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**Chebucto Community Council**  
**June 16, 2009**

**TO:** Chair and Members of Chebucto Community Council

**SUBMITTED BY:** Denise Schofield  
Denise Schofield, Acting Director of Community Development

**DATE:** June 5, 2009

**SUBJECT:** **Case 01179: Development Agreement, Rockcliffe Village, Mainland South, Halifax**

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**ORIGIN**

Application by RV Atlantic Holdings Limited to enter into a development agreement for a mixed-use development ("Rockcliffe Village") on lands at Northwest Arm Drive and Cowie Hill Road Extension, Halifax.

**RECOMMENDATION**

It is recommended that Chebucto Community Council:

1. Give Notice of Motion to consider an application by RV Atlantic Holdings Ltd. for a development agreement on lands at Northwest Arm Drive and Cowie Hill Road extension, Halifax, and schedule a public hearing;
2. Approve the development agreement, included as Attachment A of this report, to permit a mixed-use development ("Rockcliffe Village"); and
3. Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

### **Site Description:**

The subject site is 34 acres in size. It is located immediately southeast of the Halifax Regional Water Commission lands at the end of Cowie Hill Road, Halifax, and fronts on the southernmost portion of Northwest Arm Drive where it intersects with Old Sambro Road (refer to Maps 1 and 2). The site abuts existing residential development at its northeast (Ridge Valley Road, Drummond Road) and southeast (Penny Avenue, Trelyn Road) boundaries.

The lands are characterized by exposed bedrock and shallow, stony soils. The site is largely treed, except for an area (approx. 6 acres) abutting Northwest Arm Drive which has been previously cleared. The property slopes from its high point in the northeast downwards towards its southernmost point at Old Sambro Road. There are a few small watercourses and wetlands as well as some areas where ponded water has formed in depressions in the bedrock. An existing water service easement with two water mains crosses the property between Cowie Hill Road and Penny Avenue.

### **The Proposal:**

The proposal is to subdivide and develop the site as a mixed-use neighbourhood. The various intensities of residential development include single family, townhouse and multiple-unit (apartment) uses. A small commercial building is proposed as well as two small neighbourhood parks and a larger area of "conservation land" (approx. 6 acres) which will be deeded to the Municipality. The design incorporates various New Urbanist or Neo-traditional planning principles to provide a pedestrian-friendly, walkable "village" type atmosphere including elements such as private rear lanes and dwellings which are located close to the street to provide a human-scaled feel to the streetscape.

The following is a detailed breakdown of the proposal (refer to Schedules B, C and D of Attachment A):

- 4 multiple-unit (apartment) buildings adjacent to Northwest Arm Drive, two of which are permitted up to 10 storeys in height and the other two up to 6 storeys. Proposed building materials include simulated stone at the base levels, simulated wood finishes, prefabricated masonry, glass and metal panels and roofing. Parking for the 10-storey buildings will be primarily underground. The buildings may be standard apartments/ condos or special care homes (homes for the aged, licensed nursing homes and/ or residential care facilities for seniors);
- Approximately 61 townhouses located close to the sidewalk with driveway access to the rear of the units via shared private lanes (driveways) off the main street. The townhouses will be arranged as condominiums and will be subdivided so that each townhouse building, as opposed to each individual unit, will be located on its own lot;
- Approximately 66 single family dwellings on lots with a minimum size of 3,200 square feet. This allows for narrow, "small-lot" single family dwellings, larger-width dwellings or a combination of both;
- One commercial building not to exceed two storeys and 4,000 square feet in floor area;

- Parks and open spaces to be deeded to the Municipality include two small Neighbourhood Parks in the middle of the single family neighbourhoods and a larger, 9 acre parcel of “conservation land” to the southeast (approximately 28% of entire site area) which is proposed to contain encumbrances such as stormwater and other infrastructure. Park dedication may also include equivalent value in the form of park design and infrastructure. The details of this will be determined at the detailed design and subdivision stages;
- Changes to the street network include the extension of Cowie Hill Road (minor collector) over the lands of the Halifax Regional Water Commission and the subject property to Northwest Arm Drive, with the road extension and the new intersection at Northwest Arm Drive being constructed and paid for by the Developer. Two local roads are also proposed which will provide access to the single family dwellings;
- Landscaping or fencing as a buffer between the new single family dwellings along the northeastern property line and the existing residential development on Drummond Road;
- The ability for the Development Officer to approve minor changes to the design;
- Various possibilities for non-substantive amendments requiring a resolution of Council, including an increase in the heights of the two six storey buildings, the replacement of a portion of the townhouses with one or two additional 4-storey residential buildings, the subdivision of the townhouse buildings so that each dwelling unit is on its own lot, an increase in the size of the commercial building and the allowance for commercial uses on the main floor of the apartment buildings.

#### **Zoning and Enabling Policy:**

The subject land is zoned RDD (Residential Development District). Section X (Mainland South Secondary Planning Strategy) of the Halifax Municipal Planning Strategy applies. The Generalized Future Land Use designation is Residential Development District (refer to Maps 1 and 2).

This application is made pursuant to Section 62B of the Halifax Mainland Land Use By-law which enables Council, by development agreement, in accordance with Policy 1.5.1 of Section X of the Municipal Planning Strategy, to approve a comprehensive residential development. An agreement is required as the proposal contains land uses and provisions which are not permitted as-of-right in the RDD zone.

#### **DISCUSSION**

Staff have evaluated the subject development proposal in relation to the applicable policies of the Halifax Municipal Planning Strategy (Attachment B). The evaluation is summarized below.

- Land Use: The proposed mix of land uses is appropriate and conforms to the Residential Development District guidelines of the MPS.
- Population Density: The proposed density of 27.1 persons per acre is in keeping with the MPS and that of other developments in the area, including the Stanley Park/ Stoneridge development to the northeast. In order for the development to reach this maximum density, it is likely that some of the proposed non-substantive amendments would have to be approved by Council. A sewer capacity study and stormwater management plan have been

carried out by the applicant and reviewed by staff. This information indicates that there is adequate capacity available to service the proposed development. Further analysis will be required to determine whether there will be any possible surcharging and mitigation needed;

- Traffic/Circulation and Road Network: A traffic impact study was reviewed by staff of HRM and N.S. Transportation and Infrastructure Renewal. The proposed road network was revised by the developer from that shown at the public meeting of September 11, 2008 to exclude a road link to Ridge Valley Road as a result of public comments.

The proposed Cowie Hill Road (minor collector) extension, including the upgrading of the existing portion of this street and new construction over the land of the Halifax Regional Water Commission, will be the responsibility of the developer. Further negotiations between the developer and the HRWC will be necessary to facilitate this required street connection. The developer will also be responsible to construct the intersection of the Cowie Hill Road extension with Northwest Arm Drive to the requirements of NSTIR. All private driveways, including those providing access to the townhouse units, will meet Municipal Service System guidelines.

- Park/Conservation Land: The minimum 10% park dedication requirement under the Regional Subdivision By-law will be met. As indicated above, details will be determined at the subdivision stage. Dedication will include the two Neighbourhood Parks and will include either a portion of the Conservation land, equivalent value or a combination of these.
- Landscaping/ Buffers: A detailed landscape plan will be required at the permitting stage for the multiple-unit (apartment) buildings as well as the commercial buildings. Additionally, a buffer of either vegetation or wooden fencing will be provided along the northeast property line between the new dwellings on the local street ("B") and the existing development on Drummond Road.
- Environmental Sensitivity: The area shown as Conservation Land (Schedule B, Attachment A) encompasses 9.4 acres. Existing trees and wetlands will be retained. Watercourse setbacks required under the MPS and the Regional Plan will be adhered to. There will be no development on steep slopes. Blasting will be in accordance with the Blasting By-law. Conceptual stormwater and erosion and sediment control plans have been reviewed and a more detailed review will be undertaken at the subdivision stage. The proposal has also been reviewed by the Halifax Watershed Advisory Board (refer to Attachment D).

## **Conclusion**

Staff is of the opinion that the proposal is in keeping with the RDD guidelines and other policies and objectives of the Halifax MPS (Mainland South Secondary Planning Strategy) and the Regional Municipal Planning Strategy. The site is designated under the MPS for residential or mixed-use development. The proposal successfully manages the site constraints by concentrating development and retaining as much of the natural site as possible for park and/ or conservation purposes.

**Public Participation/Area of Notification**

A public information meeting was held on September 11, 2008. As a result of public comments, a proposed ten-storey residential building was removed from the northernmost portion of the site and apartment buildings were instead concentrated along Northwest Arm Drive. A proposed road connection to Ridge Valley Road was also removed. The minutes of the meeting are included as Attachment C. Should Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners within the area shown on Map 2 will be sent written notification.

**BUDGET IMPLICATIONS**

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of this Agreement can be carried out within the approved budget with existing resources.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

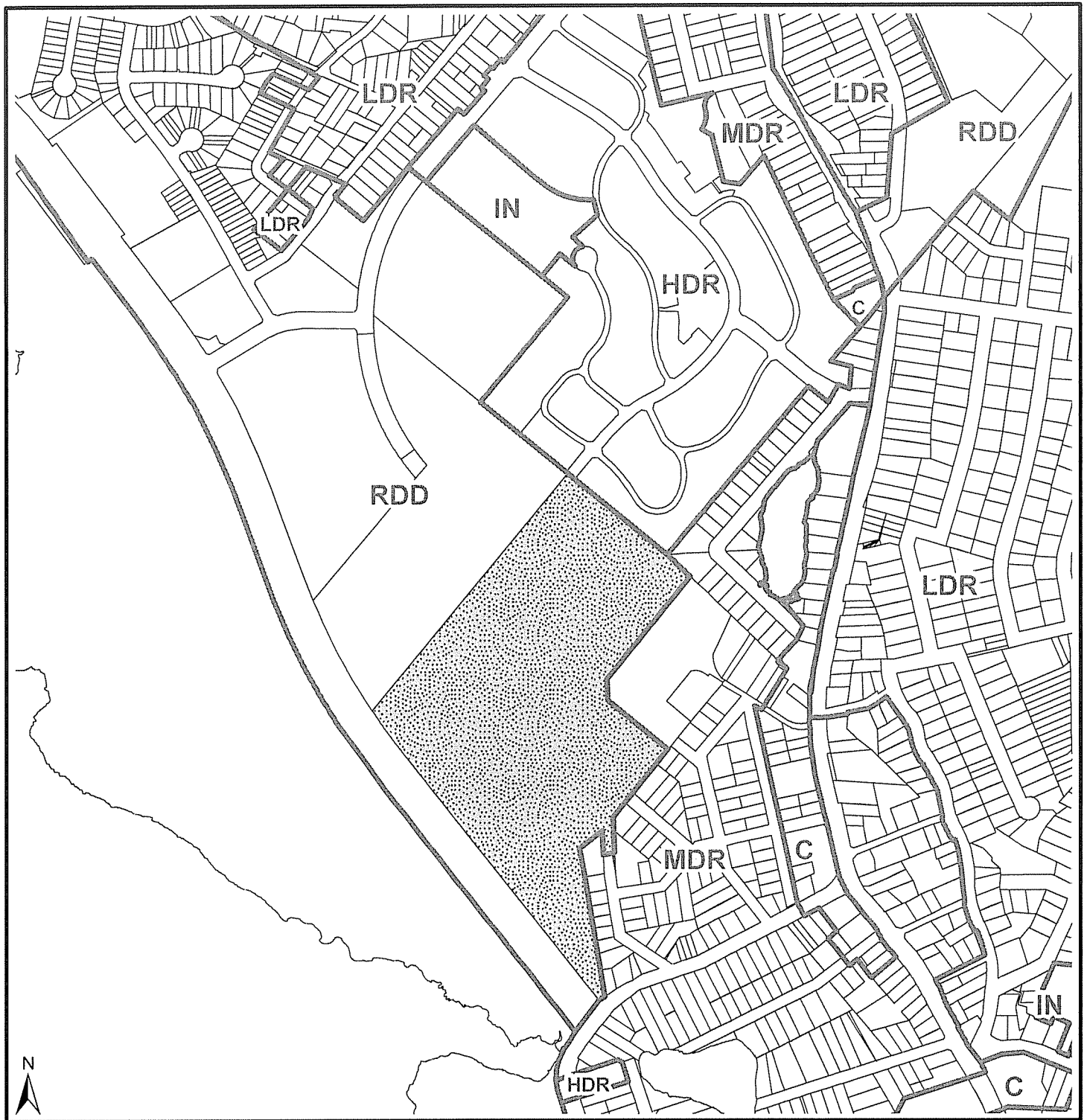
**ALTERNATIVES**

1. Council may approve the proposed development agreement. This is the recommended course of action.
2. Council may refuse the development agreement and, in doing so, must provide reasons based on conflict with existing MPS policy.
3. Council may approve the development agreement with modifications which are acceptable to the applicant. Such modifications may require further negotiations with the applicant and/or revisions to the attached agreement.

