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Item No. 4.1.2
Harbour East-Marine Drive Community Council
October 3, 2024
October 17, 2024 Special Meeting

TO: Chair and Members of Harbour East-Marine Drive Community Council

FROM: Peter Duncan, Acting Executive Director of Planning and Development

DATE: September 26, 2024

SUBJECT: **PLANAPP 2024-00648: Amending Development Agreement for 2 Montebello Drive, Dartmouth**

ORIGIN

Application by Zzap Architecture and Planning.

EXECUTIVE SUMMARY

This report recommends a refusal of proposed amendments to an existing development to allow two (2) additional units to an approved 42-unit apartment building at 2 Montebello Drive, Dartmouth. The proposed two additional units will result in a reduction of approximately 181 square meters (1,950 sq. ft) of amenity space which is intended as common space for the residents occupying the building. The proposed amendment will not change the height, exterior, or building footprint of the approved building. Staff recommend that Harbour East-Marine Drive Community Council refuse the proposed amending development agreement as the proposed amendment to the existing development agreement is not reasonably consistent with the intent of the Dartmouth Municipal Planning Strategy. There are no budgetary implications as the applicant will bear all costs, expenses, liabilities, and obligations necessary to fulfill the terms of this proposed amending development agreement.

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council:

1. Refuse the proposed amending development agreement which would enable the conversion of interior amenity space to create two additional units to the approved six storey 42-unit multiple unit dwelling at 2 Montebello Drive, as set out in Attachment A of this report.

BACKGROUND

Zzap Architecture and Planning on behalf of property owner, Yellowstone Commercial Holdings Ltd., has applied to amend the existing development agreement to allow for the conversion of interior amenity space to create an additional two residential units within the penthouse of the 42 unit, six storey apartment building.

Subject Site	2 Montebello Drive (PID 00249771), Dartmouth
Location	The south-east corner of the Waverley Road and Montebello Drive intersection
Regional Plan Designation	Urban Service (US)
Community Plan Designation (Map 1)	Waverley Road designation (WR) under the Dartmouth Municipal Planning Strategy
Zoning (Map 2)	Single Family Residential (R-1)
Size of Site	Approximately 2,733.9m ² (29,427 sq. ft.)
Street Frontage	Approximately 62.5m on Montebello Drive and 50.2m on Waverley Road
Current Land Use(s)	Apartment building
Surrounding Use(s)	Low rise commercial buildings to the east, south and north. Low density residential dwellings to the west.

Proposal Details

The applicant proposes to increase the total number of residential units from 42 to 44 within the approved six storey apartment building at the intersection of Waverley Road and Montebello Drive in Dartmouth. The major aspects of the proposal are as follows:

- The existing Development Agreement ([case 23374](#)) permitted a six storey building with 42 units;
- The proposed change would increase the total number of units from 42 to 44 by converting indoor amenity space within the penthouse into two residential units;
- A 65 square meter (700 square foot) amenity space on level three of the building would remain and the 181 square meters (1,950 sq. ft) of penthouse amenity space would be removed and converted to two residential units; and
- No exterior changes proposed at this time.

Enabling Policy and LUB Context

On September 22, 2020, Regional Council approved policy amendments to the Dartmouth Municipal Planning Strategy (MPS) which redesignated 2 Montebello Drive from the Neighborhood sub-designation to the Mixed-Use sub-designation within the Waverley Road designation. This Mixed-Use sub-designation allows Council to consider a multi-unit building on the subject site in accordance with Policy C-41, IP-5 and IP-1(c) of the Dartmouth MPS. The report in support of the policy amendments outlined that the proposal development was considered to be reasonably consistent with the proposed policy amendments but cautioned that further review was required as part of the development agreement process in terms of density and compatibility with the existing neighbourhood.

On December 2, 2021 Harbour East-Marine Drive Community Council approved a development agreement for the six storey building with 42 residential units. The staff review of the proposal against all relevant policy criteria determined that it was not reasonably consistent with the intent of the Dartmouth MPS. That staff report conclusion summarized that:

“there is explicit policy direction that new developments should reflect what already exists within the community in terms of use, height, bulk and scale. Also, the policy asks that Council use the density standards of the R-3 Zone as a guide. The proposed development is not consistent with what is existing in the area and does not reasonably align with the R-3 Zone as a guide to density.”

