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Item No. 10.1.2
North West Community Council
April 12, 2021
May 10, 2021

TO: Chair and Members of North West Community Council

SUBMITTED BY: - Original Signed -
Kelly Denty, Executive Director of Planning and Development

DATE: March 4, 2021

SUBJECT: **Case 21355: Development Agreement for a Residential Subdivision
between Lively Road and Wilson Lake Drive, Middle Sackville**

ORIGIN

Application by Armco Capital Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to enable a 167-unit residential subdivision between Lively Road and Wilson Lake Drive in Middle Sackville and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 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

Armco Capital Inc. is applying to enter into a development agreement to allow a residential development on PID 41071069 located between Lively Road and Wilson Lake Drive in Middle Sackville. A residential subdivision may be considered on the lands by development agreement under policy SU-6 of the Regional Plan.

Subject Site	PID 41071069, Middle Sackville
Location	North of Sackville Drive, between Wilson Lake Drive and Lively Road in Middle Sackville
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Urban Residential (UR) under the Sackville Municipal Planning Strategy
Zoning (Map 2)	Comprehensive Development District (CDD) under the Sackville Land Use Bylaw
Size of Site	21.4 hectares (50.4 acres)
Street Frontage	0 metres (0 feet)
Current Land Use(s)	Vacant
Surrounding Use(s)	Low density residential and commercial uses

Proposal Details

Case 21355 was originally submitted in August 2017 for a 241-unit residential development. Revisions have been made to the proposal in response to public feedback and staff's review of the proposal. The current request is for a 167-unit residential subdivision comprising single unit and semi-detached dwellings as detailed below:

- 50 ft. frontage single unit dwellings – 55 units
- 60 ft. frontage single unit dwellings – 52 units
- 35 ft. frontage semi-detached dwellings – 56 units (28 buildings)
- 4 additional dwelling units to what is shown on the concept plan (Schedule B of the proposed development agreement) if a detailed survey of the property permits provided the overall development does not exceed a total of 167 units
- A new 1,789 sq. metre (19,256.6 sq. foot) neighbourhood park
- New public street connections at Lively Road and Wilson Lake Drive
- A new walkway from the proposed development to Wilson Lake Drive

Site History

The site was formally used as the Drag City Raceway between 1968-1973 and has remained vacant since. Meanwhile, two planning applications were submitted for the subject site:

Case 19166

In 2014, Armco Capital Inc. applied for a 270-unit residential development on the subject lands comprising single unit dwellings, semi-detached dwellings, townhouses and multiple unit buildings. At a public meeting on October 27, 2014, residents expressed concern with the higher density uses proposed (townhouses and apartment buildings), traffic and servicing. The community voiced concerns that the proposal was not compatible with the established residential community. This application was subsequently cancelled by the applicant to allow for alternate development options for the property to be explored considering concerns raised by staff and the community.

Case 21355

The original request under the current file number showed a 241-unit residential subdivision. Staff advised the proponent that the lot sizes required to fit 241 units on the subject lands were much smaller than the existing residential lots surrounding the property. Staff advised that the 241-unit proposal detracted from the residential character of the community and was therefore not consistent with the applicable planning

policy. The applicant held two public open houses outside of the HRM planning process on February 8 and March 7, 2018 to receive feedback on the 241-unit proposal. Based on information provided by the applicant, the community raised concerns relative to water quality, traffic, lot types, and school capacity, which led to a revised submission for 167 units with larger lot sizes.

Enabling Policy and LUB Context

Consideration of a residential subdivision on the subject property by development agreement is enabled under Policy SU-6 of the Regional Municipal Planning Strategy and Policy UR-9 of the Sackville Municipal Planning Strategy. While recognising constraints in the Sackville wastewater collection system, site-specific provisions were enabled under the Regional Plan to develop the subject site if capacity became available. The intent of the applicable policies and the overall Urban Residential Designation is to allow for a mix of housing types while protecting the residential character of the existing community. Development permitted within a Comprehensive Development District (CDD) Zone, including residential uses and associated community facilities/parks, is only enabled by development agreement.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on November 26, 2018. Attachment C contains a copy of a summary from the meeting. A notice was also mailed to area residents in May 2020 advising of revisions to the proposal and requesting feedback on the most recent plans. The public comments received include the following topics:

- Compatibility of the proposed semi-detached units and lot sizes;
- The total number of units proposed;
- Increased traffic as a result of the development;
- Existing road conditions including the lack of sidewalks and crosswalks;
- Proposed road traffic routes – all outgoing traffic directed through Lively Road and a one-way entrance from Wilson Lake Drive;
- Impacts on existing road infrastructure;
- Effects on nearby wells when new construction begins;
- Impacts on property values;
- Environmental concerns due to the former use of the site as a race track and potential contamination of nearby wells;
- Presence of shale and possibility of arsenic;
- School capacity and lack of child care services; and
- Tree buffers between the development and abutting properties.

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

The proposal will potentially impact local residents and property owners.

North West Planning Advisory Committee

On June 24, 2020, the North West Planning Advisory Committee (PAC) recommended that the application be approved with consideration of traffic calming measures, relocating the traffic signals to the intersection of Wilson Lake Drive and Sackville Drive and designing the one-way entrance from Wilson Lake Drive to minimise ATV use. The following information is provided in response to the motion of PAC.

Traffic Calming

Administrative Order 2015-004-OP respecting Traffic Calming is meant to respond to existing street conditions and driver behaviour and does not apply to new or proposed streets. New streets are designed in accordance with the most recent engineering standards which include requirements to mitigate concerns related to traffic volumes, travel speeds, and safety. As a part of the detailed design of streets through the subdivision approval process, design elements such as curb bump outs and a one-way street design entering the development from Wilson Lake Drive may be required to mitigate speeds within the development and limit traffic volumes on Wilson Lake Drive respectively.

Relocating the Traffic Signals

Relocating the traffic signals to Wilson Lake Drive and Sackville Drive is not recommended as this location may cause spillbacks into the roundabout at Sackville Drive and Margeson Drive, due to the proximity of the two intersections.

Design of the One-Way Entrance from Wilson Lake Drive

Maintaining adequate width to allow the street to be widened to two lanes minimises the financial burden on the Municipality, should the street need to be converted to two-way in the future. As part of the detailed design, further consideration will be given to appropriate design and surface treatments for this section of street, in line with Council priorities including the Integrated Mobility Plan.

A report from the PAC to Community Council will be provided under separate cover.

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 Development Agreement

Attachment A contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed development agreement permits a 167-unit residential subdivision comprising of single unit and semi-detached dwellings and addresses the following matters:

- Type, maximum number, and siting of residential units;
- Secondary and backyard suites;
- Minimum lot sizes;
- Configuration and design of new public streets;
- Controls on home business uses;
- Location and size of neighbourhood park as parkland dedication for the subdivision;
- Location and size of tree buffers between the development and existing residential uses;
- Servicing and stormwater management requirements; and
- Signage provisions.

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.

Mix of Unit Types

Staff advise that the proposed mix of single unit dwellings and semi-detached dwellings provides different housing options while sustaining the character of the existing community. The unit types and various lot sizes are characteristic of a centrally serviced low-density residential neighbourhood. Larger single unit dwelling lots that satisfy or exceed the minimum lot standards of the abutting Rural Residential (R-6) Zone are located along the perimeter of the lands, where the property abuts existing low-density residential development. Smaller single unit dwelling lots are planned toward the interior of the lands and offer a transition to the smallest semi-detached dwelling lots in the centre of the lands.

Secondary and Backyard Suites

A secondary suite is a subordinate dwelling unit located entirely within the main dwelling, whereas a backyard suite is a subordinate dwelling unit located within an accessory building. Staff recommend permitting secondary suites and backyard suites under the proposed agreement. Each lot would be permitted a total of one secondary or backyard suite. Allowing secondary and backyard suites offers the option for subordinate dwelling units that is enabled across all zones of the Municipality accessory to single unit, semi-detached and townhouse dwellings.

Useable Public Lands

Staff advise that the proposed 1,789 sq. m neighbourhood park at the corner of Solar Court and Dusk Drive satisfies the definition of useable land under the Regional Subdivision By-law for acceptance as public parkland. Any additional parkland dedication required at the final subdivision stage would be in the form of cash in lieu or local site improvements of equivalent value.

Servicing

The subdivision is capable of being serviced with municipal water and sewer. Upgrades to the overall water distribution and sewer collection systems are not required to service the development. The developer would be responsible for the cost of installing any infrastructure necessary to service the development. Concerns were raised about the impact the development may have on water quality. Construction activities in the Municipality are regulated through several bylaws which address environmental issues in addition to mitigating impacts to adjacent residents.

Road Network and Traffic

The subject property does not have any existing public street frontage. There are however 80 ft. and 66 ft. wide road reserves between the property and Wilson Lake Drive. The applicant has also acquired PID 40140477, located between the subject property and Lively Road. Access to and from the development is proposed across PID 40140477 in accordance with the Regional Subdivision By-law. A one-way entry into the development is proposed across the 80 ft. wide road reserve from Wilson Lake Drive.

