



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

**Item No. 13.1.5**  
**Harbour East Marine Drive Community Council**  
**June 7, 2018**

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

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Kelly Denty, Acting Director, Planning and Development

Original Signed  
\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** May 18, 2018

**SUBJECT:** **Case 21765: Development Agreement Amendment for a Time Extension to the Harbour Isle Development, Dartmouth**  
\_\_\_\_\_

**ORIGIN**

Application by WSP Canada Incorporated.

**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 notice of motion to consider the proposed amending development agreement, as set out in Attachment A, to allow substantive amendments to the commencement and completion dates referenced in the existing agreement for the Harbour Isle development, Marketplace Drive, Dartmouth, and schedule a public hearing;
2. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

WSP Canada Inc. applied for substantive amendments to an existing development agreement (Municipal Case No. 18809) that enables 2 Multi-Residential buildings with accompanying townhouse style units located on lands adjacent to Seapoint Road and Marketplace Drive, Dartmouth.

<b>Subject Site</b>	PIDs: 41350497, 41443284, 41443300, and
<b>Location</b>	Corner of Marketplace Drive and Seapoint Road, west of Windmill Road, Dartmouth
<b>Regional Plan Designation</b>	Halifax Harbour Designation (HARB)
<b>Community Plan Designation (Map 1)</b>	Harbour Related Commercial Residential (HRCD) designation under the Wright's Cove Secondary Planning Strategy (WCSPS) in the Dartmouth Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	R-3 (Multiple Family Residential – Medium Density)
<b>Size of Site</b>	8.51 acres (370,852 square feet)
<b>Street Frontage</b>	170.7 meters (560 feet)
<b>Current Land Use(s)</b>	One 13 storey mixed use residential tower
<b>Surrounding Use(s)</b>	<ul style="list-style-type: none"><li>- Dartmouth Yacht Club to the north;</li><li>- Vacant industrially zoned lands to the east and south; and</li><li>- Wrights Cove to the West</li></ul>

### **Proposal Details**

The applicant wishes to extend the dates of commencement and completion as required in the existing agreement. The major aspects of the proposal are as follows:

- The existing agreement requires that construction of the buildings commence no later than 2 years following the registration of the agreement. The agreement was registered on January 2015 and commencement was required by January 2017. While progress on the project has been steady, initiation of building construction did not occur prior to the deadline;
- The existing agreement further required the development be completed no later than 5 years following the registration of the agreement. With a proposed extension of the commencement date, a corresponding extension of the completion date is requested;
- Commencement and completion dates are proposed to be extended by a total of 2 years each. This would mean commencement of the project would be required by 2020 and completion by 2022.

### **Existing Development Agreement**

On September 11, 2014, Harbour East Community Council held a public hearing and approved a development agreement to allow for one (1) residential/commercial mixed-use building and two (2) residential multi-unit building with two towers at 39 Seapoint Road, Dartmouth. Details are as follows:

- mixed-use development consisting of commercial and residential uses with a maximum of 299 dwelling units and 4,500 square feet of ground floor commercial space;
- publicly accessible waterfront trail;
- amenity space provided through internal common rooms, balconies and access to the waterfront trail. An open green space is to be provided at the south-east quadrant of the site at a future stage of the development.

The development agreement for this project has been amended and replaced as progress on the project has advanced. In all cases however, the intent of developing 3 high-rise residential / mixed-use buildings on the site has remained unchanged. The agreement was most recently amended at the January 5, 2017 meeting of Harbour East Marine Drive Community Council to allow flexibility for subdivision of lots, location of driveway access points and the total number of townhouse units permitted.

