



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

Item No. 13.1.6
Halifax and West Community Council
January 18, 2022

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: _____
Kelly Denty, Executive Director Planning and Development

DATE: January 6, 2022

SUBJECT: **Case 23483: Fourteenth Amending Agreement to allow residential development on the reserved school site on Amalfi Way in Brunello, Timberlea**

ORIGIN

Application by Zzap Consulting Inc. on behalf of property owners Canadian International Capital Incorporated.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed amending agreement, as set out in Attachment A, to change development permitted on the subject sites from a public school to residential;
2. Approve the proposed amending 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 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Zzap Consulting Inc., on behalf of property owners Canadian International Capital Incorporated, is applying to change the development permitted on the subject sites from a public school to residential uses.

Subject Site	PID 41436486 (off Amalfi Way) Portion of PID 41464694 (off Timberlea Village Parkway)
Location	Amalfi Way, Timberlea
Regional Plan Designation	PID 41436486: US (Urban Settlement) PID 41464694: US (Urban Settlement)
Community Plan Designation (Map 1)	PID 41436486: UR (Urban Residential) PID 41464694: UR (Urban Residential)
Zoning (Map 2)	PID 41436486: CDD (Comprehensive Development District) PID 41464694: CDD (Comprehensive Development District)
Size of Site	PID 41436486: 8,980 sq. m (96,650 sq. ft.) Portion of PID 41464694: 1,880 sq. m (20,236 sq. ft.)
Street Frontage	PID 41436486: ~12 m (~39 ft.) on Amalfi Way Portion of PID 41464694: ~30 m (~98 ft.) on Timberlea Village Parkway
Current Land Use(s)	Vacant
Surrounding Use(s)	Single and two-unit dwellings, townhouses, HRM Park, HRM Trail, Brunello Golf Course

Proposal Details

The applicant proposes to change the permitted land use mix on PID 41436486 (off Amalfi Way) from a possible public school (Sc) to residential (Rb and Rc), and to change the permitted land use mix on a portion of PID 41464694 (off Timberlea Village Parkway) from Sc (School Site) to Ra (Singles, Townhouses and Alternative Residential).

The remainder of PID 41464694 is already assigned the Ra land use mix. If Community Council approves the requested amendment, all of PID 41464694 would be assigned the Ra land use mix. Please see below for a description of the land uses permitted in each land use mix.

Existing Development Agreement

The original development agreement was executed in 2002 and allows a mixed residential and commercial community surrounding the Brunello Golf Course in Timberlea. The existing development agreement permits 3,200 dwellings in a mix of single unit dwellings, two-unit dwellings, townhouses and apartment buildings, and provides a conceptual layout of the planned community. Since its original approval, the development agreement has been amended 13 times, most recently by Halifax and West Community Council on May 11, 2021 (Case 22898), to approve a non-substantive amendment for an apartment building.

The existing development agreement assigns permitted land use mixes, similar to zones, to areas identified on Schedule B2.C. The relevant land use mixes permit the following uses:

Land Use Mix	Permitted uses
Ra:	Single family homes with up to 20% townhomes, reduced frontage single unit dwellings and alternate housing types*;
Rb:	Single family homes with up to 60% townhomes, reduced frontage single unit dwellings and alternate housing types*;
Rc:	Mixed residential: townhomes, reduced frontage single unit dwellings, alternate housing types*, multiple unit dwellings and single family homes;
Sc:	Possible School Site;

*Alternate housing types include condominium cluster homes (either detached or sharing a common wall), live-work units that include living space and home offices, and duplexes.

The possible school site is further addressed in clause 2.4.13 of the existing development agreement:

2.4.13 School Site

The Developer agrees to reserve the school site as shown on Schedule "C1.C" for the life of this Agreement, or until written notice is provided by the agency having jurisdiction that the site is unnecessary. Should such site be deemed unnecessary, Council may consider an alternate use for the site as a non-substantial amendment to this agreement, pursuant to Part 3 of this Agreement. Institutional and open space uses shall be permitted as an alternate use, subject to the requirements of the P-2 (Community Facility) Zone of the Land Use By-law, without the necessity of an amendment.

PID41436486 – off Amalfi Way

Schedule B2.C of the existing development agreement assigns the Sc land use mix to PID 41436486; the proposed amendment requests Schedule B2.C be amended to assign the Rc and Rb land use mixes to PID 41436486. The proposed amendment would allow new multiple unit dwellings up to 12 storeys as part of the Rc land use mix.

If HWCC approves the requested amendments, any new multiple unit dwellings would be required to follow the design standards within the existing development agreement and would also require Community Council approval through a site-specific non-substantive amendment under clause 2.4.4 (ix) of the existing development agreement.

PID 41464694: off Timberlea Village Parkway

Schedule B2.C of the existing development agreement assigns a portion of PID 41464694 to the Ra land use mix; the applicant is requesting that schedule B2.C be amended to assign the Ra land use mix to the portion of PID 41464694 that is currently within the Sc land use mix. All of the proposed amendments are non-substantive under Section 2.4.1 of the existing development agreement.

If approved, the proposed amending agreement would not increase the density permitted throughout the DA area.

Clause 2.6.11 of the existing development agreement allows the Development Officer to make changes to the location and size of required parkland. It says:

2.6.11 The Development Officer, through consultation with the Parkland Planning and Development Division, may approve minor changes to clauses within Section 2.6 of this Agreement provided the integrity of the design and parkland area is maintained or enhanced, and furthers the intent of this Agreement.

There is an HRM park located at the corner of Timberlea Village Parkway and Amalfi Way (PID 41464686). When this parcel was created in 2020, it was created in a location that is slightly different from what is reflected on the existing development agreement Schedule C1.C (Public Recreation Facilities). This was permitted under Clause 2.6.11. Amended schedules attached to the proposed amending agreement show the HRM park in its actual location. Community Council is not required to approve an amendment to change the location of the park on the schedules.

