



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

**Item No. 10.1.2**  
**North West Community Council**  
**November 8, 2021**  
**December 13, 2021**

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

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

**DATE:** October 14, 2021

**SUBJECT:** **Case 22732: Development Agreement for lands off Kenwood Avenue, Hammonds Plains**

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**ORIGIN**

Application by Hekmat Jarrar.

**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 19-unit seniors' housing development off Kenwood Avenue in Hammonds Plains 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 development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**BACKGROUND**

Hekmat Jarrar is applying to develop 19 senior citizen housing units off Kenwood Avenue in Hammonds Plains. The proposed seniors' housing development is of a bungalow-style townhouse form and offers amenities for residents of the development including a central courtyard and an internal walkway connecting the site to adjacent commercial and open space uses. A senior citizen housing development can only be considered in this area by Development Agreement (Policy P-39).

<b>Subject Site</b>	PIDs 00421958 and 00496653, Kenwood Avenue, Hammonds Plains
<b>Location</b>	South west of the intersection of Kingswood Drive and Hammonds Plains Road and east of Kingswood Elementary School
<b>Regional Plan Designation</b>	RC (Rural Commuter)
<b>Community Plan Designation (Map 1)</b>	R (Residential) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	R-1 (Single Unit Dwelling) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB)
<b>Size of Site</b>	A cumulative area of approximately 13,870.94 square metres (3.43 acres)
<b>Street Frontage</b>	Approximately 6.4 metres (21 feet) on Kingswood Drive and 15.2 metres (50 feet) on Kenwood Avenue
<b>Current Land Use(s)</b>	Mainly undeveloped and vegetated. There is an informal walking path running across the property from Kingswood Drive to the Kingswood Elementary School
<b>Surrounding Use(s)</b>	A range of uses surround the site: <ul style="list-style-type: none"> <li>• To the north are Woodlyn Manor, an existing senior citizen housing development, Uplands Park, local commercial uses and low density residential uses.</li> <li>• To the east are Kingswood Drive Park, a NS Power corridor, and low density residential uses.</li> <li>• To the south is predominantly low density residential uses.</li> <li>• To the west is the Kingswood Elementary School and low density residential uses.</li> </ul>

**Proposal Details**

The applicant proposes to develop a 19-unit senior citizen housing development off Kenwood Avenue in Hammonds Plains in accordance with Policy P-39 of the MPS. The major aspects of the proposal are as follows:

- A maximum of 19 units in bungalow-style townhouse form;
- 74.3 square metre (800 square foot) office;
- 83.6 square metre (900 square foot) community room;
- Central landscaped courtyard with tables and seating;
- Covered patio;
- Community garden;
- Private and accessible walkway connecting the development to nearby commercial and community uses;
- Serviced by central water and on-site sewer; and
- Vehicular access off Kenwood Avenue.

**Enabling Policy and LUB Context**

The current R-1 zoning of the property enables a limited number of uses on the property inclusive of low density residential, home office, day care, bed and breakfast, and open space uses on the subject site. Nonetheless, Policy P-39 of the MPS allows Council to consider senior citizen housing within the Residential designation through the development agreement planning process. Senior citizen housing is defined under the LUB as housing designed for occupancy by senior citizens.

## **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, and two mailouts to property owners within the notification area in July 2020 and June 2021, respectively. Feedback received suggested that the public has mixed feelings towards the proposal. Some residents expressed full support for additional senior citizen housing and residential units in the area to meet the needs of the community, while others voiced concerns and opposed the proposal. Residents also offered support for the amenities proposed for residents of the seniors' housing development. The public concerns received included the following topics:

- Increased traffic volumes in the existing neighbourhood;
- Safety of children walking in the existing neighbourhood to nearby parks and the Kingswood Elementary School;
- Traffic impacts on the Crestfield Drive and Hammonds Plains Road intersection;
- Access to the development off Kenwood Avenue;
- Occupants of the development would not be all seniors;
- Number of units proposed;
- On-site wastewater and sewage services and its impacts on adjacent properties;
- Environmental impacts in relation to wet areas on the subject property;
- Lack of transit service in the area; and,
- Impacts from construction activities such as blasting on adjacent properties and the Kingswood Elementary School.

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 3 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 September 2, 2020 and July 7, 2021, the North West Planning Advisory Committee (PAC) recommended that the application be approved as presented. The proposal was taken back to PAC on July 7, 2021 to collect feedback on a revision to the plans showing access off Kenwood Avenue instead of Kingswood Drive, as was originally proposed. The PAC did not identify any concerns with the revised plans. A report from the PAC to Community Council is 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 addresses the following matters:

- Maximum number of senior citizen housing units;
- Controls regarding the design of the units for occupancy by senior citizens;
- Amenity areas for use of residents of the development;
- Driveway access for the development;
- Design of walkways;

- Parking for visitors and support services;
- Landscaping;
- Servicing the development with central water and private on-site sewage disposal; and
- Deadlines for commencement and completion of the development.

The attached development agreement will permit senior citizen housing, 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.

### **Housing Designed for Seniors**

The Municipality has authority to create policy aimed at addressing social conditions but is not able to regulate tenancy. Restricting tenancy by age would be considered discriminatory under the *NS Human Rights Act*. However, a developer or property owner may market buildings for seniors and the Municipality may establish design requirements that may appeal to the needs of an older demographic provided they do not discriminate against other groups or individuals.

The Municipality aims to develop planning policies and enable development that support sustainable growth and reflect community desires and needs in terms of land uses and building form. Existing policies under the MPS provide for alternative housing options designed for senior citizens while minimizing the impacts on the community. In the case of this proposed development, the use of land is senior citizen housing in the form of townhouse dwellings designed to respond to individuals who may need personalized services or help with activities of daily living. It is also acknowledged that the density proposed provides an economy of scale that allows the establishment of additional on-site facilities that support individuals who, regardless of their age, may need personalized services. The subsequent sections of this report outline several design choices made in this proposal which reflect a project specifically designed to be occupied by senior citizens.

### **Architectural Design (Policy P-39a)**

The proposed development agreement includes controls for building height, bulk, scale, and design of the seniors' housing units. By limiting the height to bungalow-style townhouses and the number of units per building, staff advise that the proposed design is compatible with the adjacent low-density residences and multiple unit seniors' housing development in accordance with policies. Additionally, the proposed exterior finishes and pitched roofs are similar to what is found in the adjacent neighbourhood. Staff advise that the bungalow-style units with attached garages and covered entrances also offer an accessible design for occupancy by senior citizens.

### **Landscaping and Amenities (Policy P-39b&c)**

The proposed development agreement requires retention of existing vegetation along property boundaries abutting low density residences to ensure adequate separation. Fencing is also proposed to screen the development from adjacent uses. A central courtyard, grassed areas, and outdoor amenity areas such as a covered patio, seating and a community garden offer gathering spaces for senior occupants. In addition to the parking required for senior citizen housing under the LUB, parking for visitors and support staff is provided and well integrated in the design with surrounding landscaping features. Staff advise that these measures support occupancy of the development by senior citizens as well as maintain adequate separation from and reduce visual effects on low density residential developments.

### **Proximity to Commercial and Community Uses (Policy P-39d)**

The applicable planning policy prefers that the senior citizen housing has access to commercial and community facility uses. Staff recommend that the subject site offers an ideal location for seniors' housing in a rural area where commercial uses including grocery stores, a pharmacy, restaurants, personal service shops and clinics are within walking distance of the site. The proposed internal walkway connecting the subject property to both Kenwood Avenue and Kingswood Drive offers a desirable connection to adjacent commercial uses and nearby parks.

### **Road Network and Site Access**

While residents raised concerns about the proposed access off Kenwood Avenue, the Traffic Impact Statement (TIS) and TIS addendum submitted in support of the proposed development was reviewed and deemed acceptable by HRM Development Engineering and Traffic Services staff. The subject property does not have enough frontage on Kingswood Drive to ensure a driveway could be located entirely on the subject property. There is, however, sufficient frontage on Kenwood Avenue for vehicular access to be provided. The frontage on Kingswood Drive allows for a pedestrian linkage which staff advise offers a desirable active transportation connection between the development and nearby commercial and community uses. Staff therefore recommend that the proposed driveway access and walkway within the development and streets leading to the development are adequate to support the proposed seniors' housing development.

### **Signing Period**

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 normally agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The development recognises the need for senior citizen housing in the area, is designed for occupancy by senior citizens with consideration of adjacent land uses and is located on a site in proximity to commercial and community facility uses. Therefore, staff 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 environmental implications are identified.

