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Item No. 10.1.1
Harbour East – Marine Drive Community Council
December 7, 2017 Public Hearing
November 2, 2017 First Reading

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

SUBMITTED BY: **Original signed**
Kelly Denty, Acting Director, Planning and Development

DATE: September 29, 2017

SUBJECT: **Case 20269: Rezoning and Development Agreement – 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth**

ORIGIN

Application by Monaco Investments Partnership to enable the development of a 9-storey multi-unit residential building containing ground floor commercial uses.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

1. Give First Reading to consider approval of the proposed amendment to Schedule A of the Dartmouth Land Use Bylaw, as set out in Attachment A, to rezone 307 Prince Albert Road, Dartmouth, from the C-2 (General Business) Zone to the GC (General Commercial) Zone and to rezone 5 Glenwood Avenue, Dartmouth, from the R-2 (Two Family Residential) Zone to the R-4 (Multiple Family Residential – High Density) Zone, and schedule a public hearing;

2. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment B, to allow for a 9-storey multi-unit residential building containing ground floor commercial uses, and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1; and

3. Adopt the amendment to Schedule A of the Dartmouth Land Use Bylaw, as set out in Attachment A.

BACKGROUND

Monaco Investments Partnership has filed a planning application to enable the development of a 9-storey multi-unit residential building with ground floor commercial uses on a site at the intersection of Prince Albert Road and Glenwood Avenue, Dartmouth (Map 1). As the proposal cannot be enabled through the existing zoning applied to the lands, the applicant has requested the following:

1) a rezoning of 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial);
2) a rezoning of 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density); and
3) entering into a development agreement with the Municipality to allow the proposed building.

Subject Site	307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth
Location	Southeast corner of the Prince Albert Road and Glenwood Avenue intersection
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Commercial (C) for the northern portion of 307 Prince Albert Road and Residential (R) for the balance of 307 Prince Albert Road and 5 Glenwood Avenue under the Dartmouth Municipal Planning Strategy (MPS)
Zoning (Map 2)	307 Prince Albert Road is zoned C-2 (General Business) and 5 Glenwood Avenue is zoned R-2 (Two Family Residential) under the Dartmouth Land Use By-law (LUB)
Size of Site	Approximately 2,388 square metres (25,705 square feet)
Street Frontage	Approximately 32 metres (105 feet) of frontage along Prince Albert Road and approximately 77 metres (253 feet) of frontage along Glenwood Avenue.
Site Conditions	There are two existing buildings on the site – a funeral home and a two-unit dwelling
Current Land Use(s)	307 Prince Albert Road is currently occupied by a funeral home, while 5 Glenwood Avenue is occupied as a two-unit residential building
Surrounding Use(s)	The surrounding area is comprised of commercial, residential, and open space uses including: • a car repair garage and an auto parts dealership; • a supermarket; • a hotel; • a combination of a retail fuel outlet, convenience store, and two restaurants; • low-density residential house forms; • multi-unit residential buildings; and • Kiwanis Grahams Grove Park and Lake Banook Regional Park.

Proposal

The applicant proposes to remove the existing buildings on the subject site and construct a 9-storey multi-unit residential building containing ground floor commercial uses. To achieve this development, the applicant has requested two rezonings, which would allow for the proposed development to proceed by way of a development agreement. Further detailed elements of the proposal are as follows:

- A maximum of 90 dwelling units;
- A minimum of 33% of the dwelling units shall consist of 2 or more bedrooms;
- Up to 605 square metres of the ground floor level of the building may be occupied by commercial uses permitted under the GC (General Commercial) Zone;
- Vehicular parking will be internal to the building and will contain a minimum of 106 parking spaces; and

- Of the total amount of parking spaces, 16 spaces will be reserved for the commercial uses.

Previous Application History
In April of 2011, Monaco Investments Partnership made an application for a 15-storey building on the subject site (Case 16898). In a report to Council dated December 15, 2011, staff recommended approval of the application. However, Harbour East – Marine Drive Community Council subsequently refused to give first reading to the application and schedule a public hearing. The decision of Community Council was then appealed to the Nova Scotia Utility and Review Board (NSUARB) by the applicant. In a decision issued on October 12, 2012, the NSUARB upheld Community Council's decision.

The original application differed from the current application in several key elements; these are represented in the table below.

Key Elements	Original Application	Current Application
Rezoning Request	R-4 for both parcels	GC for 307 Prince Albert Road and R-4 for 5 Glenwood Avenue
Number of Storeys	15	9
Number of Residential Units	92	90
Commercial Floor Area	None	A maximum of 605 square metres of the ground floor level
Number of Vehicular Parking Spaces	Minimum of 108 spaces	Minimum of 106 spaces
Location of Vehicular Parking	Mostly internal to the building, but the application included an 8-space outdoor visitor parking area	Internal to the building

Land Use By-law Context
The C-2 (General Business) Zone, which applies to 307 Prince Albert Road, permits a wide variety of commercial uses and is applied along several collector roads throughout Dartmouth. The zone permits 100% lot coverage, except for motels, and contains no building height limits, except for office buildings which are limited to 3 storeys in height.

The R-2 (Two Family Residential) Zone, which applies to 5 Glenwood Avenue, permits one and two unit dwellings and is applied to many neighbourhoods in Dartmouth. The zone permits up to 35% lot coverage and does not specify a height limit.

Attachment C contains excerpts from the Dartmouth Land Use By-law in regards to the C-2 (General Business) and R-2 (Two Family Residential) zones.

Enabling Policy
Rezoning Requests
The Commercial designation, which applies to a large portion of 307 Prince Albert Road, allows for a variety of commercial and residential uses. Consequently, this designation supports a range of commercial zones, including the GC (General Commercial) Zone. Likewise, the Residential designation, which applies to the balance of 307 Prince Albert Road and the entirety of 5 Glenwood Avenue, allows for a variety of residential uses. This second designation supports a range of residential zones, including the R-4 (Multiple Family Residential – High Density) Zone. Furthermore, Policy IP-1(b) of the Dartmouth MPS allows for the consideration of a rezoning, without a plan amendment, in cases where the designation which applies to the subject lands does not allow for the use being contemplated, but where the abutting designation does. In the case of this application, the southern portion of 307 Prince Albert Road is designated Residential, which by itself would not enable a rezoning to the GC (General Commercial) Zone. However, because the

abutting designation is Commercial, Council can consider a request to rezone the lands to the GC (General Commercial) Zone.

Development Agreement Request
Policy IP-5 of the Dartmouth MPS requires that all proposals for multi-unit residential developments within the R-3, R-4, C-2, MF-1 and GC Zones be considered through the development agreement process.

Approval Process
The approval process for this application involves two steps:

1. First, Harbour East – Marine Drive Community Council must consider and make a decision concerning the proposed rezoning requests.
2. Secondly, should Harbour East – Marine Drive Community Council approve the rezonings and following their coming into effect, Community Council must consider and make a decision concerning the proposed development agreement.

A single public hearing can be held by Community Council to consider both the rezoning requests and the proposed development agreement. However, Community Council can only render a decision on the development agreement following the coming into effect of the rezonings. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Council.

COMMUNITY ENGAGEMENT

The community engagement process for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area (Map 2) and a public information meeting held on January 21, 2016. Attachment D contains a copy of the minutes from the meeting. The public comments received can be grouped under the following topics:

- Compatibility with surrounding neighbourhood;
- Commercial development along Glenwood Avenue;
- Traffic issues;
- Safety of intersection;
- Parking;
- Lack of sidewalks along Glenwood Avenue; and
- Privacy concerns.

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

The rezoning and development agreement proposal will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and businesses.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that the proposed development is reasonably consistent with the intent of the MPS. Attachment E provides an evaluation of the proposed rezoning requests and development agreement in relation to the relevant MPS policies. During the public

information meeting, several concerns were raised by area residents (see Community Engagement section above), and these items are discussed below.

Compatibility with Surrounding Neighbourhood

Land Use

The proposal is for a 9-storey residential building with ground floor commercial uses on the portion of the ground floor closest to Prince Albert Road. In terms of land uses, the proposal is compatible with other surrounding uses. A good portion of adjacent lands fronting on Prince Albert Road are presently zoned C-2 (General Business). Current businesses on these lands include a Sobeys Fast Fuels gas station, a Needs Convenience store, a Robins Donuts, a Captain Submarine, a car repair garage (Yuille Auto Works), a NAPA Auto Parts store, and an Atlantic Superstore. In addition, there is an established hotel (Hearthstone Inn) located just to the east of the subject site on Lawrence Street.

The residential nature of the rest of the proposed building is also in keeping, from a land use perspective, with multi-unit residential buildings located on Lawrence Street, as well as the Banook Shores development located at 271-275 Prince Albert Road (two blocks to the west of the site). Multi-unit residential developments are also compatible from a use perspective with low-density residential, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street, as is the case with this portion of Prince Albert Road.

Height and Massing

In terms of height and massing, the proposed building would be the tallest in the general area when compared to what currently exists. The next highest building in the area would be the Banook Shores development at 5 storeys. Staff advises that a 9-storey building (8 storeys plus penthouse) is at the upper range of what is acceptable, in terms of compatible building height, for this location. The original design for a 10-storey building, which went to a public information meeting in January, 2016, was stated as being incompatible by staff.

Staff advises that the impact of the proposed building on adjacent uses and the existing development form in the area will be minimized by how the building massing is distributed on the site. This distribution can be summarized in four points:

1. The building will transition down in height towards #7 Glenwood Avenue from 9 to 8 storeys and then to 4 storeys;
2. A change in grade and an approximate 6-metre landscaped buffer between the proposed mixed use building and #7 Glenwood Avenue will provide a further transition. This design intervention will tend to diminish the appearance of the ground floor of the new building, making it look as if the new building is only 3 to 3.5 storeys in height where it abuts the two-storey house located at #7 Glenwood Avenue;
3. The proposed building will have two step backs in its massing along Glenwood Avenue (above the ground floor and above the 7th storey), which will help minimize the impact of the overall bulk of the building along this street; and
4. The 9th storey penthouse will be located exclusively on the commercially-zoned parcel and will cover no more than 30% of the roof area.

Commercial Development along Glenwood Avenue

The ground floor commercial uses that are being proposed as part of this application are to occur entirely on the lot identified by civic number 307 Prince Albert Road, which is zoned C-2 (General Business). The C-2 Zone already allows for a wide variety of commercial uses as-of-right. Therefore, the rezoning from the C-2 (General Business) Zone to the GC (General Commercial) Zone and the subsequent entering into a development agreement would not increase the commercial development potential of the lot beyond what is already allowed within the existing zone. Furthermore, the development agreement process does allow Council to place additional controls on the commercial uses than would otherwise occur in an as-of-right scenario.

Traffic Issues and Safety of Intersection
A Traffic Impact Analysis was prepared by WSP Canada Inc. and submitted as part of the application. It concluded that the site generated trips from the proposed development are not expected to have any significant impact on the performance of Prince Albert Road, Glenwood Avenue, or the regional road network. HRM Traffic Management staff have reviewed the analysis and accepted its findings. Traffic Management staff have also reviewed vehicle collision data from Halifax Regional Police over the past three years and advise that there are no inherent safety issues with the intersection of Prince Albert Road and Glenwood Avenue. It was concluded that upgrades to the existing stop-controlled intersection are not warranted.

Parking
The applicant is proposing 106 parking spaces for 90 residential units and 605 square metres of ground floor commercial space. Out of the 106 parking spaces, 16 spaces will be reserved for the ground floor commercial uses. The balance of the parking spaces (90 spaces) will be reserved for the residential component of the proposed building. A 1:1 ratio of parking space to residential unit is more than sufficient to meet the parking needs of the residential component.

Sidewalks on Glenwood Avenue
There is a near complete absence of sidewalks along Glenwood Avenue, except for a small portion of sidewalk fronting the subject site. If approved, the development agreement will require an extension of the existing sidewalk along the Glenwood Avenue frontage to the interior property line shared between the subject site and civic number 7 Glenwood Avenue. This would help ensure the safety of pedestrians as they navigate around the site.

Privacy Concerns
Privacy concerns have been raised with this project and staff advise that #7 Glenwood Avenue stands to be the most impacted in this regard. However, the transitioning down in height of the proposed building to #7 Glenwood Avenue, a change in grade, and the proposed landscaped buffer will all help in mitigating these concerns.

Conclusion
Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. It is therefore recommended that the proposed rezonings and development agreement be approved.

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 2017/18 C310 Urban and Rural Planning Applications budget and with existing resources.

