendments to the Municipal Planning Strategy for Dartmouth to acknowledge the lands at the southeast corner of Waverley Road and Montebello Drive (Civic 246 Waverley Road and 2 and 4 Montebello Drive) within the Waverley Road Mixed Use sub-designation, to enable consideration of a development agreement for a multiple unit dwelling on these properties; and*
  2. *Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.*
- October 2019/ March 2020 – Revised application by ZZap Consulting Inc., on behalf of G2J Residential Holdings

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION ON PAGE 2**

## **RECOMMENDATION**

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

1. Give First Reading to consider amendments to the Municipal Planning Strategy for Dartmouth as set out in Attachment A, to re-designate lands at the southeast corner of Waverley Road and Montebello Drive (Civic 246 Waverley Road, and 2 and 4 Montebello Drive), to the WR Mixed-Use sub-designation, and schedule a public hearing; and
2. Adopt the amendments to the MPS for Dartmouth, as set out in Attachment A.

## **BACKGROUND**

In August 2016, Michael Napier Architecture, on behalf of G2J Residential Holdings, applied to develop a multiple unit dwelling at the southeast corner of Waverley Road and Montebello Drive, Dartmouth. This proposal cannot be considered under existing planning policy, therefore, the applicant sought amendments to the Municipal Planning Strategy for Dartmouth (MPS). On April 25, 2017, Regional Council initiated a planning process to consider re-designating these properties to the Waverley Road (WR) Mixed Use sub-designation, which would enable future consideration of a multiple unit dwelling by development agreement.

G2J Residential Holdings has since acquired three additional residential lots abutting the original subject lands at Civic #54, 58 and 60 Micmac Drive. ZZap Consulting Inc. has been retained by the property owner, who have submitted a revised proposal.

<b>Subject site</b>	246 Waverley Rd.; 2 and 4 Montebello Dr., Dartmouth
<b>Additional lands</b>	54, 58 and 60 Micmac Dr., Dartmouth
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Maps 1 and 4)</b>	246 Waverley Rd. and 2 Montebello Dr. are within the Waverley Road (WR) designation, and the WR (Waverley Road) Neighbourhood sub-designation; 4 Montebello Dr., 54, 58 and 60 Micmac Dr. are designated Residential (outside the Waverley Road designation)
<b>Zoning (Map 2)</b>	R-1 (Single Family Residential) Zone
<b>Size of Site</b>	2,683.6 square metres (28,887 square feet); incl. additional lands: 3697.8 square metres (39,803 square feet)
<b>Street Frontage</b>	110.68 metres (363.12 feet) on two streets incl. additional lands: 165.54 metres (543.1 feet) on three streets
<b>Current Land Use(s)</b>	Three houses, plus three houses on the additional lands
<b>Surrounding Use(s)</b>	Commercial uses to the north, south, and west including a fast food restaurant (Tim Horton's), auto repair shop, two commercial plazas with medical and dental clinics, personal services, small restaurants; houses to the east

### **Proposal Details**

In August 2016, the original applicant proposed to consolidate three existing residential lots (at Civic #246 Waverley Road, and 2 and 4 Montebello Drive) and construct a 5-storey, 56-unit residential building on the lands. This proposal was included in the Initiation Report, reviewed by Regional Council on April 25, 2017.<sup>1</sup> Following public consultation and significant review and analysis, staff advised the applicant that the original proposal was not reasonably consistent with the intent of the WR Mixed Use sub-designation. Staff suggested design changes to the applicant that could better align the proposal with the policy's intent.

<sup>1</sup> <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/170425rc1419.pdf>

In March 2020, the current applicant, ZZap Consulting Inc. submitted a revised application that requested Regional Council re-designate the subject site (246 Waverley Road and 2 and 4 Montebello Drive) to the WR Mixed Use sub-designation, and proposed:

- A 5-storey building with a 2-storey streetwall and 3 storeys facing the rear;
- 40 residential units and 4,260 sq. ft. of commercial and/or residential space facing Waverley Road; and
- 45 interior parking spaces, with driveway access from Montebello Drive.

If Regional Council chooses to approve this MPS amendment request, the applicant has indicated that they intend to submit a subsequent application for both the subject site and the property owner's additional lands on Micmac Drive. This future application would request rezoning of the Micmac Drive lands, which can be considered under existing MPS policy, and request a development agreement for the entire site to allow for a multiple unit dwelling as described above and a stacked townhouse building on the Micmac Drive lands.

The applicant provided the following rationale in support of the proposed development, which is intended to meet the intent of the WR Mixed Use sub-designation policy:

- The existing MPS policy envisioned neighbourhood commercial uses on the subject site, however additional commercial uses may not be needed since there has been significant new commercial space constructed in the area since 2009;
- No multiple unit residential buildings have been constructed under the existing policy;
- The site is located on a prominent corridor at a major intersection, has access to public transit, is close to commercial amenities and is within walking distance of a regional park;
- The proposed number of units is required to achieve a high quality of construction, locate parking inside the building to improve the public realm and provide exterior landscaped space;
- The proposed building design is compatible and consistent with the surrounding context, achieved by:
  - including a two-storey podium, with the Waverley Road streetwall closer to the street given its commercial context, and including townhouse-style units along Montebello Drive;
  - stepping back the upper storeys to create a human-scaled design, and integrating the massing in the site's slope to reduce the massing at the rear of the property next to low-rise residential buildings;
  - setting back the building from the street and from the rear property line to allow for landscaping and buffering from adjacent properties;
  - locating the driveway on Montebello Drive, away from the intersection.

The applicant's revised proposal, including rationale letter, site plan and renderings of the proposed buildings are available in Attachment B.

### **MPS and LUB Context**

Under the MPS, 246 Waverley Road and 2 Montebello Drive are within the Waverley Road (WR) designation. The WR designation policies are intended to allow a mix of uses while limiting conflict between types and intensity of uses, particularly between industrial/commercial and residential. Civic #4 Montebello Drive and the additional lands on Micmac Drive are outside the WR designation and designated Residential under the MPS. The Residential designation allows Community Council to consider rezoning to support residential developments of low, medium and high densities, provided the development is considered "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 (Policy IP-1(c) and Table 4).

All six lots are currently zoned R-1 (Single Family Residential) under the Land Use By-law for Dartmouth (LUB). The R-1 Zone permits single unit dwellings, and a range of institutional and community uses such as places of worship, schools, libraries, public parks and recreational clubs.

### WR Sub-Designation Policies

There are three sub-designations within the WR designation, with each setting out future land use objectives in more detail (Map 4). These include the WR Neighbourhood sub-designation (applied to 246 Waverley Road and 2 Montebello Drive), the WR Low-Density Residential sub-designation and the WR Mixed Use sub-designation.

The WR Neighbourhood sub-designation policies envision a small neighbourhood commercial node will be developed at the corner of Waverley Road and Montebello Drive. The sub-designation enables Community Council to consider applying the C-1A Zone, which permits small-scale commercial and low-density residential uses (single, two unit and townhouse dwellings) in conjunction with commercial uses.

The WR Mixed Use sub-designation policy applies to lands near Red Bridge Pond and on the west side of Waverley Road, which have been used for a variety of commercial and industrial uses. The Mixed Use sub-designation policy recognizes that multiple unit dwellings can “*contribute to the desired walkable, mixed use community; however, concern was expressed about the impact such uses may have on the existing neighbourhoods.*” To address this concern, Policy C-41 allows Community Council to consider multiple unit dwellings by development agreement on properties with the WR Mixed Use sub-designation. When considering such a development agreement, the policy directs Community Council to consider criteria under Policy IP-5 regarding Apartment Building Development and advises Council “*should use the land use density standards of the R-3 zone as a guide.*”

The WR Mixed Use sub-designation also enables Community Council to consider rezoning to the C-1B (Mixed Use Commercial) Zone. Compared to the C-1A Zone, the C-1B Zone allows for institutional uses and a wider range of commercial uses, greater lot coverage (80% vs. 60%) and permits outdoor storage and display. Both zones require setbacks from residential properties, and landscaping and fencing to act as a buffer.

### **Regional Council Direction**

On April 25, 2017, Regional Council directed staff to initiate the MPS amendment process to consider re-designating the subject site (Civic 246 Waverley Road, 2 and 4 Montebello Drive) to the WR Mixed Use sub-designation. Rather than considering site-specific policy for the subject site, this motion directed staff to consider applying the existing WR Mixed Use sub-designation policy in the same manner that it is currently applied to other areas of Waverley Road. If Regional Council chose to re-designate the subject site to the WR Mixed Use sub-designation, Community Council could then consider a development agreement for a multiple unit dwelling under Policy C-41.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area, a public information meeting (PIM) held on September 20, 2017, and a presentation to the Port Wallace Community Seniors' Group. Attachment C contains a copy of the minutes from the PIM, which approximately 146 people attended. Public comment was also gathered from comment sheets provided at the PIM, at the meeting with the Port Wallace Community Seniors' Group, and from emails and phone calls to planning staff. Attachment D provides a summary of the comments received, all of which are in reference to the original proposed for a 5-storey, 56-unit residential building. In general, the public comments included:

- Significant concern about traffic congestion and safety in the neighbourhood and at the Waverley/Montebello intersection in particular;
- Concern that the size and density of the proposed 5-storey, 56-unit residential building would not fit the location and would not be compatible with the neighbourhood; and

- Some general support for the proposal.

In addition, the property owner circulated a petition indicating support for the proposal, which was submitted to Harbour East-Marine Drive Community Council on November 2, 2017. The petition was located at Leo's Pizza on 245 Waverly Road, and requested signature for the following: "*We support the development at Montebello Dr. & Waverley Rd. HRM Case 20756 – BELLO Suites*". A letter to staff from the applicant summarizing the petition indicated they received support from 198 names of Dartmouth-area residents & business owners. Of those, 27 live within the Montebello Estates subdivision, including near the development site on Micmac Drive, Montebello Drive, Bonita Drive and Appian Way. Another 44 live in the surrounding neighbourhoods of Locks Road to the west, Breeze Drive/Keystone Village to the north, and Gourok/Caledonia/Ave du Portage to the east.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 3 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents, property owners, and local businesses.

## **DISCUSSION**

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

Staff initially reviewed the originally proposed 5-storey, 56-unit residential building against Policy C-41 and advised the applicant that the proposed building was not reasonably consistent with the intent of the policy regarding density and the building's bulk and scale in relation to the neighbourhood. Staff suggested design changes that could allow the proposal to better meet the intent of the policy, including reducing the number of storeys and introducing additional building setbacks or stepbacks to reduce the overall density and improve compatibility with the existing neighbourhood. When ZZap Consulting Inc. took over the application in October 2019, staff discussed the outstanding issues with them, and in March 2020, the current proposed building concept was submitted (see Attachment B).

Based on the revised building concept, staff recommend that amending the MPS to re-designate the subject site to the WR Mixed Use sub-designation would recognize changes in the area since the policy was adopted in 2009 and enable the site to be developed in a manner consistent with the intent of the existing Waverley Road policies.

As explained in the Background section of this report, if Regional Council chooses to amend the MPS, the applicant intends to apply for rezoning and a development agreement so that a comprehensive development including the property owner's additional lands on Micmac Drive could be pursued. **Amending the MPS to re-designate the subject site does not obligate Community Council to approve a future rezoning or a development agreement for any particular development.**

The following sections explain the rationale for the proposed MPS amendments.