### **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**

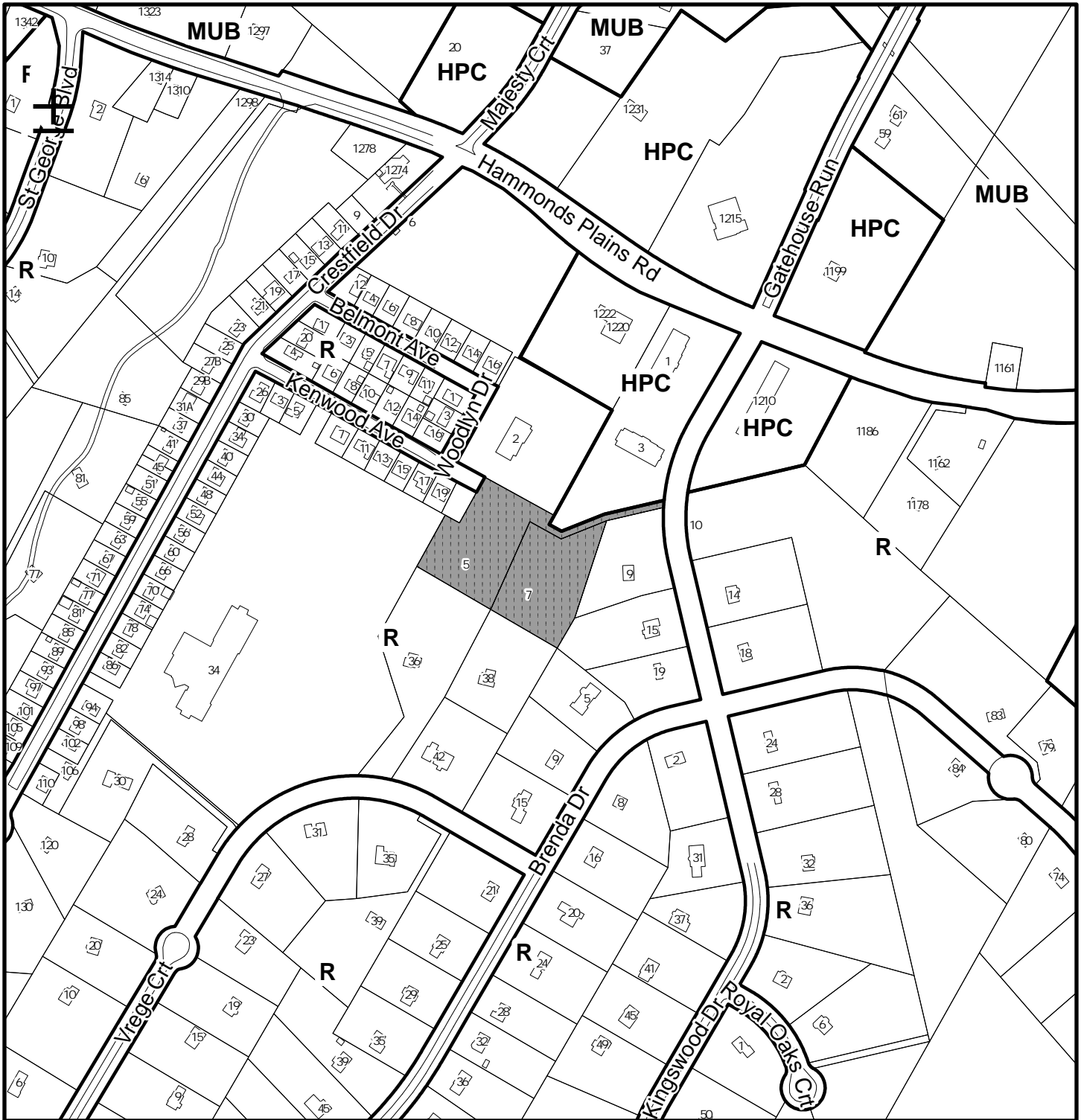
Map 1:	Generalized Future Land Use
Map 2:	Zoning
Map 3:	Notification Area
Attachment A:	Proposed Development Agreement
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Engagement Summary

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


Report Prepared by: Stephanie Salloum, Planner III, 902.476.2792

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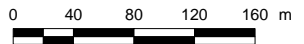
**Map 1 - Generalized Future Land Use**

PID: 00421958 and 00496653  
 Hammonds Plains

 Subject Property

**Designation**

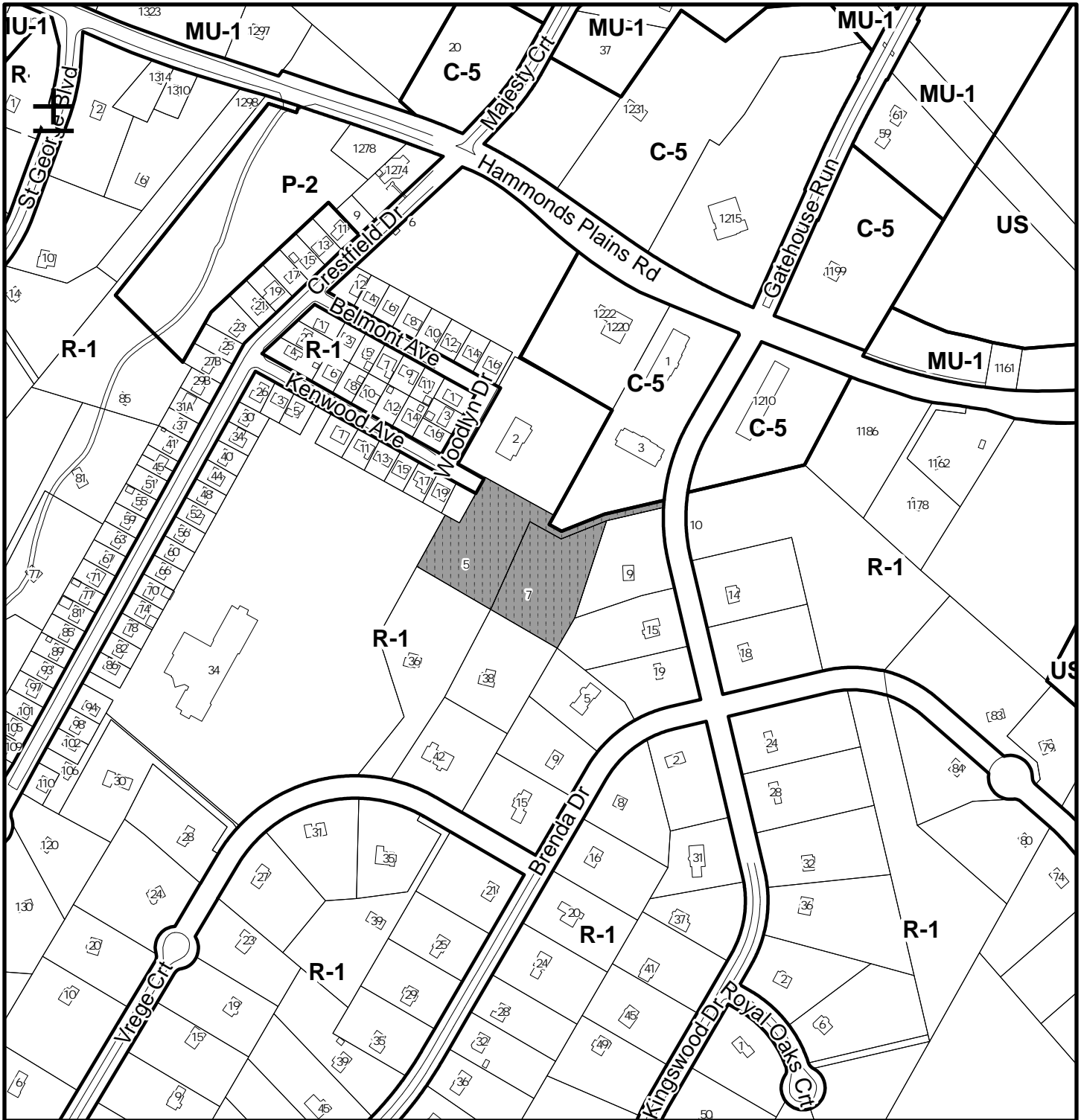
- R Residential
- MUB Mixed Use B
- HPC Hammonds Plains Commercial



Beaver Bank, Hammonds Plains and Upper Sackville  
 Plan Area


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

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

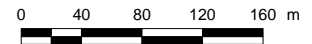


**Map 2 - Zoning**

PID: 00421958 and 00496653  
Hammonds Plains

 Subject Property

- Zone**
- C-5 Hammonds Plains Commercial
  - MU-1 Mixed Use 1
  - P-2 Community Facility
  - R-1 Single Unit Dwelling