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise the proposal, a conversion of amenity space to an additional two units to the existing building, is not reasonably consistent with the intent of the Dartmouth MPS. As noted above, the staff recommendation did not support the original proposal for a six-storey residential building. There has been no change to the policies and the area context remains largely the same. Therefore, the current proposal to reduce amenity space and create two residential units remains inconsistent with the policies of the Dartmouth MPS. Attachment B provides an evaluation of the proposed amending development agreement in relation to the relevant MPS policies.

Multiple Unit Dwellings

Policy C-41 allows Council to consider an apartment building on this site by development agreement. During the creation of the Waverley Road policies in 2009, it was determined that multiple unit dwellings were a desirable building form for the area and would contribute to a walkable, mixed-use community. This policy was intended to mitigate the impacts higher density residential uses can have on the existing neighborhood. To that end, one aspect of the policy directs Council to use the density standards of the R-3 Zone as a guide. Staff have reviewed the R-3 Zone and note that the maximum number of units (density) permitted on the site would be 22 one-bedroom units (less units would be permitted if two-unit dwellings were included based on the zone requirements). The current proposal of 44 units is double that which would be allowed under the zone.

Density can also be measured in the mass and scale of a building. The following table provides a comparison between what the R-3 Zone would require and that of the proposal:

	R-3 Zone Requirement	Proposal
Lot Coverage	25%	70%
Side and Rear Yard Setback	10.4m (34') [4.6m (15') or half the height of the building]	Rear = 0.2m (0.67') Side = 3.3m (10.8')
Front Yard Setback	13.8m (45.3') from Waverley Rd. 7.6m (25') from Montebello Dr.	3m (9.8') from Waverley Rd. (0m after road widening) 3m (9.8) from Montebello Dr.
Amenity Area	817.5m ² (8,800 sq. ft.)	65.03 m ² (700 sq. ft.)

As per the comparison outlined in the table above, staff advise that the proposal does not use the standards of the R-3 Zone as a guide for density in terms of building scale and massing. It should be noted that the R-3 Zone is an older zone and may not necessarily exemplify the most current thinking on good urban design practices. This context notwithstanding, both Council and staff are ultimately obligated to assess proposals against the existing policies which apply to a site. Under these existing policies, it has been assessed that the proposal is not reasonably consistent with policy intent.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, this planning application was assessed against the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax’s Inclusive Economic Strategy 2022-2027. While these priority plans often contain policies which were originally intended to apply at a regional level and inform the development of Municipal Planning Strategy policies, there are still components of each plan which can and should be considered on a site-by-site basis. Where conflict between MPS policy and priority plan policy exists, staff must weigh the specificity, age, and intent of each policy, and consider how they would be applied to a specific geographic context. In this case, the following policies were identified to be most relevant to this application, and as such were used to inform the recommendation within this report:

- 1) Designating areas for higher density residential development where there is an existing or proposed high level of transit service such as a proposed Transit Priority Corridor to support the development of walkable, affordable transit-oriented communities (Action 17 Integrated

- Mobility Plan). The subject site is not on an existing or proposed high level of transit service such as a proposed Transit Priority Corridor to support higher density residential.
- 2) Increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax's Inclusive Economic Strategy 2022-2027). The subject site has been selected as a site for increasing housing stock by way of allowing 42-unit multiple unit dwelling, however the addition of two units will result in a significant decrease of 181 square meters (1,950 sq. ft) of amenity space for the residences of 2 Montebello Drive.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is not reasonably consistent with the intent of the Dartmouth MPS. Considering the policy asks that Council use the density standards of the R-3 Zone as a guide, the proposed development does not reasonably align with the R-3 Zone as a guide to density. Therefore, staff recommend that the Harbour East-Marine Drive Community Council refuse the proposed development agreement.

FINANCIAL 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 2024-2025 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.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website and signage posted on the subject site. The HRM website received a total of 154 unique pageviews over the course of the application, with an average time on page of 18 seconds.

A public hearing must be held by the Harbour East-Marine Drive 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 advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

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

ALTERNATIVES

1. Harbour East-Marine Drive Community Council may choose to approve the proposed development agreement as contained in Attachment A. In selecting this alternative, Harbour East-Marine Drive Community Council may:
 - a. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment A, to permit the reduction of penthouse amenity space and the increase of residential units to 44 for a building under construction at 2 Montebello Drive, and schedule a public hearing on or before October 18, 2024;
 - b. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
 - c. Require the 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.

A decision of a Community Council to approve or refuse to approve the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.

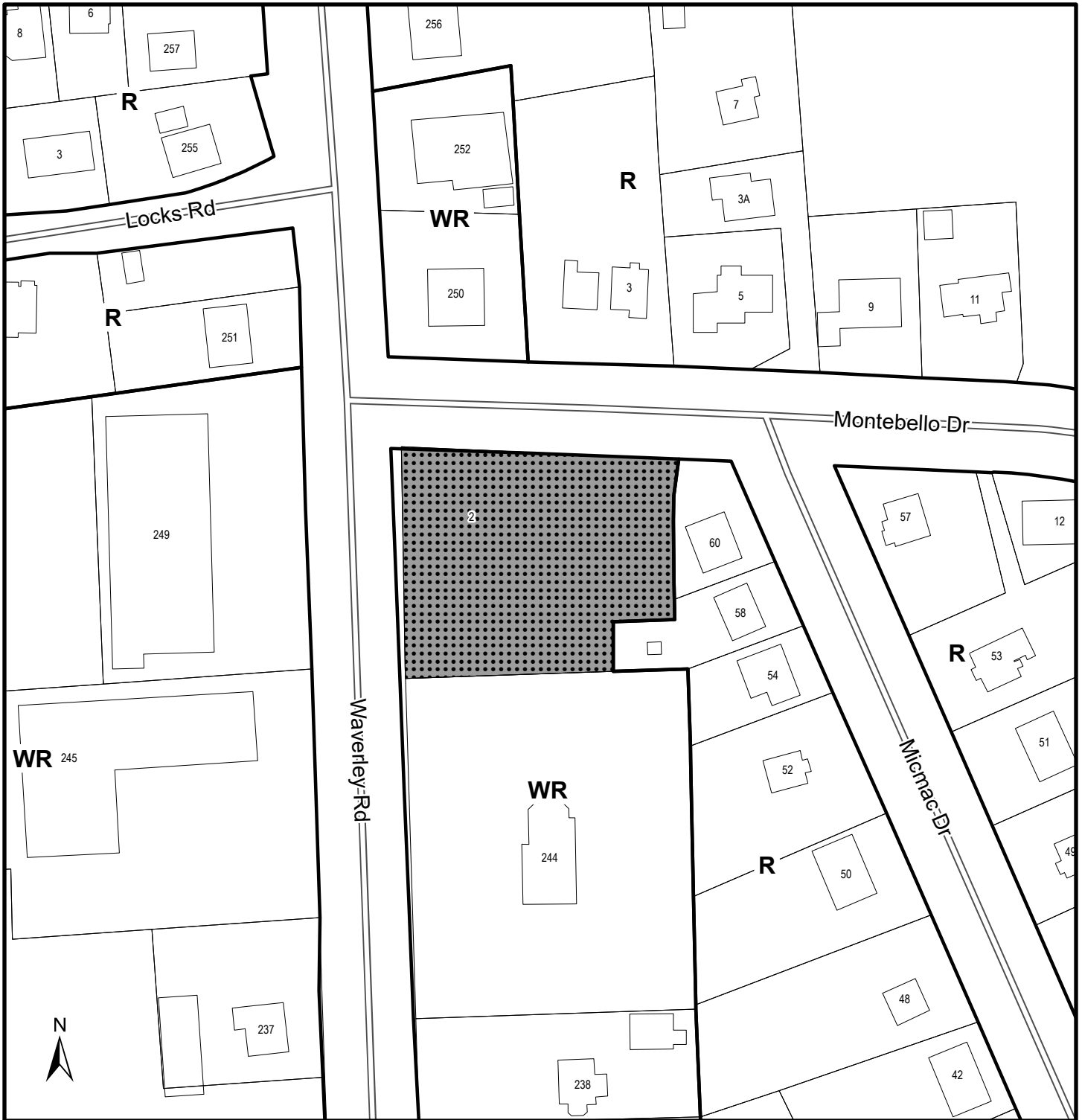
2. Harbour East-Marine Drive Community Council may choose to approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Community Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

