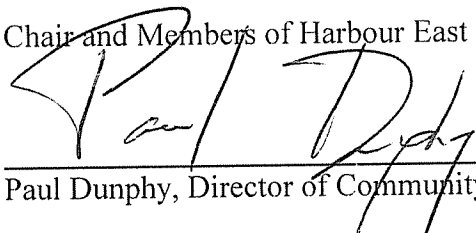




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

10.1
Harbour East Community Council
May 11, 2009

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: April 23, 2009

SUBJECT: **Case 01230: Dartmouth MPS Amendment and Development Agreement - 249/251 Windmill Road**

ORIGIN

Application by WM Apartments Limited to expand their existing multi-unit development located at 249/251 Windmill Road, Dartmouth to permit a new 12-storey, 103 unit residential building.

On March 24, 2009 Regional Council initiated a process to consider amending the Dartmouth Municipal Planning Strategy to change the designation of those lands located at 249/251 Windmill Road from Industrial to Residential.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Move Notice of Motion to consider the proposed development agreement, as set out in Attachment B of this report, for a proposed 12-storey, 103 unit residential building; an existing four-storey, 207 unit residential building; and an existing two-unit dwelling located at 249 Windmill Road, Dartmouth, and schedule a joint Public Hearing with Regional Council;
2. Recommend that Regional Council give First Reading to consider the proposed amendment to the Dartmouth Municipal Planning Strategy as provided in Attachment A of this report, and schedule a joint public hearing with Harbour East Community Council; and
3. Recommend that Regional Council approve the proposed amendment to the Dartmouth Municipal Planning Strategy as provided in Attachment A of this report.

EXECUTIVE SUMMARY

WM Apartments Limited wishes to expand their existing multi-unit development located at 249/251 Windmill Road, Dartmouth. The expansion would include a new 12-storey, 103 unit residential building. The site already contains an existing three-storey, 207 unit apartment building and an existing two-unit dwelling.

Prior to Harbour East Community Council considering the proposed development, Regional Council must approve an amendment to the Dartmouth Municipal Planning Strategy changing the Generalized Future Land Use designation of the lands from Industrial to Residential.

Incorporation of the proposed and existing developments under the proposed development agreement provides the necessary controls to ensure development of the proposed land features and amenities, while mitigating the potential negative impacts for residents and the surrounding community.

BACKGROUND

Initially, WM Apartments Limited applied only for a development agreement to permit a new multi-unit building on their property located at 249 and 251 Windmill Road Dartmouth. During staff review of a development agreement application, it was determined that the subject lands need to be re-designated from Industrial to Residential as the industrial designation does not permit new residential land uses. Therefore, WM Apartments Limited has applied for an application to re-designate the subject lands in order for Community Council to consider a development agreement for an new multi-unit building under current plan policy (Attachment A).

Development Proposal

WM Apartment Limited wishes to expand their existing multi-unit residential development by adding a new building as follows:

- one 12 storey building containing 103 units;
- landscaped podium;
- underground parking with limited surface parking;
- outdoor passive recreation amenity space and internal fitness centre: intended for the benefit and use of all tenants; and
- utilize the existing driveway.

The main focus of the proposed development agreement is the new building, however, the application will also result in changes for the entire multi-unit residential development such as a landscaping plan and a revised parking plan.

Location, Designation, Zoning & Surrounding Uses

- *Location:* - Front portion of the site consists of an existing multi unit building and a two unit building.
- Rear portion, site of the new multi-unit building, is primarily undeveloped except for a portion of the existing parking lot.
- *Designation:* - The lands are designated Industrial (Map 2).
- *Zoning:* - The lands are split zoned C-2 (General Business) and R-4 Multiple Family Residential (High Density) (Map 1).
- *Surrounding Uses:* - Department of National Defence Annex and associated storage yard located to the south,
- Active Canadian National rail line and Halifax Harbour to the west
- Multi-unit residential developments to the north and east.

Dartmouth Plan Policy:

Under the Dartmouth Municipal Planning Strategy (MPS), applications for residential development greater than three units are enabled only by development agreement in accordance with MPS policy IP-5. Such development must also comply with the general evaluation criteria for all discretionary approvals as set out in policy IP-1(c) (Attachment C).

The subject lands are designated industrial within Dartmouth MPS and is an area where industrial and commercial uses are encouraged and supported. However, the designation does not envision, nor permit, residential uses in these areas. Therefore, WM Apartments Limited has requested the lands be re-designated to residential.

Regional Plan Policy:

Under the Regional Planning Strategy, the subjects lands are designated Halifax Harbour Designation. The purpose of designation is to provide for the establishment of specific policies and implementation mechanisms which strive to achieve a sustainable and integrated balance among the various land uses around Halifax Harbour (EC-7). Until such policies and mechanisms are in place, the existing Dartmouth MPS shall remain in force and effect (EC-9).

DISCUSSION

Plan Amendment

The requested development agreement is the first application for multi-unit residential development in the general area located between the Halifax Harbour and Windmill Road, north of the DND Research Facility and south of the Nova Scotia Power Incorporated Tufts Cove generating station. Most of the residential land uses in the general area are designated Industrial,

not residential. Also, the existing multi-unit buildings in the area were permitted as-of-right and predate policy IP- 5 (1991) which requires Community Council to approve a development agreement for residential developments of three or more units.

Despite being located within the Halifax Harbour designation, there is no direction from the Regional MPS on what specific use should be applied to the property. Further, staff consulted with the Halifax Harbour Planning Committee on March 2, 2009 to discuss the implications of the proposed plan amendment. In consideration of the merits of this limited site specific request, the Committee did not express concern with the designation change. The Committee acknowledged that because no portion of the proposed residential development was to occur on the harbour side of the rail line, this should minimize or eliminate potential land use conflicts and impacts.

Due to the recommendation from the Committee and the long term use of the site and the adjacent property to the north for residential, staff recommend that Council amend Dartmouth's Generalized Future Land Use Map to re-designate the site from Industrial to Residential as per Attachment A.

Development Agreement

Staff have reviewed the proposed development relative to all applicable Plan policies of the Dartmouth MPS, which are included as Attachment C to this report. Attachment D provides a comparison of the request with the criteria contained in Policies IP-5 and IP-1(c) . The following issues have been identified for more detailed discussion.

Proposed New Building

Building Elevations

The building features a facade comprised of a combination of elements including pre-cast concrete, fibre cement panel curtain walls and a manufactured stone masonry concrete finish at grade level. Centrally located main entrances to the buildings provide the focal point from which generously proportioned window to wall ratio facades extend. All buildings provide balconies for each unit enclosed with transparent glass railings.

Protection of Views

There are no protected public views impacted by the development. The applicant has attempted to minimize the impact of the new building on adjacent properties by narrowing the footprint of the building. Resultant impact of the proposed 12-storey building on private views is primarily limited to the Applicant's property and their adjacent existing building at 249 Windmill Rd.

Shadow Study

In order to estimate the impact of the height of the proposed 12 storey building on adjacent lands a shadow study was prepared by the applicant. The angle of the noon sun during each of the

solstices and equinoxes indicates minimal shadows are anticipated to be cast on lands to the north during the winter months. The proposed new building should have only a limited impact on the existing multi-unit building on the lands (24 of the 207 units) and the multi-unit residential development on the abutting property (Civic No. 273 Windmill Rd., TransGlobe Properties) located to the north (approximately 15 of the 73 units).

Compatibility

While the R-4 Zone does not have a height restriction, the policy criteria requires the consideration of the height, bulk and scale of the building with surrounding uses. Staff feel the provisions contained in the Agreement limit the impact of the building on surrounding uses.

Further, staff are of the opinion that the siting of the proposed building provides for adequate setbacks from surrounding uses and the landscaping and private amenity provisions stipulated in the Agreement further the compatibility of the proposal. The reduction in the lot coverage of the proposed building, combined with terracing of the embankment fronting on Halifax harbour (Attachment B, Schedules B, C & D), and the quality of construction required by building code will provide for a complementary development to the Halifax shoreline. The proposed development also provides for the efficient use of existing infrastructure and services as in-fill development.

Transportation Issues

Vehicular Access: Access to the lands is provided by an existing median separated two-way driveway from Windmill Road. The proposed agreement will restrict access to the lands via the existing driveway.

Traffic and Parking: A Traffic Impact Statement was submitted in support of the request and has been accepted by staff. The Statement determined the proposed development would not have a negative impact on existing traffic networks to and from the lands. The Statement recommends exit/entrance signage be installed at the private driveway entrance from Windmill Road for improved safety which the proposed agreement requires.

Proposed Parking: Required bicycle parking is in accordance with the LUB (52 spaces) and enables a reduction in the required automobile parking requirement resulting in 105 vehicle parking spaces. The Applicant exceeds the LUB minimum by proposing 113 vehicular parking spaces consisting of 7 surface and 106 underground spaces.

Pedestrian Access /Landscaping

A 5 foot wide concrete walkway is proposed linking the entrances of the proposed building to Windmill Road. The sidewalk provides a grade-separated pedestrian connection through the lands and associated parking areas of the existing adjacent building.

The Applicant has prepared a preliminary Landscaping Plan (Attachment B, Schedule C). The proposed Agreement requires a detailed Landscaping Plan prepared by a landscape professional be submitted to the satisfaction of the Development Officer prior to the issuance of construction permits.

Density/Amenity Space

The proposed 103 units is below the maximum unit count permitted under the R-4 Zone. Further, the proposed building has a lot coverage of only 12.5%; while the R-4 Zone permits up to 50% lot coverage.

Under the Dartmouth LUB, required amenity space for the 103 units totals 28,300 sq. ft. The Applicant exceeds this requirement with a proposed 28,441 sq. ft. of indoor/outdoor and public/private amenity space as follows:

- podium deck,
- outdoor passive recreation area.
- interior exercise room
- party room located on the main level; and
- private outdoor amenity space (balconies).

Harbourfront Greenway Corridor

The westerly boundary of the lands is located along the proposed route of the Harbourfront Trail. In accordance with the recommendations of the Active Transportation Plan and Halifax Harbour Designation of the Regional Plan the trail is envisioned as part of a cohesive active transportation route system connecting surrounding neighbourhoods to the harbour and beyond. Accordingly, staff have included provisions within the Agreement for future trail development over the lands.

Existing Multi-unit Building (Harbourshore Acres Apartments)

The existing multi-unit building satisfies the LUB requirements with regard to minimum site area and amenity space of the R-4 Zone. Due to the site design of the proposed development encroaching over the property boundary of the adjacent existing multi-unit residential development (Attachment B, Schedule B), both properties are required to be included within this Agreement.

Existing Parking: A loss of 31 surface parking spaces presently provide 188 spaces or 73% of the LUB requirement. The parking space deficiency is rationalized by the site's location within the Regional Centre, pedestrian connectivity to Windmill Road and the existing public sidewalk and transit systems. These features encourage the ability for area residents to have a lifestyle that is not car dependent and encourages additional residents to reside in a serviced neighbourhood; thereby adding to the required critical mass to support such services. Staff, in agreement with the Applicant, have made provision in the Agreement establishing the parking requirement for the existing building at a minimum of 188 spaces.

In the interest of maintaining an adequate level of on-site amenities, Staff have identified existing land use components to be addressed in the Agreement including:

- parking areas configuration,
- amount of greenspace/landscaping, and
- the maximum number of units.

While minor facade changes and upgrades to the existing development will be permitted, major changes would be addressed through a substantive amendment to the Agreement.

Existing Semi-detached Dwelling (257 Windmill Road)

As indicated in the background section of this report, WM Apartments Limited is also the owner of a two-unit dwelling that is contiguous with the existing Harbourshore Apartments property and also zoned C-2/R-4. As the two-unit dwelling is part of the existing multi-unit residential development on the property, it must be included in the proposed Agreement. The Agreement provides for the two-unit dwelling use to continue subject to the regulations of the R-2 (Two-unit Dwelling) Zone as provided for in the Land Use by-law.

Public Information Meetings

Due to significant changes in the proposal, two public information meetings (PIMs) were held. Attendance at both meetings was limited to a maximum of seven members of the public.