Enabling Policy and LUB Context

The enabling policy is Policy UR-27 of the Timberlea / Lakeside / Beechville Municipal Planning Strategy. Policy UR-27 states:

Within the area as shown on Map UR-1, Council may consider permitting a mixed use development, with a range of land uses including a golf course, low density residential, townhousing, multiple unit dwellings, a town centre, various commercial development, and an office campus. Such development may only be considered through the development

agreement process, and pursuant to the policies outlined specific to this site and having regard to the provisions of Policy IM- 12.

The subject sites are zoned Comprehensive Development District (CDD) by the Land Use By-law for Timberlea/Lakeside/Beechville. No development is permitted in the CDD except by development agreement.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM case webpage and signage posted on the subject site. From May 11, 2021 to November 15, 2021, the HRM case webpage received 193 pageviews, which included 147 unique pageviews. The average time spend on the case webpage was 2:12. HRM Planning Staff received enquires and comments from 4 residents regarding this application.

The public comments received include the following topics:

- Concern that new apartment buildings could be permitted if the Rc (Mixed Residential) land use mix abuts existing single unit dwellings on Maple Drive; and
- Concern that residents believed that the subject site was a “green belt” and not eligible for development.

The proposed amendments to the existing development agreement are non-substantive; Community Council is not required to schedule a public hearing prior to considering approval.

DISCUSSION

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

Proposed Development Agreement

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

- Amends Schedule B2.C to change the permitted land use mix on PID 41436486 from Sc (School Site) to Rc (Mixed Residential) and Rb (Singles, Townhouses and Alternative Residential);
- Amends Schedule B3.C to allow multiple unit dwellings up to 12 storeys in the Rc (Mixed Residential) land use mix on PID 41436486. Multiple unit dwellings would require individual non-substantive amendments under Clause 2.4.4 (ix) of the existing development agreement;
- Amends Schedule B2.C to change the permitted land use mix on a portion of PID 41464694 from Sc (School Site) to Ra (Singles, Townhouses and Alternative Residential);
- The proposed amendments would not change non-substantive amendments permitted in Clause 3.1 of the existing development agreement.

The attached amending agreement would permit residential development on the subject sites, subject to the controls in the existing development agreement. Of the matters addressed by the proposed amending agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

Halifax Regional Centre for Education

Clause 2.4.13 of the existing development agreement requires that the applicant provide a letter from the NS Department of Education and Early Childhood Development confirming that the school site is not required prior to Community Council considering an amendment to allow residential development. The applicant has provided a letter written in 2018, which is attached to this report as Attachment C. Staff recently confirmed that the Department's position on the school site has not changed.

New residential development abutting existing single unit dwellings

MPS Policy UR-28 (e) restricts new land uses on the edges of the Westgate (Brunello) site to single unit dwellings. It says:

(e) That where single unit dwellings about the Westgate site, only single unit dwellings or open space uses may be considered;

PID 41436486 (off Timberlea Village Parkway) abuts existing single unit dwellings on Maple Drive. The existing development agreement responds to MPS Policy UR-28 (e) in Section 2.2.2 (iii). It says:

2.2.2 Development on the Lands shall be in conformance with the land use allocations as shown on Schedule B2.C. The Development Officer shall permit minor changes due to detailed design for the golf course and local street layout, provided that all other requirements are met. Townhouse dwellings and alternate housing types may be substituted for single unit dwellings, provided that:

...

(iii) areas designated "Rb" on Schedule B2.C shall contain a minimum of 60% single family units. Where existing single family units (existing as of the date of this Agreement) about the Lands, only single family units, open space/park uses, school use or the golf course may about such existing uses. (Emphasis added)

Requested amendments to schedule B2.C (Community Concept Plan) would assign the Rb (Singles, Townhouses and Alternative Residential) land use mix to all portions of the subject site that abut existing single unit dwellings on Maple Drive. Therefore, only single unit dwellings, open spaces uses or the golf course could be developed on lands abutting existing single unit dwellings on Maple Drive, in accordance with MPS Policy UR-28 (e).

Timeframes for signing of Agreements

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty these unusual circumstances present, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While normally agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the Municipal Planning Strategy. The Halifax Regional Center for Education (HRCE) has confirmed that the site allocated for a public school is not required; allowing the site to be developed for residential uses would maximize the efficiency of existing central services, streets and recreation facilities without adding additional residential density to the development agreement area. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2021-2022 operating budget for Planning and Development.