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

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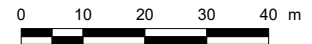
Map 1 - Generalized Future Land Use

2 Montebello Dr,
Dartmouth

HALIFAX

 Subject Property

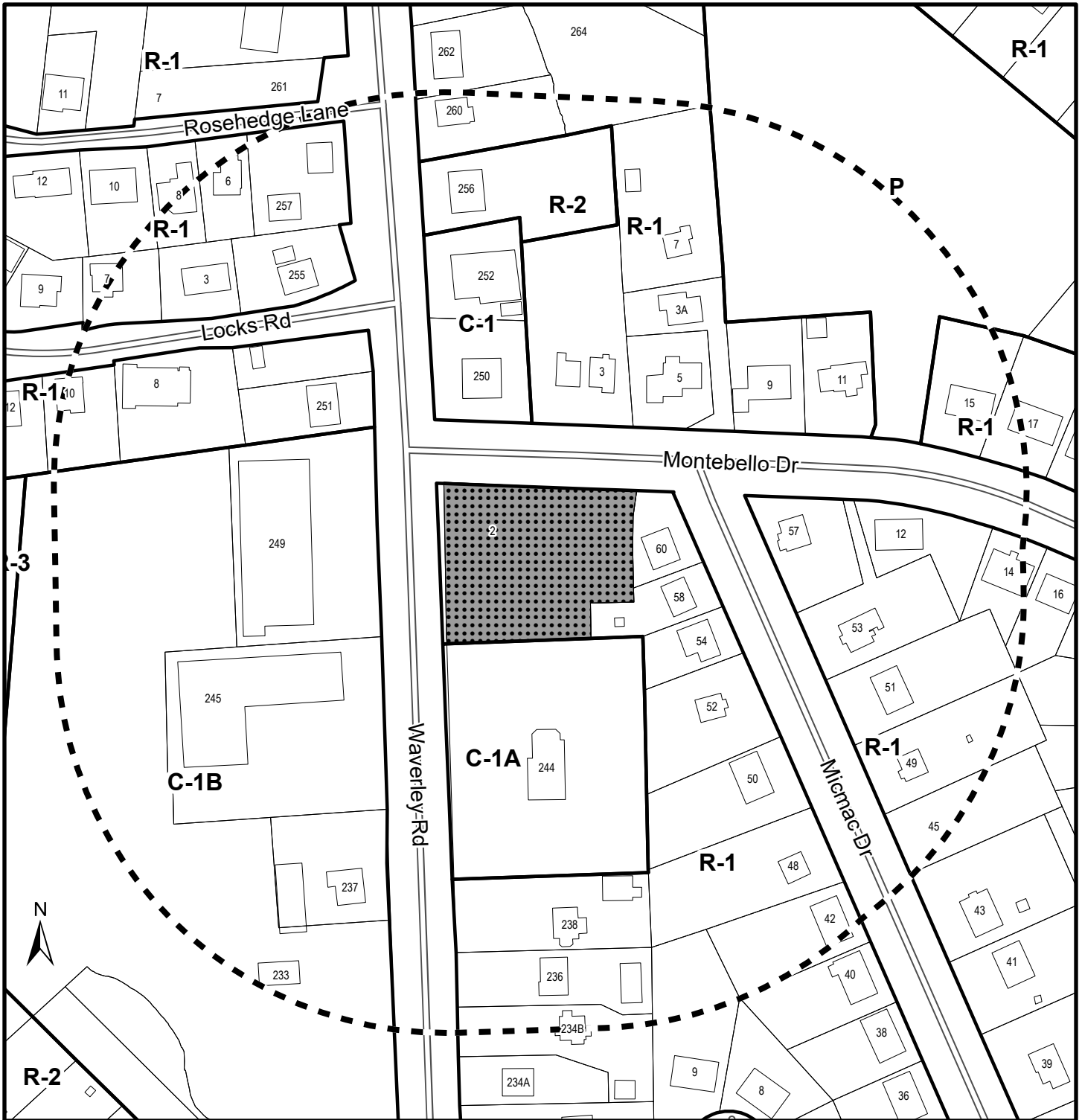
Designation
 DART R Residential
 WR Waverly Road



Dartmouth Plan
Waverley Road Secondary Plan Area

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



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



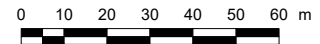
Map 2 - Zoning and Notification Area

2 Montebello Dr,
Dartmouth

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-  Subject Property
-  Area of Notification

Zone	
DART	P Park
	R-1 Single Family Residential
	R-2 Two Family Residential
	C-1 Local Business
	C-1A Neighborhood Commercial
	C-1B Mixed Use Commercial



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.

Dartmouth
Land Use By-Law Area

**Attachment A:
Proposed Amending Development Agreement**

THIS FIRST AMENDING AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

[Insert Name of Corporation/Business LTD.]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 2 Montebello Drive (PID 00249771) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS on December 2, 2021 Harbour East – Marine Drive Community Council approved a Development Agreement to allow for a multiple unit residential building on the Lands (case 22374) pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to policies C-41, IP-5, and IP-1(c) of the Dartmouth Municipal Planning Strategy, and which said development agreement was registered at the Land Registration Office in Halifax on March 11, 2022 as Document Number (120256673) (hereinafter called the 'Original Agreement');

AND WHEREAS the Developer has requested an amendment to the Original Agreement to allow for 2 (two) additional residential units on the Lands.

AND WHEREAS the Harbour East – Marine Drive Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as PLANAPP 2024-00648.

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 First Amending Agreement, all other conditions and provisions of the Original 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 First Amending Agreement, and the Original Agreement.

3. Section 3.3.1 of the Original Agreement shall be amended by deleting text shown in strikeout, and inserting the text in bold, as follows:

3.3.1 The use of the Lands permitted by this Agreement is a multi-unit residential building containing a maximum of ~~42~~ **44** residential dwelling units, of which a minimum of 50% of the units shall contain at least two (2) bedrooms.

4. Section 3.9.1 of the Original Agreement shall be amended by deleting text shown in strikeout, and inserting the text in bold, as follows:

~~3.9.1 Indoor amenity space shall be provided:~~

~~(a) at Level 3 measuring a minimum of 700 square feet in area; and~~

~~(b) an amenity penthouse at the sixth level as shown on the Schedules, with a minimum floor area of 1950 square feet excluding areas required for elevator, stairs, and corridors.~~

3.9.1 Indoor amenity space shall be provided at Level 3 measuring a minimum of 700 square feet in area.

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: _____

Position/Title: _____

Date Signed: _____

=====

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

**Attachment B:
Review of Relevant Dartmouth MPS Policies**

Note: Policy Matrix below is from the staff report from the existing development agreement (Case 23374) and comments related to the proposed two (2) additional unit have been added in **bold**

Excerpt from the Dartmouth Municipal Planning Strategy:

Development Agreements: Multiple unit dwelling/Long term care facilities

Multiple unit dwellings were recognized during the Waverley Road study as a land use which could contribute to the desired walkable, mixed use community; however, concern was expressed about the impact such uses may have on the existing neighbourhoods. Therefore, multiple unit dwellings shall only be permitted by development agreement to ensure compatibility with the existing neighbourhoods. Also, residents recognized the need for long term care facilities in the community and identified this sub-designation as an appropriate location. Controls on design and reduced impacts on residential neighbours are desired, therefore applications for long term care facilities should only be considered through the development agreement process.

Policy	Staff Comment
<p>Policy C-41 <i>Within the WR Mixed Use sub-designation, Council shall consider multiple unit dwellings and long term care facilities by development agreement in accordance with the provisions of the Halifax Regional Municipality Charter. In considering such an agreement, Council shall have regard for the provisions of Policy IP-5, and should use the land use density standards of the R-3 zone as a guide.</i></p>	<p>The R-3 zone would permit a maximum of 22 one-bedroom dwelling units on the subject site. The proposed 42 units is almost double of what the R-3 zone would permit and in no way uses the zone as guide to determine site density.</p> <p>The high number of units is not the only issue in terms of aligning with the R-3 zone. Density is not only measured by number of units but also by scale and massing. The size of the proposed building (height, lot coverage, setbacks etc.) all far exceed that which would be permitted under the R-3 zone. The R-3 zone would require:</p> <ul style="list-style-type: none"> - 25% lot coverage - Minimum 15' side and rear yards with greater setbacks for buildings over 50' in height - Amenity area approximately 8,800 square feet in size (Indoor and outdoor) <p>See below for review of Policy IP-5.</p> <p>This request would add 2 more units would be double what is permitted by the R-3 zone.</p>

Implementation Policies

Policy	Staff Comment
<p>Policy IP-5 <i>It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.</i></p> <p><i>In considering the approval of such Agreements, Council shall consider the following criteria:</i></p>	<p>Appropriate plans have been included within the development agreement.</p> <p>The development agreement addresses the location of amenity space, parking, and the location of utilities and refuse containers.</p>
<p><i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i></p>	<p>As a use, a multiple unit dwelling is compatible with the existing community. In terms of bulk, height, and scale, the proposed development cannot be considered compatible with the existing neighborhood. The lack of setback from the single family dwellings along Micmac Drive is problematic. This is a significantly more intense use and scale than what exists in the area. Reduced massing and adequate setbacks should be provided to reduce conflict with adjacent single family dwellings.</p> <p>In terms of exterior design, the at grade entrances, landscaped front yards on Montebello Drive, and low streetwall heights contribute to a positive pedestrian experience and help mitigate the negative impacts of a development that is significantly out of scale with the existing community. Although these elements provide some relief, they are not enough to overcome the issues with massing and scale.</p>
<p><i>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p><i>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</i></p> <p><i>(ii) traffic generation, access to and egress from the site; and</i></p>	<p>(i) The proposed development agreement does not comply with this policy. There is conflict in the size (height and bulk) of the development and the resulting impact on the adjacent R-1 properties. The southeast portion of the property provides very little setback from the adjacent low density dwellings.</p> <p>(ii) Development Engineering had reviewed the proposal and had found it acceptable</p>

<p><i>(iii) parking;</i></p>	<p>in terms of traffic generation, and access to and from the site.</p> <p>(iii) Proposed parking is to be internally located and does not appear to have impacts on the adjacent properties.</p>
<p><i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i></p>	<p><u>Schools</u> The nearest schools are as follows (excluding immersion schools): Elementary: Michael Wallace Elementary School (750m) Junior: Caledonia Junior High School (2.6km) Senior: Prince Andrew High School (3.3km)</p> <p><u>Parks</u> Shubie Park(~1km) Craig Blake Memorial Park (~1km)</p>
<p><i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i></p>	<p>Development Engineering has determined that the existing transportation network is adequate in supporting the proposed development.</p> <p>The site is also serviced by a Halifax Metro Transit Bus Route #55 (stop on Waverley Road).</p>
<p><i>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</i></p>	<p>Due to the nearly full lot coverage of the proposed building footprint, there is very little landscaped open space. Landscaped open space has been provided in front of the grade related units along Montebello Drive. A preliminary landscape plan has been provided and a detailed plan will be required at the building permit stage. Due to the nature of these spaces and their proximity to the travel way, it is unlikely these will be “useable” open spaces for residents and more for aesthetic landscaping purposes. Retaining walls have also been proposed along the Montebello Drive frontage which could potentially negatively impact the aesthetic of the development. A total of 2,650 square feet of amenity space has been proposed in the form of a 700 sq. ft. amenity room at the third level and a 1,950 sq. ft amenity penthouse at the sixth level. Private amenity space has been provided in the form of recessed balconies.</p> <p>The amenity space will be reduced from 2650 sq. ft. to 700 sq. ft. as a result of this substantive amendment application.</p>