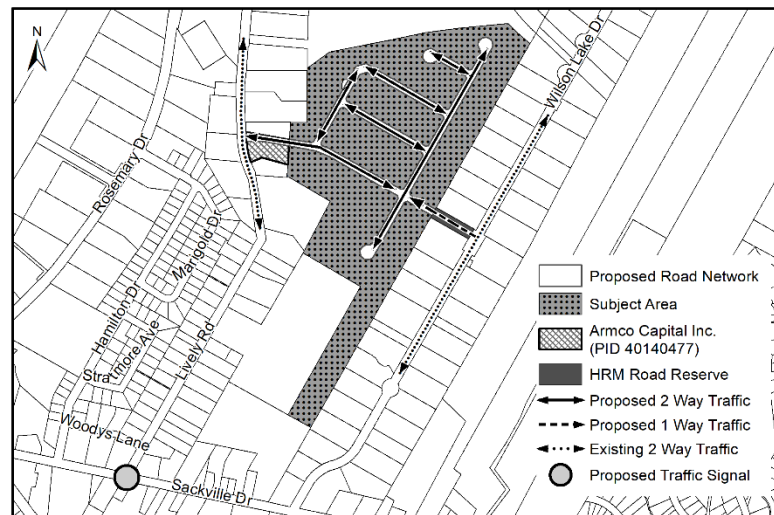


Figure 1: Proposed Road Network and Traffic Flow

The one-way street from Wilson Lake Drive intends to establish appropriate traffic patterns and mitigate traffic impacts. To support the increase in traffic as a result of the development, the applicant would be required to install traffic signals at the intersection of Lively Road and Sackville Drive at their cost as shown in Figure 1. Staff advise that these signals would also address existing traffic concerns relative to entering Sackville Drive from Wilson Lake Drive or Lively Road. Lively Road was accepted by staff as the appropriate location for the traffic signals due to its central location for collecting traffic from the existing development in the area, and the need for separation from the Margeson Drive roundabout.

While the aforementioned street network and infrastructure upgrades will be required to facilitate for the proposed development, it is important to note that the proposed development agreement does not specify the design of the proposed streets, nor require the traffic signals. Ultimately, the development agreement can only regulate the use of private lands to which the agreement would be applied and is not the appropriate tool to stipulate specific changes to HRM lands. This notwithstanding, any upgrades to existing

HRM-owned infrastructure, that are necessary to support the proposed development, would be required at the Developer's expense at the final subdivision stage in accordance with the Regional Subdivision By-law.

A public walkway from the end of proposed road Solar Court to Wilson Lake Drive is also required under the proposed development agreement. Staff advise that this walkway would offer an active transportation connection from the proposed development to the existing road network across an existing road reserve that was previously accepted for public right-of-way purposes.

Tree Buffers

Planning policy allows for controls to be included in the development agreement to reduce conflict with adjacent uses by reason of any other relevant matter of planning concern. At the public meetings, residents requested an increase in buffering measures to visually screen the development from abutting homes. In response to the concerns raised, the proposed development requires tree buffers up to 30m in depth where the proposed units abut existing low-density residential uses.

School Capacity

Concerns were raised by the public about the capacity of schools in the area. As well, the applicable planning policy requires consideration of the adequacy of school facilities. It is noted on the Regional Centre for Education's (HRCE's) website that schools in the immediate area are near capacity. HRCE was consulted on this applicant and has indicated that they will work to ensure all students are provided access to an education as every person between the ages of 5-21 has the right to attend public school. Therefore, staff advise that the proposal is not premature or inappropriate by reason of the adequacy of schools.

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. Staff advise that the proposal is characteristic of a centrally serviced, low-density residential development and does not detract from the general residential character of the existing neighbourhood. Furthermore, staff suggest that the proposal is not premature by reason of the capacity of existing services and infrastructure as a neighbourhood park is proposed, schools would be adequate to serve the needs of the community, and the developer would be responsible for the cost of any necessary infrastructure upgrades. Staff therefore recommend that the North 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 2021-2022 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 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

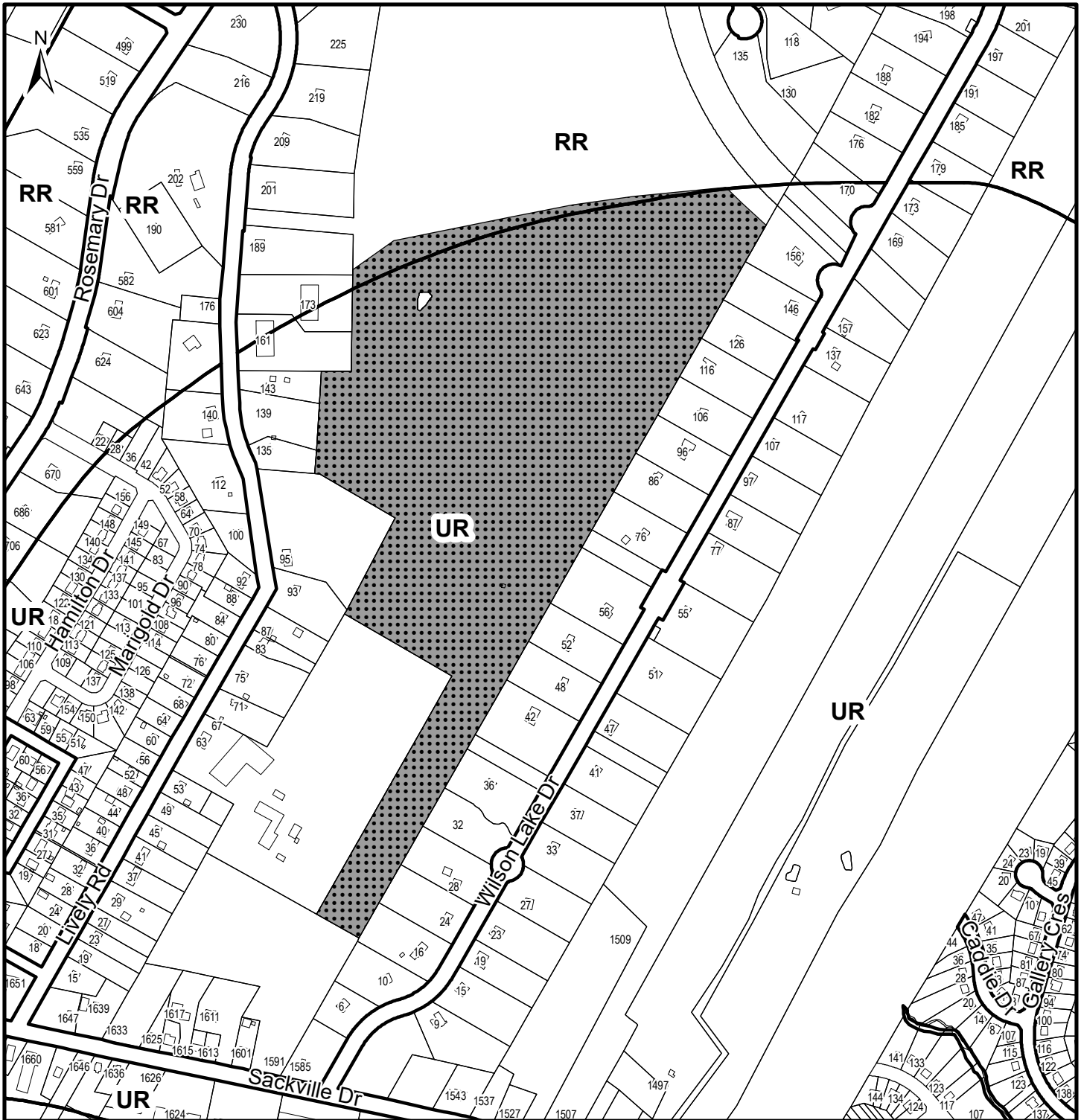
1. North West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed 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 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 Area of Notification
Attachment A:	Proposed Development Agreement
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Summary of Public Information Meeting Minutes

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: Stephanie Salloum, Planner III, Rural Policy and Applications, 902.476.2792