The initial proposal was for a 68 unit, four-storey building which covered approximately 75% of the site and was presented at the April 2, 2007 PIM. Public concerns expressed at the initial meeting included concern regarding non-protected private views, traffic generation, pedestrian connectivity and landscaping.

A second PIM was held on May 14, 2008 to present a revised development featuring a 103 unit, 12-storey building with a corresponding 42% reduction in the building footprint to minimize the impact on existing private views. The revisions also included additional amenity spaces and improved pedestrian connectivity. Public comment on the proposal was generally favourable with the exception of the continued concern regarding impact on non-protected private views.

The minutes of the public information meeting are included in this report as Attachment E. Should Community Council elect to schedule a public hearing for this application, public notices advertising the hearing will be placed in the Chronicle Herald newspaper, as well as written notification of property owners within the notification area identified on Map 1.

Conclusion:

The proposed change in designation from industrial to residential for the lands will:

- complement existing land uses in the area;

- enable consideration of the proposed development agreement for a new multi unit residential development; and
- be consistent with both community and regional MPS.

It is the opinion of Staff that the proposed development is consistent with the intent of the Dartmouth MPS for multi-unit residential development (Attachment C). Staff are also of the opinion that issues raised such as the compatibility of the proposed development to the site and the relationship of the proposal to surrounding land uses have been adequately addressed in the proposed agreement.

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 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, 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. Regional Council may choose to approve the proposed amendment to the Dartmouth Municipal Planning Strategy and Community Council may approve the proposed development agreement. This is the recommended course of action.
2. Regional Council may choose to refuse the proposed amendment to the Dartmouth Municipal Planning Strategy. This alternative is not recommended as it would mean the proposed development agreement would not be enabled.
3. Regional Council may choose to approve the proposed amendment to the Dartmouth Municipal Planning Strategy and Community Council may choose to approve the proposed development agreement subject to modifications. This may necessitate further negotiation with the applicant and may require a second public hearing.
4. Regional Council may choose to approve the proposed amendment to the Dartmouth Municipal Planning Strategy and Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with

MPS policies. This alternative is not recommended as Staff are satisfied that the proposed agreement is consistent with the policies and intent of the MPS.

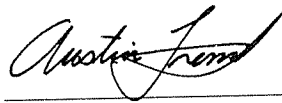
ATTACHMENTS

Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Proposed Future Land Use Map 9V
Attachment B	Proposed Development Agreement
Attachment C	Dartmouth MPS and LUB Excerpts
Attachment D	Dartmouth MPS Policy Criteria Evaluation
Attachment E	Public Information Meeting Minutes - April 2, 2007 & May 14, 2008

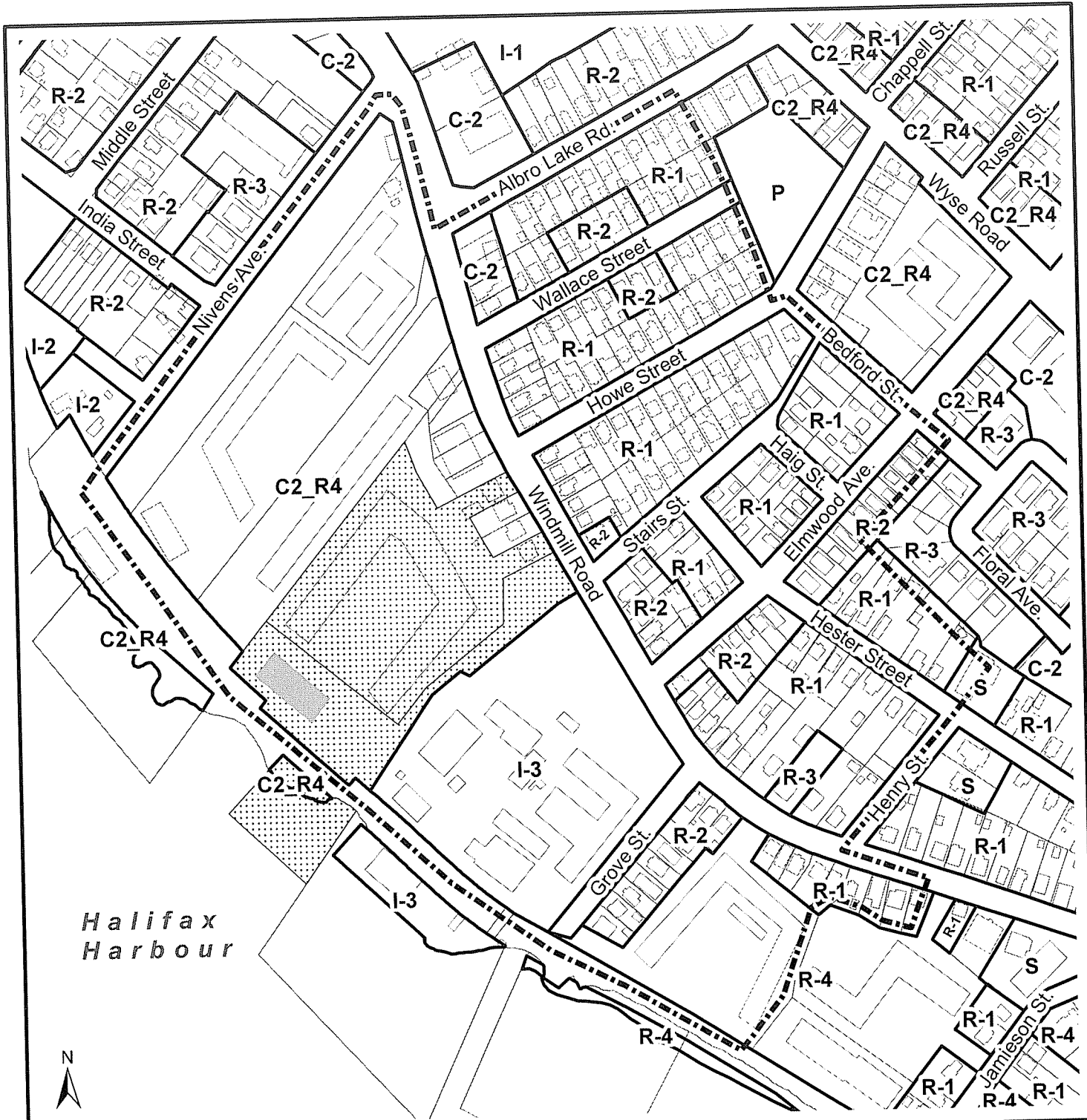
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : David Lane, Senior Planner, 490-5593

Report Approved by:






Austin French, Manager, Planning Services, 490-6717



Halifax
Harbour



Map 1 - Location and Zoning
249 Windmill Road & Adjacent Lands
Dartmouth

-  Subject Lands
-  Area of notification
-  Proposed Building

- Zone**
- R-1 Single Family Residential
 - R-2 Two Family Residential
 - R-3 Multiple Family Residential (Medium Density)
 - R-4 Multiple Family Residential (High Density)
 - C-2 General Business
 - I-1 Light Industrial
 - I-2 General Industrial
 - I-3 Harbour Oriental Industrial
 - P Park
 - S Institutional

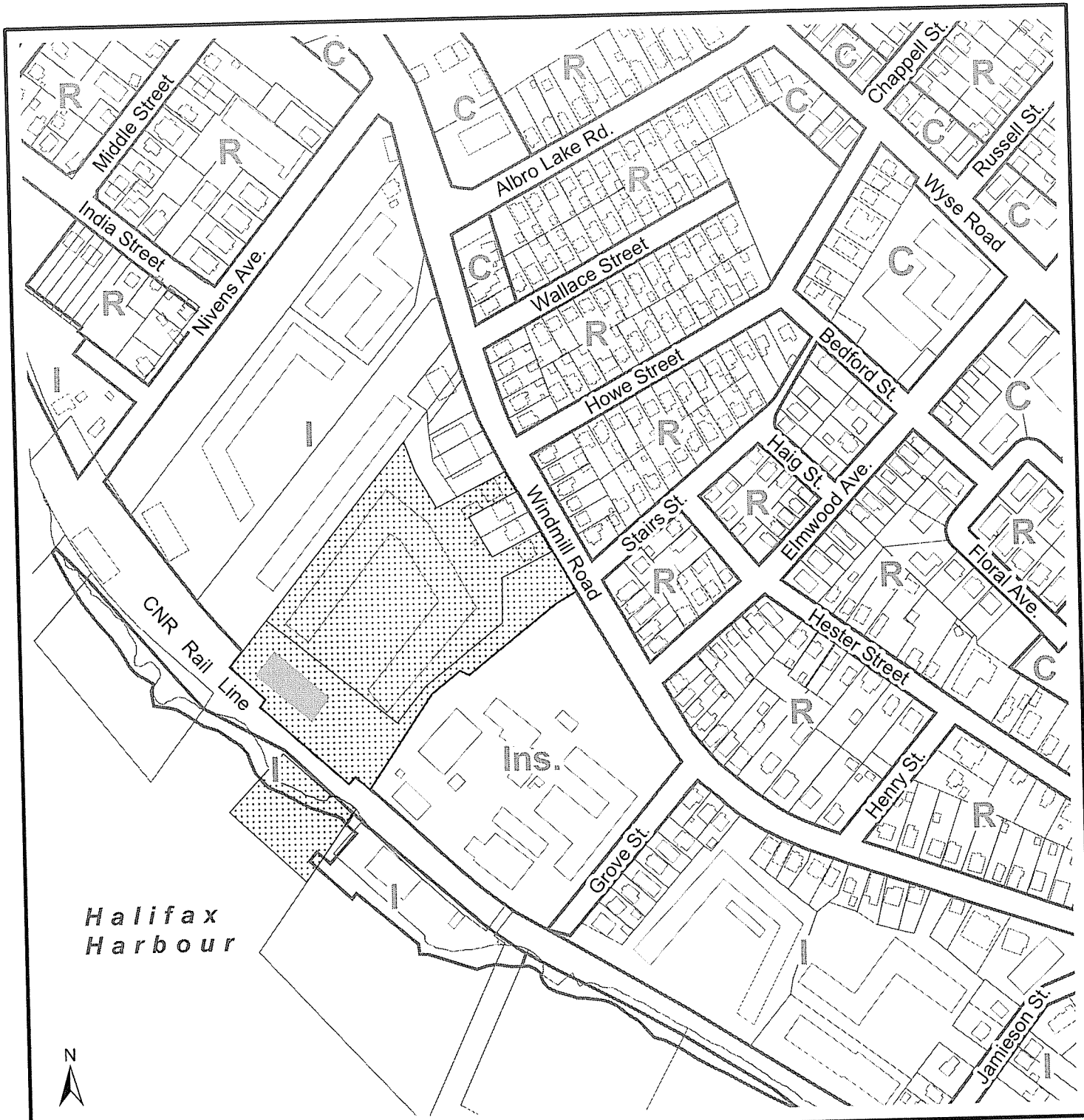
HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