**ATTACHMENTS**


Map 1	Generalized Future Land Use
Map 2	Zoning and Area of Notification
Attachment A	Proposed Development Agreement with Schedules
Attachment B	Review of Most Relevant Sections of the Halifax MPS
Attachment C	Public Information Meeting Minutes
Attachment D	Excerpt of Halifax Watershed Advisory Board Minutes - March 18, 2009 and September 17, 2008





### Map 1 - Generalized Future Land Use

Rockcliffe Village  
 North West Arm Drive  
 Halifax


 Subject area

Halifax Plan Area  
 Mainland South Detailed Plan Area

#### Designation

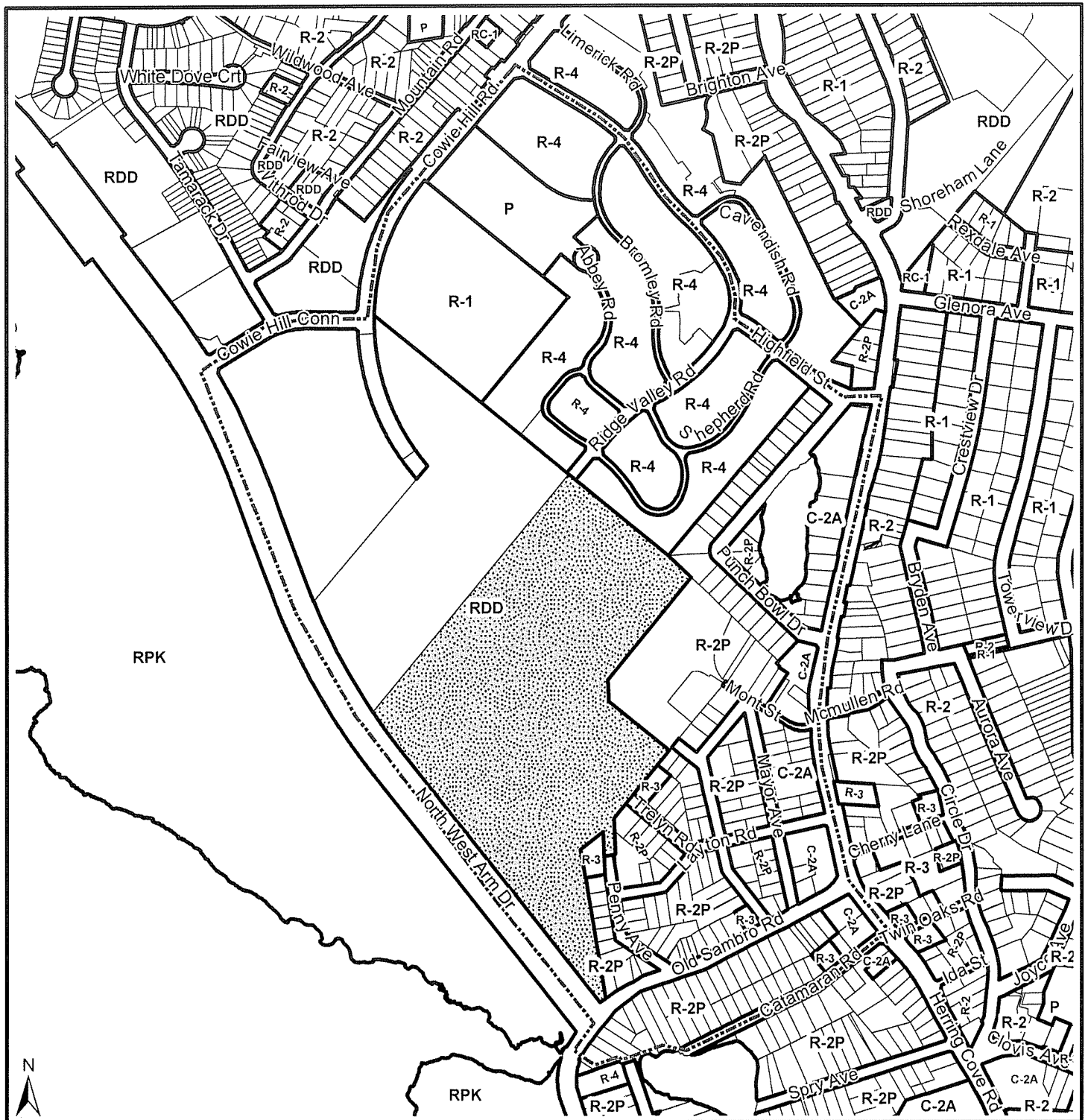
- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- C Commercial
- IN Institutional
- RDD Residential Development District

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 COMMUNITY DEVELOPMENT  
 PLANNING SERVICES

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

This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law Area.

HRM does not guarantee the accuracy of any representation on this plan



### Map 2 - Location and Zoning

Rockcliff Village  
 North West Arm Drive  
 Halifax

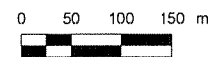
-  Subject area
-  Area of notification

Halifax Mainland  
 Land Use By-Law Area

### Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- C-2A Minor Commercial
- RDD Residential Development District
- P Park and Institutional
- RPK Regional Park

**HALIFAX**  
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 COMMUNITY DEVELOPMENT  
 PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law Area

HRM does not guarantee the accuracy of any representation on this plan





## **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 Halifax Mainland Land Use By-law and the Halifax 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/Federal Government and the Developer and/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.

## 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: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

### 2.1 Schedules

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the following Schedules attached to this agreement (plans numbered 01179-001 to 01179-004 inclusive) filed in the Halifax Regional Municipality as Case Number 01179.

The schedules are:

Schedule A	Legal Description of the Lands	
Schedule B	Conceptual Site/ Master Plan	Plan # 01179-001
Schedule C	Typical Elevation, 10-storey Residential	Plan # 01179-002
Schedule D	Typical Elevation, 4-storey Residential	Plan # 01179-003
Schedule E	Typical Elevation, 6-storey Residential	Plan # 01179-004

### 2.2 Requirements Prior to Approval

- 2.2.1 Prior to the issuance of any municipal Permits for the multiple unit, commercial or townhouse buildings, the Developer shall complete the MICI (Multi-unit/Industrial/Commercial/Institutional) process.
- 2.2.2 Prior to the issuance of a Construction Permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:
  - (a) Landscape Plan as per the requirements of Section 2.6.1 pertaining to the development for which the Construction Permit is sought.
- 2.2.3 Prior to the issuance of the first Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:

- (a) Certification from a qualified professional indicating that the Developer has complied with the Landscape Plan pertaining to the development for which the Occupancy Permit is sought.

2.2.4 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.

### **2.3 General Description of Land Use**

2.3.1 The use(s) of the Lands permitted by this Agreement, as generally shown on the Schedules, are the following:

- (a) Four multiple-unit (apartment) buildings, which may include the following Special Care Home uses: homes for the aged, licensed nursing homes and/ or residential care facilities for seniors;
- (b) One commercial building;
- (c) townhouses;
- (d) single family dwellings;
- (e) uses accessory to any of the foregoing uses.

### **2.4 Detailed Provisions For Land Use**

2.4.1 The single family dwellings shall comply with the requirements of R-1 zone of the Land Use By-law with the following exceptions:

- a) Minimum lot area 3,200 square feet
- b) Minimum lot frontage 32 feet, except 25 feet when lot faces the outer side of a curve
- c) Minimum side yards 8 feet on one side, 4 feet on the opposite side
- d) Minimum front yard 15 feet
- e) Minimum separation distance of 12 feet between any dwellings
- f) Maximum lot coverage 50%
- g) Minimum of 50% of the required front yard shall be landscaped
- h) Notwithstanding clauses d) and g) above, exterior staircases may encroach into the required front yard to a maximum of 10 feet

- 2.4.2 The multiple-unit residential (apartment) buildings, as generally shown on Schedules B, C, D and E, shall comply with the R-3 and R-4 zones of the Land Use By-law with the following exceptions:
- a) Buildings No. 2 and 3 shall be permitted to a maximum height of ten storeys, not including the mechanical penthouse level. Dwelling units may be permitted within the same level as the mechanical penthouse;
  - b) Buildings No. 1 and 4 shall be permitted to a maximum height of four storeys, provided the Development Officer may allow an increase to a maximum height of six storeys in order to accommodate the transfer of densities permissible pursuant to Sect. 2.4.5;
  - c) For all buildings, angle controls may be waived from all property lines except the Northwest Arm Drive right-of-way;
  - d) Population density shall be calculated in accordance with Section 2.4.5;
  - e) There shall be no minimum lot frontage requirement for Buildings No. 1 and 4;
  - f) Landscaped open space requirements may be reduced by up to 50% for any of the multiple-unit buildings;
  - g) Building materials shall be generally as shown on Schedules C, D and E or may include an acceptable equivalent as determined by the Development Officer;
  - h) The Development Officer may allow the footprint, size and siting of the buildings to vary from that shown on Schedule B.
- 2.4.3 Townhouse sites shall be maintained or managed by a single, legal entity. The driveways servicing the rear of the townhouse buildings are to be under private ownership and, as such, the Developer shall be responsible for services, private driveway maintenance and snow and ice control. Individual driveways are prohibited off Cowie Hill Road extension (minor collector). Shared private driveways shall include identification signs at each entrance, be designed and constructed to commercial driveway standards and shall be identified as such on the final plan of subdivision. The townhouse buildings may be subdivided so that each building is located on its own lot. Where possible, utility meters, central air conditioning units, fuel tanks and exhaust vents shall be located in the side or rear of the dwelling. The minimum front yard setback for the townhouse buildings from Cowie Hill Road extension shall be as follows: minimum of 10 feet from the building facade, minimum of 3 feet from any exterior uncovered steps or staircases. The townhouse buildings shall meet the following other requirements:
- maximum of 40 feet in height
  - maximum lot coverage of 50%
  - minimum mean rear yard of 20 feet
  - minimum side yard of 8 feet, except along the common lot boundary dividing the townhouse building
- 2.4.4 The commercial building shall not exceed two storeys in height and not exceed 4,000 square feet of gross floor area. No more than 16 parking spaces shall be required.

Commercial uses and signs shall comply with the C-2A zone requirements of the Land Use By-law.

- 2.4.5 The residential population density of the entire development shall not exceed 27.1 persons per acre of Gross Lot Area as defined in the Land Use By-law. The number of multiple-unit (apartment) dwelling units shown on Schedule B shall be based on 2-bedroom equivalents, therefore, the actual number of units may vary. Population density shall be calculated on the following basis:
- Apartments:
    - one person for each bachelor unit,
    - 2 persons for each one bedroom unit
    - 2.25 persons for all other unit types
  - Townhouse - 3.35 persons
  - Single Family dwelling - 3.35 persons

The Development Officer shall allow the numbers of single family, townhouse or multiple-unit (apartment) dwelling units, as shown on Schedule B, to vary by up to 30%, provided that the population density of the entire development indicated above is not exceeded and provided the number of multiple-unit (apartment buildings) does not exceed four.

- 2.4.6 The following encroachments may be permitted within any yard:
- a) projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies, window bays or other architectural features, provided that no such structure or feature shall project more than two (2) feet into any required yard; and
  - b) wheelchair ramps.
- 2.4.7 Home occupations and offices of a professional person shall be permitted within the single family and townhouse dwellings and shall comply with the requirements of the Land Use By-law. Accessory uses and structures for all land uses shall comply with the requirements of the Land Use By-law.