RISK CONSIDERATION

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

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

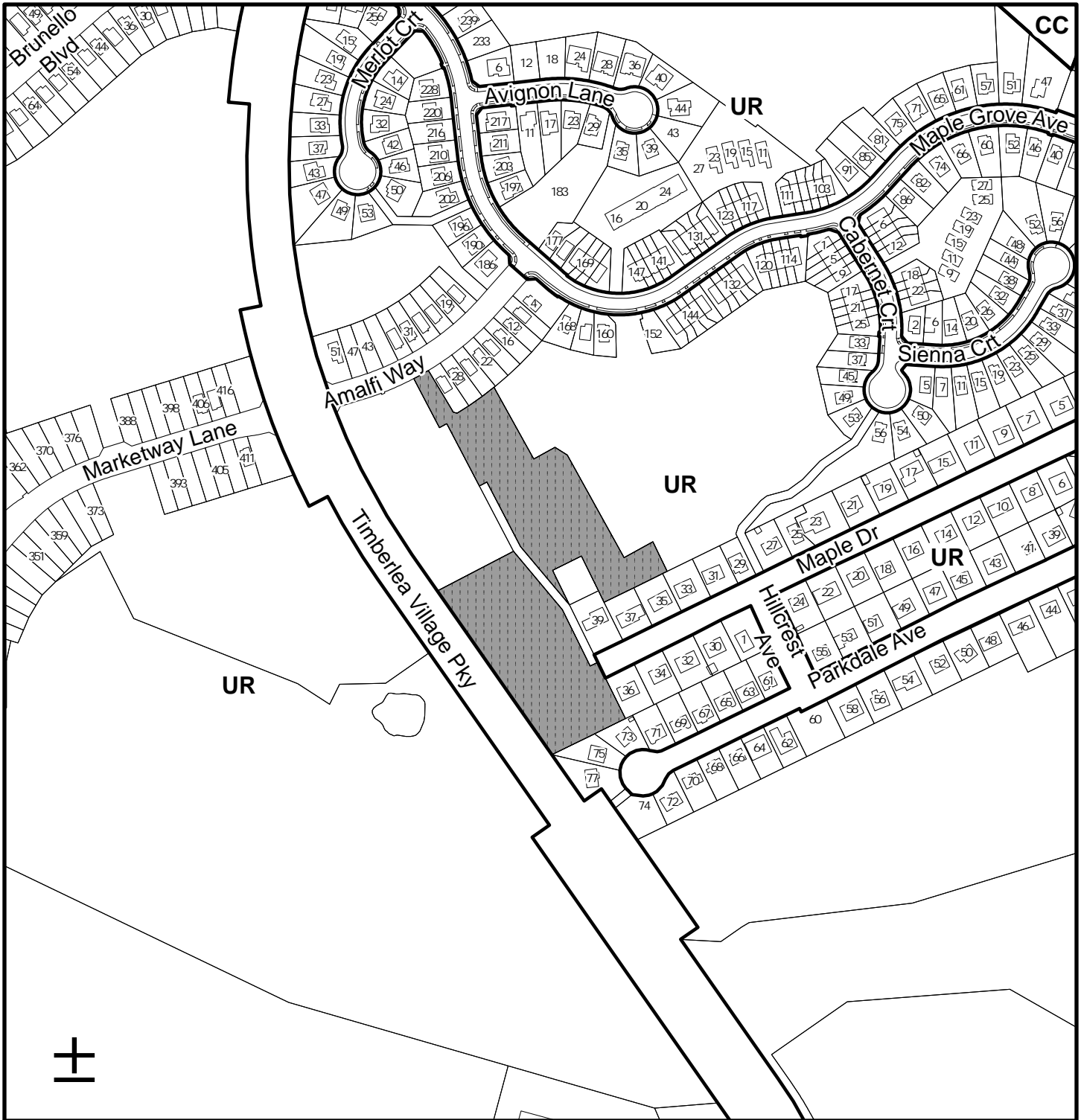
ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning

Attachment A: Proposed Amending Development Agreement
Attachment B: Review of Relevant MPS Policies
Attachment C: Letter from the Nova Scotia Department of Education and Early Childhood Development (2018)

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: Jamy-Ellen Klenavic, Planner 2, 902.476.8361



Map 1 - Generalized Future Land Use

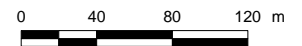
PID: 41436486 and 41464694
 Timberlea

 Subject Properties

Designation

CC Commercial Core
 UR Urban Residential

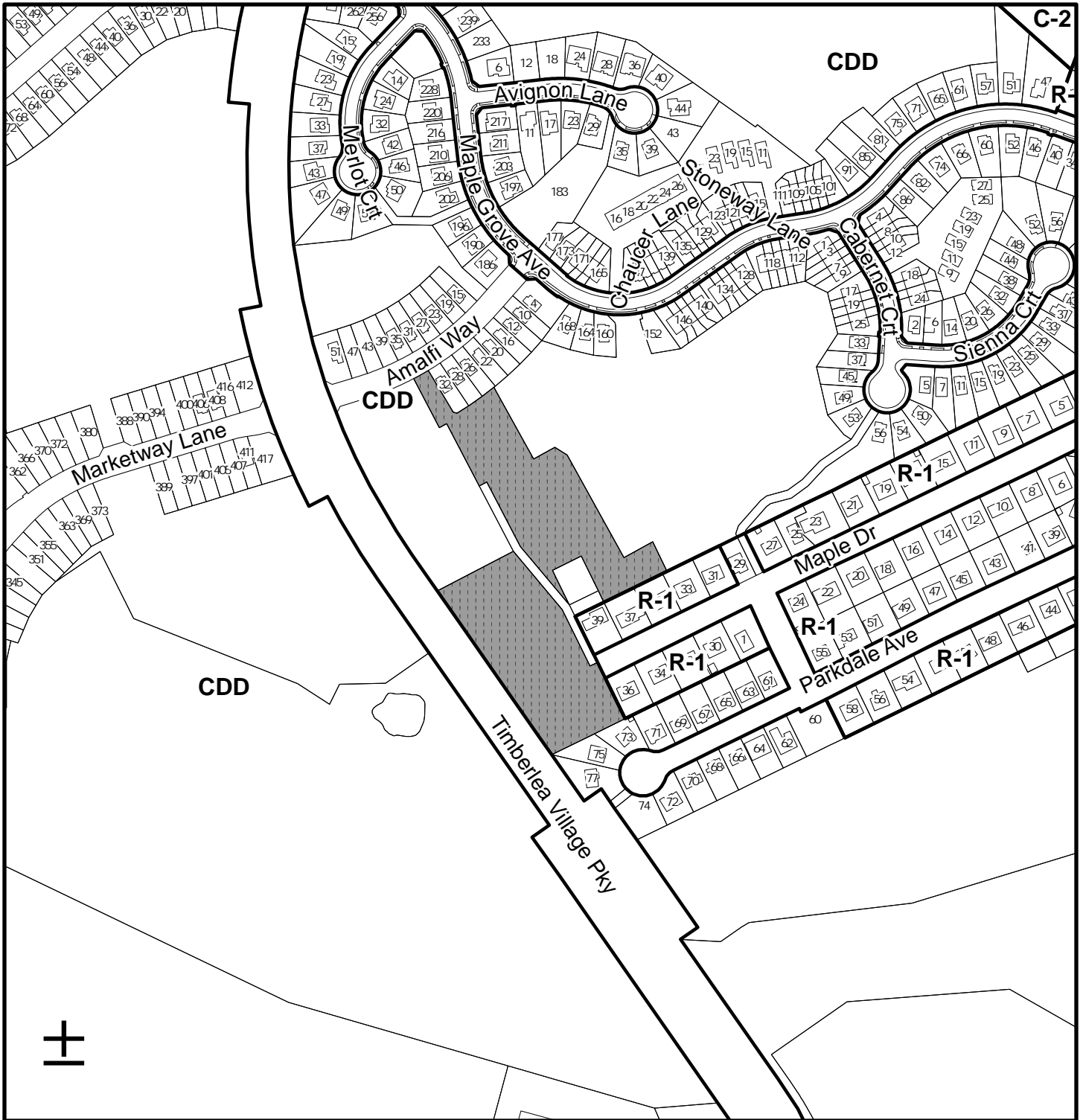
HALIFAX



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.



Timberlea/Lakeside/Beechville
 Plan Area



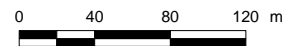
Map 2 - Zoning and Notification Area

PID: 41436486 and 41464694
 Timberlea

HALIFAX

-  Subject Properties
-  Area of Notification

- Zone**
- C-2 General Business
 - CDD Comprehensive Development District
 - R-1 Single Unit Dwelling



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 FOURTEENTH AMENDING AGREEMENT made this day of , 20__,

BETWEEN:

[Insert Name of Corporation/Business LTD.]

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at PID's 41436486 and 41464694, Timberlea and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

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

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

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

AND WHEREAS the former Western Region Community Council of the Municipality on March 29, 2004 approved an application to enter into an amending development agreement to allow for greater variation in the requirements for single unit dwellings on the Lands (municipal reference number 00536), which said development agreement was registered at the Halifax County Registry of Deeds on July 15, 2004 as Document Number 75884560 in Book Number

7797 in Pages 156 to 162 (hereinafter called the "Third Amending Agreement"), and which applies to the Lands;

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

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

AND WHEREAS the former Western Region Community Council of the Municipality on September 26, 2011 approved an application to enter into an amending development agreement to modify the road layout, parkland size and configuration and to complete minor text changes on the Lands (municipal reference number 16934), which said Development Agreement was registered at the Halifax County Land Registration Office on February 17, 2012 as several document numbers, including Document Number 100119743 (hereinafter called the "Sixth Amending Agreement"), and which applies to the Lands;

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

AND WHEREAS the Halifax and West Community Council of the Municipality approved on September 23, 2013 an application to enter into an amending development agreement to alter the Commercial Use boundary along Market Way Lane and clarify standards for commercial development on Ca (Commercial) lands on the Lands (municipal reference number 17826), which said Development Agreement was registered at the Halifax County Land Registration Office on January 22, 2014 as Document Number 104497863 (hereinafter called the "Eighth Amending Agreement"), and which does not apply to the Lands;

AND WHEREAS the Halifax and West Community Council of the Municipality approved on June 4, 2014 an application to enter into an amending development agreement to alter lot frontage requirements for single unit dwellings on the Lands (municipal reference number 18232), which said Development Agreement was registered at the Halifax County Land Registration Office on March 16, 2015 as Document Number 106793582 (hereinafter called the "Ninth Amending Agreement"), and which applies to the Lands;

AND WHEREAS the Halifax and West Community Council of the Municipality approved on October 10, 2017, an application to enter into an amending development agreement to allow

for reduced frontage single unit dwellings to be located on Boulevards and Modified Urban Minor Collector Streets on the Lands (municipal reference number 20141), which said Development Agreement was registered at the Halifax County Land Registration Office on January 5, 2018 as Document Number 11977832 (hereinafter called the "Tenth Amending Agreement"), and which applies to the Lands;

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

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

AND WHEREAS the Halifax and West Community Council of the Municipality approved on May 11, 2021, an application to enter into an amending development agreement to allow for a multi-unit building with three towers on property with PID 41404567 (municipal case number 22989), which said development agreement was registered at the Halifax Land Registration Office on ***** as Document *****, (hereinafter called the "Thirteenth Amending Agreement"), and which does not apply to the Lands;

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

AND WHEREAS the Developer has requested further amendments to the Existing Agreement to allow residential development on a site previously allocated for a public school pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies UR-27 to UR-34 of the Timberlea/Lakeside/Beechville Municipal Planning Strategy and pursuant to Clause 2.4.13 of the Existing Development Agreement (hereinafter called the "Fourteenth Amending Agreement");

AND WHEREAS the Halifax and West Community Council approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case 23483;

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 Fourteenth Amending Agreement, all other conditions and provisions of the Existing Agreement as amended shall remain in effect.

2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Fourteenth Amending Agreement, and the Existing Agreement.
3. Section 2.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in **bold**, as follows:

~~Schedule B2.C~~ ~~Community Concept Plan~~
Schedule B2.D **Community Concept Plan**

~~Schedule B3.C~~ ~~Building Height Areas~~
Schedule B3.D **Building Height Areas**

~~Schedule C1.C~~ ~~Public Recreation Facilities~~
Schedule C1.D **Public Recreation Facilities**

4. The Existing Agreement shall be amended by deleting the following Schedules:

Schedule B2.C Community Concept Plan
Schedule B3.C Building Height Areas
Schedule C1.C Public Recreation Facilities

And inserting the following Schedules:

Schedule B2.D Community Concept Plan (attached)
Schedule B3.D Building Height Areas (attached)
Schedule C1.D Public Recreation Facilities (attached)

5. The Existing Agreement shall be amended by deleting all text references to Schedule B2.C, Schedule B3.C and Schedule C1.C, and replacing them with the respective reference to Schedule B2.D, Schedule B3.D and Schedule C1.D.

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

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

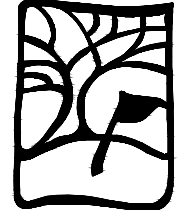
A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

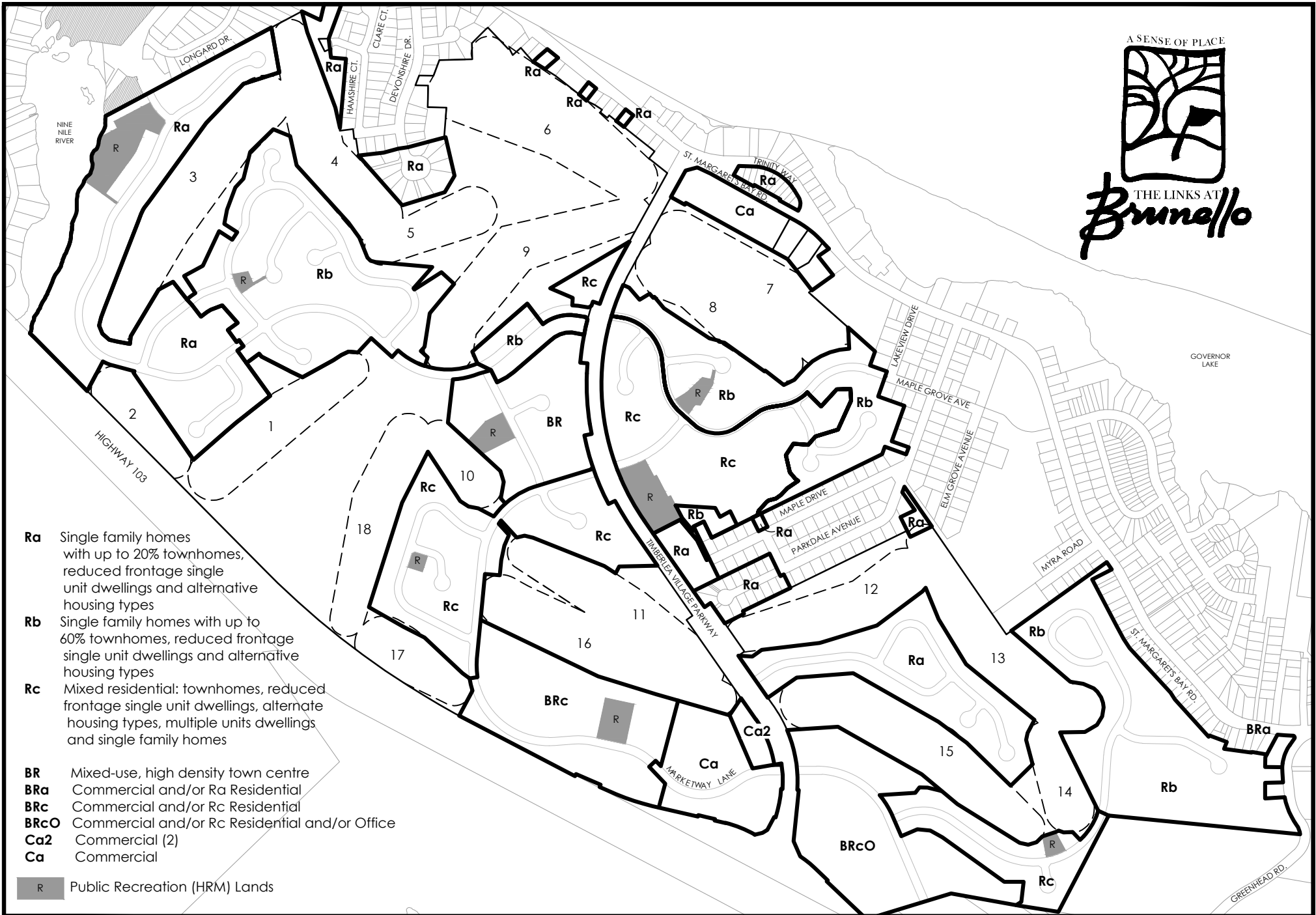
On this _____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Iain MacLean Clerk of the Halifax Regional Municipality, signed the same and affixed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

A Commissioner of the Supreme Court
of Nova Scotia

A SENSE OF PLACE



THE LINKS AT
Brunello



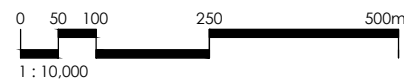
- Ra** Single family homes with up to 20% townhomes, reduced frontage single unit dwellings and alternative housing types
- Rb** Single family homes with up to 60% townhomes, reduced frontage single unit dwellings and alternative housing types
- Rc** Mixed residential: townhomes, reduced frontage single unit dwellings, alternate housing types, multiple units dwellings and single family homes
- BR** Mixed-use, high density town centre
- BRa** Commercial and/or Ra Residential
- BRc** Commercial and/or Rc Residential
- BRcO** Commercial and/or Rc Residential and/or Office
- Ca2** Commercial (2)
- Ca** Commercial
- R** Public Recreation (HRM) Lands