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 Nova Scotia Utility and Review Board. Information concerning risks and other implications of approving the proposed rezonings and proposed development agreement is contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Harbour East – Marine Drive Community Council may choose to refuse to approve the proposed rezoning of 307 Prince Albert Road, Dartmouth, from the C-2 (General Business) Zone to the GC (General Commercial) Zone. In doing so, Council must provide reasons why it does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed rezoning is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

2. Harbour East – Marine Drive Community Council may choose to refuse to approve the proposed rezoning of 5 Glenwood Avenue, Dartmouth, from the R-2 (Two Family Residential) Zone to the R-4 (Multiple Family Residential – High Density) Zone. In doing so, Council must provide reasons why it does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed rezoning is appealable to the Nova Scotia 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 Amendments to the Dartmouth Land Use By-law
Attachment B Proposed Development Agreement
Attachment C Excerpts from Dartmouth Land Use By-law
Attachment D Public Information Meeting (PIM) Minutes – January 21, 2016
Attachment E Review of Relevant Municipal Planning Strategy Policies

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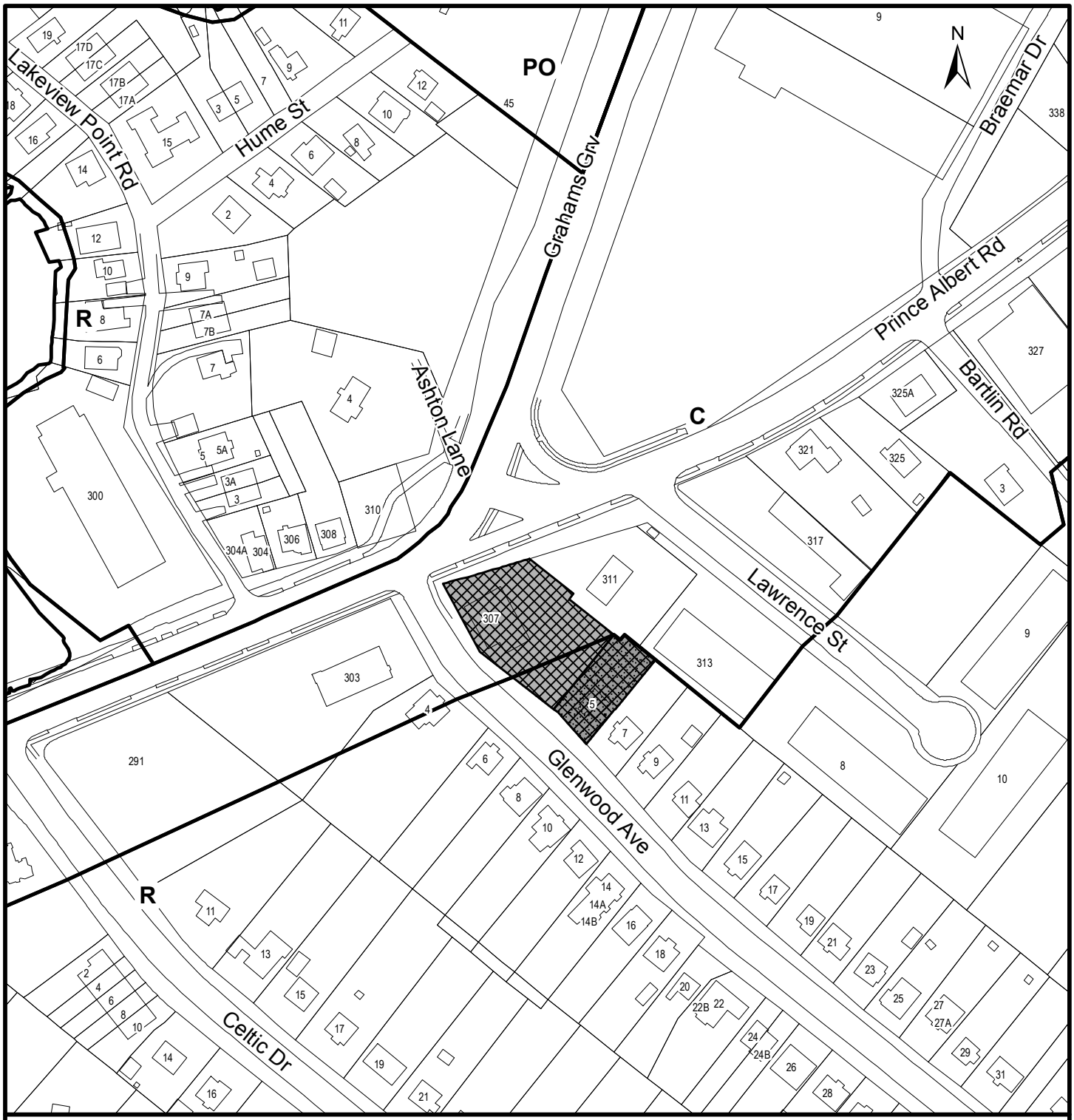
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Luc Ouellet, LPP, Planner III, 902.490.3689

Report Approved by: Original signed
Carl Purvis, Planning Applications Program Manager, 902.490.4797



Map 1 - Generalized Future Land Use

307 Prince Albert Road & 5 Glenwood Avenue,
Dartmouth

HALIFAX

Area proposed to be rezoned from
C-2 (General Business) to GC (General Commercial)

Area proposed to be rezoned from
R-2 (Two Family Dwelling) to
R-4 (Multiple Family Residential -High Density)

Area of Proposed Development Agreement

0 20 40 60 m

Designation

R Residential
C Commercial
PO Park & Open Space

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.

Dartmouth Plan Area

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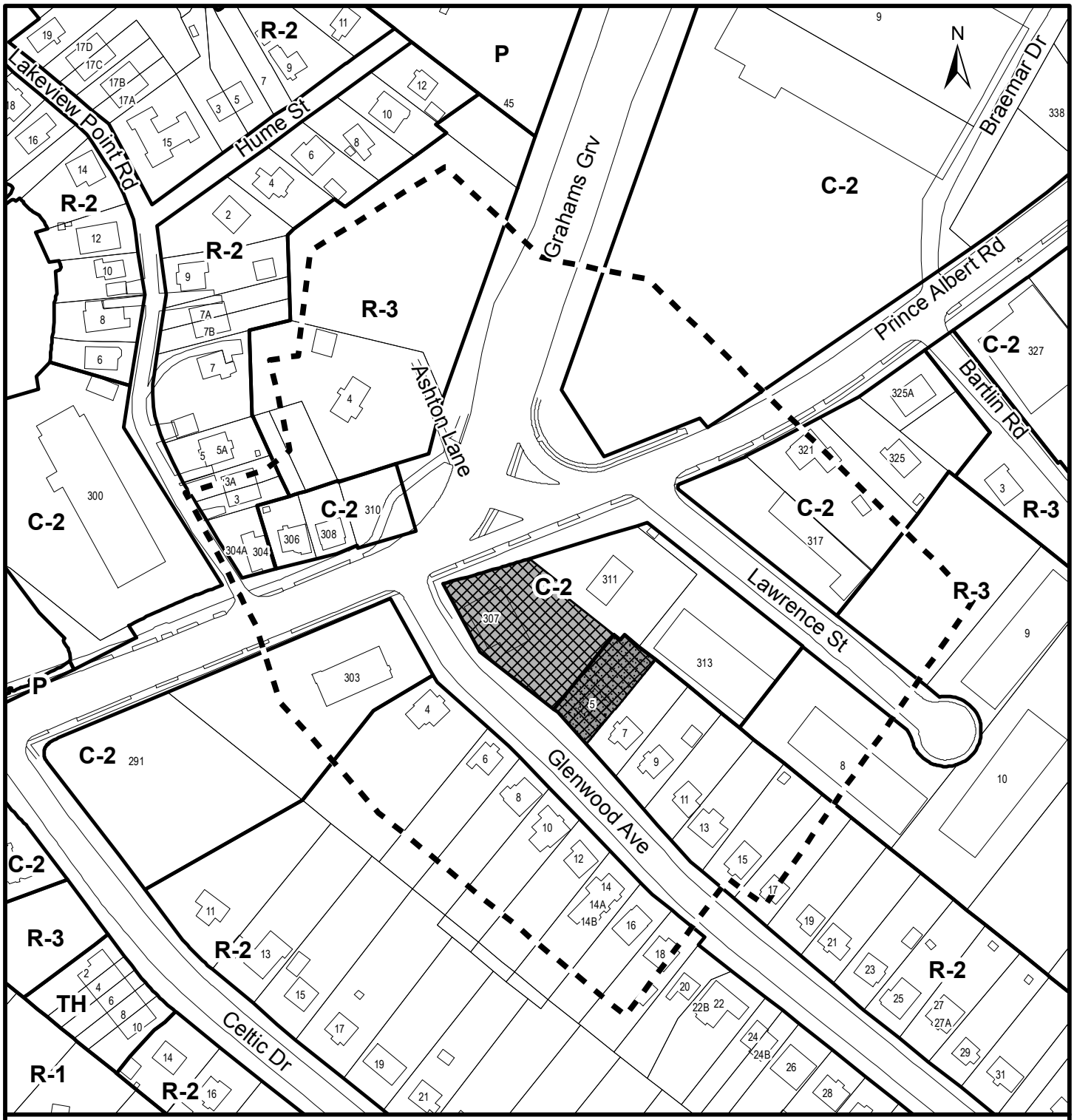


Map 2 - Zoning and Notification

307 Prince Albert Road & 5 Glenwood Avenue, Dartmouth

HALIFAX

Area proposed to be rezoned from C-2 (General Business) to GC (General Commercial)

Area proposed to be rezoned from R-2 (Two Family Dwelling) to R-4 (Multiple Family Residential -High Density)

Area of Proposed Development Agreement

Area of Notification

Dartmouth Plan Area

Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- TH Town Housing
- C-2 General Business
- P Park

0 20 40 60 m

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.

6 March 2017 Case 20269 T:\work\planning\Casemaps\DART\20269\ (HK)

ATTACHMENT A

Proposed Amendments to the Dartmouth Land Use By-law

BE IT ENACTED by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Dartmouth Land Use By-law is hereby further amended as follows:

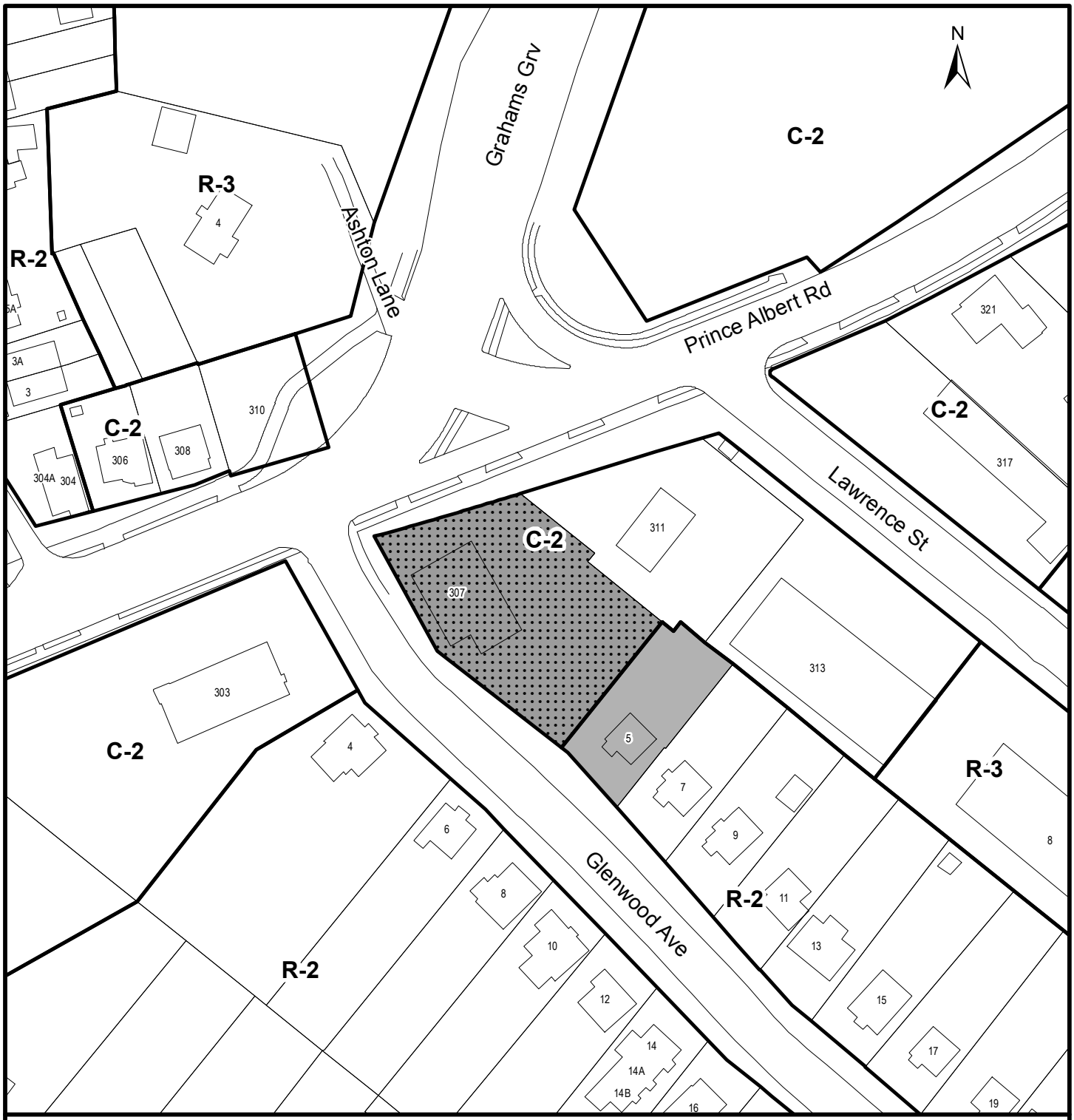
1. Schedule "A" (Dartmouth Zoning) is further amended by rezoning certain lands from the C-2 (General Business) Zone to the GC (General Commercial) Zone, and other lands from the R-2 (Two Family Residential) Zone to the R-4 (Multiple Family Residential – High Density) Zone, as shown on Schedule A.

THIS IS TO CERTIFY that the amendments To the Dartmouth Land Use By-law, as set out above, were duly passed by a majority vote of the Harbour East-Marine Drive Community Council of Halifax Regional Municipality held on the ____ day of _____, 20___.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this _____day of _____, 20___.