## **2.5 Building and Site Lighting**

- 2.5.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

## **2.6 Landscaping**

- 2.6.1 A detailed Landscape Plan prepared by a Landscape Architect (that is a full member, in good standing, of the Canadian Society of Landscape Architects) shall be submitted with the application for Development Permit for each of the multi-unit and commercial buildings as well as the properties outlined in Section 2.6.2.. The detailed landscape plan

- shall include, as a minimum, planting as identified in this Agreement and shall identify measures to provide screening between the buildings and adjacent residential properties as well as for aesthetic enhancement. The plan should maintain as much of the natural landscape and vegetation as can be reasonably achieved.
- 2.6.2 Trees and shrubs, at least 50 percent of which shall be coniferous, shall be provided along the northeastern property line adjacent to residential properties abutting Drummond Road for screening purposes prior to the occupancy of the dwellings on proposed Street "B". As an alternative to vegetation, solid board wood fencing a minimum of five feet in height may be permitted. Similar vegetation or wood fencing shall be provided on the multiple-unit (apartment) sites abutting any single family or townhouse uses.
- 2.6.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 2.6.4 Planting details for each type of plant material proposed on the landscape plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety). Mass shrub plantings or mixed shrub and ground cover plantings are preferred instead of perennial beds.
- 2.6.5 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as fencing, retaining walls, pergolas, recycling facilities, benches, etc. shall be provided to the Development Officer, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the character of the surrounding area.
- 2.6.6 All areas to be landscaped shall include a mix of coniferous and deciduous trees and shrubs, sodded areas and decorative hard surface areas. High branching, salt tolerant deciduous trees with a minimum 60mm caliper shall be planted with a 7.5 metre on-centre spacing along all street frontages and on proposed islands within the parking areas.
- 2.6.7 Prior to issuance of an Occupancy Permit for any of the multi-unit (apartment) or commercial buildings, as well as the properties outlined in Section 2.6.2., the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 2.6.8 Notwithstanding the above, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape work and the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping as shown on the Landscape Plan. 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 as described herein and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping. 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.

## **2.7 Maintenance**

2.7.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal (for multiple-unit [apartment] uses) and snow removal/salting of walkways and driveways.

## **2.8 Public Open Space**

2.8.1 The proposed North and South Parks and Conservation Land as shown on Schedule B shall be conveyed to the Municipality by the Developer in conjunction with final subdivision approval for the portions of the streets on which those park parcels have frontage and shall be accepted as a primary service.

2.8.2 The Park Dedication shall meet all of the requirements of the Halifax Regional Subdivision By-law. Park Dedication shall include land and equivalent value in design, development, or a combination thereof. Once the amount of the required parkland dedication has been determined at the subdivision stage, the outstanding amount if any, after credit for land determined under the Regional Subdivision By-law, shall be provided as equivalent value.

2.8.3 The Lands must meet the "Useable" land definition, the Parkland Classification/Service Delivery Criteria and the Parkland Quality of Land Criteria of the HRM Subdivision By-law. These Lands shall be free of legal, environmental, or physical encumbrances. "Encumbrances" mean, for the purposes of Park Dedication, legal, environmental, or physical constraints on the Lands that may limit its use and management or present an unreasonable development or remediation costs to the Municipality.

2.8.4 The Municipality agrees to accept ownership of the lands designated "Conservation Land" on Schedule B without benefit of parkland dedication credit. If the Municipality determines at the subdivision stage, based on final design information, that an area of this parcel meets usable land criteria, then this area will be given parkland dedication credit.



2.8.5 Prior to final design approval, the Developer shall submit any proposed parkland development, including design and cost estimates, for review and approval by the Parkland Planner. The approved park development will then be incorporated into the final design drawings and the Municipal Servicing Agreement.

## **2.9 Construction/Sales Trailer**

2.9.1 A trailer shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction trailer shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

## **2.10 Outdoor Storage and Display**

2.10.1 No outdoor storage shall be permitted on the Lands. Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing/masonry walls with suitable landscaping.

## **2.11 Solid Waste Facilities**

2.11.1 The multiple-unit (apartment) buildings shall include designated space for four-stream (refuse, blue bag recycling, paper/ cardboard and composting) source separation services in accordance with Sections 12.2 and 12.3 of By-law S-600. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.

## **PART 3: STREETS AND MUNICIPAL SERVICES**

3.1.1 All construction shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work. The Development Officer, in consultation with the Development Engineer, may give consideration to minor changes to the street network, provided the modifications serve to maintain or enhance the intent of this Agreement.

3.1.2 As Northwest Arm Drive is a controlled access highway, the Developer agrees to comply with the requirements of the N.S. Transportation and Infrastructure Renewal.

3.1.3 The Cowie Hill Road extension is to be designed and constructed to a 16 metre Minor Collector cross section, except when a left turn lane is required at intersections. The Developer shall be responsible for the design, upgrade and construction of the public roadway extension of Cowie Hill Road over the lands of the Halifax Regional Water Commission (PID# 40555138 and 40555146) to the northwesterly boundary of the

Rockcliffe Village property to the minor collector standard. The Developer shall also be responsible for the upgrading / construction of the existing portion of Cowie Hill Road (PID# 41157918), to the minor collector standard, from the Water Commission lands to its intersection with Cowie Hill Connector to the northwest.

- 3.1.4 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.
- 3.1.5 The Developer shall not commence clearing, excavation and blasting activities required for the installation of municipal services and road construction in association with a subdivision prior to receiving final approval of the subdivision design unless otherwise permitted by the Development Officer, in consultation with the Development Engineer.
- 3.1.6 The Developer shall conduct topographic survey in areas where the stormwater report identifies minor surcharging to confirm that basements will not be negatively impacted. If any basements are at risk of flooding, the Developer shall take the appropriate measures, as approved by the Engineer, to prevent any occurrences (i.e., install back flow prevention devices on the laterals). Should further analysis of the system by the Developer, demonstrate that surcharging is not an issue, the Engineer may waive the requirement of the topographic survey

## **PART 4: AMENDMENTS**

### **4.1 Substantive Amendments**

Amendments to any matters not identified under Section 4.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

### **4.2 Non-Substantive Amendments**

The following items are considered by both parties to be not substantive and may be amended by resolution of Council:

- a) minor changes to the landscaping requirements as detailed in section 2.6;
- b) an increase in the height of the multiple-unit residential buildings #1 or 4 above six storeys, provided that the overall population density of the entire development, as provided for in Section 2.4.5, is not exceeded;

- c) an increase in the size of the commercial building as specified in Section 2.4.4;
- d) the replacement of up to thirty percent of the townhouse dwelling units with one or two additional multiple-unit (apartment) building(s) not to exceed 4 storeys in height, provided that the residential population density of the entire development does not exceed 27.1 persons per acre pursuant to Section 2.4.5, subject to access and service requirements being met and approved by the Development Engineer;
- e) the subdivision of any of the townhouse buildings so that each townhouse dwelling unit is on its own lot, subject to access and service requirements being met and approved by the Development Engineer.

## **PART 5: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **5.1 Registration**

A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

### **5.2 Subsequent Owners**

- 5.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which is the subject of this Agreement until this Agreement is discharged by Council.
- 5.2.2 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).

### **5.3 Commencement of Development**

- 5.3.1 In the event that development on the Lands has not commenced within four 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.
- 5.3.2 For the purpose of this section, commencement of development shall mean endorsement of final approval of any of the lots.
- 5.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 4.2, 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.

#### **5.4 Completion of Development**

5.4.1 If the Developer fails to complete the development after ten 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.

5.4.2 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 Halifax Municipal Planning Strategy and Mainland Land Use By-law, as may be amended from time to time.

### **PART 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

#### **6.1 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 hours of receiving such a request.

#### **6.2 Failure to Comply**

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, 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 defense 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; and/or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remediation under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009.

SIGNED, SEALED AND DELIVERED ) **RV ATLANTIC HOLDINGS LIMITED**  
in the presence of )

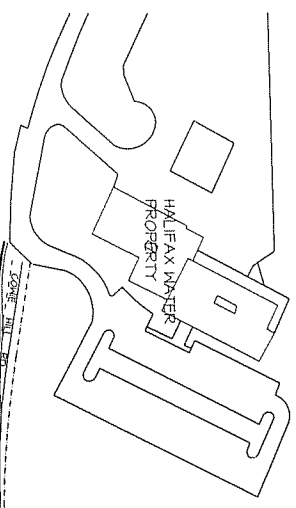
per \_\_\_\_\_ ) per: \_\_\_\_\_  
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per \_\_\_\_\_ ) per: \_\_\_\_\_  
)

SEALED, DELIVERED AND )  
ATTESTED to by the proper )  
signing officers of Halifax Regional )  
Municipality duly authorized )  
in that behalf in the presence ) **HALIFAX REGIONAL MUNICIPALITY**

per \_\_\_\_\_ ) per: \_\_\_\_\_  
) **MAYOR**

per \_\_\_\_\_ ) per: \_\_\_\_\_  
) **MUNICIPAL CLERK**



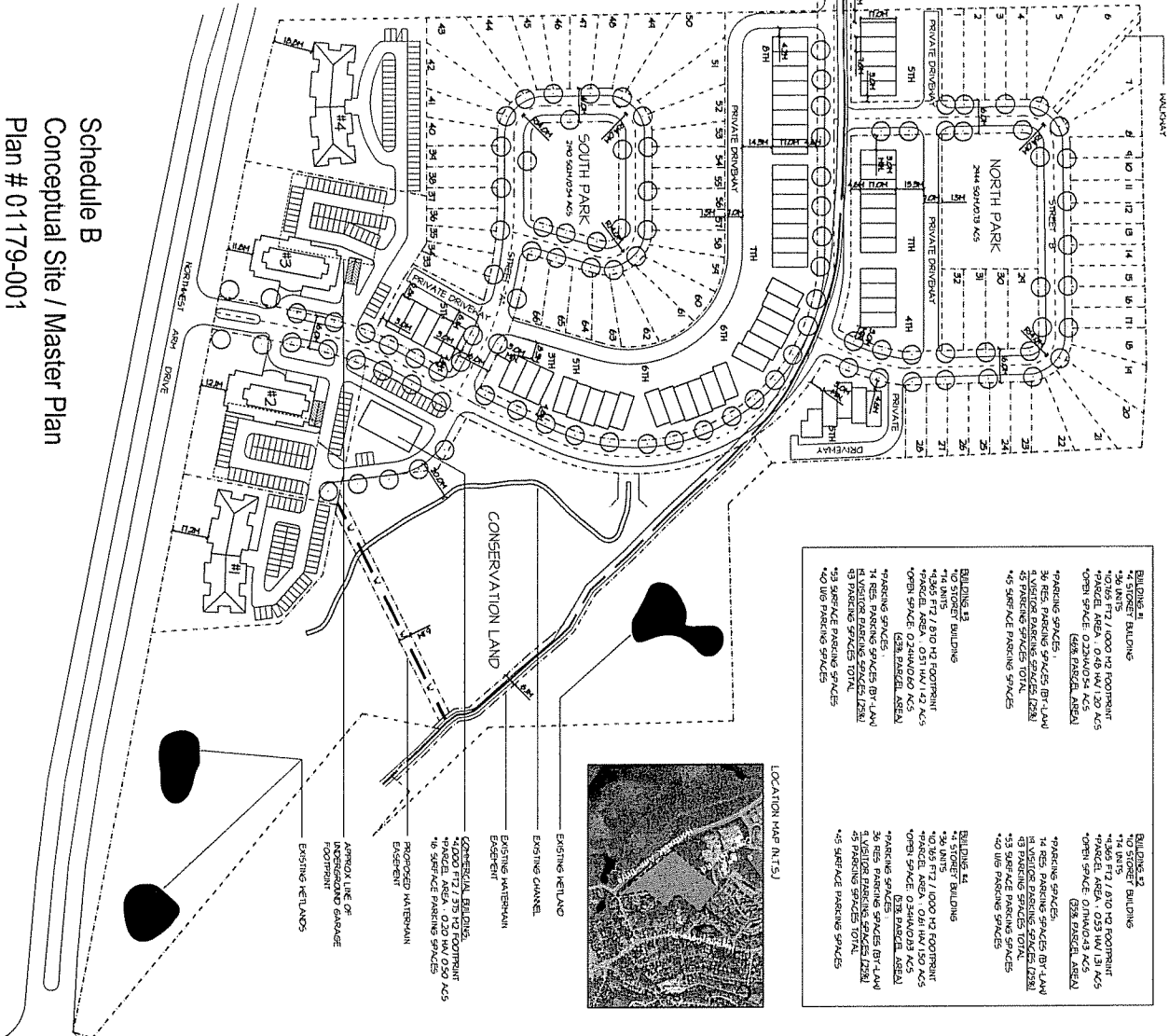
SITE STATISTICS FOR JUNE 04, 2004

TOTAL CONSERVATION LAND	3.83 HA (9.44 ACRES) ( 27.8% OF TOTAL SITE AREA)
PARKS:	
NORTH PARK (PASSIVE)	0.24 HA (0.73 ACRES)
SOUTH PARK (PASSIVE)	0.22 HA (0.54 ACRES)
TOTAL PARKS	0.46 HA (1.28 ACRES)
TOTAL EXISTING WETLAND AREA	0.16 HA (0.45 ACRES) ( 1.8% OF TOTAL SITE AREA)

