



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

Item No. 13.1.1
Halifax and West Community Council
January 17, 2023

TO: Chair and Members of Halifax and West Community Council

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

DATE: January 10, 2023

SUBJECT: **Case 24123: Amendment to Development Agreement for The Links at Brunello, Timberlea**

ORIGIN

Application by ZZap Consulting Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment A, to add self-storage facility as a permitted use at The Links at Brunello and schedule a public hearing;
2. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the amending development agreement be signed by the property owner within 120 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

ZZap Consulting Inc. has applied for addition of a self-storage facility as a permitted land use within the “Ca” designation under the approved development agreement (2002) for The Links at Brunello. The agreement applies a “Ca” designation to the C-2 (General Business) zoned lands along the south side of St. Margaret’s Bay Road beginning at the intersection with Timberlea Village Parkway. This designation permits C-2 (General Business) Zone uses in accordance with the provisions of the Timberlea-Lakeside-Beechville Land Use By-law (LUB). A self-storage facility is not a permitted use in the C-2 Zone, which necessitates the amendment to the agreement to allow the use. This substantive amendment request to add the use must be approved following a public hearing held by Halifax and West Community Council. Subject to Council’s approval, the use would be approved through the permit application process.

Subject Site	PID 41404203, St. Margarets Bay Road
Location	West of the Timberlea Village Parkway and Highway 3 intersection, Timberlea
Regional Plan Designation	Urban Settlement (US) and shown as an Urban Local Growth Center on Map 1: Settlement and Transportation
Community Plan Designation (Map 1)	Community Core (CC) and Urban Residential (UR) under Timberlea-Lakeside-Beechville Municipal Planning Strategy (MPS)
Zoning (Map 2)	C-2 (General Business) and CCD (Comprehensive Development District) under the Timberlea-Lakeside-Beechville LUB
Size of Site	9531.1 square metres
Street Frontage	95 metres
Current Land Use(s)	Undeveloped; site cleared and graded
Surrounding Use(s)	<u>North</u> : low-rise residential development on the opposite side of Highway 3 fronting onto Trinity Way; <u>East</u> : commercial uses extend to residentially developed Lakeview Drive; <u>South</u> : golf course abuts rear of site extending to residentially developed Merlot Court, Avignon Lane, Chaucer Lane and Stoneway Lane; all off Maple Grove Avenue that, after intersecting with Timberlea Village Parkway, continues westerly as Brunello Boulevard from the intersection; and <u>West</u> : commercial development extends up to and past Timberlea Village Parkway continuing with residential development along Highway 3; abutting golf course in the rear.

Proposal Details

The applicant proposes to add the self-storage facility use to the existing development agreement for Brunello. The major aspects of the proposal are as follows:

- Add a self-storage facility as a land use;
- Reduce the number of required parking spaces to 20;
- Allow a maximum height of 36 feet compared to the 30 feet in height permitted under the LUB; and
- Guide building design and site development by the detailed rendering of the proposal shown in a new schedule added to the Agreement.

Existing Development Agreement

The original development agreement (2002) allows a mixed residential and commercial community surrounding the Brunello Golf Course in Timberlea. The existing development agreement permits 3,200 dwellings in a mix of single unit dwellings, two-unit dwellings, townhouses and apartment buildings and provides a conceptual layout of the planned community. The agreement sets up the parameters of the planned community, and then requires non-substantive amendments to the agreement to implement the

development as envisioned. As this request would modify what the original concept envisioned, the amendment would follow the substantive amendment process and require a public hearing.

Since its original approval, the development agreement has been amended upwards of a dozen times, most recently by Halifax and West Community Council on July 19, 2022 (Case 23016), to allow residential development fronting on certain golf holes within the Links at Brunello planned community development and changes to certain Golf Course Safety Margin boundaries.

Enabling Policy and LUB Context

The enabling policy is Policy UR-27 of the Timberlea-Lakeside-Beechville MPS, which reads as follows:

Within the area as shown on Map UR-1, Council may consider permitting a mixed use development, with a range of land uses including a golf course, low density residential, townhousing, multiple unit dwellings, a town centre, various commercial development, and an office campus. Such development may only be considered through the development agreement process, and pursuant to the policies outlined specific to this site and having regard to the provisions of Policy IM- 12.