1 Canal St, Dartmouth
NS B2Y 2W1 | zap.ca

SCHEDULE B2.D : COMMUNITY CONCEPT PLAN

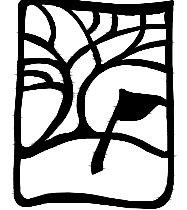
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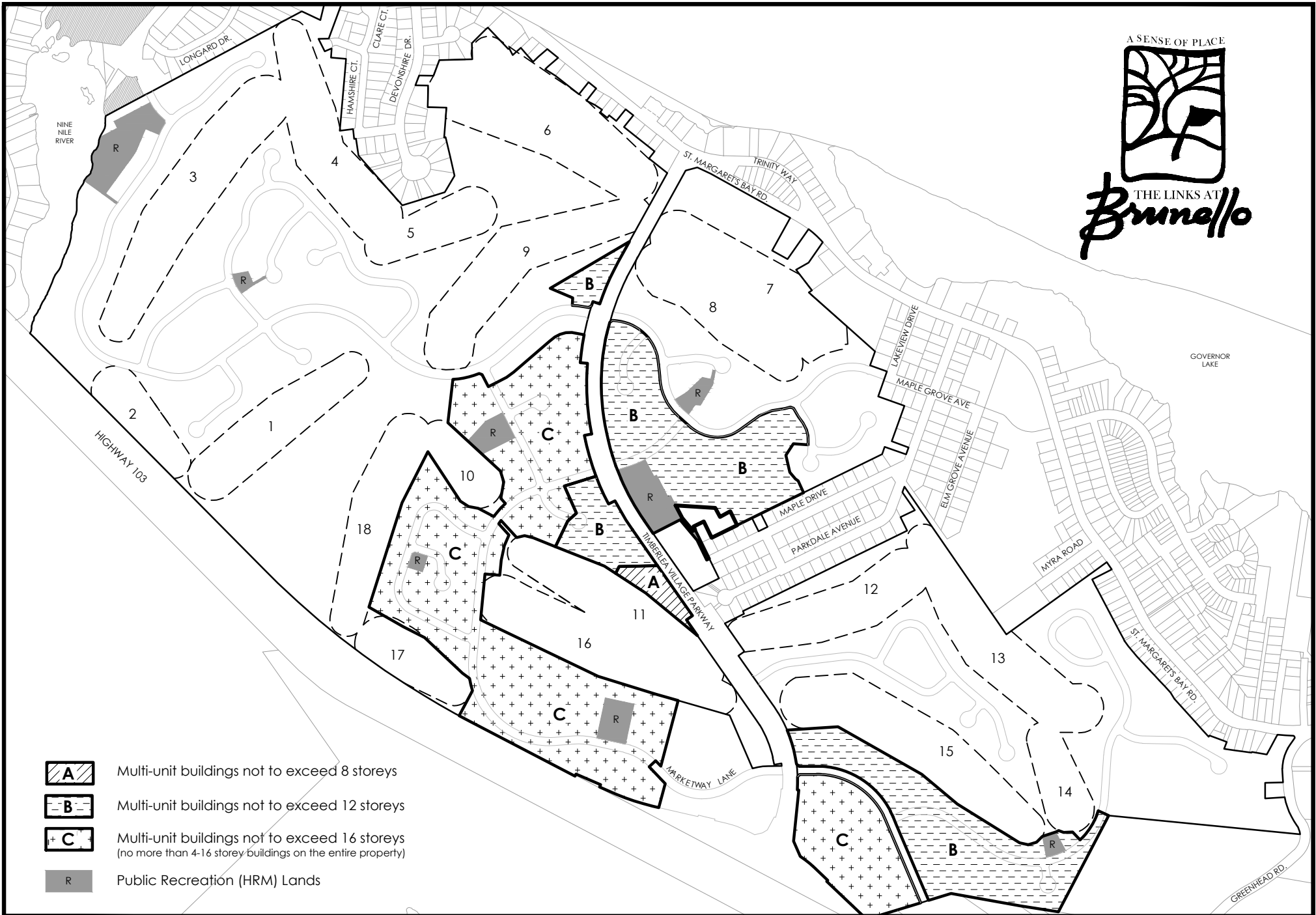
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


DATE:
31-AUG-2021

A SENSE OF PLACE



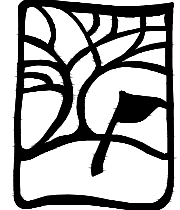
THE LINKS AT
Brunello



-  Multi-unit buildings not to exceed 8 storeys
-  Multi-unit buildings not to exceed 12 storeys
-  Multi-unit buildings not to exceed 16 storeys
(no more than 4-16 storey buildings on the entire property)
-  Public Recreation (HRM) Lands



A SENSE OF PLACE



THE LINKS AT
Brunello

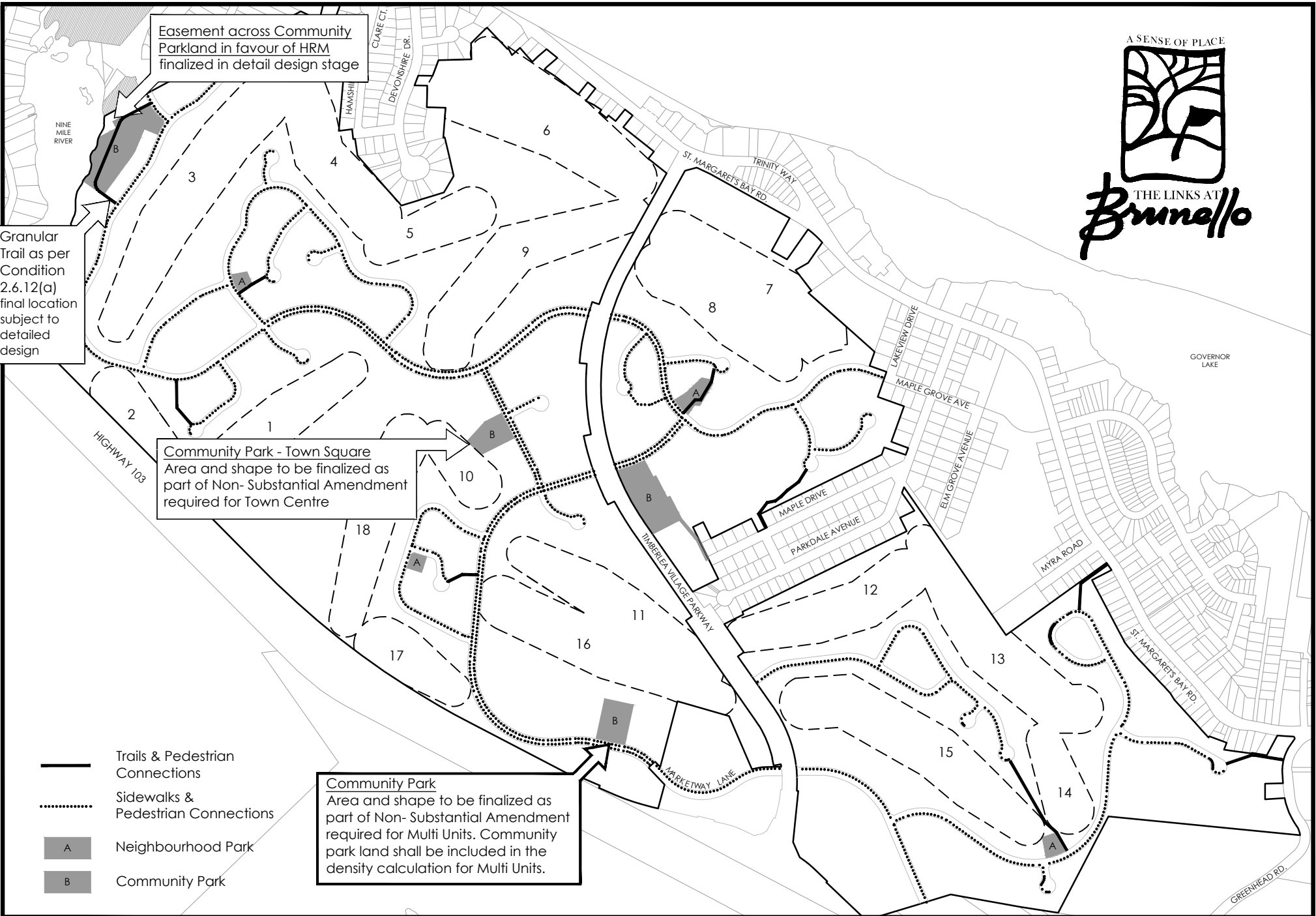
Easement across Community Parkland in favour of HRM finalized in detail design stage