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



Dartmouth Plan Area



Map 2 - Generalized Future Land Use

294 Windmill Road & Adjacent Lands
Dartmouth



-  Subject Lands
-  Proposed Building

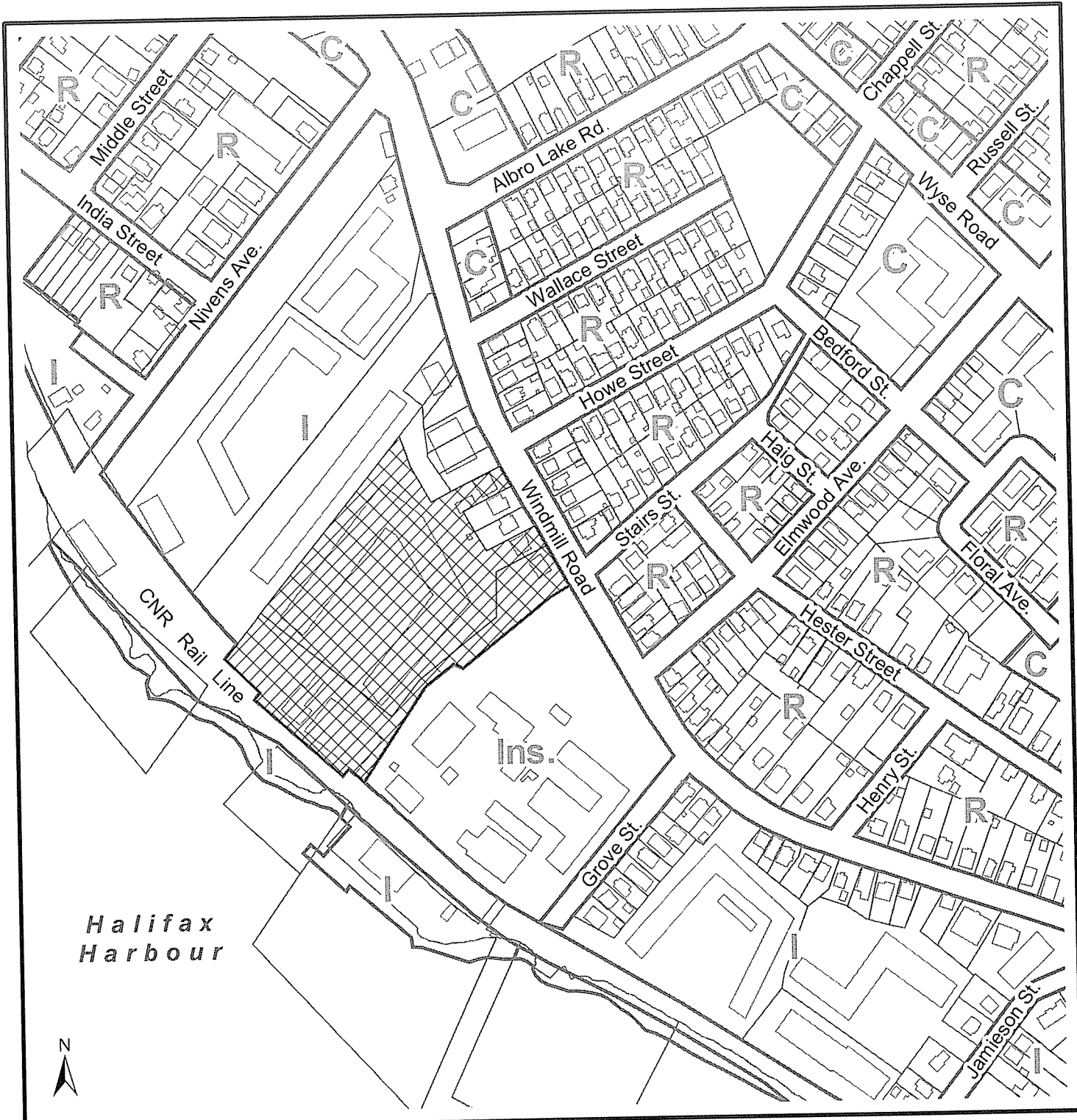
- Designation**
- R Residential
 - C Commercial
 - Ins. Institutional
 - I Industrial



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



Proposed Future Land Use Map 9V

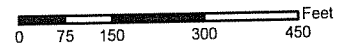
249 Windmill Road & Adjacent Lands
Dartmouth



 Designation Change from Industrial to Residential

Designation

- R Residential
- C Commercial
- Ins. Institutional
- I Industrial



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

**Attachment B
Proposed Development Agreement**

THIS AGREEMENT made this day of , 2009,

BETWEEN:

W.M. APARTMENTS LIMITED
a body corporate, in the Halifax Regional Municipality,
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Windmill Road, PIDs 40811085, 41086018 & 40175887, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to permit a new 12-storey, 103 unit residential building, and recognize an existing three-storey, 207 unit residential building, and an existing two-unit dwelling on the Lands pursuant to the provisions of the Municipal Government Act and pursuant to Policy IP-5 of the Dartmouth Municipal Planning Strategy;

AND WHEREAS the Harbour East Community Council approved this request at a meeting held on [**INSERT - Date**], referenced as Municipal Case Number 01230;

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 and use of the Lands shall comply with the requirements of the Dartmouth Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

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 or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

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 HRM 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.

1.4 Conflict

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.

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 regulations, by-laws or codes applicable to any lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law.

PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

3.1 SCHEDULES

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, in conformance with the Schedules attached to this Agreement filed in the Halifax Regional Municipality as Case Number 01230:

The Schedules are:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Preliminary Landscaping Plan
Schedule D	East Elevation (Harbourside)
Schedule E	West Elevation (Front)
Schedule F	North & South Elevations
Schedule G	Main Floor Plan Layout
Schedule H	Internal Parking Plan

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of any Municipal Permits, the Developer shall complete the MICI (Multi-unit/Industrial/Commercial/Institutional/Commercial) process.

3.2.2 Prior to the issuance of a Construction Permit for the new building, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:

- (a) Lighting Plan in accordance with Section 3.7 of this Agreement; and

- (b) Landscaping Plan in accordance with Section 3.9 of this Agreement.
- 3.2.3 Prior to the issuance of the Municipal Occupancy Permit for the new building, the Developer shall provide the following to the Development Officer pursuant to this Agreement:
- (a) Written confirmation from the Development Engineer indicating compliance with Part 4 “Streets and Municipal Services” of this Agreement;
 - (b) Certification from a qualified Professional Engineer that the Developer has complied with the Erosion and Sedimentation Control Plan required pursuant to Section 5.2 of this Agreement;
 - (c) Certification from a qualified Professional Engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to Section 5.1 of this Agreement;
 - (d) Certification from a qualified professional indicating that the Developer has complied with the Landscaping Plan required pursuant to Section 3.9 of this Agreement;
 - (e) Certification from a qualified professional indicating that the Developer has complied with the Lighting Plan required pursuant to Section 3.7 of this Agreement; and
 - (f) Certification from a qualified Professional Engineer that the Developer has complied with the Grading Plan required pursuant to Section 3.9.3.2 of this Agreement
- 3.2.4 Further to sub-section 3.2.3, notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the new building 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.
- 3.2.5 Where the written text of this Agreement conflicts with information provided in the attached Schedules, the written text of this Agreement shall prevail.

3.3 GENERAL DESCRIPTION OF LAND USE

3.3.1 The uses of the Lands permitted by this Agreement are the following:

- (a) A new 103 unit, 12-storey residential building on PID 41086018 as per the attached Schedules and in accordance with the provisions of this Agreement;
- (b) An existing 207 unit, four-storey residential building and associated development located on PID 40811085 as per Schedule B;
- (c) An existing two-unit residential dwelling located on PID 40811085 as per Schedule B; and

3.4 EXISTING BUILDINGS

Harbourshore Acres Apartments

3.4.1 The existing three-storey, 207 unit residential building on the Lands shall be subject to the maintenance of landscaping, parking lot configuration and minimum parking spaces as per sub-sections 3.6 and 3.9 of this Agreement and as generally illustrated on Schedules "B" and "C".

3.4.1.1 Notwithstanding clause 3.4.1, permits for the existing three-storey, 207 unit residential building shall be subject to the applicable requirements of the Dartmouth Land Use By-law.

Existing Two-unit Dwelling Civic No. 257 Windmill Road

3.4.2 The existing two-unit dwelling on the Lands shall not be subject to Clauses 3.5 through 3.8 inclusive, Clauses 5 and 6, and Schedules C through H of this Agreement.

3.4.2.1 Notwithstanding sub-clause 3.4.2, redevelopment of the two-unit dwelling shall be subject to the applicable requirements of the Dartmouth Land Use By-law.

3.5 NEW BUILDING

3.5.1 The Developer agrees that the 12-storey, 103 unit multi-unit residential building proposed to be constructed on the Lands shall comply with the provisions of this section and be located as generally illustrated on the Schedules.

3.5.2 *Architectural*

Architectural treatment such as parapets, cornices, curtain walls shall be continued around all sides of the building as identified on Schedules "D", "E" and "F".

3.5.2.1 The architectural details shall use materials that are raised to create shadow lines and provide for the articulation of the architectural element of the building.

3.5.3 Blank Walls

Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.) as identified on the Schedules.

3.5.4 Exposed Foundation

Any exposed foundation in excess of 0.5 metres in height shall be architecturally detailed.

3.5.5 Building Material

Exterior building materials shall not include vinyl siding but may include any one or more of the following:

- clay masonry;
- noncombustible cladding;
- concrete split face masonry;
- cut stone masonry;
- random stone masonry; or
- acceptable equivalent in the opinion of the Development Officer.

3.5.6 Functional Elements

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

3.5.7 The building shall be designed such that the mechanical systems (HVAC, cooking exhaust fans, etc.) are not visible or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.

3.5.8 Roof

All roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.5.9 All balconies shall feature a glass railing system.

3.5.10 Minor Changes

The Developer shall be entitled to minor modifications to the architectural requirements of this section provided the changes are minor in nature, in the opinion of the Development Officer and comply with the intent to this Agreement.

3.6 PARKING, CIRCULATION AND ACCESS

3.6.1 The internal driveway layout and the number and layout of parking spaces on the Lands shall be as generally illustrated on Schedules "B" and "H". The Developer agrees that the parking on the Lands shall comply with the following:

- (a) All parking areas, driveways, circulation aisles and pathways shall have a finished hard surface such as asphalt, concrete, paving blocks or an acceptable equivalent in the opinion of the Development Officer. Notwithstanding, pathways shall not be finished with asphalt.
- (b) Parking lots are to be delineated by curbing, such curbing shall not be asphalt.

3.6.2 Minimum vehicular parking shall be provided for each building in accordance with the following:

- (a) Proposed 12-Storey, 103 Unit Residential Building Building (PID 41086018) shall have a minimum of 113 dedicated parking spaces; of which a minimum of 106 spaces shall be underground.
- (b) The existing Harbourshore Apartments three-storey, 207 unit residential building (PID 40811085) shall have a minimum of 188 dedicated parking spaces; of which a minimum of 79 spaces shall be underground; and
- (c) The existing two-unit dwelling of Civic No. 257 Windmill Road (PID 40811085) shall maintain a driveway access to Windmill Road with the ability to accommodate the parking of two vehicles on the site.

3.6.3 The Development Officer may approve upon application by the Developer, changes to the parking and circulation layout as illustrated on Schedules "B" and "H" provided such changes further the intent of Section 3.5 and this Agreement and do not result in a reduction in the number of parking spaces.

3.6.4 The Lands subject to this Agreement shall share a deeded access for the driveway connecting to Windmill Road, as identified on Schedule "B".

3.6.5 Directional signage delineating the one-way nature of the existing site access driveway shall be provided in the area of the median divided entrance and exit driveway at Windmill Road.

3.7 BUILDING AND SITE LIGHTING

- 3.7.1 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.
- 3.7.2 The Developer shall prepare a Lighting Plan and submit it to the Development Officer for review to determine compliance with this Agreement. The Lighting Plan shall contain, but shall not be limited to, the following:
- (a) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices;
 - (b) Description of the illuminating devices, fixtures, lamps, supports and other devices. This description may include, but is not limited to, manufacturers' catalogue cuts and drawings including sections where required and;
 - (c) The Lighting Plan and description shall be sufficient to enable the Development Officer to ensure compliance with the requirements of this article will be secured. If such plan and description cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.
- 3.7.3 Further to sub-section 3.7.2, should the Developer desire to substitute outdoor light fixtures or lamps and install them on the Lands after a permit has been issued, the Developer shall submit all changes to the Development Officer for approval, with adequate information to assure compliance with section 3.7.

3.8 PRIVATE AMENITY SPACE

- 3.8.1 Private amenity space for the new building shall consist of the following features and minimum areas:
- (a) Internal common room: 2,312 sq. ft. as per Schedule "G"
 - (b) Internal Exercise room: 1,173 sq. ft. as per Schedule "G"
 - (c) Podium deck: 9,086 sq. ft. as per Schedule "B"
 - (d) Passive recreation area: 6,600 sq. ft. as per Schedule "C"
 - (e) Residential unit balconies/patios: 90 sq. ft.
- 3.8.2 The podium deck shall generally be developed as shown on Schedule "C" complete with benches and landscaping, the intent of which is to facilitate a minimum of five distinct areas designed for leisure gatherings.
- 3.8.3 The Passive Recreation Area as shown on Schedule "C" shall be developed as a useable area finished with a surface, at the discretion of the Development Officer, conducive to enabling passive recreation and leisure activities.