The subject lands are split zoned C-2 (General Business) and CDD (Comprehensive Development District) under the LUB. Development within the C-2 zoned portion of the lands is permitted as-of-right in accordance with the provisions of the C-2 Zone and consistent with the intent of the development agreement. No development is permitted in the CDD zoned portion except by development agreement.

The C-2 (General Business) Zone permits retail and food stores; service shops; offices; commercial schools; financial uses; restaurants (and drive-in and take-out); car lots; shopping plazas and malls; lodging and associated entertainment uses; commercial recreation; service stations; taxi and bus depots; parking lots; greenhouses and nurseries; veterinary uses; recycling depots; theatres and cinemas; trades contracting services and shops; and local fuel distribution facilities.

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 (198 unique page views from mid-April 2022 until October 31, 2022), signage posted on the subject site and letters/fact sheet mailed to 43 property owners within a 500 feet notification area. The public comments received include the following topics:

- Existing self storage facilities frequent in surrounding area;
- Vehicle dependent self storage use not appropriate in walkable, pedestrian, urban centre;
- 24-hour operation raises noise and light pollution concerns;
- Provide ground floor use to activate pedestrian realm;
- Environmental concerns related to site preparation;
- Need assurance proposed building gets built as displayed to community; and
- Too much parking.

A public hearing must be held by Halifax and West Community Council before they may consider approval of the proposed amending 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.

DISCUSSION

Staff have 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 amending development agreement in relation to the relevant MPS policies.

Proposed Amending Development Agreement

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

- Addition of self storage facility to Agreement as permitted use in “Ca” designation;
- Limits number of surface parking spaces to 20;
- Allows maximum building height of 36 feet;
- Other than parking and height changes the self storage facility will be subject to provisions of C-2 Zone of LUB as other uses permitted under the “Ca” designation; and
- Schedule showing building rendering to be attached to DA to ensure reasonable conformance.

The attached amending development agreement will permit a self-storage facility, subject to the controls identified above.

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 C-2 zoned lands along St. Margarets Bay Road from Timberlea Village Parkway to Lakeview Drive were not included under the CDD Zone assigned to lands under a development agreement. However, these lands were retained under the agreement to enable creation and application of the “Ca” designation that allows them to be developed “as-of-right” through the permit application process.

The “Ca” designation allows the requested self storage facility to be added to the development agreement while being subject to the provisions of the C-2 Zone of the LUB without amendment to the LUB. The self storage facility use is not out of character in terms of height, bulk or lot coverage with existing adjacent commercial uses or other permitted commercial uses under the C-2 Zone. Therefore, staff recommend that the Halifax and West Community Council approve the proposed amending 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 2022-2023 operating budget for Planning and Development.