<p><i>(f) that mature trees and other natural site features are preserved where possible;</i></p>	<p>There are a number of mature trees on site and most cannot be preserved due to the location and lot coverage of the building. It may be possible to preserve a single mature tree on the Montebello Street frontage and this has been allowed for in the DA and will be determined during detailed design.</p>
<p><i>(g) adequacy of buffering from abutting land uses;</i></p>	<p>The rear setback is inadequate and will provide very little buffer to the adjacent low density residential uses. Also, little to no buffering provided from the adjacent commercial use (Tim Hortons).</p>
<p><i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i></p>	<p>There are significant grade changes both north to south and east to west. In terms of aesthetics, the grade change from the Tim Horton property to the subject site is significant and will cause an already too tall building to appear even taller along Waverley Road. The east to west grade change has been addressed by setting the building into the hillside and providing at grade unit entrances along Montebello Drive.</p> <p>A grading plan will need to be submitted in accordance with By-law G-200 at the time of permitting.</p>
<p><i>(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).</i></p>	<p>See review below.</p>
<p>Policy IP-1(c)</p>	
<p><i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i></p>	<p>The proposal is not in conformance with the policies and intent of the Dartmouth Municipal Planning Strategy due to the bulk, scale, and height.</p>
<p><i>(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal</i></p>	<p>See Policy IP-5(a) for review of compatibility.</p> <p>The intensity and scale of this development is not consistent or compatible with the adjacent uses and existing development form in the area.</p> <p>Use: There are very few multiple unit dwellings in the area and none of this scale. The closest apartment building of any significant size is located at 11 Garshan Road approximately 350 meters from the subject site. This building is 3 storeys high and contains 48 units.</p>

	<p>The next closest apartment building is 800m away and located at 172 Braemar Drive. It is three storeys in height and contains 18 units.</p> <p>The nearest apartment buildings of a similar scale can be found along Mainstreet or in the Micmac Mall area which are not within this community. The lack of a similar scale development within the community makes this proposal not consistent with adjacent uses and existing development within the area.</p> <p>Bulk: The adjacent properties are low density dwellings of 1 to 2 storeys or 1 – 2 storey commercial buildings along Waverley Road. These buildings have small lot coverage percentages and large setbacks from surrounding property lines and from the street. This proposal is not consistent with the massing of existing buildings in the community.</p> <p>Scale: As outlined above, the height and massing of the proposal is considerably more intense than that of the surrounding community. The proposed building occupies the majority of the lot with little space remaining for landscaping or buffering. This scale of building is not found elsewhere in the community so is not consistent with the existing development form.</p>
<p><i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i></p>	<p>There is little provision for buffering within the proposal. This is especially true for where the site abuts existing R-1 properties.</p>
<p><i>(4) that the proposal is not premature or inappropriate by reason of:</i></p> <ul style="list-style-type: none"> <i>(i) the financial capability of the City is to absorb any costs relating to the development</i> <i>(ii) the adequacy of sewer and water services and public utilities</i> <i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i> <i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i> <i>(v) existing or potential dangers for the contamination of water</i> 	<p>The proposal is not premature for any reasons listed here.</p>

<p><i>bodies or courses or the creation of erosion or sedimentation of such areas</i></p> <p><i>(vi) preventing public access to the shorelines or the waterfront</i></p> <p><i>(vii) the presence of natural, historical features, buildings or sites</i></p> <p><i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i></p> <p><i>(ix) the detrimental economic or social effect that it may have on other areas of the City</i></p>	
<p><i>(5) that the proposal is not an obnoxious use</i></p>	<p>The proposed use is not obnoxious.</p>
<p><i>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i></p> <p><i>(i) type of use, density, and phasing</i></p> <p><i>(ii) emissions including air, water, noise</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking</i></p> <p><i>(iv) open storage and landscaping</i></p> <p><i>(v) provisions for pedestrian movement and safety</i></p> <p><i>(vi) management of open space, parks, walkways</i></p> <p><i>(vii) drainage both natural and sub- surface and soil-stability</i></p> <p><i>(viii) performance bonds</i></p>	<p>The development agreement provides regulations on applicable items.</p>

<p><i>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors.</i></p>	<p>The site is appropriate for redevelopment.</p>
<p><i>(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council.</i></p>	<p>A public information meeting was held on June 1st and June 2nd, 2021.</p>
<p><i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i></p> <ul style="list-style-type: none"> <i>(i) Council with a clear indication of the nature of proposed development, and</i> <i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i> 	<p>No zoning amendments are proposed.</p>
<p><i>(10) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.</i></p>	<p>No holding zone has been established here.</p>