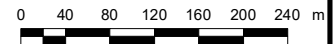


Map 1 - Generalized Future Land Use

PID 41071069
Sackville

HALIFAX

 Subject Site



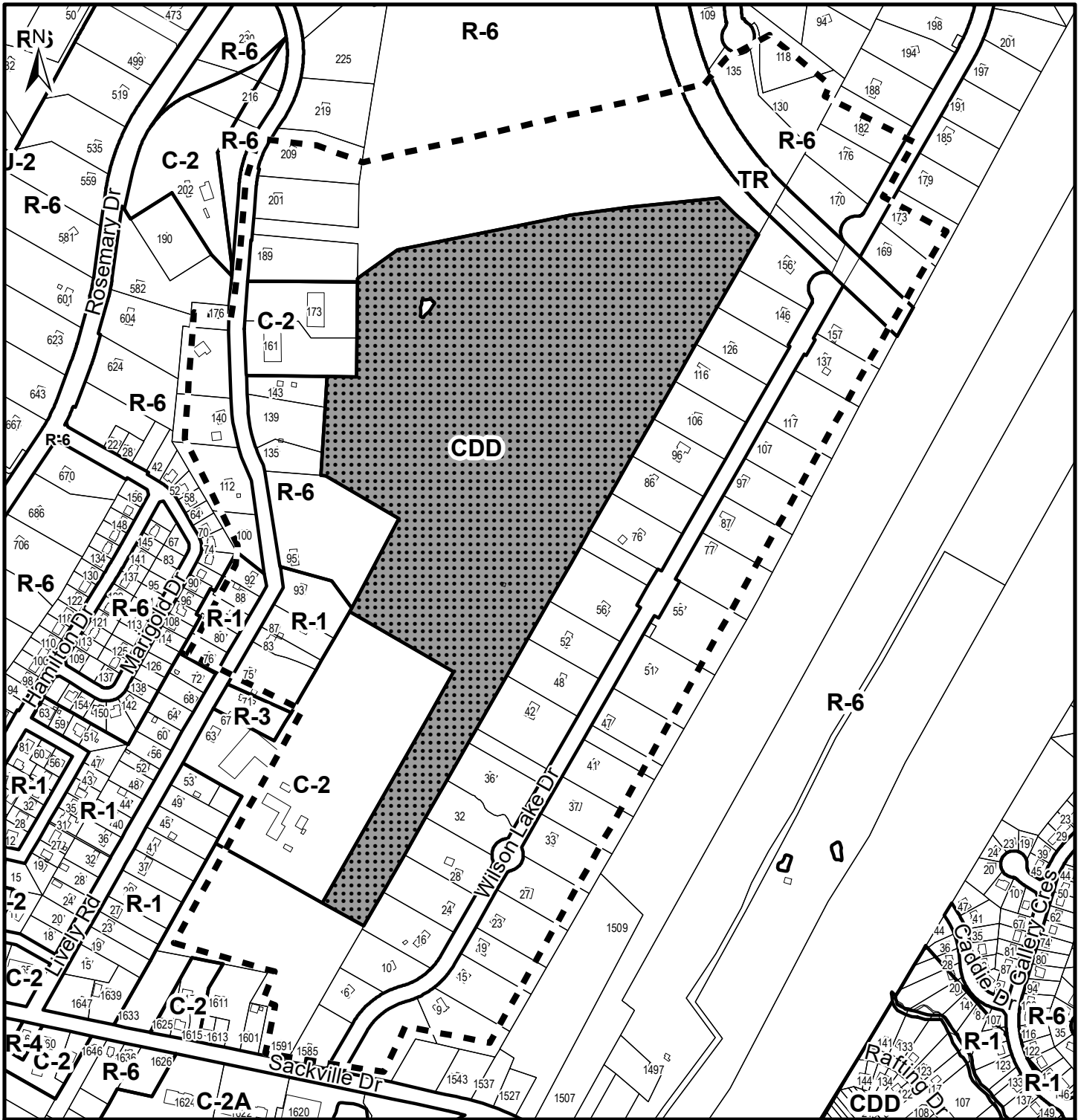
Designation

- RR Rural Residential
- UR Urban Residential

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.

Sackville
Plan Area



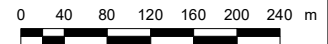
Map 2 - Zoning and Area of Notification

PID 41071069
Sackville

-  Subject Site
-  Area of Notification

Sackville
Land Use By-Law Area

Zone	
C-2	Community Commercial
C-2A	Minor Commercial
CDD	Comprehensive Development District
R-1	Single Unit Dwelling
R-3	Mobile Dwelling
R-4	Multiple Unit Dwelling
R-6	Rural Residential
TR	Transportation Reserve



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 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 PID 41071069, a 21.36 hectare (52.78 acre) parcel located off Lively Road, Middle Sackville 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 residential subdivision on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy(ies) UR-9, UR-10 and IM-13 of the Sackville Municipal Planning Strategy, SU-6 and G-14 of the Halifax Regional Municipal Planning Strategy, and Part 23 of the Sackville Land Use By-law;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 21355;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

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

1.5 Costs, Expenses, Liabilities and Obligations

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 specifically defined herein, shall be as defined in the applicable Land Use By-law and Subdivision By-law. If not defined in these documents, their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

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

- (a) 50' Single Unit Dwelling means Dwelling, Single Unit as defined under the applicable Land Use By-law with a minimum of 50 feet of public street frontage.
- (b) 60' Single Unit Dwelling means Dwelling, Single Unit as defined under the applicable Land Use By-law with a minimum of 60 feet of public street frontage.
- (c) 70' Semi-Detached Dwelling means Dwelling, Semi-detached as defined under the applicable Land Use By-law with a minimum of 70 feet of public street frontage or 35 feet of public street frontage per unit.
- (d) Tree Buffer means existing treed areas on the Lands as delineated on Schedule B that shall not be disturbed unless otherwise permitted by this Agreement.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 21355:

Schedule A	Legal Description of the Lands
Schedule B	Concept Plan
Schedule C	Park Grading Plan

3.2 General Description of Land Use

3.2.1 The use(s) of the Lands permitted by this Agreement are as follows:

(a) A mix of low-density residential unit types as shown on Schedule B and as follows:

<u>Residential Unit Type</u>	<u>Maximum Number of Dwellings Permitted</u>
50' single unit dwellings	55
60' single unit dwellings	52
70' semi-detached dwellings	28 (56 units)

- (b) Notwithstanding Section 3.2.1(a), 4 additional dwelling units of any unit type may be permitted on the Lands provided the maximum number of dwelling units does not exceed 167 units and the location of the unit types is as generally shown on Schedule B;
- (c) Home business uses;
- (d) Accessory buildings and structures;
- (e) A 1,789 sq. metre (19,256.6 sq. ft.) park as shown on Schedule B; and
- (f) Temporary Construction and Sales Building.

- 3.2.2 Secondary suites and backyard suites shall be permitted as per the requirements of the applicable Land Use By-law. Secondary suites and backyard suites shall not be counted towards the maximum number of units under Section 3.2.1 (a) and (b).
- 3.2.3 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the applicable Land Use By-law.

3.3 Requirements Prior to Approval

- 3.3.1 The Developer shall not commence any site work, including earth movement or tree removal other than that required for preliminary survey purposes, prior to:
 - (a) receiving final design approval; and
 - (b) providing confirmation to the Development Officer that tree buffers have been delineated on the Lands.
- 3.3.2 Final subdivision applications shall be submitted to the Development Officer in accordance with Schedule B, the provisions of the Regional Subdivision Bylaw, and the following:
 - (a) The development shall have two points of access into the Lands;
 - (b) The Developer shall be responsible to upgrade any existing streets and services to accommodate the development; and
 - (c) Road reserves shall be provided in a manner which, in the opinion of the Development Officer, does not prejudice the development on adjacent lands.
- 3.3.3 Prior to the issuance of any Development Permit, a final subdivision application for the proposed public roads shall be approved by the Development Officer.
- 3.3.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.4 Phasing

- 3.4.1 The entire development may be completed within one phase.

3.4.2 Notwithstanding Section 3.4.1, the development may be completed in more than one phase provided that all streets and service upgrades and connections necessary to accommodate the development are completed in the first phase. If the development is to be completed in more than one phase, concept subdivision approval will be required in accordance with the Regional Subdivision Bylaw.

3.5 Lot Design and Building Siting Requirements

3.5.1 Where 50' Single Unit Dwellings are permitted, as shown on Schedule B, the following provisions shall apply:

(a) Minimum Lot Frontage	15.24 metres (50 feet)
(b) Minimum Lot Area	464.52 sq. metres (5,000 sq. feet)
(c) Minimum Front or Flankage Yard	6.1 metres (20 feet)
(d) Minimum Side or Rear Yard	2.44 metres (8 feet)
(e) Maximum Lot Coverage	35 percent
(f) Maximum Building Height	10.67 metres (35 feet)

3.5.2 Where 60' Single Unit Dwellings are permitted, as shown on Schedule B, the following provisions shall apply:

(a) Minimum Lot Frontage	18.29 metres (60 feet)
(b) Minimum Lot Area	557.42 sq. metres (6,000 sq. feet)
(c) Minimum Front or Flankage Yard	6.1 metres (20 feet)
(d) Minimum Side or Rear Yard	2.44 metres (8 feet)
(e) Maximum Lot Coverage	35 percent
(f) Maximum Building Height	10.67 metres (35 feet)

3.5.3 Where 70' Semi-detached Dwellings are permitted, as shown on Schedule B, the following provisions shall apply:

(a) Minimum Lot Frontage	21.34 metres (70 feet)
(b) Minimum Lot Area	650.32 sq. metres (7,000 sq. feet)
(c) Minimum Front or Flankage Yard	6.1 metres (20 feet)
(d) Minimum Side or Rear Yard	2.44 metres (8 feet) or 0 metres from the common wall
(e) Maximum Lot Coverage	35 percent
(f) Maximum Building Height	10.67 metres (35 feet)

3.5.4 Notwithstanding Sections 3.5.1 and 3.5.2, where 50' Single Unit Dwellings and 60' Single Unit Dwellings are permitted, as shown on Schedule B, the minimum side yard of one side yard may be reduced to 1.22 metres (4 feet) provided that a separation distance of 3.66 metres (12 feet) is maintained between each dwelling unit.

3.5.5 70' Semi-detached Dwelling lots may be subdivided so that each unit on its own lot subject to the following:

(a) Minimum Lot Frontage for Each Unit	10.67 metres (35 feet)
(b) Minimum Lot Area for Each Unit	325.16 sq. metres (3,500 sq. feet)

3.5.6 Wherever possible, side lot lines shall be substantially at right angles or radial to street lines. Alternative lot configurations shall only be considered to retain Wetland WL7 on private property and to ensure a pedestrian connection is provided from Solar Court to Wilson Lake Drive.

3.5.7 Subdivision of a lot containing the stormwater pond may be permitted with no frontage as per Section 5.2.2 to ensure WL7 remains on private property.

