



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
November 4, 2010

TO: Chair and Members of Harbour East Community Council

A handwritten signature in black ink, appearing to read "Paul Dunphy".

SUBMITTED BY: _____
Paul Dunphy, Director of Community Development

DATE: October 13, 2010

SUBJECT: Case 15787: MPS Amendments and Amending Agreement - Russell Lake West, Dartmouth

ORIGIN

An application by Clayton Developments Ltd., to amend the Dartmouth Municipal Planning Strategy (MPS) and the Russell Lake West development agreement in order to permit changes to the layout and mix of land uses in Blocks F, G, H and J.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Give Notice of Motion to consider the proposed amending agreement as set out in Attachment B of this report, and schedule a joint public hearing with Regional Council;
2. Recommend that Halifax Regional Council give First Reading to consider the proposed amendments to the Dartmouth Municipal Planning Strategy as set out in Attachment A of this report, and schedule a joint public hearing with Harbour East Community Council; and
3. Recommend that Halifax Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy as set out in Attachment A.

EXECUTIVE SUMMARY

On March 22, 2005 Regional Council adopted the Morris/Russell Lake Secondary Planning Strategy to enable development of a new mixed use community in a comprehensive manner. Development of each portion of the secondary plan area is dictated by MPS policy and must be approved by Council through the development agreement process.

Clayton Developments Ltd. has applied to amend the Dartmouth MPS and the existing Russell Lake West development agreement in order to permit changes to the mix and layout of land uses in specific portions of its remaining undeveloped lands adjacent Basswood Run (Maps 1 - 5). If Regional Council approves the proposed MPS amendments set out in Attachment A, Harbour East Community Council may consider the proposed amendments to the development agreement set out in Attachment B. A Joint Public Hearing must be held prior to consideration of the proposed amendments. HECC may not consider the proposed amending agreement unless the proposed MPS amendments are approved by Regional Council and come into effect pursuant to the HRM Charter.

BACKGROUND

Subject Area

The subject area is illustrated on Map 1 and the layout and land uses permitted by the existing development agreement are depicted on Map 3. The proposal involves several parcels located on either side of Basswood Run between the future extension of Mount Hope Avenue and the southern tip of Russell Lake. The existing agreement permits a full range of residential uses, park and open space uses, and reserves a specific parcel as a potential site for a school for a period of 5 years. If this site is not needed for a school, MPS policy enables multi-unit housing as an alternative land use, subject to the approval of an amendment to the development agreement.

Proposal

The proposed MPS amendments are set out in Attachment A and are comprised of the following:

- 1) Increase to the maximum density permitted on Block G/Parcel 8 from 15 units/acre to 16 units/acre;
- 2) Enable the development of multi-unit buildings on a specific portion of Block H fronting on Basswood Run at a height not to exceed 6 floors above underground/inside parking; and
- 3) Enable Council to permit redistribution of a limited number of units between Blocks G and H by development agreement.

The corresponding amendments to the development agreement are set out in Attachment B and illustrated on Map 4. If Regional Council approves the MPS amendments, HECC may consider amending the development agreement in order to permit the following changes to the land use mix and distribution of units:

Block	Existing Agreement	Proposed Agreement
Blocks F and J	128 multi dwelling units 22 townhouse units	30 single unit dwellings
Block G		160 multi dwelling units
Block H	36 townhouse units	132 multi dwelling units
Total	186 dwelling units	322 dwelling units

Although the amendments would result in an increase of 136 dwelling units, it is important to note that existing MPS Policy already permits an additional 150 units on Block G, pursuant to an amendment to the development agreement, if the site is not needed for a school. The Halifax Regional School Board has indicated that Block G is not a potential site for a school. As a result, the proposal would result in an overall reduction in total dwelling units as compared to the 336 dwelling units currently enabled by existing MPS policy in Blocks G, H, F, and J.

Existing MPS Policy

Block G

Block G (Map 3) is approximately 10 acres in size and makes up Parcel 8 of the Morris / Russell Lake Secondary Plan. Block G is located at the south-eastern tip of Russell Lake as shown on Map 4. Policy ML-18(j) of the Dartmouth MPS states that Block G/Parcel 8 shall be reserved as a school site until the greater of 500 residential units have been constructed or once five years has passed since approval of the Secondary Plan. The Parcel may be developed with medium to high density residential uses not to exceed 15 units per acre and 5 floors above underground parking.

Blocks J and F

Blocks J and F are within Parcel 7 and located southwest of Block G (Map 3). Policy ML-18(i) permits a mixture of housing types throughout Parcel 7.

Block H

Block H comprises approximately 7.9 acres of Parcel 5, located west of Block G, and Policy ML-18(f) permits a variety of housing types with the exception that multi-unit buildings are currently limited to land abutting Baker Drive and a height of 4 floors above underground parking.

Density

Policy ML-19 limits the aggregated density for Parcels 2, 3, 4, 4a, 5, 7 and 8 to 8 units per acre.

DISCUSSION

Proposed MPS Amendments

Typically, MPS amendments are only considered in instances where circumstances have changed since the adoption of the existing policies. Staff are of the opinion that circumstances have changed to a sufficient degree, and in a manner which existing policy could not have anticipated, to warrant the proposed MPS amendments for the following reasons:

(i) Block H: Existing policy permits multi-unit buildings within Block H at locations abutting Baker Drive in order to limit driveway accesses along this important collector road. Although the multi-unit buildings proposed for Block H would front on Basswood Run they would replace other multi-unit buildings within Block F on Basswood Run in the immediate vicinity of Block H. At the time that Block F was designated as a site for multi-unit buildings DND was in the process of decommissioning the runway at CFB Shearwater but that decision has since been reversed and the runway remains open. Due to its elevation and proximity to the runway at Shearwater, multi-unit buildings in Block F may impact the restricted flightpaths at Shearwater, which is not an issue in Block H as a result of its lower elevation and greater distance from the runway.

Clayton Developments Ltd. is proposing two 6 storey multi-unit buildings in Block H. Although Policy ML-18 (f) limits building height to 4 floors above underground parking in Block H, the policy also identifies the importance of considering the impacts of design and site disturbance on Russell Lake. Staff are of the opinion that the proposed 6 storey buildings are consistent with the overall intent of the MPS given that the alternative of two 4 storey buildings containing the same number of units would result in greater building footprints and site disturbance. Furthermore, other multi-unit buildings adjacent Russell Lake are permitted to a height of 6 storeys above parking within other portions of the Secondary Plan (Parcel 2).

(ii) Block G: The Halifax Regional School Board has indicated that Block G is not a potential school site. As a result, MPS policy enables Clayton to develop the site at a density of 15 units per acre. At the time that the current density standard was established, residential development was only a potential alternative use and detailed planning for multi-unit buildings had not occurred. Staff are of the opinion that the proposed increase of 1 unit per /acre on Block G is reasonable for the following reasons:

- a) The proposed density is less than the aggregated density already approved for the other multi-unit sites under the development agreement (17.5 units/acre);
- b) Russell Lake West will remain under the overall density maximum of 8 units per acre established under Policy ML-19; and
- c) The proposal includes the provision of additional land to HRM which will bolster the park and trail network in the area.

(iii) Unit Distribution: Clayton Developments has requested amendments that would permit a minor redistribution of dwelling units between Blocks G and H. Staff consider this request to be reasonable given that the total number of units would not increase and this measure may eliminate

the need for a subsequent amendment that would likely generate limited concern, interest or discussion among potential stakeholders.

Proposed Amending Agreement

Staff have prepared a proposed amending agreement, set out in Attachment B and illustrated on Map 4, which is based upon applicable MPS policies and the proposed amendments discussed above. A summary of the proposed amendments is set out below:

- a) Blocks F and J: The layout and unit type would change from 128 multiple dwelling units and 22 townhouse units to 30 single unit dwellings, which is enabled by Policy ML-18 (i). Staff have not identified any concerns with the proposed new local street;
- b) Block G: Block G would be brought into the existing development agreement and could be developed with multi-unit buildings not exceeding a density of 16 units per acre, in accordance the proposed MPS amendments discussed above;
- c) Block H: The two multi-unit buildings previously permitted on Block F would be relocated to Block H and limited to a height of 6 floors above underground parking, in accordance with the proposed MPS amendments discussed above; and
- d) Unit Distribution: The proposed development agreement would permit the redistribution of a maximum of 10% of dwelling units between Blocks G and H provided that the total number of units is not increased.