### **Vision for the Waverley Road Area**

The Waverley Road MPS policy is intended to provide a long-term vision for the community, and the policy is relatively recent. The policies were adopted in 2009 to address land use conflicts between industrial and residential uses south of the subject site near Red Bridge Pond. The study area was expanded northward to include the commercial area along Waverley Road to the north side of the intersection with Montebello Drive (Map 4). Policy C-32 states, in part:

*“The vision for the Waverley Road designation is to encourage a mixed use community which has a range of commercial uses, while addressing land use compatibility issues by limiting the types of land uses permitted and by establishing land use controls.”*

The Waverley Road planning process identified that multiple unit dwellings could be a compatible land use on larger sites near Red Bridge Pond and on the west side of Waverley Road that are currently used for more intensive commercial and industrial uses. The vision was that as those uses were phased out, multiple unit dwellings of a modest scale could take their place. The WR Mixed Use sub-designation policy highlights that while multiple unit dwellings could contribute to the community, there was some concern regarding the impact of multiple unit dwellings on the existing neighbourhood. The policy anticipates that these concerns could be mitigated through land use controls negotiated through a development agreement process.

Public feedback received for this application has been generally consistent with the vision outlined in the current Waverley Road policies. While many members of the public expressed concern about the bulk and scale of the originally proposed 56-unit residential building, as well as potential impacts on access and traffic, some residents expressed support for multiple unit dwellings in the neighbourhood.

Since the Waverley Road policies were adopted in 2009, new commercial uses were constructed on lands within the WR Mixed Use sub-designation, and no multiple unit dwellings have been constructed. It should be noted that three sites within the WR Mixed Use sub-designation are currently vacant and multiple unit dwellings could be considered by development agreement on these sites without any changes to current planning policy. However, there is currently a high demand for housing across the region, with a very low 1% overall apartment vacancy rate reported by CMHC in October 2019.<sup>2</sup> Although there are several multiple unit dwellings in the Waverley Road area, they are more than thirty years old. New multiple unit dwellings would provide additional housing choice in the neighbourhood. Several members of the public indicated that such a development would allow them to downsize from their single-family homes and stay in their neighbourhood, rather than move to a different part of the Municipality.

Therefore, staff advise that re-designating the subject site to the WR Mixed Use sub-designation would appropriately respond to the changes that have occurred in the area since the policy’s 2009 adoption, while maintaining the overall intent of the community’s vision. By applying the existing WR Mixed Use sub-designation to the subject site, any proposed multiple unit dwelling would be required to address the same criteria as any other multiple unit dwelling that could be proposed elsewhere in the area in the future.

#### **Review of the proposed building against the WR Mixed Use sub-designation policy**

If Regional Council were to re-designate the subject site to the Waverley Road Mixed Use sub-designation, Harbour East-Marine Drive Community Council could then consider a development agreement for a multiple unit dwelling on the subject site. When considering a development agreement for a multiple unit dwelling, Policy C-41 directs Community Council to consider the criteria under Policy IP-5 regarding Apartment Building Development and advises they should use the density standards of the R-3 Zone as a guide.

Staff have completed an evaluation of the applicant’s concept for the multiple unit dwelling (see Attachment E) and advise that it appears to address the general intent of the WR Mixed Use sub-designation policy; however, additional review would be required at the development agreement stage. The key criteria are summarized below:

#### **Density**

The R-3 Zone is a “medium density” zone, and the density standards determine the number of permitted residential units based on overall lot size. The policy provides flexibility, in that the density standards “should be used as a guide” in conjunction with the criteria for Apartment Building Developments in Policy IP-5. Based on the size of the subject site (28,887 sq. ft.), the R-3 Zone would allow for a building with 22 one-

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<sup>2</sup> Halifax CMA Rental Market Report, CMHC, released 2020.

bedroom apartments, or 16 two-bedroom apartments (or a combination). The proposed 40-unit building would contain about twice the number of units as what the R-3 density standards would allow. This suggests that the proposed building's unit density is at the upper limit of the policy's guidance; however, the density of the building must be considered in conjunction with other required policy criteria.

#### Compatibility with the existing neighbourhood

Policy IP-5 (in part) requires Council to consider:

- the adequacy of controls to reduce conflict with adjacent or nearby land use; and
- the adequacy of the exterior design, height, bulk and scale of new apartment development with respect to compatibility with the existing neighbourhood.

This portion of Waverley Road contains small-scale commercial uses and primarily single-family houses in the surrounding neighbourhood. The proposed building is larger in scale than existing development in the area; however, the design of the building is intended to be sensitive to the surrounding context and provide transition to the residential properties on Micmac Drive. This is accomplished by:

- Establishing a two-storey streetwall on Waverley Road and Montebello Drive, similar in height to surrounding residential and commercial buildings;
- Providing townhouse-style units on Montebello Drive with front yards and direct at-grade access to units;
- Orienting the Waverley Road frontage closer to the street to recognize the commercial character of this portion of the corridor;
- Providing a significant setback above the streetwall and pushing upper storeys to the middle of the site to limit the visual impact on surrounding streets and properties;
- Setting the building back six metres from the rear property line facing the low-rise buildings on Micmac Drive; and
- Integrating the building into the slope so that the building rises to only three storeys at the rear, similar to the maximum height expected for a house.

If Regional Council approves the proposed MPS amendments, detailed design of the site and building including landscaping and buffering next to adjacent properties will be considered at the development agreement stage.

#### Issues to be addressed at the development agreement stage

Policies IP-1 and IP-5 (in part) require Council to consider that the proposal is not premature or inappropriate by reason of:

- the adequacy of sewer and water services and public utilities; and
- the adequacy of transportation networks in, adjacent to, or leading to the development.

There are currently unanswered questions regarding infrastructure in the area, including:

- the capacity of the wastewater pumping station to service the development; and
- a potential need for future upgrades to the Waverley Road and Montebello Drive intersection.

If Regional Council approves the proposed MPS amendments, these issues would be further explored through a future development agreement process.

#### **Conclusion**

The Waverley Road policies found in the Dartmouth MPS, adopted in 2009, envision that multiple unit dwellings could positively contribute to a walkable, mixed-use community. Re-designating the subject site to the WR Mixed Use sub-designation would enable the site to be considered for a multiple unit dwelling by development agreement. Since initiation of this application in April 2017, staff have worked with the applicant(s) to revise the proposed building design so that it meets the intent of the WR Mixed Use sub-designation policy. The density of the proposed building is at the upper limit of the guidance provided by

the R-3 Zone, and the scale of the building is larger than existing development in the area; however, the building's design recognizes the neighbourhood context and provides adequate transition to adjacent properties. A future development agreement process would require further public consultation and a public hearing to be held by Community Council. Therefore, staff recommend that the Harbour East – Marine Drive Community Council recommend that Regional Council approve the proposed amendments to the Dartmouth MPS.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning application can be accommodated within the 2020-2021 operating budget for C320 Regional Planning Program.

### **RISK CONSIDERATION**

The risks associated with the recommendations contained within this report are low. This process involves the consideration of MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of amending the MPS are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

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

### **ALTERNATIVES**

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

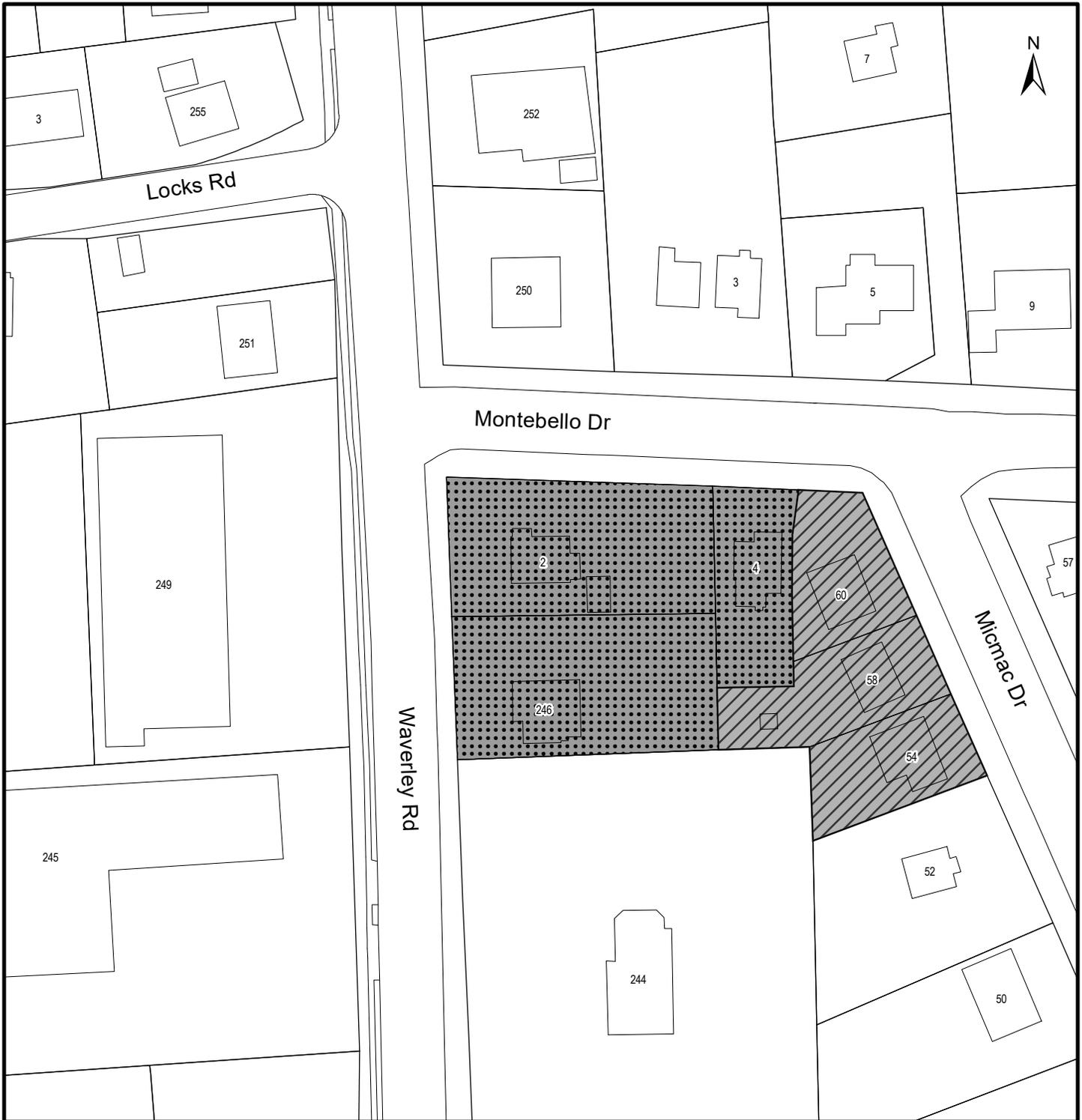
1. Modify the proposed amendments to the MPS for Dartmouth, as set out in Attachments A of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted.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

### **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning
Map 3:	Notification Area
Map 4:	Map 9u, Dartmouth MPS – Waverley Road Generalized Future Land Use
Attachment A:	Proposed MPS Amendments
Attachment B:	Applicant's Revised Proposal
Attachment C:	Public Information Meeting (PIM) Notes
Attachment D:	Public Comment Summary
Attachment E:	Evaluation of Proposed Development against Policy C-41

A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Leah Perrin, Planner III, 902.476.3792



