



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.1
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 22898: 13th Amendment to Brunello Estates Development Agreement, Timberlea**

ORIGIN

Application by Canadian International Capital Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment A, for the development of a multi-unit building;
2. Approve, by resolution, the proposed thirteenth amending development agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
3. Require the thirteenth amending development agreement be signed by the property owners 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

Canadian International Capital Inc. has requested non-substantive amendments to the existing Development Agreement for Brunello Estates, Timberlea (Maps 1 and 2). The existing development agreement allows for a comprehensive mixed-use community development that includes residential, commercial, institutional, and park uses. The purpose of this application is to allow for a multi-unit dwelling, consisting of approximately 333 units, on a site located off Timberlea Village Parkway and a future street (Marketway Lane).

Subject Site	PID 41404567
Location	Brunello Estates, along Timberlea Village Parkway and Marketway Lane
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Urban Residential (UR)
Zoning (Map 2)	Comprehensive Development District (CDD)
Size of Site	proposed site of ~ 3.16 hectares (~7.8 acres)
Street Frontage	Timberlea Village Parkway
Current Land Use(s)	Vacant
Surrounding Use(s)	Golf course and low-density residential uses

Proposal Details

The applicant is proposing a 333-unit residential building consisting of three towers on a shared podium (two 12 storey towers and one 16 storey tower). The building will be located on a site approximately 1.27 hectares (3.15 acres) in size and will provide approximately 46.45 sq. metres (500 sq. ft.) of amenity space per unit and a parking ratio of 1.5 stalls per unit.

Existing Development Agreement

In 2001, the former Western Region Community Council approved the original development agreement for Brunello Estates (formerly known as Westgate). The agreement allows for a comprehensive mixed-use residential and golf community on, what was an undeveloped 530-acre site in Timberlea. The agreement conceptually identifies the location of the road network, parks and recreation facilities, and land uses. It permits 3,200 dwelling units, of which approximately 25% (700 units) are to be single unit dwellings and the rest a mix of townhouses, condominiums, and apartment buildings. Through Schedules B2.C and B3.C, the agreement identifies areas where multiple unit dwellings are permitted and establishes a maximum height precinct for each area. Additionally, Section 2.4.4 of the development agreement provides development standards to use in evaluating each proposed multiple unit dwelling.

To address detailed matters such as architectural requirements and to permit variations of the development standards, the agreement requires the approval of any multiple unit dwelling be considered through the non-substantive amendment process. A decision on a non-substantive amendment is made by Community Council by resolution and does not require a public hearing.

Enabling Policy and LUB Context

Policies UR-27 to UR-34 of the Municipal Planning Strategy for Timberlea/Lakeside/Beechville were created in 2001 as site specific policies to enable the consideration of the mixed-use residential and golf community. It is these policies by which the original development agreement for Brunello was adopted. Attachment B contains a copy of the applicable policy from the MPS.

Additionally, section 3.1(c) of the existing agreement defines the development of multi-unit dwellings as non-substantive amendments that may be approved by resolution of Community Council.

COMMUNITY ENGAGEMENT

The community engagement process undertaken for this application is reasonably consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM website (140 unique page views) and signage posted on the site. A Public Information Meeting and Public Hearing are not required for a non-substantive amendment to a Development Agreement, and the decision on these amendments is made by resolution of Council.

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 B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

Proposed 13th Amending Development Agreement

Attachment A contains the proposed amending development agreement for the subject site and the conditions under which the development may occur. In addition to the evaluation criteria already established in the agreement, the proposed amending development agreement addresses the following matters:

- Building height and placement;
- Architectural requirements; and
- Parking, circulation, and site access.

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

Evaluation Criteria for Multiple-Unit Dwellings

The existing development agreement allows for the consideration of multi-unit dwellings through the non-substantive amendment process. When considering this type of housing, the existing agreement provides specific development standards for multi-unit buildings, restricts building heights, and speaks to appropriate architectural treatments and finishing materials. It also includes design and site development provisions, and site access and parking requirements. Staff's evaluation of how the proposal meets these development standards is as follows:

	Requirements <i>(Section 2.4.4 of Existing DA)</i>	Proposed	Complies
Lot Area (Min)	~31,215 m ²	~31,536 m ²	Yes
Front Yards (Min)	6m	> 6m from both Timberlea Village Parkway (TVP) and Marketway Lane.	Yes
Side/Rear Yards (Min) (calculated at ¼ of tower height)	Tower A: 13m Tower B: 10m Tower C: 11m	Tower A: 4m Tower B: 9m Tower C: 11m	No
Lot Frontage (Min)	18.2m	~ 140m along TVP.	Yes
Building Height (Max)	Tower A: 16 Storeys Tower B & C: 12 Storeys	Tower A: 16 Storeys Tower B & C: 12 Storeys	Yes
Parking	○ 1.25 parking space per unit ○ 1 space per 10 units for guest parking	~ 479 spaces for residents and 55 for visitors.	Yes
Amenity Space (Min)	9.3 m ² per unit	46.45 m ² per unit	Yes
Landscaping	General Provisions	Meets provisions.	Yes
Architecture	General Provisions	Meets provisions.	Yes