Capital Cost Contribution (CCC) Charge Implications

CCC charges are calculated and paid as part of the subdivision and development permitting process and are not a policy consideration within the development agreement process. Pursuant to Policy ML-16, the Subdivision By-law establishes requirements for the payment of infrastructure charges prior to the development of Russell Lake West. The CCC provisions for Russell Lake West require the Developer to either pay infrastructure charges pursuant to the charge formula set out in the Subdivision By-law or enter into an infrastructure agreement with HRM prior to the commencement of development. When this case was initiated, Council inquired if there would be any resulting CCC implications. An overview of the Russell Lake West charge area and infrastructure agreement in relation to this case is provided below.

In 2005 HRM entered into an infrastructure agreement with Clayton Developments Ltd. which provided for Clayton to oversize streets and provide street connections at their expense in lieu of paying capital cost contributions. The primary benefit of this agreement was that it provided for the timely connection of Baker Drive to the new Mount Hope Ave/Highway 111 interchange, and as well provided for Baker Drive being oversized sufficiently to accommodate traffic from existing development.

The infrastructure agreement allocated costs between developers and HRM on the basis of the percentage of trips that would use the new interchange. A traffic study was prepared by a private

consultant¹ and reviewed by HRM which contemplated development of Block "G" as a school. As a result, all trips assigned to Block "G" were internal to the development, did not use the interchange, and no traffic related costs were assigned to Block "G". However, the analysis and infrastructure agreement also anticipated development of a major regional commercial centre within the secondary plan area. The report that accompanied the infrastructure agreement recognized that, if this area was alternatively developed with a mix of high density residential and commercial uses as permitted in the development agreement, the analysis and infrastructure agreement may need to be reviewed as a result of the potential change in traffic patterns and may warrant a change in the CCC calculation.

Although developing Block "G" for residential purposes will result in additional traffic using the interchange, the developer has suggested that the actual level of commercial development in Russell Lake West is less than what was estimated for the CCC calculation in 2005; and will decrease the amount of traffic using the interchange. Staff agree that the nature and amount of commercial development has an impact on use of the interchange, but must conduct further analysis to determine whether the impact will increase or decrease the traffic using the interchange. The infrastructure agreement was based on estimates and assumptions derived from the best information available at the time, which despite the potential land use changes, are within 5% of what was forecast 5 years ago.

Staff are currently studying the traffic patterns resulting from actual development within the commercial/residential area referenced above as well as the impact of developing Block G with high density residential as opposed to a school. The development agreement included as Attachment B to this report establishes that HRM shall not grant subdivision approval for the proposed development unless and until the Developer has paid all applicable CCC charges. Once the analysis of the traffic patterns is completed, any resulting CCC amount shall be calculated and paid prior to subdivision approval or issuance of any permits. The Developer is aware of HRM's position and has agreed to pay additional CCC charges warranted by the analysis.

Conclusion

Staff are of the opinion that the proposed MPS amendments set out in Attachment A are consistent with the intent of the secondary planning strategy for Russell Lake West and are reasonable given that the HRSB is not interested in acquiring Block G for a school site and DND has reopened the runway at CFB Shearwater. Staff are also of the opinion that the proposed amending agreement set out in Attachment B is consistent with the proposed MPS amendments as well as other applicable MPS policies. Therefore, staff recommends that Regional Council approve the proposed amendments to the Dartmouth MPS; and that Harbour East Community Council approve the proposed amending agreement.

¹ Baker Drive Intersection Evaluation, Atlantic Road and Traffic Management, January 2005

BUDGET IMPLICATIONS

None at this time for reasons set out earlier in this report.

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 the 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, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was 'consultation', achieved through a Public Meeting held on May 10, 2010. A public hearing has to be held by Council before they can consider approval of any amendments.

For the Public Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 1. Attachment E contains a copy of the minutes from the meeting. Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on Map 1.

The proposed MPS amendments and development agreement will potentially impact the following stakeholders: local residents and property owners.

ALTERNATIVES

1. Council may choose to approve the proposed amendments to the Dartmouth MPS and the Russell Lake West development agreement. This is the recommendation of staff for reasons set out in this report.
2. Council may choose to approve the proposed amendments to the Dartmouth MPS and/or the proposed amending agreement subject to changes. This could result in a requirement for an additional Public Hearing.

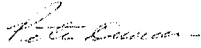
3. Council may choose to refuse the proposed amendments to the Dartmouth MPS and the Russell Lake West development agreement. The decision to change MPS policy is at the discretion of Council and that decision cannot be appealed. A decision to refuse amendments to a development agreement must be based on a conflict with MPS policies.

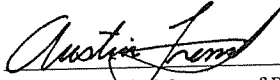
ATTACHMENTS

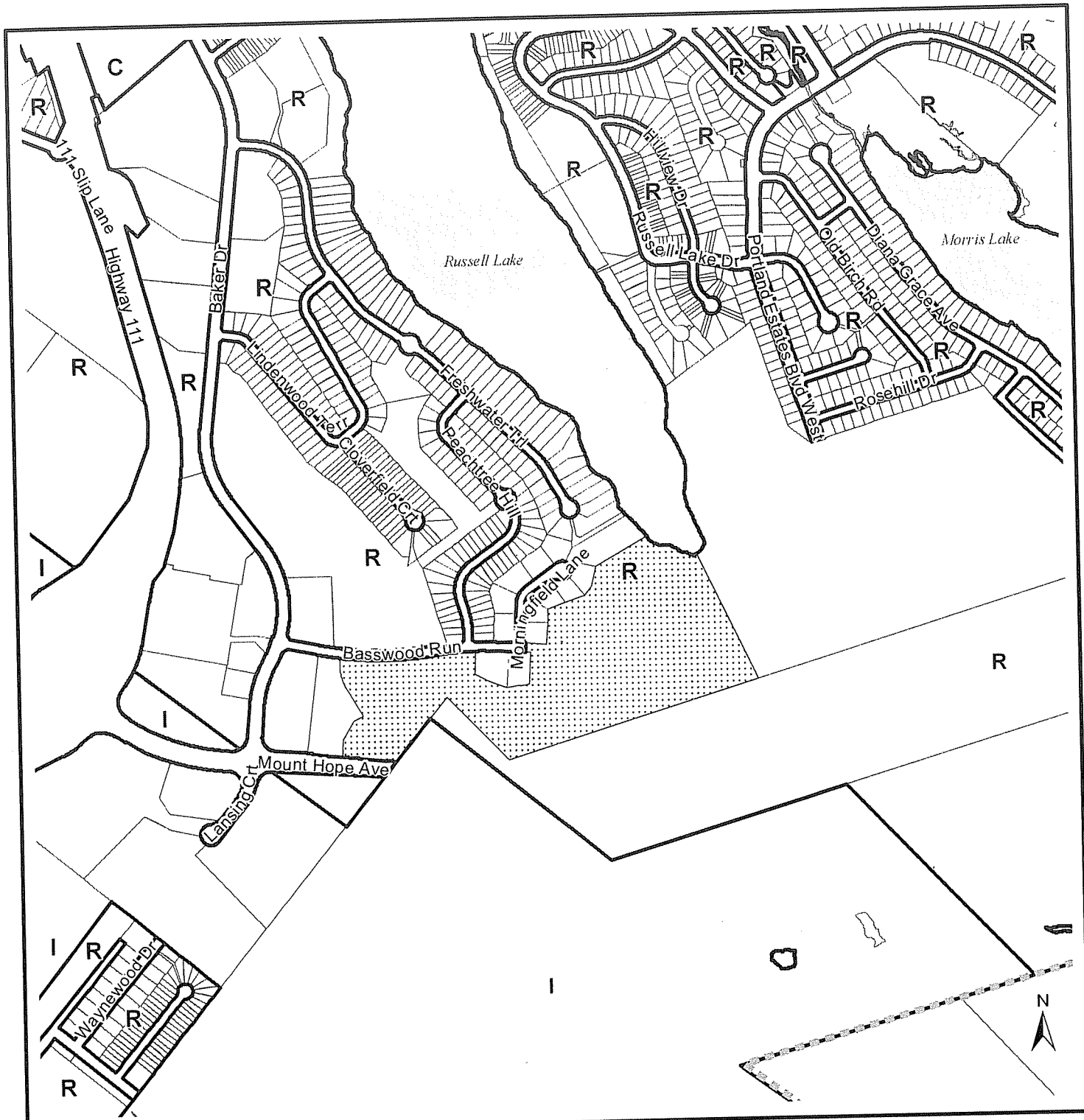
Map 1	Generalized Future Land Use
Map 2	Location and Zoning
Map 3	Existing Land Use Plan
Map 4	Proposed Land Use Plan
Map 5	Morris Russell Lake Secondary Plan
Attachment A	Proposed MPS Amendments
Attachment B	Proposed development agreement
Attachment C	Excerpts from the Dartmouth MPS
Attachment D	Excerpts from the Dartmouth LUB
Attachment E	Public Meeting Minutes
Attachment F	Dartmouth Lakes Advisory Board Review