**Map 1 - Generalized Future Land Use**

246 Waverley Road,  
 2 & 4 Montebello Drive  
 Dartmouth

**HALIFAX**

-  Subject Property
-  Additional Lands

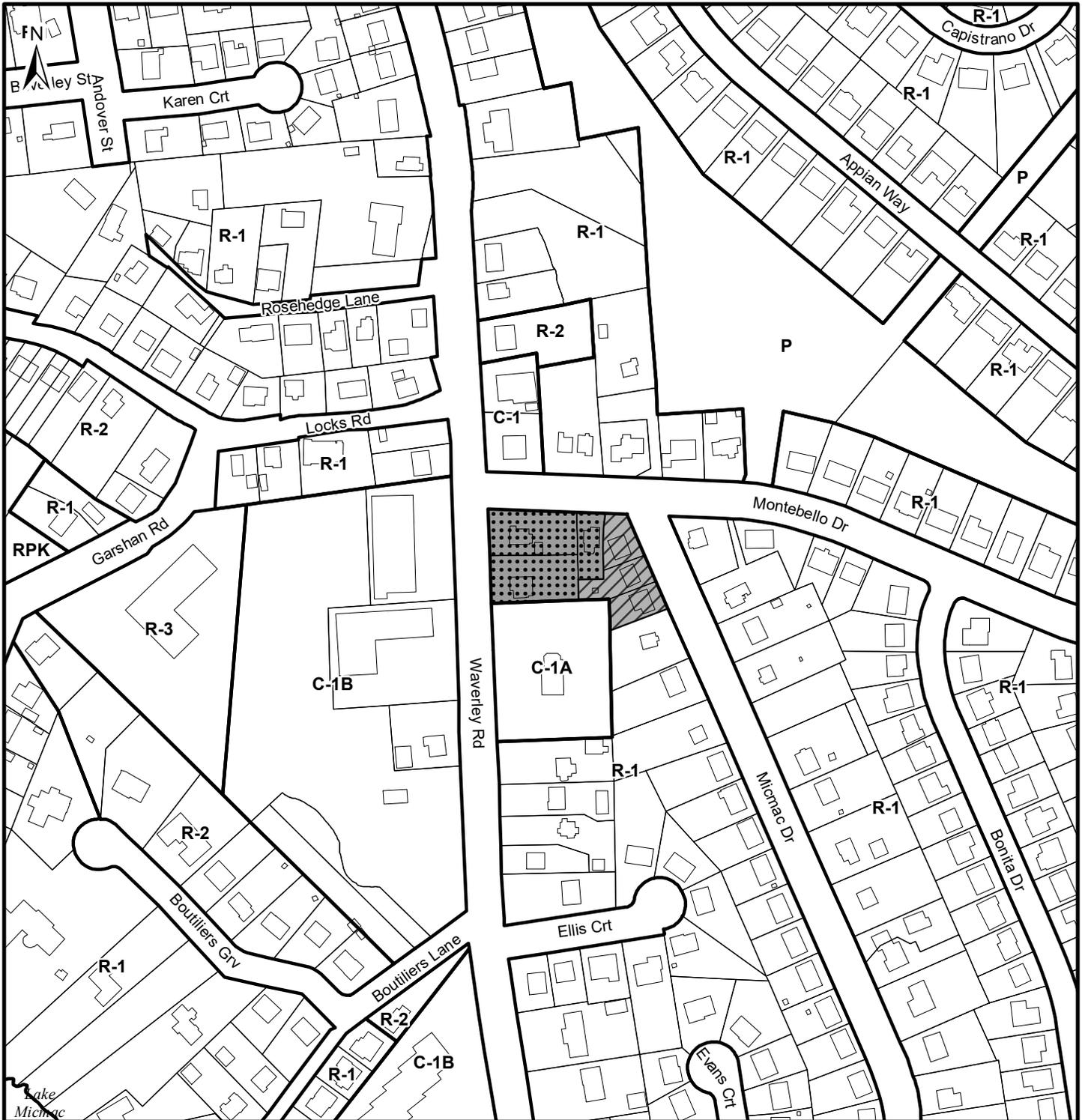
**Designations**

- R Residential
- WR Waverley Road

Dartmouth  
 Plan Area

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

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



**Map 2 - Zoning**

246 Waverley Road,  
2 & 4 Montebello Drive  
Dartmouth

-  Subject Properties
-  Additional Lands

Dartmouth Land  
Use By-Law Area

**Zone**

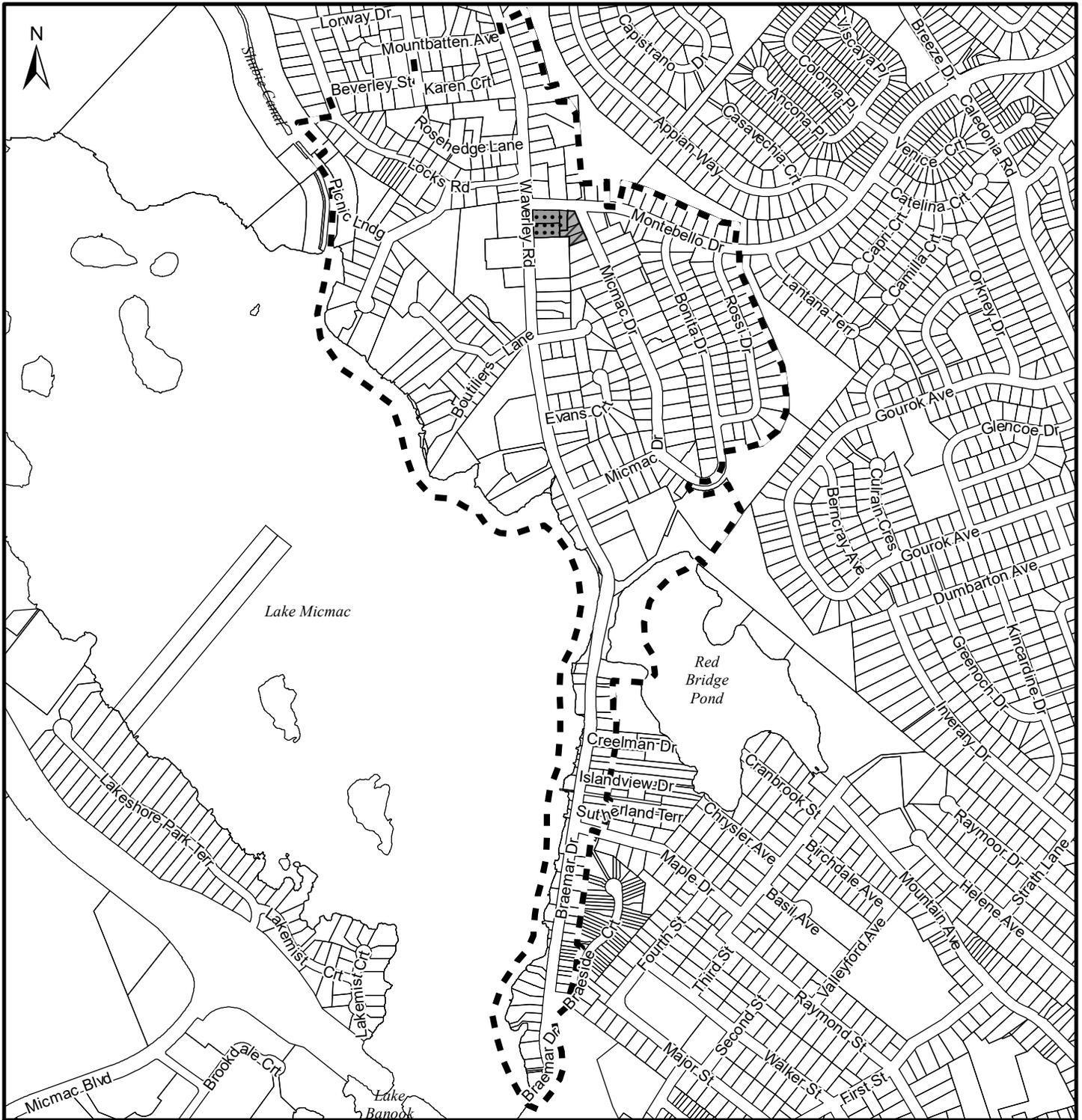
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- C-1 Local Business
- C-1A Neighbourhood Commercial
- C-1B Mixed Use Commercial
- P Park
- RPK Regional Park

**HALIFAX**



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

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



**Map 3 - Area of Notification**

246 Waverley Road,  
2 & 4 Montebello Drive  
Dartmouth

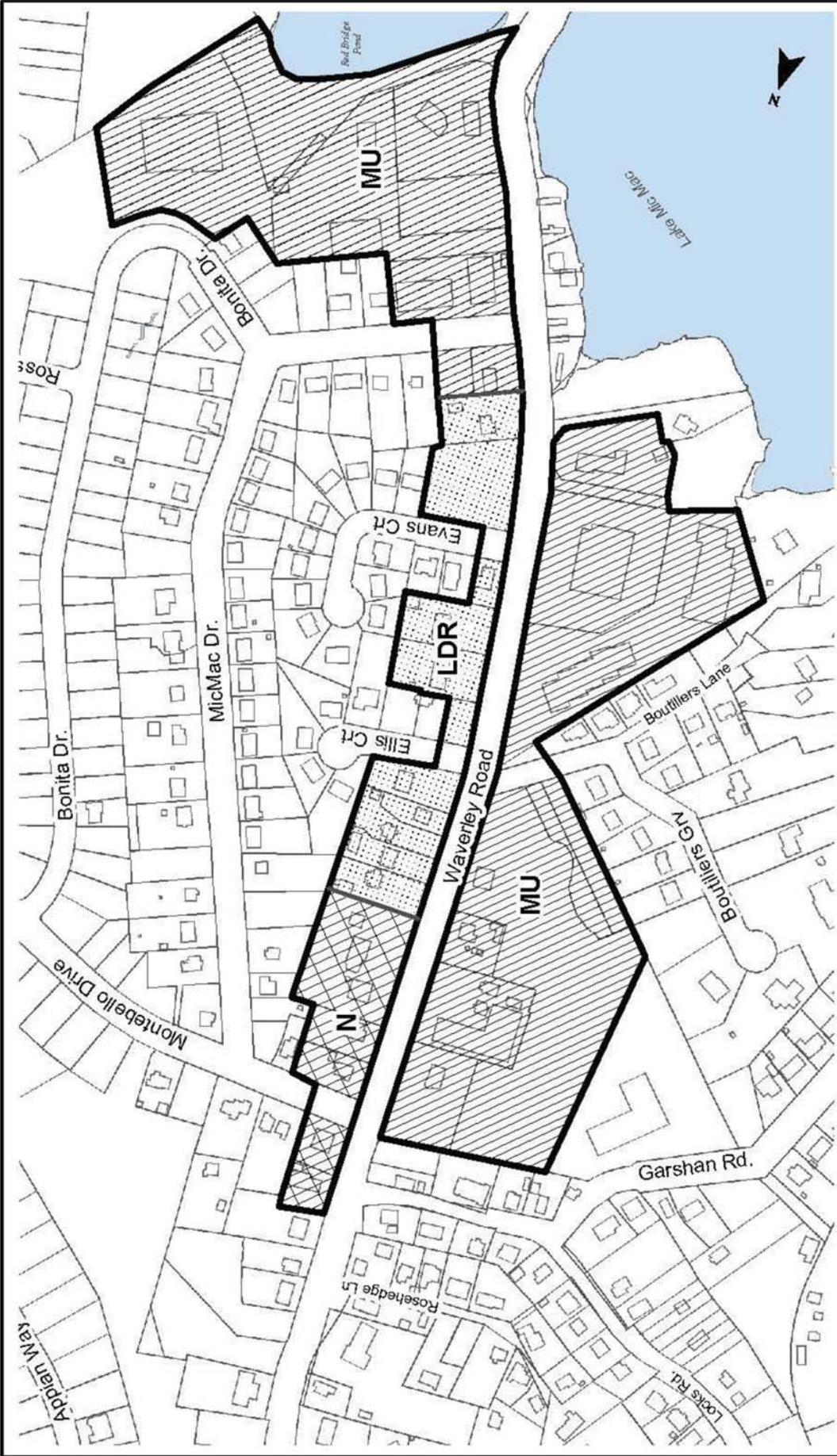
-  Subject Properties
-  Additional Lands
-  Area of Notification

Dartmouth Land  
Use By-Law Area

**HALIFAX**



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



Map 9U Waverley Road Generalized Future Land Use

Designation  
 (WR) Waverley Road Designation

Waverley Road Sub-Designations

-  LDR Low Density Residential
-  N Neighbourhood
-  MU Mixed Use



This map is an unofficial reproduction of a portion of the Dartmouth Plan Area.  
 HRM does not guarantee the accuracy of any representation on this plan.