Density

The existing development agreement established an overall permitted density of 3,200 dwelling units, of which 700 are to be single unit dwellings and 2,500 may be other dwelling unit types, which includes multiple unit dwellings, townhouses, semi-detached, and reduced frontage single unit dwellings. To date, approximately 341 other dwelling unit types have been approved (but not all have been constructed) out of the permitted 2,500. Of those 341, 134 are units within a multiple unit dwelling and the rest are reduced frontage single unit dwellings and townhouses.

Building Siting

The proposed building does not satisfy the suggested minimum side and rear yard requirements of the development agreement; however, these requirements are permitted to be varied by Section 2.4.4 (ix) of the existing agreement. Staff advise that the proposed variations are reasonable as the proposed multi-unit building is largely surrounded by open space and a large natural vegetative buffer. Only the north property boundary abuts residential land uses.

Section 2.4.4 states that the side and rear yard setbacks should be $\frac{1}{4}$ the height of the proposed building. As this is one building with three towers, each setback was calculated based on the height of each proposed tower. As illustrated on Schedule X-6 of the proposed amending agreement, Tower A's maximum height is 16 storeys or 52m, therefore the required setback of Tower A to side and rear property boundaries is 13m. The applicant has requested this be varied to 6m from the northern property boundary and 4m to the western property boundary. The maximum height of Tower B is 12 storeys or 40m, therefore the minimum setbacks are 10m. Tower B does not meet the required setback to the west property boundary (9m) proposed. Staff have evaluated these requests to be appropriate in the context of this property, the development being proposed, and the uses surrounding in the community.

The western property boundary abuts the golf course and staff advise the deviation in setback at this location does not result in a material land use conflict. The northern property boundary abuts proposed single unit dwellings. To ensure compatibility with the proposed single unit dwellings, the podium of Tower A has been designed to complement the height of the single unit dwellings by having a height of 16.15m, which is approximately 3.96m taller than the development agreement's maximum permitted height of a single unit dwelling (12.19m). Above the podium, the tower is stepped back from the podium edge approximately 7.4m, giving it a setback of 11.8m from the northern property boundary, which is a slight deviation from the required overall setback of 13m. Lastly, the physical separation distance between the buildings (single unit and multi-unit) will be approximately 23m; this separation distance coupled with the podium design and tower setback help reduce any potential conflict between the proposed multi-unit and adjacent single unit dwellings on the northern property boundary.

Building Design Evolution

Buildings proposed within this agreement evolved over the course of the application in response to staff feedback and an assessment against applicable policy. Changes to the building designs over the course of the process included but were not limited to the following:

- The podium of Tower A was pushed from 4m to 6m from the property line of the proposed low density residential on Marketway Lane which will abut the site;
- Changes to the main entrance of Building A to improve the legibility of the main entrance; and
- Changes to Building C to provide setbacks for the 12th storey and changes to the main entry to improve its legibility.

Traffic, Circulation, and Site Access

A Traffic Impact Statement (TIS) was submitted in support of this application and was reviewed by HRM Engineering and Traffic staff. The analysis was determined to be acceptable and concludes that the site trips generated by the development are not expected to negatively impact the surrounding street network.

Extended Timeframe for DA 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 proposed multi-unit building generally conforms with the evaluation criteria of the development agreement and satisfies municipal policy in reducing potential conflict between the lower and high-density residential uses. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

FINANCIAL IMPLICATIONS

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

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 amending development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed amending 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 this amending 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 amending development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed amending 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

Attachment A: Proposed Amending Development Agreement
Attachment B: Timberlea/Beechville/Lakeside MPS Policy Review

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

Report Prepared by: Dean MacDougall, Planner II, Current Planning, 902.240.7085



Map 1 - Generalized Future Land Use

Burnello Estates
Timberlea

HALIFAX

★ Location of Proposed Multi-Units

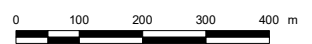
▤ Subject Site

■ Area Under Existing Brunello Estates Development Agreement

Timberlea/Lakeside/Beechville
Plan Area

Designation

- UR Urban Residential
- MR Mixed Resource
- CC Commercial Core
- GC General Commercial
- CNS Conservation
- WC Western Common