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Joseph Driscoll, Senior Planner, Community Development, 490-3991



Report Approved by: 
Peter Duncan, Manager, Infrastructure Planning, 490-5449

Report Approved by: 
Austin French, Manager of Planning Services, 490-6717



Map 1 - Generalized Future Land Use

HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

-  Subject Property
-  Plan Area Boundary

Designation

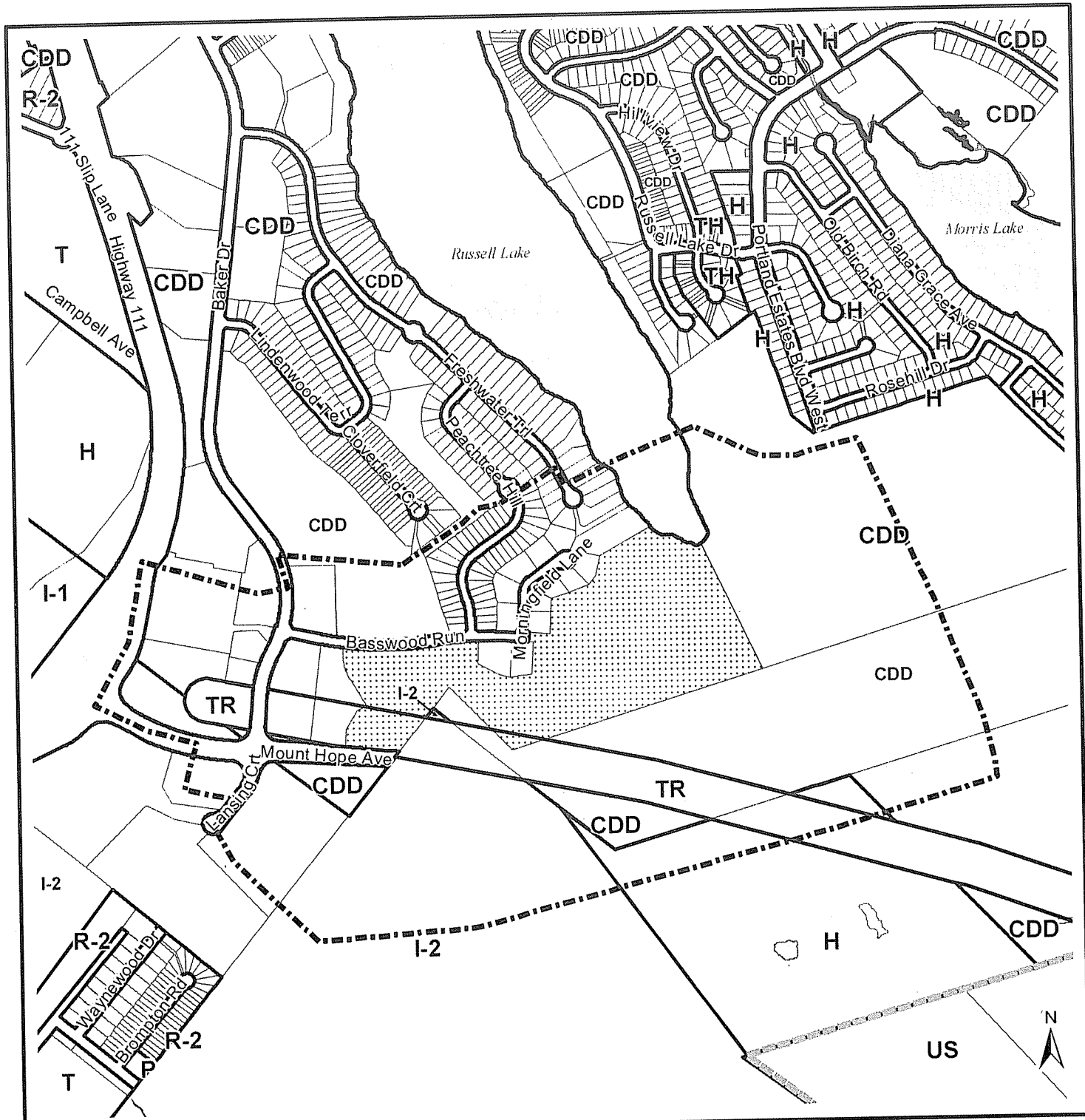
- R Residential
- I Industrial
- C Commercial






This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Plan Area.

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

Dartmouth Plan Area



Map 2 - Location and Zoning

-  Subject Property
-  Notification Area
-  Plan Area Boundary
- Dartmouth Plan Area

Zone

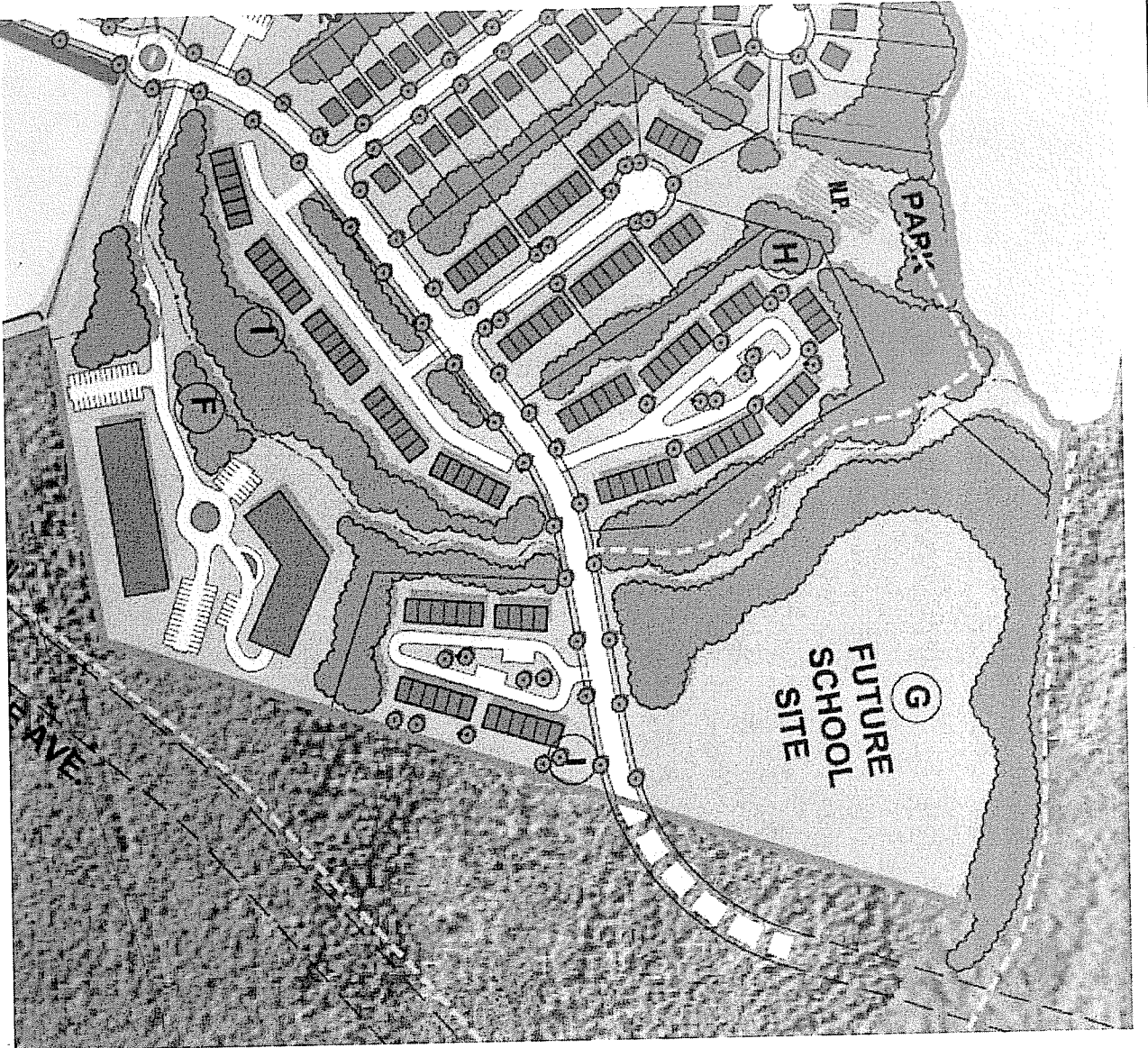
- R-2 Two Family Residential
- TH Town Housing
- T Mobile Home Park
- I-1 Light Industrial
- I-2 General Industrial
- H Holding
- CDD Comprehensive Development District
- TR Transportation Reserve