RISK CONSIDERATION

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

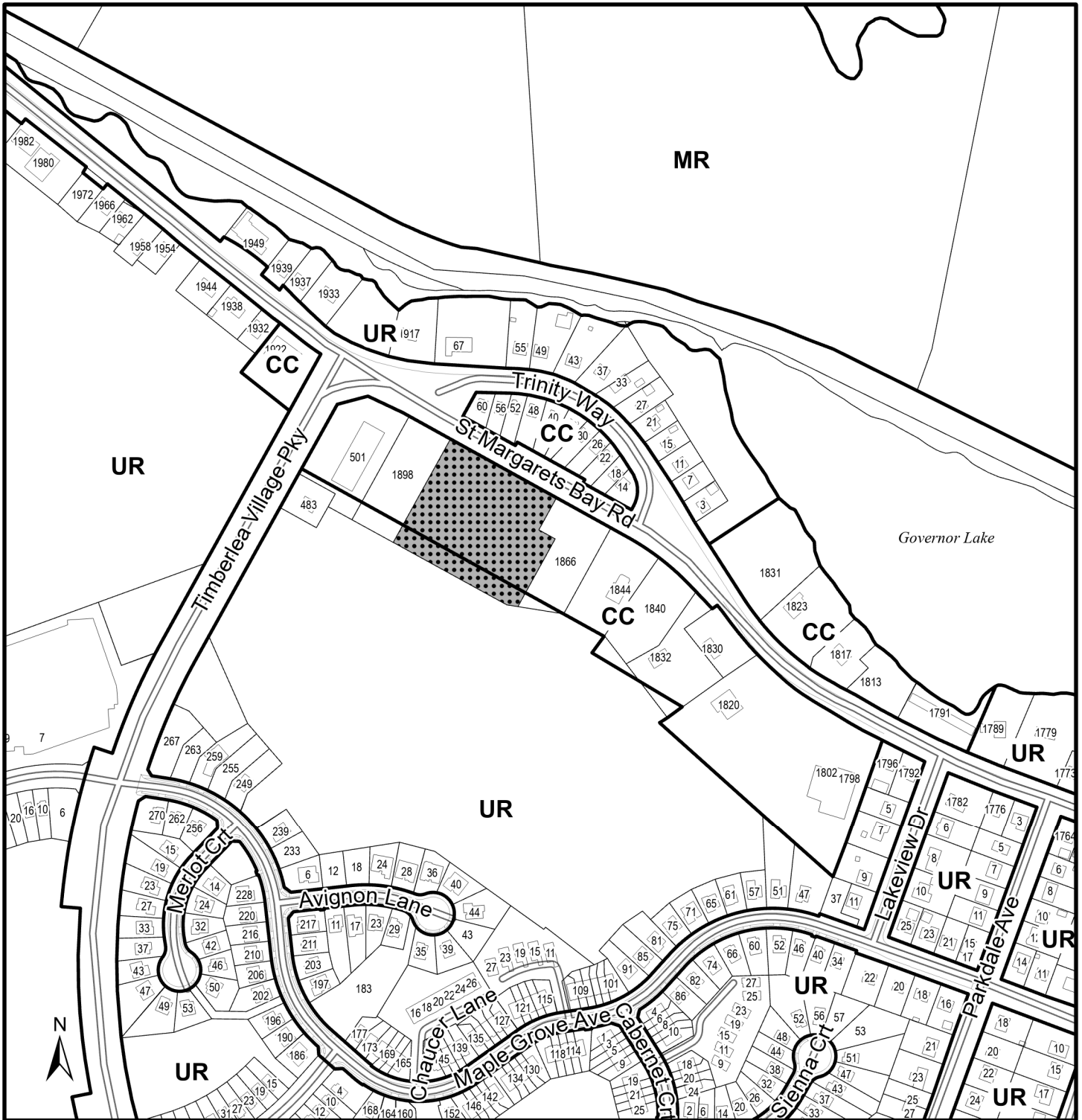
1. Halifax and West Community Council may choose to approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this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

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amending Development Agreement
Attachment B:	Review of Relevant MPS Policies

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: Darrell Joudrey, Planner II, 902.225.8630



Map 1 - Generalized Future Land Use

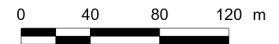
PID: 41404203
 St Margarets Bay Rd, Timberlea