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 2 - Zoning and Location

Burnello Estates
Timberlea

HALIFAX

★ Location of Proposed Multi-Units

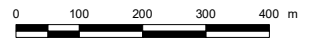
◼ Subject Site

◼ Area Under Existing Brunello Estates Development Agreement

Timberlea/Lakeside/Beechville
Land Use By-Law Area

Zone

- | | | | |
|------|-------------------------|-----|------------------------------------|
| R-1 | Single Unit Dwelling | C-3 | Service Business |
| R-1A | Auxiliary Dwelling Unit | CDD | Comprehensive Development District |
| R-2 | Two Unit Dwelling | P-1 | Open Space |
| R-3 | Mobile Dwelling | P-2 | Community Facility |
| R-4 | Multi-Unit Dwelling | P-4 | Conservation |
| C-1 | Local Business | UR | Urban Reserve |
| C-2 | General Business | WC | Western Common Regional Park |



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

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

THIS THIRTHEENTH AMENDING 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 PID 41404567, Timberlea and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into a development agreement to allow for a mixed-use community with a golf course on the Lands (municipal case number 00238), which said development agreement was registered at the Registry of Deeds Offices in Halifax on September 6, 2001 as Document Number 32647 in Book Number 6852 at Pages (1-34) (hereinafter called the "Original Agreement"), and which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to allow changes to the road network (municipal case number 00590), which said development agreement was registered at the Registry of Deeds Offices in Halifax on August 27, 2003 as Document Number 37295 in Book Number 7458 at Pages 107 to 118 (hereinafter called the "First Amending Agreement"), and which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to modify the approved road network (municipal case number 00623), which said development agreement was registered at the Registry of Deeds Offices in Halifax on April 21, 2004 as Document Number 75364217 in Book Number 7667 in Pages 906 to 921 (hereinafter called the "Second Amending Agreement"), and which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to allow for greater variation in the requirements for single unit dwellings (municipal case number 00536), which said development agreement was registered at the Registry of Deeds Offices in Halifax on July 15, 2004 as Document Number 75884560 in Book Number 7797 in Pages 156 to 162 (hereinafter called the "Third Amending Agreement"), and which does not apply to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality

approved an application to enter into an amending development agreement to remove the limited number of units to be developed as a result of resolving capacity constraints, along with housekeeping amendments (municipal case number 01040), which said Development Agreement was registered at the Registry of Deeds Offices in Halifax on August 7, 2008 as Document Number 91320987 (hereinafter called the "Fourth Amending Agreement"), and which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to provide additional density tracking information with each building permit application (municipal case number 01312), which said development agreement was registered at the Registry of Deeds Offices in Halifax on November 9, 2010 as Document Number 97179270 (hereinafter called the "Fifth Amending Agreement"), and which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to modify the road layout, parkland size and configuration and to complete minor text changes (municipal case number 16934), which said development agreement was registered at the Registry of Deeds Offices in Halifax on February 17, 2012 as Document Number 100119743 (hereinafter called the "Sixth Amending Agreement"), and which applies to the Lands;

AND WHEREAS the former Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to develop Blocks 1, 2 and 3 for alternate housing (municipal case number 17521), which said development agreement was registered at the Registry of Deeds Offices in Halifax on January 9, 2013 as Document Number 102272615 (hereinafter called the "Seventh Amending Agreement"), and which does not apply to the Lands;

AND WHEREAS the former Halifax and West Community Council of the Municipality approved an application to enter into an amending development agreement to alter the Commercial Use boundary along Market Way Lane and clarify standards for commercial development on Ca (Commercial) lands (municipal case number 17826) which said development agreement was registered at the Registry of Deeds Offices in Halifax on January 22, 2014 as Document Number 104497863 (hereinafter called the "Eighth Amending Agreement"), and which applies to the Lands;

AND WHEREAS the former Halifax and West Community Council of the Municipality approved an application to enter into an amending development agreement to alter lot frontage requirements for single unit dwellings (municipal case number 18232), which said development agreement was registered at the Registry of Deeds Offices in Halifax on March 16, 2015 as Document Number 106793525 (hereinafter called the "Ninth Amending Agreement"), and which applies to the Lands;

AND WHEREAS the Halifax and West Community Council of the Municipality approved an application to enter into an amending development agreement to allow for reduced frontage single unit dwellings to be located on Modified Urban Minor Collectors (municipal case number 20141), which said development agreement was registered at the Registry of Deeds Offices in Halifax on January 5, 2018 as Document Number 111977816 (hereinafter called the "Tenth Amending Agreement"), and which applies to the Lands;

AND WHEREAS the Halifax and West Community Council of the Municipality approved an

application to enter into an amending development agreement to allow for one multi-unit building, consisting of a total of 136 units (municipal case number 20447), which said development agreement was registered at the Registry of Deeds Offices in Halifax on January 31, 2018 as Document Number 112095618 (hereinafter called the "Eleventh Amending Agreement"), and which does not apply to the Lands;

AND WHEREAS the Halifax and West Community Council of the Municipality approved an application to enter into an amending development agreement to allow for a change in alternative housing type on Blocks 2 and 3 (municipal case number 21446), which said development agreement was registered at the Registry of Deeds Offices in Halifax on February 19, 2019 as Document Number 114043384 (hereinafter called the "Twelfth Amending Agreement"), and which does not apply to the Lands;