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area.

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



Excerpt from Russell Lake West
 Land Use Plan of the Existing
 Development Agreement
 (Schedule VII)

Blocks H, J, F and G

Map 3: Existing Land Use Plan

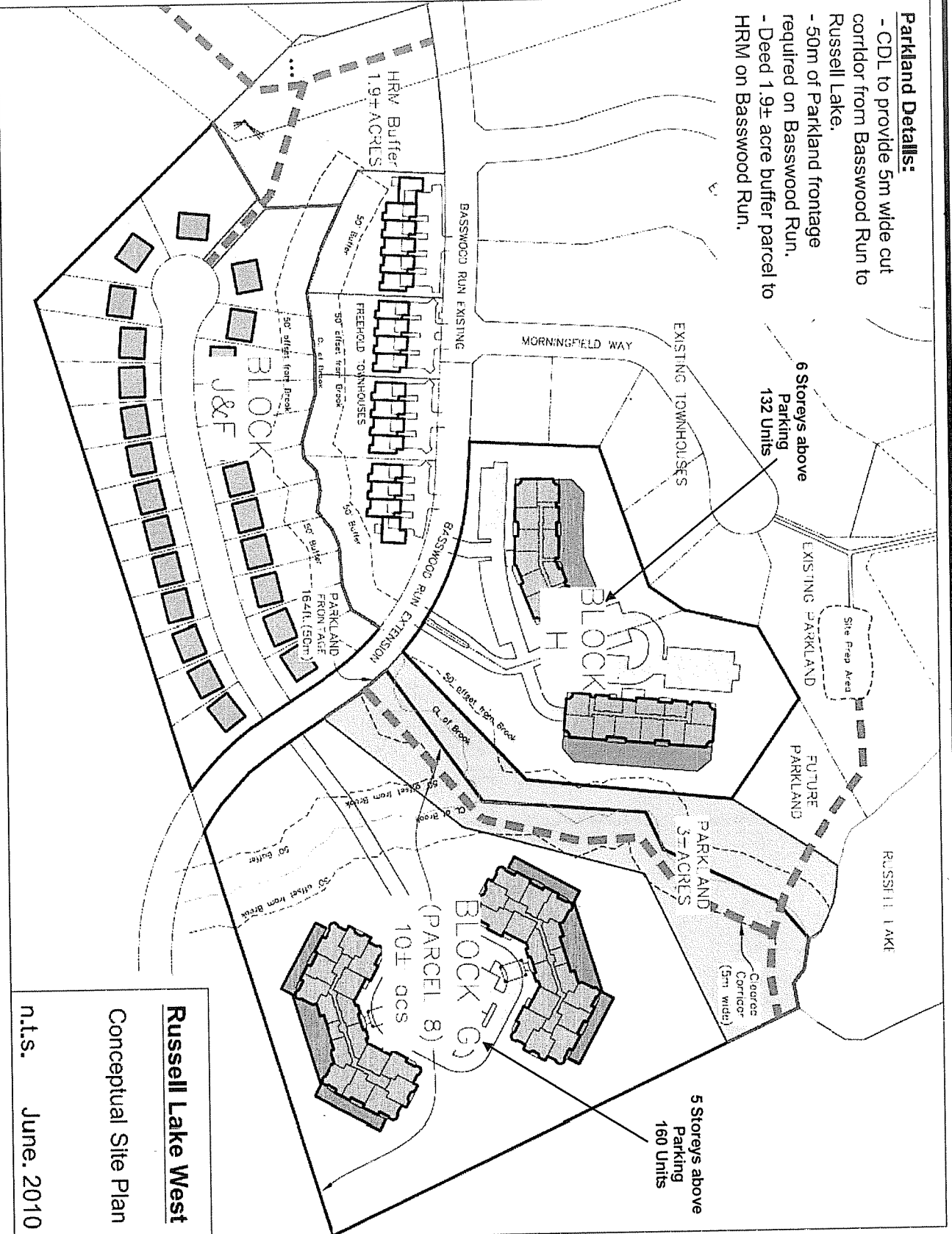
HRM does not guarantee the accuracy of any base information.

July 5, 2010

Case 15787



- Parkland Details:**
- CDL to provide 5m wide cut corridor from Basswood Run to Russell Lake.
 - 50m of Parkland frontage required on Basswood Run.
 - Deed 1.9± acre buffer parcel to HRM on Basswood Run.



Russell Lake West
 Conceptual Site Plan
 n.t.s. June. 2010

Map 4: Proposed Land Use Plan

HRM does not guarantee the accuracy of any base information.