3.9 LANDSCAPING

3.9.1 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.

3.9.2 Landscaping Plan

Prior to the issuance of a Construction Permit, the Developer agrees to provide a Landscaping Plan for the Lands which complies with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscaping Plan shown on Schedule C. The Landscaping Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.

3.9.2.1 The Development Officer may approve minor modifications to the species, size and location of plant stock, provided such modifications, in the opinion of the Development Officer, enhance the attractiveness and visual appearance of the Lands.

3.9.3 Landscape Details

Planting details for each type of plant material proposed on the plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety).

3.9.3.1 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as fencing, retaining walls, stairs, gazebo and benches, 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 the building and the character of the surrounding area.

3.9.3.2 A Grading Plan with existing and proposed grades shall be provided prior to the issuance of Development Permit.

3.9.3.3 Mass shrub plantings or mixed shrub and ground cover plantings are preferred instead of perennial beds.

3.9.3.4 No landscaping greater than 0.6 metres (2 feet) in height shall be permitted within the turning circle.

3.9.4 Podium Landscaping

The Landscaping Plan shall provide details of all ground level open spaces as shown on Schedule "C". The plan shall specify all model numbers, quantities and manufacturers of site furnishings, as well as construction details of landscaping features (gazebo and benches).

3.9.4.1 Planting on the parking podium shall be carefully selected for their ability to survive in rooftop environments. Podium trees shall be located in planting beds or containers.

3.9.4.2 The Developer shall ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping, as well as the anticipated mature weight of the plant material on any rooftop and podium.

3.9.5 Fencing

Chain link fencing, or at the discretion of the Development Officer, other suitable fencing, shall be used to delineate the Passive Recreation Area from the adjacent property boundaries (CNR line and DND lands) as per Schedule "C". The intent of the fencing shall prevent access to the rail line, while maintaining the Halifax Harbour views.

3.9.6 Retaining walls

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

3.9.6.1 Upright shrubs with a minimum of 50% being coniferous shall be located at the base of all retaining walls. All shrubs shall be a minimum height of 2 feet and be planted with a minimum on centre spacing of 3 feet. Low maintenance ground covers or vines in association with shrubs and retaining walls should be used.

3.9.6.2 All retaining walls are to be designed and certified by a professional engineer.

3.9.6.3 All retaining wall systems are to be identified including the height and type of fencing proposed in conjunction with it. A construction detail of any fence and wall combination should be provided and certified by a professional engineer.

3.9.7 Private Walkways

Walkways shall be located as shown on Schedules B and C and composed of poured in place concrete. Existing walkways shall be repaired or replaced as needed.

3.9.7.1 All pedestrian walkways shall be constructed in accordance with the applicable HRM sidewalk specifications.

3.9.7.2 Notwithstanding sub-section 3.9.7.1 walkways shall be 1.5 metres wide and consist of raised 100mm thick concrete on a granular surface.

3.9.7.3 Walkways shall be designed to barrier free standards where possible.

3.9.8 Passenger Waiting Area

A pick-up and drop-off waiting area shall be developed immediately south of the main entrance complete with two benches as per Schedule C.

3.9.9 Screen Utilities

Shrub material shall be used to screen any electrical transformers or other utility boxes.

3.9.10 Compliance with Landscaping Plan

Prior to issuance of the Occupancy Permit for the new building, 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.

3.9.11 Notwithstanding subsection 3.9.10, the Occupancy Permit for the new building may be issued provided the Developer supplies a security deposit in the amount of 120 per cent of the estimated cost to complete the landscaping. 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 work as described herein and illustrated on the Schedules, 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 as set out in this Section of the Agreement. The developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the developer upon completion of the work and its certification.

3.10 MAINTENANCE

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 and snow removal/salting of walkways and driveways.

3.10.1 Reinstatement

All disturbed areas shall be reinstated to original condition or better.

3.11 CONSTRUCTION/SALES TRAILER

A trailer shall be permitted on either PID 41086018 or PID 40811085 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 Occupancy Permit.

3.11.1 Further to clause 3.11, the construction/sales trailer shall be located on the Lands to the rear of the existing 207 multi-unit building.

3.12 OUTDOOR STORAGE AND DISPLAY

No outdoor storage shall be permitted on the Lands.

3.12.1 Propane tanks and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing/masonry walls with suitable landscaping.

4.0 STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

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.

4.2 Off-Site Disturbance

Any disturbance to existing off-site infrastructure resulting from the new 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.

4.3 Underground Services

All secondary electrical, telephone and cable service shall be underground installation.

4.4 Municipal Water Distribution and Sanitary Sewers

The water distribution system shall conform with the design and construction requirements of the Halifax Regional Water Commission.

4.4.1 The sanitary sewer system shall conform with the design and construction standards of the Municipal Service Systems Manual, unless otherwise acceptable to the Development Engineer.

4.5 Solid Waste Facilities

The new building shall include designated space for three stream (refuse, recycling and composting) source separation services. 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.

4.5.1 All refuse and recycling materials shall be contained within the new building.

4.6 Recreation Corridor Easement

The Developer agrees to provide an easement in favour of the Municipality for up to a 10 metre wide easement over PID 40175887, for the purpose of locating a portion of a proposed recreation corridor as identified in the Regional Municipal Planning Strategy and Active Transportation Plan.

4.6.1 The exact location of the proposed recreation corridor is to be determined, and the right to locate the easement on PID 40175887, shall be at the sole discretion of the Municipality.

4.6.2 Wherever possible, the easement shall be co-located with any pre-existing easement.

5.0 ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans

Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall engage a qualified professional to prepare a Stormwater Management Plan based on the provisions of Schedule "B" and "C" which identifies structural and vegetative stormwater management measures such as, infiltration, retention, and detentions controls, vegetative swales, filter strips, and buffers to minimize any significant adverse impacts on receiving watercourse during and after construction. The plans shall indicate the sequence of construction, the areas to be disturbed, all proposed erosion and sedimentation control measures and stormwater management measures, including a monitoring/sampling program, which are to be in place prior to and during development unless otherwise acceptable to the Development Engineer.

- 5.1.1 Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall install snow fence or other appropriate continuous physical barrier or delineation and signage in the field delineating the area of disturbance. The snow fence or other appropriate continuous physical barrier or delineation and signage shall be maintained by the Developer for the duration of the construction and the snow fence or other appropriate continuous physical barrier or delineation and signage in the field may only be removed only upon the issuance of the Occupancy Permit.
- 5.1.2 All storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

5.2 Erosion and Sedimentation Control

Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality for review by the Development Engineer and the Department of the Environment (if applicable) a detailed Erosion and Sedimentation Control Plan shall be based upon Schedules "B" and "C". The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by the Nova Scotia Department of the Environment and Labour. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

5.3 Failure to conform to Plans

If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

6.0 AMENDMENTS

6.1 Substantive Amendments

Amendments to any matters not identified under Section 6.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

6.2 Non-Substantive Amendments

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

- (a) Changes to the exterior architectural appearance of the buildings including colour, materials and window to wall ratio and provided that plans are submitted for any changes to the building design and that such changes, in the opinion of the staff, are minor in nature;
- (b) A reduction in the floor area of the building; and
- (c) Extensions of time requested for the signing and execution of the Agreement, and the commencement and/or completion of the new building construction.

7.0 ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

The Developer agree 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 allow for such an inspection during any reasonable hour within one day of receiving such a request.

7.2 Failure to Comply

If the Developer fail to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer 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 defence based upon the allegation that damages would be an adequate remedy;
- (b) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the development 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 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;

- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

8.0 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

8.1 Registration

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

8.2 Subsequent Owners

8.2.1 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 the Council.

8.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

8.3 Commencement of Development

In the event that construction on the lands has not commenced within 5 years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.

8.3.1 If the Developer fails to complete the development, or after 10 years from the date of registration of this Agreement with the Registry of Deeds, whichever time period is less, 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.

8.4 Completion of development

Upon the completion of the development, Council may review this Agreement, in whole or in part, and may:

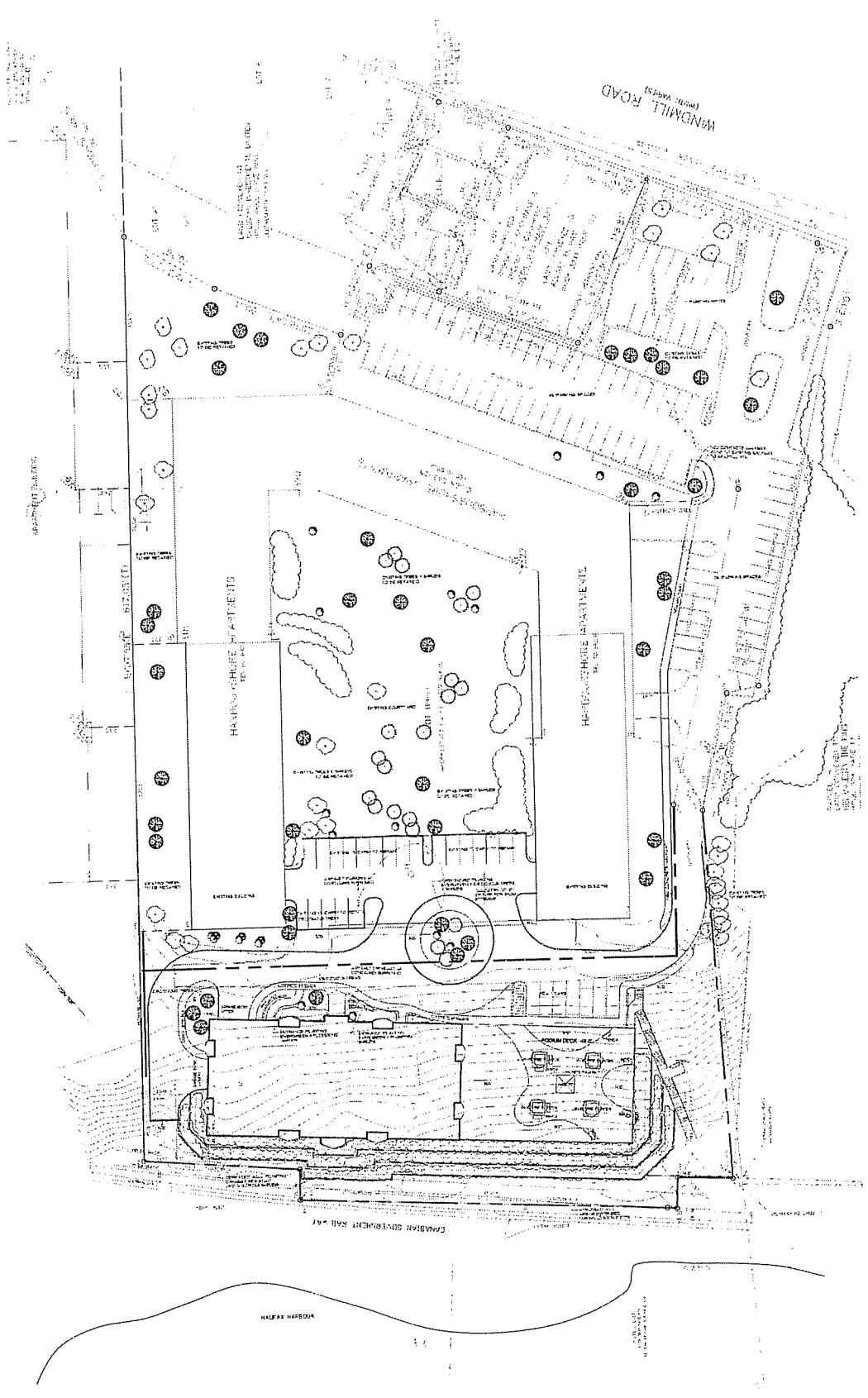
- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;

- (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Dartmouth, as may be amended from time to time.