3.6 Home Business Uses

3.6.1 Home business uses may be permitted in any residential unit type subject to the following:

- (a) Any business shall be wholly contained within the dwelling unit which is the principal residence of the operator of the business.
- (b) No more than 25 per cent of the gross floor area shall be devoted to any business use.
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
- (d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (e) No more than 1 sign shall be permitted for any home business and no such sign shall exceed 0.19 sq. metres (2 sq. feet) in area.
- (f) 1 off-street parking space, other than that required for the dwelling, shall be provided for every 13.94 sq. metres (150 sq. feet) of floor area devoted to any home business.
- (g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

3.7 Accessory Buildings and Structures

3.7.1 Accessory Buildings or Structures shall be permitted for any residential unit type subject to the following:

- | | |
|--------------------------------------|---------------------------------|
| (a) Minimum Front Yard Setback | 6.1 metres (20 feet) |
| (b) Minimum Side or Rear Setback | 1.22 metres (4 feet) |
| (c) Maximum Height | 4.57 metres (15 feet) |
| (d) Maximum Floor Area | 69.68 sq. metres (750 sq. feet) |
| (e) Minimum Separation from Dwelling | 2.44 metres (8 feet) |

3.7.2 Accessory buildings and structures shall not be used for human habitation.

3.7.3 Drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempt from the requirements of Section 3.7.1.

3.8 Permitted Encroachments

3.8.1 Every part of any required yard shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

- (a) Uncovered patios, walkways, wheelchair ramps, lifting devices or steps may be located in any yard;

- (b) The usual projections of sills, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural features may be erected or maintained in any yard, provided that no such structure or feature shall project more than 0.61 metres (2 feet) into any required yard;
- (c) Window bays and solar collectors may be permitted to project not more than 0.91 metres (3 feet) from the main wall into a required front, rear or flankage yard;
- (d) Exterior staircases, balconies, porches, verandas and sun decks shall not be permitted to project into any required yard;
- (e) The provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard.

3.9 Parkland

- 3.9.1 A 1,789 sq. metre (19,256.6 sq. ft.) park shall be required as shown on Schedules B and C.
- 3.9.2 Any additional parkland dedication required shall be in the form of cash in lieu, and/or work of equivalent value, at the discretion of the Development Officer.

3.10 Tree Buffers

- 3.10.1 Tree Buffers identified on Schedule B shall be shown on all final subdivision plans, lot grading plans and location certificates.
- 3.10.2 No development, tree removal or grade alteration shall be permitted within Tree Buffers identified on Schedule B, except where approved in writing by the Development Officer for the following:
 - (a) To remove fallen trees or dead debris that poses a fire or safety risk; or,
 - (b) To remove a tree that is dead, dying or in decline which present a danger to private property, public infrastructure or other natural trees and vegetation.
- 3.10.3 Prior to granting approval for any removal pursuant to 3.10.2, the Development Officer may require that the Developer or subsequent property owner engage a Certified Arborist, Forester or Landscape Architect to certify in writing that the timber or debris poses a fire or safety risk, that the tree poses a danger to people or property, or that it is in severe decline.
- 3.10.4 Notwithstanding Section 3.10.2, accessory structures including fences, pools and sheds may be permitted to encroach within the first 10 metres (32.81 feet) of a 30 metre (98.43 feet) Tree Buffer, provided that a vegetative buffer is maintained within the remaining 20 metres of the Tree Buffer.
- 3.10.5 Notwithstanding Section 3.10.2, a public walkway may be permitted to encroach within the first 20 metres (65.62 feet) of a 30 metre (98.43 feet) Tree Buffer, provided that a vegetative buffer is maintained within the remaining 10 metres (32.81 feet) of the Tree Buffer.
- 3.10.6 If trees are removed or tree habitat is damaged beyond repair in the Tree Buffer as identified on Schedule B, the Developer or subsequent property owner shall replace each tree removed or damaged as directed by the Development Officer, in consultation with the appropriate HRM Business Units. This section applies to trees removed without permission, as well as trees removed with permission as outlined in this Agreement.

3.11 Signs

- 3.11.1 The sign requirements shall be in accordance with the applicable Land Use By-law as amended from time to time.

- 3.11.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a temporary construction and sales building is located on the site.
- 3.11.3 A maximum of one ground sign shall be permitted at each entrance to the subdivision to denote the subdivision name. The locations of such signs shall require the approval of the Development Officer and Development Engineer and shall meet the following:
- (a) Signs shall be located on private property and not within the public right-of-way;
 - (b) The maximum height of any sign inclusive of support structures shall not exceed 3.05 metres (10 feet);
 - (c) The face area of any sign shall not exceed 4.65 sq. metres (50 sq. feet);
 - (d) Signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry; and,
 - (e) The only illumination permitted shall be low wattage, shielded exterior fixtures.

3.12 Temporary Construction and Sales Building

- 3.12.1 A building may be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development. This construction and sales building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

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.
- 4.1.2 Further to 4.1.1, design elements may be required at the discretion of the Development Engineer through the subdivision approval process to mitigate speeds within the development.
- 4.1.3 Notwithstanding Section 4.1.1, a one-way street design may be permitted through the subdivision approval process for a portion of Dusk Drive between Vine Road and Wilson Lake Drive, as shown on Schedule B, at the discretion of the Development Engineer. All Public Streets shall be designed by a Professional Engineer.

4.2 Off-Site Disturbance

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

4.3 Active Transportation Connection

- 4.3.1 A public walkway shall be required that connects the end of Solar Court to Wilson Lake Drive as generally shown on Schedule B.
- 4.4.2 Notwithstanding 4.3.1, the configuration of the walkway between Solar Court and Wilson Lake Drive may differ to what is illustrated on the Schedules to ensure WL7 is retained on private property.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall submit to the Development Officer and Development Engineer:
- (a) A detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence of construction and the areas to be disturbed or undisturbed;
 - (b) 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) A detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.
- 5.2.2 The stormwater pond shown on the Schedules may be permitted on its own lot with 0 metres of frontage provided that an easement is secured for access to the stormwater pond.

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) Changes to the Lot Design and Building Siting Requirements as detailed in Section 3.5 provided the maximum number of units does not exceed 167 units;
 - (b) Changes to the Accessory Building and Structure Requirements as detailed in Section 3.7
 - (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement;

- (d) The length of time for the completion of the 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 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, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

- 7.4.1 If the Developer fails to complete the development after 15 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; or
 - (c) discharge this Agreement.
- 7.4.2 For the purpose of this section, completion of development shall mean issuance of Occupancy Permits for the maximum number of units permitted under this agreement.
- 7.4.3 Upon the completion of the whole development or portions thereof, or at such time that policies

applicable to the lands have been amended, 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 Halifax Municipal Planning Strategy and Land Use By-law for (insert), 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

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

Witness

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

Per: _____

MAYOR

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.