### **Enabling Policy and LUB Context**

The original development agreement (Case 18809) was approved pursuant to Policy WC-4 of the Wright's Cove Secondary Plan and Implementation Policies IP-1(o), IP-1(c) and IP-5 of the Dartmouth Municipal Planning Strategy. These policies are also relevant to this amendment request and have been unchanged since the original approval. The underlying R-3 Zone permits a variety of residential uses including single family dwellings, two-unit dwellings, townhouses, apartment houses, lodging houses, and group homes.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement will be consultation, achieved through letters mailed to property owners within the notification area should Council decide to move forward with a public hearing. Engagement specific to the time extension request was not undertaken given recent engagement having taken place for Case 20541 (described below) in the form of a public information meeting on August 10, 2017. Further, policies have remained unchanged since the time of original approval and no proposed changes to the built form are proposed within the scope of this amendment.

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

The proposal will potentially impact local residents and property owners.

### **DISCUSSION**

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

#### **Proposed Development Agreement**

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

- Extending the date construction must commence by an additional 2 years; and
- Extending the date construction must be completed by an additional 2 years.

The date of commencement has passed and, under the terms of the existing development agreement, the proposed date changes is a substantive amendment. Therefore, a public hearing is required. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

#### **Date of Commencement**

As referenced above, the date of commencement was January 2017. The agreement requires the developer to initiate any proposed date changes at least 60 days in advance of the commencement date in order to allow consideration of new dates as a non-substantive amendment to the development agreement. However, while the developer was working toward a summertime construction schedule, that date passed undetected. The proposed date change can still be accommodated but it must now be considered as a substantive amendment which triggers a public hearing.

Council should note that, during the same month as the commencement date passed, unrelated non-substantive amendments to the original agreement were approved by Community Council. During that process, it was clear that construction was to commence in a time frame similar to what is now proposed in this amending agreement. However, the detail of extending the commencement date was overlooked

by all parties at that time. A correction is now needed to accommodate the intended 2018 construction schedule.

### **Subsequent Application**

Planning for an expanded Harbour Isle development has been underway for some time with construction of the next building being imminent in the coming months. Recently, the road extension of Marketplace Drive to Bancroft Drive has been completed to municipal standards which will provide access and services to the lands moving forward.

A second planning application (Case 20541) is currently under review. This application would discharge the existing agreement and replace it with a new agreement that reflects the previously approved buildings (totalling 255 dwelling units) while also allowing the development of 3 additional multi-residential buildings, 1 office building, 1 hotel building, a restaurant and the continuation of the waterfront boardwalk to encompass the entire site. While it is expected this application will be presented to Community Council later in 2018, the proposed time extensions that are the subject of this report are necessary to allow timely construction of the second building.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. Policy WC-4 of the Wright's Cove Secondary Plan and Implementation Policies IP-1(c), IP-1(o) and IP-5 of the Dartmouth Municipal Planning Strategy continue to regulate development of the site.

As was the case in 2014 when Council originally considered the proposal, the project continues to meet the standards and regulations held within these policies. Therefore, staff recommend that the Harbour East Marine Drive Community Council approve the proposed amending development agreement.

### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2018-2019 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 N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. Harbour East Marine Drive Community Council may choose to approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing.

A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Harbour East Marine Drive Community Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

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

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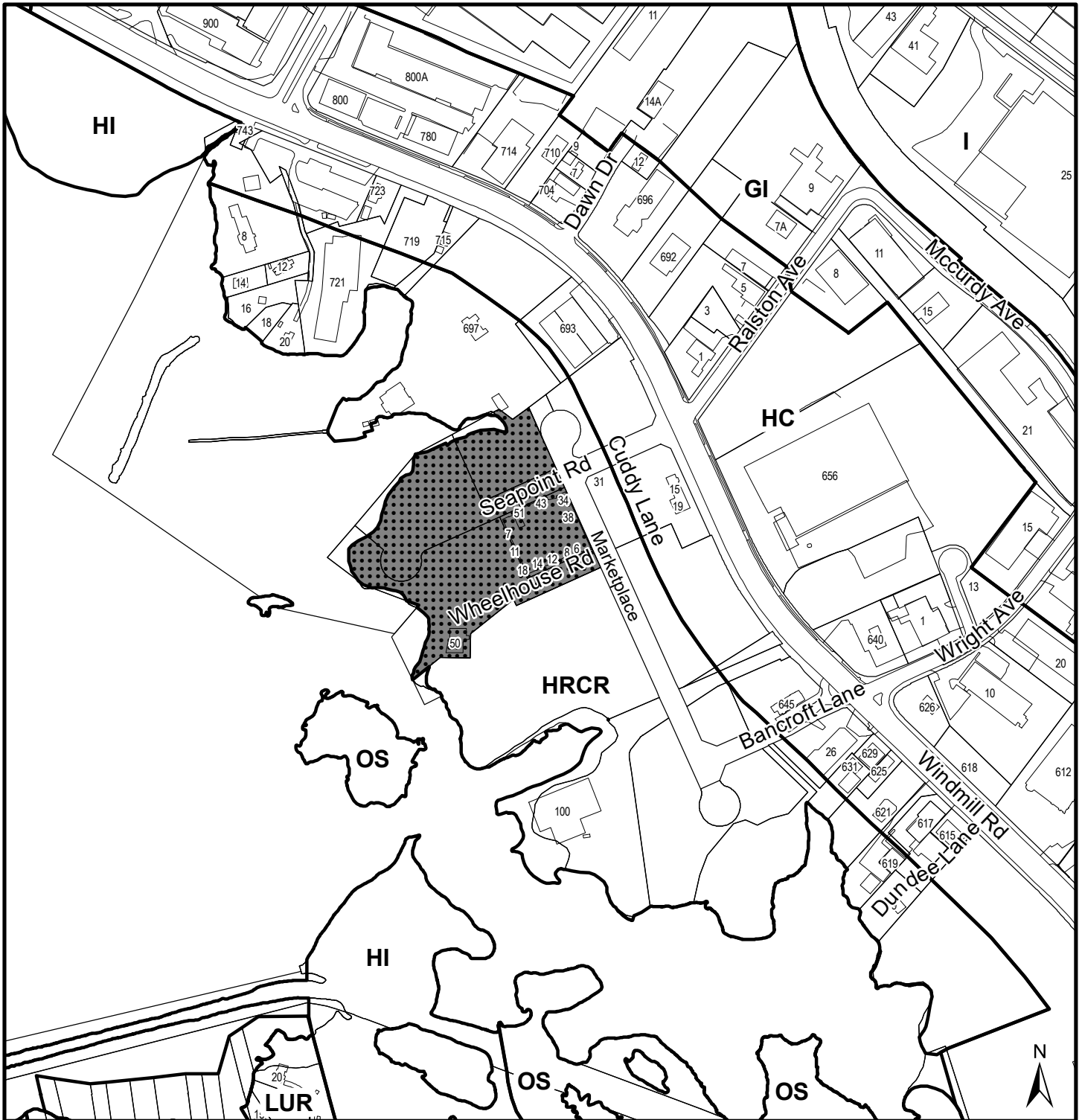
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Maggie Holm, Principal Planner 902-293-9496

Original Signed

Report Approved by: Steve Higgins, Manager of Current Planning, 902.490.4382


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**Map 1 - Generalized Future Land Use**

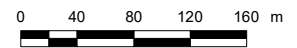
**HALIFAX**

PID 41350497,  
Dartmouth

 Area of Existing Development Agreement

**Designation**

- GI General Industrial
- HC Highway Commercial
- HI Harbour Industrial
- HRCR Harbour Related Commercial Residential
- LUR Limited Use Residential
- OS Open Space
- I Industrial



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




## Map 2 - Zoning and Notification

PID 41350497,  
Dartmouth

# HALIFAX

 Area of Existing  
Development Agreement


 Area of Notification

Dartmouth  
Plan Area

### Zone

- R-1 Single Family Residential
- R-3 Multiple Family Residential (Medium Density)
- I-2 General Industrial
- I-3 Harbour-Oriented Industrial
- I-4 Salvage
- C Conservation

0 40 80 120 160 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.

**Attachment A**  
**Proposed Amending Development Agreement**

THIS SECOND AMENDING AGREEMENT made this      day of **[Insert Month]**, 2018,

BETWEEN:

**HARBOUR ISLE HALIFAX INC.**

a body corporate, in the Province of Nova Scotia

OF THE FIRST PART

- and -

**HARBOUR ISLE HAZELTON LTD.**

a body corporate, in the Province of Nova Scotia

OF THE SECOND PART

(hereinafter collectively called the "Developers")

- and -

**HALIFAX REGIONAL MUNICIPALITY**

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

OF THE THIRD PART

**WHEREAS** Harbour Isle Halifax Inc is the registered owner of certain lands identified as PID 41350497, PID 41443300 and PID 41443292;

**AND WHEREAS** Harbour Isle Hazelton Ltd. is the registered owner of certain lands identified as PID 41443284;

**AND WHEREAS** PID 41350497, PID 41443300, PID 41443292, and PID 41443284 are more particularly described in Schedule A hereto (hereinafter collectively called the "Lands");

**AND WHEREAS** the Municipality entered into a Development Agreement with GJR Development Ltd. to allow for 255 dwelling units within 3 multi-unit residential buildings on the Lands (Municipal Case Number 00864) on April 5, 2007, and which was registered at the Nova Scotia Land Registry on September 11, 2007 as Document Number 88788139, (hereinafter called the "Original Agreement");

**AND WHEREAS** GJR Developments Ltd. transferred its interest in the Lands to Sheppards Island Incorporated, which changed its name to Harbour Island Halifax Incorporated on May 14, 2008, and the Municipality approved an application to amend the Original Development Agreement to allow for changes to the exterior building design on the Lands (Municipal Case Number 01174) on January 8, 2009, and which was registered at the Nova Scotia Land Registry on March 24, 2009 as Document Number 93015643, (hereinafter called the "First Amending Agreement");

**AND WHEREAS** the Municipality discharged the Original Agreement and First Amending Agreement on April 3, 2012, and entered into a new Development Agreement to allow for a 13 storey residential/commercial mixed-use building on the Lands (Municipal Case Number 16601) on May 5, 2011, and which was registered at the Nova Scotia Land Registry on February 22, 2012 as Document Number 100146514 (hereinafter called the "Second Development Agreement");



**AND WHEREAS** the Municipality discharged the Second Development Agreement and entered into a new Development Agreement to allow for one residential/ commercial mixed use building and two multi-unit buildings (Municipal Case Number 18809) on September 11, 2014, and which was registered at the Nova Scotia Land Registry Office on January 29, 2015 as Document Number 106565022 (hereinafter called the “Third Development Agreement”), and which applies to the Lands;

**AND WHEREAS** the Municipality approved an application to amend the Third Development Agreement to allow for further subdivision of the Lands (Municipal Case Number 20540) on January 5, 2017, and which was registered at the Nova Scotia Land Registry Office in Halifax on April 7, 2017 as Document Number 110574622 (hereinafter called the “First Amendment to the Third Development Agreement”), and which applies to the Lands;

**AND WHEREAS** the Third Development Agreement and the First Amendment to the Third Development Agreement together comprise the Existing Development Agreement (hereinafter called “the Existing Agreement”);

**AND WHEREAS** the Developer has requested that further amendments to the Existing Agreement to extend the Commencement of Development and Discharge of Agreement dates for the development, pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies WC-4, IP-1(c) and IP-5 of the Dartmouth Municipal Planning Strategy;

**AND WHEREAS** the Harbour East-Marine Drive Community Council for the Municipality, at a meeting on [Insert - Date], approved this request, referenced as Municipal Case Number 21765.

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

- 
1. Except where specifically varied by this Second Amending Agreement, all other terms, conditions, and provisions of the Existing Agreement shall remain in effect.
  2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Second Amending Agreement and the Existing Agreement.
  3. Section 7.3.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~, and by inserting the text shown in bold as follows:
    - 7.3.1 In the event that construction of Building 2 has not commenced within **2 (two)** ~~3~~-years from the date of registration of this **Second Amending** 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.
  4. Section 7.5.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~, and by inserting the text shown in bold as follows:
    - 7.5.1 If the Developer fails to complete the development after **4 (Four)** ~~5~~ years from the date of registration of this **Second Amending** 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.

**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:

**HARBOUR ISLE HALIFAX INC**

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

**HARBOUR ISLE HAZELTON LTD**

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

\_\_\_\_\_  
Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

MAYOR

\_\_\_\_\_  
Witness

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

MUNICIPAL CLERK

\_\_\_\_\_  
Witness

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 \_\_\_\_\_ 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

**ATTACHMENT B**  
**Review of Relevant Dartmouth MPS Policies**

Dartmouth MPS Policy Evaluation

Policy WC-4: Within the Harbour-Related Commercial/Residential designation shown on Schedule WR-1, existing business will be permitted to expand in accordance with the I-2 (General Industrial) Zone provisions of the Land Use By-law. Harbour-related commercial uses, institutional uses, offices, hotels, townhouses, apartment buildings, restaurants and public and private recreation uses may be considered within this designation subject to approval of a development agreement. The following matters shall be considered in any agreement:

<b>Policy</b>	<b>Comment</b>
<i>(a) no residential development may be located within 300 feet of the Windmill Road right-of-way except that minor variances to this setback may be considered provided that the development viability of the commercial area is not compromised and effective screening, such as fencing or landscaping, is included to serve as a buffer between the commercial and residential developments;</i>	No proposed changes to building locations.
<i>(b) no building shall exceed 16 storeys in height;</i>	No proposed changes proposed to building height.
<i>(c) notwithstanding (b) above, no building shall exceed six (6) storeys in height where the building is proposed to be located on a property abutting, or adjacent to, a property containing a single-unit dwelling in existence at the time of application for a development agreement;</i>	Not applicable.
<i>(d) measures are taken in the building design of residential, institutional or office uses to mitigate noise;</i>	No proposed changes to building design.
<i>(e) where applicable, provision is made for the construction of a publicly accessible waterfront trail across the lands;</i>	No proposed changes to the trail location.
<i>(f) all development on the lands shall incorporate provisions that mitigate potential damages from coastal flooding and storm-surge events;</i>	No proposed changes to building design.
<i>(g) that a survey be completed by a qualified person, verifying that there is no evidence of unexploded ordnance on and adjacent the subject site, particularly if water-lot infill is being proposed;</i>	No proposed changes since original approval.
<i>(h) any development contemplated on Sheppard's Island cover no more than twenty-five percent (25%) of the area of the island, and the trees on the remaining seventy-five percent (75%) area are retained in order to screen development on the island and mainland from harbour related industrial activities in the outer cove; and</i>	Not applicable.
<i>(i) the criteria of policy IP-1(c) and IP-5 for any apartment building development.</i>	See below.

**ATTACHMENT B**  
**Review of Relevant Dartmouth MPS Policies**

**Implementation Policies**

<b>Policy</b>	<b>Comment</b>
Policy IP-1(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.	Consideration to these matters were addressed during in the original development agreement process. There is no change to the design, density, massing or traffic with this proposed amendment.

<b>Policy</b>	<b>Comment</b>
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:	
<i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i>	No proposed changes to the building design, height, bulk, or scale.
<i>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</i>	The proposed amendments do not affect building design, location, or lot fabric.
<i>(ii) traffic generation, access to and egress from the site; and</i>	The proposed changes do not affect traffic generation for the site.
<i>(iii) parking;</i>	No proposed changes to parking.
<i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i>	Not applicable.
<i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i>	Not applicable.
<i>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</i>	Not applicable.
<i>(f) that mature trees and other natural site features are preserved where possible;</i>	Not applicable.
<i>(g) adequacy of buffering from abutting land uses;</i>	Not applicable.
<i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i>	Not applicable.

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**Review of Relevant Dartmouth MPS Policies**

<i>(i) the Land Use By-law amendment criteria as set out in Policy IP- 1(c).As amended by By-law C-692, Dec. 4, 1991).</i>	See below.
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**IP-1(c) Zoning By-law**

The Zoning By-law is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act. **The zoning by-law may use site plan approval as a mechanism to regulate various uses. (RC-Sep 8/09; E-Nov 14/09)**

Notwithstanding the above, it shall be the intention of Council not to pre-zone lands outside the development boundary as shown on the Generalized Land Use Plan: Map 9; **Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983 and By-law C-493, Dec.9, 1983 and By-law C-511, July 6,1984).**

It shall recognize that certain areas are premature for specific zoning classifications by reason of lack of services, public facilities or other constraints. Council shall use the H-zone (Holding Zone). **In the H Zone the permitted types of uses shall be limited in accordance with the Reserve classification in Table 4 (As amended by By-law C-475, Sept. 20, 1983).** In this manner, Council can maintain a comparatively high degree of control, and major development proposals contemplated for such areas shall be processed as zoning amendments.

<b>Policy</b>	<b>Comment</b>
In considering zoning amendments and contract zoning, Council shall have regard to the following:	
<i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i>	The proposed changes are in keeping with the policies and intent of the Dartmouth MPS. See above.
<i>(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal</i>	No proposed changes to use, bulk, or scale of the proposal.
<i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i>	Not applicable.
<i>(4) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the City is to absorb any costs relating to the development</i>	No concerns are identified regarding the potential financial implications for HRM.
<i>(ii) the adequacy of sewer and water services and public utilities</i>	No changes to the intensity of use have been made.
<i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i>	Not applicable.
<i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i>	Not applicable.
<i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i>	Not applicable.

**ATTACHMENT B**  
**Review of Relevant Dartmouth MPS Policies**

<i>(vi) preventing public access to the shorelines or the waterfront</i>	Not applicable.
<i>(vii) the presence of natural, historical features, buildings or sites</i>	Not applicable.
<i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i>	Not applicable.
<i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i>	No detrimental effects on other areas of the city were found.
<i>(5) that the proposal is not an obnoxious use</i>	No change in use is proposed.
<i>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i>	
<i>(i) type of use, density, and phasing</i>	No proposed changes to use, density or phasing.
<i>(ii) emissions including air, water, noise</i>	Not applicable.
<i>(iii) traffic generation, access to and egress from the site, and parking</i>	No changes to the intensity of use have been made.
<i>(iv) open storage and landscaping</i>	Not applicable.
<i>(v) provisions for pedestrian movement and safety</i>	Not applicable.
<i>(vi) management of open space, parks, walkways</i>	Not applicable.
<i>(vii) drainage both natural and sub-surface and soil-stability</i>	Not applicable
<i>(viii) performance bonds.</i>	Not applicable.
<i>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors</i>	Not applicable.
<i>(8) that in addition to the public hearing requirements as set out in the Planning Act and City bylaws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</i>	The level of community engagement will be consultation, achieved through letters mailed to property owners within the notification area should Council decide to move forward with a public hearing. Engagement specific to the time extension request was not undertaken given recent engagement having taken place for Case 20541 (described below) in the form of a public information meeting on August 10, 2017. Further, policies have remained unchanged since the time of original approval, and no proposed changes to the built form are proposed within the scope of this amendment
<i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i>	
<i>(i) Council with a clear indication of the nature of proposed development, and</i>	Not applicable.

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**Review of Relevant Dartmouth MPS Policies**

<i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i>	Not applicable.
<i>(10) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges – Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i>	Not applicable.