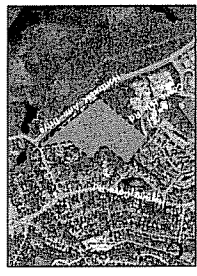
ROADS AND LANES	
ROADS LINEAR LENGTH:	1095 LIN. M.
AREA OF ROW	175 HA (433 ACRES)
LANES LINEAR LENGTH:	540 LIN. M.
AREA OF ROW	0.39 HA (0.94 ACRES)

BUILT FORM UNIT COUNT:	
CONDOMINIUMS	81 UNITS = 335 PEOPLE = 204.4
TOWNHOUSES	12 UNITS = 54 PEOPLE = 32.4
APARTMENTS	220 UNITS = 225 PEOPLE = 148.5
TOTAL	341 UNITS = 920.5 PEOPLE = 27 P.P.A.
SINGLE FAMILY UNITS	11 & 0% TOTAL UNITS
TOWNHOUSE UNITS	10 & 0% TOTAL UNITS
APARTMENT FAMILIAR UNITS	63 & 0% TOTAL UNITS

SPRINKLER SITE AREA:	1373 HA (3342 ACRES)
SITE DENSITY:	67 PPH / 27 PPA
RESIDENTIAL LOT AREA:	2.91 HA (7.20 ACRES) = 2.2% SITE AREA
SINGLE FAMILY LOT AREA:	1.63 HA (4.03 ACRES) = 13.3% SITE AREA
TOWNHOUSE LOT AREA:	2.19 HA (5.42 ACRES) = 15.9% SITE AREA
APARTMENTS LOT AREA:	4.47 HA (11.04 ACRES) = 32.3% SITE AREA
TOTAL RESIDENTIAL LOT AREA:	6.49 HA (16.23 ACRES) = 50.5% SITE AREA
CONSERVATION LOT AREA:	0.20 HA (0.50 ACRES) = 1.5% SITE AREA
ROADS AND LANES AREA:	2.19 HA (5.42 ACRES) = 15.9% SITE AREA
PARKS AND OPEN SPACE:	4.47 HA (11.04 ACRES) = 32.3% SITE AREA



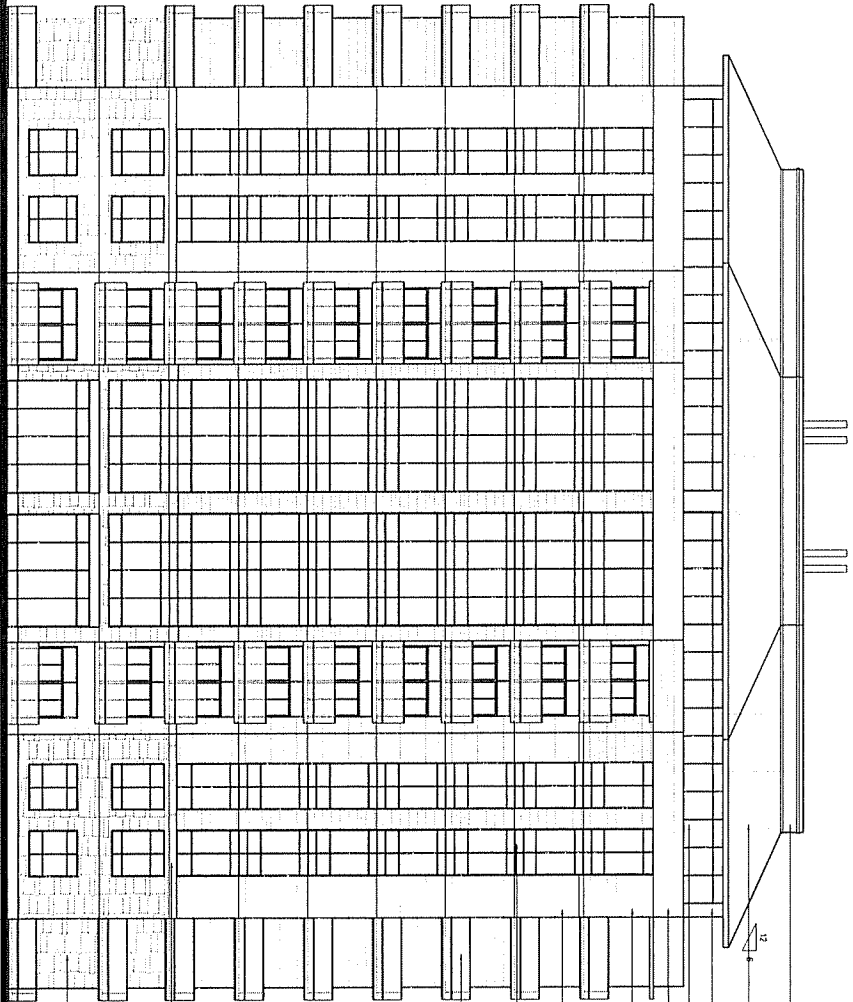
<b>BUILDING 12</b> STORER BUILDING 14 UNITS 1000 FT <sup>2</sup> / 1000 FT <sup>2</sup> FOOTPRINT *PARKING AREA: 0.21 HA / 0.52 ACRES *OPEN SPACE: 0.21 HA / 0.52 ACRES (SEE PARCEL AREA)	<b>BUILDING 13</b> STORER BUILDING 14 UNITS 1000 FT <sup>2</sup> / 1000 FT <sup>2</sup> FOOTPRINT *PARKING AREA: 0.21 HA / 0.52 ACRES *OPEN SPACE: 0.21 HA / 0.52 ACRES (SEE PARCEL AREA)
<b>BUILDING 14</b> STORER BUILDING 14 UNITS 1000 FT <sup>2</sup> / 1000 FT <sup>2</sup> FOOTPRINT *PARKING AREA: 0.21 HA / 0.52 ACRES *OPEN SPACE: 0.21 HA / 0.52 ACRES (SEE PARCEL AREA)	<b>BUILDING 15</b> STORER BUILDING 14 UNITS 1000 FT <sup>2</sup> / 1000 FT <sup>2</sup> FOOTPRINT *PARKING AREA: 0.21 HA / 0.52 ACRES *OPEN SPACE: 0.21 HA / 0.52 ACRES (SEE PARCEL AREA)



LOCATION MAP (N.T.S.)

**Schedule B**  
**Conceptual Site / Master Plan**  
**Plan # 01179-001**

A1.0



METAL CUP

METAL ROOFING

METAL PANEL

GLASS

PREFABRICATED MASONRY PANEL A

PREFABRICATED MASONRY PANEL B

PREFABRICATED MASONRY PANEL C

METAL PANEL

GLASS / METAL BALCONY GUARD

METAL PANEL

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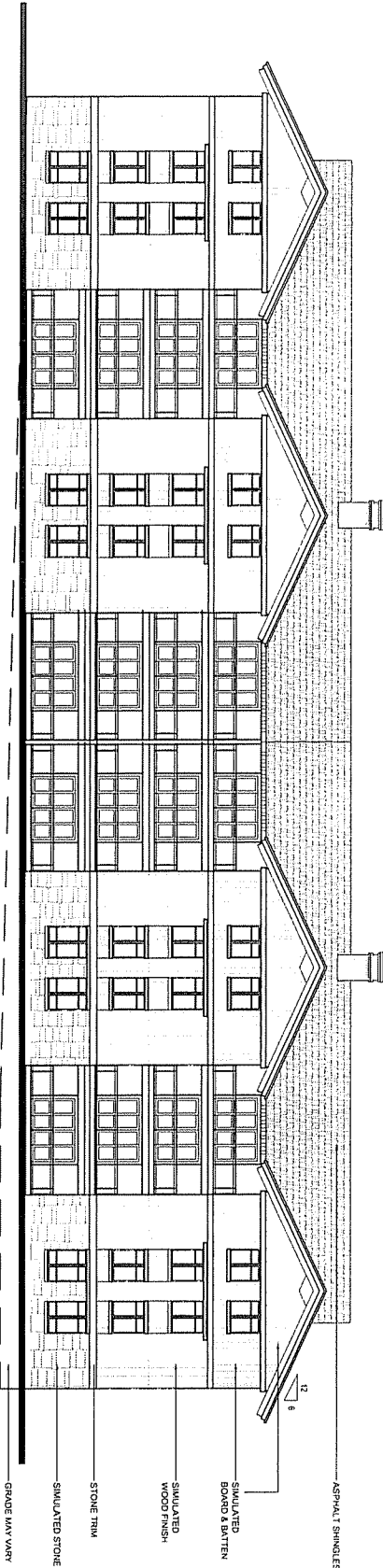
TYPICAL ELEVATION  
SCALE: 1:200  
10-STORY RESIDENTIAL  
Project No. 24940

**ROCKCLIFFE VILLAGE MASTER PLAN**  
ARMDALE, HALIFAX REGIONAL MUNICIPALITY  
A SUSTAINABLE ATLANTIC DEVELOPMENTS INC. PROJECT

**Schedule C**  
Typical Elevation, 10 - Storey Residential  
Plan # 01179-002  
May 11, 2009



Young + Wright / IBI Group Architects



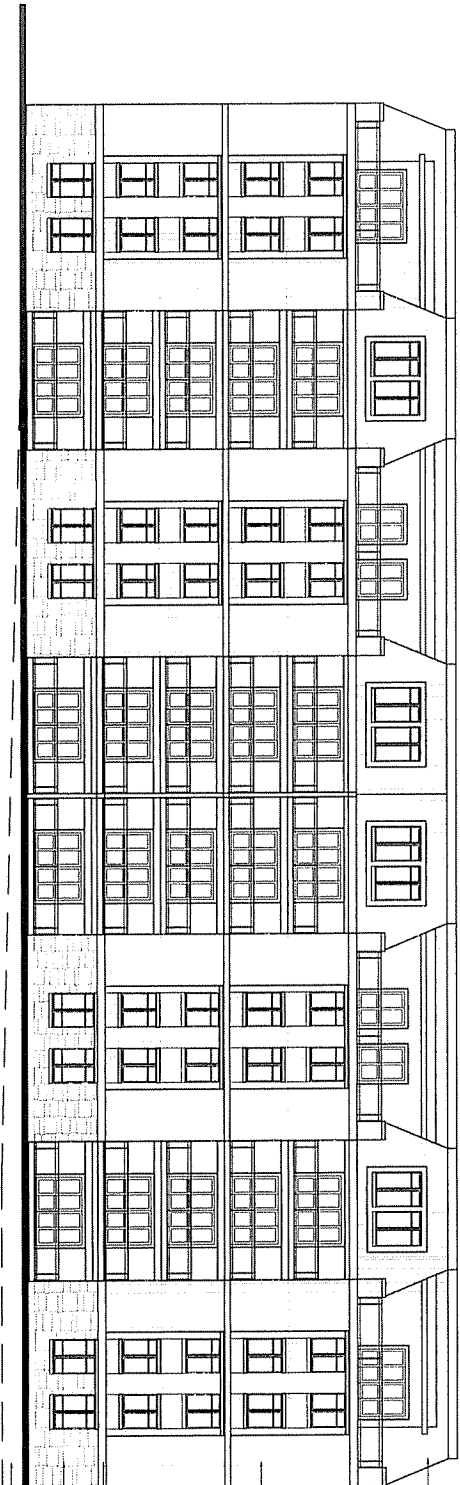
TYPICAL ELEVATION 4-STORY RESIDENTIAL  
 SCALE: 1:200 Project No. 24940

**ROCKCLIFFE VILLAGE MASTER PLAN**  
 ARMDALE, HALIFAX REGIONAL MUNICIPALITY  
 A SUSTAINABLE ATLANTIC DEVELOPMENTS INC. PROJECT