A Commissioner of the Supreme Court
of Nova Scotia

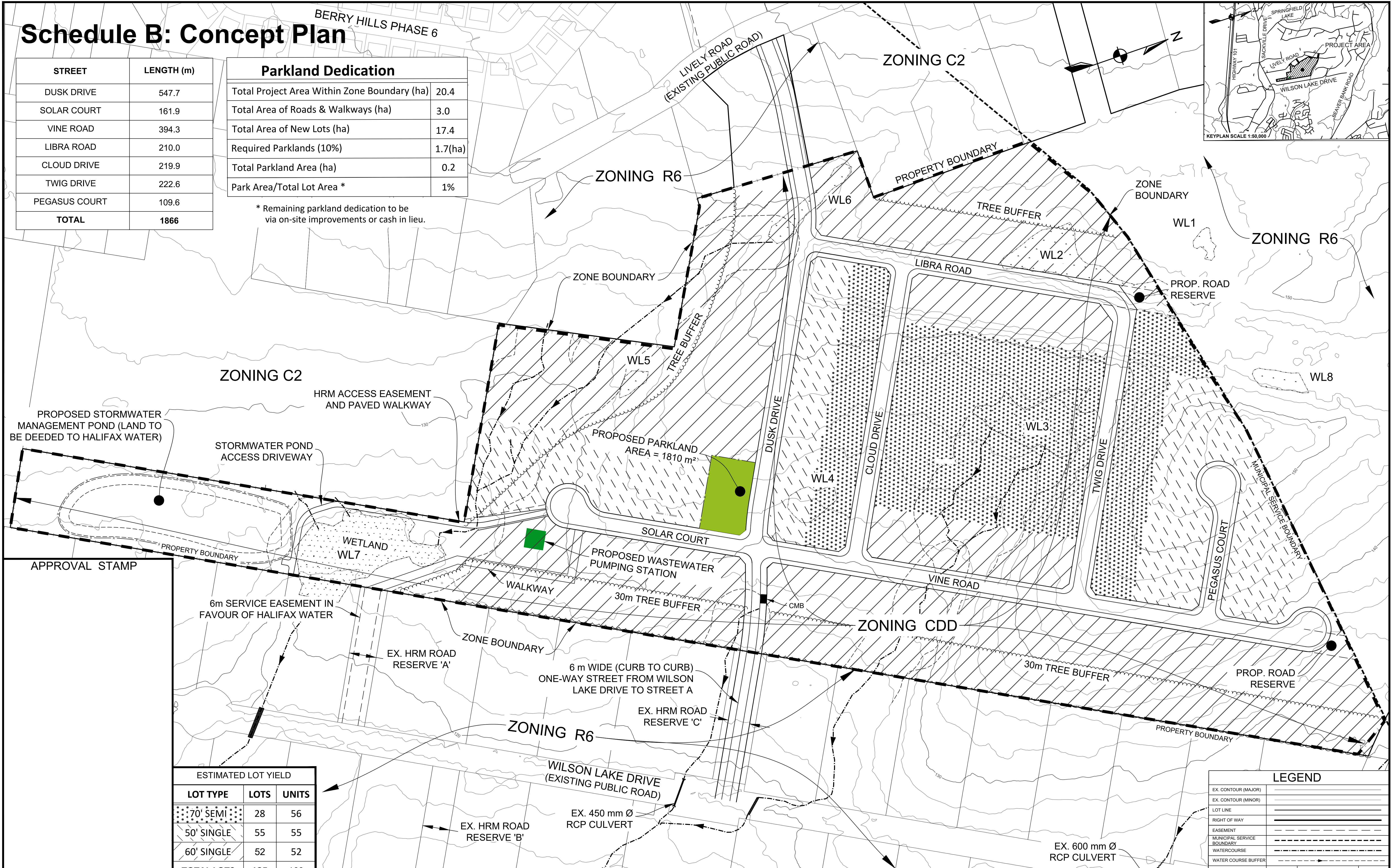
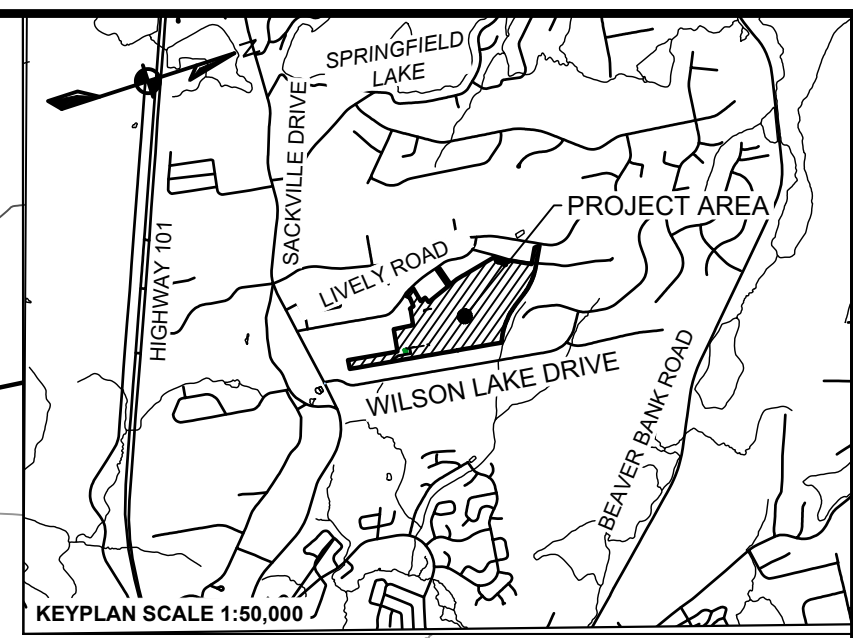
Schedule B: Concept Plan

BERRY HILLS PHASE 6

STREET	LENGTH (m)
DUSK DRIVE	547.7
SOLAR COURT	161.9
VINE ROAD	394.3
LIBRA ROAD	210.0
CLOUD DRIVE	219.9
TWIG DRIVE	222.6
PEGASUS COURT	109.6
TOTAL	1866

Parkland Dedication	
Total Project Area Within Zone Boundary (ha)	20.4
Total Area of Roads & Walkways (ha)	3.0
Total Area of New Lots (ha)	17.4
Required Parklands (10%)	1.7(ha)
Total Parkland Area (ha)	0.2
Park Area/Total Lot Area *	1%

* Remaining parkland dedication to be via on-site improvements or cash in lieu.



APPROVAL STAMP

PROPOSED STORMWATER MANAGEMENT POND (LAND TO BE DEEDED TO HALIFAX WATER)

STORMWATER POND ACCESS DRIVEWAY

WETLAND WL7

6m SERVICE EASEMENT IN FAVOUR OF HALIFAX WATER

EX. HRM ROAD RESERVE 'A'

EX. HRM ROAD RESERVE 'B'

EX. HRM ROAD RESERVE 'C'

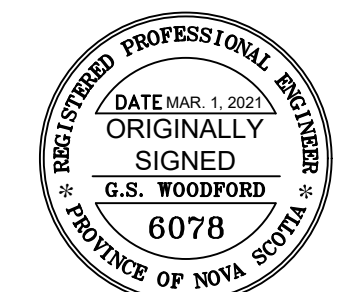
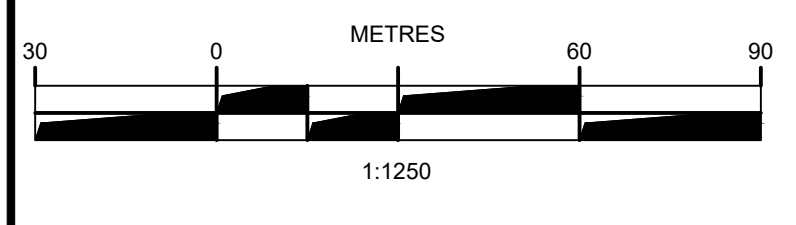
PROPOSED WASTEWATER PUMPING STATION

30m TREE BUFFER

EX. 450 mm Ø RCP CULVERT

EX. 600 mm Ø RCP CULVERT

ESTIMATED LOT YIELD		
LOT TYPE	LOTS	UNITS
70' SEMI	28	56
50' SINGLE	55	55
60' SINGLE	52	52
TOTAL LOTS	135	163



- NOTES:**
- CONTOURS FROM LIDAR DATA FROM HRM. CONTOUR INTERVAL = 2m.
 - ADJACENT PROPERTY LINES ARE BASED ON PROPERTY MAPPING AND ARE APPROXIMATE, AND SUBJECT TO SURVEY.
 - WETLANDS DELINEATED BY MCCALLUM ENVIRONMENTAL. ALTERATION PERMITS REQUIRED PRIOR TO CONSTRUCTION.