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) **W.M. APARTMENTS LIMITED**
in the presence of)
_____) 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**
of) Per: _____
_____) **MAYOR**
_____) Per: _____
_____) **ACTING MUNICIPAL CLERK**



Schedule B Site Plan

HRM does not guarantee the accuracy of any base information on this Schedule.

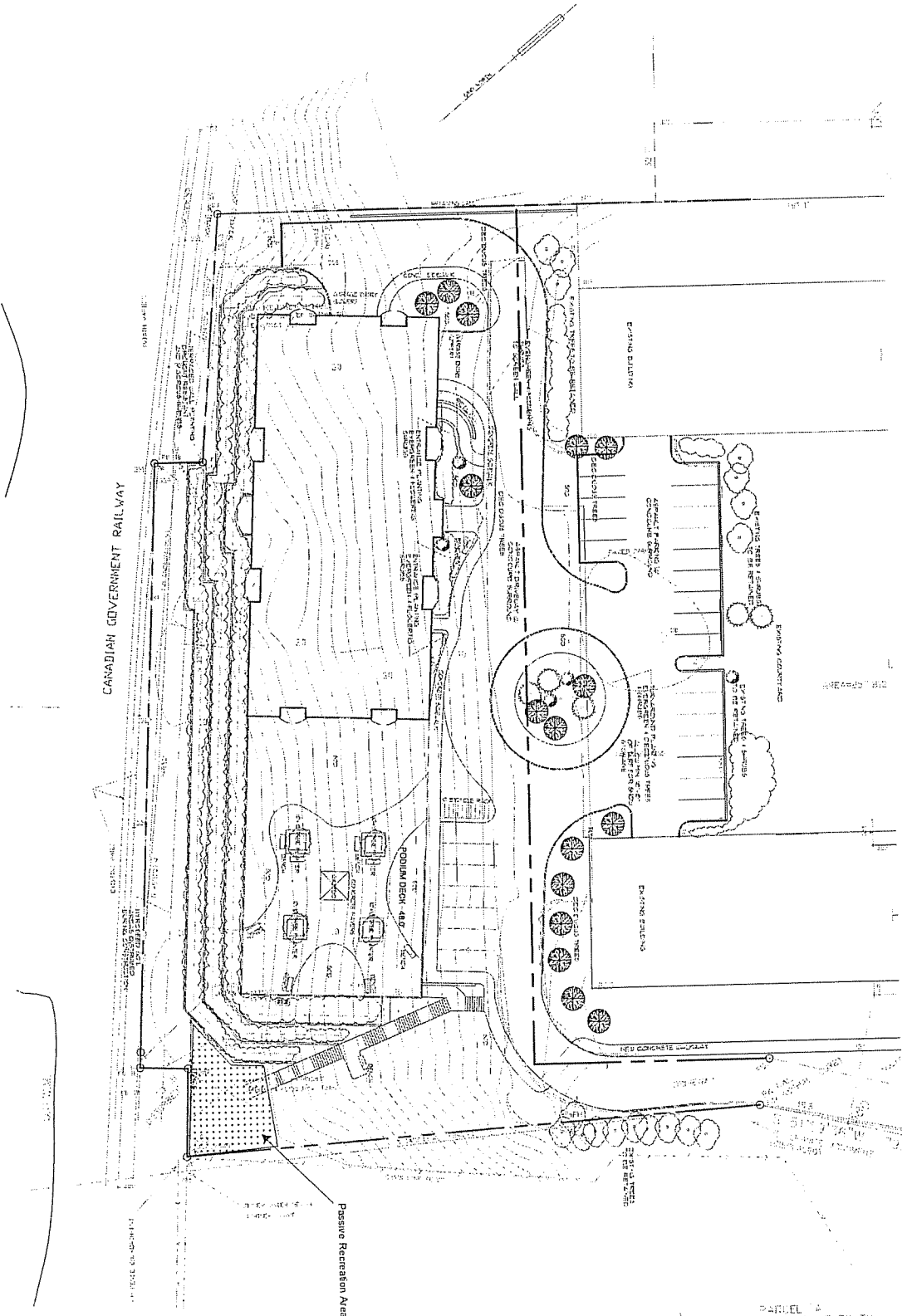


November 19, 2008

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Schedule C Preliminary Landscaping Plan

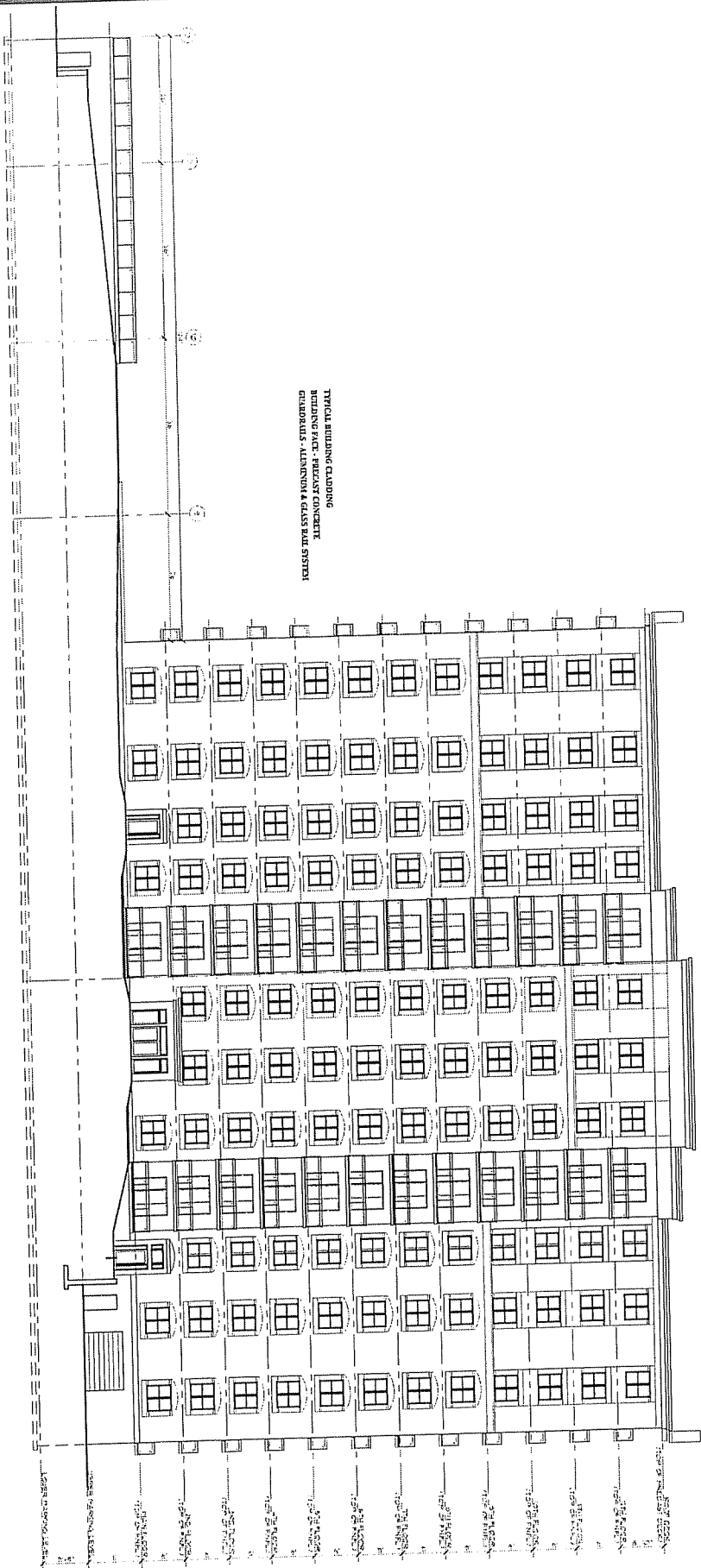
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Nov. 19, 2008

Case 00996

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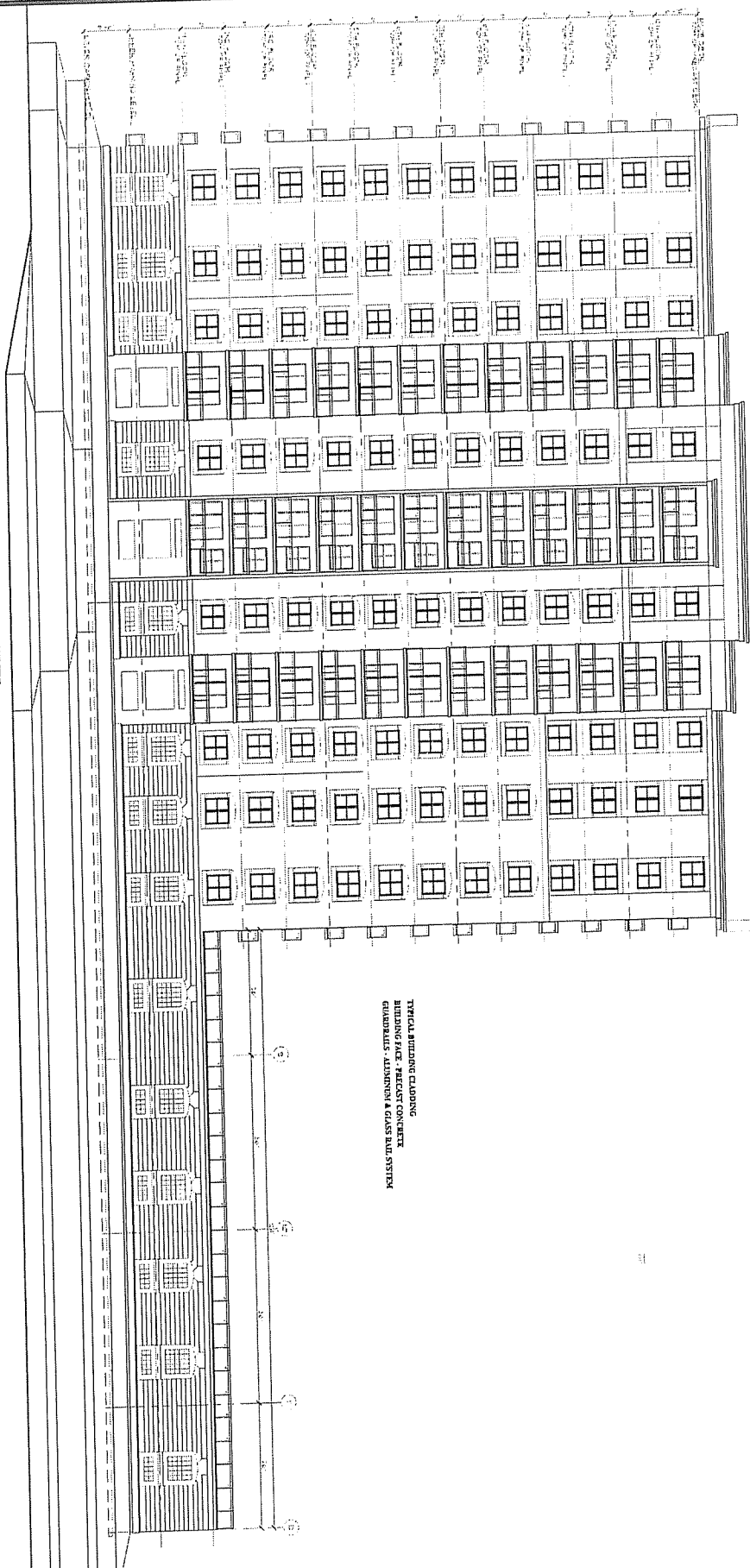




Schedule D East Elevation (Front)

HRM does not guarantee the accuracy of any base information on this Schedule.





FRONT ELEVATION (HARBOUR SIDE)
 6 GRID LINE C

TYPICAL BUILDING CLADDING
 BUILDING FACE - PRECAST CONCRETE
 GUARDRAILS - ALUMINUM & GLASS RAIL SYSTEM

Schedule E West Elevation (Harbour Side)

HRM does not guarantee the accuracy of any base information on this Schedule.