AND WHEREAS the Original Agreement and First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and Twelfth Amending Agreements together comprise the Existing Agreement (hereinafter called "the Existing Agreement");

AND WHEREAS the Developer has requested further amendments to the Existing Agreement to allow for a multi-unit building with three towers on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies UR-27 to UR-34 of the Timberlea/Lakeside/Beechville Municipal Planning Strategy, (hereinafter called the "Thirteenth Amending Agreement");

AND WHEREAS the Halifax and West Community Council approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case 22898;

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

-
1. Except where specifically varied by this Thirteenth Amending Agreement, all other conditions and provisions of the Original/Existing Agreement as amended shall remain in effect.
 2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Thirteenth Amending Agreement, and the Existing Agreement.
 3. Section 2.1 of the Existing Agreement shall be amended by inserting the text shown in bold, immediately following the text "Schedule V: Intersection of Timberlea Parkway, Brunello Boulevard and Clubhouse Entrance" as follows:

Schedule X-6	Site Plan
Schedule X-7	North Elevation
Schedule X-8	East Elevation
Schedule X-9	South Elevation
Schedule X-10	West Elevation

4. The Existing Agreement shall be amended by inserting the following Schedules:

Schedule X-6	Site Plan (attached)
Schedule X-7	North Elevation (attached)
Schedule X-8	East Elevation (attached)
Schedule X-9	South Elevation (attached)
Schedule X-10	West Elevation (attached)

5. Section 2.4 of the Existing Agreement is further amended by inserting Section 2.4.4.2 immediately following Section 2.4.4.1, as shown in bold as follows:

2.4.4.2 Development Standards for one multiple unit dwelling with three towers (outside the town centre) located on portion of the Lands identified in Schedule A and on the Site Plan in Schedule X-6:

The Developer and the Municipality agree that one multiple unit dwelling with three towers may be located on a portion of the Lands as shown on the Site Plan (Schedule X-6), subject to the requirements of Section 2.4.4 and the following:

Requirements Prior to Approval

- (a) Prior to the issuance of any development permit, the approved final plan of subdivision must be filed and registered at the Land Registry. The final plan of subdivision must meet all the requirements of the Land Use By-law and Regional Subdivision By-law and be as generally shown on Schedule X-6.**
- (b) Prior to the issuance of a Development Permit, approvals must be received from Development Engineering and Traffic Services if a second driveway access off Timberlea Village Parkway is proposed. This driveway access must meet all applicable by-laws and standards. The Development Officer may approve the addition of a second driveway off of Timberlea Village Parkway.**
- (c) Prior to the issuance of a Development Permit for the development of the multiple unit dwelling, the Developer shall provide the following to the Development Officer:**
 - i. A detailed Site Grading Plan prepared by a Professional Engineer;**
 - ii. 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;**
 - iii. A detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 2.7.1;**
 - iv. A detailed Servicing Plan of which may include a Stormwater Management Plan designed to Halifax Water's specification; and**
 - v. A summary table of the total number of lots and units approved to date, by category, shall be submitted in accordance with Section 2.4.15.**

- (d) Prior to the issuance of any Occupancy Permit for the multiple unit dwelling, the Developer shall provide to the Development Officer, a certification from a Landscape Architect in accordance with Section 2.4.4 (vi) indicating that the Developer has complied with the landscaping required pursuant to this Agreement, or Security in accordance with Section 2.4.16 of this Agreement has been provided.

Development Standards and Architectural Requirements

- (e) The building's siting, height, massing, and scale shall be as generally shown on Schedules X-6 to X-10 inclusive;
- (f) Notwithstanding Section 2.4.4(ii), the minimum side and rear yard setbacks of the multiple unit building shall be as shown on Schedule X-6;
- (g) For greater clarification, the building height and average grade shall be calculated separately for each tower;
- (h) For greater clarification, driveways are not considered parking areas and are not subject to the requirements under 2.4.4(v);
- (i) Exterior building materials shall include a combination of two or more different materials;
- (j) The following external cladding materials are prohibited:
 - i. vinyl siding;
 - ii. plastic;
 - iii. plywood;
 - iv. unfinished concrete;
 - v. cinder block;
 - vi. exterior insulation and finish systems (EIFS) where stucco is applied to rigid insulation; and
 - vii. darkly tinted or mirrored glass, excepting spandrel glass panels. Lightly or medium tinted is acceptable; and
- (k) Blank or unadorned walls greater than 32.5 square metres (350 square feet) or any exposed foundation in excess of 0.6 metres (2 feet) in height shall be architecturally detailed or veneered with stone or brick.