Granular Trail as per Condition 2.6.12(a) final location subject to detailed design

Community Park - Town Square Area and shape to be finalized as part of Non-Substantial Amendment required for Town Centre

Community Park Area and shape to be finalized as part of Non-Substantial Amendment required for Multi Units. Community park land shall be included in the density calculation for Multi Units.

-  Trails & Pedestrian Connections
-  Sidewalks & Pedestrian Connections
-  Neighbourhood Park
-  Community Park



Attachment B: Review of Relevant MPS Policies

Timberlea/Lakeside/Beechville Municipal Planning Strategy	
Policy	Staff Comment
<p>Policy UR-27:</p> <p>Within the area as shown on Map UR-1, Council may consider permitting a mixed use development, with a range of land uses including a golf course, low density residential, townhousing, multiple unit dwellings, a town centre, various commercial development, and an office campus. Such development may only be considered through the development agreement process, and pursuant to the policies outlined specific to this site and having regard to the provisions of Policy IM- 12.</p>	<p>The subject sites are both within the area shown on MPS Map UR-1.</p>
<p>Policy UR-28:</p> <p>Within the area shown on Map UR- 1, a range of housing types to a maximum of 3200 dwelling units shall be provided for, subject to the following:</p>	<p>The proposed amendment would be the 14th amendment to the original development agreement, which was approved by the Western Region Community Council in 2001. The proposed amendment would not change the number of dwelling units permitted by the existing development agreement.</p>
<p>(a) That a substantial number of single unit dwellings be provided, especially adjacent to existing low density neighbourhoods;</p>	<p>No concerns - the proposed amendment would not change the overall mix of units throughout the entire development agreement area.</p>
<p>(b) Alternative forms of single units such as clustered units, retirement cottages and live-work units may be considered as a small proportion of the total number of single units;</p>	<p>No concerns - the proposed amendment would not change the overall mix of units throughout the entire development agreement area.</p>
<p>(c) Auxiliary dwellings, two-unit dwellings and townhousing shall be permitted subject to appropriate criteria on building and site design;</p>	<p>No concerns - the proposed amendment would not change the overall mix of units throughout the entire development agreement area.</p> <p>Design criteria contained within the existing development agreement and schedules are not proposed to change with this amendment.</p>
<p>(d) Medium density housing may be permitted, subject to appropriate limits on density, and with appropriate</p>	<p>No concerns – any requirements relating to density, landscaping and other concerns listed in</p>

<p>requirements for landscaping and tree retention, architectural design features to ensure a high-quality appearance of buildings, variety in scale, massing and height, and provision of sufficient amenity space;</p>	<p>this policy are not proposed to change with this amendment.</p>
<p>(e) That where single unit dwellings about the Westgate site, only single unit dwellings or open space uses may be considered; and</p>	<p>This policy applies only to single unit dwellings that existed prior to the original development agreement coming into effect in 2002.</p> <p>Some properties on Maple Drive about the Westgate (Brunello) site. The proposed amendment would allow only the Rb land use mix in areas abutting existing single unit dwellings on Maple Drive.</p> <p>Clause 2.2.2 (iii) of the Existing Development Agreement restricts residential development in Rb mix areas that abut existing single unit dwellings to single family units, open space/park uses, school use or the golf course, in accordance with this policy.</p>
<p>(f) That a range of adequate recreation facilities is provided, pursuant to current municipal parkland planning guidelines.</p>	<p>No concerns – the proposed amendments relate to two parcels that abut an HRM park.</p>
<p>Policy UR-29: Within the area shown on Map UR- 1, development of a golf course and associated uses shall only be permitted through the development agreement process, to address the following:</p>	
<p>(a) potential environmental impacts of the golf course on waterbodies (namely Nine Mile River, and streams and piped systems leading into Otter Lake and Governor’s Lake) during and after construction;</p>	<p>Not applicable – the proposed amendment does not require any changes to the existing golf course.</p>
<p>(b) provision of adequate separation of golf holes from existing and new housing according to current accepted standards;</p>	<p>No concerns - the proposed amendment would not reduce any existing separation distances between permitted residential development and the golf course.</p>
<p>(c) provisions of municipal easements for stormwater drainage from streets and residential properties onto the golf course;</p>	<p>No concerns – Halifax Water and HRM Development Engineering have both reviewed the</p>