Nov. 19, 2008

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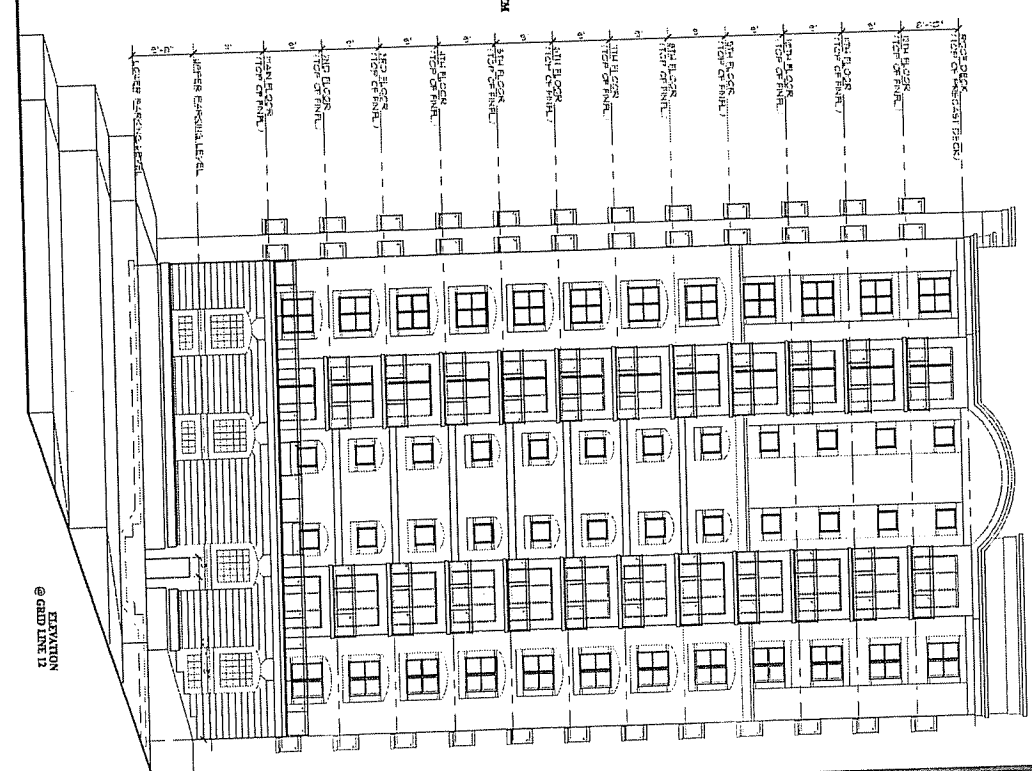
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North Elevation



TYPICAL BUILDING CLADDING
 BUILDING PAK - POLYESTER CONCRETE
 GROUNDWALLS - ALUMINUM & GLASS BAL SYSTEM

South Elevation



Schedule F North and South Elevations

HRM does not guarantee the accuracy of any base information on this Schedule.

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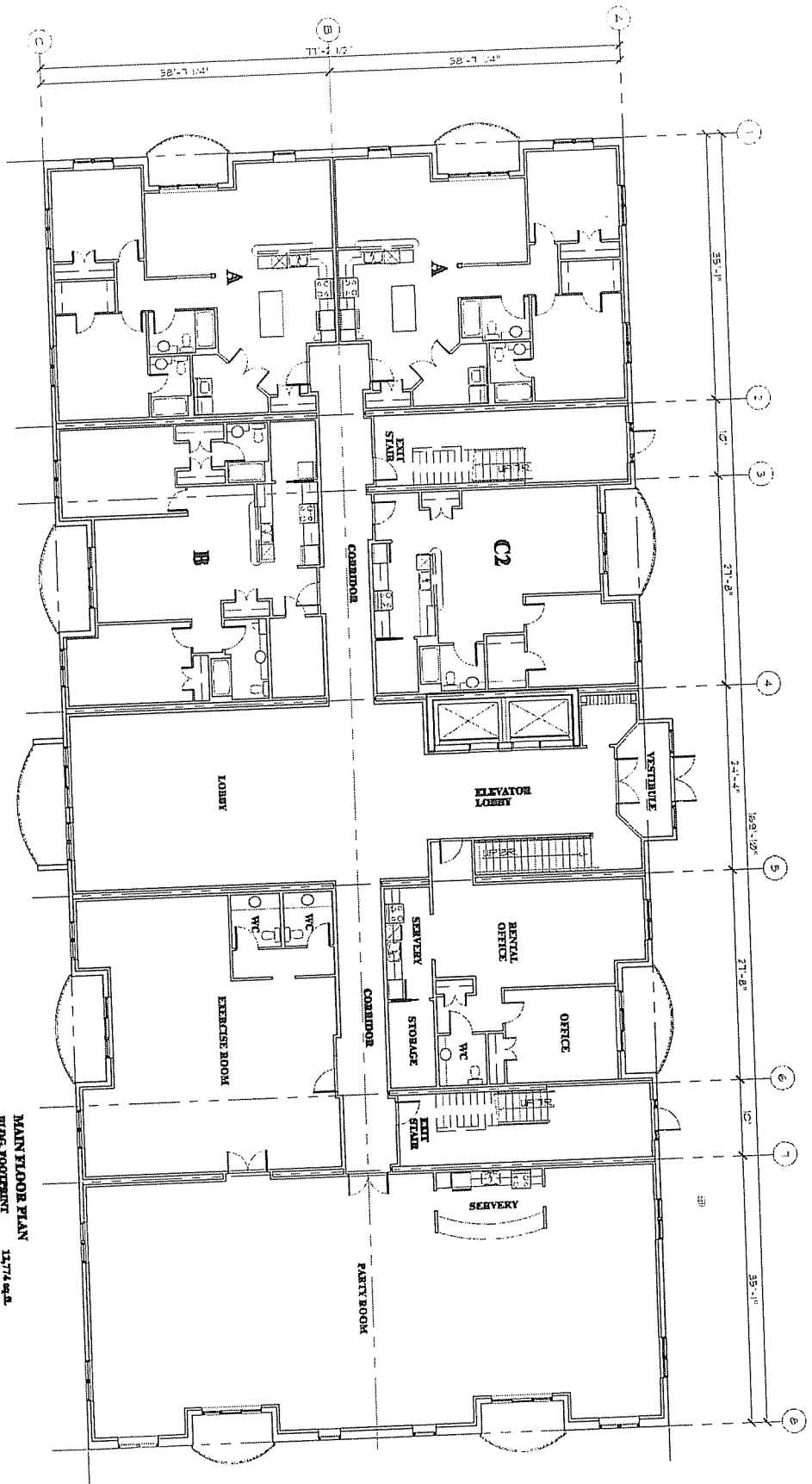
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Schedule G Main Floor Plan Layout

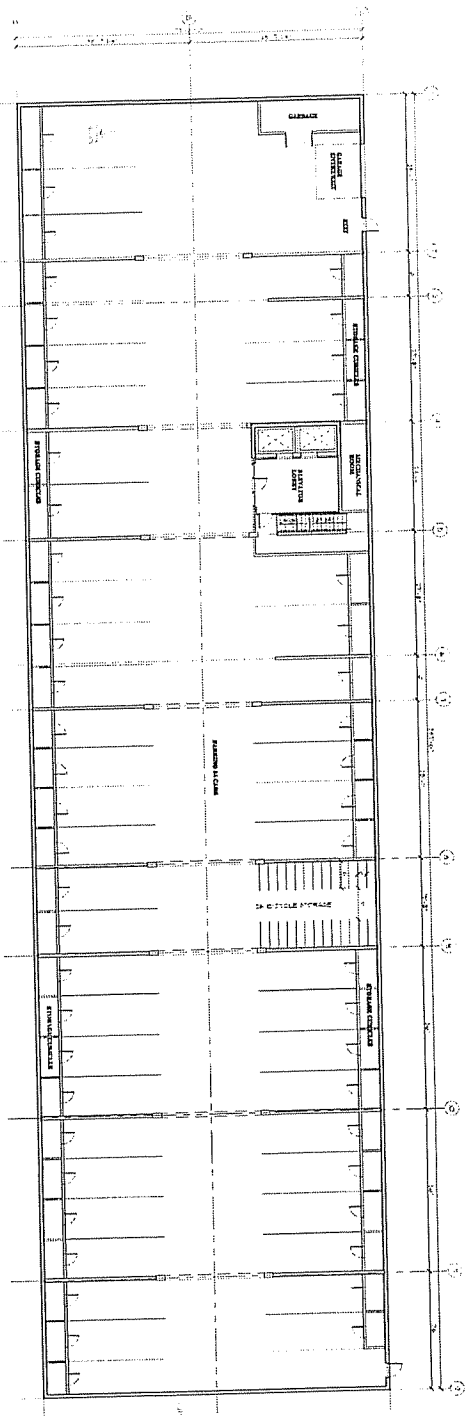
HRM does not guarantee the accuracy of any base information on this Schedule.



UNIT COUNT	UNIT TYPE	2 BEDROOM	3 BEDROOM	4 UNITS (over 40)	1111 F.H.S.	44 UNITS
1	UNIT TYPE 'A'	2	2	1	1	1
1	UNIT TYPE 'B'	2	2	1	1	1
1	UNIT TYPE 'C'	1	1	1	1	1
1	UNIT TYPE 'C2'	1	1	1	1	1
1	UNIT TYPE 'C3'	1	1	1	1	1
9	UNITS (over 40)					
Subtotal 5 (over 40) Apartments = 143 UNITS						

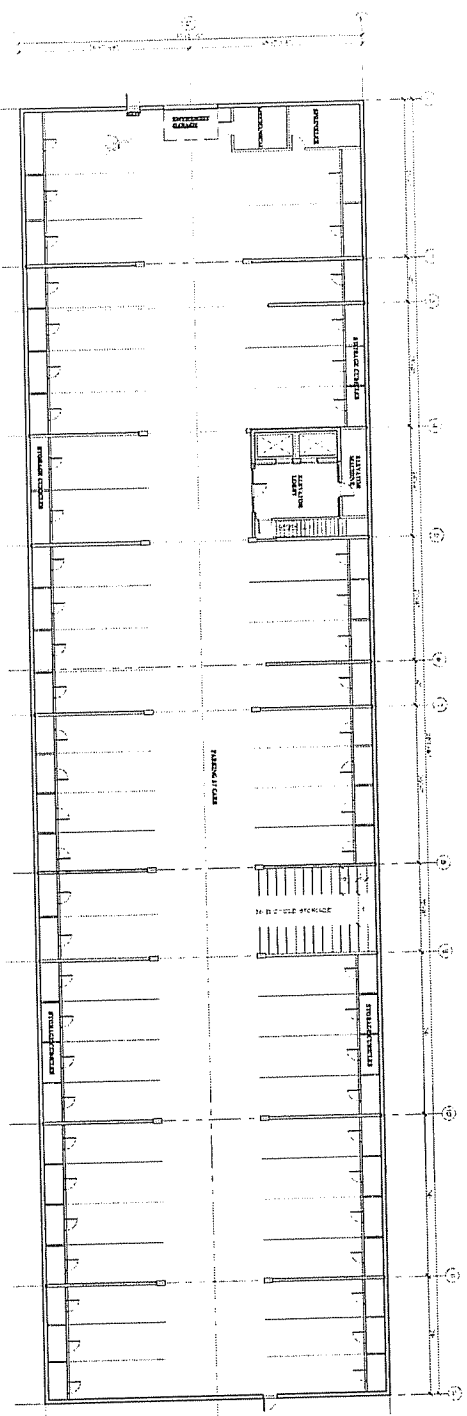
MAIN FLOOR PLAN	
BLDG. FOOTPRINT	13,774 sq.ft.
UNIT TYPE 'A'	1156 sq.ft.
UNIT TYPE 'B'	1173 sq.ft.
UNIT TYPE 'C'	995 sq.ft.
UNIT TYPE 'C2'	784 sq.ft.
UNIT TYPE 'C3'	821 sq.ft.