## Attachment A

### Amendments to the Dartmouth Municipal Planning Strategy

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Dartmouth is hereby further amended as follows:

1. Under the Commercial chapter, insert the following paragraph after the words “potential impact on residential uses in the area” and before the words “Policy C-39” as shown in **bold** below:

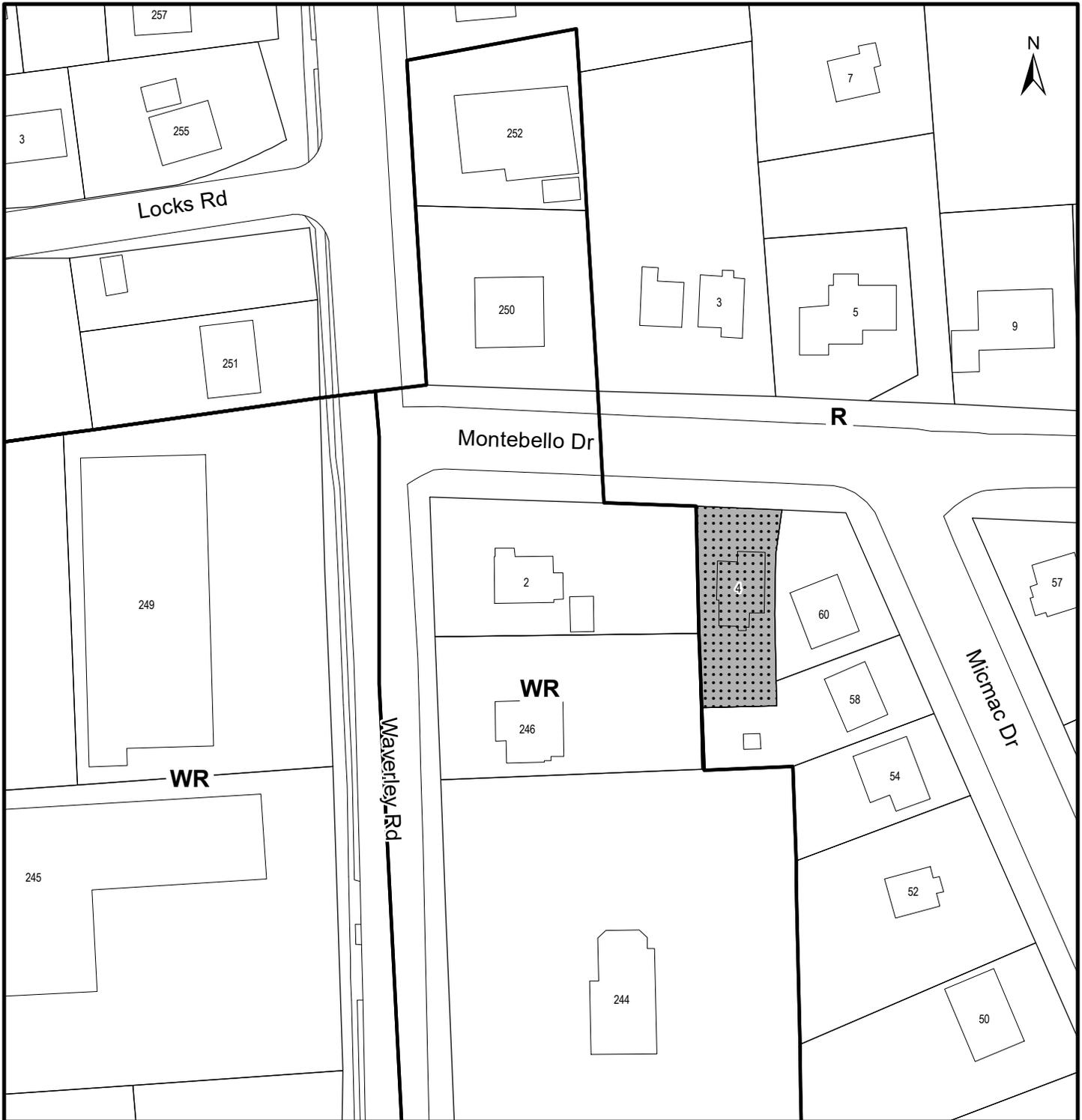
**Between 2008 and 2020, two new commercial buildings were constructed on lands within the WR Mixed Use sub-designation, but no multiple unit dwellings were built. Recognizing that multiple unit dwellings may contribute to a walkable community and allow residents to find alternative housing within their neighbourhood, the lands at the southeast corner of Waverley Road and Montebello Drive were re-designated to the WR Mixed Use sub-designation to enable consideration of a multiple unit dwelling in accordance with Policy C-41.**

2. By amending Map 10, Generalized Future Land Use Map, as shown on Schedule A attached hereto, to re-designate 4 Montebello Drive from R (Residential) to WR (Waverley Road).
3. By amending Map 9U, Waverley Road Generalized Future Land Use, as shown on Schedule B attached hereto, to re-designate 4 Montebello Drive from R (Residential) to WR (Waverley Road) and apply the MU (Mixed Use sub-designation), and re-designate 246 Waverley Road and 2 Montebello Drive from N (Neighbourhood sub-designation) to MU (Mixed Use sub-designation).

I, Sherryl Murphy, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Halifax Regional Council held on [DATE], 2020.

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Sherryl Murphy  
Municipal Clerk



**Schedule A:  
Dartmouth Generalized Future Land Use (Map 10)**

**HALIFAX**

4 Montebello Drive  
Dartmouth

 Area Proposed to be Redesignated from Residential to Waverley Road

**Designations**  
R Residential  
WR Waverley Road

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

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Dartmouth  
Plan Area

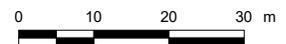


**Schedule B:  
Waverley Road Generalized Future Land Use (Map 9U)**

**HALIFAX**

246 Waverley Road, 2 and 4 Montebello Drive  
Dartmouth

Designation  
 (WR) Waverley Road Designation



-  Area to be Redesignated to Waverley Road Designation
-  Area to be added to the MU - Mixed Use Sub-Designation

- Waverley Road Sub-Designations
-  LDR Low Density Residential
  -  N Neighbourhood
  -  MU Mixed Use

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Dartmouth Plan Area



Zwicker Zareski Architecture + Planning

1 Canal Street, Dartmouth NS B2Y 2W1 | 902 266 5481 | connor@zzap.ca

March 17, 2020

Leah Perrin  
Planner III – Policy & Strategic Initiatives  
Planning & Development  
Halifax Regional Municipality  
40 Alderney Drive  
Halifax, NS B3J 3A5

**Re: Supplementary Planning Rationale for Planning Application Case 20756:  
Municipal Planning Strategy Amendment Application, Waverley Road and  
Montebello Drive, Dartmouth (PIDs: 00249771, 00249789 & 00249797)**

Leah,

On behalf of our client, G 2 J Residential Holdings Ltd., ZZap Consulting Inc. (ZZap) is pleased to submit this supplementary planning rationale for Case 20756, requesting a Municipal Planning Strategy (MPS) amendment to enable the consideration of a proposed mixed-use development located on a site at the intersection of Waverley Road and Montebello Drive, Dartmouth (PIDs: 00249771, 00249789 00249797). To support this application submission, the following materials are included:

Appendix A: Conceptual Building Massing and Site Design

## 1.0 Site Description and Location

The subject site is located within the Dartmouth Plan Area and has direct frontage on Waverley Road and Montebello Drive. The site consists of three properties (PIDs: 00249771, 00249789 & 00249797) and has a total area of approximately 30,000 ft.<sup>2</sup>. Each of the three properties currently contains a single-family dwelling unit.

Two of the subject properties, 246 Waverley Road and 2 Montebello Drive, are designated Waverley Road (WR) within the Dartmouth MPS and are zoned R-1 (Single Unit Dwelling) within the Dartmouth LUB. The third property, 4 Montebello Drive, is designated 'Residential' within the Dartmouth MPS and are zoned R-1 (Single Family Residential) within the Dartmouth LUB.



Figure 1: Subject Site

## 2.0 Summary of Development Proposal

Our client is seeking to develop a context sensitive development on the subject properties. The proposed development, as illustrated in Appendix A, includes a total of 40 residential units 4,260 sq. ft of commercial and/or residential space and 45 underground parking spaces. Underground vehicular parking for the development is proposed to be accessed via a private driveway off Montebello Drive. Pedestrian entrance to the development is proposed at the corner of the site adjacent to the intersection of Waverley Road and Montebello Drive.

## 3.0 Current Application Request

This supplementary submission is requesting the following amendments to the Dartmouth MPS:

1. Change the sub-designation of PIDs 00249771 & 00249789 from 'Neighbourhood' to 'Mixed Use' within the 'Waverly Road' designation.
2. Apply the 'Waverly Road' designation and 'Mixed Use' sub-designation to PID 00249797

## 4.0 Future Application Request

Should Council approve the proposed amendments to the Dartmouth MPS outlined in Section 3.0 of this letter. It is our intent to submit a subsequent Development Agreement Application that would include PIDs: 00249771, 00249789 & 00249797, as well as PIDs: 40370819, 40370827 & 41027871 fronting on Micmac Drive (See Figure 2).



**Figure 2: Future Development Agreement Application Boundary**

The three properties fronting on Micmac Drive (PIDs: 0370819, 40370827 & 41027871) are currently designated 'Residential' within the Dartmouth MPS and zoned 'R-1' within the Dartmouth LUB. Our understanding is that there is enabling policy in place within the Dartmouth MPS allowing council to consider rezoning these properties to R-3 and including them in the future Development Agreement Application for the overall site.

Our intent for the future application is to propose a multiple unit residential building as generally illustrated in Attachment A of this letter on PIDs 00249771, 00249789 & 00249797. Our intent is to further develop the

architectural design of the proposed multi-unit building through a future DA process.

We also intend to propose a 2.5 - 3 storey stacked townhouse development on PIDs: 40370819, 40370827 & 41027871. Please refer to Figure 3 which illustrates the intended site layout of our future DA application.



**Figure 3: Intended Future Site Layout for DA Application**

## 5.0 Rationale for Application Request

### Why is the Mixed-Use designation appropriate for the subject properties?

The existing WR designation policies were adopted in 2009, following a detailed review of the area. At that time, it was envisioned that two of the subject properties, 246 Waverley Road and 2 Montebello Drive, would eventually be used for neighbourhood commercial uses.

However, since 2009, a significant amount of new commercial space has been developed in other locations within the WR designation area. Commercial buildings have been constructed across the street from the subject properties at 249 Waverley Road (containing a medical clinic, pharmacy, physiotherapy clinic and hair salon) and further south at 219 Waverley Road (containing a restaurant, offices, and a craft brewery).

Although the WR designation area has evolved since 2009 to include additional commercial uses, no multiple unit dwellings have been constructed. As noted, the WR 'Mixed Use' sub-designation is the only sub-designation which allows for the consideration of multiple unit dwellings. The WR policy recognizes that multiple unit residential dwellings may benefit the area, and given additional commercial development may not be needed in the area at this time due to recent commercial buildings being constructed, we feel the subject properties are appropriate for multiple unit residential development. The site is located along a prominent commercial corridor at the intersection of two major streets. The site has direct access to public transit service on Waverley Road, is within proximity to a variety of commercial amenities, and is within walking distance of a regional park.

### How does the proposed development meet applicable policy?

If Regional Council were to approve the proposed MPS amendments, any future multiple unit residential development must be considered through a Development Agreement process in accordance with Policies C-41, IP-5 and IP-1(c) of the Dartmouth Municipal Planning Strategy.

These applicable policies include the following criteria for staff and council to assess the appropriateness of the development proposal against.

1. Density standards
2. Compatibility and consistency with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal
3. Buffering, landscaping and screening to reduce potential incompatibilities with adjacent land uses.
4. Access, impact on traffic and servicing infrastructure.

### *1. Density Standards:*

Policy C-41 of the Dartmouth MPS states that multiple unit dwellings that are being considered through DA under the Mixed-Use sub-designation should use the land use density standards of the R-3 zone as a guide.