_____

Municipal Clerk



Schedule A

307 Prince Albert Road & 5 Glenwood Avenue, Dartmouth

HALIFAX

0 20 40 m

Area rezoned from C-2 (General Business) to GC (General Commercial)

Area rezoned from R-2 (Two Family Dwelling) to R-4 (Multiple Family Residential -High Density)

Zone

R-2 Two Family Residential
R-3 Multiple Family Residential (Medium Density)
C-2 General Business

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 Plan Area

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Attachment B – Proposed Development Agreement

THIS AGREEMENT made this ___day of **[Insert Month]**, 20__,

BETWEEN:

[INSERT PROPERTY OWNER]
individuals, in the Halifax Regional Municipality,
in the Province of Nova Scotia
(hereinafter collectively 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 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for the construction of a nine (9) storey multi-unit residential development with ground floor commercial uses and parking internal to the building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy IP-5 of the Dartmouth Municipal Planning Strategy and Section 18B of the Dartmouth Land Use By-law;

AND WHEREAS the Harbour East – Marine Drive Community Council for the Municipality approved this request at a meeting held on [**Insert - Date**], referenced as Municipal Case Number 20269;

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

Attachment B – Proposed Development Agreement

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

Except as otherwise provided for herein, the development, subdivision and use of the Lands shall comply with the requirements of the Land Use By-law for Dartmouth and the Regional Subdivision By-law, as may be amended from time to time.

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 or 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.

Attachment B – Proposed Development Agreement

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

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

(a) *landscape architect* means a professional full member in good standing with the Atlantic Provinces Association of Landscape Architects; and
(b) *indoor amenity space* means common amenity areas located within a multi-unit residential building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

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 20269:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Preliminary Landscape Plan
Schedule D	South Elevation
Schedule E	West Elevation

Schedule F North Elevation
Schedule G East Elevation

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of a Development Permit the Developer shall submit to the Development Officer a Plan of Subdivision for the consolidation of the parcels making up the Lands. A Development Permit shall not be issued until the Plan of Subdivision has received approval from the Development Officer and has been registered at the Registry of Deeds or Land Registry Office for the County of Halifax, Nova Scotia and the Developer shall incur all costs in recording such document.

3.2.2 Prior to the issuance of a Development Permit the Developer shall provide the following to the Development Officer:

(a) Written confirmation and photographic evidence demonstrating the existing buildings/structures on the Lands have been removed;
(b) A Wastewater Capacity Analysis acceptable to Halifax Water;
(c) A detailed Erosion and Sedimentation Control Plan in accordance with Section 5.1 of this Agreement;
(d) A detailed Grading Plan in accordance with Section 5.1 of this Agreement; and
(e) A detailed Landscape Plan in accordance with Section 3.10 and Schedule C of this Agreement.

3.2.3 Prior to the issuance of the first Occupancy Permit, the Developer shall provide the following to the Development Officer:

(a) Certification from a landscape architect indicating that the Developer has complied with the detailed Landscape Plan required pursuant to Section 3.10.11 of this Agreement, or the posting of Security in accordance with Section 3.10.12; and,
(b) Written confirmation from the HRM Development Engineer indicating compliance with Section 4.2 of this Agreement.

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.

Attachment B – Proposed Development Agreement

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

(a) a single, nine (9) storey multi-unit residential building with parking internal to the building; and
(b) uses accessory to any of the foregoing uses.

3.3.2 Notwithstanding Section 3.3.1, commercial uses permitted under the C-2 (General Business) Zone may occupy up to 605 square metres of the ground floor level of the building.

3.4 Detailed Provisions for Land Use

3.4.1 The proposed development shall comply with the following requirements:

(a) The building shall contain a maximum of ninety (90) dwelling units;
(b) A minimum of 33% of the residential dwelling units shall consist of 2 or more bedrooms;
(c) Accessory uses may be permitted subject to R-4 (Multiple Family Residential) Zone requirements; and
(d) Sixteen (16) parking spaces shall be reserved for commercial uses. Signage shall be provided to differentiate between commercial and residential parking spaces.

3.4.2 The proposed development shall be exempted from meeting the detailed requirements of the R-4 (Multiple Family Residential) Zone of the Land Use By-law. Instead, the Schedules and written provisions of this Agreement shall apply.

3.4.3 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 minimum front, side, and rear yards illustrated on Schedule B.

3.5 Building Siting, Massing and Scale

The building to be constructed on the Lands shall comply with the following siting, massing and scale requirements:

(a) The underground parking garage/podium shall be allowed to occupy 100% of the lot;
(b) The building, above the underground parking garage/podium, shall be located on the Lands as shown on Schedule B;
(c) The massing of the building shall be as shown on Schedule B and Schedules D to G, inclusive; and,

(d) The maximum height of the building shall not exceed 30 metres above the mean grade of the finished ground adjoining the building.

3.6 Architectural Requirements

3.6.1 The proposed building's exterior design and materials shall be as shown on Schedules D to G.

3.6.2 The Development Officer may permit the balconies, shown on Schedules D to G, to be decreased in number or size, or relocated.

3.6.3 The Development Officer may permit alteration to exterior cladding materials, shown on Schedules D to G, provided that doing so does not affect the external appearance of the building.

3.6.4 Notwithstanding Section 3.6.3, the following external cladding materials shall be prohibited:

(a) vinyl, except for vinyl windows;
(b) plastic, except for architectural laminate panels;
(c) bare or painted plywood;
(d) standard concrete blocks, however architectural concrete products are permitted;
(e) exterior insulation and finish systems where stucco is applied to rigid insulation as a primary weather protection for the building envelope;
(f) mirrored glass in spandrel panels or vision glass panels; and
(g) darkly tinted glass, excepting spandrel glass panels.

3.7 Functional Elements

3.7.1 All vents, down spouts, flashing, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate, these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.7.2 The building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) and utilitarian features such as propane tanks, electrical transformers, and standby power generators are not visible from Prince Albert Road or Glenwood Avenue. Furthermore, no mechanical equipment, propane tanks, electrical transformers, and standby power generators shall be located between the building and abutting properties unless screened by a combination of opaque fencing, masonry walls, or building with suitable landscaping and noise reduction measures are implemented.

3.7.3 Mechanical equipment shall be permitted on the roof provided the equipment is integrated into the roof design or screened from public view.

3.7.4 Fixed or retractable awnings are permitted at ground floor level, provided the awnings and canopies are designed as an integral part of the building façade.

3.7.5 Notwithstanding Sections 3.7.1 and 3.7.2, heat pumps shall be permitted for individual dwelling units and may be located on balconies.

3.8 Access, Circulation and Parking

3.8.1 The driveway access layout and entrance to the parking levels internal to the building on the Lands shall be as generally illustrated on Schedule B.

3.8.2 The driveway access on the Lands shall have a hard finished surface such as asphalt, concrete, or interlocking precast concrete paver stones.

3.8.3 The limits of the driveway access shall be delineated by curbing, and such curbing shall not be asphalt.

3.8.4 Vehicular parking shall be provided via internal parking levels containing a minimum of one hundred and six (106) parking spaces.

3.8.5 All parking spaces contained within the internal parking levels of the building shall comply with the requirements of the Land Use By-law.

3.8.6 The development on the Lands shall include designated bicycle parking as per the requirements of the Land Use By-law.

3.9 Outdoor Lighting

3.9.1 Outdoor lighting shall be directed to driveways, parking areas, loading areas, building entrances, walkways and balconies, and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.

3.9.2 The building may be illuminated for visual effect, provided such illumination is directed away from streets, adjacent lots and buildings, and does not flash, move or vary in intensity, such that it creates a hazard to public safety.

3.10 Landscaping

3.10.1 Prior to the issuance of a Development Permit, the Developer shall provide the Development Officer with a detailed Landscape Plan, which complies with the provisions of Section 3.10 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.

3.10.2 Planting details for at grade and on slab planting situations for each type of plant material proposed on the detailed Landscape Plan shall be provided, including a species list with quantities, size of material, and common and botanical names (species and variety).

3.10.3 The minimum acceptable sizes for plant material shall be as follows:

(a) High branching deciduous trees at grade – 60 mm caliper;
(b) High branching deciduous trees on slab – 45 mm caliper;
(c) Coniferous trees – 1.5 m in height; and,
(d) Shrubs – 0.6 m in height or spread.

3.10.4 All plant material shall conform to the Canadian Nursery Trades Association's Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

3.10.5 All retaining wall systems are to be identified including the height and type of fencing proposed in conjunction with it. A construction detail of any fence and wall combination shall be provided and certified by a Professional Engineer.

3.10.6 All proposed retaining walls shall be constructed of a decorative precast concrete or stone retaining wall system or equivalent.

3.10.7 Construction Details or Manufacturer's Specifications (including model and colour) for all constructed landscaping features such as tree protection hoarding, benches, light standards and luminaries, trash receptacles, bike racks, tree grates and guards, planter seating walls, wood arbours, pergolas, patio tables and chairs, outdoor garbage enclosures, railings, and fencing shall be provided to the Development Officer with the application of the Development Permit, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of the building on the Lands and the character of the surrounding area.

3.10.8 No HRM street trees are to be removed or damaged during the construction phase. The detailed Landscape Plan shall identify plywood tree protective hoarding located as close to the dripline of the existing street trees as possible to protect them during the construction phase.

3.10.9 The large blank podium wall identified as Masonry Type 2 and Ceramic or Metal Panel Type 1 on Schedule G shall be tempered by the introduction of trees, shrubs, vines, textural plantings, trellises, or a combination thereof.

3.10.10 Planting on rooftops above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. Approximately 50 percent of the plant material shall be evergreen or material

with winter colour and form. It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping, as well as the anticipated mature weight of the plant material on any rooftop or podium.

3.10.11 Prior to issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a landscape architect certifying that all landscaping has been completed according to the terms of this Agreement.

3.10.12 Notwithstanding Section 3.10.11, where the weather and time of year do not allow for the completion of the outstanding landscape works prior to the issuance of the first 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 landscape architect. 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 landscaping work as described herein and illustrated on Schedule C, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve (12) months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in Section 3.10 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.

3.11 Maintenance

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, the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming, and litter control, garbage removal, snow and ice control/removal, and the salting of walkways and driveways.

3.12 Signs

3.12.1 Exterior signage for the commercial uses shall meet the requirements of the Land Use By-law for Dartmouth and shall be limited to:

(a) awning signs made of fabric material above ground level windows and doors;
(b) fascia and projecting signs along the ground-floor level; and
(c) signs identifying the brand name, civic address or corporate logo of the building.

3.12.2 A permanent ground sign, which identifies the development, shall be permitted on the Lands near the corner of Prince Albert Road and Glenwood Avenue. The ground sign

shall not exceed a surface area of 3 square metres and a height of 1.5 metres, and shall be located so as not to impede traffic sightlines.

3.12.3 Signs shall not be internally-illuminated, excepting:

(a) traditional neon gas tubing;
(b) open/exposed neon gas tubing channel letters and characters;
(c) back-lit individually raised profile letters and characters with light-emitting diode (LED) illumination;
(d) Back-lit standard channel letters and characters with light-emitting diode (LED) illumination; and
(e) reverse channel (halo-lit) letters and characters with either neon gas tubing or light-emitting diode (LED) illumination.

3.13 Solid Waste Facilities

The building shall include a designated space for waste streams source separation services in accordance with By-law S-600 (*Solid Waste Resource Collection and Disposal By-law*) as amended from time to time. This designated space for source separation services shall be included within the building and shown on the building plans and approved by the Development Officer and Building Official in consultation with HRM Solid Waste Resources.

3.14 Amenity Space

The Developer shall provide a minimum of 100 square metres in indoor amenity space.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

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 Engineer prior to undertaking the work.

4.2 Off-Site Disturbance

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. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

4.3 Underground Services

All secondary electrical, telephone and cable service to the proposed building shall be through an underground installation.

4.4 Outstanding Site Work

Security for the completion of outstanding on-site paving work at the time of issuance of the first Occupancy Permit may be permitted. Such security shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. 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 by the Development Officer when all outstanding work is satisfactorily completed.

4.5 Wastewater Capacity Analysis

Prior to the issuance of a Development Permit, a Wastewater Capacity Analysis, as directed by Halifax Water, shall be submitted. Any system upgrades required to accommodate the proposed building shall be the responsibility of the Developer.

4.6 Extension of Sidewalk along Glenwood Avenue Frontage

Prior to the issuance of the first Occupancy Permit, the Developer shall extend the existing sidewalk along the Glenwood Avenue frontage to the interior property line shared between the Lands and civic number 7 Glenwood Avenue, Dartmouth.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plans

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:

(a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
(b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this

clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and

(c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

5.2 Archaeological Monitoring and Protection

The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

5.3 Sulphide Bearing Materials

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

The following items are considered by both parties to be not substantive and may be amended by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the plans attached as Schedules B-G):

(a) The granting of an extension to the date of commencement of development as specified in Section 7.3.3 of this Agreement;
(b) The granting of an extension to the length of time for the completion of the development as specified in Section 7.4.3 of this Agreement;
(c) Changes to the Preliminary Landscape Plan as illustrated on Schedule C;
(d) Changes to the exterior architectural appearance of the building other than as per Section 3.6.3;
(e) Changes to the parking requirements pursuant to Section 3.8; and
(f) Changes to the sign requirements pursuant to Section 3.12.

6.2 Substantive Amendments

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

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 for the County of 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 four (4) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this Agreement, commencement of development shall mean the installation of the footings and foundation for the proposed building.

7.3.3 Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. Completion of Development

7.4.1 If the Developer fails to complete the development after six (6) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, Council may review this Agreement, in whole or in part, and may:

(a) Retain the Agreement in its present form;
(b) Negotiate a new Agreement; or
(c) Discharge this Agreement.

7.4.2 For the purpose of this Agreement, completion of development shall mean the issuance of the first Occupancy Permit.

7.4.3 Council may consider granting an extension of the completion 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 completion of development time period.

7.5 Discharge of Agreement

Upon the completion of the whole development or complete phases of the 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;
(c) Discharge this Agreement; or
(d) For those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Dartmouth, as may be amended from time to time.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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 (24) hours of receiving such a request.

8.2 Failure to Comply

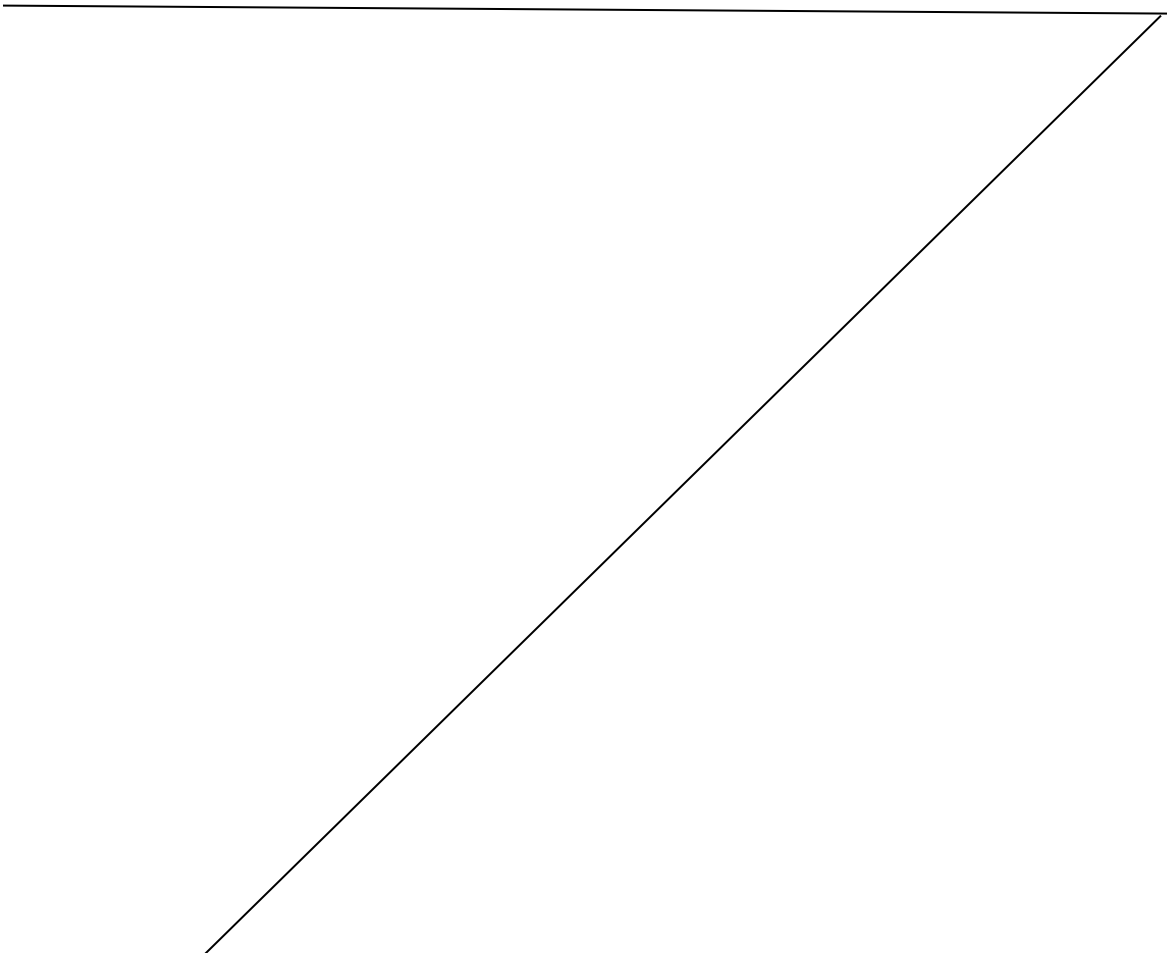
If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:

(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.



Attachment B – Proposed Development 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

Attachment B – Proposed Development Agreement

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

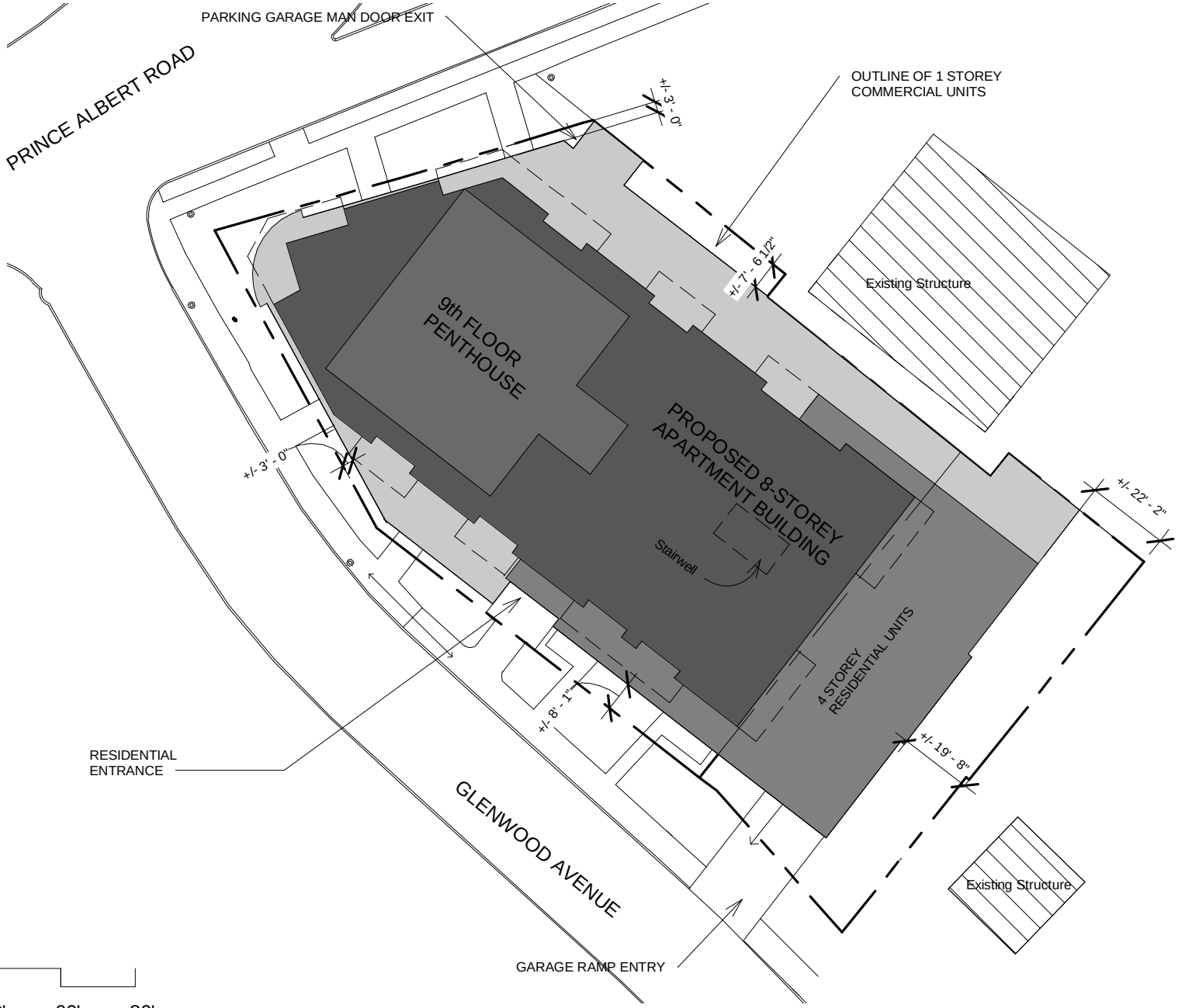
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

_____
A Commissioner of the Supreme Court
of Nova Scotia

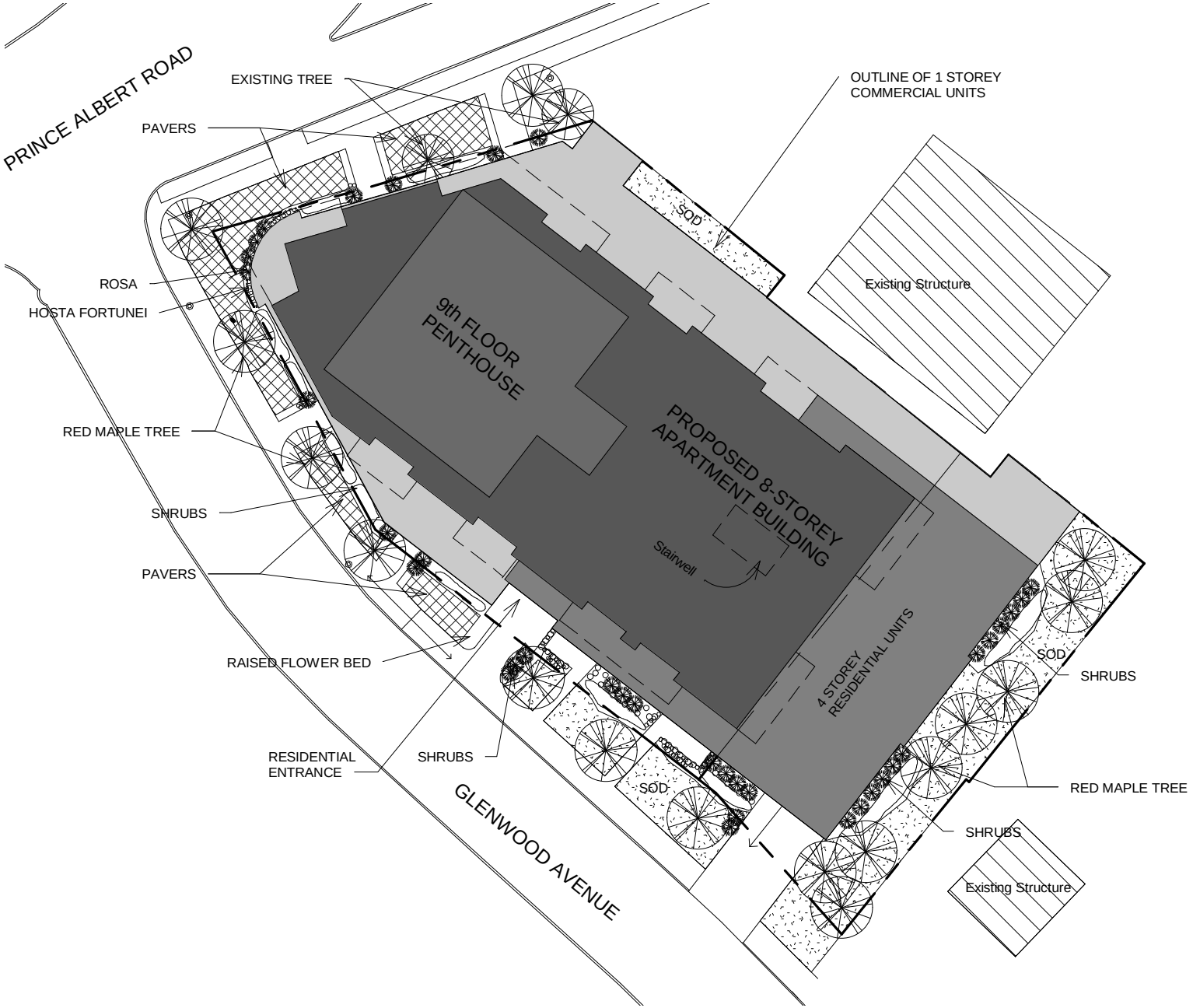
PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

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 Kevin Arjoon, 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