51 Automobile
26 Bicycle

Upper Level Parking



55 Automobile
26 Bicycle

Lower Level Parking

Schedule H Internal Parking Plan

HRM does not guarantee the accuracy of any base information on this Schedule.

Nov. 19, 2008

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Attachment C
Relevant Excerpts of the
Dartmouth Municipal Planning Strategy and Land Use By-law

Policy IP-5

It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.

In considering the approval of such Agreements, Council shall consider the following criteria:

- (a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;
- (b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;
 - (ii) traffic generation, access to and egress from the site; and
 - (iii) parking;
- (c) adequacy or proximity of schools, recreation areas and other community facilities;
- (d) adequacy of transportation networks in, adjacent to, and leading to the development;
- (e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;
- (f) that mature trees and other natural site features are preserved where possible;
- (g) adequacy of buffering from abutting land uses;
- (h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and
- (i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).
(As amended by By-law C-692, Dec. 4, 1991).

Policy IP-1(c)

In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan
- (2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries
- (4) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the City is to absorb any costs relating to the development
 - (ii) the adequacy of sewer and water services and public utilities
 - (iii) the adequacy and proximity of schools, recreation and other public facilities
 - (iv) the adequacy of transportation networks in adjacent to or leading to the development
 - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas
 - (vi) preventing public access to the shorelines or the waterfront
 - (vii) the presence of natural, historical features, buildings or sites
 - (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized
 - (ix) the detrimental economic or social effect that it may have on other areas of the City.
- (5) that the proposal is not an obnoxious use
- (6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:
 - (i) type of use, density, and phasing
 - (ii) emissions including air, water, noise
 - (iii) traffic generation, access to and egress from the site, and parking
 - (iv) open storage and landscaping
 - (v) provisions for pedestrian movement and safety
 - (vi) management of open space, parks, walkways

- (vii) drainage both natural and sub-surface and soil-stability
- (viii) performance bonds.

R-4 (MULTIPLE FAMILY RESIDENTIAL) ZONE - HIGH DENSITY

- 35(1) The following uses only shall be permitted in an R-4 Zone:
- (a) R-1, R-2, R-3 and TH uses as herein set out,
 - (b) apartment buildings,
 - (c) uses accessory to any of the foregoing uses.
- 35(2) Buildings used for R-1, R-2, R-3 and TH uses in an R-4 Zone shall comply with the requirements of an R-1, R-2, R-3 or TH Zone respectfully.
- 35(3) Buildings used for R-4 uses in an R-4 Zone shall comply with the following requirements:
- (a) Lot coverage, maximum - 50%
 - (b) Area (in square feet) of site required by type of dwelling unit:

TYPE OF DWELLING UNIT

Number of Storeys	Bed-Sitting Room	One Bedroom	Two Bedrooms	Three or more Bedrooms
1	440 sq. ft.	550 sq. ft.	890 sq. ft.	1230 sq. ft.
2	410	510	820	1130
3	380	470	760	1050
4	350	440	700	970
5	330	410	650	890
6	320	380	610	820
7	310	360	570	770
8	310	350	540	720
9	300	340	510	690
10	300	330	480	660
11 & over	300	330	460	640

- (c) Notwithstanding the provisions of paragraph (b) above, the number of permissible dwelling units for any site may be increased by:
 - (i) 2% where at least one-third of the parking requirements are provided within the building; or

- (ii) 4% where at least two-thirds of the parking requirements are provided within the building; or
 - (iii) 6% where all of the parking requirements are provided within the building; or
 - (iv) 10% where the building site abuts a public open space having a minimum area of five acres or where the building site is located on the opposite side of a City street from a five acre public open space.
- (d) On all buildings a minimum side and rear yard clearance of fifteen feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.
- (e) *Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)*
- 35(4) No uses other than those permitted in R-1, R-2, and TH Zones shall be permitted unless the lot area is equal to or greater than ten thousand square feet and unless the street frontage is equal to or greater than one hundred feet.
- 35(5) All developments including three or more dwelling units shall provide in addition to the site requirements set out in Sub-section (3) of this section, amenity areas of not less than one hundred square feet for each bed sitting room or one bedroom dwelling unit; three hundred square feet for each two bedroom dwelling unit; and five hundred square feet for each three or more bedroom dwelling units. An amenity area shall be a space set aside for recreational purposes such as communal play areas, recreational rooms, roof decks, balconies, swimming pools and tennis courts. An amenity area shall have no dimension less than thirty feet.

NOTE: Effective December 4, 1991, Multiple family residential developments in the City of Dartmouth are permitted only by development agreement.

Appendix D
Dartmouth MPS Policy Criteria Evaluation

In considering zoning amendments and contract zoning, Council shall have regard to the following:

Policy Criteria IP-1(c)	Requested Agreement
(1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan	Satisfies criteria as per reasons provided in staff report.
(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal	Satisfies criteria as per reasons provided in staff report.
(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries	Satisfies criteria as per reasons provided in staff report.
(4) that the proposal is not premature or inappropriate by reason of: (i) the financial capability of the City is to absorb any costs relating to the development	Any development related costs are to be borne by the Developer. The required infrastructure services to enable development of the lands are existing.
(ii) the adequacy of sewer and water services and public utilities	The existing piped services and public utility capacities can accommodate the requested development.
(iii) the adequacy and proximity of schools, recreation and other public facilities	The site is located within reasonable proximity of adequate public utilities and amenities to accommodate the requested rezoning and resultant development.
(iv) the adequacy of transportation networks in adjacent to or leading to the development	Satisfies criteria as per reasons provided in staff report.
(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas	Not Applicable
(vi) preventing public access to the shorelines or the waterfront	Not Applicable
(vii) the presence of natural, historical features, buildings or sites	Not Applicable

<p>(viii) create a scattered development pattern requiring extensions to trunk facilities and public services while other such facilities remain under utilized</p>	<p>Proposed development is considered as an infill project</p>
<p>(ix) the detrimental economic or social effect that it may have on other areas of the City.</p>	<p>Proposed development represents an infill project utilizing existing infrastructure.</p>
<p>(5) that the proposal is not an obnoxious use</p>	<p>Not applicable</p>
<p>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</p> <ul style="list-style-type: none"> (i) type of use, density, and phasing (ii) emissions including air, water, noise (iii) traffic generation, access to and egress from the site, and parking (iv) open storage and landscaping (v) provisions for pedestrian movement and safety (vi) management of open space, parks, walkways (vii) drainage both natural and sub-surface and soil-stability (viii) performance bonds. 	<p>Proposed Agreement places adequate controls on the items listed</p>
<p>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors</p>	<p>Satisfies criteria as per reasons provided in staff report</p>
<p>(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</p>	<p>Public information meetings were held Apr. 2 2007 & May 14, 2008.</p>
<p>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</p> <ul style="list-style-type: none"> (i) Council with a clear indication of the nature of proposed development, and (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community 	<p>Staff received the required information from the Applicant to evaluate the requested Agreement.</p>

Policy Criteria IP-5	Requested Agreement
(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;	Satisfies criteria as per reasons provided in staff report
(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of: (i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building; (ii) traffic generation, access to and egress from the site; and (iii) parking;	Issues addressed under the proposed development agreement
(c) adequacy or proximity of schools, recreation areas and other community facilities;	Satisfies criteria as per reasons provided in staff report
(d) adequacy of transportation networks in, adjacent to, and leading to the development;	Satisfies criteria as per reasons provided in staff report
(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;	Agreement requires adequate recreational space and the preparation of a Landscaping Plan
(f) that mature trees and other natural site features are preserved where possible;	see Landscaping Plan
(g) adequacy of buffering from abutting land uses;	Satisfies criteria as per reasons provided in staff report
(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and	Satisfies criteria as per reasons provided in staff report
(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).	See section regarding Policy IP-1(c)

Appendix E
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE 00996 W.M. Apartments Ltd.

7:00 p.m.
Wednesday, April 2, 2007
Northbrook Community Centre
2 Chapman Street, Dartmouth

DATE: April 2, 2007
LOCATION: Northbrook Community Centre

ATTENDANCE: Hanita Koblents, Planner, HRM Planning Services
Raylene Maclellan, Administrative Support, HRM Planning Services

ALSO PRESENT: Robert Margeson, Property Owner
David Williams, Property Owner
Paul Skerry, Architect
Jackie Oakes, Property Manager

OTHER: Jim Smith, Councillor
Gloria McCluskey, Councillor

PUBLIC IN ATTENDANCE: 3

Note: This being the second of two public information meetings (also Case 00999) scheduled for the area on this date, this meeting commenced at 8:00 p.m.

1. Opening remarks/Introductions/Purpose of Meeting

Councillor Smith introduced himself, and opened the meeting by introducing Councillor McCluskey, and Hanita Koblents, as the Planner who is assigned to this case.

Hanita Koblents thanked Councillor Smith for the introduction and welcomed everyone for attending the meeting. Then she introduced, the property owners and consultant, as well as Raylene MacLellan, Administrative Support, HRM Planning Services, who will be recording the minutes.

Ms. Koblents explained that the purpose of the meeting was to discuss the application made by W.M. Apartments Ltd, for a Development Agreement to build a 68 unit residential building located behind an existing residential building at 249 Windmill Road, Dartmouth. She explained the reason behind a public information meeting (PIM) is to listen to what the public has to say about the application. She asked anyone who has any questions during or after the presentation, to please state their name, and address before they asked their questions for the record. Ms. Koblents explained that she would discuss the planning process and the steps that will follow the meeting. The Applicant will then present the development proposal followed by an opportunity for questions and comments from the public.

2. Overview of Planning Process

Ms. Koblents explained that the planning process consists of a technical review from various agencies in addition to a public information meeting. The comments from the meeting are included in a staff report with a recommendation is prepared for the consideration of Community Council where a public hearing date may be scheduled . Notification of the public hearing will be mailed to area property owners, and an advertisement will appear for two consecutive Saturday's in the Chronicle Herald at least two weeks prior to the public hearing. After Council has made a decision, there is a 14 day appeal period with the provincial Utility and Review Board. If Council approves the application, and there are no appeals, the Applicant can then proceed to apply for construction permits.

3. Presentation of Proposal

Ms. Koblents presented an overview of the site application. The Development Agreement is a contract between the landowner and the Municipality recorded with the provincial Registry of Deeds. Ms. Koblents talked about the policy criteria for the Dartmouth Planning Strategy that Council considers in their decision. The criteria address issues including, but not limited to vehicular access and traffic, pedestrian movement and safety, landscaping, screening and buffering, compatibility with surrounding uses, and infrastructure capability. A development agreement may contain clauses addressing these issues by requiring specific measures of the Developer/land owner.

Ms. Koblents concluded her presentation and turned the floor over to the Applicant's consultant, Architect, Paul Skerry.

Mr. Skerry provided a verbal presentation of the proposal graphically aided by large scale hard copy drawings including a site plan, building elevations, shadow study and an architectural rendering of the proposed building. Mr. Skerry explained the proposal including details regarding building and site design, functioning of the proposal with the adjacent existing multi-unit building, as well as surrounding uses, and efforts to mitigate potential negative impacts.

Mr. Skerry concluded his presentation and opened the floor for questions and comments.

4. Questions and Comments

Cameron Deacoff of Harbourshore Apartments expressed concern regarding the impact the proposed building may have on the existing Harbourshore multi-unit complex specifically regarding greenspace and loss of private views.

Mr. Skerry responded efforts were made to take into consideration the existing private unprotected views by designing the building in a manner that the wings are configured by the central hall so that units are faced on each side so that the two on the end would be significantly affected and the others not so much because its lower than the existing building.

Jennifer Guitar of Windmill Road inquired as to the anticipated rental fees per unit and expressed concern regarding traffic generation from the development. Ms. Guitar stated that Windmill Rd. traffic tends to speed up after it passes the lights at Albro Lake, residents of the existing Harbourshore Apts. building have a hard time exiting the driveway She also stated that she has seen accidents on the west side of the street where parking is permitted.