With a lot size of approximately 30,000 ft.<sup>2</sup>, the R3 density guide allows for approximately 20 residential units depending on the unit types. A feasible building including this amount of density would likely be of wood construction with surface parking as opposed to underground parking. In order to achieve a high quality of construction, locate parking underground in order to foster public realm improvements and provide exterior landscaped space, additional density is warranted beyond what the R-3 zone specifically allows.

Policy C-41 also includes language such as “should” use R-3 density standards “as a guide”. Subsequently, applicable policies IP-4 and IP-1(c) include language such as 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. As such, our interpretation of applicable policies is that “compatibility” and “consistency” explicitly required under applicable policies whereas density “should” be used “as a guide”.

When focusing on compatibility and consistency, particularly for developed areas such as this where public and private amenities and services are readily available, recent best planning practice has shifted from using density as a compatibility criterion on development to using built form standards and urban design. This is reflected in HRM's most recently approved planning frameworks such as the CentrePlan, the Dutch Village Road Plan and the Downtown Plan. The rationale for urban design and built form is to focus on creating engaging and inviting places that have a valuable contribution to their surrounding natural and/or built environment. These tools consider the context and put people first when making design decisions about development. If the design puts people first and is context sensitive through appropriate built form, the density contained within has much less relevance with regards to community benefit or impact. In fact, using urban design and built form as tools for assessing compatibility of development can lead to higher density developments that are also context sensitive. This allows more people to live in a context sensitive development where everyday services and amenities are immediately accessible.

As described in subsequent section of this letter, the proposed building design is compatible and consistent with its surrounding context as built form and urban design were the core focus in developing the building design and addressing applicable policy criteria.

*2. Compatibility and consistency with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal:*

The proposed design consists of a mid-rise building form reaching a height of 5 storeys facing Waverley Road and 3 storeys facing the rear portion of the site. The design includes two major components (see Figures 4 and 5):

- a) A two-storey podium/streetwall oriented towards Waverley Road and Montebello Drive. The podium/streetwall on Waverley Road is oriented slightly closer the street and includes commercial or grade oriented residential uses on the 1<sup>st</sup> and 2<sup>nd</sup> level. We feel the podium design along Waverley Road is consistent and compatible with the Waverly Road commercial corridor in terms of use, bulk and scale. Properties located directly across the street are zoned for commercial uses and are sub-designated 'Mixed Use' within the 'Waverley Road' designation. Therefore, existing policy enables the consideration on multiple unit mixed-use developments on these properties as well.

The two-storey podium/streetwall on Montebello Drive includes more significant setbacks from the streetline with grade-related, two-level townhouse style units that would have direct access to the sidewalk through landscaped front yards. We feel the residential townhouse podium and landscaped streetline setback design along Montebello Drive is compatible and consistent in terms of use, bulk and scale with the surrounding suburban context. Properties located across the street and within the residential subdivision are predominately single-family residential uses ranging in height from 2-3 storeys with landscaped front yards.

- b) The proposed design includes a three-storey multi-unit form located on top of the two-storey podium (5 total storeys). This component of the development is stepped back from the podium to create a human scaled streetscape experience. The mid-rise form is oriented to the interior portion of the site, away from abutting streets and existing low-rise residential buildings in order to minimize visual impact. The design integrates the massing into the sites slope to reduce the scale and impact as the building towards the east where low-rise residential uses exist. The eastern face of the proposed building, which abuts the low-rise residential uses to the east, reaches a total height of 3 storeys (approximately 30-35 ft.). The abutting properties to the east are currently zoned for single family residential uses and have a maximum height limit of 35 ft. (approx. 3 storeys). As such, we feel the proposed design of the multi-unit form is strategically integrated into the site to be consistent and compatible with adjacent uses in terms of use, bulk and scale.



Figure 4: Design Components



Figure 5: Height of Eastern Building Face

3. Buffering, landscaping and screening to reduce potential incompatibilities with adjacent land uses:

The proposed building design (see Attachment A) includes significant streetline setbacks. These setbacks enable the integration of landscaping and preservation of select street trees to allow for better improvements to the public realm. The podium also intends to have grade-related townhouse style units with direct access to landscaped front yards, creating activity, articulation and variety at the street level.

The proposed development site abuts a low-rise residential neighbourhood to the east. As such, in preparing our proposed site and building design, we referred to the recently adopted CentrePlan as a guide for transitioning to the low-rise residential neighbourhood. The design proposal includes a 6-metre setback from the eastern

property line, which is consistent with the transition line setback within the Regional Centre Land Use By-law. Should council approve the proposed policies changes, a subsequent DA application would include additional detail with regards to screening and landscaping along the eastern property line to ensure appropriate transition.

#### *4. Access, impact on traffic and servicing infrastructure:*

The site is located at the intersection of two major streets and is within a commercial corridor that abuts a low-rise residential area. Considering this local context, the proposed building design (see Attachment A) includes significant streetline setbacks. These setbacks not only provide visual relief for vehicles at the intersection, but also allows for potential future expansion / widening of Waverly Road and/or Montebello Drive near the intersection to accommodate any future traffic demand.

The revised design includes a driveway off Montebello Drive, providing vehicular access to underground parking at the easternmost portion of the site, furthest away from the intersection. Montebello Drive has lower traffic volumes than Waverley Road and does not include any commercial driveways that often have higher traffic volumes. Should council approve the proposed policy changes, any new multiple unit residential development must be considered through a DA process and impact on traffic will be further assessed at that stage to ensure capacity exists.

With regards to servicing. The subject properties are located within the municipal service boundary for both water and sewer. Should council approve the proposed policy changes, any new multiple unit residential development must be considered through a DA process and adequacy of sewer and water services will be assessed at that stage.

### **6.0 Closing**

Based on the rationale outlined in this letter, we request that Regional Council approve the proposed MPS amendment to allow for the to consideration of a multi-unit development at the subject site as illustrated in Attachment A through a DA process.

We trust that the enclosed materials satisfy the application requirements. Should you have any questions, comments or concerns with regards to this application, please do not hesitate to contact the undersigned.

Sincerely,



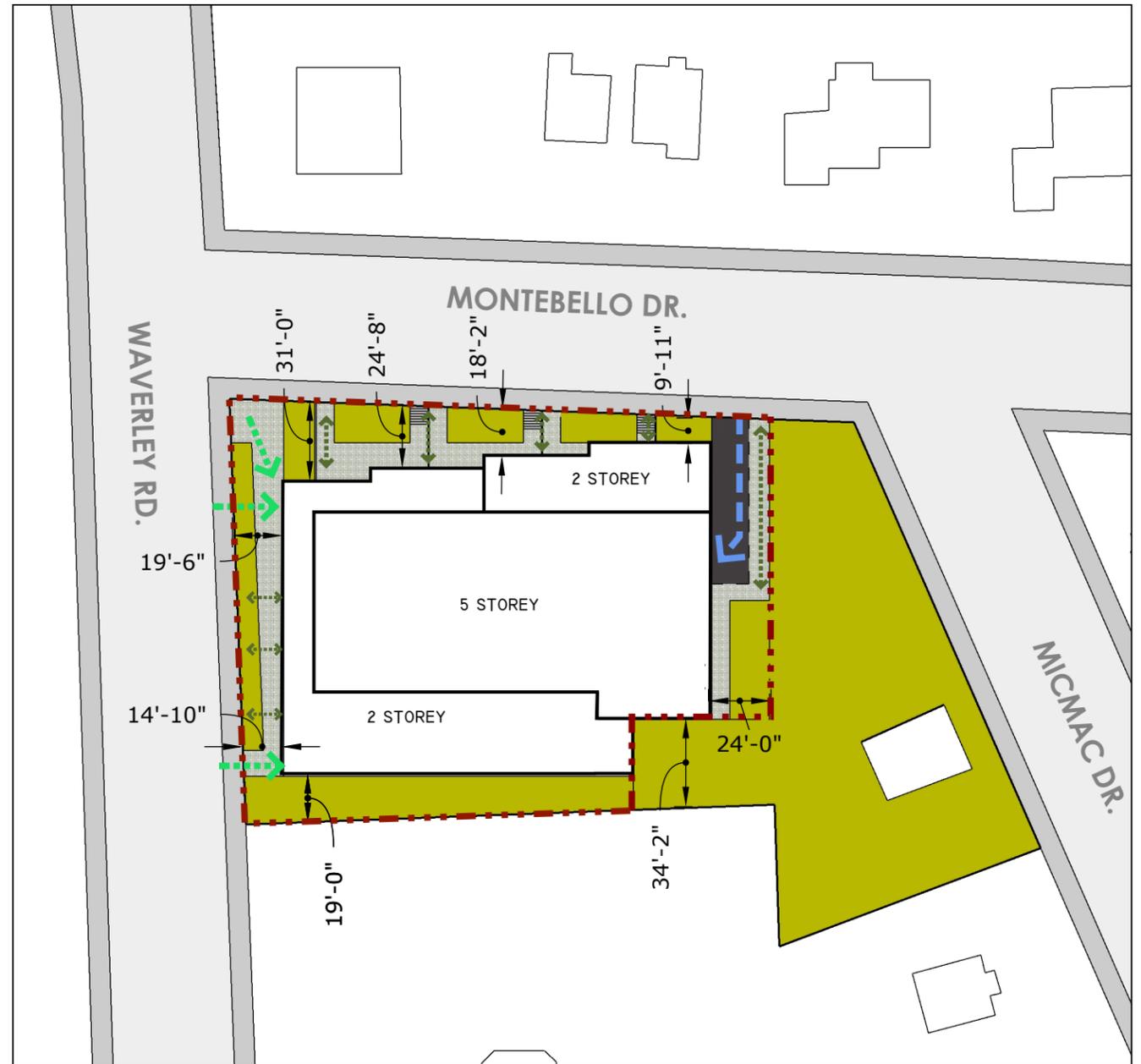
Connor Wallace, MCIP, LPP  
Urban Planner  
ZZap Consulting Inc.  
connor@zzap.ca  
902-266-5481



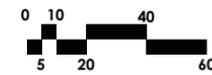
**NORTHEAST VIEW - parking access**



**NORTHWEST VIEW**



**SITE PLAN**



**LEGEND**

- PROPERTY LINE
- NEW BUILDING
- ➔ VEHICULAR ACCESS
- ➔ MAIN PEDESTRIAN ACCESS
- ➔ SECONDARY PEDESTRIAN ACCESS



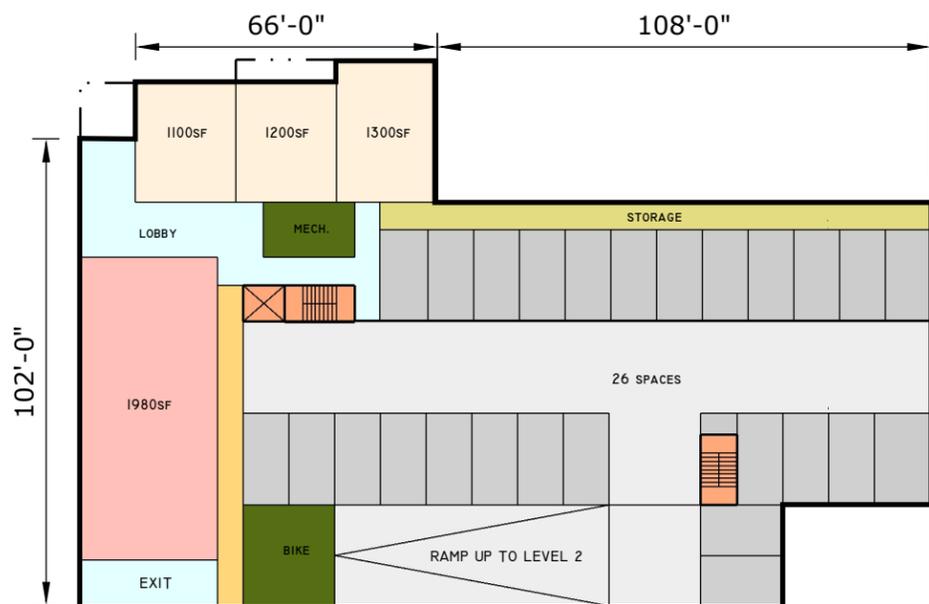
**BELLO - Waverley & Montebello**  
Concept Study