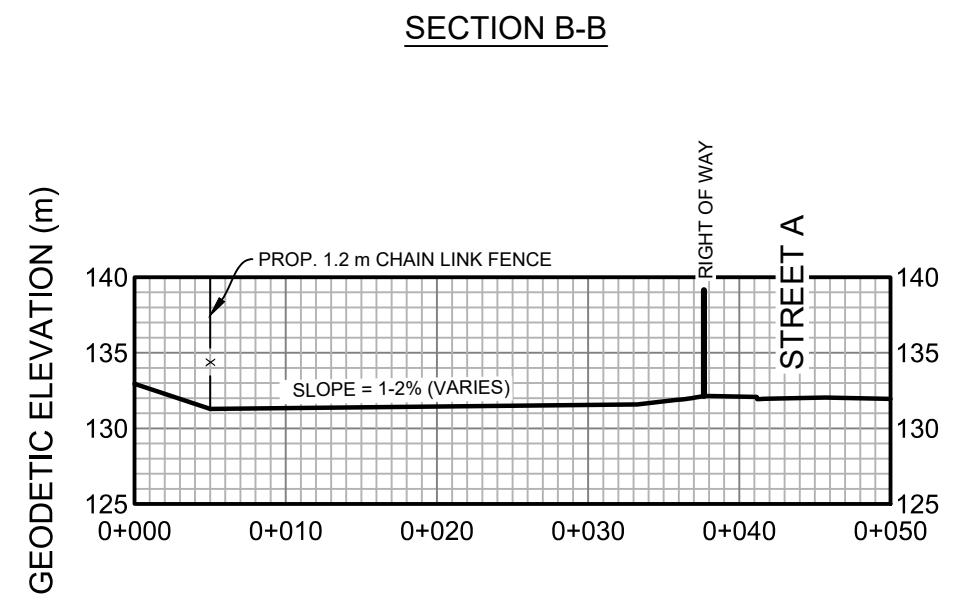
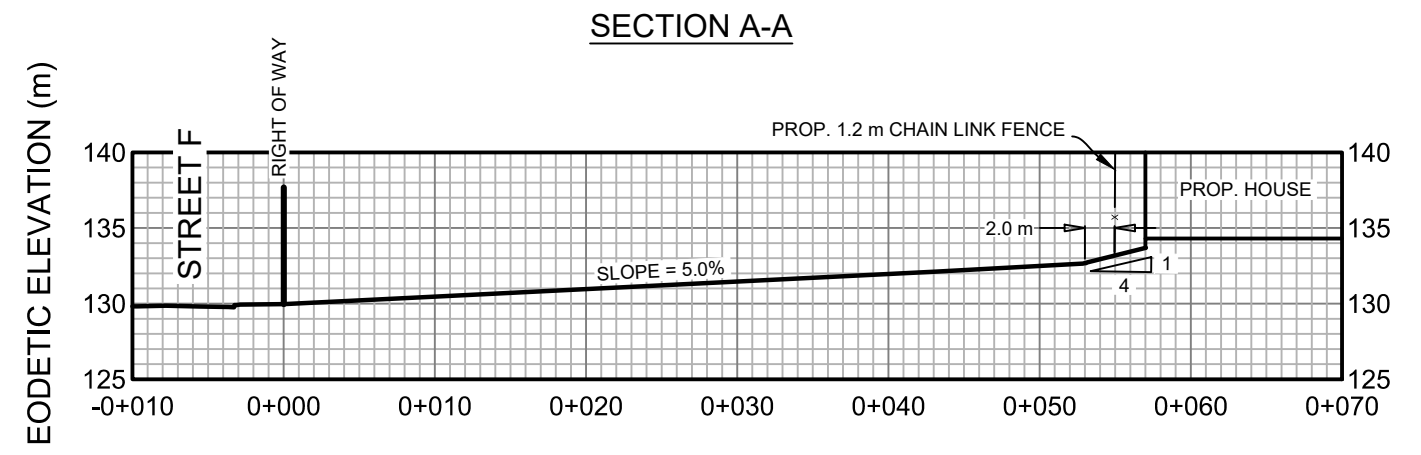
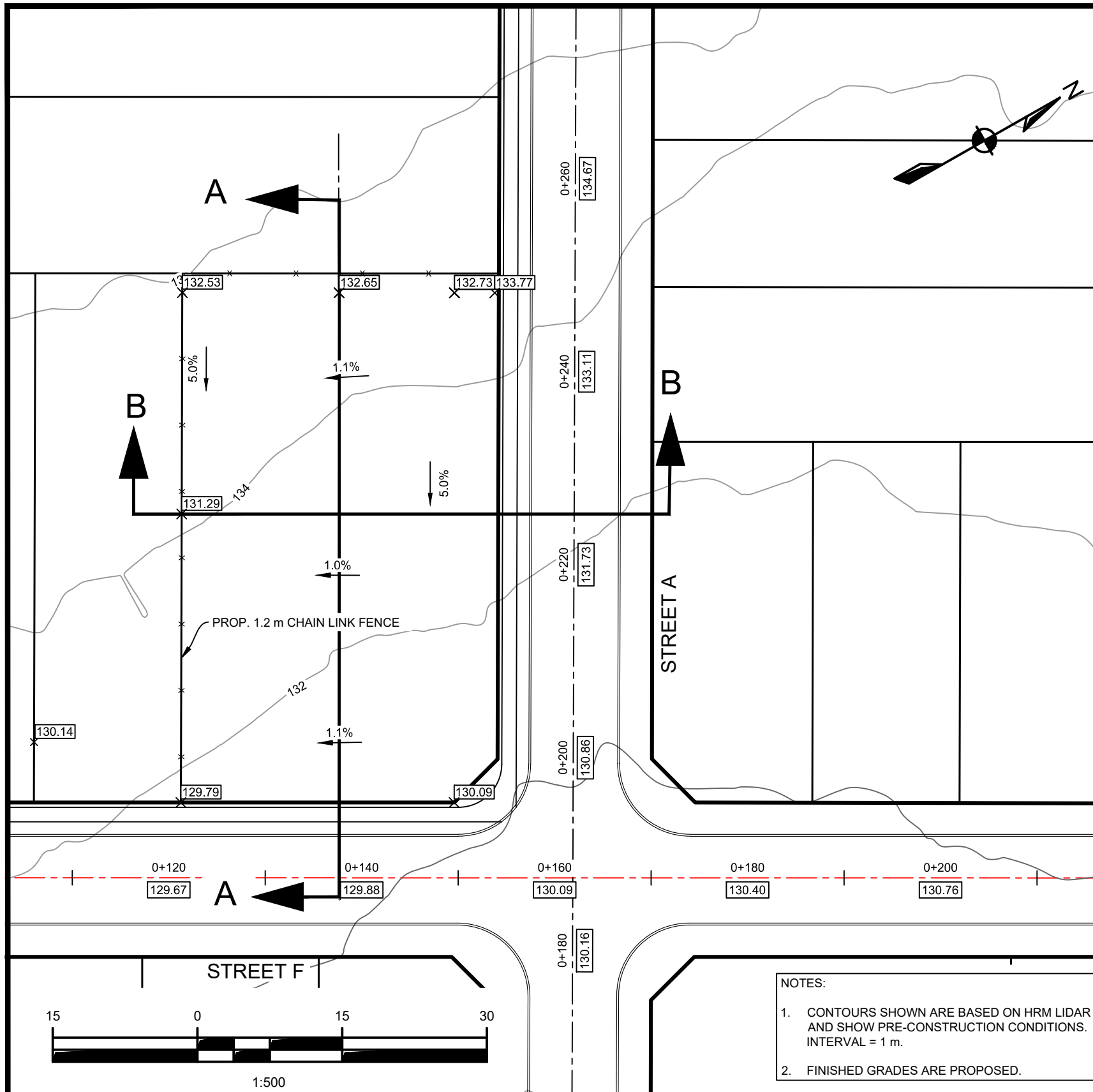
ISSUE	DATE	DESCRIPTION
12	MAR. 1, 2021	INCREASED SCALE
11	FEB. 18, 2021	REVISED WALKWAY
10	DEC. 11, 2020	REVISED LOT HATCHING
9	DEC. 3, 2020	REVISED ROAD LAYOUT
8	APR. 28, 2020	REVISED AS PER HRM COMMENTS
7	MAR. 06, 2020	LOT LINES REMOVED
6	JAN. 22, 2020	REVISED AS PER HRM/HRWC COMMENTS
-	-	REVISIONS 2-5 OMITTED
1	AUG. 31, 2017	ISSUED FOR D.A. SUBMISSION

PREPARED FOR	PREPARED BY	PROJECT	Engineer	Drawn
Armco CAPITAL	DESIGN POINT ENGINEERING & SURVEYING	GATEWOOD ESTATES	G. WOODFORD	E.E.H.
		MIDDLE SACKVILLE, NOVA SCOTIA	Scale 1:1250	Date DEC. 11, 2020
		CONCEPT PLAN	Project No. 15-082	Drawing No. SCH 1 of 1
			Filename 15-082_CP.dwg	

PHONE: 902.832.5597 www.designpoint.ca

LEGEND	
EX. CONTOUR (MAJOR)	---
EX. CONTOUR (MINOR)	---
LOT LINE	---
RIGHT OF WAY	---
EASEMENT	---
MUNICIPAL SERVICE BOUNDARY	---
WATERCOURSE	---
WATER COURSE BUFFER	---
WETLAND	---
PID LABEL	---

Schedule C: Park Grading Plan



- NOTES:
1. CONTOURS SHOWN ARE BASED ON HRM LIDAR AND SHOW PRE-CONSTRUCTION CONDITIONS. INTERVAL = 1 m.
 2. FINISHED GRADES ARE PROPOSED.

CONSULTANT	CLIENT	PROJECT DESCRIPTION	SHEET DESCRIPTION	Engineer	Drawn
 PHONE: 902.832.5597 www.designpoint.ca		BERRY HILLS PHASE 8 MIDDLE SACKVILLE, NOVA SCOTIA	PARK GRADING DETAILS	G. WOODFORD	T. ARMOUR
				Scale 1:500	Date FEB. 19, 2020
				Project No. 15-082	Drawing No. C-SK01
				Filename 15-082_CP_02.dwg	1 OF 1

ATTACHMENT B REVIEW OF RELEVANT MPS POLICIES

Review of Relevant Policies from the Regional Municipal Planning Strategy

Policy	Staff Comments
<p><i>SU-6: HRM shall, through the Sackville Land Use By-law, establish a CDD (Comprehensive Development District) Zone over a portion of PID No. 41071069 and the whole of PID No's. 40281479, 40875346, 41093733, 40695504, 41089012 and 41089004 located in Middle Sackville. HRM shall consider the extension of municipal wastewater and water distribution services to these properties to allow for a residential subdivision by development agreement subject to the following criteria:</i></p>	<p>The subject property is a portion of PID 41071069. The lands are within the Urban Service Area of the Regional Subdivision Bylaw.</p>
<p><i>(a) the types of land uses to be included in the development and that, where the development provides for a mix of housing types, it does not detract from the general residential character of the community;</i></p>	<p>Staff advise that the proposed lot fabric enables a mix of housing types that does not detract from the general residential character of the surrounding established residential neighbourhoods.</p> <p>Residential lots immediately surrounding the subject site are greater than 30,000 sq. ft. in area and have more than 150 of frontage. Most of these lots were subdivided before central services were extended to the area and were sized appropriately for on-site services. They are zoned R-6 (Rural Residential) under the Sackville Land Use By-law, which requires a minimum frontage and area of 60 ft. and 6,000 sq. ft. respectively. Smaller lots, similar to what is being proposed, exist south west of the subject property, along Hamilton Drive, Stratmore Avenue and Marigold Drive.</p> <p>Changes made to the original concept in response to public and staff feedback include reducing the proposed density, reconfiguring the proposed road network, increasing the size of lots abutting existing residences, increasing the tree buffer between existing homes along Wilson Lake Drive and the proposed units to 30m, and concentrating smaller lots toward the centre of the site. The proposal is for a mixture of single unit dwellings and semi-detached dwellings, which staff suggest is consistent with the existing mix of housing types. A mix of 50 ft. and 60 ft. frontage lots are proposed with larger lots along the perimeter of the subject property, adjacent to existing residential development, with smaller 50 ft. single and semi-detached dwelling lots located toward the interior. This allows for an appropriate transition between existing and proposed lots, better screening, and ensures that the proposed subdivision does not draw away from the character of the existing community.</p>