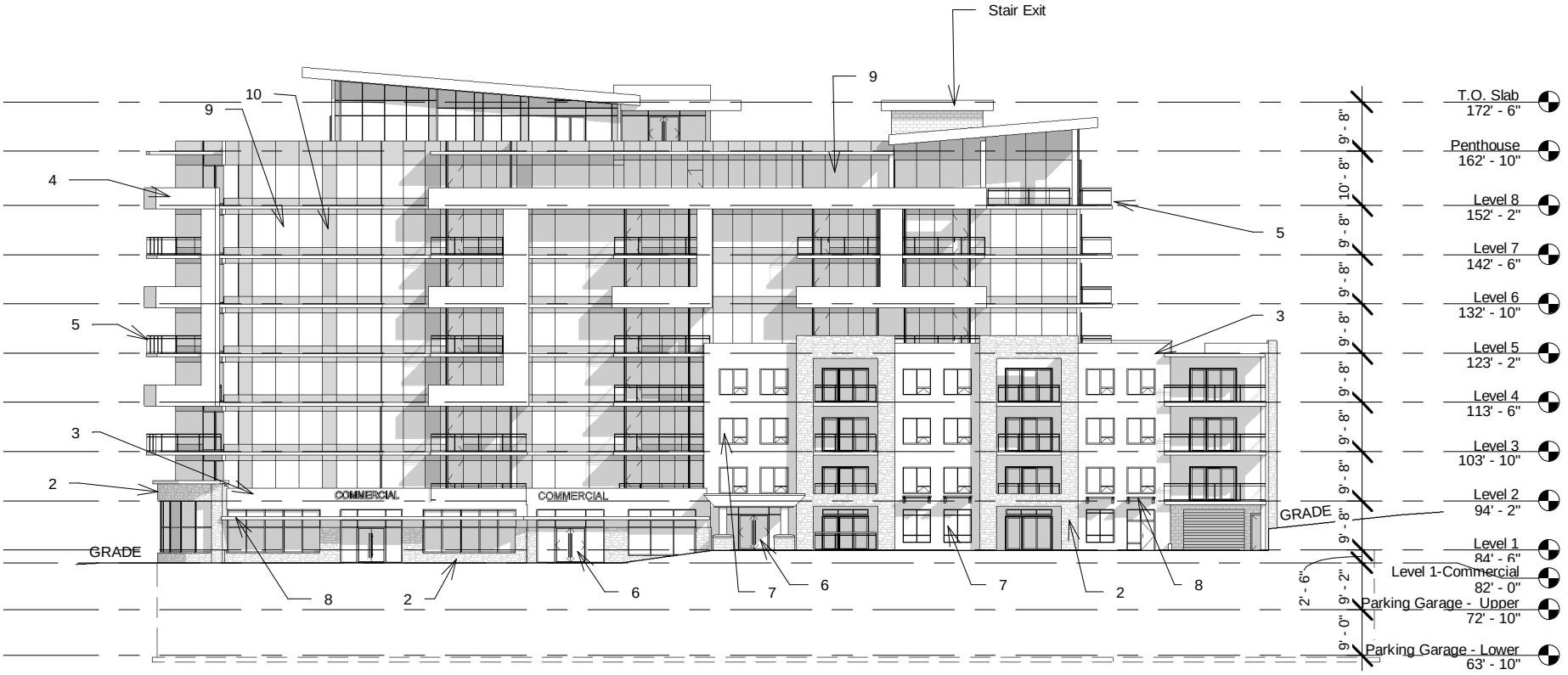
Proposed Commercial/Residential Lot 1-A-C & 5AB-D Dartmouth, N.S.	SITE PLAN **SCHEDULE B**		SCALE: NTS DATE: 9/28/2017	Paul Skerry Associates Ltd. ARCHITECTS 5514 LIVINGSTONE PLACE HALIFAX N.S. B3K 2B9



Proposed Commercial/Residential Lot 1-A-C & 5AB-D Dartmouth, N.S.	LANDSCAPE PLAN **SCHEDULE C**		SCALE: NTS DATE: 9/28/2017	Paul Skerry Associates Ltd. ARCHITECTS 5514 LIVINGSTONE PLACE HALIFAX N.S. B3K 2B9

LEGEND

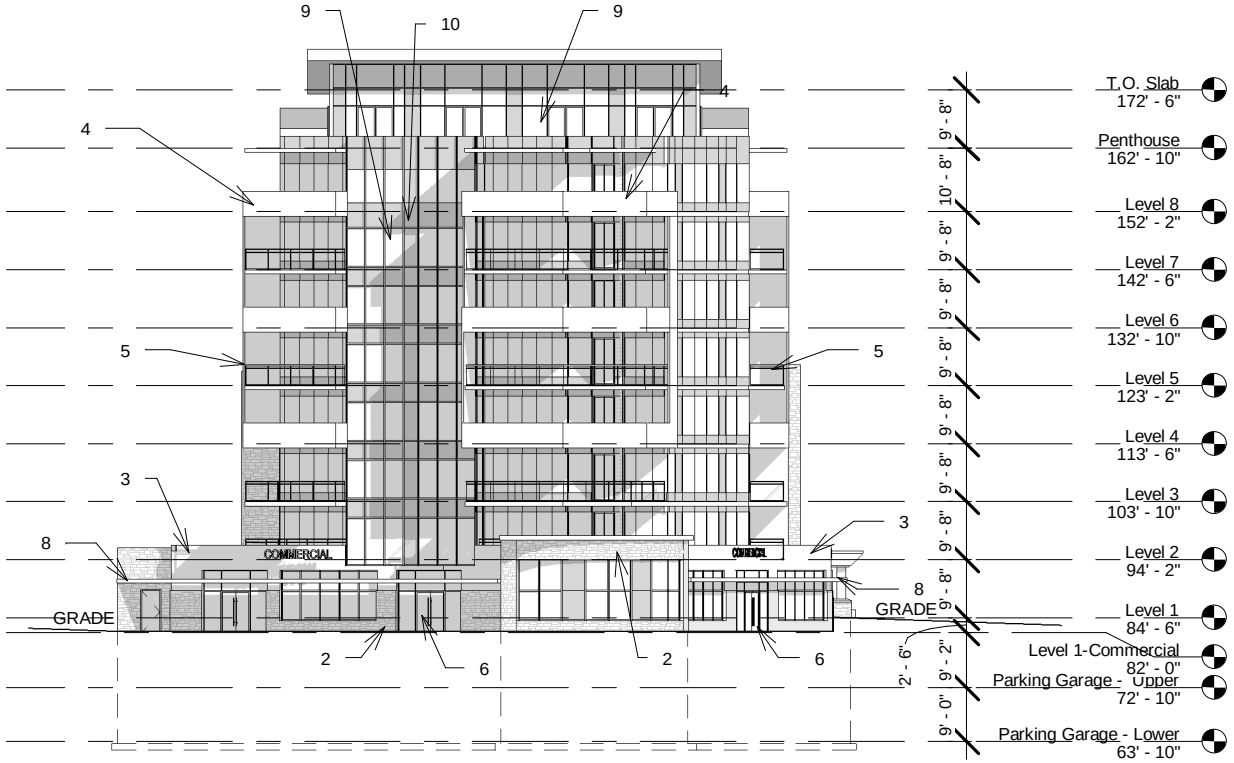
1	MASONRY TYPE 1
2	MASONRY TYPE 2
3	CERAMIC OR METAL PANEL TYPE 1
4	CERAMIC OR METAL PANEL TYPE 2
5	ALUMINUM/GLASS RAILING
6	ALUMINUM GLAZING SYSTEM
7	VINYL WINDOW/DOOR
8	ALUMINUM/GLASS CANOPY
9	VISION GLASS
10	METAL, CERAMIC, OR GLASS SPANDREL
11	GLASS BLOCK



Proposed Commercial/Residential Lot 1-A-C & 5AB-D Dartmouth, N.S.	SOUTH ELEVATION **SCHEDULE D**		SCALE: NTS DATE: 9/28/2017	Paul Skerry Associates Ltd. ARCHITECTS 5514 LIVINGSTONE PLACE HALIFAX N.S. B3K 2B9

LEGEND

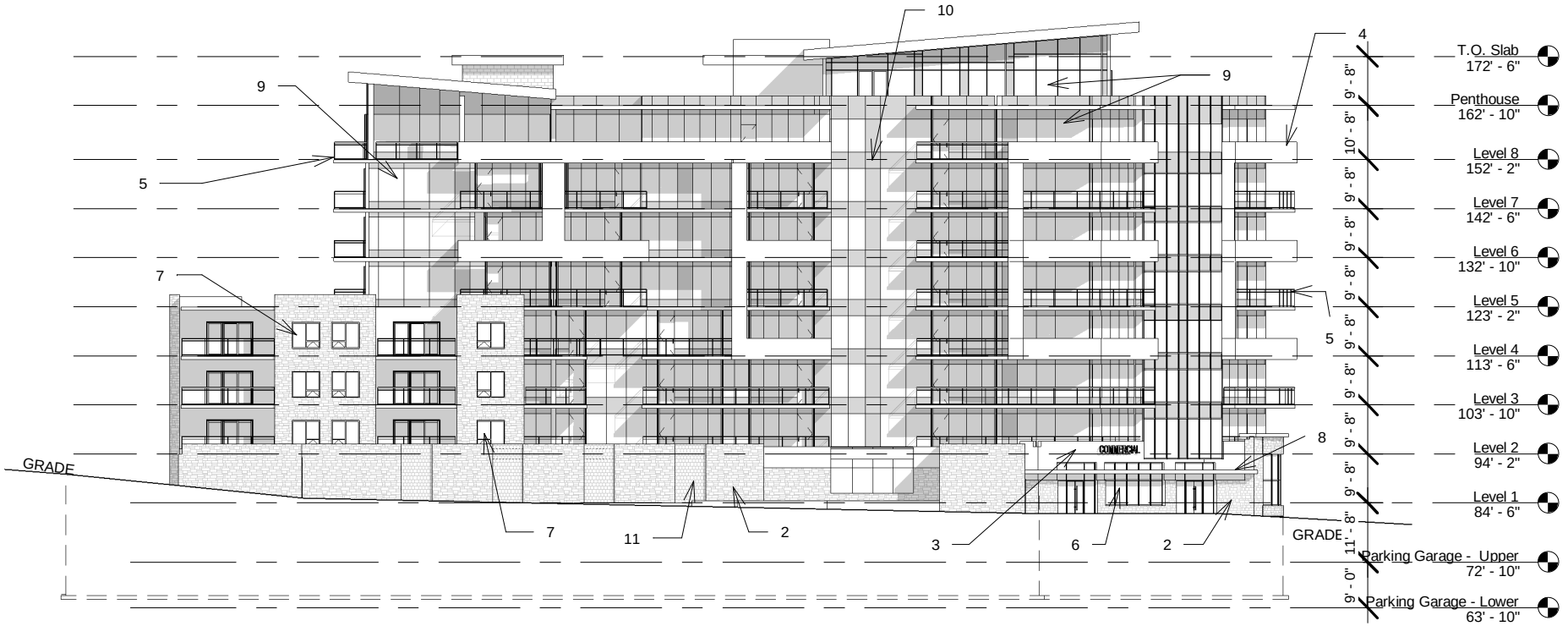
1	MASONRY TYPE 1
2	MASONRY TYPE 2
3	CERAMIC OR METAL PANEL TYPE 1
4	CERAMIC OR METAL PANEL TYPE 2
5	ALUMINUM/GLASS RAILING
6	ALUMINUM GLAZING SYSTEM
7	VINYL WINDOW/DOOR
8	ALUMINUM/GLASS CANOPY
9	VISION GLASS
10	METAL, CERAMIC, OR GLASS SPANDREL
11	GLASS BLOCK



Proposed Commercial/Residential Lot 1-A-C & 5AB-D Dartmouth, N.S.	WEST ELEVATION **SCHEDULE E**		SCALE: NTS DATE: 9/28/2017	Paul Skerry Associates Ltd. ARCHITECTS 5514 LIVINGSTONE PLACE HALIFAX N.S. B3K 2B9

LEGEND

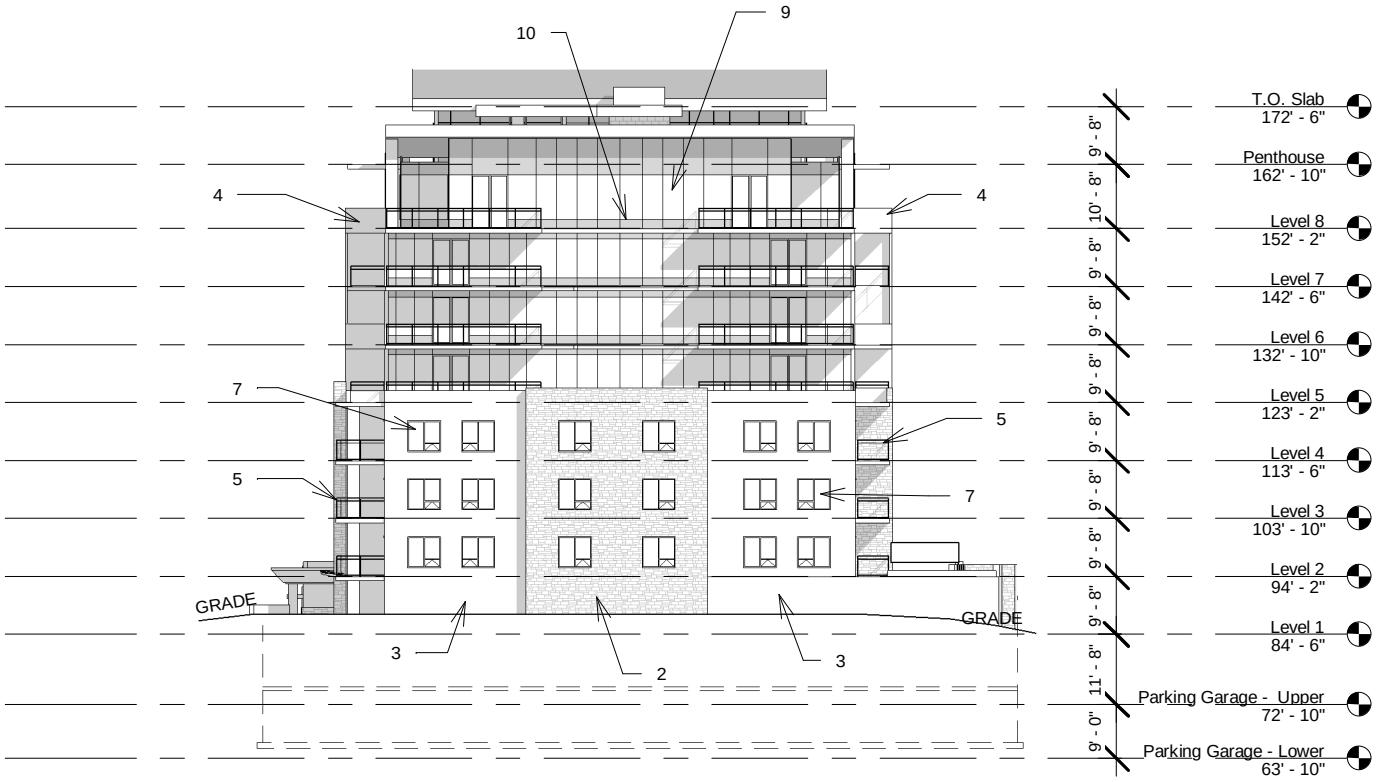
1	MASONRY TYPE 1
2	MASONRY TYPE 2
3	CERAMIC OR METAL PANEL TYPE 1
4	CERAMIC OR METAL PANEL TYPE 2
5	ALUMINUM/GLASS RAILING
6	ALUMINUM GLAZING SYSTEM
7	VINYL WINDOW/DOOR
8	ALUMINUM/GLASS CANOPY
9	VISION GLASS
10	METAL, CERAMIC, OR GLASS SPANDREL
11	GLASS BLOCK