**PRELIMINARY MASSING ANALYSIS**

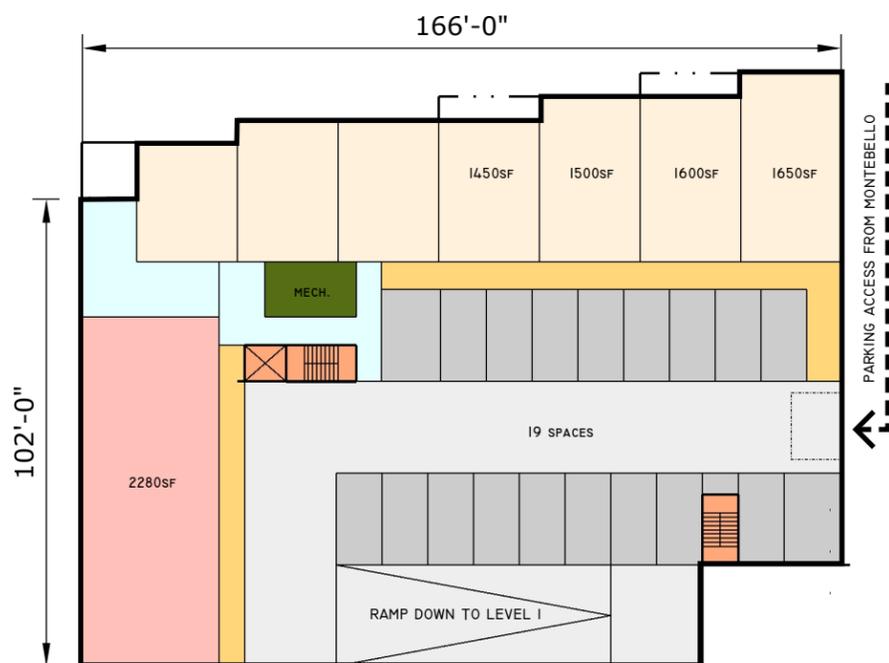
April 21, 2020

THIS DRAWING IS NOT INTENDED TO BE USED FOR CONTRACT PRICING OR FABRICATION PURPOSES. ALL CONTENT IS SUBJECT TO CHANGE.

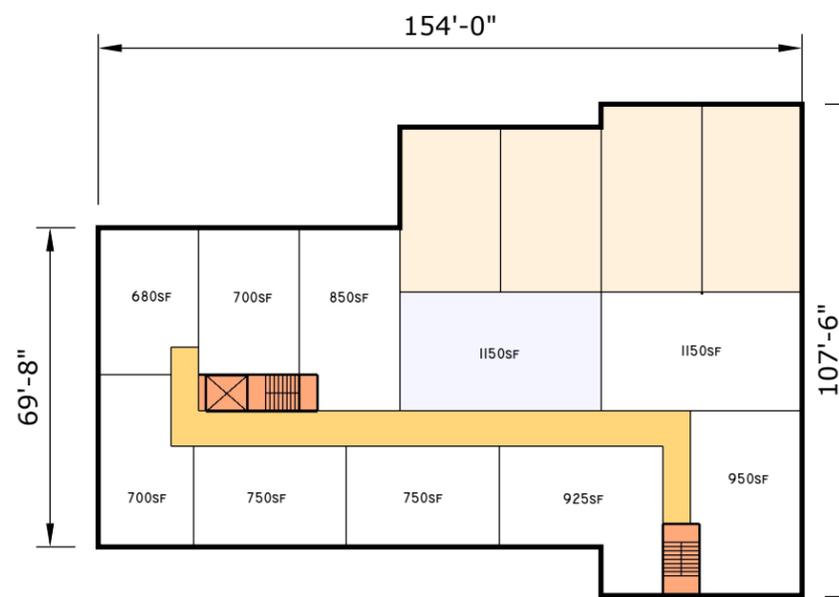
**LVL 1 GFA 17,600SF \ 3 units \ 26 SPACES**



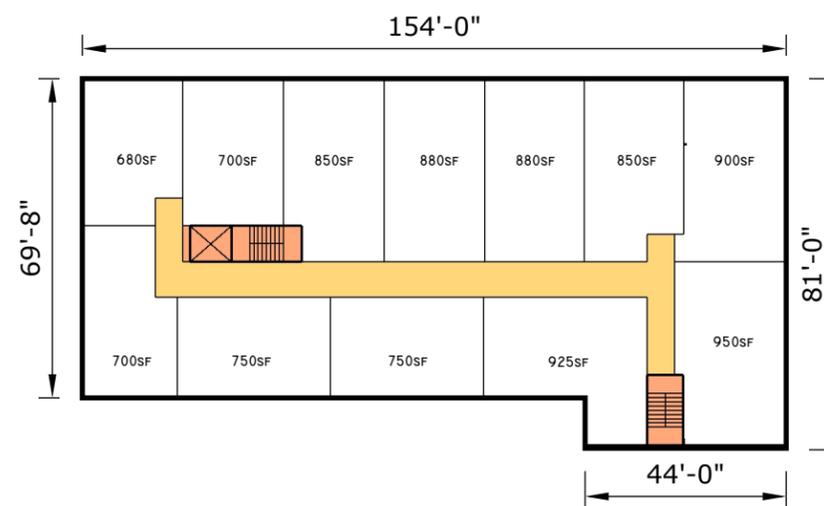
**LVL 2 GFA 19,200 SF \ 4 units \ 19 SPACES**



**LVL 3 GFA 13,330 SF \ 9 units \ amenity**



**LVL 4-5 GFA 11,150 SF \ 12 units per floor**



**LEGEND**

- UNIT
- 2-STORY TOWNHOUSE UNIT
- MECHANICAL/BIKE PARKING
- CORE
- CIRCULATION
- STORAGE
- COM/RES FLEX SPACE
- AMMENITY SPACE
- MAIN LOBBY
- NEW BUILDING



**TOTALS:**

Units:	40 units
Commercial and/ or Residential:	4,260 sf
Parking spaces:	45



**NORTHWEST VIEW**



1 Canal Street, Dartmouth, NS B2Y 2W1 ZZap.ca

**BELLO - Waverley & Montebello**  
Concept Study

**PRELIMINARY MASSING ANALYSIS**

April 21, 2020

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## Attachment C

HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting  
Case 20756

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

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Monday, September 20, 2017  
7:00 p.m.

Carrefour School - (Gym) 201 Avenue du Portage, Dartmouth, NS

**STAFF IN**

**ATTENDANCE:** Leah Perrin, Planner, HRM Planning  
Holly Kent, Planning Technician, HRM Planning  
Tara Couvrette, Planning Controller, HRM Planning  
Miles Agar, Principal Planner, HRM Planning  
Kate Greene, Policy and Strategic Initiatives Program Manager, HRM Planning

**ALSO IN**

**ATTENDANCE:** Councillor Tony Mancini, District 6  
Tony Chedrawy, property owner  
Michael Napier, Michael Napier Architecture, Applicant  
Erin Ashley, Michael Napier Architecture, Applicant

**PUBLIC IN**

**ATTENDANCE:** Approximately 146

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The meeting commenced at approximately 7:08 p.m.

**Call to order, purpose of meeting – Ms. Perrin**

Ms. Perrin introduced herself as the Planner and Facilitator for the application. She also introduced: Tony Mancini - Councillor (District 6); Tara Couvrette – Planning Controller, Holly Kent - Planning Technician, Miles Agar – Principal Planner; Kate Greene – Program Manager; Michael Napier and Erin Ashley, Applicant and Tony Chedrawy, property owner.

20756 - Application by Michael Napier Architecture, on behalf of G2J Residential Holdings, to amend the Dartmouth Municipal Planning Strategy to re-designate 246 Waverley Road, and 2 and 4 Montebello Drive to the Waverley Road Mixed-Use Sub-designation, to allow for consideration of a multiple unit dwelling by development agreement.

Ms. Perrin explained 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 policy and the stages of the planning process; d) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

**1. Presentation of Proposal – Leah Perrin**

Ms. Perrin provided a brief introduction to the application and then made a presentation to the public outlining the purpose of the meeting, status of the application and the developer's request. Ms. Perrin outlined the context of the subject lands and the relevant planning policies.

**1b. Presentation by the Applicant - Michael Napier, Michael Napier Architecture**

Mr. Napier gave a brief introduction of the proposal and then explained the status of the application.

## 2. Questions and Comments

**Barbara Moore – Micmac Dr.** - She stated she has COPD and this is going to be very hard on her lungs especially during construction. She also had concerns about the zoning being changed from R-1. She stated that there are traffic issues on Waverley Road now and this will only make it worse. She stated during the presentation it was proposed as being a seniors' home and when Mr. Chedrawy came to their house he told them it was not a seniors' home. Homes are becoming harder to sell in the neighbourhood. Taxes should go down because of this development. She stated this is going to make it unsafe for children and people that are living there currently.

**Lorna Khan – McCarthy St.** – She stated her biggest concern is the integrity of the community and she feels this would be the beginning of a downhill slide. She stated there is already a development further out on the Waverley Road going right out to the 102 bypass which has numerous apartment buildings and would fill the need for apartment buildings in this area. That would be planned development, not pop up development, which in her opinion is what this is.

**Todd MacCauley – Micmac Dr.** – He would like to know if the owner or the applicant owns property on Micmac Drive. **Mr. Chedrawy** stated he owned 54 Micmac Drive. **Todd MacCauley** stated Micmac Drive has no sidewalks and there are elderly people and children that use the street to walk back and forth to school, use the businesses in the area and access the busses. The challenges with the traffic and no sidewalks makes for dangerous conditions. People are speeding through their neighbourhood at speeds of 70 - 80 easily. 50-some units will not make it any easier especially on Micmac Drive. He would also like to know if this is going to be a seniors' residence or could anyone live there. **Mr. Chedrawy** stated every intention is to make this a seniors' residence. **Todd MacCauley** asked about the intentions for the property on Micmac Drive. **Todd MacCauley** stated there was no intention to do anything with 54 Micmac Drive.

**Brian Stevens – Capistrano Dr.** – He is not against development just thinks it needs to be the right development. He feels what is going to happen on Montebello Drive is going to be worse than what is going to happen on the Waverley Road because the main entrance to the building is on Montebello Drive. There are no 'no parking' or 'no stopping' zones so the traffic will be forced through other streets to avoid what is going on, on Montebello. No driveway to pull in for deliveries is going to cause the biggest traffic issue. If you add another 4000 units up the hill and don't put the bypass to the 107, Montebello Drive will be gridlocked. He also feels this may be the last time to get a say regarding this request. He stated there are discrepancies in the proposal. In the report to Council on April 25 it stated the lots were 28, 887 sq. ft. but the proposal says its over 30,000 sq. ft. that changes the coverage of the lot. There is also a drawing, A0 and A100, which has a small square on the back end of Tim Hortons and in the drawings, it makes it seem like it belongs to Tim Hortons and it doesn't. The building is 9 ft. 9 in. from that person's property line which is unheard-of in commercial buildings. In the proposal, policy 232-1 is included as appendix D and, it states that the municipality may not act in a manner that is not consistent with the MPS yet in the letter written to council on April 25 it states that Council may consider an MPS amendment request that are not consistent with the MPS. He would like to know which one is right. He stated if the building had its driveway on Waverley Road and was set back further it wouldn't be such a bad thing. There needs to be other accesses for deliveries. It needs to be changed and can't go as-is. He stated in all his construction years he has never heard that grade in a lot on a driveway is a reason for them to change zoning of a property and one of the rationales for the development as-is, is that it would be too hard to put any driveways for commercial or townhouses use on the Montebello Drive because it's a hill. It is easy to put a driveway on the side of a hill so that doesn't make sense as their rationale. **Ms. Perrin** explained that the inconsistencies were because of staff doing their own assessment of the request, and the applicant's material represents what they've asked for. She further explained that this is a request for a change to the planning policy, and there may be additional opportunities for public engagement on the details in the future depending on Council's decisions in this process.