**Schedule D**  
 Typical Elevation, 4 - Storey Residential  
 Plan # 01179-003  
 May 11, 2009

**IBI GROUP**  
 Young - Wright / IBI Group Architects





TYPICAL ELEVATION 6-STORY RESIDENTIAL  
 SCALE: 1: 200 Project No. 24940

METAL SIDING  
 SIMULATED  
 WOOD FINISH  
 STONE TRIM  
 SIMULATED STONE  
 GRADE MAY VARY

**ROCKCLIFFE VILLAGE MASTER PLAN**  
 ARMDALE, HALIFAX REGIONAL MUNICIPALITY  
 A SUSTAINABLE ATLANTIC DEVELOPMENTS INC. PROJECT

**Schedule E**  
 Typical Elevation, 6 - Storey Residential  
 Plan # 01179-004  
 June 03, 2009



Young + Wright / IBI Group Architects

ATTACHMENT "B"

Review of Most Relevant Sections of the Halifax Municipal Planning Strategy

**MAINLAND SOUTH SECONDARY PLANNING STRATEGY**

**1. RESIDENTIAL ENVIRONMENTS**

Objective      The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

Policy	Comment
<p>1.5      Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.</p>	<p>The proposal contains a mixture of residential, commercial and open space/ recreational uses under a unified master plan for the site. No specific phasing of the proposal has been identified under the development agreement; the standard provisions of the Regional Subdivision By-law and the Municipal Service Systems Specifications will apply.</p>
<p>1.5.1    Pursuant to Policy 1.5, the Land Use By-law shall provide a new zone, the Residential Development District, within which "Low-Density Residential" development and public community facilities shall be permitted and other development shall be permitted only under the contract development provisions of the Planning Act and the requirements in Schedule I.</p>	<p>This enables the development agreement process. An agreement is required as the proposal contains land uses and provisions which are not permitted as-of-right in the RDD zone.</p>

**SCHEDULE I - GUIDELINES FOR RESIDENTIAL DEVELOPMENT DISTRICT**

Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines:

<b>Policy</b>	<b>Comment</b>
<p><u>Uses Which May be Permitted</u></p> <ol style="list-style-type: none"> <li>1. Residential Uses</li> <li>2. Community Facilities</li> <li>3. Institutional Uses</li> <li>4. Neighbourhood Commercial Uses</li> <li>5. Commercial Convenience Centres.</li> </ol>	<p>The proposed land uses are permitted.</p>
<p><u>Site Development Guidelines</u></p> <p>5. Residential</p> <p>- a density of twenty-two persons per gross acre shall be permitted. Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers. In calculating the permissible density of any project, the capacities available to the drainage area shall be considered.</p>	<p>The proposed population density maximum is 27.1 persons per acre. Non-substantive amendments to the agreement may be necessary if this maximum limit is to be achieved. The sewer capacity study found that there is adequate capacity available to service the proposed development.</p>
<p>- no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping.</p>	<p>The current site plan (Schedule B) meets this guideline. If an increase beyond 15% is proposed by means of a non-substantive amendment, the developer will be required to submit rationale for the increase at that time.</p>
<p>- the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.</p>	<p>Vegetation or wood fencing will be provided along the northeastern property line adjacent to residential properties abutting Drummond Road for screening purposes (refer to section 2.6.2 of agreement).</p>

Policy	Comment
<p>6. Commercial - neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II.</p>	<p>The proposed commercial building (section 2.4.4 of agreement) is limited to 4,000 square feet (except by non-substantive amendment) and the commercial land uses and signs will comply with the C-2A zone. A minimum of 16 parking spaces will be provided.</p>
<p><u>Landscaping and Open Space</u> 7. At least 5 percent of the area of the district development must be useable, landscaped, open space.</p>	<p>The Subdivision By-law now requires 10% open space dedication. This will be provided in the form of the North and South parks and possibly a portion of the Conservation land, equivalent value (park design and construction/ infrastructure) or a combination of these. Additional private open space will be included on the multiple-unit sites.</p>
<p>8. No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body.</p>	<p>The Regional Plan requires a 20m (66 foot) setback from watercourses for residential dwellings. The watercourses and wetlands are located within the proposed Conservation land. These setback requirements will be adhered to.</p>
<p>9. Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction.</p>	<p>N/A</p>

Policy	Comment
<p>10. A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, ponds, streams, shores, and wetlands should be preserved whenever possible.</p>	<p>Detailed landscape plans will be required at the detailed design stage (subdivision and permitting) for the multiple-unit and commercial sites. The details of parkland dedication will also be determined at this stage.</p>
<p><u>Circulation</u> 11. Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized.</p>	<p>There are no proposed connections to existing local roads adjacent to the development. A former proposed connection to Ridge Valley Road was removed as a result of public comments. Traffic from the proposed development will be directed to either Cowie Hill Road or Northwest Arm Drive.</p>
<p>12. Where common parking areas are provided, they should be so aligned as to restrict through traffic.</p>	<p>There will be no direct connections and through traffic between the low-density residential uses and the commercial/ multi-unit buildings.</p>
<p><u>General</u> 13. The minimum required site size for a contract within this area shall be three acres.</p>	<p>The site is 34 acres in size.</p>
<p>14. Municipal infrastructure must be adequate to service any proposed development.</p>	<p>A sewer capacity study and preliminary stormwater management plan were prepared. While this information indicates that there is adequate capacity available to service the proposed development, it identifies the possibility of minor surcharging in certain areas. The agreement requires further analysis and a possible topographic survey during detailed design in order to determine whether mitigation will be required.</p>

**7. ENVIRONMENT**

Objective Identify and protect environmentally sensitive and ecologically valuable natural features.

Policy	Comment
<p>7.1 Environmental sensitivity shall be considered as of the degree of susceptibility of natural areas to deleterious effects of urban development. Areas of high sensitivity are identified on the Environmental Sensitivity Maps. These maps shall be used as general resource documents in evaluating zone changes and contract development applications.</p>	<p>Maps 3a and 3b of the Mainland South Secondary Plan show that the site may contain areas of significant tree cover, exposed bedrock and steep slopes. See below for comments.</p>
<p>7.1.1 Pursuant to Policy 7.1 the following features are used to identify such areas: (a) tree cover - 40 percent and greater in density;</p>	<p>The proposed conservation land is approximately 9.4 acres in area. The majority of existing trees will be retained. Portions of the site have been previously cleared, especially near Northwest Arm Drive. The applicant has indicated that, although attempts will be made to retain some trees on the developed portions of the site, clearing and blasting of the site will be required.</p>
<p>(b) exposed bedrock;</p>	<p>The identification of this feature as environmentally sensitive was likely related to the higher costs of development in areas with a high percentage of bedrock at the surface. As a result, development was encouraged more in Mainland North than in Mainland South in the '70s and '80s. This is less relevant today, as it is more economical to build in such areas.</p>
<p>(c) wetlands and streams;</p>	<p>Although not identified on Map 3a, the site contains some small watercourses and wetlands in the area of the proposed Conservation land. Watercourse setbacks will be adhered to.</p>

Policy	Comment
(d) slopes - 16 percent and greater.	Areas of steep slopes are confined to the back slopes of the ditch along Northwest Arm Drive. There is no development proposed on steep slopes.
7.3 Where development proposals are being considered through rezoning or development agreement, the City shall protect environmentally sensitive areas.	This is not intended to prohibit development, but to ensure that environmentally sensitive areas are afforded some level of protection. The proposal, by concentrating density on a portion of the site and leaving the remainder as Conservation land, fulfills this goal.
7.5 Environmentally sensitive areas in public ownership should be preserved in their natural state and utilized for limited park and recreation uses.	The proposed conservation land, at more than 9 acres, will retain the majority of existing trees and be left primarily in a natural state, except where engineering infrastructure may be required and in the event that trails are constructed.

ATTACHMENT "C"

**Public Information Meeting Minutes: Case 01179 - September 11, 2008**

In attendance: Paul Sampson, Planner, Planning Applications  
Gail Harnish, Planning Services  
Councillor Mosher  
Kevin Riles, Caohmin Consulting  
Hamish Aubrey, Jacques Whitford  
Marcel Deveau, O'Halloran Campbell

**Call to order**

**Mr. Paul Sampson** called the public information meeting (PIM) to order at approximately 7:30 p.m. at the Captain William Spry Centre. The purpose of the meeting is to discuss an application by Trax Atlantic Developments for a development off Northwest Arm Drive and Cowie Hill Road.

**Overview of planning process**

Mr. Sampson advised the application is for a development agreement which is a legal agreement that dictates how land is developed and is registered at the Registry of Deeds. The zoning of the property is RDD (Residential Development District). The current zoning allows as-of-right development of standard R-1 (single family) and R-2 (duplexes/semi-detached) buildings. The development agreement process allows a mixed use development, which would include different types of residential development including apartment buildings and townhouses, as well and commercial and other types of uses.

Mr. Sampson reviewed the development agreement process:

- we received the application and did a preliminary review
- tonight is the PIM
- staff will do a detailed review of the application, which includes consultation with the Provincial Department of Transportation
- staff will negotiate an agreement with the developer
- staff will prepare a staff report which will be tabled with the Chebucto Community Council
- Community Council will either decide to schedule a public hearing or reject the application
- the public hearing is held, following which Community Council will make a decision
- there is an appeal process



## Presentation of proposal

**Mr. Kevin Riles**, President of Caohmin Consulting, proceeded to present the Rockcliff Village master plan community.

History - Mr. Riles indicated they want to outline what they are trying to achieve and some of the community input they have had. It also provides an opportunity for exchange. Nobody know their community better than the residents. They take information from these meetings and go back to staff with the ideas and implement them wherever possible. From his experience, it always works better to have input from the public. He presented the names of individuals they pulled together to provide expertise:

Developer - David Graham and Paul Behner who are partners  
Architects for the building and master plan design - Jamie Wright and Tom Amatti  
Environmental work - Hamish Aubrey of Jacques Whitford  
Engineering work - Marcel Deveau and Andrew MacLeod of O'Halloran Campbell

Planning Process - Mr. Riles indicated it has taken them a year to get their project to this point. Trax bought this property from Mr. Havill who is well known in the area. They consider this an infill project. It is one of the few vacant pieces of property left in the area, so it is a great opportunity for a master plan community village. We say village versus a subdivision because a village typically has some multiple family and single family units and commercial and parkland as part of the development. HRM envisioned this would be a mixed use area. They think this is consistent with the Regional Plan. They looked at the geography, population and land use.

Mr. Riles referencing the site plan pointed out:

- the property has about 3000' along Northwest Arm Drive (about 3/5 of a mile)
- Long Lake Regional Park, Withrod Drive, Old Sambro Road and Purcells Cove Road, Mont Street, Cowie Hill extension, Ridge Valley Road, Penny Avenue
- this site nestles in the middle of everything
- it is 34 acres
- it is surrounded by natural water. One of the challenges for Jacques Whitford is that there are three wetlands onsite and a couple of ponds. They want to keep all three so the design of this proposal works around those wetlands.
- they have taken a lot of the stormwater away from Mont Street
- it is convenient and they like the access points

Mr. Riles stated they are looking at a development of approximately 352 units in total with around 900 people. The three proposed condominiums would be no more than 10 storeys. They looked at the buildings in that area which go from 10 to 14 storeys in height. They felt 10 storeys would fit into the area. They are proposing 239 multi-family condominium units, 60 single family units, and 52 townhouse units.

Mr. Riles stated residents do not want to see excessive parking, onstreet parking, or waves of asphalt so each condominium unit has one underground parking space. All the wiring is underground except for the main line coming in. Any of the wiring coming into the homes and condominiums is underground. We think it is a nice feature for the area. The development has a nice strong residential front.

Mr Riles indicated two-thirds of the traffic from the development goes onto Northwest Arm Drive. They have not put an extension onto Penny Avenue or Mont Street. It is Cowie Hill Road past the Water Commission onto Northwest Arm Drive. You only have one-third of the traffic flowing into Cowie Hill. They think that will be less of a strain on the system, plus it keeps the traffic off Mont Street and Penny Avenue.

Mr. Riles noted in terms of building design, they wanted a mixture of glass, stone and brick. One of his pet peeves is you will see a lot of condominiums with a flat roof. You will see some nice design on the roof and the mixture of materials is attractive as you drive by.

Mr. Riles indicated as many trees as possible have been maintained. HRM has a requirement for 10% open space and park. They have 30% open space and parkland in this development which is significant. It is very pedestrian-friendly. There are a lot of walking trails in this particular development.