July 5, 2010

Case 15787

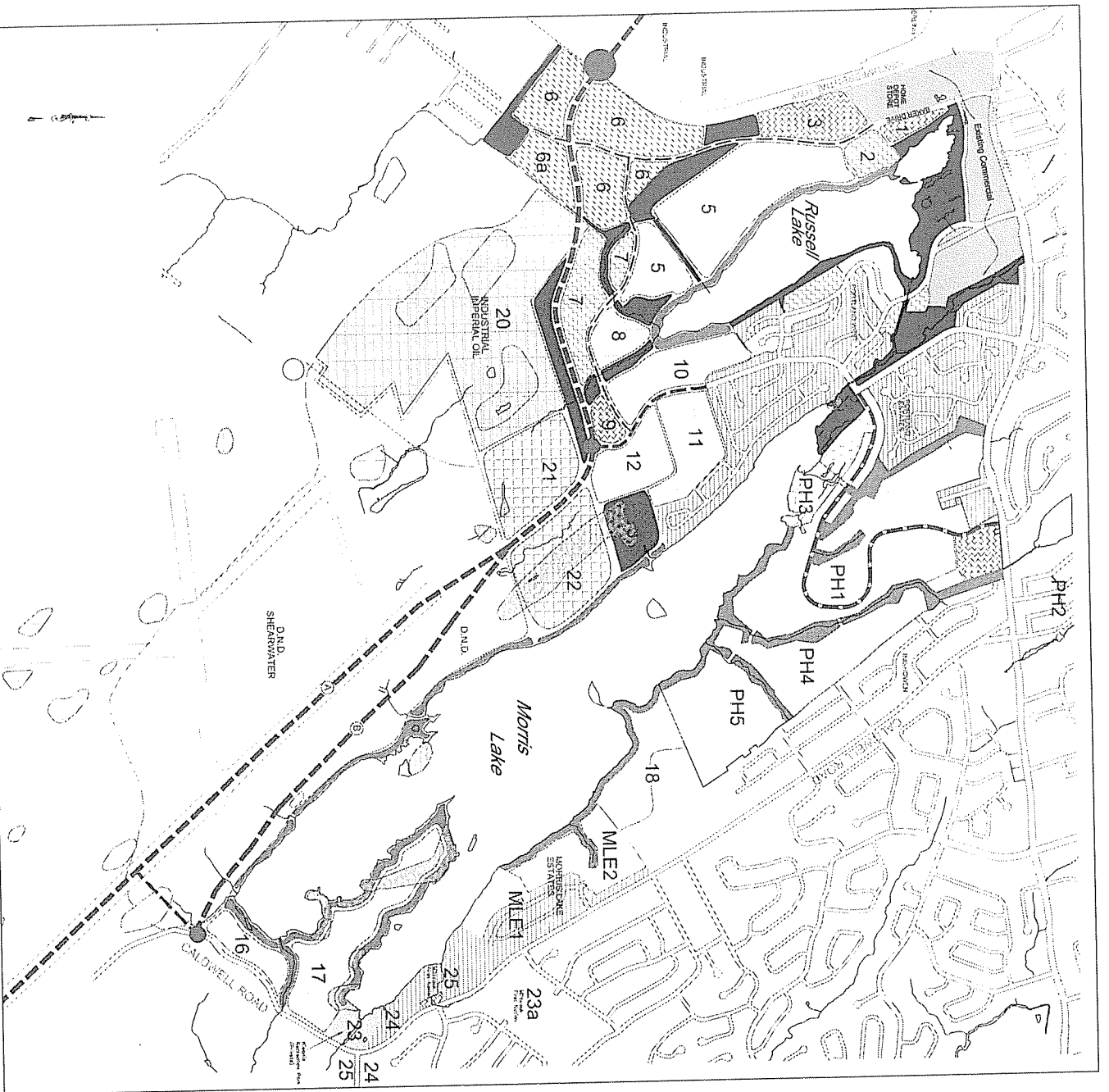
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RUSSELL LAKE / MORRIS LAKE

MAP 5 : FUTURE LAND USE AND TRANSPORTATION PLAN

Scale: NTS
February, 2005



- SINGLE FAMILY
- SEMI / TOWNHOUSE
- MULTIPLE / TOWNHOUSE
- CDD RESIDENTIAL MIX
- CDD (Holding)
- HRM PARKLAND/PRIVATE OPEN SPACE
- ACTIVE HRM PARKLAND
- COMMUNITY COMMERCIAL
- GENERAL COMMERCIAL / HIGH DENSITY RESIDENTIAL
- EXISTING COMMERCIAL
- INSTITUTIONAL
- LAKEFRONT PROTECTION ZONE
- INDUSTRIAL LANDS
- WETLANDS
- ENVIRONMENTALLY SENSITIVE
- CALDWELL ROAD CONNECTOR
- NEW INTERCHANGE



Map 5: Morris Russell Lake Secondary Plan
Case 15787

Attachment A: Proposed MPS Amendments

BE IT ENACTED by the Halifax Regional Council that the Dartmouth Municipal Planning Strategy, which was adopted by the Council of the former City of Dartmouth on the 25th day of July 1978, as amended, is hereby further amended as follows:

1. Existing Policy ML-18 (f) is deleted and replaced with the following:

(f) Parcel 5: A mix of single-unit, semi-detached, townhouses, and multiple-unit dwellings will be permitted. Multiple-unit buildings shall be restricted to lands that abut Baker Drive, and the portion of Parcel 5 located east of Morningfield Way and abutting Basswood Run. Any such multiple unit building abutting Baker Drive shall not exceed four floors of habitable space above underground parking. Due to areas of steep topography, careful design of the local streets network and land uses is required to minimize terrain disturbance and protect Russell Lake. In order to minimize building footprint and site disturbance, 2 multi-unit buildings may be developed to a maximum height of 6 habitable floors above underground parking on the portion of Parcel 5 located east of Morningfield Way and abutting Basswood Run;

Local commercial uses, as defined by the Land Use By-law, may also be permitted on properties abutting the Baker Drive Extension and the proposed local collector road. Such uses shall be limited to a total of 20,000 sq. ft. of floor area at any one location. Only one such location shall be permitted along Baker Drive and the local collector road. Sites shall be selected which offer strong opportunities for pedestrian access from surrounding residential neighbourhoods;

2. Existing Policy ML-18 (j) is deleted and replaced with the following:

(j) Parcel 8: This parcel is reserved for a school site until the greater of 500 residential units have been constructed along the west side of Russell Lake or once five years have past from the date of approval of this Secondary Planning Strategy by Regional Council. As an alternative to a school site, the parcel may be developed for either medium or high-density residential developments to a density not exceeding 16 units per acre and five habitable floors above underground parking. For the purposes of calculating density, the size of Parcel 8 shall be deemed to include all portions of Parcel 8 to be developed residentially as well as any land that will be transferred to HRM pursuant to Council approving a development agreement.

3. Policy ML-18 is amended by adding the following clause:

(r) Notwithstanding the provisions of policies ML-18 (f) and ML-18 (j), Council

may approve a redistribution of density between multi-unit buildings within the portions of Parcel 5 and Parcel 8 that are located on Basswood Run, provided that the combined number of dwelling units does not exceed the amount permitted pursuant to Policies ML-18 (f) and (j) and the density limitations established pursuant to Policy ML-19 (a).

I HEREBY CERTIFY that the amendments to the Dartmouth Municipal Planning Strategy, as set out above, were passed by a majority vote of the Halifax Regional Council at a meeting held on the ___ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2010.

Cathy Mellett, Municipal Clerk

Attachment B: Proposed Development Agreement

THIS AMENDING AGREEMENT made this day of , 2010,

BETWEEN:

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located within Russell Lake West, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Harbour East Community Council of the Municipality approved an application by the Developer to enter into a Development Agreement to allow for a mixed use development on the Lands (Municipal Case Number 00731), which said Development Agreement was registered at the Land Registry Office in Halifax as Document Number 83812249 (hereinafter called the "Existing Agreement");

AND WHEREAS the Harbour East Community Council of the Municipality previously amended the Existing Agreement by entering into an Amending Agreement with the Developer on the 8th day of May 2007 (Municipal Case Number 00966) to replace the deadline date for completing all work associated with the extension of Baker Drive, which said Agreement was registered at Land Registry Office in Halifax as Document Number 87992815, (hereinafter called the "First Amending Agreement");

AND WHEREAS the Harbour East Community Council previously amended the Existing Agreement by entering into a Second Amending Agreement with the Developer on the 3rd day of March, 2010 (Municipal Case Number 01336) to permit a revised layout for Block I of the Lands, which said agreement was registered at the Land Registry Office in Halifax as Document Number 95631280, (hereinafter called the "Second Amending Agreement");

AND WHEREAS the Developer wishes to further amend the Existing Agreement to revise the layout and distribution of land uses within Blocks F, G, H, and J; pursuant to the provisions of the *HRM Charter* (hereinafter called the Third Amending Agreement);

AND WHEREAS the Harbour East Community Council for the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 15787;

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

1. Except where specifically varied by this Third Amending Agreement, all other terms, conditions and provisions of the Existing Agreement, First Amending Agreement, and Second Amending Agreement shall remain in effect.

2. The Developer shall subdivide and develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Third Amending Agreement and filed in the Halifax Regional Municipality as Case Number 15787:

Schedule A: Legal Description of the Lands

Schedule B: Conceptual Site Plan

Schedule C: Land Use Chart

3. The Existing Agreement is amended so that Blocks G, H, J and F are developed as generally illustrated on Schedule B of this Third Amending Agreement. For clarification, Schedule B of this Third Amending Agreement shall replace Schedule VII of the Existing Agreement as it pertains to Blocks G, H, J and F.