Proposed Commercial/Residential Lot 1-A-C & 5AB-D Dartmouth, N.S.	NORTH ELEVATION **SCHEDULE F**		SCALE: NTS DATE: 9/28/2017	Paul Skerry Associates Ltd. ARCHITECTS 5514 LIVINGSTONE PLACE HALIFAX N.S. B3K 2B9

LEGEND

1	MASONRY TYPE 1
2	MASONRY TYPE 2
3	CERAMIC OR METAL PANEL TYPE 1
4	CERAMIC OR METAL PANEL TYPE 2
5	ALUMINUM/GLASS RAILING
6	ALUMINUM GLAZING SYSTEM
7	VINYL WINDOW/DOOR
8	ALUMINUM/GLASS CANOPY
9	VISION GLASS
10	METAL, CERAMIC, OR GLASS SPANDREL
11	GLASS BLOCK



Proposed Commercial/Residential Lot 1-A-C & 5AB-D Dartmouth, N.S.	EAST ELEVATION **SCHEDULE G**		SCALE: NTS DATE: 9/28/2017	Paul Skerry Associates Ltd. ARCHITECTS 5514 LIVINGSTONE PLACE HALIFAX N.S. B3K 2B9

ATTACHMENT C – EXCERPTS FROM DARTMOUTH LAND USE BY-LAW

PART 3: R-2 (TWO FAMILY RESIDENTIAL) ZONE

33(1) The following uses only shall be permitted in an R-2 Zone:

(a) R-1 uses as hereinbefore set out,
(b) a semi-detached dwelling,
(c) a duplex dwelling,
(d) basement apartments added to single family dwellings so that each building contains only two families,
(e) A group home for not more than 6 residents,
(f) any uses accessory to any of the foregoing uses.

33(2) Buildings used for R-1 uses in an R-2 Zone shall comply with the requirements of an R-1 Zone.

33(3) Buildings used for R-2 uses in an R-2 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 sq. ft.
(b) Lot coverage maximum - 35%
(c) Side and rear yards shall be provided on each side and at the rear of a building as specified in the Building By-laws of the City.
(d) notwithstanding anything contained in this section, a lot in an R-2 Zone created by the subdivision of a lot containing two semi-detached dwellings shall be permitted, provided that each lot resulting from the subdivision and each individual dwelling unit complies with the following requirements:
    (i) Lot area minimum - 2,500 square feet
    (ii) Lot frontage minimum - 25 feet
    (iii) Lot coverage maximum - 35%
    (iv) compliance with the building by-laws of the City.
(e) Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W", and within the Main Street Designation as identified on Schedule AF.

33(4) Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:

(1) Zone Requirements:
    Minimum Side Yard 8 feet, and the side yard shall be reduced to zero (0) on the side being common with another dwelling unit
    Minimum Rear Yard 10 feet
(2) The maximum building eave projection into the minimum required side yard shall be 2 feet

33(5) Notwithstanding the frontage requirement of Section 33 (3), an existing semi-detached dwelling in existence as of the 25th of July, 1978, on a lot that having less than 50' of

street frontage, may be subdivided so that each unit is on its own lot provided that all other requirements of this by-law are met.

33(6) In addition to the uses permitted by clauses 33(1)(a)-(f), existing semi-detached or duplex dwellings are permitted an additional dwelling unit provided the following conditions are met;

(a) the lot is a minimum of 7,500 square feet in area;
(b) the lot has direct access to a Collector or Arterial Road, as identified on Map 4, Major Transportation Network, of the Municipal Planning Strategy;
(c) the lot abuts or is located directly across the road from an R-3, R-4, C-2 or C-3 zoned property; and
(d) The additional dwelling unit is wholly contained, except for the addition of steps, entranceways or accessibly ramps, within a semi-detached or duplex that existed on the date of the coming into effect of this subsection."

September 21, 1987

Legislation approved by the Minister of Municipal Affairs places additional restrictions on undersized residential lots (less than, 5,000 square feet in area and/or less than 50 feet of street frontage.) Please consult Planning staff for details.

PART 9: C-2 (GENERAL BUSINESS) ZONE

39(1) The following uses only shall be permitted in a C-2 Zone:

(a) R-1, R-2, R-3, C-1 and TH uses as herein set out;
(b) Business or commercial enterprises except:
  (i) obnoxious uses and uses creating a hazard to the public and
  (ii) offices other than those permitted in the C-1 Zone
  (iii) except Adult Entertainment uses
  (iv) cabarets
  (v) pawn shops
(ba) Within the Main Street Designation, R-1, R-2 and TH uses are not permitted;
(bb) Within the Main Street Designation a drive-through is not a permitted main use;
(bc) Within the Main Street Designation, general office uses shall be permitted to occupy a maximum of 3 storeys;
(c) Uses accessory to the foregoing uses.
(d) A group home for not more than 12 residents.

39(2) Buildings used for R-1, R-2, R-3, C-1 and TH uses in a C-2 Zone shall comply with the requirements of an R-1, R-2, R-3, C-1 or TH Zone respectively.

39(3) Buildings used for C-2 uses in a C-2 Zone shall comply with the following requirements:

(a) Lot area minimum - 5,000 sq. ft.

(b) Height maximum - 3 storeys for a building with an office function as its primary function.

(ba) Within the Main Street Designation, except for those lots abutting Lakecrest Drive, residential uses are not permitted on the ground floor of a building, except for entrance lobbies, common areas and accessory uses.

(c) Maximum Lot coverage - 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.

(d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building Bylaws of the City of Dartmouth.

(da) Within the Main Street Designation, where the yard abuts any R-1, R-1A or R-2 zone, a minimum 6.1 metre (20 ft.) side and rear yard is required.

(e) Additional Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".

(f) Within the Main Street Designation, the maximum height shall be as identified on Schedule AF.

39(4) Within the Main Street Designation, retail fuel outlets and accessory uses shall be prohibited except where the main building is located between the sidewalk and the fuel pumps, which building shall have at least one facade parallel and adjacent to the front lot line, with a display window and a full-length canopy or awning extending out at least 1.5 metres [5 ft] in front of the façade.

39(5) Building walls and roofs facing an adjacent Residential Zone shall be finished with the same siding and roof cladding as predominate on the facade.

39(6) Within the Main Street Designation, utility connections, fill pipes, exhaust vents and ventilators on facades shall be screened from the view of pedestrians by landscaping, solid board fencing, a decorative wall or an architectural feature.

39(7) Within the Main Street Designation, no illuminated sign, no outdoor loudspeaker, nor any drive-through lane, shall be located less than 6 metres (20ft) from any adjacent residentially zoned property.

39(8) Within the Main Street Designation no drive-through lane, no drive-through window, nor any surface parking shall be located between the building and the street.

39(9) Notwithstanding Sections 15(fa) and 28(3A)(a) and (c), on lands shown on Schedule "AH" – Gordon Avenue and Tacoma Drive Development Agreement Lands, front yard setbacks exceeding the maximum set forth in this by-law may be considered only by development agreement in accordance with Policy C-51 of the Municipal Planning Strategy.

ATTACHMENT D – PUBLIC INFORMATION MEETING (PIM) MINUTES

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20269

Thursday, January 21, 2016
7:00 p.m.
Alderney Elementary School, 2 Penhorn Drive, Dartmouth, NS

STAFF IN ATTENDANCE:	Ben Sivak, Major Project Planner, HRM Development Approvals Holly Kent, Planning Technician, HRM Development Approvals Tara Couvrette, Planning Controller, HRM Development Approvals
ALSO IN ATTENDANCE:	Councillor Gloria McCluskey, District 05 Councillor Lorelei Nicoll, District 04 Applicant, Wadih Jabbour, Monaco Investments Partnership Architect, Greg Johnson from Paul Skerry & Associates Limited
PUBLIC IN ATTENDANCE:	Approximately 63

The meeting commenced at approximately 7:00 p.m.

Call to order, purpose of meeting – Ben Sivak

Mr. Sivak introduced himself as the Planner and Facilitator for the application; Wadih Jabbour representing Monaco Investments Partnership the applicant, Architect - Greg Johnson from Paul Skerry & Associates Limited, Holly Kent as the Planning Technician; Tara Couvrette as the Planning Controller, Councillor Gloria McCluskey, District 05 and Councillor Lorelei Nicoll, District 04.

Case 20269 - Application by Monaco Investments Partnership to 1) rezone lands located at 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial); 2) rezone lands located at 5 Glenwood Drive from R-2 (Two Family Dwelling) to R-4 (Multiple Family Residential - High Density); and 3) enter into a development agreement to allow a 10 storey residential building containing approximately 90 units with ground floor commercial uses on the combined site.

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

1. Presentation of Proposal – Ben Sivak

Mr. Sivak introduced himself and provided a brief introduction to the case.

Mr. Sivak made a presentation to the public outlining the purpose of the meeting, status of the application and the rezoning/development request. Mr. Sivak outlined the context of the subject lands, and relevant planning policies.

Presentation of Proposal – Architect, Greg Johnson from Paul Skerry & Associates Limited

Mr. Johnson explained his proposal for the site and showed slides of what the development would look like from different angels and viewpoints.

2. Questions and Comments

Gary Patterson, 73 Glenwood Ave – He feels the area has a strong sense of community with family ties going back 3 generations. His first concern is that the zoning for the ½ acre site had been changed, tweaked and altered to allow for the development of a high rise building. He stated not many years ago the limit was 35 feet. A ½ acre site isn't a lot of room to put a high rise building on. He stated his issue is with the precedent that would be set when we allow developers to buy up the residential properties and plow them under. It is a bad idea.

Jeff Weatherhead, 4 Ashton Lane - He wanted to follow-up on what Gary said and point out what the Architect said. Mr. Johnson stated that 5 Glenwood is in pretty good shape and he thinks this needs to be emphasized for the record. We have good housing in this area and to take out that good housing is a significant problem. Rezoning is a really big obstacle. The 2011 traffic report - he sat through the UARB's decision and read through the UARB decision and the traffic report was highly discredited. That report was aggressively criticized and refuted by the UARB. The traffic engineer thought all of the traffic was turning down towards Prince Albert but the traffic was turning down towards Superstore because people can't get out of the intersection at that spot. There are a lot of traffic problems in that area. In the Sullivan's Pond / Lake Banook Master Plan that area of highway is found to be high risk and dangerous. There was a lady who was hit and as a result of her injuries she passed away. It is not the volume that the 90 unit building will raise it's the obstruction at a very dangerous intersection. The wind study - the chair for the UARB identified it was a software desktop analysis that was generated in 2000 if not earlier as part of the doctoral program for the gentleman and he has not done any update or worked on any water base manual craft watercourse to test or improve his desktop software. He acknowledged that for an additional ten thousand dollars over the cost of doing the desktop analysis what should be in every one of these cases is an actual wind tunnel analysis which is different than a software analysis. We like the Main Street development and we think density is a good idea but not at the density rates that you are purposing at 90 units per ½ acre. That has density rates of over 300 people per acre. This is on an awkward intersections, it might be different if you were set back off the street like on Baker Drive. There is a plan for 2016; Regional Council is going to vote on a new Regional Municipal Planning Strategy that will change the overall rules that we have and he is wondering if Ben has looked or talked to Jacob about the Center Plan to see how it would impact this site. What are the alternatives? We want to see development, we want to see use and we know that 60-70 % of the housing is seniors in the area and in 5-10 years those folks are going to want at step down type of accommodation and we want that to be there, we just don't want that to be there in ways that make it unlivable for all of us. We need to understand scale, we need to understand safety around street access, and the impact it has on the immediate neighbour's. **Ben Sivak** – Explained RP+5 and the Center Plan and explained we can't look at policies that council might approve in the future and instead have to look at the policies that are currently approved.

Irene Schofield, 30 Harris Road – Stated that we are not opposed to progress and in favor of increasing density in our area but the question is scale. A 10 storey building on the corner of a residential street is not compatible for the area. This would lead to increased hazards and

somebody getting killed in the streets. The traffic on Glenwood, Prince Albert and the Circumferential Highway will all be affected. We have children who would like to have affordable housing and if you keep tearing down and demolishing the houses they will not have a chance or opportunity to ever own a home. This development is an accident waiting to happen from our community. She went over the traffic issues that were spoken about in front of the UARB. We do want increased population, we do want to increase the school enrolment, people have chosen this school because of its low enrollment and the children are excelling here. We ask that you oppose the 10 storey and compromise with a 6-8 storey building with about 45 – 60 units.

Margaret Cassidy, 49 Tremont Street – She stated she is not opposed to development and she wants economic growth for the community. She would like to see a building that the community can be proud of and fits in with the overall topography of the area. She is worried about the shadows that a building this size would have to its surrounding neighbours. She would like this development to be opposed in its current format because there is nothing progressive about a development of this height. For all of the reasons that everyone is stating please give this a thumbs down. She stated she was not opposed to the Banook Shores development because it was right sized and fit into the neighbourhood and did not impede on anyone's privacy. This building is a very new, very modern design that would fit in better over on Baker Drive.