HALIFAX

 Subject Property

Designation

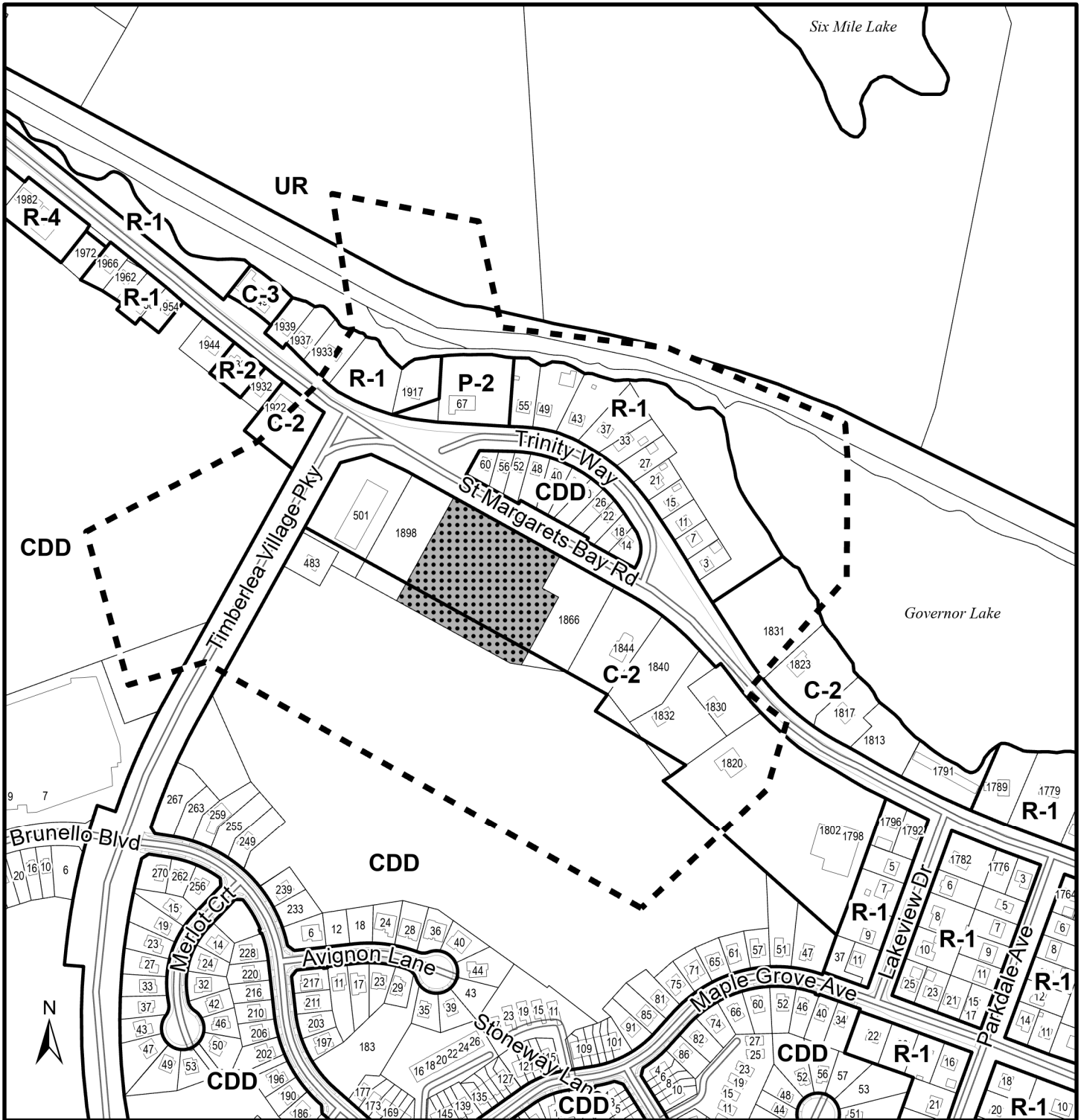
- UR Urban Residential
- CC Commercial Core
- MR Mixed Resource



Timberlea/Lakeside/Beechville
 Land Use By-Law 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.





Six Mile Lake

Governor Lake

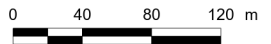
Map 2 - Zoning and Notification Area

PID: 41404203
St Margarets Bay Rd, Timberlea

HALIFAX

-  Subject Property
-  Area of Notification

Zone	
R-1	Single Unit Dwelling
R-2	Two Unit Dwelling
R-4	Multi-Unit Dwelling
C-2	General Business
C-3	Service Business
P-2	Community Facility
CDD	Comprehensive Development District
UR	Urban 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.

Timberlea/Lakeside/Beechville
Land Use By-Law Area

Attachment A: Proposed Amending Development Agreement

THIS FIFTEENTH 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 on the St. Margaret's Bay Road, Halifax (PID 41404203) within Timberlea which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS on December 18, 2001 the former Western Region Community Council approved an application to enter into a development agreement to allow for a mixed use community with a golf course on the Lands (municipal case 00265), which said Development Agreement was registered at the Land Registration Office in Halifax on February 14, 2002 as Document Number 6552 in Book Number 6969 at Pages (933 to 993) (hereinafter called the "Original Agreement");

AND WHEREAS on June 23, 2003 the former Western Region Community Council approved an application to enter into an amending development agreement to allow changes to the road network on the Lands (municipal case 00590), which said Development Agreement was registered at the Land Registration Office in Halifax on August 27, 2003 as Document Number 37295 in Book Number 7458 at Pages 107 to 118 (hereinafter called the "First Amending Agreement");

AND WHEREAS on March 8, 2004 the former Western Region Community Council approved an application to enter into an amending development agreement to modify the approved road network on the Lands (municipal case 00623), which said Development Agreement was registered at the Land Registration Office in Halifax on April 21, 2004 as Document Number 75364217 in Book Number 7667 in Pages 906 to 921 (hereinafter called the "Second Amending Agreement");

AND WHEREAS on March 29, 2004 the former Western Region Community Council approved an application to enter into an amending development agreement to allow for greater variation in the requirements for single unit dwellings on the Lands (municipal case 00536), which said development agreement was registered at the Land Registration Office in Halifax on July 15, 2004 as Document Number 75884560 in Book Number 7797 in Pages 156 to 162 (hereinafter called the "Third Amending Agreement") and which do not apply to the Lands;