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

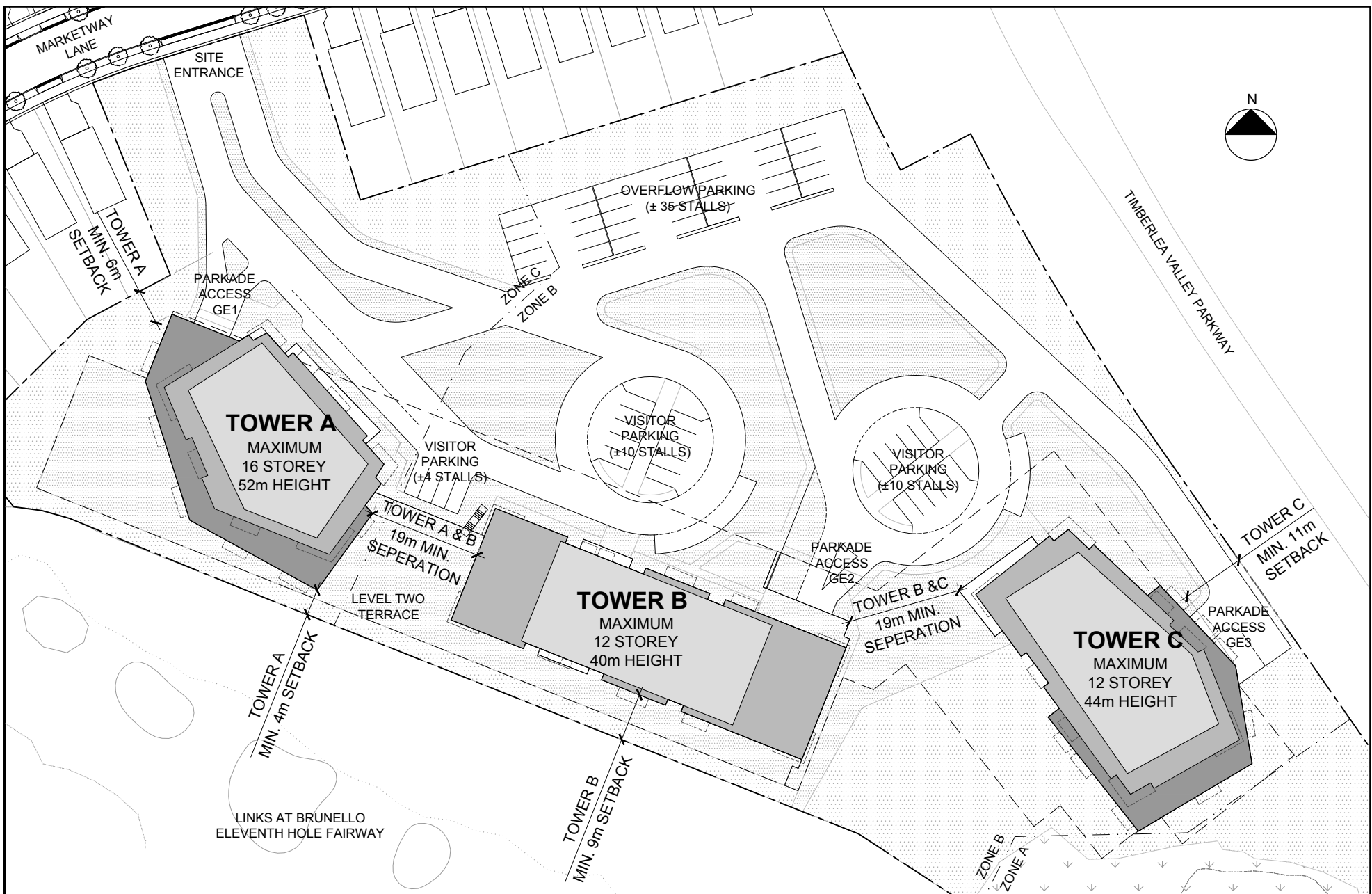
On this _____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

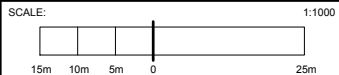
On this _____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed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

A Commissioner of the Supreme Court
of Nova Scotia



CO:WORK

COLLABORATIVE ARCHITECTURE



DATE: 2021-FEBRUARY 1

V2.2

SCHEDULE X-6
ENLARGED SITE PLAN

THE LINKS AT BRUNELLO: FAIRWAY ELEVEN

TIMBERLEA, NOVA SCOTIA

NOTES:

BUILDING SETBACKS AND HEIGHTS EXCLUSIVE OF BALCONY OR ROOF CANOPY PROJECTIONS. HEIGHTS ARE EXCLUSIVE OF MECHANICAL PENTHOUSE EQUIPMENT, ELEVATOR OVERRUNS, ETC.

TOWER ENTRANCE VOLUMES AND CANOPIES TO BE CONFIRMED WITH SUITE AND INTERNAL LAYOUTS AND SUBMITTED WITH APPLICATION FOR DEVELOPMENT PERMIT.