**Mike Spur – Waverley Rd.** – He stated for the longest time on Waverley Road they have been promised sewer and water but have been told there is no capacity in the line. The Conrad brothers want to put 50 houses in behind his house and he welcomes that development because he thinks it is a great idea. He stated if there is no capacity in the line there is no capacity for this development.

**Alain Boudreau – Rossi Dr.** – He has concerns about the development proposal. The construction / demolition phase – for the better part of 2 years, the local residents will be affected by the demolition of the property, site excavation, drilling, blasting, whatever it takes to get through the bedrock and this is the

busiest intersection on the neighbourhood which would be fenced off and blocked by 18 wheelers, dump trucks, compute trucks etc. Road detours, closures, dust noise and just a general nuisance for everyone in this neighbourhood. The only access would be from Waverley Road. Residents will be coming down Montebello Drive turning left. You have residents coming in and out of Tim Hortons turning right, you have residents coming out of the subway complex turning left or right, the pharmacy turning left or right, and you want to add one more entrance to that road within 200 feet. He feels this makes no sense. He feels it is an accident waiting to happen. Rossi Drive is a cut-through street for local residents looking to skip the traffic on Waverley Road so this will make that worse. Rossi Drive has at least a dozen kids under 10 and this will make things very dangerous for them. There are traffic studies that have shown that Waverley Road is at capacity already so he isn't sure why this is even being considered. Unless you are going to expropriate the properties on the lake side and add a third lane he feels this will not work.

**Resident** – Stated rush hour traffic trying to get out the Waverley Road now is terrible. He stated there is no need for more traffic on the Waverley Road. He stated he is not opposed to the development just opposed to where they are trying to build it because it is going to make the traffic issues worse. The Waverley Road is over max capacity now. This is an accident waiting to happen. Something needs to be done about the traffic. The proposal stated it is going to be 54 units with 56 parking stalls, he wanted to know where all the guests of these residents are going to park and if a household has more than one vehicle where are those cars going to park.

**Daniel Cyr – Keystone** – He stated that the buyers are really affecting the real estate market in this area and he is finding that many buyers are not buying in the Montebello and Keystone area because they know there is a subdivision coming down the hill. He thinks this development should go to the Port Wallace planning phase #8 way up Highway 118 by Forest Hills.

**Maria – Montebello Dr.** – She stated over the last eight years she has seen an increase in traffic. They contacted HRM and the outcome was that the traffic was not bad enough because they came back and said you don't need speed bumps or traffic lights. Now there is this development and this will just make it worse. She stated she risks her life every day crossing the road. Her house is losing money and value.

**Bert Lafontaine – Keystone** – He stated he loves where he lives. Everything is single dwellings, trees, great views, no five storey buildings everywhere. The zoning as it is right now works and that is why everyone wants to live in Montebello and Keystone Village. There is no need to change the zoning. He feels this will be going from the present situation where there is no problem and this will create one. He stated it is a busy intersection already and this building will blind the whole corner and it is at the bottom of the hill in a residential area. He is against this development.

**Marie Burrell – Montebello** – Stated the traffic is unreal and over the last 20 years it has continued to increase. She stated she doesn't feel safe on Micmac Drive driving or walking. Going up and down Montebello is crazy. She likes the look of the building and she does want to stay in the area but she will require a car to live because the bus system isn't adequate and this is going to make the area very congested.

**Chris Fournier – Montebello** – He stated it was mentioned that Waverley Road was at capacity. He has lived in the area for 26 years and what he has noticed is that the traffic has been the same for 20 odd years. Lots of cars zipping and skipping and he doesn't see the relevance between this proposal and that, those two don't necessarily coincide. He wanted to know what the difference of adding another building would be if you are already at capacity. He wanted to know how traffic would get worse by adding this building. 100% is 100%. **Ms. Perrin** explained how the traffic study that the applicant provides is reviewed. **Chris Fournier** stated the reason everyone is here is because of a proposal to change the zoning. Changing the zoning could allow for something a little different than this building so what if this building isn't the solution, what if it is 2 storey with 10 apartments or something else. He thinks this is a great solution for people who may want to stay in the area. With a development of this size, only the property directly on Montebello, the property tax assessment after 7 years of completion is going to significantly increase the value of my home 100%. He thinks this is a positive for the area.

**Dave Canwell – Capistrano** – wanted to know if the traffic survey that was online was done by the developer. **Ms. Perrin** stated it was and HRM reviewed it. **Dave Canwell** stated there was a study done that showed that the Waverley Road was at capacity. He also asked if HRM was going to do a third traffic study. **Ms. Perrin** stated that this traffic study is for this site specifically asking how much traffic would be

generated for a building with 56 units. **Dave Canwell** has concerns regarding traffic, visitors to this building, garbage trucks on Waverley Road. He feels there are a hundred things that are going to make that whole section a nightmare. He stated he isn't against development but it has to be smaller, it has to be looked at a little better, and there has to be more driveways.

**Maria – Montebello Dr.** – Stated that HRM said the residents all have a perception that traffic is high but how can all these people just have a perception. To cross the road to get her mail she risks her life because of the amount of traffic and the way people speed up and down the road.

**Sheila Martin – Micmac Dr.** – She has been there 27 years and the traffic has not always been this bad. When her daughter was younger she could play across the street and cross the street with no worries. Now it takes, sometimes during rush hour traffic, 25 minutes to get out of her road to get anywhere. Her fear is that when they start building there will be trucks dropping off supplies and everybody is going to drive up Montebello to avoid the traffic and make traffic on Montebello worse. She is concerned that emergency services will not be able to get in and out of the neighbourhood in a timely manner because of all the increased traffic. Everything is going to be shut down because of all the increased traffic. The apartment right there is a bad idea.

**Resident** – has concerns about deliveries on Montebello and guests coming to the apartment building. There is nowhere else for people to park and no parking signs will be going up across the street because those businesses are not going to allow non-customers to park there. Shift workers are going to be affected by the noise this development will cause. Building a 54-unit apartment building does not foster a community atmosphere it fosters single people living, which is fine if it is a seniors' home, but what happens 10 years from now when that turns into younger people who want to party all the time which will affect the neighbouring residents. If this goes through it will start a precedent.

**Philip Webber – Belvedere Dr.** – He is in favor of public engagement, he thinks the advertisement of this was poor. He wants to know how you can make it only seniors' housing. **Ms. Perrin** stated any developer can choose to market their development however they like but from the municipality's perspective they look at uses, so this would be a residential use. **Philip Webber** stated he can't get his head around 54 units with 56 parking spots. He doesn't understand the traffic. This development will not improve the traffic.

**Patrick Stubbart – Garshan Rd.** - He stated in 2004 there was a staff report done by Parks and Rec. that said Shubie Park should not have an off-leash park. In 2007 went from the staff report saying there should not be an off-leash park to taking 13 acres of Shubie and turning it into off-leash. This was never approved by Council, it was put there as a pilot project and now they are trying to do an administrative order to sneak it through and approve it as it is. He feels a lot of the traffic is coming from that.

**Tom Shabone** – He owns the pizza place and he feels traffic is an issue and thinks the city can probably do something to assist with the traffic. The building could be downsized a bit and there are solutions to problems you just should look at different options. He supports his community and he feels as a small business owner it's tough. He believed development is good and it will help businesses in the area. He stated he did a petition at his shop and got 400 signatures in support of this project but he was not aware of most of these concerns.

**Barry Wolfe – McCarthy St.** – He stated the MPS speaks to sanitary issues. There was a predesign done in 1970 and work done in 1980 which said limited infilling along Waverley Rd. There has been infilling all along with homes built etc. There are all kinds of apartments in R-1 zones, for example; 319, 309, 267B, 268 A&B, and 257 in an industrial place on Waverley Road. He then quoted Page 15 of the MPS and page 52 regarding land use intent. He stated if the sewer / water system was at capacity in 1980 it must be pretty close now and you are going to put in a big subdivision up the end of the highway something has to be done first. The intersection at Montebello, the sidewalk narrows at the intersection. Development has knocked the sidewalks down. There are fire hydrants and a driveway within 100 feet of the intersection. He stated the city documents state you can't have a driveway within 100 feet of an intersection and it is 20 feet 6 inches away. There is only one sidewalk going up Montebello and the other side you can't get up the street because there is a garage there that parks their cars on the road. It is not very well laid out. There are fire hydrants with signs on them that are not accessible to emergency services. It is a nice neighbourhood and he feels this is going to ruin it.

**Resident** – He wanted to thank Tony Chedrawy for showing an interest in the community. He thinks the

size of the building is way too big. He wanted to know if there could be another meeting. The people of the community have identified the issues and they would like something good. Council is the one who is going to approve this and they are the ones who will be responsible for whatever goes there.

**Dave Clarke** – He stated if this goes through that is going to allow anyone in the mixed-use area to build apartments once the industrial goes. He stated there is a vacant lot at the end of his court where another apartment building could go, he wants to know where it stops.

**Liz Campbell – Belvedere Dr.** – Stated she received an email from Councillor Tony Mancini about tonight's meeting and if you want to stay updated get added to his list. She also wanted to note that it will also be going back to Community Council for public hearing where you can go again and have your say.

**Ms. Perrin** spoke to the different opportunities the community would have to have a say.

**Anne Van Iderstine – Micmac Dr.** – Stated that given the 2009 plan the Waverley Rd designation does have some mixed-use designation in the area and she was wondering when the properties were purchased and what the need is for having this kind of a unit at this location. She does believe there is a need for multiple unit dwellings for seniors but does not think that this would be a great location for seniors to try to get in and out of. The developer is intending this to be more for seniors but the Province's direction for seniors is to have more in-home care which would require more home care and more people coming and going to the building so she questions the 17 trips a day it would be much higher. She questions if this is the best location for this kind of residence. She doesn't think it will make this location more walkable.

**Ginny Conrad – Braemar Dr.** – She loves the community, walking along the sidewalk, using the lake, she likes that there are no high-rises that block the views. She wanted to be clear – this meeting is to change the by-law that would allow more than a residential use. She wants to know what was meant by more than residential. **Ms. Perrin** explained it isn't necessarily more than residential. She explained that the request from the applicant is to consider a multi-unit building here, an apartment building on this site. The approach that staff have taken is that there is recent policy in the area, and maybe something different would be appropriate for this site. **Ginny Conrad** stated that to her that is kind of vague, it could be anything and she finds it hard to go along with that. **Ms. Perrin** explained there is some criteria in the policy that needs to be followed. **Ginny Conrad** wanted to know if the change would be just for that property or other properties along the Waverley Rd. **Ms. Perrin** explained the proposed change is just for this site but other properties already have that designation.

**Robert Daniels – Waverley Rd.** – His concern with the development is the height and footprint of the building. He stated there is no other building in this neighbourhood with this height and there is no building in Burnside with this height so why should they be allowed to be built here. He likes to go to these businesses on the Waverley Rd and when this is done he feels you will not be able to park there because all the excess parking from this building will be on those lots. Reduce the height, reduce the footprint – go ahead and build it. He would like the city to tell the residents what they are going to do to fix the traffic problem on Waverley Rd. before this guy builds a building.

**Mike Wade – Rossi Dr.** – He said he loves this neighbourhood. He stated he is a little disappointed to find that a policy that was put into place in 2009 is quickly being scrapped. Council should have had the guts to say that they are going to stick to the policy that they implemented 8 years ago. He doesn't feel too much has changed in the last 8 years to warrant a land use designation change of this area. There hasn't been enough development to warrant that. He stated that Mr. Napier said he asked for the designation to be changed and Council agreed to it and Mr. Wade stated he is very disappointed in that. **Ms. Perrin** stated that Council haven't made a decision. Council has said 'let's go out and talk to people' and that is why we are here tonight. **Mike Wade** stated that the feedback the city is getting here tonight is that the designation that was in place and put in place by Council back in 2009 is correct and to change that designation now would be wrong.