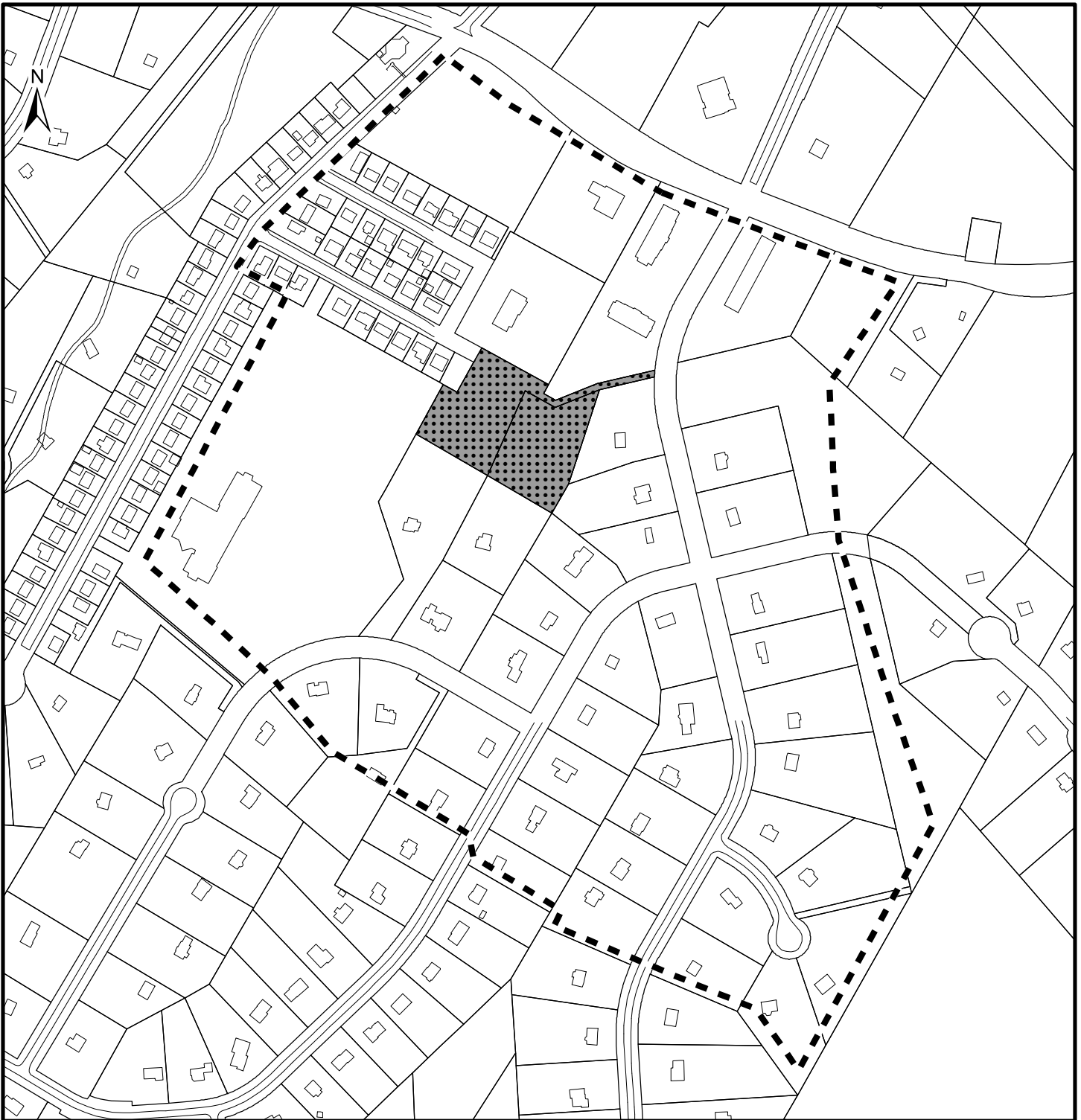


Beaver Bank, Hammonds Plains and Upper Sackville  
Land Use By-Law Area

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

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






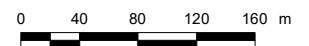
**Map 3 - Area of Notification**

5 & 7 Kingswood Drive  
Hammonds Plains

**HALIFAX**

 Subject Property

 Area of Notification



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 Individual's name]**  
an individual, in the Halifax Regional Municipality **[or other applicable  
County]**, in the Province of Nova Scotia **[or other Province,]**  
(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 between Kenwood Avenue and Kingswood Drive (PIDs 00421958 and 00496653) in Hammonds Plains 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 senior citizen housing development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy P-39 of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Section 3.6 of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law;

**AND WHEREAS** the North West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number **22732**;

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

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

### **1.1 Applicability of Agreement**

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

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

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

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

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

### **1.4 Conflict**

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

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

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

## **1.6 Provisions Severable**

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

## **1.7 Lands**

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

## **PART 2: DEFINITIONS**

### **2.1 Words Not Defined under this Agreement**

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

## **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 22732:

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	Preliminary Landscape Plan
Schedule D	Preliminary Elevations

### **3.2 Requirements Prior to Approval**

- 3.2.1 Prior to the issuance of any site work including earth movement or tree removal other than that required for preliminary survey purposes, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) Plan of Survey of approval Lot Consolidation of PIDs 00421958 and 00496653 in accordance with the requirements of the Regional Subdivision By-law; and
- (b) Confirmation to the Development Officer that non-disturbance areas have been delineated on site. Such demarcations shall be maintained by the Developer or future property owner(s) for the duration of the construction and may be removed after the issuance of an Occupancy Permit for the dwellings.

- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) Nova Scotia Environment and Climate Change approval for the on-site private sanitary sewer systems.

3.2.3 Prior to the issuance of the first the Occupancy Permit for the building, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) Written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the Landscape Plan in Schedule C.

3.2.4 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.

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

3.3.1 The use of the Lands permitted by this Agreement are the following and as generally shown on Schedule B:

- (a) A maximum of 19 senior citizen housing units in the form of townhouses;
- (b) Accessory buildings and structures; and
- (c) A temporary construction and sales building.

3.3.2 Further to the uses permitted in 3.3.1, an office space and community room shall be provided in conjunction with senior citizen housing as generally shown on Schedule B.

3.3.3 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, as amended from time to time.

### **3.4 Building Siting**

3.4.1 The townhouse buildings' siting, bulk and scale shall comply to the following:

- (a) lot coverage shall not exceed 50%;
- (b) the building shall be a minimum of 9.1 metres (30 feet) from the front lot line and 3 metres (10 feet) from any other lot line;
- (c) the maximum height of the buildings shall not exceed 6.7 metres (22 feet); and
- (d) each unit shall not have more than two bedrooms; and
- (e) the maximum footprint of each unit shall not exceed 139.35 square metres (1,500 square feet).

3.4.2 Accessory buildings shall comply to the following:

- (a) the footprint shall not exceed 83.6 square metres (900 square feet);
- (b) the maximum height of the accessory buildings shall not exceed 4.6 metres (15 feet); and,

(c) the minimum separation distance from any dwelling unit shall be 2.4 metres (8 feet).

### **3.5 Architectural Requirements**

- 3.5.1 The architectural design of the Development shall be in general conformance with the elevation drawings shown in Schedule D.
- 3.5.2 Main entrances shall be clearly lit, covered and be accessible with ramps or at grade.
- 3.5.3 Townhouse dwellings shall be bungalow-style and shall contain a maximum of two bedrooms.
- 3.5.4 Townhouse buildings shall have a minimum of 3 dwelling units and a maximum of 5 dwelling units per building.
- 3.5.5 Walkways shall be clearly delineated from vehicular circulation areas by using landscaping, curb, crusher dust, painted line or hard surface such as asphalt, pavers or concrete. Walkways shall be of sufficient width to be able to accommodate mobility devices such as walkers, wheelchairs and scooters.
- 3.5.6 Accessory buildings or structures for shared use by residents of the development shall be fully accessible with entrances at grade or with ramps to accommodate mobility devices.
- 3.5.7 All functional elements such as vents, down spouts, flashing, electrical conduits, metres, and service connections shall be treated as integral parts of the design.
- 3.5.8 An attached garage shall be provided for each townhouse dwelling unit.

### **3.6 More than One Dwelling on a Lot**

- 3.6.1 More than one (1) townhouse dwelling shall be permitted on a lot.

### **3.7 Parking, Circulation and Access**

- 3.7.1 Parking for senior citizen housing shall be required in accordance with the applicable Land Use By-law.
- 3.7.2 Further to the requirements of 3.7.1, additional outdoor parking shall be provided for support services and visitors and shall be sited as generally shown on Schedule B.
- 3.7.3 Outdoor parking areas for support services and visitors shall be hard surfaced.
- 3.7.4 Parking shall not be permitted along the common driveway.

### **3.8 Outdoor Lighting**

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

### **3.9 Landscaping**

- 3.9.1 Prior to the issuance of a Development Permit, the Developer agrees to provide Landscape Plan which comply with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule C. The Landscape Plan shall be

prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.

- 3.9.2 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.9.3 Notwithstanding Section 3.9.1, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

### **3.10 Maintenance**

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

### **3.11 Signs**

- 3.11.1 The sign requirements shall be 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 sales office is located on the site.
- 3.11.3 A maximum of one ground sign shall be permitted at the entrance to the Development to denote the development name. The locations of such signs shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 10 feet (3.05 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq. m.). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

### **3.12 Temporary Construction Building**

- 3.12.1 A building shall 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 in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

### **3.13 Backyard and Secondary Suites**

- 3.13.1 Backyard and Secondary Suites shall not be permitted. Accessory buildings shall not be used for human habitation.