ALL SETBACKS TO BE RE-CONFIRMED AND SUBMITTED WITH APPLICATION FOR DEVELOPMENT PERMIT.



TOWER C

TOWER B

TOWER A

CO:WORK

COLLABORATIVE ARCHITECTURE

**SCHEDULE X-7
NORTH ELEVATION**



THE LINKS AT BRUNELLO: FAIRWAY ELEVEN

TIMBERLEA, NOVA SCOTIA

NOTES:

BUILDING SETBACKS AND HEIGHTS EXCLUSIVE OF BALCONY OR ROOF CANOPY PROJECTIONS. HEIGHTS ARE EXCLUSIVE OF MECHANICAL PENTHOUSE EQUIPMENT, ELEVATOR OVERRUNS, ETC.

TOWER ENTRANCE VOLUMES AND CANOPIES TO BE CONFIRMED WITH SUITE AND INTERNAL LAYOUTS AND SUBMITTED WITH APPLICATION FOR DEVELOPMENT PERMIT.

ALL SETBACKS TO BE RE-CONFIRMED AND SUBMITTED WITH APPLICATION FOR DEVELOPMENT PERMIT.



TOWER C

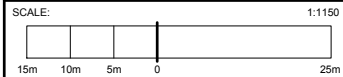
TOWER B

TOWER A

CO:WORK

COLLABORATIVE ARCHITECTURE

**SCHEDULE X-8
EAST ELEVATION**



THE LINKS AT BRUNELLO: FAIRWAY ELEVEN

TIMBERLEA, NOVA SCOTIA

NOTES:

BUILDING SETBACKS AND HEIGHTS EXCLUSIVE OF BALCONY OR ROOF CANOPY PROJECTIONS. HEIGHTS ARE EXCLUSIVE OF MECHANICAL PENTHOUSE EQUIPMENT, ELEVATOR OVERRUNS, ETC.

TOWER ENTRANCE VOLUMES AND CANOPIES TO BE CONFIRMED WITH SUITE AND INTERNAL LAYOUTS AND SUBMITTED WITH APPLICATION FOR DEVELOPMENT PERMIT.

ALL SETBACKS TO BE RE-CONFIRMED AND SUBMITTED WITH APPLICATION FOR DEVELOPMENT PERMIT.

DATE: 2021-FEBRUARY 1

V2.2



TOWER A

TOWER B

TOWER C

CO:WORK

COLLABORATIVE ARCHITECTURE

**SCHEDULE X-9
SOUTH ELEVATION**

NOTES:

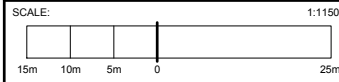
BUILDING SETBACKS AND HEIGHTS EXCLUSIVE OF BALCONY OR ROOF CANOPY PROJECTIONS. HEIGHTS ARE EXCLUSIVE OF MECHANICAL PENTHOUSE EQUIPMENT, ELEVATOR OVERRUNS, ETC.

TOWER ENTRANCE VOLUMES AND CANOPIES TO BE CONFIRMED WITH SUITE AND INTERNAL LAYOUTS AND SUBMITTED WITH APPLICATION FOR DEVELOPMENT PERMIT.

ALL SETBACKS TO BE RE-CONFIRMED AND SUBMITTED WITH APPLICATION FOR DEVELOPMENT PERMIT.

THE LINKS AT BRUNELLO: FAIRWAY ELEVEN

TIMBERLEA, NOVA SCOTIA



DATE: 2021-FEBRUARY 1 V2.2



TOWER A

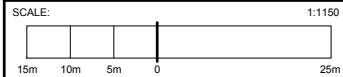
TOWER B

TOWER C

CO:WORK

COLLABORATIVE ARCHITECTURE

**SCHEDULE X-10
WEST ELEVATION**



THE LINKS AT BRUNELLO: FAIRWAY ELEVEN

TIMBERLEA, NOVA SCOTIA

NOTES:

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Attachment B: Review of Relevant MPS Policies