Alison Crowe, 9 Glenwood – Stated that if the developer was proud of this development and thought it would be a great asset and was going to bring property values up that he would have told her when she purchased her house from him that he was building this. He could have disclosed that information on the sale of the house. If it in fact improved the community you would have acknowledged it, but you did not. Knowing that now and standing here today she does not trust what he says he will do. She doesn't believe what he is building will improve the community on any level. She said she is all for development and she loves Dartmouth. Yes, get rid of the funeral home, but a 10 storey building that sits on top of its neighbours the way is not helpful on any level. Come back with another proposal, something that we are encouraged to welcome.

Dean Ross, Glenwood Ave – He agrees with all the other speakers. He had concerns about the 500 foot buffer away from the lake. He wanted to know what point of this development meets that 500 foot buffer. Is it at the corner of the Prince Albert Road property, or is it at the corner of 5 Glenwood Ave? **Mr. Sivak** – Explained the 35 foot height limit and the buffer area around Lake Banook. He stated it is not a straight line but it zig zags around properties, it is an irregular shape. This subject property is just outside the height limit. He was not sure what portion of the property is within 500 ft. **Dean Ross** – If the property that is on Prince Albert Road is less than 500 feet and they needed to include 5 Glenwood Ave in order to get the 500 feet would that be okay to build this building? **Mr. Sivak** – Explained that what council approved is that 500 feet is not set in stone it was a rough guide when they were establishing that irregular shape. The property on Prince Albert Road and the property on Glenwood Ave are both outside of that height limit. **Dean Ross** – When children leave this building there are no sidewalks going up Glenwood Ave. People who are going to be coming to this development are going to be parking all up and down both sides of Glenwood Ave. The road is not wide enough to have two lanes of traffic parked up and down both sides of the street. The garage door for this building has always been; drive up Glenwood, go behind and it is going to be opening and closing to those couple of houses on Glenwood Ave 7/9 the ones across the street, the garage doors constantly going up and down and the commercial trucks running in and out, the noise and disturbance to the neighbours will be huge. He is opposed to the development. 90 parking spots for 90 units is not enough parking. Most people have at least 2 vehicles.

Carl Huntington, 8 Glenwood Ave – He is opposed to the development and rezoning. The community has already demonstrated that this development does not meet the needs of the community because of scale, mass and density. Council has already turned this down and that was upheld by the UARB. Not much has changed with this proposal; the density is roughly the same. The rezoning application should not be approved for the following reasons; one - a commercial development should not be allowed to creep up into a residential zone, existing established neighbourhoods are supposed to be protected from this type of development in the language of the Dartmouth MPS, two – the present land use of 5 Glenwood Ave as affordable family housing is a better use and fit then the proposed underground parking entrance to the apartment tower, three – the parking entrance is proposed to go across the street from his driveway and there are safety concerns for his children as well as the safety of other children on the street as they walk to school in the morning during peak traffic times. The sidewalk purposed for the development will not be adequate for the kids walking to and from school. Kids will be forced onto the street to walk around the cards parked on the sides of Glenwood Ave. Will Glenwood Ave residents be forced to pay for sidewalks to keep our kids safe. In essence we will be forced to pay for to subsidize this development to keep out kids safe. This development will negatively impact the personal enjoyment of our properties, our privacy and likely the property values for years. We urge planning staff to not recommend this development and rezoning application for approval by council.

Paul Mombourquette, 7 Glenwood Ave – He has been there for 50 years and the area was quiet and full of families but in the early 70's without them knowing a four storey motel went up. A four storey wall went up along the back on his property and so went some of their privacy etc. Now there would be a 10 storey building on the other side of me, two sides completely blocked. We built a little patio to read and watch the birds. We are worried about people tossing things off their balconies and hitting us because the property is not more than 67 feet way. This area was always a residential area with single family homes. Construction of this worries me because you are going to have a tower crane going over the top of our homes and there have been accidents and things falling off of cranes, which will be responsible for that, the developer? There are so many things to take into consideration when you build something like this. It is nice to have density, look at Baker Drive, perfect; Horizon Court over by Mic Mac Mall is the same thing. Density can be done for Dartmouth but is has to be done right and this is not the right location. I go on record as opposing this.

Lorena MacDonald, Banook Shores – Banook Shores is a high density community, Banook Shores does sit on a piece of land though that is 2 acres and has 62 units with 82 underground parking spaces and 25 outdoor parking spaces. We stretch out across Prince Albert Road and we look at the lake. We sit on an old commercial site that was a gas station and car dealership so it improved the site. There was a development agreement that was required, our roof is green and has to remain green so that it doesn't stand out to the people behind on Cranston when they look down at the lake, it has to appear like grass. The siding is gray, it has to remain gray because it has to blend into the community, and it can't stand out so that when people are out enjoying the lake and they look to the shoreline they didn't see some large building protruding from the sideline. I am all for development but development needs to work. I am all for putting a building on the funeral home site, the funeral home has been an eye sore for years but we need to scale it back. We need to think of how it is going to look with the neighbourhood. We need to blend the colors and the design. The stretch of road from the gazebo to the Superstore is very dangerous. We need to think about the traffic, trying to get out of the condo is much more difficult now than when she first moved in. The other concern is sunlight. The sun sets across the lake and it is going to set on that glass tower and blind people during rush hour traffic in the evening and nobody is ever going to see the crosswalk lights. I am for development, we need to approve that site but you need to go back to the drawing board and

put something there that fits.

Peter Jabbour, Nephew of one of the owners of this development and a business owner at 73 Tacoma Drive – He is a member of the Village on Main Businesses and there goal is to rejuvenate the Main Street district and surrounding areas both commercially and residentially. He supports this project and he believes in this community. This project would not only bring a new façade to Prince Albert Road but would also bring new families to this area. With those family's we would be able to sustain our schools and keep our businesses flourishing. We need more people in this area; more people will lead to more ties in the community and help us with the growth of these areas. He purchased his building on Tacoma Drive a year ago because he believes this community is filled with active people who want to see this area grow, becoming better and be all it can be. Projects like this will help increase property values encourage new investors and developers in the area and bring in added revenue. With that added revenue we can improve our parks and our roads and maintain our community and most importantly support our schools. He supports this project.

Nancy Radcliffe, 357 Prince Albert Road – Given that this development has changed its focus or target market sense 2012, in a typical development of this size what percentage of children would there be? **Wadih Jabbour** – He stated around 35%. **Nancy Radcliffe** – So about 30 more children adding to the enrollment. In 2012 HRM identified this section of Prince Albert Road as a growth corridor. Is it still identified as a growth corridor? **Mr. Sivak** – That is a hard question, that project never resulted in any policies or regulations that council approved. He fully expects that through the center plan they would revisit that idea of corridors and where and how more density should be located. **Nancy Radcliffe** – Can you answer why it was never adopted or translated into policy? **Mr. Sivak** – No. **Nancy Radcliffe –** She stated her understanding is that as density is increased it does lead to traffic calming measures. Can you speak to that at all? **Mr. Sivak** – explained that this was because of added lights and signs and other measures like that. It is up to the engineers to go over the reports and provide feedback. **Nancy Radcliffe –** Would you agree that status quo in a thru fare situation is not the best answer to calming traffic. We have a great neighbourhood with great amenities and amazing walkability in certain area, we have a terrific school and great shopping. We have a tremendous opportunity for growth and she supports the development.

Bill Rothwell, 12 Glenwood – He thinks the lower part of Glenwood is an extremely dangerous piece of road. He noticed that if there was a funeral at the funeral home there was barely enough room to get down the street. They just put in mailboxes and with the little bit of traffic it is still very narrow. There are kids walking up and down the street with not enough room. There are trucks at Robin's Donuts and a snow plow that was coming down the street had to raise his blade up as far as he could to just squeeze through there. Cars going up the street doing 70 to 80 miles per hour just to get up the hill and to add another large project there to make the area more congested would make an already dangerous situation worse.

John Ross, 6 Lakeview Point Road – 7-8 years ago there was a project purposed for paddlers cove which is 100 meters from this property. After a lot of discussion and a lot of thinking on behalf of council members they made a decision not to approve a 6 storey with a penthouse for 7 storeys. Shortly after that there was a meeting at Creighton Park School and from that came the decision to make sure there was a 35 foot height ceiling anywhere within 500 feet of the lake and, Ben, it wasn`t considered approximate it was 500 feet, it is only 407 feet from the corner of this property to Lake Bannok. Whoever did make that determination to fit this piece of property into an area that is less than 500 feet is still a question mark. He agrees development is good but he is not keen on hearing the story about Main Street, Main Street should be tied into the Westphal / Woodlawn community not this community. This is the third time around and each time council in their wisdom has turned down the project. The height, scale and density needs to be considered as Banook Shores fits into the community. If this were Baker Drive that may be

acceptable but it is not as acceptable in a residential community. This can work but make it 6 storeys and people here would be willing to work with you and the people here would be great neighbours.

May Fredericks, 371 Prince Albert Road – She has issues with traffic where that building is going to be located. She stated that she has to cut through Superstore because of the traffic. She likes development but it needs to be scaled back. She stated that 10 years ago they requested lights be put up and they were told they were not needed. Superstore came along and had enough money they made their own lights so now we will never get lights. If we have a developer we want them to pay for lights there to make it safe and pay for sidewalks or convince council to do that for us.

Graciella Grbac, Humber Park – With village on Main Street Business and Principal District – She feels this can work, this can be a very vibrant community. There is hope in an eclectic community with a mix of commercial and residential, embrace it don`t be afraid of it.

Louise D'entremont, 11 Glenwood Ave – She is not in favor of this development. She thinks it would be an eye sore. It doesn`t fit with the area. Banook Lake is an international Lake and lots of people come here for the low density area. We are known all over for this. If you build the high rise there will be no privacy. It is very dangerous to park in front of the mailbox and get your mail this will make it worse. With no sidewalks it is very dangerous to walk between the cars for more than just children. It is dangerous for people who walk their dogs etc. She is against the rezoning and the development. She would like to see a community center or something for artists.

Irene Schofield, 30 Harris Road – Will this be family housing. The first time you came out it was supposed to be senior housing. **Wadih Jabbour** – What we have purposed originally was a condo and we were targeting seniors. **Irene Schofield –** I find it hard to believe that a child would even make it safely to school from that corner. You mentioned the Dartmouth Main Street revitalization, if you compare your Dartmouth Main Street with Lakecrest Drive and Raymond Street and those family`s still have what they bought, a nice neighbourhood. Lakecrest Drive they just did two new buildings there but they fit within the neighbourhood. They are low rise and they do fit well. Main Street is totally different, you want your Main Street mini city to stand out but you don`t need that in a neighbourhood. I oppose this position.

John Ross – To the developer I want to say, nobody is opposed to a higher density then currently exists on the corner of Glenwood and Prince Albert Rd. I would like to see you succeed here. A 6 storey building with 40 units could work here and I don`t think you would have a fight from the neighbours to do that. We would like something that is compatible with the community.

3. Closing Comments

Mr. Sivak, thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 8:40 p.m.

ATTACHMENT E – REVIEW OF MOST RELEVANT MUNICIPAL PLANNING STRATEGY POLICIES

Table 1: Most Relevant Dartmouth Municipal Planning Strategy Policies

Chapter 11 – Implementation	
Policy IP-1	
Policy Section	**Staff Comment**
(b) Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan. An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.	The requested rezonings of 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial) and 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density) are permitted within the respective designations or adjacent designations that are applicable to the properties, i.e. Commercial (C) for the front portion of 307 Prince Albert Road and Residential (R) for the balance of 307 Prince Albert Road and 5 Glenwood Avenue.
(c) In considering zoning amendments and contract zoning, Council shall have regards to the following:	
(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan	This is the staff position for the reasons outlined in this report.
(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	The proposal is for a 9-storey residential building (8 storeys + penthouse) with ground floor commercial uses (for the portion of the ground floor closer to Prince Albert Road). In terms of uses, the proposal is compatible with other surrounding uses. A good portion of adjacent lands fronting on Prince Albert Road are zoned C-2 (General Business). Current establishments on these lands include a Sobeys Fast Fuels gas station, a Needs Convenience store, a Robins Donuts, a Captain Submarine, a car repair garage (Yuille Auto Works), a NAPA Auto Parts store, and an Atlantic Superstore. In addition, there is an established hotel (Hearthstone Inn) located just to the east of the subject site on Lawrence Street. The residential nature of the rest of the proposed building is also in keeping, from a use perspective, with multi-unit residential buildings located on Lawrence Street, as well as the Banook Shores development located at 271-275 Prince Albert Road (two blocks to the west of the site). Multi-unit residential developments are also compatible with low-density residential, from a use perspective, when they are located on

	the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street as is the case with this portion of Prince Albert Road. In terms of bulk and scale, the building being proposed will be the tallest building in the general area when compared to what currently exists (the next highest building would be the Banook Shores development at 5 storeys). Staff advise that a 9-storey building (8 storeys + penthouse) is at the upper range of what is acceptable, in terms of compatible building height, for this location. For example, the original design for a 10-storey building, which went to a public information meeting in January, 2016, was stated as being too tall by staff. Staff advise the impact of the proposed building on adjacent uses and the existing development form in the area will be minimized by how the bulk is distributed on the site, which can be summarized in three points: (1) The building will transition down in height towards #7 Glenwood Avenue (from 9 to 8 storeys and then to 4 storeys). (2) A change in grade and an approximate 6-metre landscaped buffer between the proposed mixed use building and #7 Glenwood Avenue will provide a further transition. This last design intervention will tend to hide the ground floor of the new building, making it look as if the new building is only 3 to 3 and a half storeys in height where it abuts the two-storey house located at #7 Glenwood Avenue. (3) The proposed building will also have two step backs in the massing of the building along Glenwood Avenue (above the ground floor and above the 7th storey), which will minimize the impact of the overall bulk of the building along this street. (4) The 9th storey penthouse will be located exclusively on the commercially-zoned parcel and will cover no more than 30% of the roof area.