Policy	Staff Comments
	Secondary suites and backyard suites are permitted under the proposed development agreement as this offers the option for subordinate dwelling units that is enabled across all zones of the Municipality accessory to single unit, semi-detached and townhouse dwellings.
<i>(b) that adequate and useable lands for community facilities are provided;</i>	A 1,789 square metre park is proposed at the intersection of Dusk Drive and Solar Court. The HRM Parkland Planner has confirmed that the proposed neighbourhood park is suitable and would satisfy the criteria for “useable land” with respect to grading. Additional parkland dedication required under the subdivision bylaw will be accepted as cash-in-lieu or site improvements of equivalent value.
<i>(c) any specific land use elements which characterize the development;</i>	The proposed development is for single unit and semi-detached homes, characteristic of a low-density residential neighbourhood.
<i>(d) the general phasing of the development relative to the distribution of specific housing types or other uses;</i>	The proposed development is to be completed all within one phase. Upgrades to existing infrastructure (including road reserves, connection to Lively Road, and signals at Lively Road and Sackville Drive) will have to be considered at the same time as the final subdivision for the proposed development.
<i>(e) that the development is capable of utilizing existing municipal trunk sewer and water services without exceeding capacity of these systems;</i>	The proposed development is capable of being serviced by existing municipal water and sewer services. Upgrades to the existing service system are not required to enable the proposed development.
<i>(f) for any lands outside the Urban Settlement Designation, as shown on Map 2 of this Plan, or outside the Urban Service Area of the Regional Subdivision By-law, the requirements of Policies S-1 and SU-4;</i>	N/A
<i>(g) that, if required by Halifax Water, a sewage flow monitoring program is established for the development and that provisions are made for its phasing in relation to achieving sewage flow targets;</i>	The proposed development is within the limits of the Berry Hills area. Halifax Water has reviewed the servicing plans submitted in support of the application and have not required establishment of a sewage flow monitoring program.
<i>(h) that the sewage flow monitoring program proposed by the developer for implementation under clause (g) addresses, in a form acceptable to Halifax Water, target sewage flows to be achieved in relation to development phasing and the method, duration, frequency and location of monitoring needed to verify that target sewage flows have been achieved;</i>	N/A
<i>(i) provisions for the proper handling of stormwater and general drainage within and from the development; and</i>	A preliminary servicing schematic including a conceptual stormwater management plan was submitted in support of the application and is supported by staff.

Policy	Staff Comments
<i>(j) any applicable matter as set out in Policy G-14 of this Plan.</i>	N/A
<i>G-14: Proposed amendments to this Plan shall be accompanied by any amendments to Secondary Planning Strategies, Land Use By-laws and the Regional Subdivision By-law or other planning documents required for implementation so that these documents are consistent with this Plan.</i>	N/A

Review of Relevant Policies from the Sackville Municipal Planning Strategy

Policy	Staff Comments
<i>UR-9: 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 community facility use, in association with such residential uses. A comprehensive development district shall specifically prohibit any industrial or general commercial development, except local commercial uses which are intended to service households within the district on a daily basis. (Refer to Sackville Drive SPS: RC-May 7/02; E-Jun 29/02)</i>	
<i>When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall have regard to the following:</i>	
<i>(a) that the development is within the Urban Residential Designation;</i>	The proposed development is within the Urban Residential Designation.
<i>(b) that the development includes a minimum land area of five acres to be so zoned and will not entail the substantive removal or replacement of existing single or two unit housing stock;</i>	The subject site is larger than 5 acres. The connection proposed to Lively Road shows a road over PID 41436106 that does not exist. A demolition permit was issued for the home on this lot. While the home at this property is being demolished, staff do not consider this as substantive removal of existing housing stock.
<i>(c) that, where the development provides for a mix of housing types, it does not detract from the general residential character of the community;</i>	See comments under Regional MPS Policy SU-6 (a).
<i>(d) that adequate and useable lands for community facilities are provided;</i>	See comments under Regional Policy SU-6 (b).
<i>(e) that the development is capable of utilizing existing municipal sewer and water services; and</i>	See comments under Regional Policy SU-6 (e).
<i>(f) that the development is consistent with the general policies of this planning strategy and furthers its intent.</i>	The intent of the Urban Residential designation is to protect the existing residential community while allowing a mix of unit types that are compatible with existing residential development. It is staff's opinion that the proposed development is consistent with the intent of the Urban Residential designation.

<p><i>UR-10: With reference to Policy UR-9, and as provided for by the Planning Act, the development of any comprehensive development district shall only be considered by Council through a development agreement or agreements which shall specify the following:</i></p>	
<p><i>(a) the types of land uses to be included in the development;</i></p>	<p>The proposed development specifies that the uses permitted in the development include single unit dwellings and semi-detached dwellings to a maximum of 167 units. Home business are also listed as a permitted use under the development agreement.</p>
<p><i>(b) the general phasing of the development relative to the distribution of specific housing types or other uses;</i></p>	<p>If approved, the development is to be completed within one phase. However, the development agreement also enables a phased development if any streets or infrastructure upgrades necessary for the development are completed in the first phase.</p>
<p><i>(c) the distribution and function of proposed public lands and community facilities;</i></p>	<p>The proposed location and size of the neighbourhood park is shown on the concept plan attached to the development agreement. This park has been approved in concept and satisfies the definitions for parkland dedication and useable land under the Regional Subdivision Bylaw. Any additional parkland dedication required will be in the form of cash or site improvements of equivalent value in lieu.</p>
<p><i>(d) any specific land use elements which characterize the development;</i></p>	<p>The type and size of single unit dwelling and semi-detached dwelling lots which characterise the development are detailed in the proposed development agreement. The agreement also allows for one ground sign at each entrance to the subdivision that denotes the subdivision name.</p>
<p><i>(e) matters relating to the provision of central sewer and water services to the development;</i></p>	<p>A preliminary servicing schematic was submitted in support of the application and deemed acceptable by staff for the development agreement. The proposed development agreement also requires that all design and construction of services shall satisfy the most recent Municipal and Halifax Water specifications.</p>
<p><i>(f) provisions for the proper handling of stormwater and general drainage within and from the development;</i></p>	<p>The servicing schematic submitted in support of the application included a conceptual stormwater management plan that was deemed acceptable for the development agreement. The agreement includes provisions regarding the proper handling of stormwater, erosion and sedimentation control and drainage within and from the development.</p>
<p><i>(g) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-13; and</i></p>	<p>The proposed development agreement also includes a requirement maintenance of a tree buffer between the development and existing abutting residential properties. This allows for screening of the development from adjacent uses.</p>
<p><i>(h) furthermore, the elements of (a) through (g) and other matters related to the provision of central services and the proper handling of storm water and general drainage shall additionally be considered by Council</i></p>	<p>Staff have no other matters of concern relative to the provision of central services and stormwater management.</p>

<p>according to the development agreement provisions of the Planning Act.</p>	
<p><i>IM-13: 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 planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:</i></p>	
<p><i>(a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;</i></p>	<p>The plan allows for consideration of a residential development on the subject lands in accordance with Policies UR-9 and UR-10 of the Sackville MPS and Policy SU-6 of the Regional MPS.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i> <i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i> <i>(ii) the adequacy of sewer and water services;</i> <i>(iii) the adequacy or proximity of school, recreation and other community facilities;</i> <i>(iv) the adequacy of road networks leading or adjacent to, or within the development; and</i> <i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i></p>	<p>Staff advise that the proposal is not premature or inappropriate by reason of any of the items listed in this policy criteria. The policy enables a residential subdivision on the lands and there is capacity in the existing water and sewer system to service the lands. The developer would be responsible for any infrastructure upgrades necessary to support the development. Traffic signals at the intersection of Lively Road and Sackville Drive will be required at the cost of the developer. Information provided on the Halifax Regional Centre for Education's (HRCE's) website indicates that the schools in the area are near capacity. However, the HRCE has indicated that every person between the ages of 5-21 has the right to attend public school and they will work to ensure all students are provided access to an education. There are no registered heritage properties or buildings on the subject property or in the immediate area.</p>
<p><i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i> <i>(i) type of use;</i> <i>(ii) height, bulk and lot coverage of any proposed building;</i> <i>(iii) traffic generation, access to and egress from the site, and parking;</i> <i>(iv) open storage;</i> <i>(v) signs; and</i> <i>(vi) any other relevant matter of planning concern.</i></p>	<p>The proposed development agreement includes provisions for all land use matters under this policy criteria. The types of residential uses would be limited to single unit dwellings and semi-detached dwellings as proposed under the agreement. Home business uses are also permitted under the agreement that are wholly contained within the dwelling of the operator of the business. Access off Lively Road is being proposed as-of-right. Development of the subject lands will be conditional on receiving subdivision approval for the connection at Lively Road and over the road reserve to Wilson Lake Drive. Parking will be as defined under the applicable Land Use Bylaw. An additional parking space for every 13.9 sq. m (150 sq. ft.) of home business use will also be required. Open storage and display are not permitted under the proposed development agreement. Tree buffers up to 30m in depth are also proposed along the perimeter of the development to reduce conflict with abutting residential uses. No other matters of concern have been identified.</p>
<p><i>(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;</i></p>	<p>There are wetlands and watercourses shown on the concept plan. Staff advise that the proposed parkland is suitable in terms of steepness of grades and location relative to nearby watercourses and wetlands. Setbacks from any watercourse will be required as per the</p>

	applicable Land Use Bylaw. Any alteration of a wetland or watercourse is administered by NS Environment.
<i>(e) any other relevant matter of planning concern; and</i>	No other matters of concern have been identified.
<i>(f) 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.</i>	N/A

Attachment C

Summary of Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 21355

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

Monday, November 26, 2018

7:00 p.m.