Mr. Riles, referencing the site plan, pointed out Cowie Hill Road and Ridge Valley Road, Mont Street and Penny Avenue, and as you come down Northwest Arm Drive, you have the Old Sambro Road. One of the things they want to do is have a strong gateway entrance to the front, so they have two 10 storey buildings with approximately 82 unit condominiums here (pointed out) and each of those have amenity space. All 82 units will have 82/83 underground parking spaces. Sometimes you have an extra unit for a custodian. The only parking above-ground parking is for visitors. Normally the ratio is for every four units you have one visitor space, so you would have 20 parking spaces for an 80 unit condominium building. He referenced the tree line, noting when you drive in you have two strong faces and the parking is hidden for the most part from the tree line.

Mr. Riles indicated in speaking with the residents, they said they would like to have local community commercial; a nice small building with professionals, so this is 4000 sq.ft. They put it next to this larger park so if you are walking your kid or dog you have a small convenience store/café along the park route.

Mr. Riles, referencing the plan, noted coming up in here (pointed out) you have a fair amount of single family homes (near the southern park). One of the things they tried to do is reduce the amount of road for the environment which is pedestrian-friendly. The access for these homes is on this circular road. The townhouses are right on that street which makes for a very nice front, so when you drive by you do not see all the cars. Back in here (pointed out) is a lane that only the

townhouses can access. It is almost like at Connaught Avenue and George Dauphinee Avenue where the homes are right on the front and they have a lane in the back.

Mr. Riles, referencing the plan, indicated both of these parks (north and south) are about half an acre. One of the signature parts of this development is this central park which is 9.5 acres. That is about 27% of the entire development and it will be both passive and active. You would have a trail system for a park, a gazebo, the trails, and you would have an outdoor rink in the winter time for skating and you would have park benches. It would also have an equipped playground set. They think that most of the residents who use the north and south park would be from that area but the central park would be used by the entire community and region. Whether it is a playground set, outdoor skating rink or a gazebo, all the trails leading in here, whether you want to read, walk, relax or use a playground set for your kids, you would have a mixture of everything. He referred to the blue dotted line and noted it is all connected through. The north park connects through here (pointed out) and it is all connected and they will do their best to keep most of the trees in this area.

Mr. Riles indicated when they initially did the design, this part was developed. There are three wetlands. Two are natural and one is man made. Because this site is high, it typically goes like this (pointed out) so a lot of people on Mont Street and this area of Penny Avenue say there is a lot of flooding. The stormwater for the area is going to drain into the park area through the wetlands. If there is anything residual, such as oil, it will come through the manmade wetland first. They worked with the environment as best as they can to keep those wetlands and work the system in so the stormwater for this site stays away from the residential development on this side.

Mr. Riles, referencing the site plan, noted up in the area where you have the townhouses going out onto Cowie Hill, this one 10 storey condominium with about 75 units, and the homes back in here, they all come back out through onto Cowie Hill. The only development onto Ridge Valley Road is just a little bit of an extension here (pointed out). These eight townhouses have a lane that comes onto Ridge Valley Road. Everything else comes onto this road, out Cowie Hill and does a loop back onto Herring Cove Road.

Mr. Riles referenced the buffering on the site plan which is all being kept because it is existing. They are calling it a village because it has all the components.

**Ms. Peggy Allen** questioned whether the link to the Cowie Hill Road is developed.

Mr. Riles indicated part of the negotiation process is that it would be built by the developer to hook up. There is about 8 acres between what they know as the Water Commission property and the Trax property, so that road would be extended through. The City has done a pretty nice job up there. They always envisaged back in the 80's that this would be a residential mixed use development at some point.

An individual referenced the buffer to the north and questioned how much of a buffer there was between the existing Cowie Hill Road development and this development.

Mr. Riles advised there is a proposed greenbelt. They are looking at about a 50' treed buffer. You will find some nice homes in there between Mont Street and coming up on that part of the hill off of Ridge Valley Road.

Mr. Riles, referencing the site plan, pointed out the commercial component. With 350 units they think there is enough for a nice professional office type of development.

Mr. Riles indicated one of the things he liked about the initial design is the rooftop treatment. There is a combination of materials, such as glass, stone and brick. Often you will see buildings that are very square or rectangle. Even at 10 storeys, the floor plate is very tight so it takes up less land, is better for the environment, and has less parking, so it is a very sleek design which they are very excited about.

Mr. Riles indicated regarding ecological habitat, they will maintain the wetland areas, particularly in that portion where all the parkland is. Some of the things included in Trax's mission statement are erosion and sedimentation control, reducing site disturbance, reducing light pollution, and water and energy efficiency. All these things are the right thing to do today in development.

Major challenges - Mr. Riles noted in terms of water and sewer services, Marcel Deveau of O'Halloran Campbell did a lot of work. Is there enough water and sewer to handle the development, even though it has been zoned for something of this nature? After a couple of studies, the answer is yes. That has been submitted to the City for their engineers to look at.

Mr. Riles stated one of the reasons it has taken them a year to come out into the community is they knew there were stormwater issues in the existing residential and they had the transportation and servicing issues, so they wanted to have those things studied before they came out. If they could not solve the servicing issues, then no matter how good their development is, it is kind of a moot point.

Mr. Riles referenced the existing intersection and indicated they had to make sure it was safe and had to consider the stop siting distances. You never want to put an intersection around a curve or coming in off a hill. They did a lot of work to make sure it is sited in a good spot.

Mr. Riles said they had three existing wetlands in the heart of the development and they looked at incorporating them into the development as an asset versus infilling.

Mr. Riles commented there is a reason the developers call it Rockcliff. There is nothing left in the City except granite. He thought Rockcliff was a great name and was very appropriate.

Mr. Riles stated overall they thought there were a lot of strengths to the proposed development.

### Questions and comments

**Ms. Brenda MacPherson** asked for confirmation they are looking at 50' of green land between Rockcliff and Drumdonald Road.

Mr. Riles responded that is what they are proposing. The City may require more. They want to keep a buffer there.

Ms. MacPherson indicated when the Water Commission was doing their building, they changed the flow of water. In heavy rains, they now get a flood of water that comes down at the edge of their parking lot. Infrastructure is a big concern of hers. She questioned how the school would handle that many more kids. The Fire Department has to put on an extra shift now because of the fires in the spring. What will happen to their taxes because of this development and now the need to increase their services?

Mr. Sampson responded part of the process is to send the proposal to various groups such as Fire Services and the School Board. The planners at the School Board will look at the capacity and where the kids will go. A lot of those things have not yet been answered but they will seek out those answers as part of the process.

Mr. Riles stated they have statistics on the type of family they think will be there.

Mr. Sampson indicated if there is any impact on taxes, they would not need to pay for extra services in terms of water and sewer because that is existing. It is considered a good site for development in that it is in the serviceable area as opposed to being unserviced.

**Ms. Nancy Wooden** said she appreciated the information being given to them but would appreciate microphones being provided at the next meeting so everybody could hear what was being said. She questioned what wind was being generated on the site.

Mr. Riles responded it was meant to be a nice feature for the area and is more or less a cultural feature.

Ms. Wooden questioned whether it was a wind turbine. It was responded no.

Ms. Wooden questioned how amenity space was defined.

Mr. Riles responded it is a place to relax. Often it is benches or a gazebo. It is passive.

Ms. Woden noted it says they assume there is an existing water main location by Penny Avenue. Don't we know at this point where the water main is?

**Mr. Marcel Deveau** advised Halifax Water was unable to provide electronic data that would locate the water main. They walked the field and it is very close.

Ms. Wooden indicated a lot of flooding has occurred in the past along Old Sambro Road near Catamaran Pond and asked how that is being addressed.

Mr. Deveau noted when they talk about sewer, there are two types; sanitary sewer and storm sewer. They worked with Jacques Whitford to develop a stormwater management plan. Their role as engineers was to do the preliminary servicing concept/strategy for the site, which means where the sewer runs and where the manholes and catch basins are located. With respect to stormwater, they are going to collect all of the surface water that is currently somewhat problematic for the residents of Mont Street into catch basins and through the pipework into what they are calling Cowie Hill Extension. The storm sewer pipes are extended down this road (pointed out) and discharged into this area (pointed out) where they can be used by the environmentalists to create the manmade water source. This pond will provide some buffering which a lot of developments do not provide. As the stormwater concentrates and the water is running down the pipes, that pond creates a little bit of storage. It saves the water up while the other water is running down McIntosh Run. That is what this master plan encompasses.

Mr. Deveau advised the sanitary is connected in pipes as well. The sanitary sewer generally runs along this alignment (pointed out) and heads down towards the existing sewer line along here on Penny Avenue. Their services to Trax and Caohmin included a study of the existing sewer from the top end of Penny Avenue all the way down meandering through St. Michael's Avenue and down to Theakson Avenue. They did a computer model of that sewer for the sanitary sewage from this development plus all the sewage that is contributed from the existing community, and it was found the existing sanitary sewer was satisfactory, but keep in mind HRM that had done some improvements to some of the problem areas of the sewer line a number of years ago. There is sufficient sanitary sewer capacity in the existing infrastructure.

Mr. Sampson advised the studies are now being reviewed by HRM staff. If the application is approved by Council, following that, the developer will have to prepare a number of detailed plans and drawings which would be reviewed by staff. This is the conceptual stage and moves onto further details later on.

Mr. Riles advised they submitted four major studies to HRM to date: a detailed transportation study, a stormwater master plan, a sewer capacity study, and an environmental study regarding the environmental features and the wetlands.

**Ms. Virginia Ellis** noted it was said there would be underground wiring. She lived in Cowie Hill. They had underground wiring which Nova Scotia Power said needed to be replaced. They then replaced the underground wiring with overhead wiring. Part of the development agreement has to be with Nova Scotia Power to maintain this. They had to renegotiate and have an

additional charge on top of the previous additional charge for their power for them to replace the underground wiring they agreed to put in because they were doing narrow roads.

Ms. Ellis referenced traffic exiting into Cowie Hill and Ridge Valley Road, and asked if there has been any discussion about getting stop lights at the end of Punch Bowl Drive where traffic will slow down.

Ms. Ellis asked if the developer has considered negotiating with Heritage Gas to bring a gas line right out into this area.

Ms. Ellis questioned whether they negotiated with Metro Transit to provide some transportation so they do not have an extra 1000 cars heading towards the rotary.

Mr. Riles indicated in terms of the underground wiring, when HRM did a review of underground wiring about two years ago, he sat as a development representative on the committee which consisted of developers, Nova Scotia Power, Aliant and connection companies because they all use the same trench. Underground wiring has many advantages but it is costly when you have to dig it up. There was a lot of discussion on how that was improved.

Mr. Deveau stated they typically look for synergies when doing a traffic impact study. How many residents will use other modes of transportation? They will have discussions with Metro Transit. That is one of the steps that will take place. In terms of traffic signals at Punch Bowl Drive, the HRM Traffic Authority dictates where they go by using warrant analysis. As part of the analysis, if there are 100 warrant points or more, then a signal is warranted. HRM's policy is not to put in traffic signals if the warrant points are less than 100.

Mr. Riles indicated they would follow up on the Heritage Gas suggestion.

**Mr. Max Keeping** questioned how far the apartment building at the corner was from Drummond Road and Ridge Valley Road.

Mr. Riles responded 350-400'.

Mr. Keeping noted it was said two-thirds of the traffic created by this development would exit onto Northwest Arm Drive. He questioned what would stop that traffic from going out and going down Ridge Valley Road and Cowie Hill Road. He asked if they considered making Cowie Hill Extension a one way street in.

Mr. Deveau responded no to the last question. Developments generate trips. They have studied a lot of previous work that was done to determine where people want to travel to. They found that with the new intersection of Cowie Hill Extension and Northwest Arm Drive that over 60% of the vehicles would tend to gravitate to that intersection. Their suggestion was to keep the centre of gravity (the mass) of the development towards Northwest Arm Drive. People will naturally

take the path of least resistance. It will not take long for individuals to determine that Herring Cove Road is a problem road. The objective is to keep traffic away from Herring Cove Road.

Mr. Keeping indicated Northwest Arm Drive has a boulevard. He questioned how they are going to make an exit for people coming this way on Northwest Arm Drive to turn into Cowie Hill.

Mr. Deveau responded the master plan prepared by the architect does not reflect the signalized intersection that will be there.

Mr. Sampson questioned when talking about the traffic that would go out the Northwest Arm Drive, whether they were talking both directions to the new intersection, but also going up Cowie Hill and making a left hand turn to get to Northwest Arm Drive.

Mr. Deveau responded yes. There would be a distribution to both.

Mr. Riles indicated they could provide the detailed information on the intersection. The two condominium buildings make up almost 45% of the units from the entire development. Almost 50% of the population is in those two buildings that are located right next to Northwest Arm Drive.

**Ms. Joan Sinden** expressed concern that on Mayor Avenue right now when it rains, her backyard is a lake. She was concerned about the watershed.

Mr. Hamish Aubrey advised the stormwater management plan has been developed quite thoroughly. It will take all the water that forms on the site from any of the paved areas and it will direct it down towards the wetlands which have the capacity to hold the excess water. It will have two functions; quantify and quality, so there will not be any extra water leaving the property.

**An individual** questioned when they planned on starting construction if the development agreement goes through.

Mr. Riles responded if the application is approved, normally from the point of approval it takes four months to get permits. You have to transfer these concepts into working construction designs. For a condominium of that size, they could be looking at approximately fifteen months to construct it, so they are likely looking at two years before people move in. Normally a development of this size gets phased over three to seven years. He thought they were looking at a five to seven year development.

The individual questioned how much longer it would stay the way it is now.

Mr. Riles stated development agreements run with the land. What is approved is built as shown. He would say five to seven years because the market can change a bit. Right now townhouses are very popular. That absorption rate dictates development.



Mr. Sampson indicated the agreement can usually address phasing in terms of which phases happen first and the timeframe. We usually build in flexibility to give options because things change.

**Ms. Linda Mason** questioned how they came up with the 900 people. That number seemed low to her.

Mr. Riles advised HRM and the development community has a consistent guideline. The average for a condominium unit is 2.25 people and the average for a single family home is 3.25 people. The Stats Canada average household is 2.9 people. Historically condominiums have more people that are mature and they do not have as much family. If you take the 224 condominium units and multiply it by 2.25 and then multiple it by 3.25 for the other units, you get to the 900 people. Stoneridge has around 1400 people. 900 people is a realistic number. People are not having as many kids and condominiums tend to attract an older crowd.

Mr. Sampson commented the numbers in the MPS and LUB tend to overestimate the actual population.

Ms. Mason asked about the price range.

**Mr. David Graham** responded the price range was not set yet because they have not determined the development costs. First they need to know the number of units that will be permitted by the development agreement.

Mr. Riles noted this is not a traditional development in the sense of the parkland and working around the wetlands which has a cost to it. He did not see the price point lending itself towards apartments. The buildings are being designed for condominiums.

It was questioned whether they would start developing at Northwest Arm Drive or Cowie Hill.

Mr. Riles responded that is yet to be decided.

**Mr. Graham** commented it makes sense to start on Northwest Arm Drive.

**An individual** questioned how much blasting they would be doing.

Mr. Riles responded there is rock in there and there is blasting involved. The geotechnical studies will let them know the details. He referenced Dartmouth Crossing and other developments and indicated Trax has huge experience in blasting in tough spaces and they have done it very responsibly. They will have an answer as they go along.

Mr. Sampson advised HRM during the development stage, following subdivision, issues blasting permits. In order to get a blasting permit, you have to submit information.

Mr. Riles stated HRM has a very regulated blasting process. There has to be a pre-blasting survey done for anybody within a certain amount of feet of the perimeter for insurance reasons. You need to take video equipment into each house.

**An individual** asked who would be liable for the damage caused from any flooding or blasting.

Mr. Riles stated any blasting damage generally goes back to the developer who has to have insurance. That is why the insurance companies require that you go in with a camera.

Mr. Sampson advised they have to submit pre-blast surveys and proof of insurance as part of getting a blasting permit.

**Councillor Mosher** questioned how close it would be to Penny Avenue, whether it would be a thoroughfare, and what is the red strip (land between the houses on Penny Avenue on the left and Northwest Arm Drive).

Mr. Riles advised they did not want any access points to Penny Avenue or Mont Street. There is no connection so there will be no thoroughfare. Referencing an area on the map, he indicated they would be kept as two natural wetlands and trails. The idea is to keep the area as natural as possible.

**Mr. Steve Nichols** noted there are a lot of residents from Penny Avenue in attendance. This is their back yard and questioned whether all the run-off is going back behind them.

**Mr. Aubrey** indicated the run-off that comes down from the property will go through those two wetlands. The beauty of developing the constructed wetlands is that it will create the capability for holding capacity. There will be lots of trees left and vegetated swales developed so between the soil and vegetation, a lot of the rain that would typically fall on a paved development would be held on the property for a length of time and slowly drain.

**Ms. Suzanne Kapsalis** said she was excited to see some new development and thought it would be done in good taste. It was noted there would be paths in the area of the wetlands and questioned whether it would be a lit area or dark.

Mr. Riles responded they have not gone into that level of detail yet. HRM's Parks Division dictates where that trail will run. The size and location of the trail has not been vetted out yet.

Ms. Kapsalis indicated there is some light on the road. It would probably be good for the residents to have a lit park.

Mr. Riles indicated HRM will put the development through the CEPTED program. HRM's Police Division looks at things like parks to make sure people are not walking in the dark. They will look at the design of the parks and trails.

**Mr. Reuben Buckley** questioned whether the windmill is a proposal or a sure thing.

It was responded the windmill is a preliminary option in keeping with the environmental approach. If they can get a windmill that is pleasing to look at and effective, maybe it can power lights in that whole area or provide secondary power for a number of things. It is something they are studying. It is in an area they are very excited about. They have erred on the side of caution as far as the wetlands and drainage goes. There is exposed surface rock there where water hits it and it runs very wet which is probably why Penny Avenue gets flooded out. Water takes the path of least resistance. They just identified areas that were pockets of water. For now they are saying they are wetlands but they do not know if in fact they are wetlands and of what quality, so they are erring on the side of caution so where water does come across the site, they can intervene and give it what it really needs and that is to store it onsite. By connecting the little trails and fissures of drainage patterns, they can create pockets and using modern technology create engineered wetlands instead of having stormwater retention ponds. We want to create engineered wetlands that you can walk around and see them functioning. That enhances the stormwater management of the site.

Mr. Buckley questioned if it would be still water.

It was responded the engineers have to find a way to put oxygen in and replenish it. If there is some way they can have a small windmill that can provide power for lights or pump water or irrigate the ponds, that is something they will work towards.

**Mr. Deveau** noted there are wetlands there now which are functioning just fine on their own.

**Mr. Jon Coates** indicated they have an apartment building in their community called the Top of the Mountain. When they have no tenants, Ridge Valley Road is a lovely quiet place. Abbey Road is a lane. There was something grandfathered to allow that to be an entrance to the Top of the Mountain. Is there any plan to put a proper road from the Top of the Mountain to Ridge Valley Road so they can get out on Cowie Hill? We have people driving at 40 and 50 kms on Ridge Valley Road and most of them are coming from that apartment building. He would like to hear how they will get two-thirds of the people to drive away from Halifax when the magnet is in the other direction. People will be coming up Ridge Valley Road to Cowie Hill Road and will be driving past his house. What does the City have planned for the Top of the Mountain?

Mr. Sampson responded he was not aware of anything but would check with our traffic people. It is an existing situation and goes beyond this development proposal.

**Mr. Robert Wiles** stated the increase in the traffic back-up on the Herring Cove Road in the past two years now goes back to Ultramar. When he moved there, it used to start at the bottom of the hill by the Y of the Herring Cove Road and the Purcells Cove Road. They did a beautiful job of taking that traffic and backing it up when they did the rotary. Now they want to put more cars so

it will back up even further. Referencing the Top of the Mountain, if it continues, they will have to put speed bumps on the Ridge Valley Road.

Mr. Sampson advised our traffic people will look at it. Any issues coming from the traffic study will have to be addressed.

**Ms. Allen** questioned whether the parkland would be fully developed by the developer or left for the residents. What streets would be put in first for this construction and where would the construction vehicles be coming in? Will it be from Northwest Arm Drive or Cowie Hill Road or Ridge Valley Road?

Mr. Riles responded the preference would be to start down in this area (pointed out). Typically you would build a temporary road lane for construction for the two condominiums. Their preference would be off Northwest Arm Drive and build a temporary cul de sac.

Ms. Allen questioned if the other parks would be developed.

Mr. Riles responded they would be passive. They are a place to walk or relax.

Ms. Allen questioned whether it would be left in its natural state.

Mr. Riles responded that would be up to the Parks Division. It is left as natural, they would normally put seed on it and level it off. Passive is walkable and landscaped to a point but he could not envision seeing playground equipment there.

**Mr. Brian Martin** questioned why the third apartment building is not pushed out towards Northwest Arm Drive with the other two so it is more appealing to the residents that live there.

Mr. Riles responded that the design principle was to have a gateway with two nice buildings which sets an urban theme. To have another one would bulk it up. You get a mixture of uses within a small neighbourhood.

Mr. Martin countered it would bulk up their area.

Mr. Riles indicated there has to be some residential mix and they are trying to find a balance.

**An individual** noted it they put the third apartment building by the others, then they would be accessing Northwest Arm Drive rather than through Cowie Hill.

**Mr. Keeping** said if he lived in that condominium building and he worked on the Peninsula, they are suggesting he would either go up Northwest Arm Drive onto Osborne Street and onto the Herring Cove Road or onto the BiHi and cut down onto Bayers Road. He would take the path of least resistance which is out Cowie Hill Extension or Cowie Hill or Ridge Valley Road.

Whatever they do, they will increase the traffic on the Herring Cove Road. Going up Northwest Arm Drive is not the path of least resistance.

Mr. Deveau stated they have looked at the studies dating back to the 1980s. They are not saying no traffic will head towards Herring Cove Road. Approximately 10% of the trips will head towards the Herring Cove Road. That is probably ten vehicles during the morning peak hours. It will not take long for those people who decide to go down Ridge Valley Road or Cowie Hill Road when they hit Herring Cove Road, to realize that is not the road to take.

Mr. Riles commented the Northwest Arm Drive is a fairly easy drive. If he was living near an intersection, he was going to go about 100' and get onto Northwest Arm Drive and go towards Clayton Park.

**An individual** said they wanted to go back to the problem of what is in the ground. That Yeaton property used to be the old rock quarry. She wondered how much blasting would take place. She lived at Kidston Estates. They lived for two years while they blasted 15' of rock to level down to where they have streets. Two years of rock blasting was atrocious and they are not finished yet.

Mr. Riles noted when they understand the phasing plan, then they will know how long the blasting will take.

The individual questioned if there is a study to tell them what is in the ground now on the whole site.

Mr. Riles noted they are now at the conceptual stage. To do the geotechnical studies is a very expensive process.

**Ms. Kathleen Couture** indicated she was aware of how much flooding they get on Mont Street and Hilary Street. She questioned if they would come back and fix the situation if what they are proposing does not work and they flood more. Are they committed to fixing the problem if it does not work?

Mr. Riles advised every stormwater plan is submitted to the City for review by the engineers.

Ms. Couture noted they are taking out a lot of trees and expressed concern with the huge difference.

Mr. Riles referenced an example in Bedford South where there was a high drop and they had to remove a lot of trees. The drainage has to be effectively dealt with. He thought they have hired one of the best engineering firms in the Province and felt confident it would be addressed at the end of the day.

Mr. Aubrey stated it is dealt with on a very localized scale as well as for individual houses. It will be directed down through the various systems that will be developed right through to the constructed wetlands. They have looked at the 100 year flood possibilities.

Ms. Couture questioned what their commitment was if it did not work. If it is all developed, are they committed to making sure they fix it? What responsibility are they going to take?

Mr. Deveau questioned if she was talking about a hypothetical case. Each one of the streets with curbs and gutters creates drains where the water is collected. 60-70% of the surface water that heads to the residential units on Penny Avenue and Mont Street is being intersected by the streets and curbs and gutters and is being caught. They design stormwater systems all over the city and HRM. HRM has design guidelines that work.

Mr. Sampson indicated our engineers review these studies and either agree or disagree. The likelihood is that it will improve the situation. It is very unlikely that it would get worse. If so, HRM would have to look at it and see why.

Ms. Couture said she wanted assurances something would be done to fix it if the system does not work.

Ms. Couture referenced the Mont Street area and indicated there are walking paths in there now that are not designated walking paths. Teenagers hang out and burn things. What is between Mont Street and what they are building? They are looking at another 900 people that would be walking through those woods which will result in more garbage. There is garbage and broken glass in the woods from people walking there. For people wanting to get to Herring Cove Road they will walk behind their properties and come through. It is not a desirable place for them to walk through.