The Lands subject to this Third Amending Agreement shall be developed as follows:

- a) Block G: Multiple-unit residential buildings not to exceed a total of 160 dwelling units and a height of 5 habitable floors above underground parking. A portion of Block G shall also be deeded to the Municipality as public park, as generally illustrated on Schedule B. Multi-unit residential buildings on Block G shall conform with clause 3.1 r) iii) of the Existing Agreement.
- b) Block H: Multiple unit residential buildings not to exceed 132 dwelling units and a height of 6 habitable floors above underground parking. A portion of Block H shall also be deeded to the Municipality as public park, as generally illustrated on Schedule B. Multi-unit residential buildings on Block H shall conform with clause 3.1 r) iii) of the Existing Agreement.
- c) Blocks J and F: A maximum of 30 single unit dwellings according to the requirements of clause 3.1 r) (i) of the Existing Agreement.

- d) Notwithstanding clauses 3 a) and 3 b), a maximum of 10% of the total number of dwelling units permitted on Blocks G and H may be redistributed between Blocks G and H provided that the total number of units does not exceed 292 and the height of each building is not increased.
4. Notwithstanding Schedules II, III, IV, V and VI of the Existing Agreement, a new public street shall be permitted within Blocks J and F as generally illustrated on Schedule B of this Third Amending Agreement. The street and all associated infrastructure shall conform with all applicable requirements of the Municipal Services Systems Specifications, unless otherwise approved by the Development Engineer, and with all applicable requirements of the Halifax Water Design and Construction Specifications, unless otherwise approved by Halifax Water.
5. Notwithstanding Schedules IX, X and XI of the Existing Agreement, both parties agree that the HRM Open Space acquisition for the Lands subject to this Third Amending Agreement shall be provided as follows, and as generally illustrated on Schedule B of this Third Amending Agreement:
- a) The linear park parcel located between Block G and Block H shall be a minimum of 3 acres in size and include a minimum of 50 metres of frontage along Basswood Run and 60 metres of frontage along Russell Lake;
- b) The Developer agrees to provide a cleared, 5 metre wide trail corridor between Basswood Run and Russell Lake. The trail corridor shall be located outside of the 1 in 10 year floodplain of the abutting brook and shall maintain a 5 metre buffer from the future multi-unit residential property within Block G;
- c) The land must follow the Useable Land definition, the Parkland Classification/Service Delivery Criteria and the Parkland Quality of Land Criteria of the HRM Subdivision By-law. The land 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;
- d) The Developer shall deed the 1.9 acre parcel fronting on Basswood Drive west of Block J to HRM as open space Buffer. This land transfer shall not be given park dedication credit; and
- e) Conformance with clauses 5 a) to 5 c) of this Third Amending Agreement shall be deemed to satisfy the park dedication requirements set out in the Regional Subdivision By-law.

6. The Developer shall construct a pedestrian walkway between Basswood Run and the public street in Blocks J and F, as generally illustrated on Schedule B. The walkway shall meet all applicable requirements of the Municipal Services Systems Specifications unless otherwise approved by the Development Engineer.
7. Block G shall be included under the Existing Agreement and shall be included as part of Sub-Area 1.
8. Schedule VIII (Land Use Chart) of the Existing Agreement shall be amended and replaced with Schedule C attached to this Third Amending Agreement.
9. In addition to all other applicable provisions set out in the Existing Agreement, First Amending Agreement and Second Amending Agreement, the Municipality shall not grant subdivision approval for any phase of development on the Lands unless the following conditions have been met:
 - a) Both parties have entered into a Subdivision Agreement pursuant to the Regional Subdivision By-law;
 - b) The Developer has entered into a Services Agreement with Halifax Water; and
 - c) The Developer has complied with all requirements regarding the payment of infrastructure charges in Russell Lake West as set out in the Subdivision By-law.
10. The Developer shall be responsible for obtaining all applicable approvals associated with federally enacted height restrictions in place on Lands adjacent to Canadian Forces Base Shearwater.

WITNESS that this Third Amending Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 2010.

SIGNED, SEALED AND DELIVERED) (Insert Registered Owner Name)
in the presence of)
per _____) per: _____
)

per _____) per: _____
)

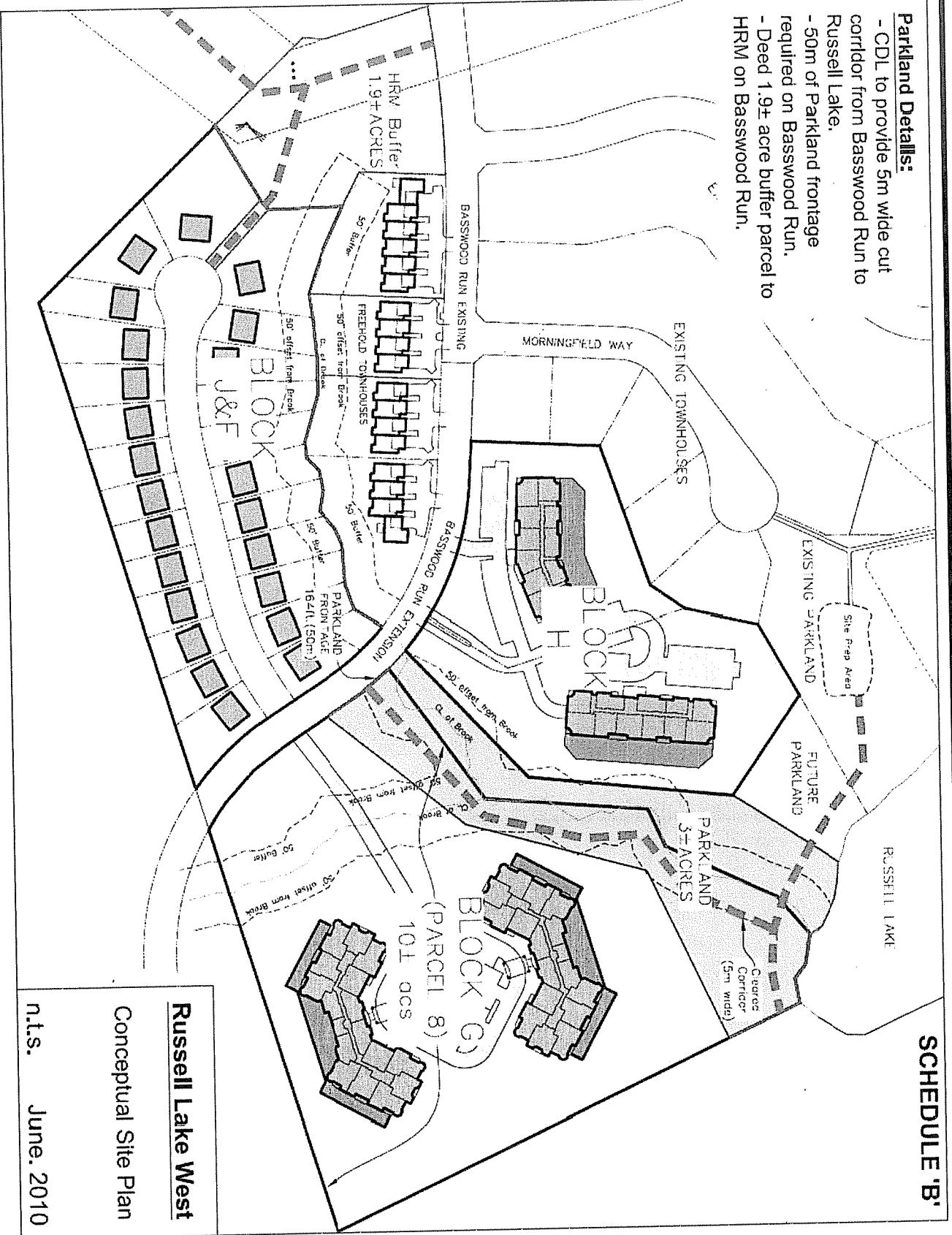
SEALED, DELIVERED AND)
ATTESTED to by the proper)
signing officers of Halifax Regional)
Municipality duly authorized)
in that behalf in the presence) **HALIFAX REGIONAL MUNICIPALITY**
)

per _____) per: _____
) **MAYOR**
)

per _____) per: _____
) **MUNICIPAL CLERK**
)

Parkland Details:

- CDL to provide 5m wide cut corridor from Basswood Run to Russell Lake.
- 50m of Parkland frontage required on Basswood Run.
- Deed 1.9± acre buffer parcel to HRM on Basswood Run.



SCHEDULE 'B'

Russell Lake West
 Conceptual Site Plan
 n.t.s. June, 2010

Schedule B: Land Use Plan

HRM does not guarantee the accuracy of any base information.

July 5, 2010

Case 15787

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Schedule C: Land Use Chart

Russell Lake West

Sep-09

Sub Area 1 Land Use Chart

equals actual built or designed units

Total Acreage 174 acs.

Low Density Residential	Single Lake 50 - 60' LOTS	Single Lake Cul-De-Sac	Single > 50 FT.	Single < 50 FT.	Townhouse 22 ft.	Townhouse 28 ft.	Bungalow Townhouse
Street A (Freshwater Trail)	35	6	44		34		
Street B (Coldstream Run)			68				
Street C (Lindenwood Cres)			23	44			
Street D (Peachtree Hill)							46
Street F (Cloverfield Way)					48		
Street G (Morningfield Way)			30				
Street J (Block J&F)				44	82	0	46
Total	35	6	165	44	82	0	46

(* - Alternative Landuse, ** - Not to exceed 50% of Total Low Density Residential Units)

Townhouses	Acres	upa
Block I (South of Basswood)	18	4.2
Total	18	4.2

	Units	ppu	People
Total Number of Single Units	250	3.35	838
Total Number of Townhouses	128	3.35	429
Total Number of Condo Townhouses	18	3.35	60
Total Low Density Residential Units	396		1327
% of total Units	36.5%		

Shannex Seniors Complex	Units*	Acres	upa
Block B (BD-2, BD-3)	150	8.9	16.9
Total	150	8.9	

Total Number of Seniors Units	150	2.25	338
% of total Units	14%		

High Density Residential	Units	Acres	upa
Block A (BD-1)	180	7.3	24.7
Block C (BD-5A&B)	110	8.4	13.1
Block D (BD-7)	54	4.1	13.2
Block E (BD-4)	62	3.5	17.7
Block H (North of Basswood)	132	7.9	16.7
Total	538	31.2	

Total High Density Residential Units	538	2.25	1,211
% of total Units	49.6%		

Block G (School Site)	160	10	16.0
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Total Residential Units	1084		
Total Residential Units Incl. Block G	1244		3235
Total Gross Acres (Non Commercial)	170.9		
	7.3	upa	18.9

Community Commercial	Acres
COM 1 (BD-6)	3.1
Total	3.1

Total Community Commercial Acreage	3.1	40	124
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Total Gross Acres	174
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Attachment C: Excerpts from the Dartmouth MPS

Infrastructure Charges

Following provincial adoption of legislation which allows for the impositions of infrastructure charges to recoup the costs of oversized infrastructure, the Municipality adopted a capital cost contribution policy. The policy applies to all new major areas in the Municipality proposed for new development and shall apply to lands within this secondary plan area.

- ML-16 The Municipality shall implement infrastructure charges to this secondary plan area under the Subdivision By-law in accordance with the policies for infrastructure charges established under the capital cost contribution subsection of the implementation section of this Municipal Planning Strategy.

Future Land Uses

- ML-18 The Future Land Use and Transportation Plan, presented as Map 9N, shall provide overall guidance for land use allocation within this secondary plan area and the following guidelines shall be adhered to in any development agreement application:

- f) Parcel 5: A mix of single-unit, semi-detached, townhouses, and multiple-unit dwellings will be permitted. Multiple-unit buildings shall be restricted to lands abutting Baker Drive and any such buildings shall not exceed four floors of habitable space above underground parking. Due to areas of steep topography, careful design of the local streets network and land uses is required to minimize terrain disturbance and protect Russell Lake;

Local commercial uses, as defined by the Land Use By-law, may also be permitted on properties abutting Baker Drive Extension and the proposed local collector road. Such uses shall be limited to a total of 20,000 sq. ft. of floor area at any one location. Only one such location shall be permitted along Baker Drive and the local collector road. Sites shall be selected which offer strong opportunities for pedestrian access from surrounding residential neighbourhoods;

- (i) Parcel 7: A mixture of residential developments shall be supported provided that higher density development is located adjacent to the Caldwell Road Connector but no driveway access is permitted to this road;
- (j) Parcel 8: This parcel is reserved for a school site until the greater of 500 residential units have been constructed along the west side of Russell Lake or once five years have past from the date of approval of this Secondary Planning Strategy by Regional Council. As an alternative to a school site, the parcel may be developed for either medium or high-density residential developments to a density not exceeding 15 units per acre and five habitable floors above underground parking;

Density

- ML-19 The allowable density on parcel 1 shall conform with the requirements of clause (a) of policy ML-18 and the allowable density on parcel 8 shall conform with the requirements of clause (i) of policy ML-18. The density limitation established under clause (d) of policy H-3B shall be applied to the following aggregated parcels:
- parcels 2, 3, 4, 4a, 5, 7 and 8;

Attachment D: Excerpts from the Dartmouth LUB

PART 27: CDD (COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

- 53(A) (a) The following uses only shall be permitted in a CDD:
- (i) residential uses;
 - (ii) commercial, institutional and recreational uses.
 - (iii) All equipment, structures and buildings associated with extracting water from Morris Lake in association with an existing oil refinery operation.
(RC-Mar 22/05;E-Apr 23/05)
- (b) No development permit shall be issued except in conformity with an agreement pursuant to Section 56(3) of the Planning Act.

Attachment E: Public Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 15787 - Russell Lake West

7:00 p.m.
Monday, May 10, 2010
Portland Estates Elementary School

STAFF IN

ATTENDANCE: Mitch Dickey, Planner
Jillian McLellan, Planner
Holly Kent, Planning Technician
Jennifer Little, Planning Controller

ALSO IN

ATTENDANCE: Councillor Jackie Barkhouse, District 8
Councillor Bill Karsten, District 7
Rob Jahncke, Senior Park Planner

PUBLIC IN

ATTENDANCE: 16

The meeting commenced at approximately 7:03 p.m.

1. Opening remarks/Introductions

Ms. Jillian McLellan, Planning Applications, called the meeting to order at approximately 7:03 p.m. in the Portland Estates Elementary School. Ms. McLellan introduced Kevin Neatt, Clayton Developments, Applicant; Councillor Jackie Barkhouse, District 8; Councillor Bill Karsten, District 7; Holly Kent, Planning Technician, HRM Planning Services and Jennifer Little, Planning Controller, HRM Planning Services.

Mr. McLellan welcomed residents to the meeting and thanked them for attending. She advised that the purpose of the meeting is to share information with the residents and to receive feedback as well. No decisions will be made during this meeting.

2. Overview

Ms. McLellan explained that this application has been initiated by Clayton Developments Ltd., to amend the Dartmouth Municipal Planning Strategy and the Development Agreement for Russell Lake West to allow medium density residential multiple unit housing along Basswood Drive on Parcel 7; to increase the allowable density on Parcel 8 from 15 units per acre to 16 units per acre, and to amend the Development Agreement for Russell Lake West to combine Blocks J & F and change the housing type from Multi-Unit Dwelling and Townhouses to Single Unit Dwellings.

Ms. McLellan explained what a Municipal Planning Strategy and a Development Agreement is and explained that this application is to amend the development agreement, which would change the location of certain land uses; include Block G (2 multi-unit buildings) in the development agreement and increase the overall density from 6.8 to 7.3 units/acre. Amendments to the Russell Lake West Secondary Plan would permit multi-unit buildings on a specific portion of Basswood Drive within Block H and will increase density of Block G from 15 to 16 units/acre.