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

### **4.1 General Provisions**

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

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

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

### **4.3 Undergrounding Services**

- 4.3.1 All secondary or primary (as applicable) electrical, telephone and cable service to the Development shall be underground installation.
- 4.3.2 Notwithstanding Section 4.3.1, above ground installation may be permitted if blasting would be required for underground installation provided that efforts are made to mitigate the visual impacts of the above ground services.

### **4.4 On-Site Sanitary System**

- 4.4.1 The Lands shall be serviced through privately owned and operated sewer systems and treatment facilities. The Developer agrees to have prepared by a qualified professional and submitted to the Municipality, the NS Department of the Environment and Climate Change and any other relevant agency, a design for all private sewer systems. In accordance with Section 3.2.2, no development permit shall be issued prior to receiving a copy of all permits, licences, and approvals required by the NS Department of the Environment and Climate Change respecting the design, installation, construction of the on-site sewer system.

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

### **5.1 Private Storm Water Facilities**

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

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

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall have been issued a Grade Alteration Permit in accordance with By-law G-200



Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time.

### **5.3 Sulphide Bearing Materials**

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

## **PART 6: AMENDMENTS**

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

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- (a) Changes to the landscaping which, in the opinion of the Development Officer, do not conform with Schedule C;
  - (b) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement; and
  - (c) The length of time for the completion of the development as identified in Section 7.4.4 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 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, 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 issuance of a Building Permit.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under 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 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement; or
  - (c) discharge this Agreement.
- 7.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit for the nineteenth senior citizen housing unit in the form of a townhouse dwelling.
- 7.4.3 Upon the completion of the whole development, 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.
- 7.4.4 In the event that development on the Lands has not been completed within ten (10) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

#### **7.5 Discharge of Agreement**

- 7.5.1 If the Developer fails to complete the development after 10 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement; or
  - (c) discharge this Agreement.

### **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

\_\_\_\_\_  
**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

---

A Commissioner of the Supreme Court  
of Nova Scotia

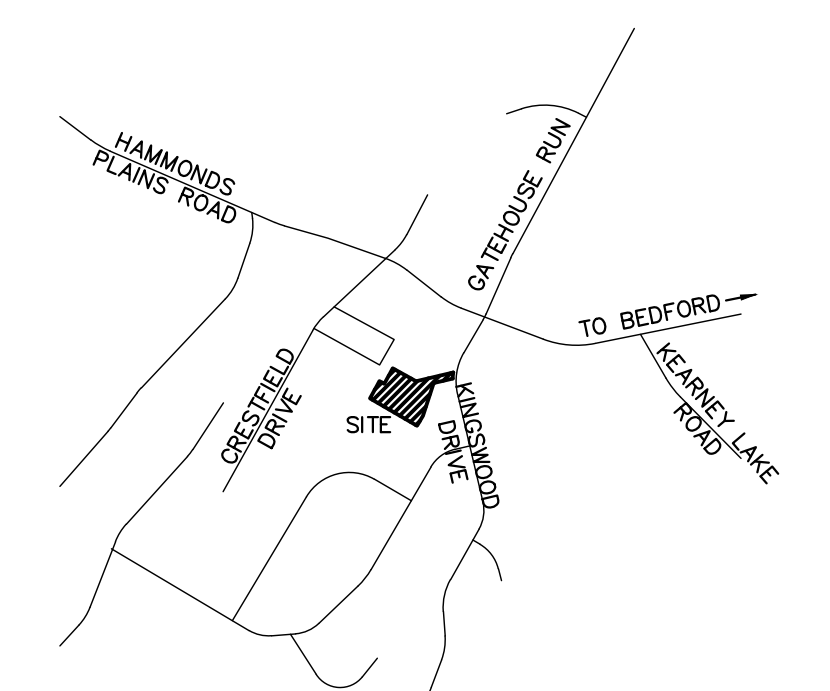
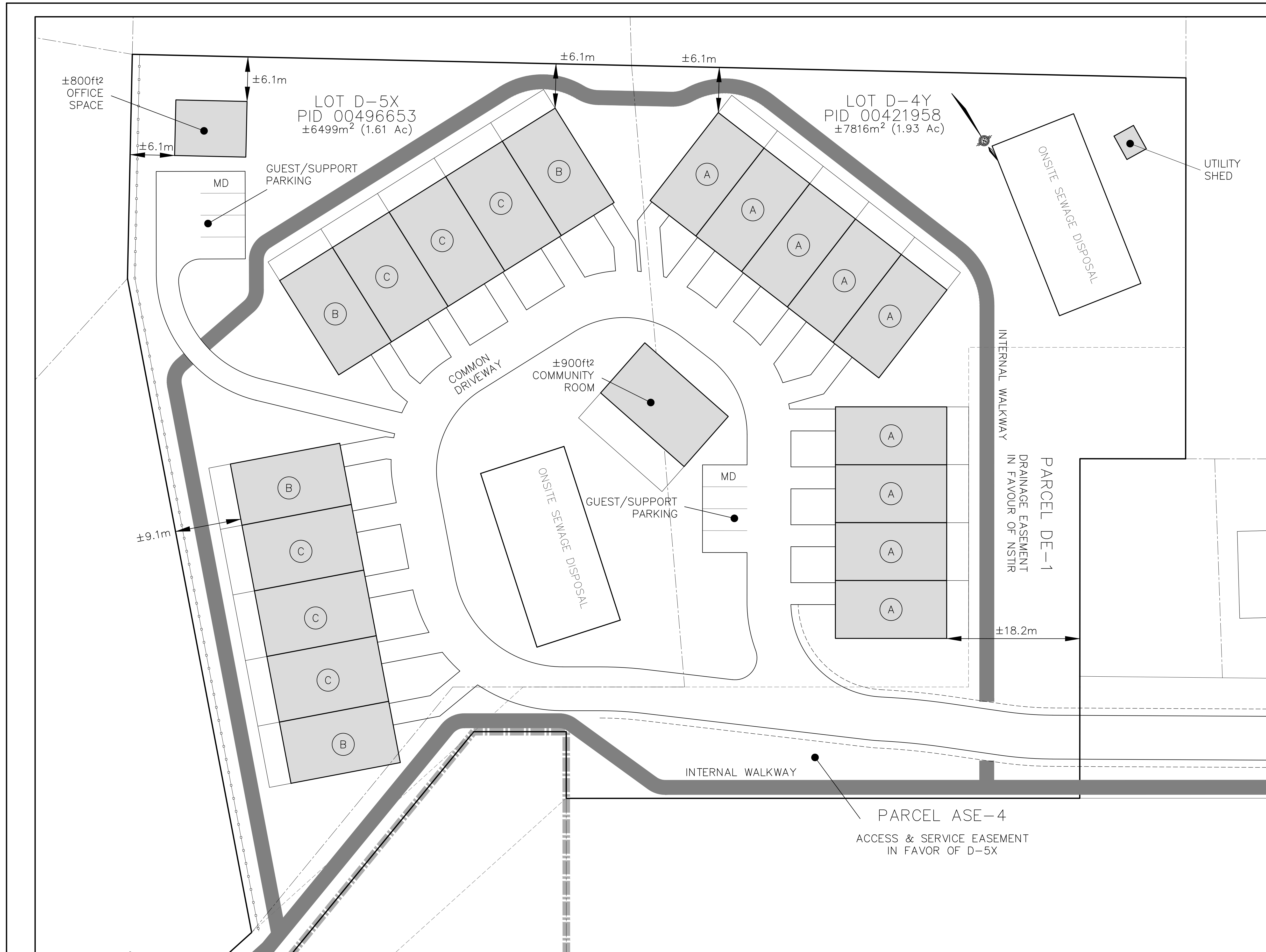
PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

---

A Commissioner of the Supreme Court  
of Nova Scotia

# Schedule B: Site Plan

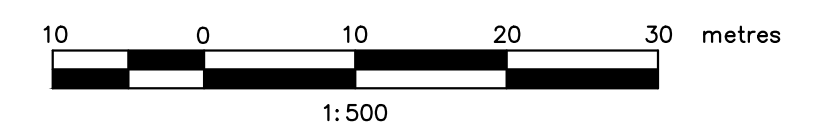


Key Plan  
Scale: NTS

	LOT D-4Y	LOT D-5X
LOT AREA	±7816m <sup>2</sup> (1.93Ac)	±6499m <sup>2</sup> (1.61Ac)
MIN FRONT YARD	±6.1m (±20ft)	±6.1m (±20ft)
MIN REAR YARD	±6.1m (±20ft)	±6.1m (±20ft)
MIN SIDE YARD	±6.1m (±20ft)	±6.1m (±20ft)
BUILDING HEIGHT	1 STOREY	1 STOREY
# RESIDENTIAL UNITS	9	10
DENSITY	4.7 UNITS/Ac	6.2 UNITS/Ac
COMMERCIAL SPACE	±900ft <sup>2</sup>	±800ft <sup>2</sup>
PARKING	13 (SURFACE) 9 (GARAGE)	14 (SURFACE) 10 (GARAGE)
MOBILITY DISABLED PARKING (MD)	10	11