Mr. Riles referenced the CEPTED review the proposal would go through and indicated people will not hang out if they are watched. They do not want to create areas where people can hang out. That is part of the park design. Any park has the risk of people hanging out. You do your best to design it in a way to prevent that. If people from this development consistently walk through these trails, that is one of your best defenses. Generally people will loiter if an area is dark and people are not around.

Mr. Sampson noted the plan shows a trail connection with Penny Avenue and did not believe it was with Mont Street. It might be when our parkland planners look at the details they may want to see a connection at Mont Street. They like to see lots of connections. It will definitely be an improvement. If HRM takes over these three parks, we will be responsible for things like cleaning up the debris and glass. It probably will not solve all the problems but it will be a definite improvement.

**Mr. Mike Harvey** said he heard reference to the parks being somewhat developed or left in their natural state. Is this going to be a developed park or will you take the current woods and cut trails and will it be an HRM natural park?

Mr. Sampson advised some of it has not been decided yet. The proposal is for HRM to take over all three. The developer is proposing to contribute funds for some of the things mentioned such as gazebos and benches. Those details get worked out as part of the agreement in a conceptual sense and get worked out in more detail as the subdivision process evolves.

Mr. Harvey commented the central park is a nice draw on paper. With no houses on the south side of Cowie Hill Extension, and he was concerned that the developer could decide it is too expensive to put a park there and leave it just as a buffer zone from the old community. The people in that old community see nice development moving towards them. They cannot get paved roads or sidewalks. It is happening around them but not in their own area. It will be disappointing to see nothing happening.

Mr. Riles stated a development agreement is a legal contract. What is ultimately approved has to be built according to that plan. If there are any major changes, the developer has to come back to the City which requires another public process. One of the reasons they took a year was because of the wetlands and the park. They needed to ensure it was economically viable. They would like to keep it as natural as possible. CEPTED may say never to trails because of safety and lighting.

Mr. Harvey said a gazebo and playground can be on a 50x100' lot on the corner by the townhouses and do nothing towards Layton Road and Penny Avenue. Is that whole area they have drawn out going to be park or left natural?

Mr. Riles responded it is a combination. It is good in a park area to have people moving. It would be a combination of passive and active parkland with gazebos and walking trails. Parkland staff will decide what it will look like. He thought that will be one of the nicest parks in the City for a local community.

Mr. Sampson noted part of the reason we are here is to get their feedback.

Mr. Harvey said he has been waiting for years for this development to happen. He liked the idea of bringing new development into their area. He saw that park as a buffer zone instead of including it in the old neighbourhood.

**Ms. Linda Mason** indicated she was anticipating seeing something tonight that would show where Cowie Hill ends and their property starts, particularly in the area of Drummond Road.

Mr. Sampson responded we need a survey plan to confirm that. We were able to estimate something in the range of 16' from the backs of the building. All we can do at this point is estimate where things are.

Mr. Riles commented the people who move in here will not want to look into their back yards as well. One of the reasons for the buffer is to respect the existing neighbourhood. Also, it is a better financial selling point. Rest assured there will be a buffer of 40-80'. They are proposing 50' for now.

**An individual** asked about the walking trails to Penny Avenue.

Mr. Riles responded they just loop around.

The individual questioned how many feet between the walking trail and her back yard.

Mr. Riles responded roughly 100'.

The individual questioned if they planned to leave the green area as is up at the top.

Mr. Riles responded they plan to leave as much natural vegetation as they can. There might be gaps where you can see through which may have to be filled in.

Mr. Sampson pointed out it varies. We are looking for their thoughts on what they would like to see.

Mr. Riles volunteered to come out and walk with the residents individually or as a group the next time it rains.

**An individual** commented a lot of the homes on Mont Street, Mayor Avenue and Penny Avenue are older homes and some of them still get their water by wells. It is all granite in the area so there will be blasting. She asked what happens if their wells are damaged and they can get no water.

Mr. Riles indicated he worked with Clayton Developments in Bedford South. They had to supply residents with potable water for about six months until that was fixed. They pay a lot of money to make sure that does not happen.

The individual commented all it takes is one wrong blast.

Mr. Riles noted the insurance companies are very thorough with pre-blast surveys.

The meeting adjourned at approximately 9:30 p.m.



**Attachment D  
HALIFAX WATERSHED ADVISORY BOARD  
EXCERPT OF MINUTES  
March 18, 2009 and September 17, 2008**

March 18, 2009

**8.2 Case 01179 - Rockcliffe Village Development Proposal, Northwest Arm Drive/Cowie Hill Road, Halifax**

Mr. Kevin Riles and Mr. Rushton, consultant, gave an overview of the proposal to the committee.

Mr. Evans received clarification that the water is piped into the brook which is seen as a relatively minor change as the concerns in the wetland were addressed.

In response to Deputy Mayor Hendsbee, the committee was advised swales will be located in the area to be conserved, the central park. The water from individual lots will be diverted to areas for infiltration, bio-retention. All water generated on the road will be going into a curb and catch basin system that will direct water into the central park. Underground parking is a design feature and has not been addressed. Parkland will be deeded to HRM and the greenbelt will be the responsibility of the property owners.

The committee was advised stormwater is directed to a piped storm sewer system with discharges in locations to feed into the central park and wetland areas. Compost and wood fibre would be considered for perimeter erosion and sedimentation controls. The silt fences are wire mesh and can be left on site and can either be a temporary protection measure or can be adjusted to enhance the site post construction.

In response to Mr. Regan, the committee was advised there will be three natural wetlands and one will be created. There will be an oil and grits separators in each parking garage. Water monitoring will be in place in order to carry out the project and the contractor will be working with staff to establish a baseline and frequency for the monitoring.

Mr. Paul Sampson, Planner, advised that the current zoning on the property is RDD (Residential Development District) and the land use designation is the same. Where the current zoning provides the ability to enter into a development agreement also allows as of right residential development. He advised that R-1 and R-2 uses are allowed in this zone as of right noting, the developers proposal is by way of a development agreement.

He noted that the Regional Plan allows for greater watercourse setbacks and, since the MPS policies were adopted for this area in 1987, there was some clearing and fill placed along North West Arm Drive. He advised the proposal is currently being

reviewed by HRM staff and HRM is requiring that the Red Book standards have to be met.

September 17, 2008

**9.1 Case 01179: Application by Caohmin Consulting on behalf of Trax Atlantic Developments Inc. for a Development Agreement to permit a mixed-use residential community "Rockcliffe Village" on a 34 acre property (PID 00313189) located on Northwest Arm Drive and Cowie Hill Road, Halifax**

Mr. Paul Sampson, Planner, introduced the presentation to the Board.

Mr. Kevin Riles, Caohmin Consulting, provided the presentation to the Board. Mr. Riles introduced the members of the team working on the proposed development. Mr. Riles advised his phone number is 431-1700 and his email is [kriles@rilesgroup.com](mailto:kriles@rilesgroup.com) and he added he welcomes any feedback. Ms. Elizabeth Kennedy, Jacques Whitford Limited, provided information on the environmental issues to the Board.

Following the presentation the following issues were addressed:

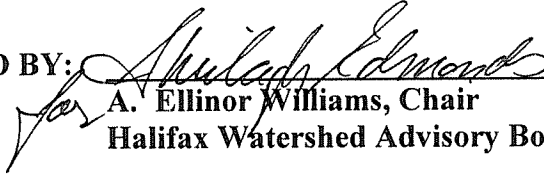
- The wind generator on the concept plans could be an opportunity to create energy. The size of the turbine has not been determined. This information will be brought back to the board.
- Front doors to the single homes will face the street, the front doors to the townhouses will face the back lane.
- Sidewalks will be located on one side of the street.
- The use of green roofs has not been determined.
- The determination of the trail standards will be made in conjunction with the input of HRM Parks staff.
- The Herring Cove Sewage Plant will have sufficient capacity to handle the sanitary sewage of the proposed development. Overflow into MacIntosh Run will be improved but not eliminated.
- Underground parking will be located mainly under the condo buildings. There will be 242 underground parking spots and approximately 15 above ground at each condo building. This will further be determined in consultation with HRM staff.
- The Central Park area is a passive and recreational site. The concept is for the area to contain a natural outdoor skating rink, a gazebo, playground, and trails.
- The plan is to leave as many original trees as possible.
- There has been some consideration to solar heating, although it is not part of the plan.
- There is little possibility of fish living in the pond areas.
- Wetlands have a capacity to accommodate additional flow.
- After a determined time, HRM will maintain the area.
- It will be very difficult for HRM to add more piping to the proposed drainage system due to its isolated location.
- The property is granite, there is no slate on site.

- The water table is below the bedrock, contains perched sites with some sitting water.
- Water quality testing will be determined during the development agreement process.
- Vegetated swales will be created.
- The ponds are intermittent with water at or below surface. Calculations due to a storm event have not yet been done as to not alter the area. This testing would anticipate what the three water bodies could handle.
- The capacity of the system is 4900 cubic metres of a 100 year storm for a 24 hour duration.
- Phosphorous will be maintained.
- Native plants will be used in the water areas, such as cattails and rushes.
- The Board suggested that any trails over streams or water bodies should be crossed over by a bridge and not by infilling.

Dr. Stobo expressed his appreciation for the presentation and added that this is an impressive proposal.

**TO:** Chebucto Community Council

**SUBMITTED BY:**

  
A. Ellinor Williams, Chair  
Halifax Watershed Advisory Board

**DATE:** May 22, 2009

**SUBJECT:** Case 01179, Development Agreement, Rockcliffe Village,  
Northwest Arm Drive, Halifax (Mainland)

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**ORIGIN**

On 18th March, 2009, an application by the Caohmin Consulting on behalf of Trax Atlantic Developments Inc. for a Development Agreement to permit a 34 acre mixed-use, planned community on Northwest Arm Drive, Halifax, was presented to the Halifax Watershed Advisory Board (HWAB) by Paul Sampson, HRM Planner.

**RECOMMENDATION**

The Halifax Watershed Advisory Board recommends that the approval of the Development Agreement, be subject to the recommendations set out in Attachment "A" of this report.

## **BACKGROUND**

The 34 acre site consists of bedrock at or near the surface sloping from the North-East down to its Southern corner at Old Sambro Road. A number of ponds and watercourses exist on the site. The land is designated and zoned as Residential Development District.

The proposal is for a mixed-use community consisting of 60 townhouses and 220 condos in four buildings and a small commercial building, all serviced by municipal sewer and water. Three parklands are proposed, two small neighbourhood parks with play areas and one larger community park at the Southern end of the property. This area includes several wetlands which will be improved and, together with a new created water feature, incorporated into the stormwater management system.

## **DISCUSSION**

The primary concern of the Watershed Advisory Board is the protection of the water resource and the natural environment.

Board members were favourably impressed by this project, in particular the handling of stormwater run off. This includes the use of vegetated swales and constructed stormwater treatment wetlands to control the rate of stormwater discharge from the property and to remove pollutants. Oil,/grit separators in the parking lots and grease catchment tanks in the underground parking areas will also help to protect the water resource.

Concern over the proximity of Long Lake, which is included in the Halifax Regional Water Commission system, was alleviated by the assurance that any run-off from the site will flow under the Old Sambro Road and join a tributary of MacIntosh Run below the lake.

## **BUDGET IMPLICATIONS**

Budget Implications associated with the recommendations have not been identified. Any associated budget implications would need to be determined by HRM staff and disclosed to Regional Council in a subsequent report.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

Implications to any Financial Management Policies or Business Plans associated with the recommendations have not been identified. Any associated implications would need to be determined by HRM staff and disclosed to Regional Council in a subsequent report.

## **ALTERNATIVES**

None suggested.

**ATTACHMENT “A”**

**Recommendations: Case 01179, Development Agreement, Rockcliffe Village,  
Northwest Arm Drive, Halifax (Mainland)**

1. The oil/grit separators in the parking lots and the grease/grit holding tanks in the underground car-parks be monitored and maintained according to the manufacturer’s directions and that copies of the maintenance schedule and reports be forwarded to HRM and to the HWAB.
2. The Development Agreement will include arrangements for the transfer of the three parklands to HRM.
3. The silt fences will remain in place during the construction period and after it has been completed until the site surface had stabilized. During this time they will be maintained by the contractor. Then, with the approval of both the developer’s engineer and an HRM engineer, they will be removed by the contractor