(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries	The applicant is proposing an approximate 6-metre landscaped buffer between the proposed building and the single-unit dwelling at #7 Glenwood Avenue. In addition, the applicant is proposing to transition the building down in height towards #7 Glenwood Avenue (from 9 to 8 storeys and then to 4 storeys). A change in grade within the approximate 6-metre landscaped buffer between the proposed mixed use building and #7 Glenwood Avenue will provide a further transition. This last design intervention will tend to hide the ground floor of the new building, making it look as if the new building is only 3 to 3 and a half storeys in height where it abuts the two-storey house located at #7 Glenwood Avenue. The proposed building will also have two step backs (above the ground floor and above the 7th storey) in the massing of the building along Glenwood Avenue, which will minimize the impact of the overall bulk of the building along this street. Staff believes the transitioning down to #7 Glenwood Avenue, as well as #6, #8 and #10 Glenwood Avenue (on the opposite side of the street) is enough to properly respect the existing low-density house form character of Glenwood Avenue. Section 3.10 of the draft development agreement requires that landscaping be provided around the proposed building. Section 3.7 of the draft development agreement requires the screening of mechanical equipment, propane tanks, electrical transformers and standby power generators. Section 3.13 of the draft development agreement requires that solid waste receptacles be located within the building. No open storage is enabled under the draft development agreement. The only site access for vehicles will be from a driveway on Glenwood Avenue. As part of the redevelopment of the site, the developer will be closing an existing driveway which is located within the Prince Albert Road/ Grahams Grove intersection. This modification removes a conflict

	point from Prince Albert Road resulting in all site traffic being directed to a stop-controlled intersection which has good visibility in all directions.
(4) that the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of the City is to absorb any costs relating to the development	The subject site is well served by existing municipal infrastructure. Any cost to upgrade municipal infrastructure, in order to accommodate the project, will be the responsibility of the developer.
(ii) the adequacy of sewer and water services and public utilities	There is sufficient capacity in the stormwater and water distribution systems to service the proposed development. The developer will be required to provide evidence at the building permit stage that sufficient capacity exists in the local wastewater system. Any necessary upgrades to the wastewater system will be the responsibility of the developer.
(iii) the adequacy and proximity of schools, recreation and other public facilities	The subject site is located in close proximity to Alderney Elementary School, which accommodates students from grades Primary to 6. As of September 2015, the school was operating at 41% capacity. The subject site is also located in close proximity to Kiwanis Grahams Grove Park, Lake Banook Regional Park, Silvers Hill Park and Lions Beach Park; the Dartmouth Multi-use Trail which is part of the Trans Canada Trail system; and both the Mic Mac Amateur Aquatic Club and the Banook Canoe Club.
(iv) the adequacy of transportation networks in adjacent to or leading to the development	See Staff Report Discussion sections pertaining to traffic, intersection safety, and parking. HRM Traffic Management has reviewed the analysis and has accepted the findings of a submitted TIS. It also concluded that upgrades to the existing stop-controlled intersection are not warranted.
(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas	The closest water body from the subject site is Lake Banook. However, there is a minimum distance of 135 metres that separates the site from Lake Banook. Additionally, a four-lane road and other developed areas are located between the site and Lake Banook. Therefore, the proposed development is not expected to have a direct impact on the erosion and sedimentation conditions of the Lake. Likewise, the proposed uses are not expected to pose a contamination hazard for the Lake. The closest watercourse to the subject site is located approximately 85

	metres away in a southwesterly direction. The proposed development is also not expected to impact this watercourse.
(vi) preventing public access to the shorelines or the waterfront	The proposed project will not impact access to the waterfront or to any shoreline within the municipality.
(vii) the presence of natural, historical features, buildings or sites	There are six mature trees along the Prince Albert Road frontage. It is the intent of the applicant to preserve as many of these trees as possible. The applicant is also proposing the planting of new trees as part of the preliminary landscape plan attached to the draft development agreement. There are no other valuable natural features associated with the site. The subject site is not a designated heritage property, nor does it contain a designated heritage building or a building worth designating. However, the subject site does fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. Prior to any disturbance of the lands, the developer will need to contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage. The developer will then need to comply with any of the requirements set forth by the Province of Nova Scotia in regards to archaeological resources.
(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized	The subject site is an infill site and its redevelopment will utilize existing services and infrastructure.
(ix) the detrimental economic or social effect that it may have on other areas of the City.	Planning staff does not expect any detrimental economic or social effect from this project on other areas of the municipality.
(5) that the proposal is not an obnoxious use	The proposed project will not lead to any inherent obnoxious uses.
(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 nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:	
(i) type of use, density, and phasing	Sections 3.3 and 3.4 of the draft development agreement include controls over use and density. No controls over phasing were incorporated within the draft development agreement, however, as the proposed building is intended to proceed under a single construction phase.
(ii) emissions including air, water, noise	The proposal is for a 9-storey mixed use residential and commercial building. Staff does

	not anticipate any noise emissions beyond what could be expected from such a use. Specific controls were therefore not included in the draft development agreement.
(iii) traffic generation, access to and egress from the site, and parking	Section 3.8 of the draft development agreement specifies controls in regards to traffic generation, access to and egress from the site, as well as parking. These items are not anticipated to conflict with adjacent or nearby land uses.
(iv) open storage and landscaping	Section 3.13 of the draft development agreement requires that solid waste receptacles be located within the building. No open storage is enabled under the proposed development agreement. Section 3.10 of the draft development agreement requires the provision of landscaping.
(v) provisions for pedestrian movement and safety	There is a lack of sidewalks along Glenwood Avenue and the draft development agreement will require the developer to extend the existing sidewalk along the Glenwood Avenue frontage to the interior property line shared between the subject site and civic number 7 Glenwood Avenue.
(vi) management of open space, parks, walkways	The proposed project is a single building which covers most of its site. As such, the proposal does not include any open spaces, parks, or walkways.
(vii) drainage both natural and sub-surface and soil-stability	Staff is not aware of any soil-stability issues on the subject site and therefore did not include controls within the draft development agreement on this matter. During the permit stage, HRM Development Engineering will review the grading and stormwater management plans for the subject site.
(viii) performance bonds.	A development agreement will enabled this proposal, which negates the need to make use of performance bonds.
(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	The proposed site is suitable in terms of the steepness of slope. The subject site is not impacted by any watercourse, marsh, swamp, or bog, nor is it susceptible to flooding. Staff is not aware of any soil or geological conditions on the subject site that would negatively impact the proposed development or abutting properties. The subject site is not located next to a major highway, ramp, railroad, or other nuisance factors.
(8) that in addition to the public hearing requirements as set out in the Planning Act and	A public information meeting on this application was held on January 21, 2016.

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	
(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:	
(i) Council with a clear indication of the nature of proposed development, and	Staff is of the opinion that enough detail has been provided to Council to allow it to clearly understand the nature of the proposed development.
(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community	Staff is of the opinion that it is in possession of enough detail on the proposed development to properly assess and determine the impacts that such a development will have on the land and the surrounding community.
(o) Apartment Building Development Careful consideration should be given to the construction of apartment buildings throughout the City. Recently, concerns have been expressed about the exterior design, density, concentration, site treatment, massing and traffic issues as they relate to apartment development. These issues could be addressed by the Development Agreement process and would also permit public involvement in the evaluation of the proposed development.	
Policy IP-5 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. In considering the approval of such Agreements, Council shall consider the following criteria:	Policy IP-5 applies as the request is to: (1) rezone 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial); (2) rezone 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density); and (3) enter into a development agreement to allow for a 9-storey mixed use residential and commercial building.
(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;	Refer to earlier policy analysis provided regarding Policy IP-1 and to the Discussion section of the Staff Report.
(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:	

(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;	Controls for these elements are contained throughout the draft development agreement, as follow: • Height (Sections 3.1, 3.3, and 3.5, and Schedules D to G) • Size and bulk (Sections 3.1 and 3.5, Schedule B, and Schedules D to G) • Density (Section 3.4) • Lot coverage (Sections 3.1 and 3.5, and Schedule B) • Lot size and frontage (Schedules A and B) Staff believes there are adequate controls to reduce conflict with adjacent or nearby uses.
(ii) traffic generation, access to and egress from the site; and	Section 3.8 of the draft development agreement specifies controls in regards to traffic generation, access to and egress from the site. These items are not anticipated to conflict with adjacent or nearby uses.
(iii) parking;	Section 3.8 of the draft development agreement specifies controls in regards to parking. Vehicular parking will be provided via internal parking levels containing a minimum of 106 parking spaces.
(c) adequacy or proximity of schools, recreation areas and other community facilities;	The subject site is located in close proximity to Alderney Elementary School, which accommodates students from grades Primary to 6. As of September 2015, the school was operating at 41% capacity. The subject site is also located in close proximity to Kiwanis Grahams Grove Park, Lake Banook Regional Park, Silvers Hill Park and Lions Beach Park; the Dartmouth Multi-use Trail which is part of the Trans Canada Trail system; and both the Mic Mac Amateur Aquatic Club and the Banook Canoe Club.
(d) adequacy of transportation networks in, adjacent to, and leading to the development;	See Staff Report Discussion sections pertaining to traffic, intersection safety, and parking. HRM Traffic Management has reviewed the analysis and has accepted the findings of a submitted TIS. It also concluded that upgrades to the existing stop-controlled intersection are not warranted.
(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;	Refer to earlier policy analysis provided regarding Policy IP-1 and to the Discussion section of the Staff Report.
(f) that mature trees and other natural site features are preserved where possible;	There are six mature trees along the Prince Albert Road frontage. It is the intent of the applicant to preserve as many of these trees as possible. The

	applicant is also proposing the planting of new trees as part of the landscape plan attached to the draft development agreement. There are no other valuable natural features associated with the subject site.
(g) adequacy of buffering from abutting land uses;	The abutting land uses from the subject site are a combination of a retail fuel outlet, convenience store, and two restaurants at 303 Prince Albert Road (Sobeys Fast Fuels/Needs Convenience/ Robins Donuts/Captain Submarine), a garage at 311 Prince Albert Road (Yuille Auto Works), a 4-storey hotel at 313 Lawrence Street (Hearthstone Inn), a single-unit dwelling at #7 Glenwood Avenue, and four single-unit dwellings along the opposite side of Glenwood Avenue (4, 6, 8 and 10 Glenwood Avenue). The developer is proposing an approximate 6-metre landscaped buffer between the proposed building and the shared interior property line with #7 Glenwood Avenue. In addition, the developer is proposing to transition the building down in height towards #7 Glenwood Avenue (from 9 to 8 storeys and then to 4 storeys). A change in grade within the approximate 6-metre landscaped buffer between the proposed mixed use building and #7 Glenwood Avenue will provide a further transition. This last design intervention will tend to hide the ground floor of the new building, making it look as if the new building is only 3 to 3 and a half storeys in height where it abuts the two-storey house located at #7 Glenwood Avenue.
(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and	The developer will need to abide with section 5.1 of the draft development agreement, which deals with Erosion and Sedimentation and Grading Plans. Grading and stormwater management plans will be reviewed by HRM Development Engineering at the permit stage.
(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).	This is discussed earlier in this document.
(q) <u>Lake Banook Canoe Course</u> Lake Banook canoe course is one of the best natural canoe courses in the world and it hosts both national and international canoe events. It is the only course of its kind in Atlantic Canada. The paddling and rowing regattas that occur on the lake are major recreational events and have a significant historical, economic and social benefits to the region. In 2004, the importance of protecting the Lake Banook Canoe Course from large-scale development was highlighted in a Wind Impact Study on the Lake Banook Canoe Course for two developments abutting the lake. Thus, wind	

<table>
<tr><td colspan="2">impacts resulting from large building developments which prevent the course from holding national and international regattas would have significant regional impacts.

Due to the importance of protecting the Lake Banook canoe course, the potential for large-scale buildings to negatively impact the course and the lack of height restrictions for most land uses, Council shall adopt regulations to restrict building heights around Lake Banook. Further, any height restriction shall apply to all buildings, regardless of how they are developed (by right or through a discretionary approval process).</td></tr>
<tr><td>Policy IP-9 It shall be a policy of Council to apply a maximum height restriction through the Land Use By-law to all buildings situated within “Lake Banook Canoe Course Area” as identified on Map 9s”</td><td>The subject site falls just outside the “Lake Banook Canoe Course Area” as identified on Map 9s.</td></tr>
<tr><td>Policy IP-10 Further to Policy IP-9, Council shall not consider any rezoning or development agreement application for buildings having a height greater than 35 feet within the Lake Banook Canoe Course Area.

Within the Lake Banook Canoe Course Area, there are instances where buildings exceed the maximum height restriction. Generally such buildings would be made non-conforming structures and subject to the provisions of the Municipal Government Act. It is not the intention of Council to require these buildings to comply with the new height restriction nor be prevented from being replaced. Instead, Council objective is to maintain current height conditions and allow for modifications and replacement of existing buildings.</td><td>The 35-foot height restriction does not apply to the subject site, as it falls just outside the “Lake Banook Canoe Course Area” as identified on Map 9s.</td></tr>
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