UNIT SIZE	NUMBER OF UNITS
(A) 26ft x 50ft	4
(B) 28ft x 50ft	9
(C) 30ft x 50ft	6

LOT COVERAGE CALCULATION	
TOTAL SITE AREA	14,315 m <sup>2</sup>
TOTAL BUILDING AREA	2,647 m <sup>2</sup>
LOT COVERAGE	18.5%



No.	Date	Revision	Description	Appr'd
4	16 AUG 21		HRM COMMENTS ADDRESSED	ATA
3	23 APR 21		DRIVEWAY WIDTH	ATA
2	18 FEB 21		ACCESS FROM KENWOOD	ATA
1	14 MAY 20		ISSUED FOR DEVELOPMENT AGREEMENT	ATA

HEKMAT JARRAR



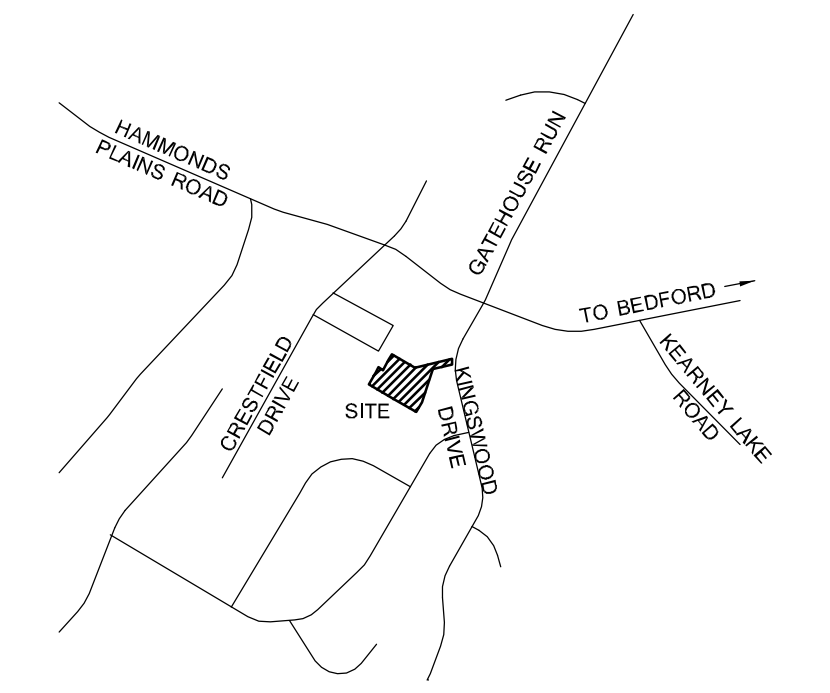
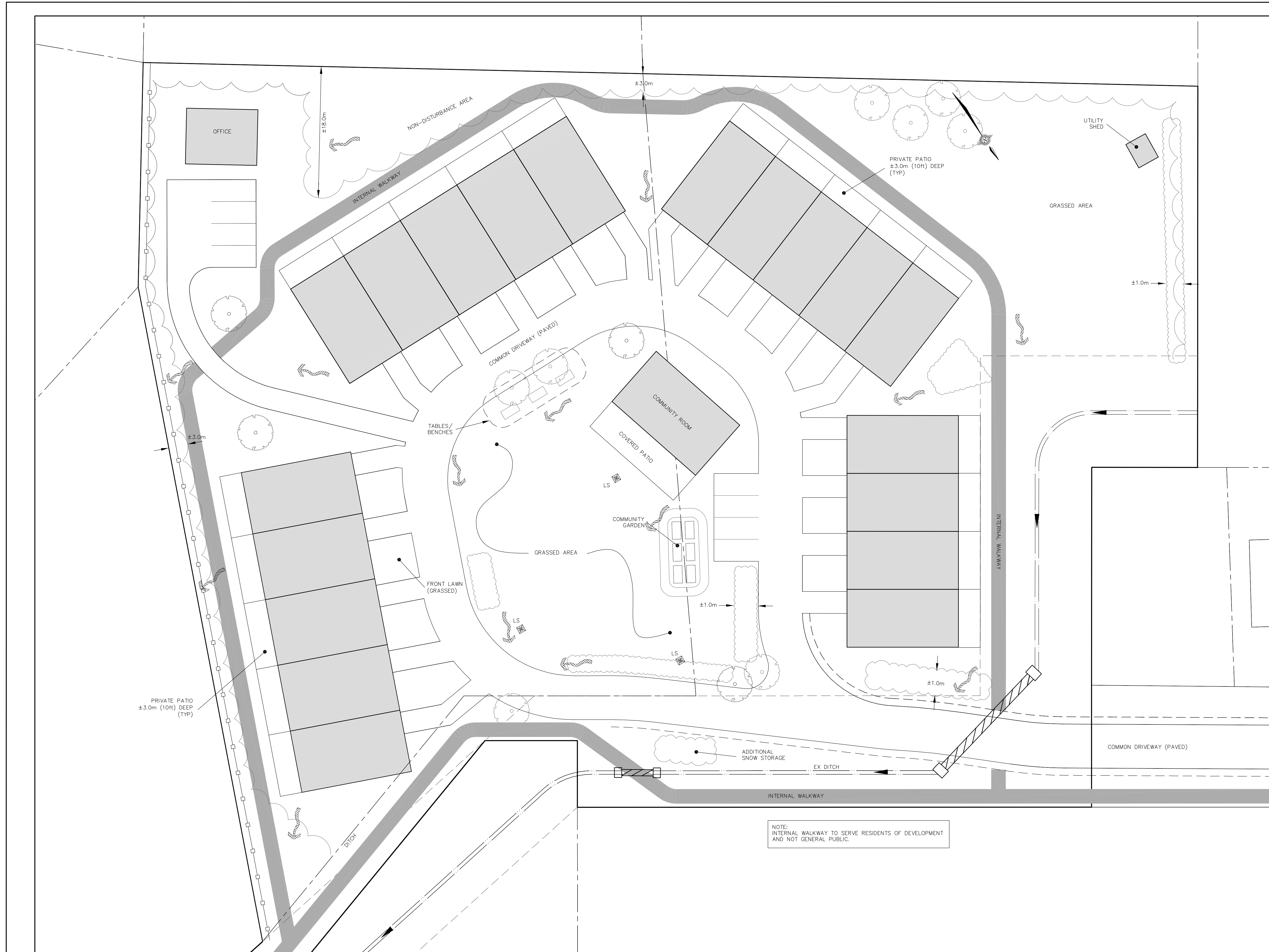
51 Cobeguid Road, Lwr. Sackville, NS  
Phone (902)864-2267 Fax (902)864-3532  
E-Mail: KVMconsultants@eastlink.ca

SENIOR CITIZEN HOUSING DEVELOPMENT  
LOTS D-4Y & D-5X  
PID 00421958 & 00496653  
HAMMONDS PLAINS, NOVA SCOTIA

SITE PLAN

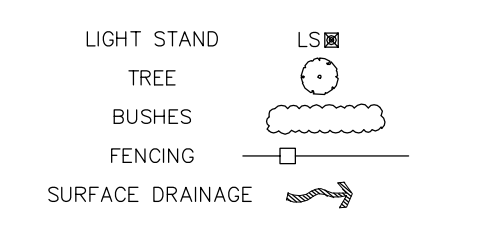
Date	Sept 11, 2019	Drawn	STAFF	Project No.	659
Scale	1:250	Engineer	ATA	FILE NAME:	659-C01.dwg
Reference	Approved				
Surveyed	WNL	Sheet	C01		

# Schedule C: Preliminary Landscape Plan



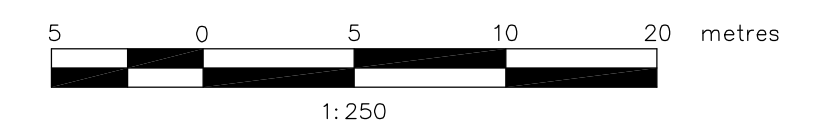
Key Plan  
Scale: NTS

### PLAN LEGEND



### NOTES

1. SNOW STORAGE TO BE ACHIEVED AROUND INSIDE OF DRIVEWAY CIRCLE IN ADDITION TO AREA SHOWN.



No.	Date	Revision	Description	Appr'd
3	23 APR 21		DRIVEWAY WIDTH	ATA
2	18 FEB 21		ACCESS FROM KENWOOD	ATA
1	14 MAY 20		ISSUED FOR DEVELOPMENT AGREEMENT	ATA