	proposed amendment ad have not requested any additional easements to address drainage.
(d) conditions for any use of treatment plan effluent in irrigation;	No concerns – Halifax Water and HRM Development Engineering have both reviewed the proposed amendment ad have not expressed any concerns.
(e) regulated public use of designated portions of the course for pond skating and sledding in a manner which does not encourage damage of the golf course;	No concerns – the proposed amendment would not alter any existing permissions for public use of private recreation facilities or the golf course.
(f) The use of alternative street and access standards, grading, and private streets, can assist with tree preservation, and create a more country like character for a development, even within an urban area. However, past experience has shown that there is very often a demand from residents to upgrade to a higher street standard, and any development agreement must therefore address this to ensure that costs for such upgrading are not borne by the public. In addition, it is important that an adequate mechanism is put in place to deal with snow and ice clearing and surface maintenance of any private roads and lanes.	No concerns – the proposed amendment does not include changes to public or private street standards.
Policy UR-30: The use of private roads which function as minor local streets within the development may be considered by Council. Private lanes for lot access for up to 6 dwelling units may further be considered. In considering such developments, Council shall have regard to the following:	The proposed amendment would not permit any new private roads.
(a) That the width of the traveled way meets applicable requirements for emergency vehicle access;	N/A
(b) That the roads are capable of being upgraded to a public street standard, provided that any such upgrading shall be wholly at the cost of the developer and/or abutting property owners; and	N/A

<p>(c) That an adequate mechanism through a body such as the developer, a condominium corporation or homeowners' association is set up to administer regular road maintenance and repairs in the long term.</p>	<p>N/A</p>
<p>Policy UR-31:</p> <p>Within the area as shown on Map UR-1, it shall be the intention of Council to permit the development of a mixed-use town centre, inclusive of medium to high density residential development, retail, hotel, commercial, office and personal service uses, and community and open space uses. Such an area must be carefully designed in order to function as intended, and to be aesthetically pleasing, therefore any development agreement for the site shall require a design study prior to issuance of development permits which will address:</p>	<p>Proposed amendment is for new residential uses only.</p> <p>Design and landscaping standards included in the existing development agreement would not change if the proposed amendment is approved.</p>
<p>(i) streetscape appearance and furniture;</p>	<p>See comment on preamble, above.</p>
<p>(ii) landscaping;</p>	<p>See comment on preamble, above.</p>
<p>(iii) architecture;</p>	<p>See comment on preamble, above.</p>
<p>(iv) parking;</p>	<p>Vehicle parking requirements would not change if the proposed amendment is approved.</p>
<p>(v) traffic circulation and transit;</p>	<p>Street network and circulation would not change if the proposed amendment is approved.</p>
<p>(vi) pedestrian use; and</p>	<p>Pedestrian connection would not change if the proposed amendment is approved.</p>
<p>(vii) open space provision.</p>	<p>Open space provision would not change if the proposed amendment is approved.</p>
<p>Implementation Policies</p>	
<p>Policy IM-12</p> <p>In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:</p>	

<p>(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.</p>	<p>Staff advise that the proposed amendments reasonably conform with the intent of the Municipal Planning Strategy for Timberlea / Lakeside / Beechville.</p>
<p>(b) that the proposal is not premature or inappropriate by reason of:</p>	
<p>(i) the financial capability of the Municipality to absorb any costs relating to the development;</p>	<p>No concerns – staff do not anticipate that the proposed amendment would have a financial impact on the municipality.</p>
<p>(ii) the adequacy of sewer and water services;</p>	<p>No concerns – the overall number of units and the mix of unit types throughout the development agreement area is not proposed to change. Water and sewer requirements are anticipated to remain the same.</p>
<p>(iii) the adequacy or proximity to school, recreation or other community facilities;</p>	<p>No concerns – the proposed amendment would not be expected to change demand for education, recreation or other community facilities.</p>
<p>(iv) the adequacy of road networks leading or adjacent to, or within the development; and</p>	<p>No concerns – the overall number of units and the mix of unit types throughout the development agreement area is not proposed to change. Staff anticipate that demand for road networks leading or adjacent to and within the development would remain the same if HWCC approves the requested amendment.</p>
<p>(v) the potential for damage to or for destruction of designated historic buildings and sites.</p>	<p>No concerns – there are no historic buildings or sites in the area surrounding the subject site.</p>
<p>(vi) the proposed means of handling storm water and general drainage within and from the development.</p>	<p>No concerns – Halifax Water has reviewed the proposed amendment and has not brought forward any concerns relating to drainage or stormwater management.</p>
<p>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</p>	
<p>(i) type of use;</p>	<p>No concerns. The proposal is to make minor changes to the boundaries of residential designations assigned by the existing DA. The</p>

	overall number of units and mix of unit types permitted by the existing DA is not proposed to change.
(ii) height, bulk and lot coverage of any proposed building;	No concerns – height, bulk and lot coverage of any building permitted on the subject sites would be controlled by the existing DA.
(iii) traffic generation, access to and egress from the site, and parking;	No concerns. HRM Development Engineering and Traffic Management have both reviewed the proposed amendments and have not brought forward any concerns.
(iv) open storage and outdoor display;	No concerns - open storage and outdoor display for live-work units are controlled by the existing DA and are not proposed to change.
(v) signs; and	Signage is controlled by the existing DA and is not proposed to change.
(vi) any other relevant matter of planning concern.	Staff have no other concerns.
(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.	No concerns – there are no known watercourses in the area of the proposed changes.
(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.	Not applicable.

Attachment C: Letter from the Halifax Regional Centre for Education

Mr. Andrew Giles
Vice-President Development
The Links at Brunello

Dear Mr. Giles:

Via Email andrewgiles@eastlink.ca

Re The Links at Brunello Development Agreement – Identified School Site

I am responding to your letter of August 7, 2018 concerning a school site reserved under your Development Agreement with Halifax Regional Municipality. I understand from your letter that the site is adjacent to a street named Amalfi Way.

Please be advised that after discussion with the Halifax Regional Centre for Education it has been determined that the site currently being held for a school within your development is not required for a school.

I trust this letter will serve as official notice from the Department of Education and Early Childhood Development that the school site shown on Schedule C1.C of the Brunello Estates Development Agreement is unnecessary.

Please contact me if you require further clarity on this matter.

Sincerely,

Original Signed

Joe MacEachern
Executive Director Finance and Facilities Management