3. Overview of Planning Process

Ms. McLellan explained that Regional Council had initiated this application at the request of Clayton Developments. She explained it has also reviewed by the Dartmouth Lakes Advisory Board. Following tonight's public information meeting, a more detailed review of the application will take place. Staff will review the proposal, taking into consideration comments from residents at tonight's meeting. Staff will then bring forward a recommendation report to Harbour East Community Council who will hold a public hearing for an opportunity for further public input and then will be sent to Regional Council for the Municipal Planning Strategy review and then back to Harbour East Community Council for the Development Agreement Amendments. There will be the opportunity to appeal Community Council's eventual decision for the development agreement to the Nova Scotia Utility and Review Board.

4. Presentation of Proposal

Mr. Kevin Neatt, Clayton Developments, thanked the residents for coming out to the meeting and reviewed a slide of the subject area explaining that the current plan was approved by Council in 2005, this is what allowed them to start construction. He explained that one of the main reasons they are going through this planning application is because the School Board has announced that they are not interested in purchasing the designated school site. Mr. Neatt reviewed a slide of the proposed development agreement explained that they are proposing the following amendments:

- multiple building relocated to north side of Basswood Run
- 30 single family units on cul-de-sac
- include parcel 8 in development agreement with 160 dwelling units

He then reviewed the proposed Municipal Planning Strategy amendments:

- Allow multiple buildings fronting on Basswood Run in Parcel 5
- 16 units per acre on Block G

Reviewing a slide indicating park land, Mr. Neatt explained that he has been working closely with HRM Parkland Planners to develop these areas. He explained that enlarged plans are hanging on the back wall for viewing after the meeting and added that he will answer any questions at that time.

5. Questions and Comments

Ms. Jillian Ring, Dartmouth, expressed concern about adding more apartment buildings in this area.

High density buildings may create shadows and she would have preferred to see condos rather than rental units. She was concerned that the area would resemble High Field Park and that there wouldn't be enough parking for townhouses. She added that she would like to see more direct pedestrian and bicycle connections from the area to destinations such as the Woodside Ferry Terminal.

Mr. Neatt explained that Clayton Developments has a long history of protecting values through design guidelines and explained that the height of the buildings will be of a consistent height with surrounding and nearby multiple unit buildings. He explained that it is a transit friendly development, pedestrian walkways will be provided and townhouses will set back and likely have garages.

Ms. McLellan explained that the development will have to follow HRM standards for parking.

Councillor Karsten advised of Metro Transit's five year plan and that new routes are being added to provide better service in the area.

Mr. John Pierce, Dartmouth, repeated Councillor Karsten's bus comments adding that hopefully in 2011/2012 the #57 bus will run along Baker Drive and will run down to the Ferry. He expressed concern over the lack of waterfront trails and that there are too many privately owned waterfront properties that should have been parkland. He added that it is nice to see some variety in the area and also is pleased to see that the area where the school was going to be will become parkland.

Ms. Maureen Pallard, Dartmouth, addressed the need of active transportation and added that she would like to see a road connection to the business park via Mount Hope. She also questioned if the lake was safe for swimming.

Mr. Mike Hanusiak, Clayton Developments, explained that within the development agreement that was in passed 2005, it states that the lake is monitored and tested four times a year. The test results are submitted to City Staff and also to the Dartmouth Lakes and Advisory Board. He reviewed the types of contaminations that are tested for and explained that the if results exceed the CCME guidelines it is reported through a protocol that Council Karsten had set up. He added that if the lake at any time has results that do not meet the criteria, public notice is posted.

Councillor Karsten agreed with Mr. Hanusiak regarding the public notification being placed in the paper when the fecal coliform levels meets 200ppm. Because of the inconsistency in results from what time of day the sample is taken and also how they may change daily, he explained that Council has recently changed this process. He explained that it is always recommended to take precaution in any urban lake.

A gentleman explained that in the late 1990's when these lands started to be consolidated, all of the lake frontage on Russell Lake was privately owned. At the time the master plan was approved, they all had 100% of the lake frontage. Through the master plan process, they agreed to donate to the city 50 % of this area.

Ms. Karen Pierce, Dartmouth, asked if the other side of the lake is privately or publicly owned and if there will be a pathway put in on that side.

Mr. Neatt explained that the other side of the lake is very steep, pathways were considered but, they would be washed away.

Councillor Karsten explained that the Portland Estates Residents Association acts on the residents behalf for parks and trails and urges more residents to get involved with this group. He explained that there will be an active transportation trail behind Portland Estates to the Woodside Ferry Terminal. He announced that approximately 8 weeks ago, HRM had received \$200,000 which they will match, to be put towards the active transportation trails in Portland Estates.

6. Closing Comments

Ms. McLellan thanked the residents for expressing their comments and concerns.

The meeting adjourned at 7:55 pm.

Attachment F: Dartmouth Lakes Advisory Board Review

Excerpts form the May 26, 2010 Meeting of DLAB

5. Case 15787 – Amendment to the Dartmouth MPS and Development Agreement – Russell Lake West

Mr. Peter Connor advised the Board that Ms. Christina Hoehne, Dr. Klaus Hellenbrand, Mr. Pierre Clement and himself walked this property with a member of Clayton Developments on Wednesday May 19, 2010.

The Board discussed the handout which was issued in regards to this item. This handout was a memo from Ms. Shannan Murphy, Project Manager, Stantec Consulting Ltd. to Mr. Mike Hanusiak, Senior Vice President, General Manager of Clayton Developments and was dated April 30, 2010. This memo included the water quality monitoring results for Russell Lake which took place in March 2010. Dr. Trevorrow indicated that the results were consistent with previous information we have had and indicated that there still seems to be high phosphorus levels at the south inlet station. The Board agreed that this is a long standing issue for this area and agreed that water treatment should be done before it enters Russell Lake. Mr. Scott MacCallum, Division Engineer, Clayton Developments indicated that the high levels were due to the failed pumping station at the Maple Ridge Trailer Court. The water flows under the Circumferential Highway and into a small wetland area before going under Baker Drive and into an active parkland area. Mr. MacCallum indicated that the current wetland is not able to handle this problem. Mr. Clement asked if there was any other solutions which could be done to help alleviate this problem. Mr. McLean was asked to look for a better alternative. Mr. Clement indicated that a wetland would be a great solution however it would need to be maintained to keep its effectiveness.

The Board then discussed five (5) recommendations as a result of the walkabout which included:

- When developing the walking/biking trails in this area ensure they do not interfere with the existing brook; the Board would like to see trails view the brook in its natural habitat.
- Require a better definition of “wetland”;
- Relook at the culvert option for the upper portion of Basswood Run;
- Water testing should also be taken 1 meter from the bottom of Russell Lake for a broader picture; and
- Water testing should include ortho phosphate testing vs total phosphate testing.

Mr. Clement asked if Clayton was going to clean up the downed trees in this area and if so how would it impact the current buffers. Mr. MacCallum indicated that HRM was expecting to have

cleanup completed and they are very mindful of the current buffers in place.

Dr. Trevorrow asked how the stream will be developed in the parkland area. Mr. MacCallum indicated that Clayton Developments will be reviewing this concern with HRM Parkland personnel. Dr. Trevorrow indicated that whatever plan was adopted that they should be very careful with the use of fertilizers.

Mr. Connor and Ms. MacLellan discussed what was included in the development proposal. He asked if this area needed money for improvements, would the HRM Parkland budget allow funds be transferred over as it is a parkland space. Ms. MacLellan said she would bring this up with the proper people and report back to the Board.

Mr. Connor asked Ms. MacLellan how and when she required the Board's recommendations. The five recommendations as discussed were reviewed for clarity.

Dr. Trevorrow wanted to know what is done with the water results when we get them back from Stantec – what action is taken? Mr. McLean indicated that once an area is identified as a concern ie the south inlet station, we should find a solution before moving on to other areas of concern.

Ms. Hoehne wanted to know who had access to the water sampling information. Mr. MacCallum indicated that these results are given to Mr. Cameron Deacoff, Environmental Performance Officer, Infrastructure and Asset Management. Mr. Clement indicated that this information is entered into a website for public viewing. Mr. Clement will forward the website name to the Board.