HEKMAT JARRAR



51 Cobeguid Road, Lwr Sackville, NS  
Phone (902)864-2267 Fax (902)864-3632  
E-Mail KVMconsultants@bestlink.ca

SENIOR CITIZEN HOUSING DEVELOPMENT  
LOTS D-4Y & D-5X  
PID 00421958 & 00496653  
HAMMONDS PLAINS, NOVA SCOTIA

### LANDSCAPE PLAN

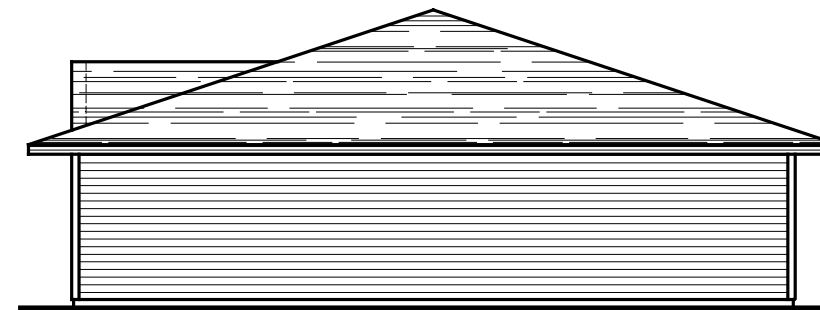
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Sept 11, 2019	STAFF	659
Scale	Engineer	FILE NAME:
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Reference	Approved	
Surveyed	Sheet	
WNL	L01	

# Schedule D: Preliminary Elevations

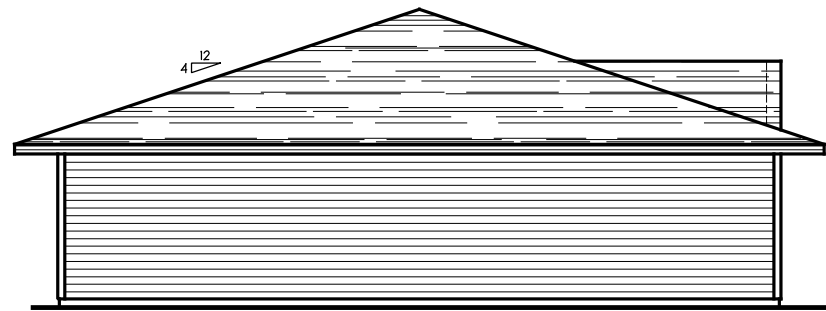


FUSION STONE SIDING - DARK GREY  
 VINYL SHAKES - LIGHT BLUE ACCENT  
 VERTICAL VINYL SIDING - LIGHT BLUE ACCENT  
 HORIZONTAL VINYL SIDING - DARK BLUE  
 EXT. TRIM COLOUR - WHITE  
 SHINGLE COLOUR - HARVARD SLATE

FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

## GENERAL NOTES

- 1 This Plan Is Intended For Use By A Licensed Contractor Who Is Familiar With Construction Methods
- 2 All Work To Be Completed As Per The Latest Edition Of The National Building Code (NBC) Of Canada.
- 3 All Federal, Provincial and Local By-Laws Shall Be Considered And Take Precedence Over Anything Implied In This Drawing (If Applicable).
- 4 In The Case Of Higher Snow Loads Beyond Part 9 Of The NBCC, Owner May Be Responsible To Supply An Engineers Report (Please Verify With Local Authorities).
- 5 Great Care Was Taken In The Drawing Of This Plan But Human Error Does Occur. Builder To Review Drawings And Report Any Errors To SamHail Drafting & Design Before Construction Begins.

ISSUED FOR CONSTRUCTION		
ISSUED FOR 95% REVIEW	11/24/2019	
ITEM	REVISION	MONTH/DAY/YEAR

PROJECT NAME:

SENIORS COMPLEX  
 PROPOSED  
 5 UNIT BUILDING

DRAWING NAME:

ELEVATIONS

DRAWN BY:

TJW

SCALE:

NTS

DATE:

DEC 8 / 2019

PROJECT NO.

-

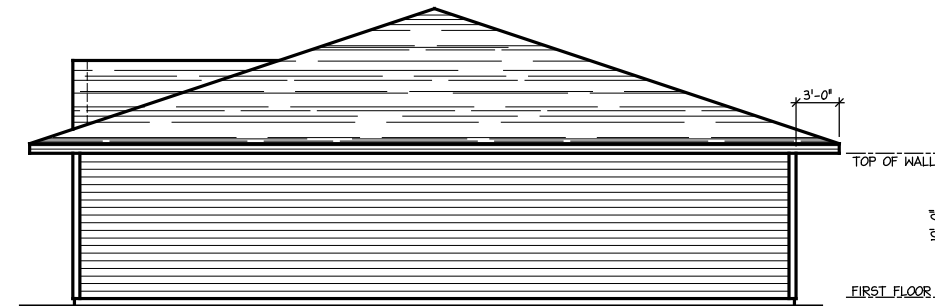
DRAWING NO.

A1

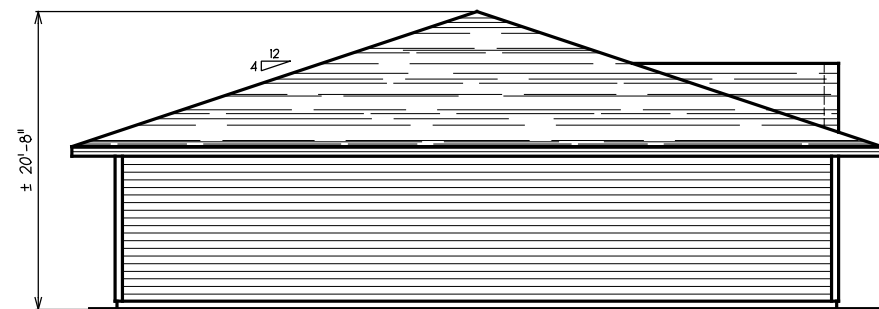




FRONT ELEVATION

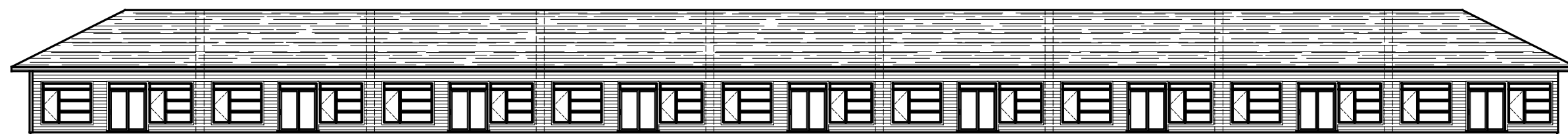


RIGHT ELEVATION



FUSION STONE SIDING - DARK GREY  
 VINYL SHAKES - TAUPE ACCENT  
 VERTICAL VINYL SIDING - TAUPE ACCENT  
 HORIZONTAL VINYL SIDING - RED  
 EXT. TRIM COLOUR - WHITE  
 SHINGLE COLOUR - HARVARD SLATE

LEFT ELEVATION



REAR ELEVATION

GENERAL NOTES

- 1 This Plan Is Intended For Use By A Licensed Contractor Who Is Familiar With Construction Methods
- 2 All Work To Be Completed As Per The Latest Edition Of The National Building Code (NBC) Of Canada.
- 3 All Federal, Provincial and Local By-Laws Shall Be Considered And Take Precedence Over Anything Implied In This Drawing (If Applicable).
- 4 In The Case Of Higher Snow Loads Beyond Part 9 Of The NBCC, Owner May Be Responsible To Supply An Engineers Report (Please Verify With Local Authorities).
- 5 Great Care Was Taken In The Drawing Of This Plan But Human Error Does Occur. Builder To Review Drawings And Report Any Errors To SamHail Drafting & Design Before Construction Begins.

△	ISSUED FOR CONSTRUCTION	
△	ISSUED FOR 95% REVIEW	11/24/2019
ITEM	REVISION	MONTH/DAY/YEAR

PROJECT NAME :

SENIORS COMPLEX  
 PROPOSED  
 9 UNIT BUILDING

DRAWING NAME :

ELEVATIONS

DRAWN BY :

TJW

SCALE :

NTS

DATE :

DEC 8 / 2019

PROJECT NO. :

-

DRAWING NO. :

A4

## ATTACHMENT B REVIEW OF RELEVANT PLANNING POLICIES

### Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

Policy	Staff Comments
<p><i>P-39 Within the Residential Designation, it shall be the intention of Council to consider permitting senior citizen housing by development agreement and according to the provisions of the Municipal Government Act. In considering a development agreement, Council shall have regard to the following:</i></p>	
<p><i>(a) that the architectural design, including the scale of any building(s) and its exterior finish are compatible with adjacent land uses;</i></p>	<p>The proposed bungalow style buildings with a height of 20'8" and 4/12 roof pitch seems to be compatible with adjacent uses. The height of the buildings is compatible with the nearby development. There are a two-storey seniors multiple unit dwelling with a pitched roof abutting the subject site, two storey single unit dwellings, and two-storey commercial buildings in proximity to the site. Exterior finishes of stone and vinyl are similar to what is used in adjacent residences. Staff advise that the design and scale of the proposed buildings are compatible with adjacent land uses.</p>
<p><i>(b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce visual effects;</i></p>	<p>The proposed 19-unit seniors housing development has a density of 5.45 units per acre. Retaining natural vegetation on the site between the proposed development and adjacent uses reduces the visual impact of the townhouse development from surrounding low density residential uses. Natural vegetation exists on properties abutting the subject site that would also visually screen the proposed development from low density uses. A range of 3-18 metre wide non-disturbance areas is shown on the landscaping plan, where the development abuts low density residential uses. Fencing is also proposed, and the development agreement includes controls for separation distances from a dwelling. Other landscaping features, including bushes and trees, are shown on the landscape plan to enhance the design and reduce the visual effects of the proposed development.</p>
<p><i>(c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;</i></p>	<p><b>Open Space</b> - Rear private patio areas and gardens in the front yard are proposed for each unit in addition to a shared garden toward the centre of the site to allow for recreational activities and social interaction. A grassed area is also proposed in the centre of the site with a 900 sq. ft. community room and covered patio. This shared amenity space will be well lit, have outdoor furniture and four designated parking spaces. An internal walkway is proposed from the end of Kenwood Avenue to Kingswood Drive. Staff advise that this connection would provide a direct link to Uplands Park and nearby services and amenities. A walkway through the subject property would also benefit the public as it offers pedestrian access between the Kingswood Elementary School, Uplands Park, the adjacent low-density residential neighbourhood, the proposed development, Kingswood Drive Park and convenient commercial uses</p>

	<p>at the intersection of Kingswood Drive and Hammonds Plains Road.</p> <p><u>Parking</u> - one interior parking space is proposed along with one exterior space for each unit to allow for parking for support services for senior residents. Four spaces are provided near the proposed office and four spaces are proposed by the community room. These spaces may be used for visitor and support services parking as well. The proposed parking exceeds the minimum requirements under the land use by-law. Parking along the private shared driveway is not permitted.</p> <p><u>Landscaping</u> - The landscaping plan details the proposed landscaping features and amenity areas designed for senior citizens. A combination of plantings and fencing is proposed to screen the development from adjacent uses and create privacy within the development. Shrubs and soft landscaping are proposed to reduce light and noise impacts on neighbours. Lighting in the common area will be directed away from adjacent uses to minimise or eliminate light impacts on neighbours. CPTED principles were considered in the design of the central courtyard.</p>
<i>(d) preference for a site which has access to commercial and community facility uses;</i>	In proximity to the site are a variety of commercial uses including restaurants, convenient stores, medical clinics and a pharmacy, neighbourhood and community parks, transit connections and a church. The proposed development includes a walkway which offers an active transportation linkage between the development and nearby commercial and community facility uses.
<i>(e) general maintenance of the development;</i>	An 800 sq. ft. office space is proposed to accommodate support personnel and on-site staff responsible for maintaining the development. The proposed development also includes controls relative to the general maintenance of the development.
<i>(f) preference for a development which serves a local community need; and</i>	Seniors housing is in demand in rural areas of the Municipality to allow residents to continue to reside within their own communities. The proposed development is intended to provide alternative, market-based rental housing for seniors in the Hammonds Plains community.
<i>(g) the provisions of Policy P-137.</i>	See below.
<i>P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i>	
<i>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i>	The MPS allows for consideration of a seniors development on this site and recognises a need for seniors housing in the area. Various review agencies have assessed the proposal in accordance with other municipal by-laws and regulations and have not identified any further concerns at this time.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	(i) The proposal does not suggest that the Municipality absorb any costs relating to the development.

<p><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i></p> <p><i>(ii) the adequacy of central or on-site sewerage and water services;</i></p> <p><i>(iii) the adequacy or proximity of school, recreation or other community facilities;</i></p> <p><i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i></p> <p><i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i></p>	<p>(ii) Halifax water has not identified any concerns about the adequacy of central water to service the site. The site shall be serviced by on-site sewer. The proposed development agreement requires the necessary approvals from Nova Scotia Environment and Climate Change for on-site septic prior to receiving a development permit.</p> <p>(iii) It is not anticipated that the proposed seniors development would negatively impact the capacity of schools or other community facilities in the neighbourhood. The Halifax Regional Centre for Education reviewed the proposal and did not identify any concerns.</p> <p>(iv) Engineering and Fire Services staff have reviewed the Traffic Impact Statement (TIS) and conceptual driveway respectively. The TIS and conceptual proposed driveway to access the development off Kenwood Avenue have been deemed acceptable.</p> <p>(v) No concerns identified.</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></p> <p><i>(i) type of use;</i></p> <p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking;</i></p> <p><i>(iv) open storage;</i></p> <p><i>(v) signs; and</i></p> <p><i>(vi) any other relevant matter of planning concern.</i></p>	<p>The proposed development agreement includes controls to limit the size of the senior citizen townhouses, enable vehicular access to and egress from Kenwood Avenue and pedestrian access between Kenwood Avenue and Kingswood Drive, to ensure there is sufficient parking for residents as well as their visitors and support staff, and provisions for signage. Controls have also been included to ensure the development is designed for occupancy by senior citizens with covered and at grade entrances, single level living, and additional amenities for residents of the development.</p>
<p><i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i></p>	<p>No concerns have been identified.</p>
<p><i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", 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-Jul 2/02;E-Aug 17/02)</i></p>	<p>N/A</p>

# ATTACHMENT C

## Summary of Public Engagement



HRM Planning Application Website



Signage Posted on the Site



Mailout to residents and property owners



Future Public Hearing Prior to a Decision

### Information Sharing

Information on Case 22732 was shared through the HRM planning applications webpage, signage posted on the subject site, and notices mailed to property owners within approximately 150 metres (500 feet) surrounding the proposed development (Map 3 of Staff Report).

Two letters were mailed to property owners within the notification area in July 2020 and June 2021 respectively. The first letter advised area residents of the original site plan which proposed access to the development from Kingswood Drive, across an abutting property. The applicant was unable to secure this access over the abutting property and subsequently changed the proposed access to Kenwood Avenue, where the site had sufficient frontage and area for the driveway to be entirely on the subject site. The second letter advised residents of the change to the proposal and revised plans. Given the delays in the postal service due to the COVID-19 pandemic, staff collected feedback over four weeks after sending each of the mailouts.

The application was also presented to the North West Planning Advisory Committee (NWPAC) on September 2, 2020 and again on July 7, 2021, after the access to the proposed development was revised to Kenwood Avenue.

Area residents expressed both support and opposition for the proposed development. Concerns were raised relative to traffic impacts, pedestrian safety, occupancy of the development by non-seniors, density, on-site services, environmental impacts, and construction activities.

### Public Engagement Statistics:

<b>Halifax.ca Planning Applications Website</b>	
Number of unique website views from June 9, 2021 to August 30, 2021	505
Average time spent on the website (minutes: seconds)	2:56
<b>Notices Mailed to Area Residents</b>	
Number of notices mailed within notification area	78
<b>Direct Communication with the HRM Planner</b>	
Number of calls and emails received after first mailout (unique contacts)	11
Number of calls and emails received after second mailout (unique contacts)	22

## Public Feedback Received

HRM planning staff compiled all the public comments and questions provided to date. Broadly, the feedback received fell into nine categories:

### Seniors Housing

- Some area residents expressed support for additional housing for seniors, particularly for the 55 plus age group. Members of the public shared that there is an essential and increasing need for senior oriented housing and housing marketed for seniors in the area. One member of the public voiced that not much housing is offered towards the older generation in Metro. They shared their experience waiting for a senior friendly apartment. One resident noted the vacancy rate was 1.9 percent in 2020 and encouraged independence and allowing seniors to have their own homes that are suitably designed for them. Another resident explained that the lack of housing in Nova Scotia has made it especially difficult for the older generations and many seniors have secured whatever housing they could get to avoid homelessness.
- Other members of the public expressed opposition for additional seniors housing the area. Some questioned if there was a need for more seniors housing in the area and felt there was enough seniors housing that serves the community well. One resident noted that there is an existing seniors development adjacent to the subject site and new complexes are being built on Appaloosa Run and Citation Drive. Another voiced that the location was not suitable as there are no sidewalks or transit in the neighbourhood.
- Several members of the public expressed concern that the occupants of the proposed development would not be seniors. Two residents questioned how the units would be centred for seniors and continued occupancy by seniors could be guaranteed. Another resident recommended establishing covenants to ensure the development can only be purchased by seniors and be used by seniors. Members of the public commented that residents of the proposed development should only be seniors and that their adult children and/or grandchildren should not reside with them. In addition, a spare room or basement should not be rented to anyone.
- One resident questioned if any of the units would be offered for eligible seniors subsidized housing. Another member of the public felt that the proposed form of seniors living would not be affordable for seniors.

### Design

- A couple residents liked the proposed form of seniors housing as townhouse bungalows. They expressed it offered a better alternative than moving to an apartment from a house if the rent is competitive to an apartment rental of a similar size.
- One resident thought the design of the proposal would be a great fit to the neighbourhood and would allow residents to interact and live together which is great for older people like themselves to make friends. They liked the proposed joint backyards and community gathering room.
- Another resident hoped the development would have a high quality of construction and design.
- Several residents who opposed the proposal expressed that the communities of Uplands Park and Kingswood are mature subdivisions with single unit dwellings. They felt the proposed townhouse form would ruin the style of the existing communities.
- One member of the public questioned if the proposed number of units and height of the buildings could be guaranteed.
- Another resident expressed support for barrier free units.

- One resident felt that the buildings did not need to be higher than 2 floors, so they are compatible with adjacent buildings.

### Density

- A few area residents felt that the subdivision was built and meant to be family homes by the original developers, not townhomes. They expressed that they moved to the neighbourhood with the expectation that only two dwellings would be constructed on the subject properties instead of the proposed 19 townhouses.
- Some residents thought that the subject property is too small to house 19 dwelling units and the proposed density does not fit with the surrounding area, is overwhelming for the neighbourhood. They shared that the proposed density would adversely affect the identity and character of the existing neighbourhood of Uplands Park.
- A few members of the public expressed their support for the proposed density as it would add to the supply of apartments in the municipality where rental units are in high demand.
- One resident expressed their opposition for the proposed density until Hammonds Plains Road and Larry Uteck Boulevard become two lanes in each direction and central sewer is provided for the entire area.
- Members of the public felt that the proposed density would add significant traffic to the low density neighbourhood of Uplands Park, which is greater than what the community should be expected to absorb.

### Access, Parking and Traffic Impacts

- There were mixed opinions about the proposed access off Kenwood Avenue. Several residents opposed the location of the access off Kenwood Avenue, particularly given that the current civic address is for Kingswood Drive, whereas others expressed support for vehicular access off Kenwood Avenue. Where the original development plans showed vehicular access to the development from Kingswood Drive, some residents voiced preference for this plan. They felt vehicular access off Kingswood would have less impact on the surrounding area and where there are existing traffic lights at the Kingswood Drive – Hammonds Plains Road intersection. A couple residents expressed support for pedestrian access off Kenwood Avenue, but not vehicular access.
- Given that seniors may seek additional support services on a regular basis (including, house cleaners, continuing care, meals etc.), in addition to regular visitors, some residents suggested that the proposed parking may be inadequate. Residents felt that a parking spillover could occur in the parking lots of nearby plazas, along the Kingswood Drive gravel shoulder, and along streets of adjacent neighbourhoods. These residents felt this situation could be dangerous, particularly with snow accumulation.
- One resident noted that parking for Uplands Park is currently limited and felt that the proposed development would further impact these parking concerns. The resident explained that people who visit the park from the greater Hammonds Plains Area currently park on the church property at the corner of Crestfield and Hammonds Plains Road, where another proposal for seniors housing is being considered, or along the public streets and feared that additional traffic from the proposed development may cause a safety concern for children frequenting the park.
- Several residents expressed concern that the proposal was not in proximity to public transit.
- Several residents suggested that traffic will significantly increase for the residences of Crestview, all residents on Belmore and all residents on Kenwood Avenue. Some area residents voiced concern about truck and heavy equipment traffic related to construction of the proposed development.
- Some residents shared that the proposed density would further impact traffic concerns in the area including difficulty entering and exiting the neighbourhood from the Crestview – Hammonds Plains

intersection as well as bottlenecks along Hammonds Plains Road between Larry Uteck Boulevard and Kingswood Drive. One resident felt that the proposal should not be supported until traffic control measures are installed along Hammonds Plains Road. Another resident suggested that the addition of traffic lights at the intersection of Kingswood Drive and Crestfield would create more delays on Hammonds Plains Road as this intersection is close to existing signalized intersections at Kingswood Drive and Larry Uteck Boulevard. Alternatively, a different resident suggested adding a left turn lane coming out of Crestfield or connecting Crestfield to Kingswood so traffic could go to the signals on Kingswood to get to Hammonds Plains Road.

- One resident expressed concern about the statistics provided in the traffic impact statement suggesting that they do not accurately reflect the potential impact if they were collected during the COVID-19 pandemic. Additionally, they felt that the statistics collected from 2014 are not representative of how the area has grown exponentially over the past 7 years. Also noted was the road safety commentary and collision history that spanned over a 40-month history which included time during the entire pandemic when traffic was low. Another resident thought that the traffic impact statement did not address qualitative factors that would impact area residents of Kenwood Avenue, Woodlyn Drive and Belmont Avenue as well as the impact of traffic on Crestfield near the playground. They disagreed that the traffic impacts would be negligible.
- A couple residents suggested that the additional traffic posed by the development including traffic from residents, visitors, support staff, utility vehicles, waste trucks, UPS etc. and trucks and excavators etc. for construction would change the dynamic of the Uplands Park subdivision.
- One resident expressed that the additional traffic posed by the development would impact bus traffic to and from the Kingswood Elementary school.
- Another resident recalled that traffic can be at a standstill on Brenda Drive and Kingswood Drive out to the Hammonds Plains/ Kingswood Drive intersection. When the traffic is at a standstill, they expressed concern about getting emergency vehicles through if there was a 911 response at the school. They felt that if there is a long line of traffic coming/going from the school, there would not be enough room for vehicles to pull over to allow emergency vehicles through.

### **Pedestrian Safety**

- A couple residents suggested that the developer install a cross walk from the parking lot entrance closest to Guardian pharmacy to the drive-through entrance to Tim Horton's, closest to the Chiropractor clinic. They felt that if a walking trail access from the proposed units to the Guardian pharmacy plaza is provided, a sidewalk shouldn't be needed. Another resident requested crosswalks on existing streets in the neighbourhood to improve safety for pedestrians walking to the commercial intersection of Kingswood Drive and Hammonds Plains Road.
- Several residents expressed that the added vehicular traffic would impact the safety of pedestrians in the neighbourhood including children walking and biking to school as well as the basketball court and playground nearby.
- A couple residents asked if measures could be put in place to slow traffic and improve safety for pedestrians in the neighbourhood.
- One resident expressed that the Uplands Park subdivision is an older subdivision, is small with not much traffic, which allows children to play in the street and feel safe. They suggested that the added traffic would impact the ability for children to play in the streets and the existing streets cannot handle the added traffic due to vehicles being parked along the streets, small driveways and the roads cannot be widened.

### **Site Maintenance**

- One resident asked if HRM would plow the proposed development or if it will be private?



- Another resident expressed that, where there are predominantly single unit dwellings on large lots in the area that require significant maintenance, the proposed development was attractive as maintenance would be included for a rental unit.

### Environmental Impacts

- One resident recalled wildlife that frequent their property throughout the year and expressed concern that the proposed development could impact the neighbourhood wildlife.
- Adjacent neighbours mentioned that the subject properties are wet. They expressed concern about the proposed on-site sewage system and the absence of any independent input into the safety of the plans in this regard and the potential risk to adjacent properties and quality of life. Residents asked if an environmental assessment addressing this concern was completed?

### Construction Impacts

- A couple residents felt that construction of the proposed units will be extensive and reduce the enjoyment of their property while construction is ongoing.
- One resident recalled that the adjacent school experienced challenges with bedrock and they ended up with some property damage after blasting was done to construct the school. The resident noted that the matter was corrected after they incurred legal fees and hassles but expressed concern about experiencing that again.

### Other

- A couple members of the public expressed concern about the effects on property values ability to be able to sell their house in the future. They felt that construction of the proposed development may interrupt the current quiet, secluded area.
- One resident expressed concern about light and traffic now in their backyard.
- A resident felt that the proposed development would reduce their enjoyment of their property.
- A couple residents voiced concern about noise. One resident thought there would be an increase in noise as a result of potential increase in ambulance calls given the proposal is for seniors which they felt would disrupt the peace and tranquility of the subdivision as well as be of cause for concern for young children who become anxious at the sound of sirens. Another resident felt increased noise would make it hard for teachers and students of Kingswood Elementary to hear in the three newly installed portables.
- One resident asked when the development would start construction and what is the proposed time frame.
- One resident recalled that a previous Councillor from 1996-2021 heard public concerns regarding safety when the school was being built and promised sidewalks to improve safety of children walking to school but noted that it never happened.
- A member of the public expressed that the proposal should be looked at together with other development proposed in the area.
- A couple residents felt that the subject properties were zoned for R-1 uses and that when they purchased their property, they had an expectation that only single unit dwellings could be built on the lots. One of the residents believed that the proposal was not in accordance with the overall development plan for Kingswood.
- One resident expressed concern about privacy.