Millwood Elementary School - Gym - 190 Beaver Bank Cross Road, Middle Sackville NS

STAFF IN

ATTENDANCE: Stephanie Salloum, Planner, HRM Planning
Shayne Vipond, HRM Planning
Megan Backos, HRM Planning
Holly Kent, Planning Technician, HRM Planning
Tara Couvrette, Planning Controller, HRM Planning
Councillor, Lisa Blackburn

ALSO IN

ATTENDANCE: Adam McLean – Armco Capital Inc.
Laura Masching – Armco Capital Inc.
Glenn Woodford – DesignPoint Engineering & Surveying Ltd

PUBLIC IN

ATTENDANCE: Approximately: 12

The meeting commenced at approximately 7:02 p.m.

Call to order, purpose of meeting – Stephanie Salloum

Ms. Salloum introduced themselves as the Planner and Facilitator for the application. They also introduced; Councillor Blackburn, Tara Couvrette – Planning Controller, Holly Kent - Planning Technician, and the Applicant – Laura Masching, Armco Capital Inc. & Adam McLean, Armco Capital Inc.

Case 21355: Armco Capital Inc is requesting to enter into a development agreement to allow for a 165-unit residential development on lands between Lively Road and Wilson Lake Drive in Middle Sackville.

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

1a) Presentation of Proposal – Ms. Salloum

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

1b) Presentation by Adam McLean – Applicant

Mr. McLean explained the reason for the application showing the site. Mr. McLean showed the greater context of the site, current zoning, site plan and possible building renderings.

2. Questions and Comments

Concerns brought up during the meeting; traffic, environmental impacts, slate on site, the size of the lots, tree retention, sewage, storm water, school capacity, sidewalks, crosswalks, development of the additional lands, traffic on Wilson Lake Dr.

Mike Miller – Berry Hill - Wilson Lake Dr., asked about environmental testing and the results of that being made public. **Mr. McLean** advised the results are not normally made public but can be. **Mr. Miller** would like it noted for the record that Phase 1 and Phase 2 of the environmental testing be made public so everyone knows what is going on. Has questions about the size of the lots. You made the lots from 35 ft. wide to 70 ft. wide and now putting 2 units on them. **Ms. Salloum** explained that, for the semi-detached, was to make the units shorter and wider instead of taller and skinner as to fit the surrounding homes more cohesively. **Mr. Mclean** stated another reason was to keep the price of the lots lower and more affordable. It is not adding anymore houses, it is still the same amount of units. **Mr. Miller** stated nobody wants this.

Walter Regan – Sackville Rivers, stated they are very pleased with the 100-ft. buffer but is concerned with tree protection. How will the trees be protected after the lots are sold? Will there be a 20 metre setback from the identified water courses, and how are you going to protect the buffer? Is pleased to hear that you will protect the wetlands where you can and get permission to destroy the ones you don't want. Would like to have the environmental reports done about the wetlands made available to read. Stormceptors – most of the storm water is going to be directed to storm water pond – what does that mean to the watercourses? Are you destroying them or is there going to be adequate compensation? You mentioned water quality testing for ground water – they feel more than one test well will be required. Is there a plan for tree retention on the entire subdivision? Slate is very close to this site, will you be testing for it and do you have a plan if you find it? Lower Sackville – The little Sackville River, is it possible to put a sewage retention device in to hold the sewage back past the peak? The 30-metre setback for trees is great. The storm water pond – They would really hate to see just an ugly pile of rocks, is it possible to turn it into some kind of habitat, for ducks, water, a wetland perhaps. Trails, there are no trails on you plan. Street trees – are they part of this development? If you don't put culverts in will you put a fish passage in? If you are going to be destroying wetlands will you be destroying the brooks and what are you going to do for compensation? **Ms. Salloum** explained because this is a development agreement process, there will be a contract between HRM and the developer, and if it is approved by council, that is where we can include in that contract requirements to retain that buffer. The 20-metre setback from watercourses is something that is in our Regional Plan and something that would be carried through on this development. It would have to be noted on the plan so we can confirm it. **Mr. McLean** stated it would not be a problem to provide the Wetland reports. For the removal there would be Ducks Unlimited 2-1 compensation. The stormwater ponds, and naturalized stormwater ponds we would love to see any ideas or features you might have in mind. As far as the wells go, there is a consultant that they are going to work with on that and they will go with there recommendation. Street trees are a requirement so they will be there. Trails – it is tuff in these types of developments but there will be sidewalks. They tried to keep as many trees around the perimeter as possible. **Mr. Woodford** spoke with storm water treatment, stated it is a requirement. Watercourses – stated they would need to make an application to Department of Environment and they would determine if it is a fish habitat watercourse and if it is then we would have to design a covert with fish passage. Also spoke to keeping flow by putting in a storm drain, pipe system, under the streets. With regards to slate, the plan is to do geotechnical testing on the site and if there is a high presence of slate the plan is to excavate less of it by grading. If we do excavate enough then we have to submit a plan to the Department of Environment on how me handle/manage that slate. The waste water collection system will be very tight. All manholes are wrapped and the amount of additional flow that goes into the system when its raining will be minimal. Halifax Water will not accept a sewage tank on this site because it is too small. Testing for the water quality service – the contractor will have his controls in to test the water during

construction until all the soil is stabilized. There are no plans to test the Little Sackville River at any point. There focus is on this site and to make sure this site doesn't have any sediment later on.

Mike Miller – Berry Hill - Wilson Lake Dr., what is the proposed final elevation of this site? **Mr. Woodford** stated it would slope from the bottom at around 120 meters to about 150 meters up on the hill. **Mr. Miller** stated that is where it is right now but are you going to stick with that? **Mr. Woodford** stated it is on grades and some of the grades will be reduced on the high spots and the low grades will be increased slightly. **Mr. Miller** stated they are approximately 8 elevations within the center of the plan. **Mr. Woodford** stated those are what the existing ground is, what the finished grade is hasn't been designed yet. **Ms. Salloum** stated they are still in the initial stages where they are trying to get feedback on the concept. The grading plan, the sedimentation plan, those are all things HRM requires for a development like this. Ms. Salloum encouraged everyone to check the website because there will be revised studies and plans there. **Mr. Miller** wanted to know if Ryan was still on this project. **Mr. McLean** stated he is no longer with Armco, he is now with Dexter and Dexter will probably be the contractor however, he does not know who from Dexter will be appointed to this project. **Mr. Miller** wanted to know after everything is all said and done will there be 270 units built? **Ms. Masching** stated what they are showing here is what they want to build. **Mr. Miller** stated that in stage 9 stage 10 will you extend into the 50 archers back there. **Ms. Salloum** stated because they are going through the development agreement process there will be a contract that will be presented to council and in that contract, they would have a plan showing the maximum number of units that would be permitted on that site. Then they would not be able to build more units than what was shown on that plan unless they went through another process where the community would be involved again. It would go through a full new process to consider any additional units. **Mr. Miller** if this proposal comes to light are you thinking about developing the rest of the land in the future? **Ms. Salloum** stated the policy limits the area that can be developed.

Gord Hunt – Wilson Lake Dr., stating putting the other exit of Lively, was that meant to alleviate the traffic on Wilson Lake Dr. The closest distance from point A to point B is Wilson Lake Dr. they are all coming that way, they are not going to Lively. They do not see how this is going to alleviate any of the traffic. **Mr. McLean** stated it is not a magic fix but it does make it better than two entrances on Wilson Lake Dr. When the addendum is done to the traffic study they will look at that and identify where the pressure points will be. **Ms. Salloum** advised these comments can be sent to the development engineering team for review when an addendum to the traffic study is done.

Alanna Smith – Upper Sackville, stated their major concern is Sackville Dr. and would like a traffic study done but not in August when people are on vacation and the kids are out of school. Would like it noted that they would like sidewalks on the main drag. It is not safe walking on Sackville Dr. and residents should feel safe walking their streets. Crosswalks are needed, as there currently aren't any. School zone signs, and the schools are also at capacity already, is there a study done for the schools. **Ms. Salloum** stated the traffic concerns are not something they would look at in this process but suggested speaking to her area councilor. In this space, of the development, they will have sidewalks. As part of our review, we provide numbers to the School Board so they can see how much density is being proposed for a development and can assess how that might impact their system.

Chris Belanger – Honeysuckle Rd., Berry Hill, understands they say they are targeting seniors however, with the price points you are talking about in Phase 6 it is still out of the reach of most seniors so this area will probably be more attractive to young families. Those young families will have children, can you justify the placement of the parkland area which is placed on the absolute busiest road in that subdivision. **Ms. Salloum** stated for any parkland that is being proposed it

has to be usable space and has to meet a bunch of requirements. After much negotiation this was determined to be the best spot. It is the Parkland Planner job to determine if all the requirements are being met. **Mr. Belanger** requested that the position of that be reviewed and possibly reconsider the location. Wanted to know how an addendum to the traffic study is different than a full traffic study. **Ms. Salloum** stated if there is a revision it is called an addendum because they have already submitted a previous study. **Mr. Belanger** stated it would be best if a fairly detailed addendum would need to be done.

Mike Miller – Berry Hill - Wilson Lake Dr., wanted to know about the buffers for traffic for the adjoining properties, is it something that is still on the books? **Ms. Masching** stated it was Ryan who mentioned this originally and they offered to speak with this directly after the meeting to discuss concerns as they are not aware of anything to put anything in at this time. **Mr. Woodford** spoke about the width of the road and what is required.

3. Closing Comments

Ms. Salloum thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 8:21 p.m.