**Peter Connor – Braemar Dr.** – He described living in the area for years and how it changed. He stated that the history that he described was one of change and change is ongoing. Whether the policy struck in 2009 still stands in 2017 and how they relate to the Port Wallace area are open to review and that is why everyone is here tonight. We have to respect the fact that as societies evolve and learn about aging populations, change is not easy but that fact is the world is changing and technology is abound and a lot of us are aging and we need to think about what the future holds and how we are going to be able to afford

the infrastructure. Does the road system, does the capacity predate the development or is it the other way around or do they work in harmony? He agrees they are at capacity and it needs to be addressed. He feels they have to keep an open mind and if they keep the status quo they will never advance.

**Des McGinly – Appian Way** – Stated everyone is here for money, Staff is getting paid to be here, Mr. Napier is getting paid for the contract that he has with Mr. Chedrawy, Mr. Chedrawy will make some money with this development if it goes through and the business owners will make money. The more units they get in the area the more money they will make. For most people their house is their major investment and the capital in our houses is what people will need when they retire. People will sell their houses and hopefully have some money to sweeten their last few years. What will this development do to us? It is going to have a negative impact on the community. It has been said by the realtor, people are not buying houses on Micmac Drive right now because people are afraid of what is going to happen. The residents are here to protect what they have and he doesn't feel the city and taxpayers should be burdened with more expense to increase the sewage / water capacity and other infrastructure that has to go along to accommodate this development. He feels they are fine the way they are and they would like it to stay the way it is.

**Michael Napier** made his final closing statement answering questions on layby lanes, driveway locations, the traffic study, lot grading, building size and guest parking.

### **Closing Comments**

**Ms. Perrin** thanked everyone for coming and expressing their comments.

### **3. Adjournment**

The meeting adjourned at approximately 9:19 p.m.

## **Attachment D Public Comment Summary**

**Comments below reference the originally proposed 5-storey, 56-unit residential building, and are summarized from:**

- The September 20, 2017 public information meeting minutes;
- 15 completed comment forms;
- 21 emails to staff; and
- 4 phone calls to staff.

### ***General Comments***

- A couple of comments were generally supportive of the proposal
- A few felt that it would allow them to downsize and stay in the neighbourhood
- Several residents were concerned with the impact of construction on the neighbourhood
- A few questioned whether the building could be limited to seniors
- A few had concerns about the sewer capacity in the area
- A few had concerns for their property values
- A couple respondents questioned why Council had decided to consider this proposal when the policy was written in 2009

### ***Neighbourhood Compatibility***

- Many respondents felt that the proposed building was not the right location
- Many felt that the type of development didn't fit the neighbourhood
- A few were concerned that the proposal would set a precedent for other properties in the area
- A few suggested that this type of development would be better suited to the proposed Port Wallace area

### ***Built Form / Building Design***

- A few liked the design of the proposed building
- Several respondents felt the proposal was too large for the site and that a smaller building would be more appropriate
- A couple people felt that the proposed building's design would not provide enough open space, or inadequate landscaping, particularly between the proposed building and properties on MicMac Drive

### ***Traffic and Parking***

- Most respondents were concerned with the amount of existing traffic and congestion at the intersection of Waverley Road and Montebello Drive, and expressed concerns that the proposal would worsen this issue
- Many comments were concerned with traffic and pedestrian safety at the intersection, and several were concerned that existing short-cutting through the adjacent neighbourhoods would worsen
- Several people questioned whether there would be sufficient parking in the development

**Please note:** A petition with 236 signatures was submitted to Harbour East-Marine Drive Community Council on November 2, 2017. Signatories to the petition indicated their **support** for the proposal.

**Attachment E:  
Evaluation of Proposed Development against Policy C-41**

<p><i>Policy C-41: Within the WR Mixed Use sub-designation, Council shall consider multiple unit dwellings and long term care facilities by development agreement in accordance with the provisions of the Halifax Regional Municipality Charter. In considering such an agreement, Council shall have regard for the provisions of Policy IP-5, and should use the land use density standards of the R-3 zone as a guide.</i></p>	<p>This policy enables multiple unit dwellings to be considered by development agreement. Council is directed to have regard to the apartment building Policy IP-5 and to consider the density standards of the R-3 Zone. Consideration of Policy IP-5 is found below.</p> <p>The R-3 Zone is the Multiple Family Residential Zone - Medium Density. The R-3 Zone is characterized as a "medium density" zone and determines density by allowing for units based on the size of the lot. The proposed 40-unit residential building has about twice as many units as the R-3 density standards would allow.</p>
<p><i>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 &amp; egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building. In considering the approval of such Agreements, Council shall consider the following criteria:</i></p>	
<p><i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i></p>	<p>The proposed building design responds to the surrounding neighbourhood by:</p> <ul style="list-style-type: none"> <li>- Establishing a two-storey streetwall on Waverley Road and Montebello Drive, similar in height to surrounding residential and commercial buildings;</li> <li>- Providing townhouse-style units on Montebello Drive with front yards and direct at-grade access to units;</li> <li>- Orienting the Waverley Road frontage closer to the street to recognize the commercial character of this portion of the corridor;</li> <li>- Providing a significant setback above the streetwall and pushing upper stories to the middle of the site to limit the visual impact on surrounding streets and properties;</li> <li>- Setting the building back six metres from the rear property line facing the low-rise buildings on Micmac Drive; and</li> <li>- Integrating the building into the slope so that the building rises to only three stories at the rear, similar to the maximum height expected for a house.</li> </ul>

*(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;*

Height: The overall five-storey height is taller than other buildings in the area and is taller than the height limits of the C-1A Zone (45 feet) and C-1B Zone (40 feet for commercial uses); however, as noted above, the upper storeys are set back above the two-storey podium and building is integrated into the slope so that there are only three stories at the rear.

Size and bulk: The proposed design uses setbacks and stepbacks to address the building's overall size and bulk.

Density: As noted above, Policy C-41 calls for considering the density standards of the R-3 Zone as a guide. The proposed building contains about twice as many units as the R-3 Zone would permit.

Lot coverage, lot size and lot frontage: The proposed building is around 60% lot coverage, which is the maximum permitted under the C-1A Zone (enabled by the existing WR Neighbourhood sub-designation). The subject site is a 28,887 square foot corner lot with frontage on both Waverley and Montebello Road.

*(ii) traffic generation, access to and egress from the site; and*

The subject properties are located at a major intersection (Waverley Road and Montebello Drive). A Traffic Impact Statement (TIS) was prepared for the originally proposed 56-unit building, and Development Engineering accepted the findings ("While traffic volumes are high on Waverley Road, the low numbers of vehicle trips estimated to be generated by this site are not expected to have significant impact to the level of performance of Waverley Road, the adjacent Montebello Drive intersection, or the regional street network" (WSP, 2016). Development Engineering recommended that the driveway access be moved to Montebello Drive, as the Streets By-Law S-300 outlines that driveways should be on the lower volume streets whenever possible; the current proposed design has made this change. If Regional Council amends the MPS, an updated TIS will be required and reviewed at the development agreement stage.

*(iii) parking;*

45 underground parking spaces are proposed.

<i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i>	The site is located near facilities including Michael Wallace Elementary School and Shubie Park.
<i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i>	Infrastructure Planning has identified through work on the Port Wallace project that the Waverley Road/ Montebello Drive intersection may be at capacity and may ultimately require upgrades. Those upgrades may include the need for a right-turn lane and relocation of the signals. Additional right-of-way could be required, but at minimum, the building should be designed to be set back so as not to impede these future upgrades. Detailed review would be undertaken at the development agreement stage.
<i>(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;</i>	The proposal includes indoor amenity space, balconies on upper floors, landscaped front yards on Montebello Drive, and the overall site is proposed to be landscaped. This would be further reviewed at the development agreement stage.
<i>(f) that mature trees and other natural site features are preserved where possible;</i>	Given the amount of site disturbance that would be required for construction, additional information is required to determine if tree retention is possible. This would be further reviewed at the development agreement stage.
<i>(g) adequacy of buffering from abutting land uses;</i>	The proposed building provides adequate transition and buffering to the residential uses on Micmac Drive by setting the building back six metres and limiting the height at the rear to three stories. Landscaping and screening requirements along adjacent property lines would be further reviewed at the development agreement stage.
<i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i>	The site is located on a significant slope. Engineered plans would be required at the permit stage and would be reviewed by Development Engineering.
<i>(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).</i>	See below.
<i>Policy IP-1(c) In considering zoning amendments and contract zoning, Council shall have regard to the following:</i>	
<i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i>	The proposal has been reviewed against the appropriate policy; a complete review would be undertaken at the development agreement stage.
<i>(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</i>	See comments in Sections IP-5(a) and (b) above.

<p><i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i></p>	<p>See comments in Sections IP-5(a)(b) and (g) above.</p>
<p><i>(4) that the proposal is not premature or inappropriate by reason of:</i></p> <p><i>(i) the financial capability of the City is to absorb any costs relating to the development</i></p> <p><i>(ii) the adequacy of sewer and water services and public utilities</i></p> <p><i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i></p> <p><i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i></p> <p><i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i></p> <p><i>(vi) preventing public access to the shorelines or the waterfront</i></p> <p><i>(vii) the presence of natural, historical features, buildings or sites</i></p> <p><i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i></p> <p><i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i></p>	<p>The developer would be responsible for all costs related to the proposed development.</p> <p>Halifax Water has indicated that the local wastewater pumping station may be at capacity. The applicant has not undertaken sanitary calculations for the proposal at this stage. If upgrades are required as a result of the proposed development, the upgrades would be the responsibility of the developer.</p> <p>See comments in Section IP-5(c) above.</p> <p>See comments in Section IP-5(d) above.</p> <p>No watercourses or wetlands have been identified on or adjacent to the subject site. Development Engineering would review any stormwater management issues at the Building Permit stage.</p> <p>N/A</p> <p>No natural or historic features have been identified on or near the subject site.</p> <p>N/A</p> <p>N/A</p>
<p><i>(5) that the proposal is not an obnoxious use</i></p>	<p>Residential uses are not considered obnoxious uses.</p>

<p><i>(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 near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li><i>(i) type of use, density, and phasing</i></li> <li><i>(ii) emissions including air, water, noise</i></li> <li><i>(iii) traffic generation, access to and egress from the site, and parking</i></li> <li><i>(iv) open storage and landscaping</i></li> <li><i>(v) provisions for pedestrian movement and safety</i></li> <li><i>(vi) management of open space, parks, walkways</i></li> <li><i>(vii) drainage both natural and sub-surface and soil-stability</i></li> <li><i>(viii) performance bonds.</i></li> </ul>	<p>The proposed development would require a development agreement. These items would be addressed if Council were to approve a change to the Dartmouth MPS policy for the subject site.</p>
<p><i>(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</i></p>	<p>The site is located on a significant slope. Engineered plans would be required at the permit stage and would be reviewed by Development Engineering. No other issues regarding natural features or major infrastructure (highway, railroads etc.) have been identified.</p>
<p><i>(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</i></p>	<p>N/A</p>
<p><i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide: (i) Council with a clear indication of the nature of proposed development, and (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i></p>	<p>The current application is a request to change MPS policy. If Regional Council were to adopt new policy for the subject site, an application for a development agreement would be required for the multiple unit dwelling, and additional information would need to be submitted, including:</p> <ul style="list-style-type: none"> <li>- Revised site plan and building drawings</li> <li>- Preliminary landscaping plan</li> <li>- Updated traffic impact statement</li> <li>- Servicing schematic (including wastewater generation numbers)</li> <li>- Preliminary stormwater management plan</li> </ul>