Mr. Skerry explained that the capital costs of this building are going to be higher than the existing Harbourshore Apts. building, however the Developer anticipates a competitive market price will be the result. Mr. Skerry also explained a traffic study was submitted for the proposal which indicated the development would not have a negative impact on the existing traffic network.

Ms. Guitar inquired as to when the Developer would like to begin construction?

Ms. Koblents responded explaining development agreement process typically takes 6- 8 months.

Mr. Skerry expressed, it is conceivable that we could start in the fall, but we probably would not start in the winter season. It is possible to start the prefab making in the factory in the fall of this year otherwise we may have to wait until March of next year.

Mr. Deacoff stated that another consideration is pedestrian access from the building to the sidewalks. There is no sidewalk on either side of the street. The traffic flow will be higher.

Mr. Skerry stated that the existing proposal does not provide for sidewalks connecting to Windmill Rd., but acknowledged that it is a good idea and will consider revisions to the site plan to incorporate it.

Councillor Smith commented that there isn't going to be a lot of encouragement to get people to walk in this area or to take a bus unless you provide ease of safe pedestrian access.

Ms. Guitar commented that it would be nice to see some landscaping proposed.

Mr. Skerry commented that he sees it as a definite improvement for the site and will be submitting a preliminary landscaping plan.

Ms. Guitar inquired as to garbage disposal/storage.

Mr. Skerry replied each building has a contained underground garbage facility.

Mr. Deacoff inquired as to how close is the front of the building to the existing rail line?

Mr. Skerry stated 46 feet at the furthest point and 29 feet at the closest point to the property line.

Mr. Deacoff inquired as to what could be the impact on the existing number of parking spaces for Harbourshore Apts.?

Mr. Skerry commented that there will be an approximate reduction of 30 spaces in the existing parking for Harbourshore Apts. to accommodate the proposed turning circle.

Mr. Skerry also commented the Developers are proposing a 2,500 square foot indoor amenity space in the building for tenants including an exercise room, meeting room, and a multi-purpose room.

Hearing no further questions from the audience, Ms. Koblents reiterated the remaining steps in the planning approval process, thanked everyone for attending and encouraged them to contact her should they have further questions.

5. Meeting Adjournment

Meeting adjourned at 8:45 p.m.

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 00996 - W.M. Apartments Ltd.**

7:00 p.m.
Wednesday, May 14, 2008
St. Paul's Church 199 Windmill Road

STAFF IN

ATTENDANCE: Hanita Koblents, Planner, HRM Planning Services
David Lane, Planner, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Jennifer Little, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Robert Margeson, Property Owner
David Williams, Property Owner
Jackie Oakes, Property Manager
Paul Skerry, Architect
Councillor Jim Smith, District 9

PUBLIC IN

ATTENDANCE: 7

The meeting commenced at 7:01 p.m.

1. Opening remarks/Introductions/Purpose of meeting

Councillor Jim Smith welcomed residents to the meeting and thanked them for attending. He introduced Hanita Koblents, Planner who has been the assigned the application.

Ms. Koblents also welcomed and thanked the audience for attending, adding she has recently accepted a new position within HRM and will no longer be the Planner on this case. She then introduced David Lane, Planner who will continue to guide the application through the process. She continued with introducing Holly Kent, Planning Technician and Jennifer Little, Planning Controller.

Ms. Koblents explained the purpose of the public information meeting was for residents to review the application submitted by W.M. Apartments Ltd. to enter into a development agreement with HRM to permit a 103 unit apartment building at 249 Windmill Road, Dartmouth. She explained that this application is for a development agreement for an apartment building on the North Dartmouth Waterfront, between Tuft's Cove and the Macdonald Bridge. The site is a steeply sloping area of land just west of an existing, four storey apartment building called Harbourshore Apartments. This

is the second public information meeting that was held for this proposal, the first one being held one year prior. Since then, planning staff have been negotiating with the developer for several improvements to the building form and the site design. As a result, the developer has changed the project significantly. The building has changed from a long, low building, to a taller, but smaller footprint structure.

Ms. Koblents gave a detailed explanation of the planning process to the residents. She explained that staff and Council are directed to evaluate all discretionary approval applications according to policy and regulations in the applicable Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for the area. The Planner then explained the applicable LUB provisions and MPS development agreement policies contained in the Dartmouth Land Use By-Law and Municipal Planning Strategy. Ms. Koblents explained that the purpose of the public information meeting is to describe the proposed development, provide an overview of the planning process, and give the public an opportunity to ask questions and comment on the proposal.

2. Overview of planning process

Ms. Koblents explained the development agreement process. This public information meeting will allow the public to provide feedback.

3. Presentation of Proposal

Paul Skerry, Architect

Mr. Skerry, introduced himself and thanked the audience for attending. He gave a brief explanation of his education, experience and personal interest in residential development. He explained that the developer owns the land and would like to make an additional investment on the property consisting of a modern high quality building on an undeveloped portion of the site. The current buildings were built in the early 1970's, he would like to create a high quality building that would have non-combustible floors. The building would have better characteristics in terms of livability because of fireproofing and sound insulation. He noted that the site slopes down towards Halifax Harbour. He explained that the site will be developed with the proposed building's longest dimension along the slope. The first proposal that was made created a wall like appearance. Ms. Koblents requested to remove the wall along the water and to reduce the footprint area. She had also requested that the land be developed so that it could be usable for the tenants. After reviewing Ms. Koblents requests, Mr. Skerry reassessed the options and has changed the building program and incorporated a huge common use facility in the building that allows residents to have a common room for group gatherings, an exercise center, a lounge viewing the harbour and larger rooms. He added that most units are two bedroom with in-floor heating. The footprint of the building has been amended and is not as wide as the original request but, is now a 12-storey building. Vehicular parking will be located underground on two levels providing 100% of the required parking.

Mr. Skerry explained that this building has been positioned so that it minimizes the harbour views of the building behind it, there has also been a traffic study and a shadow study completed. The shadow study concluded that most of the shadow will not exceed its own property and when it does it will be towards the harbour. The traffic study concluded the proposal would not significantly affect the existing traffic situation.

Mr. Skerry explained that aerial photos have been taken and reviewed with the residents the site plan drawings.

4. Questions/Comments

Jerry Pye, of Baker Drive, Dartmouth noted his concern with taking away the existing courtyard view of the Halifax Harbour.

Mr. Skerry, explained that compared to the previous application they have, to some degree, been able to minimize this, however, are unable to eliminate the issue of the building blocking some of the existing private view. Residents in the courtyard will continue to have great lateral views. The Developer wants to also add to the courtyard and this will extend the view as well.

Mr. Pye noted concern with the new residents not wanting to share the courtyard with the current residents.

Robert Margeson, Developer/Property owner explained that it is all part of the same management team. It is a private space but, there will not be any sign stating to keep off. This will be supervised. It was noted that all amenities will be for both buildings. The old building which was built in 1984 does not have the amenities as the new building will. Therefore, they will be encouraging the tenants in the old building to use the new amenity space (the exercise room and the party room). It is the developers intent to improve both buildings.

Mr. Pye noted concern with conflicts. Mr. Skerry assured that these are Management problems that can be resolved and explained that it works out in other situations that he is aware of. He introduced Jackie Oakes, Manager.

Ms. Ann Manuel, of Elmwood Ave. questioned what the new rental fees will be.

Ms. Koblents explained that reviewing rental fees is not something HRM monitors. Mr. Margeson added that there hasn't been a decision made regarding rental fees but, explained that they will be more than the current sites as the costs are significantly higher then what they were in 1984 when the other site was built.

Josephine Anderson, of Grove Street, explained that the apartment building is located behind her house and is concerned with the number of apartment buildings being built. She also noted concern with attracting low income earners to the neighbourhood.

Mr. Margeson explained that this building is very attractive and is complete with a great management team.

Mr. Brian LeBlanc, of Hester Street, noted his concern with the number of apartment buildings being built and explained that he is concerned with the height of the building which will obstruct the views of the harbour. He explained that by allowing this agreement, it will set precedent and more buildings of this height will be built, creating a wall.

Councillor Smith iterated that no decision on the application is made at tonight's Public Information Meeting. Harbour East Community Council will consider the request once a staff report has been prepared for Council's consideration.

Mr. Margeson explained that looking into the existing driveway off Windmill Road, you are able to see the Harbour however, standing in the area of the existing building, you can not see the Harbour. He explained that the new building does not obstruct the views from the driveway.

Mr. Pye added that he did not think that there are height restrictions in that area or certain set aside viewplanes that would have to be left open for the public view.

Ms. Koblents confirmed there were no protected viewplanes pertaining to the subject property.

Mr. Pye added that there will be a need for existing viewplanes on the Halifax Harbour side as well as Dartmouth and Bedford Basin. He stressed that there is a need to seriously look at current and future developments. He added that it is the responsibility of the Planning Department to develop and build safe communities. He asked when the multi unit-residential developments will stop and let the other parts of development catch-up.

Ms. Koblents explained that Mr. Pye was correct in saying that the zoning is correct and is zoned for high density residential developments. She added that the zoning had been laid out by the City of Dartmouth in the early 1970's. In 1991, Council initiated the requirement to go through a public process for all apartment buildings. Should it be demonstrated that the proposed apartment buildings do not adequately meet the enabling plan policy development agreement criteria, then Council may refuse the application. As professional Planners, staff do their best to shape projects so that they will meet the criteria. However, it is difficult to refuse an application that is supported in the existing plan policy.

Mr. Skerry thanked Mr. Pye for his comments and explained that they have been working with the planners and revising the plans because they care.

Councillor Smith explained that they are at this public information meeting to receive comments on the development agreement. There had been an initial application for a four-storey elongated building that has since been amended to allow for better views to the harbour. The community is in attendance at this meeting to discuss which proposal they prefer, and if there are any other requests for the applicant take into consideration.

Mr. Pye noted that the 1978 Municipal Development Plan was attempted to be changed in the 1980's. They held public information meetings which are on record within the Planning Department. He explained that he would prefer that the Planning Department put a moratorium on multi-unit complexes on the water front or within so many meters of the water front until such time the community vision is in place.

Ms. Koblents added that the Planning Department takes its direction from Council and the Municipal Planning Strategy Documents. Council as a whole has to agree to the Development Agreement. That would conclude in staff creating a new vision for this area.

Ms. F. Leavett, of Grove Street, questioned why the apartment building needs to be built next to the harbour, why not somewhere else, where it will not affect the view. Ms. Leavett added, the proposed building will obstruct views from other areas as well, even from Windmill Road. She noted that the proposed height is too high.

Mr. Skerry explained that they have taken all aspects into consideration and believes that they have arrived at the best solution at this point in time.

Ms. Koblents explained that compared to the first proposal with the larger footprint building, the revised taller building will be seen from farther away but, will have less of an impact on the community who lives close by.

Ms. Leavett noted that she did not receive notice of the public information meeting.

Ms. Koblents explained that Planning Services establishes a minimum 250 foot notification boundary for the notification of property owners through data provided by the provincial property registry system of the Registry of Deeds Office of Service Nova Scotia Municipal Relations. It is then the property owner's responsibility to notify tenants. For this meeting, the notification boundary was a minimum of 500 feet. In addition, a notification is placed in the Saturday's newspaper for every public information or public hearing meeting, as well as posted on the HRM website.

Ms. Ann Manual, of Elmwood Avenue explained that as long as the building is attractive she has no problem with this development. She would prefer to see more attractive condominiums that do not attract crime.

5. Closing comments

Ms. Koblents thanked everyone for coming to the meeting and expressing their comments and concerns.

6. Adjournment

The meeting adjourned at 8:30 p.m.

Council Report Sign-Off Sheet

Subject: Case 01230 Development Agreement, 249 Windmill Rd., Dartmouth

Meeting Date: ____ May 11 , 2009__ Regular Council In Camera Information Report
 Community Council Board/Committee

Prepared by: David Lane, Community Development

Date: Apr. 23, 2009

√	Stakeholder - Internal	Reviewed By	Date/Time	Time Spent on Report	Initial/ Signature
	Not Required (unique to originating BU)				
	BPIM				
	CD				
	Finance - FinTrack - