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**Item No.10.1.1**  
**Halifax and West Community Council**  
**March 30, 2021**  
**May 11, 2021**

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

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

**DATE:** February 17, 2021

**SUBJECT:** **Case 22396: Rezoning and Development Agreement for lands off Elm Grove Avenue and Myra Road, Timberlea**

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#### **ORIGIN**

Application by Zwicker Zareski Architecture & Planning, on behalf of the property owner.

#### **LEGISLATIVE AUTHORITY**

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

#### **RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Timberlea/Lakeside/Beechville, as set out in Attachment A of this report, to rezone PIDs 40143380, 40162547, 40162588, 40162406, 40162513, 40162471, 40162430, 40162398, and 40143299 and schedule a public hearing;
2. Give notice of motion to consider the proposed development agreement, as set out in Attachment B of this report, and schedule a public hearing for the development agreement which shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to the Land Use By-law for Timberlea/Lakeside/Beechville, as set out in Attachment A of this report.

**Contingent upon the amendment to the Timberlea/Lakeside/Beechville Land Use By-law being approved by Community Council and becoming effective pursuant to the requirements of the**

**Halifax Regional Municipality Charter, it is further recommended that Halifax and West Community Council:**

4. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment B of this report; and
5. Require that the development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**BACKGROUND**

Zwicker Zareski Architecture & Planning, on behalf of the property owner, Ramar Developments Limited, is applying to rezone the subject lands from the R-1 (Single Unit Dwelling) Zone to the CDD (Comprehensive Development District) Zone and apply for a development agreement to enable a multi-lot residential development on lands located off of Elm Grove Avenue and Myra Road, Timberlea.

<b>Subject Site</b>	PIDs: 40143380, 40162547, 40162588, 40162406, 40162513, 40162471, 40162430, 40162398, and 40143299.
<b>Location</b>	Lands off Myra Road and Elm Groove Avenue, Timberlea
<b>Regional Plan Designation</b>	US (Urban Settlement)
<b>Community Plan Designation (Map 1)</b>	UR (Urban Residential)
<b>Zoning (Map 2)</b>	R-1 (Single Unit Dwelling) Zone
<b>Size of Site</b>	~5.9 hectares (~14.6 acres)
<b>Street Frontage</b>	~81 metres (~266 feet)
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	Low density residential, recreational, and community uses.

**Proposal Details**

The applicant proposes to rezone and enter into a development agreement to enable the construction of a multi-lot residential subdivision, consisting of new streets with 46 low-density residential lots. The major aspects of the proposal are as follows:

- The creation of a connector road between Elm Grove Avenue and Myra Road, and two new cul-de-sacs;
- 47 lots: single unit dwellings with reduced frontage; and
- 20 lots: townhouse dwelling units.

**Enabling Policy and LUB Context**

The subject property is designated Urban Residential under the Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS) and is zoned R-1 (Rural Residential) under the Timberlea/Lakeside/Beechville Land Use By-law (LUB). The R-1 Zone permits single unit dwellings and, in conjunction with dwellings, day care facilities and business uses.

The intent of the Urban Residential designation is to protect the residential environment of the community while allowing for a variety of housing types and other uses which are compatible with continuing residential development. Additionally, the Urban Residential destination provides for the consideration of development on large tracts of land through a comprehensive planning exercise and to provide controls through site-specific development agreements. To enable this process, the MPS established the Comprehensive Development District and provides criteria for Council's consideration when considering a request to establish the district on lands within the Urban Residential designation.

### **Approval Process**

The approval process for this application involves two steps:

- i) First, Halifax and West Community Council must consider and, if deemed appropriate, approve the rezoning from the R-1 Zone to the CDD Zone to enable the development agreement; and
- ii) Second, Halifax and West Community Council must consider and, if deemed appropriate, approve the proposed development agreement once the rezoning is in effect.

Notwithstanding the two-stage approval process, a single public hearing can be held by Community Council to consider both the proposed rezoning and the development agreement. However, subsequent to the completion of the hearing process, the proposed rezoning must be approved by Community Council and in effect prior to a decision on the on the development agreement. Both decisions are subject to appeal to the N.S. Utility and Review Board.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website (760 unique page views), signage posted on the subject site, and 246 letters mailed to property owners within the notification area.

Additionally, a public information meeting was held on February 4<sup>th</sup>, 2020 where approximately 22 people attended. Attachment D contains a copy of a summary from the meeting. The public comments received include the following topics:

- Concerns regarding stormwater and flooding;
- Traffic; and
- Lack of park space.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the rezoning or the proposed development agreement. Should Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

### **DISCUSSION**

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

#### **Rezoning**

The subject property is designated Urban Residential, which promotes the development of large tracts of land (5 acres or greater) through a comprehensive planning process and site-specific agreement. To enable this process the lands must be zoned Comprehensive Development District (CDD). The MPS provides criteria, through Policy UR-11, to which Council shall have regard when considering requests to rezone to the CDD Zone. Attachment C provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

<i>The development is capable of utilizing existing municipal sewer and water services</i>	Yes. Municipal sewer and water are located adjacent to the site and are available for connection.
<i>The development includes a minimum land area of five (5) acres</i>	Yes. The subject site is approximately 14.6 acres.
<i>The development provides for a mix of housing types in keeping with the general target for housing mixture and does not detract from the general residential character of the community.</i>	The MPS calls for a housing mix of 70:30 single unit dwellings to other dwelling forms, however the CDD allows for a reduction of that ratio to 50:50. The proposal residential mix is a ratio of 70:30 single units to other forms (46 single unit dwellings to 20 townhouse unit).
<i>That adequate and useable lands for community facilities are provided.</i>	A Parks Service Assessment of the subject site has been completed and found the lands to have acceptable service level based on proposed connections and existing parkland. As a result, a cash-in-lieu of land dedication will be required at the time of subdivision approval.
<i>That the development has a minimum of two (2) separate accesses to the public road network.</i>	Two separate access points are proposed.
<i>Consideration of the impact on traffic circulation and in particular traffic on the St. Margaret's Bay Road.</i>	A traffic impact statement was completed which found the proposed 67-unit residential development is expected to have an acceptable operational impact on the study area streets and intersections out to the 2025 planning horizon.

### **Proposed Development Agreement**

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

- 67 residential units in the form of 47 single unit dwellings and 20 townhouse dwelling units;
- Reduced frontage and lot area for the single unit dwellings:
  - 35 and 40 feet frontage options and 3,600 and 4,000 sq. ft. lot area options;
- Non-construction zones for tree retention during construction; and
- Provisions for non-substantive amendments that allow for extensions to the commencement and completion dates.

The attached development agreement will permit a multi-lot residential subdivision of 67 units, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for detailed discussion.

#### Reduced Frontage/Lot Area

The MPS supports, through comprehensive development districts, innovative housing forms when planning and evaluating development on large tracts of land. Staff support the use of reduced lot frontage/area requirements as they enable higher densities, smaller lot sizes, and reduced yard requirements which encourage a range of housing types that can provide for more affordable low density housing options within a community. Due to incremental servicing costs, a dwelling constructed on a large lot is typically more expensive than the same dwelling constructed on a smaller lot (provided that all other development and market conditions remain constant). Additionally, requiring smaller lot frontages can also contribute to affordability by enabling additional supply through the housing market.

#### Traffic

The proposal will utilize two existing dead-end streets, Elm Grove Avenue and Myra Road, creating a connector road between them with two new culs-de-sac stemming off the new road. A Traffic Impact

Statement (TIS) was prepared by a Professional Engineer which has been deemed acceptable by HRM Development Engineering. The TIS concluded that the proposed development is not expected to have any significant impact on the level of performance of the local streets, the adjacent intersections, or the regional street network.

#### Wetland Alteration and Stormwater Management

The Province of Nova Scotia, through the *Environment Act* and other legislation and regulation, controls the alterations of watercourse and wetlands. The Municipality is the successor to any outcomes of such alterations and requires, through Administration Order 2020-010-OP, that a development retain and manage stormwater on the development site to reduce stormwater runoff and erosion, enhance resiliency of infrastructure to extreme rainfall events, and to decrease localized flooding. The applicant is proposing to remove several wetlands on the property, which requires approval from Nova Scotia Environment. To ensure there is stormwater balance, two stormwater ponds are proposed to mitigate runoff. The ponds will balance the flows to match pre-development flows or better. The design of these ponds will be completed during the detailed design and will be subject to HRM and Halifax Regional Water Commission approvals as well as the Provincial Department of Environment.

Additionally, the storm water analysis shows an existing culvert at the dead end of Elm Grove Ave. that is undersized and underperforming which could be the cause of the flooding/drainage issues raised by attendees of the public engagement. The development is proposing to include additional flow capacity at this location to reduce the potential for flooding. This will be an overflow pipe or overflow swale along the side yard of the southern most lot on Elm Grove Ave. leading to the adjacent stormwater pond.

#### Extended Timeframe for Agreement Execution

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty these unusual circumstances presents, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While typically agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

#### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The development will introduce a variety of housing types which are compatible with continuing residential development in the area. Therefore, staff recommend that the Halifax and West Community Council approve the proposed rezoning and development agreement.

#### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2020-2021 budget and with existing resources.

#### **RISK CONSIDERATION**

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

## **ENVIRONMENTAL IMPLICATIONS**

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

## **ALTERNATIVES**

1. Halifax and West Community Council may choose to approve the proposed amendment to the Timberlea/Lakeside/Beechville LUB and the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve the proposed LUB Amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed amendment to the Timberlea/Lakeside/Beechville LUB and proposed development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

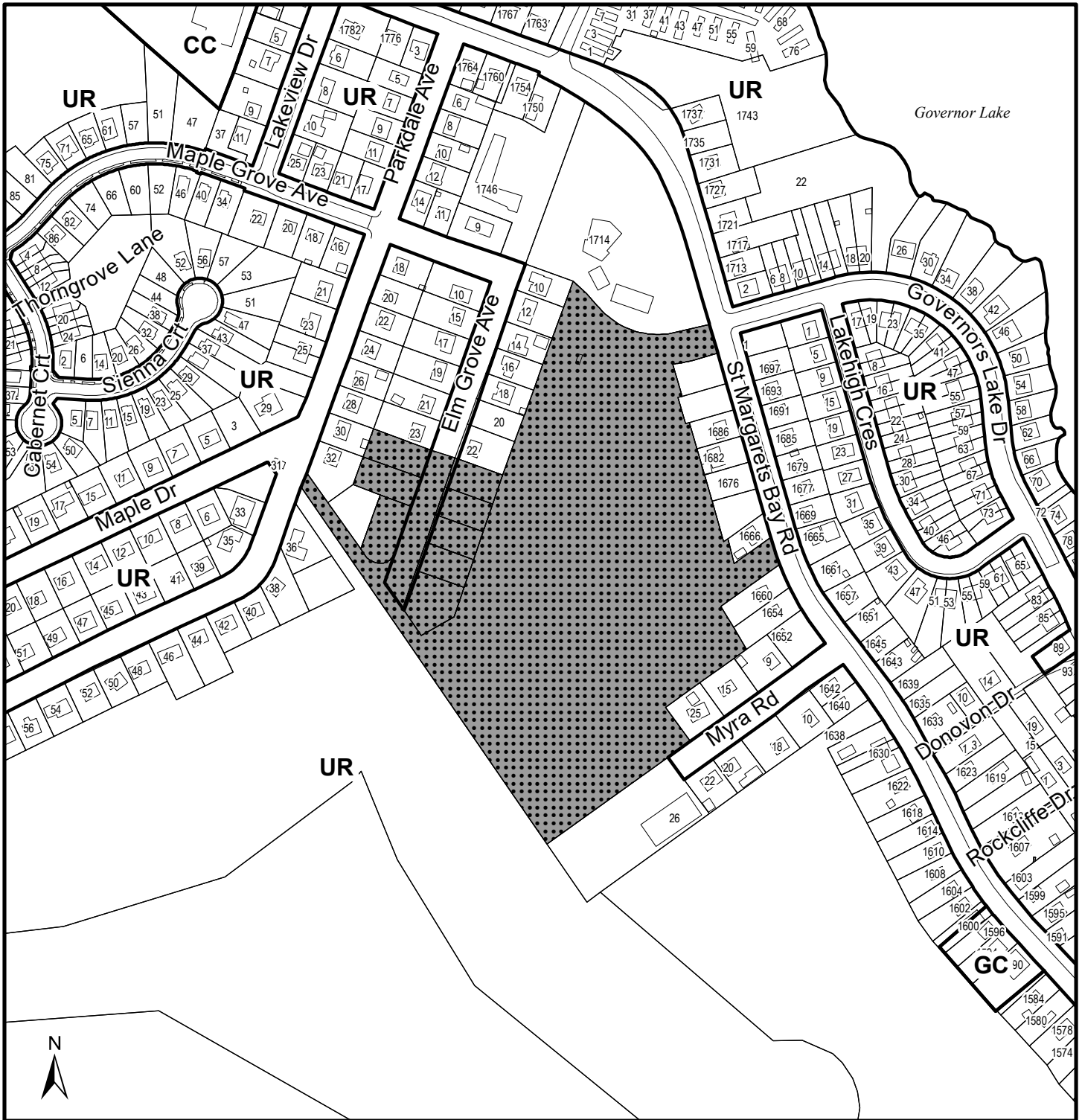
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Rezoning
Attachment B:	Proposed Development Agreement
Attachment C:	Review of Relevant MPS Policies
Attachment D:	Public Information Meeting Summary

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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: Dean MacDougall, Planner II, Current Planning, 902.490.4193


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**Map 1 - Generalized Future Land Use**

Elmgrove Ave,  
Timberlea

**HALIFAX**

 Subject Lands to be Rezoned and enter into a Development Agreement

**Designation**

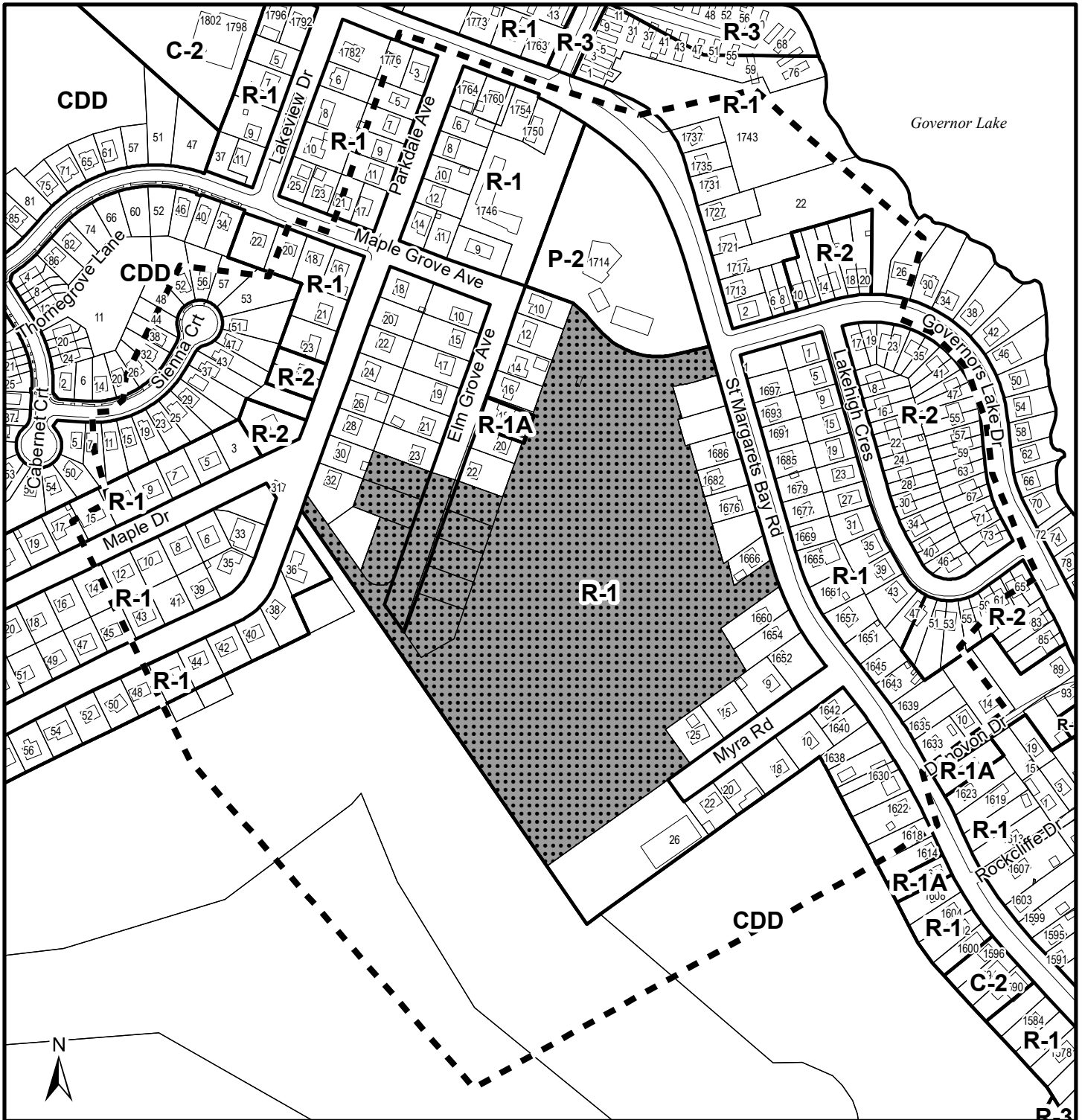
- CC Commercial Core
- GC General Commercial
- UR Urban Residential



Timberlea/Lakeside/Beechville  
Plan Area

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


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




### Map 2 - Zoning and Notification

Elmgrove Ave,  
Timberlea

**HALIFAX**

 Subject Lands to be Rezoned and enter into a Development Agreement

 Area of Notification

Timberlea/Lakeside/Beechville  
Land Use By-Law Area

#### Zone

- C-2 General Business
- CDD Comprehensive Development District
- P-2 Community Facility
- R-1 Single Unit Dwelling
- R-1A Auxiliary Dwelling Unit
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling



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.



## ATTACHMENT A

### Proposed Amendment to the Land Use By-law for the Timberlea/Lakeside/Beechville

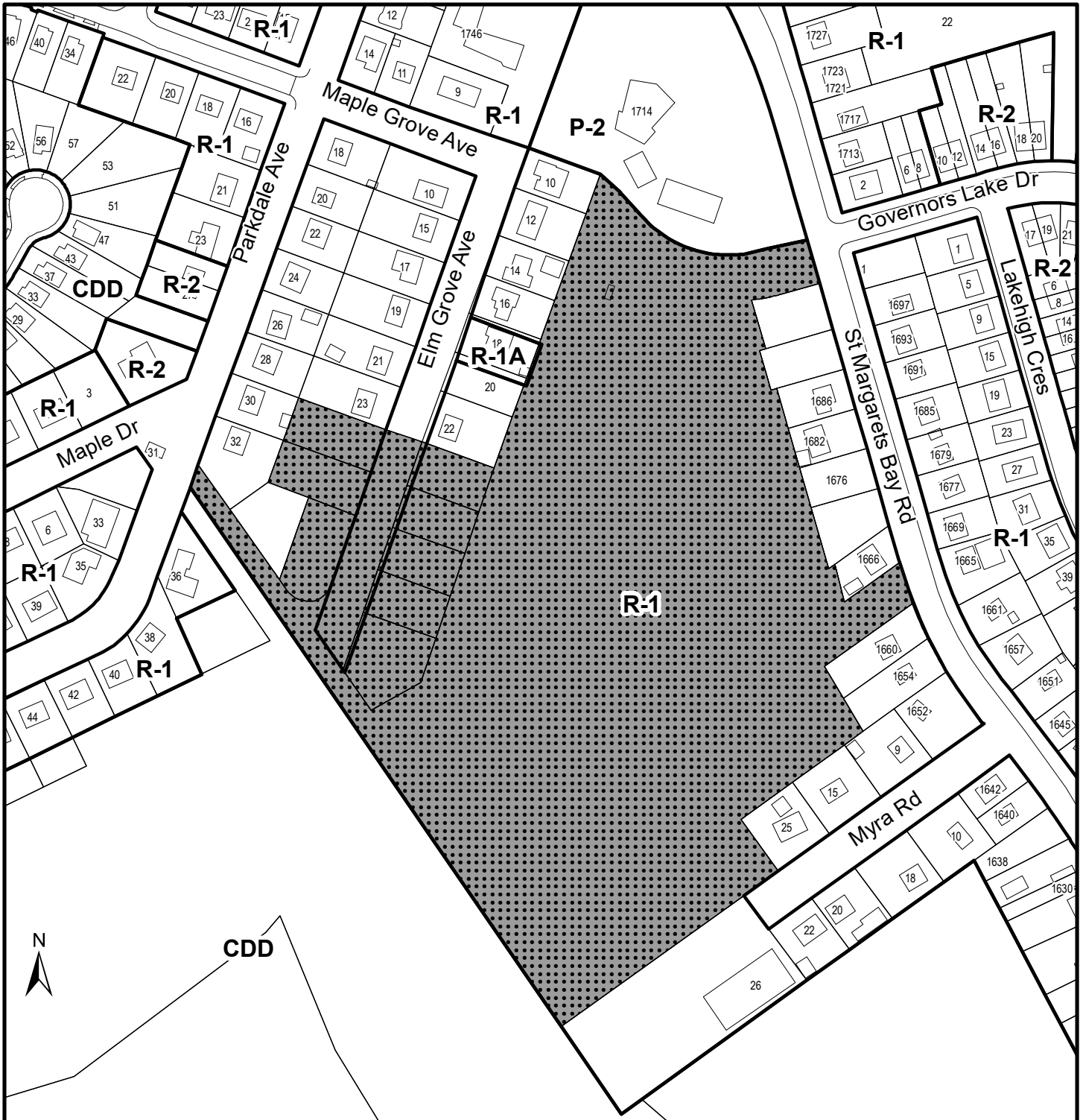
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea/Lakeside/Beechville is hereby further amended as follows:

1. Schedule A – Timberlea/Lakeside/Beechville Zoning Map shall be amended to rezone PIDs 40143380, 40162547, 40162588, 40162406, 40162513, 40162471, 40162430, 40162398, and 40143299 from R-1 (Single Unit Dwelling) Zone to CDD (Comprehensive Development District) as shown on Schedule A attached hereto.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 2021.


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Iain MacLean  
Municipal Clerk



**Schedule A**

Elmgrove Ave,  
Timberlea

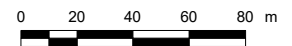
 Area to be rezoned  
from R1 to CDD

Timberlea/Lakeside/Beechville  
Land Use By-Law Area

**Zone**

- CDD Comprehensive Development District
- P-2 Community Facility
- R-1 Single Unit Dwelling
- R-1A Auxiliary Dwelling Unit
- R-2 Two Unit Dwelling

**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.

**Attachment B: Proposed Development Agreement**

THIS AGREEMENT made this      day of **[Insert Month]**, 20\_\_,

BETWEEN:

**[Insert Name of Corporation/Business LTD.]** a body corporate, in the Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located at PIDs 40143380, 40162547, 40162588, 40162406, 40162513, 40162471, 40162430, 40162398, and 40143299 in Timberlea and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a Development Agreement to allow for a multi-lot residential subdivision on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies UR-11, UR-12, and IM-12 of the Timberlea Lakeside Beechville Municipal Planning Strategy and Land Use By-law;

**AND WHEREAS** the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case 22396;

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

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## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

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

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

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the applicable Land Use By-law and the Regional Subdivision By-law, as amended from time to time.
- 1.2.2 Variances to the requirements of the applicable Land Use By-law shall be permitted in accordance with the *Halifax Regional Municipality Charter* on the whole site as shown on Schedule B, except for lot area and lot frontage requirements.

### **1.3 Applicability of Other By-laws, Statutes and Regulations**

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

### **1.4 Conflict**

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

### **1.5 Costs, Expenses, Liabilities and Obligations**

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

### **1.6 Provisions Severable**

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

## 1.7 Lands

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

## PART 2: DEFINITIONS

### 2.1 Words Not Defined under this Agreement

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

### 2.2 Definitions Specific to this Agreement

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

**NON-CONSTRUCTION ZONE** means, for the purposes of this Agreement, the area of land, as shown on Schedule B, where tree retention is required during the construction of the streets and services to prevent the entire clear cutting of the site.

**SINGLE UNIT DWELLING** means, for the purposes of this Agreement, a detached building containing one dwelling unit on a lot with a minimum frontage of 40 feet and minimum area of 4,000 square feet.

**SMALL LOT SINGLE DWELLING** means, for the purposes of this Agreement, a detached building containing one dwelling unit on a lot with a minimum frontage of 36 feet and minimum area of 3,600 square feet.

**TOWNHOUSE DWELLING** means, for the purposes of this Agreement, means a building that is divided vertically into three or more dwelling units, where each unit is located on a separate lot, and each unit has an independent pedestrian entrance.

## PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

### 3.1 Schedules

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, generally conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 22396.

Schedule A      Legal Description of the Lands(s)  
Schedule B      Land Use Plan

### 3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of the first development permit, items required under Section 5.2 are to be submitted to the Development Officer.
- 3.2.1 Non-Construction Zone areas as required by this Agreement shall be identified with snow fence or other appropriate method such as flagging tape, as approved by the Development Officer, prior to any site preparation (i.e. tree cutting, and excavation activity). The Developer shall provide

confirmation to the Development Officer that the Non-Construction Zone areas have been appropriately marked. Such demarcations shall be maintained by the Developer for the duration of the construction and may only be removed upon the installation of municipal services and approval of the Final Plan of Subdivision by the Development Officer.

### **3.3 General Description of Land Use**

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

- (a) permitted uses of the R-1 (Single Unit Dwelling) Zone and R-5 (Townhouse Dwelling) Zone of the Land Use By-Law for Timberlea/Lakeside/Beechville, as enabled by this Agreement and as generally illustrated on the Schedules;
- (b) accessory uses and buildings, as per the requirements of the Land Use By-law.

### **3.4 Detailed Provisions for Land Use**

3.4.1 Single Unit Dwellings shall be located in the areas as generally shown on Schedule B. No subdivision approval or municipal development permit shall be granted for any designated Single Unit Dwelling development except in accordance with the following provisions:

- (a) Minimum frontage: 40 feet
- (b) Minimum lot area: 4,000 square feet
- (c) Minimum front yard: 20 feet
- (d) Minimum side yard: 6 feet
- (e) Minimum rear yard: 8 feet
- (f) Maximum lot coverage: 35%
- (g) Maximum height: 35 feet

3.4.2 Small Lot Single Dwellings shall be located in the areas as generally shown on Schedule B. No subdivision approval or municipal development permit shall be granted for any designated Small Lot Single Dwelling development except in accordance with the following provisions:

- (a) Minimum frontage: 36 feet
- (b) Minimum lot area: 3,600 square feet
- (c) Minimum front yard: 20 feet
- (d) Minimum side yard: 6 feet
- (e) Minimum rear yard: 8 feet
- (f) Maximum lot coverage: 35%
- (g) Maximum height: 35 feet

3.4.3 Townhouse Dwellings shall be located in the areas as generally shown on Schedule B and shall comply with the requirements of the R-5 Zone of the Land Use By-Law for Timberlea/Lakeside/Beechville, with the exception that the Townhouse Dwelling shall not include more than eight (8) dwelling units.

3.4.4 Decks may be permitted to project not more than 2 feet into a required side and rear yard.

### **3.5 Subdivision of the Lands**

3.5.1 All subdivision of the Lands shall meet the requirements of the Regional Subdivision By-Law.

3.5.2 This Agreement has been reviewed against the Concept Subdivision Application requirements of the Subdivision By-law.

- 3.5.3 Access easements shall be provided on the subdivision plan to permit interior townhouse units access to their backyards.
- 3.5.4 Unless otherwise acceptable to the Development Officer, prior to acceptance of any Municipal Service system, the Developer shall provide to the Development Officer:
- (a) a certification from a qualified professional engineer indicating that the Developer has complied with the Erosion and Sedimentation Control Plan required pursuant to this Agreement; and
  - (b) a certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement.

#### **PART 4: STREETS AND MUNICIPAL SERVICES**

##### **4.1 General Provisions**

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

##### **4.2 Off-Site Disturbance**

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

#### **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

##### **5.1 Public Storm Water Facilities**

- 5.1.1 The stormwater management pond will be owned by Halifax Water. The area of the land must be deeded to Halifax Water. An access road is required for the Halifax Water staff to access the proposed management pond.

##### **5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan**

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
  - (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed

detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and

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

### **5.3 Subdivision Grading Plan**

5.3.1 Any Subdivision Grading Plan submitted for subdivision approval shall be certified by a qualified professional.

5.3.2 The Non-Construction Zone, as illustrated on Schedule B, shall be shown on the Subdivision Grading Plan. The Non-Construction Zone is to protect tree stands during construction of streets and services only. No development, tree cutting, or grade alteration shall be permitted within any Non-Construction Zone except where approved in writing by the Development Officer under one of the following circumstances:

- (a) To install municipal service systems. In these cases, the location, size and extent of the disturbance shall be identified on a plan prepared and endorsed by a qualified professional which shall identify measures to minimize disturbance within the non-construction zone to the satisfaction of the Development Officer; or
- (b) To remove fallen timber and dead debris where a fire or safety risk is present. The Development Officer may require verification in writing by a qualified professional (i.e. Arborist, Forester or Forestry Technician, Landscape Architect) prior to granting approval under this clause.

5.3.3 Upon the approval of the Final Plan of Subdivision and installation of municipal services the Non-Construction Zone shall be removed and tree retention in that area is no longer required.

5.3.4 The Developer shall prepare lot grading plans which comply with the Subdivision Grading Plan, except the Non-construction Zone required under Section 5.3.2 can be removed and does not need to be shown on individual lots nor enforced on individual lots.

### **5.4 Sulphide Bearing Materials**

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

## **PART 6: AMENDMENTS**

### **6.1 Non-Substantive Amendments**

6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) The granting of an extension to the Date of Commencement of construction as identified in Section 7.3.1 of this Agreement; and
- (b) The length of time for the Completion of Development as identified in Section 7.4.1 of this Agreement.

### **6.2 Substantive Amendments**



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

## **PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

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

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean final subdivision approval of the lots.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.

### **7.4 Completion of Development**

- 7.4.1 Upon the completion of the whole development, or ten (10) years from the date of registration of this agreement, whichever comes first, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement;
  - (c) discharge this Agreement; or
  - (d) for those portions of the development which have been completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By law for Timberlea/Lakeside/Beechville, as may be amended from time to time.
- 7.4.2 For the purpose of this section and section 7.5.1, completion of development shall mean issuance of the last Occupancy Permit.

### **7.5 Discharge of Agreement**

- 7.5.1 If the Developer fails to complete the development after ten (10) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement;
  - (c) discharge this Agreement; or
  - (d) for those portions of the development which have been completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By law for Timberlea/Lakeside/Beechville, as may be amended from time to time.

## **PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **8.1 Enforcement**

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

### **8.2 Failure to Comply**

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
  - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the Assessment Act;
  - (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
  - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the Halifax Regional Municipality Charter or Common Law in order to ensure compliance with this Agreement.

**IN WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

**MAYOR**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

**MUNICIPAL CLERK**

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

---

A Commissioner of the Supreme Court  
of Nova Scotia

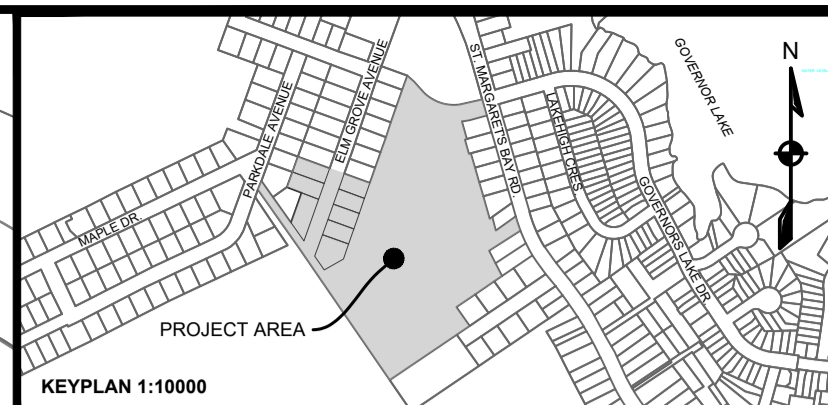
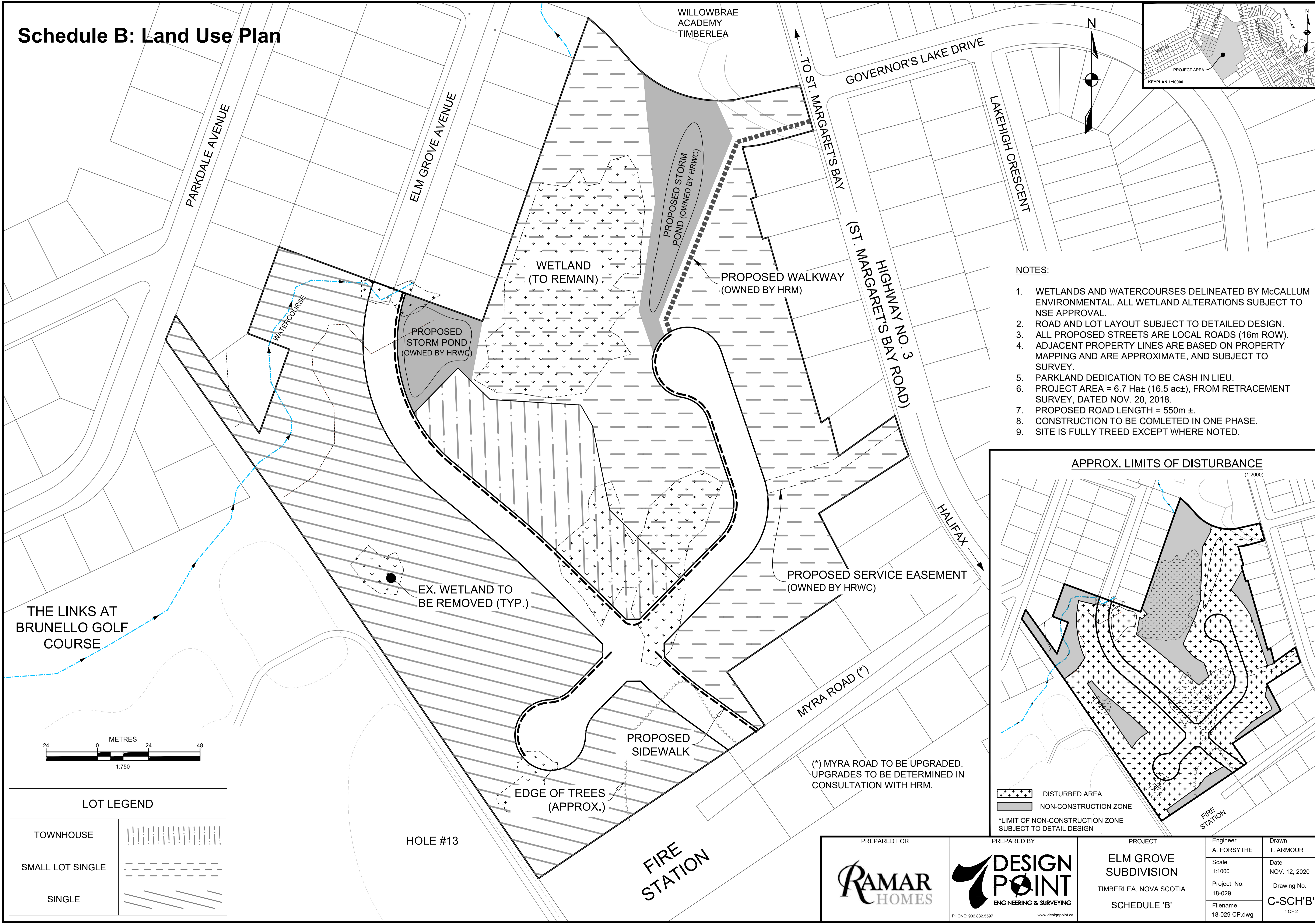
PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

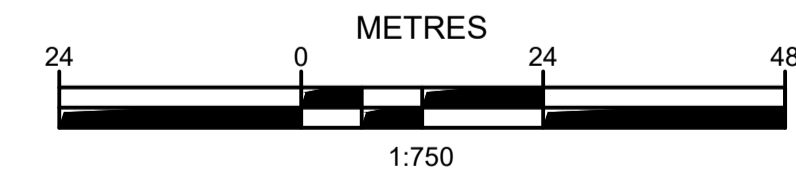
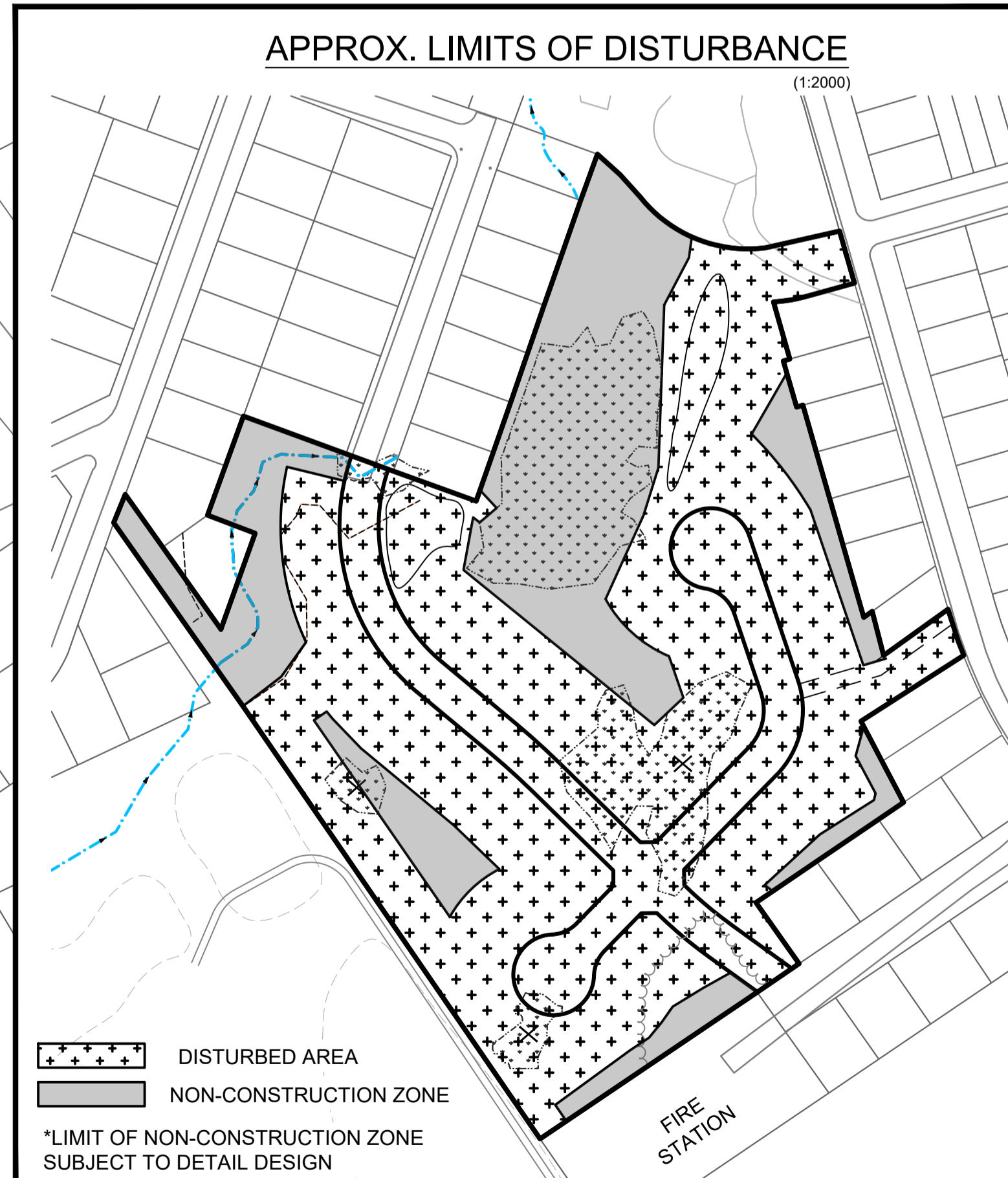
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A Commissioner of the Supreme Court  
of Nova Scotia

# Schedule B: Land Use Plan



- NOTES:**
1. WETLANDS AND WATERCOURSES DELINEATED BY McCALLUM ENVIRONMENTAL. ALL WETLAND ALTERATIONS SUBJECT TO NSE APPROVAL.
  2. ROAD AND LOT LAYOUT SUBJECT TO DETAILED DESIGN.
  3. ALL PROPOSED STREETS ARE LOCAL ROADS (16m ROW).
  4. ADJACENT PROPERTY LINES ARE BASED ON PROPERTY MAPPING AND ARE APPROXIMATE, AND SUBJECT TO SURVEY.
  5. PARKLAND DEDICATION TO BE CASH IN LIEU.
  6. PROJECT AREA = 6.7 Ha± (16.5 ac±), FROM RETRACEMENT SURVEY, DATED NOV. 20, 2018.
  7. PROPOSED ROAD LENGTH = 550m ±.
  8. CONSTRUCTION TO BE COMPLETED IN ONE PHASE.
  9. SITE IS FULLY TREED EXCEPT WHERE NOTED.



LOT LEGEND	
TOWNHOUSE	[Stippled pattern]
SMALL LOT SINGLE	[Dashed line pattern]
SINGLE	[Diagonal line pattern]

(\* MYRA ROAD TO BE UPGRADED. UPGRADES TO BE DETERMINED IN CONSULTATION WITH HRM.)

PREPARED FOR	PREPARED BY	PROJECT	Engineer	Drawn
<b>RAMAR HOMES</b>	<b>DESIGN POINT</b> ENGINEERING & SURVEYING	ELM GROVE SUBDIVISION	A. FORSYTHE	T. ARMOUR
		TIMBERLEA, NOVA SCOTIA	Scale	Date
		SCHEDULE 'B'	1:1000	NOV. 12, 2020
			Project No.	Drawing No.
			18-029	C-SCH'B'
			Filename	1 OF 2
			18-029 CP.dwg	

**Attachment C – Review of Relevant MPS Policies**

**Policy UR-11**

It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of local commercial and community facility uses when in association with residential uses. Industrial uses shall specifically be prohibited. When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall have regard for the following:

Policy	Staff Comment
(a) that the proposal is within the Urban Residential Designation;	The proposal complies with this policy.
(b) that the development is capable of utilizing existing municipal sewer and water services;	<p>The site is located within the urban service boundary and there are municipal services located on St. Margaret’s Bay Road, Elm Groove Ave., and Myra Rd. Halifax Water has reviewed the application and has not raised any issues.</p> <p>All water and wastewater design shall reference the latest version of the Halifax Water’s Design and Construction Specifications and detailed servicing plans shall be provided with the building permit application.</p>
(c) that the development includes a minimum land area of five (5) acres to be so zoned;	The site is approximately 15 acres in size.
(d) that the development provides for a mix of housing types in keeping with the general target for housing mixture and does not detract from the general residential character of the community;	<p>The preamble for the urban residential designation provides a framework for the mix of housing types within the Plan area, which is a general target of 70:30 single unit dwellings to higher density housing. Alternatively, within the Comprehensive Development Districts preamble, the MPS allows consideration of a decreased proportion of 50% low density housing as the general housing mix when considered site specific development agreements. The development is proposing 46 single unit dwellings and 20 townhouses, which is a mix of 70:30.</p> <p>The surrounding area is primarily residential in nature with outdoor recreation facilities (golf course), institutional, and commercial uses nearby. The immediate surrounding residential uses are single unit dwellings with other housing typologies (two units, townhouses,</p>

	and small apartment buildings) in close proximity.
(e) that adequate and useable lands for community facilities are provided;	A walking trail is proposed from one of the new cul-de-sacs which terminates near an existing Transit stop on St. Margaret's Bay Road. Parkland planning has determined cash-in-lieu is required instead of land dedication. This will be required at the subdivision stage.
(f) that the development has a minimum of two (2) separate accesses to the public road network;	Yes. One at Elm Groove Ave and one at Myra Road. Both have been reviewed and deemed acceptable by HRM Engineering. Detailed design of the proposed accesses will be conducted through subdivision application process.
(g) consideration of the impact on traffic circulation and in particular traffic on the St. Margaret's Bay Road;	The TIS concluded that the proposed development is not expected to have any significant impact on the level of performance of the local streets, the adjacent intersections, or the regional street network.
(h) that the development is consistent with the general policies of this planning strategy and furthers its intent; and	The proposed development is in conformance with the requirements of the planning strategy with further controls to be provided in the development agreement to ensure the development meets the intent of applicable policies and other standards.
(i) the provisions of Policy IM-12.	See below.

**Policy UR-12**

With reference to Policy UR-11, and as provided for by the development agreement sections of the Planning Act, the development of any district shall only be considered by Council through a development agreement or agreements which shall specify;

<b>Policy</b>	<b>Staff Comments</b>
(a) the types of land uses to be included in the development;	The proposed land use is residential with a mix of built form (20 Townhouses and 46 Single Unit Dwellings). The agreement regulates this.
(b) the general phasing of the development relative to the distribution of specific housing types or other uses;	The development is proposed to be completed in one phase.
(c) the distribution and function of proposed public lands;	The HRM Parks and Recreation department has completed a Parks Service Assessment of the subject site and found it is within acceptable

	<p>service level bases on proposed connections and existing parkland. As a result, a cash-in-lieu dedication will be required at subdivision. for more information.</p>
<p>(d) any specific land use elements which characterize the development;</p>	<p>This will be a residential development only and the agreement regulates this.</p>
<p>(e) that new multiple unit dwellings have direct access to a major collector road as identified subject to the provisions of Policy TR-3.</p>	<p>Not applicable.</p>
<p>(f) that industrial and general commercial uses be excluded;</p>	<p>No industrial or commercial uses are proposed. The agreement regulates this.</p>
<p>(g) matters relating to the provisions of central sewer and water services to the development;</p>	<p>A servicing schematic was reviewed and approved by Halifax Water and HRM Engineering. All water and wastewater design shall reference the latest version of the Halifax Water's Design and Construction Specifications and detailed servicing plans shall be provided with the building permit application.</p>
<p>(h) provisions made for the proper handling of storm water and general drainage within and from the development; and</p>	<p>Two storm water ponds are proposed to mitigate storm water runoff. The storm water ponds are proposed to be turned over to Halifax Water. The proposed storm ponds will be designed in accordance with Halifax Water and NS Department of Environment requirements. The ponds will balance the flows to match pre-development flows or better. The design of these ponds will be completed during the detailed design and will be subject to HRM and HRWC approval as well as NSE approval. Based on preliminary calculations, the ponds on Elm Grove Avenue and at the end of Kodi Court will be approx. 1,000 m3 in size.</p> <p>Additionally, the storm water analysis showed there is an existing culvert that is under performing that could be the cause of flooding/drainage issues raised at the public engagement. The development is proposing to include additional flow capacity at this location to reduce the potential for flooding. This will be an overflow pipe or overflow swale along the side yard of the southern most lot on Elm Grove Ave.</p>



	A servicing schematic was reviewed and approved by Halifax Water and HRM Engineering. The development agreement requires a stormwater management plan, erosion and sediment control plan, and a site disturbance plan to be submitted prior to commencement of any site work to ensure all municipal and provincial standards are met at permitting, including the adherence to the watercourse buffer requirements of the Regional Plan.
(i) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-12.	See comments in IM-12 below.

### Policy IM-12

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

Policy	Staff Comments
(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.	The proposed development is in conformance with the requirements of the planning strategy with further controls to be provided in the development agreement to ensure the development meets the intent of applicable policies and other standards.
(b) that the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of the Municipality is to absorb any costs relating to the development;	No Municipal costs are anticipated.
(ii) the adequacy of sewer and water services;	A servicing schematic was reviewed and approved by Halifax Water and HRM Engineering. All water and wastewater design shall reference the latest version of the Halifax Water's Design and Construction Specifications and detailed servicing plans shall be provided with the building permit application.
(iii) the adequacy and proximity to school, recreation, or other community facilities;	Fire Station 58 is located adjacent to the site and the nearest Police Station is the Tantallon Detachment Office. The site is located within the Sir John A. MacDonald Family of Schools catchment area. HRCE has not provided

Policy	Staff Comments
	<p>comments but they have been notified of the application. According to HRCE's Long-Range Outlook document (produced in June 2018), all schools have capacity. Willowbrae Academy Day Care is adjacent to the site and Beech Tree Academy Day Care is 1.5 kms away on St. Margarets Bay Road. The nearest recreation facility is the Beechville Lakeside Timberlea Recreation Centre, which is located ~1 km away.</p>
<p>(iv) the adequacy of road networks leading or adjacent to, or within the development; and</p>	<p>The TIS concluded that the proposed development is not expected to have any significant impact on the level of performance of the local streets, the adjacent intersections, or the regional street network.</p>
<p>(v) the potential for damage to or for destruction of designated historic buildings and sites.</p>	<p>No historic buildings or sites have been identified.</p>
<p>(vi) the proposed means of handling storm water and general drainage within and from the development. (RC-Oct 30/01; E-Dec 8/01)</p>	<p>Two storm water ponds are proposed to mitigate storm water runoff. The storm water ponds are proposed to be turned over to Halifax Water. The proposed storm ponds will be designed in accordance with Halifax Water and NSE requirements. The ponds will balance the flows to match pre-development flows or better. The design of these ponds will be completed during the detailed design and will be subject to HRM and HRWC approval as well as NSE approval. Based on preliminary calculations, the ponds on Elm Grove Avenue and at the end of Kodi Court will be approx. 1,000 m<sup>3</sup> in size.</p> <p>Additionally, the storm water analysis showed there is an existing culvert that is under performing that could be the cause of flooding/drainage issues raised at the public engagement. The development is proposing to include additional flow capacity at this location to reduce the potential for flooding. This will be an overflow pipe or overflow swale along the side yard of the southernmost lot on Elm Grove Ave.</p>

Policy	Staff Comments
	<p>A servicing schematic was reviewed and approved by Halifax Water and HRM Engineering. The development agreement requires a stormwater management plan, erosion and sediment control plan, and a site disturbance plan to be submitted prior to commencement of any site work to ensure all municipal and provincial standards are met at permitting, including the adherence to the watercourse buffer requirements of the Regional Plan.</p>
<p>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</p>	
<p>(i) type of use;</p>	<p>The proposed land use is residential, which is compatible with the adjacent land uses surrounding the site. Townhouse dwelling units are located in the interior of the proposed development, not adjacent to any established single unit residential uses surrounding the site.</p>
<p>(ii) height, bulk and lot coverage of any proposed building;</p>	<p>The single unit dwellings will be separated into two categories of reduced lot frontage and area requirements. The only requirements of the single unit dwellings that differ from the regulations of the LUB are the lot frontage, lot area, and side yard regulations. The townhouse blocks will follow the regulations in the LUB except that the agreement permits 8 townhouse units per townhouse block versus 6 permitted in the LUB.</p> <p>Reduced lot frontage/area requirements are supported by staff as they enable higher densities, smaller lot sizes, and reduced yard requirements which encourage a range of housing types that can provide for more affordable housing options within a community. A dwelling constructed on a large lot should be more expensive than the same dwelling constructed on a smaller lot (provided that all other development and market conditions remain constant). In addition, it can also</p>

Policy	Staff Comments
	contribute to affordability by applying additional supply through the housing market.
(iii) traffic generation, access to and egress from the site, and parking;	<p>The TIS concluded that the proposed development is not expected to have any significant impact on the level of performance of the local streets, the adjacent intersections, or the regional street network.</p> <p>Parking requirements for the residential units will be as required by the Land Use By-law.</p>
(iv) open storage and outdoor display;	Not applicable as this is proposal is a residential subdivision.
(v) signs; and	This is a proposal for a residential subdivision and signage will be as per the requirements of the Land Use Bylaw for residential zones.
(vi) any other relevant matter of planning concern.	No other relevant matters have been identified.
(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.	<p>The site is relatively flat. Final construction and site development will require compliance with standards outlined in the DA, applicable standards of the LUB, the Building By-law and other applicable codes to ensure the permitted uses are deemed safe and are not detrimental to the site or adjacent uses.</p> <p>A servicing schematic was reviewed and approved by Halifax Water and HRM Engineering. The development agreement requires a stormwater management plan, erosion and sediment control plan, and a site disturbance plan to be submitted prior to commencement of any site work to ensure all municipal and provincial standards are met at permitting, including the adherence to the watercourse buffer requirements of the Regional Plan.</p>
(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the	No Applicable.

<b>Policy</b>	<b>Staff Comments</b>
development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02; E-Aug 17/02)	

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case 22396**

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

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**Tuesday, February 4, 2020**  
**7:00 p.m.**

**Lakeside Community Centre (Multi-Purpose Room), Lakeside**

**STAFF IN  
ATTENDANCE:**

Dean MacDougall, Planner, HRM Planning and Development  
Iain Grant, Planning Technician, HRM Planning and Development  
Cara McFarlane, Planning Controller, HRM Planning and Development

**ALSO IN  
ATTENDANCE:**

Councillor Richard Zurawski, District 12  
Connor Wallace, Zzap Consulting Inc., Applicant

**PUBLIC IN  
ATTENDANCE:**

Approximately 22

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

**1. Call to order, purpose of meeting – Dean MacDougall**

**D. MacDougall** is the Planner and Facilitator for the application and introduced the applicant, area Councillor and HRM Staff members.

Case 22396 - Application by Zwicker Zareski Architecture and Planning, on behalf of the owners, requesting to rezone and enter into a development agreement for a residential subdivision on lands located off Elm Grove Ave, Timberlea.

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

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

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

**2. Presentation of Proposal – Dean MacDougall**

**D. MacDougall** gave a brief presentation of the proposal for lands located off Elm Grove Avenue, Timberlea outlining the status of the application, the Applicant's request for a rezoning and development agreement which would allow a multi-lot residential subdivision, the site context of the subject lands, the land designation [UR (Urban Residential)] and enabling Planning Policies (UR-11 and UR-12) within the Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS) and the current zoning (R-1 Zone) within the Timberlea/Lakeside/Beechville Land Use By-law (LUB).

## **Presentation of Proposal – Connor Wallace, Zzap Consulting Inc.**

**C. Wallace** thanked D. MacDougall for the presentation as well as the residents for coming to the meeting and looked forward to their feedback/comments and addressing any questions and concerns.

### **3. Questions and Comments**

**Donna Boulos, Elm Grove Avenue** questioned the green areas on the site plan. **D. MacDougall** – The green areas represent the location of the stormwater management pond to allow filtration of water runoff from the street and away from neighbouring properties.

**Bill Pelrine, St. Margarets Bay Road** (resident of 47 years) is concerned about no proposed playground for the area, the impact on the surrounding schools (the grammar school is currently at capacity), the current water pressure is controlled with a pump, and the two accesses to the main road. **D. MacDougall** mentioned that the proposal was reviewed by internal/external agencies to gather comments. Parkland was not required for the proposal; therefore, there will be cash in lieu of a playground. Halifax Regional Education Centre (HREC) did not provide a comment, but according to the 2019 HREC Outlook, the schools in the area have capacity. Halifax Water had no concerns at the time but will provide a detailed review at the permitting stage regarding water pressure. A Traffic Impact Statement (TIS) was completed and reviewed by HRM and available on the website. **C. Wallace** - The TIS studied the traffic during the peak a.m. and p.m. hours and concluded that 50 to 70 vehicle trips would be generated and would not have a significant impact on the surrounding intersections or regional transportation network.

**Isabel Gray, St. Margarets Bay Road** asked for clarification on the flow of traffic. Did the study conclude that more traffic would flow along Myra Road? Does the access interfere with the fire department? **C. Wallace** – There may be some dispersal to different intersections as a result of having two proposed access locations for the development. **D. MacDougall** – Fire Services had no concerns or comments during the internal review. **B. Pelrine** believes that 90% of traffic will be using Myra Road due to convenience.

**Joe Yeates, Elm Grove Avenue** – Currently, during a rain event, the water from the brook and golf course overflows onto the properties at the end of Elm Grove Avenue. This will be worse with the proposal development. **D. MacDougall** showed on the site plan where the proposed stormwater management pond is located but the detailed subdivision design will be submitted at the time the applicant applies for permits. At that time, Halifax Water will perform a more detailed analysis of the required stormwater management plan.

**Bernie Conrad, Timberlea** asked about the capacity of the sewer system, currently and if/when this proposal is approved. **D. MacDougall** – At the time of initial review, Halifax Water reviewed the proposal and had no comment regarding the capacity of sewer and water but they reserve the analysis for the permitting stage when the details of the development are available. **D. MacDougall** will find out the current capacity of the system for the area from Halifax Water and provide it to Mr. Conrad. **B. Conrad** – Who is the applicant? Who is the developer? **D. MacDougall** – The applicant is Zzap Consulting and the Ramar is the Developer.

**Shelby Vining, Maple Grove Avenue** is concerned about water issues and increased traffic due to the proposal. They currently use a sump pump that goes quite frequently especially during heavy rainfalls. Has the TIS taken into account the residents from Brunello who currently use Myra Road?

**Gerry Boulos, Elm Grove Avenue** (resident of 27 years) envisions traffic shortcutting through

the area by coming across Elm Grove Avenue, Maple Grove Avenue and Parkland Avenue to access the highway and wants to make sure this was considered in the TIS.

**A resident** mentioned that the area is on bedrock; therefore, blasting will be imminent. They would like the developer to pay attention to the effects it will have on the area. Pre-blast surveys look at cracks in foundations but they would like to see the survey include things like sump pumps as well.

**Paul Bray, Parkdale Avenue** is concerned about heavy construction traffic.

**A resident** asked if there would be an opportunity to meet and question the builders. What is the timeline? **D. MacDougall** said there would be a public hearing that the public is encouraged to attend to voice their concerns. Typically, the timeline for a planning application of this nature would be approximately nine months. **Councillor Zurawski** encouraged the residents to follow the application, attend the public hearing where the applicant/developer will make a presentation to Halifax and West Community Council (HWCC), suggested that a petition from the residents would be helpful and to send emails to C. Zurawski as they will be presented to HWCC as well.

**Gord Melanson, Elm Grove Avenue** (resident of 45 years) is concerned about the water issues and traffic impact. Their sump pump is on constantly. HRM and Halifax Water approved permit applications for Brunello but there are water issues from that development and there is a concern the same will happen with this development. How tall will the buildings be? **D. MacDougall** – The maximum building height is 35 feet.

**C. Zurawski** emphasized that there are serious water problems and the usage of sump pumps in the area. In the Spring and when it rains, existing properties are flooding due to previous construction and nothing is being done about it.

**I. Gray** – What is the timeline on construction? **C. Wallace** – If approved by HWCC, completed construction would be approximately 3 years from the time of approval.

**B. Conrad** – Who is financially responsible for any remedies due to water issues created from the development? **D. MacDougall** – The developer would have to meet all the regulations within the Land Use By-law in order for permits to be issued and comply to those regulations during construction. HRM will evaluate any issues resulting from construction.

#### **4. Closing Comments**

**D. MacDougall** thanked the resident for coming and expressing their comment(s).

#### **5. Adjournment**

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