Timberlea/Beechville/Lakeside MPS Policy Review	
Policy	Staff Comment
<p>UR-27: <i>Within the area as shown on Map UR-1, Council may consider permitting a mixed use development, with a range of land uses including a golf course, low density residential, townhousing, multiple unit dwellings, a town centre, various commercial development, and an office campus. Such development may only be considered through the development agreement process, and pursuant to the policies outlined specific to this site and having regard to the provisions of Policy IM-12.</i></p>	<p>The existing development agreement permits a mixed-use development, with a range of land uses including a golf course, low density residential, townhouses, multiple unit dwellings, a town centre, various commercial development, and an office campus was permitted by the former Western Region Community Council on December 18, 2001.</p>
<p>UR-28: <i>Within the area shown on Map UR-1, a range of housing types to a maximum of 3200 dwelling units shall be provided for, subject to the following:</i></p> <ul style="list-style-type: none"> (a) <i>That a substantial number of single unit dwellings be provided, especially adjacent to existing low density neighbourhoods;</i> (b) <i>Alternative forms of single units such as clustered units, retirement cottages and live-work units may be considered as a small proportion of the total number of single units;</i> (c) <i>Auxiliary dwellings, two unit dwellings and townhousing shall be permitted subject to appropriate criteria on building and site design;</i> (d) <i>Medium density housing may be permitted, subject to appropriate limits on density, and with appropriate requirements for landscaping and tree retention, architectural design features to ensure a high-quality appearance of buildings, variety in scale, massing and height, and provision of sufficient amenity space;</i> (e) <i>That where single unit dwellings abut the Westgate site, only single unit</i> 	<p>The existing development agreement established provisions that determined the appropriate density, landscaping, architectural design, and amenity space for multiple unit dwellings. The proposal adheres to those provisions except for the side and rear yard setbacks. Tower A and B do not meet the minimum side/rear yard setback suggested in agreement. The agreement allows Council to consider a variation to this requirement.</p> <p>Both Tower A and B do not meet the minimum required setback to the western property boundary and Tower A does not meet the setback to the northern property boundary. The western property boundary abuts the golf course and the deviation in setback at this location is not seen to result in a land use conflict. The northern property boundary abuts proposed single unit dwellings. To ensure compatibility with the proposed single unit dwellings, the podium of Tower A has been designed to complement the height of the single unit dwellings by having a height of 16.15m, which is approximately 3.96m taller than the development agreement's maximum permitted height of a single unit dwelling 12.19m. Above the podium, the tower is stepped back from the podium edge</p>

<p><i>dwelling or open space uses may be considered; and</i></p> <p>(f) <i>That a range of adequate recreation facilities is provided, pursuant to current municipal parkland planning guidelines.</i></p>	<p>approximately 7.4m, giving it a setback of 11.8m from the northern property boundary, which is a slight deviation from the required setback of 13m. Lastly, the physical separation distance between the buildings (single unit and multi-unit) will be approximately 23m; this separation distance coupled with the podium design and tower setback help reduce any potential conflict between the proposed multi-unit and adjacent single unit dwellings on the northern property boundary.</p> <p>All other subsections of this policy have been addressed in the existing agreement.</p>
<p>UR-29: <i>Within the area shown on Map UR-1, development of a golf course and associated uses shall only be permitted through the development agreement process, to address the following:</i></p> <p>(a) <i>potential environmental impacts of the golf course on waterbodies (namely Nine Mile River, and streams and piped systems leading into Otter Lake and Governor's Lake) during and after construction;</i></p> <p>(b) <i>provision of adequate separation of golf holes from existing and new housing according to current accepted standards;</i></p> <p>(c) <i>provisions of municipal easements for stormwater drainage from streets and residential properties onto the golf course;</i></p> <p>(d) <i>conditions for any use of treatment plan effluent in irrigation;</i></p> <p>(e) <i>regulated public use of designated portions of the course for pond skating and sledding in a manner which does not encourage damage of the golf course;</i></p> <p>(f) <i>The use of alternative street and access standards, grading, and private streets, can assist with tree preservation, and create a more country like character for a development, even within an urban area. However, past experience has shown that there is very often a demand from residents to upgrade to a higher street standard, and any development</i></p>	<p>Addressed in the existing development agreement.</p> <p>Technical studies were completed for the approval of the original development agreement that identified suitable locations for development to reduce potential impacts on the environment, residential uses, and stormwater management.</p> <p>Approvals are required at each subdivision and construction stage which adhere to the conceptual plans approved under the original agreement but also HRM's engineering standards of the day.</p>

<p><i>agreement must therefore address this to ensure that costs for such upgrading are not borne by the public. In addition, it is important that an adequate mechanism is put in place to deal with snow and ice clearing and surface maintenance of any private roads and lanes.</i></p>	
<p>UR-30: <i>The use of private roads which function as minor local streets within the development may be considered by Council. Private lanes for lot access for up to 6 dwelling units may further be considered. In considering such developments, Council shall have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) That the width of the traveled way meets applicable requirements for emergency vehicle access;</i> <i>(b) That the roads are capable of being upgraded to a public street standard, provided that any such upgrading shall be wholly at the cost of the developer and/or abutting property owners; and</i> <i>(c) That an adequate mechanism through a body such as the developer, a condominium corporation or homeowners' association is set up to administer regular road maintenance and repairs in the long term.</i> 	<p>Not applicable to this amendment. Addressed in the existing development agreement.</p> <p>A private road is not proposed as part of this application. The multi-units will be accessed from a driveway off a future public road (Marketway Lane).</p>
<p>UR-31: <i>Within the area as shown on Map UR-1, it shall be the intention of Council to permit the development of a mixed-use town centre, inclusive of medium to high density residential development, retail, hotel, commercial, office and personal service uses, and community and open space uses. Such an area must be carefully designed in order to function as intended, and to be aesthetically pleasing, therefore any development agreement for the site shall require a design study prior to issuance of development permits which will address:</i></p> <ul style="list-style-type: none"> <i>(i) streetscape appearance and furniture;</i> <i>(ii) landscaping;</i> <i>(iii) architecture;</i> <i>(iv) parking;</i> <i>(v) traffic circulation and transit;</i> 	<p>Not applicable to this amendment as the subject site is not within the Town Centre. Addressed in the existing development agreement.</p>