AND WHEREAS on June 25, 2007 the former Western Region Community Council on approved an application to enter into an amending development agreement to remove the limited number of units to be developed as a result of resolving capacity constraints, along with housekeeping amendments on the Lands (municipal case 01040), which said Development Agreement was registered in the Land Registration Office in Halifax on August 7, 2008 as several document numbers, including Document Number 91320987 (hereinafter called the "Fourth Amending Agreement");

AND WHEREAS on July 26, 2010 the former Western Region Community Council approved an application to enter into an amending development agreement to provide additional density tracking information with each Building Permit application on the Lands (municipal case 01312), which said Development Agreement was registered in the Land Registration Office in Halifax on November 9, 2010 As Document Number 97179270 (hereinafter called the "Fifth Amending Agreement");

AND WHEREAS on September 26, 2011 the former Western Region Community Council an application to enter into an amending development agreement to modify the road layout, parkland size and configuration and to complete minor text changes on the Lands (municipal case 16934), which said Development Agreement was registered at the Land Registration Office in Halifax on February 17, 2012 as several document numbers, including Document Number 1001197404 (hereinafter called the "Sixth Amending Agreement");

AND WHEREAS on September 24, 2012 the former Western Region Community Council approved an application to enter into an amending development agreement to develop Blocks 1, 2 and 3 for alternate housing on the Lands (municipal case 17521), which said Development Agreement was registered at the Land Registration Office in Halifax on January 9, 2013 as Document Number 102272615 (hereinafter called the "Seventh Amending Agreement") and which do not apply to the Lands;

AND WHEREAS on September 23, 2013 the Halifax and West Community Council approved an application to enter into an amending development agreement to alter the Commercial Use boundary along Market Way Lane and clarify standards for commercial development on Ca (Commercial) lands on the Lands (municipal case 17826), which said Development Agreement was registered at the Land Registration Office in Halifax on January 22, 2014 as Document Number 104497863 (hereinafter called the "Eighth Amending Agreement");

AND WHEREAS on June 4, 2014 the Halifax and West Community Council approved an application to enter into an amending development agreement to alter lot frontage requirements for single unit dwellings on the Lands (municipal case 18232), which said Development Agreement was registered at the Land Registration Office in Halifax on March 16, 2015 as Document Number 106793556 (hereinafter called the "Ninth Amending Agreement");

AND WHEREAS on October 10, 2017 the Halifax and West Community Council approved an application to enter into an amending development agreement to allow for reduced frontage single unit dwellings to be located on Boulevards and Modified Urban Minor Collector Streets on the Lands (municipal case 20141), which said Development Agreement was registered at the Land Registration Office in Halifax on January 5, 2018 as Document Number 111977832 (hereinafter called the "Tenth Amending Agreement");

AND WHEREAS on September 12, 2017 the Halifax and West Community Council approved an application to enter into an amending development agreement to allow one multi-unit building (municipal case 20447) on the Lands, which said Development Agreement was registered at the Land Registration Office in Halifax on January 31, 2018 as Document Number 112095618 (hereinafter called the “Eleventh Amending Agreement”) and which do not apply to the Lands;

AND WHEREAS on February 14, 2018 the Halifax and West Community Council approved an application to enter into an amending development agreement to allow for a change in alternative housing type on Blocks 2 and 3 on the Lands (municipal case 21446), which said Development Agreement was registered at the Land Registration Office in Halifax on February 19, 2019 as Document Number 114043384 (hereinafter called the “Twelfth Amending Agreement”) and which do not apply to the Lands;

AND WHEREAS on May 11, 2021 the Halifax and West Community Council approved an application to enter into an amending development agreement to allow for a multi-unit building with three towers on property PID 41404567 (municipal case 22898), which said Development Agreement was registered at the Land Registration Office in Halifax on January 11, 2022 as Document Number 119939883 (hereinafter called the “Thirteenth Amending Agreement”) and which do not apply to the Lands;

AND WHEREAS July 19, 2022 the Halifax and West Community Council approved an application to enter into an amending development agreement to move the existing Golf Course Safety Margin and to allow residential development close to the golf course on the Lands (municipal case 23016), which said Development Agreement was registered at the Land Registration Office in Halifax on September 16, 2022 as Document Number 121318506 (hereinafter called the “Fourteenth Amending Agreement”) and which do not apply to the Lands;

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

AND WHEREAS the Developer has requested further amendments to the Existing Agreement to allow development of a self-storage facility on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies UR-27 to UR-34 of the Timberlea / Lakeside / Beechville Municipal Planning Strategy and Section 21 of the Timberlea / Lakeside / Beechville Land Use By-law (hereinafter called the “Fifteenth Amending Agreement”);

AND WHEREAS the Halifax and West Community Council approved this request at a meeting held [date], referenced as municipal case 24123;

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

1. Except where specifically varied by this Fifteenth Amending Agreement, all other conditions and provisions of the Existing Agreement as amended shall remain in effect.

2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Fifteenth Amending Agreement, and the Existing Agreement.

3. The Existing Agreement shall be amended by inserting the following Schedule:

Schedule B2.E Self-Storage Facility and Landscape Design (attached)

4. Section 2 of the Existing Agreement shall be amended, by inserting the text shown in bold and deleting the text shown in strike out, immediately after Subsection 2.4.8, clause (b), subclause (i) as follows:

(ii) **Notwithstanding 2.4.8(b)(i), a self-storage facility may be developed as a local commercial use within the “Ca” designation and shall be subject to the requirements of the C-2 Zone under the Land Use By-law for Timberlea-Lakeside-Beechville except for a reduction in the number of required parking spaces to a minimum of 20 spaces and an increase in height to 36 feet. The self-storage facility shall emulate the layout and design illustrated at generally shown on Schedule B2.E**

~~(ii)~~(iii) Notwithstanding 2.4.8 (a), local commercial uses may be developed at the corner of Greenhead Road and Highway 3 (“Bra”) subject to approval of a non-substantial amendment to this Agreement, with consideration given to architecture, building height and lot coverage, landscaping, parking, location of access and egress points, signage, provision of adequate landscaping, and provision of adequate separation and screening from adjacent residential uses.

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

Print Name: _____

Print Position: _____

Date Signed: _____

=====

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

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____

MAYOR

Date Signed: _____

Witness

Per: _____

MUNICIPAL CLERK

Date Signed: _____

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

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

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

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

A Commissioner of the Supreme Court
of Nova Scotia

Schedule B2.E: Self-Storage Facility and Landscape Design



Attachment B: Review of Relevant MPS Policies

Timberlea-Lakeside-Beechville Municipal Planning Strategy	
Policy	Staff Comment
<p>Policy UR-27 Within the area as shown on Map UR-1, Council may consider permitting a mixed use development, with a range of land uses including a golf course, low density residential, townhousing, multiple unit dwellings, a town centre, various commercial development, and an office campus. Such development may only be considered through the development agreement process, and pursuant to the policies outlined specific to this site and having regard to the provisions of Policy IM- 12.</p>	<p>The subject site is within the area shown on Timberlea-Lakeside-Beechville MPS Map UR-1 where the requested use may be considered by the development agreement process. The requested amending agreement would be the 15th amendment to the original development agreement, which was approved by Western Region Community Council in 2001.</p> <p>The proposed development will meet the provisions of the C-2 zone and Policy IM-12.</p>
<p>Policy UR-28 Within the area shown on Map UR- 1, a range of housing types to a maximum of 3200 dwelling units shall be provided for, subject to the following:</p>	
<p>(a) That a substantial number of single unit dwellings be provided, especially adjacent to existing low density neighbourhoods;</p>	<p>n. a.</p>
<p>(b) Alternative forms of single units such as clustered units, retirement cottages and live-work units may be considered as a small proportion of the total number of single units;</p>	<p>n. a.</p>
<p>(c) Auxiliary dwellings, two unit dwellings and townhousing shall be permitted subject to appropriate criteria on building and site design;</p>	<p>n. a.</p>
<p>(d) Medium density housing may be permitted, subject to appropriate limits on density, and with appropriate requirements for landscaping and tree retention, architectural design features to ensure a high-quality appearance of buildings, variety in scale, massing and height, and provision of sufficient amenity space;</p>	<p>n. a.</p>

(e) That where single unit dwellings about the Westgate site, only single unit dwellings or open space uses may be considered; and	n. a.
(f) That a range of adequate recreation facilities is provided, pursuant to current municipal parkland planning guidelines.	n. a.
<p>Policy UR-29 Within the area shown on Map UR- 1, development of a golf course and associated uses shall only be permitted through the development agreement process, to address the following:</p>	
(a) potential environmental impacts of the golf course on waterbodies (namely Nine Mile River, and streams and piped systems leading into Otter Lake and Governor's Lake) during and after construction;	n. a.
(b) provision of adequate separation of golf holes from existing and new housing according to current accepted standards;	n. a.
(c) provisions of municipal easements for stormwater drainage from streets and residential properties onto the golf course;	n. a.
(d) conditions for any use of treatment plan effluent in irrigation;	n. a.
(e) regulated public use of designated portions of the course for pond skating and sledding in a manner which does not encourage damage of the golf course;	n. a.
(f) The use of alternative street and access standards, grading, and private streets, can assist with tree preservation, and create a more country like character for a development, even within an urban area. However, past experience has shown that there is very often a demand from residents to upgrade to a higher street standard, and any development agreement must therefore address this to ensure that costs for such upgrading are not borne by the public. In addition, it is important that an adequate mechanism is put in place to deal with snow and ice clearing and surface maintenance of any private roads and lanes.	n. a.

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

<p>Policy UR-32 It shall be the intention of Council to consider an expansion of the commercial area adjacent to Exit 3 off Highway 103 subject to the provisions of Policy IM-12.</p>	<p>n. a.</p>
<p>Policy UR-33 It shall be the intention of Council to consider development of an office campus, between the proposed Timberlea East Collector and Highway 103, adjacent to Exit 3 through the development agreement process and subject to the following criteria:</p> <ul style="list-style-type: none"> (a) landscaping; (b) signage design; and (c) provision of adequate internal roads, parking, and service areas. 	<p>n. a.</p>
<p>Policy UR-34 It shall be the intention of Council to require the developer of the lands as shown on Map UR-1 to contribute toward the future upgrading of Timberlea Village Drive which bisects the site. The amount of such contribution shall be determined based on the findings of a transportation study, to be undertaken at the developer's expense, which shall determine the proportion of costs attributable to the development. (RC-October 31, 2001/E-December 8, 2001)</p>	<p>n.a.</p>
<p>Policy IM-12 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:</p>	
<p>a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.</p>	<p>(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.</p>
<p>(b) that the proposal is not premature or inappropriate by reason of:</p>	

(i) the financial capability of the Municipality to absorb any costs relating to the development;	Staff do not anticipate that the proposed amendment would have a financial impact on the municipality. All development costs to be borne by developer.
(ii) the adequacy of sewer and water services;	No concerns from Halifax Water at this time. Note they did not review or provide comments as the overall number of units and the mix of unit types throughout the development agreement area is not proposed to change. Water and sewer requirements are anticipated to remain the same.
(iii) the adequacy or proximity to school, recreation or other community facilities;	The proposed amendment would not be expected to change demand for education, recreation or other community facilities.
(iv) the adequacy of road networks leading or adjacent to, or within the development; and	HRM Development Engineering will review the application at the time of permit application process.
(v) the potential for damage to or for destruction of designated historic buildings and sites.	No concerns as there are no historic buildings or sites in the area abutting or within surrounding area.
(vi) the proposed means of handling storm water and general drainage within and from the development.	Lot Grading Plan and Stormwater Drainage plan required at permit application process.
(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) type of use;	The proposed development is a self-storage facility. The overall number of residential units and mix of unit types permitted by the existing DA will not change.
(ii) height, bulk and lot coverage of any proposed building;	Height and lot coverage will be controlled by the C-2 zone requirements under the TLB LUB and proposed amendments to the existing Agreement.
(iii) traffic generation, access to and egress from the site, and parking;	HRM Development Engineering will review application at time of permit application process.

<p>(iv) open storage and outdoor display;</p>	<p>Not applicable as request is for indoor self-storage. Any open storage and outdoor display for live-work units controlled by the existing DA and not requested to change.</p>
<p>(v) signs; and</p>	<p>Controlled by the existing DA and not proposed to change.</p>
<p>(vi) any other relevant matter of planning concern.</p>	<p>There are no design guidelines in this plan area. The design of the building visible from the public realm will address scale, proportion, materiality and rhythm of the façade by adopting a schedule showing a 3-D rendering of the proposed self storage facility.</p>
<p>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.</p>	<p>No concerns – there are no watercourses in the area of the proposed development.</p>
<p>(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.</p>	<p>n. a.</p>