<p>(vi) pedestrian use; and (vii) open space provision.</p>	
<p>UR-32: It shall be the intention of Council to consider an expansion of the commercial area adjacent to Exit 3 off Highway 103 subject to the provisions of Policy IM-12.</p>	<p>Not applicable to this amendment as the site is not located in this area. Addressed in the existing development agreement.</p>
<p>UR-33: It shall be the intention of Council to consider development of an office campus, between the proposed Timberlea East Collector and Highway 103, adjacent to Exit 3 through the development agreement process and subject to the following criteria:</p> <p>(a) landscaping; (b) signage design; and (c) provision of adequate internal roads, parking, and service areas.</p>	<p>Not applicable to this amendment as the site is not located in this area. Addressed in the existing development agreement.</p>
<p>UR-34: It shall be the intention of Council to require the developer of the lands as shown on Map UR-1 to contribute toward the future upgrading of Timberlea Village Drive which bisects the site. The amount of such contribution shall be determined based on the findings of a transportation study, to be undertaken at the developer's expense, which shall determine the proportion of costs attributable to the development. (RC-October 31, 2001/E-December 8, 2001)</p>	<p>Not applicable to this amendment. Addressed and completed under the existing development agreement.</p>
<p>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:</p> <p>(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. (b) that the proposal is not premature or inappropriate by reason of:</p> <p>(i) the financial capability of the Municipality to absorb any costs relating to the development;</p>	<p>The proposal reasonably meets the intent of the MPS. The existing agreement and proposed amendments require conformity with all other municipal by-laws and regulations.</p> <p>Technical studies were completed for the approval of the original development agreement that identified suitable locations for development to reduce potential impacts on the environment, residential uses, and stormwater management.</p> <p>Approvals are required at each subdivision and construction stage which adhere to the conceptual plans approved under the original agreement but also HRM's engineering standards of the day. Please see</p>

<p>(ii) <i>the adequacy of sewer and water services;</i></p> <p>(iii) <i>the adequacy or proximity to school, recreation or other community facilities;</i></p> <p>(iv) <i>the adequacy of road networks leading or adjacent to, or within the development; and</i></p> <p>(v) <i>the potential for damage to or for destruction of designated historic buildings and sites.</i></p> <p>(vi) <i>the proposed means of handling storm water and general drainage within and from the development. (RC - October 30, 2001 E / December 8, 2001)</i></p> <p>(c) <i>that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p>(i) <i>type of use;</i></p> <p>(ii) <i>height, bulk and lot coverage of any proposed building;</i></p> <p>(iii) <i>traffic generation, access to and egress from the site, and parking;</i></p> <p>(iv) <i>open storage and outdoor display;</i></p> <p>(v) <i>signs; and</i></p> <p>(vi) <i>any other relevant matter of planning concern.</i></p> <p>(d) <i>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.</i></p> <p>(e) <i>Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC July 2, 2002 / E - August 17, 2002)</i></p>	<p>Engineering's comments in the Team Review section requiring more information on the proposed access off TVP.</p> <p>The existing development agreement established provisions that determined the appropriate density, landscaping, architectural design, and amenity space for multiple unit dwellings. The proposal adheres to all provisions except one, the side and rear yard setbacks. The existing agreement does allow for variations to the side and rear yard setbacks, an analysis of the building siting is below.</p> <p>The location of the proposed multi-unit building within the overall community reduces conflict as it is surrounded by the neighbouring golf course, a large natural vegetative buffer, and the Timberlea Village Parkway. Only on the north property boundary does the development border proposed single unit dwellings.</p> <p>The northern property boundary abuts proposed single unit dwellings. To ensure compatibility with the proposed single unit dwellings, the podium of Tower A has been designed to complement the height of the single unit dwellings by having a height of 16.15m, which is approximately 3.96m taller than the development agreement's maximum permitted height of a single unit dwelling 12.19m. Above the podium, the tower is stepped back from the podium edge approximately 7.4m, giving it a setback of 11.8m from the northern property boundary, which is a slight deviation from the required setback of 13m. Lastly, the physical separation distance between the buildings (single unit and multi-unit) will be approximately 23m; this separation distance coupled with the podium design and tower setback help reduce any potential conflict between the proposed multi-unit and adjacent single unit dwellings on the northern property boundary.</p> <p>All other subsections of this policy have been addressed in the existing agreement.</p>
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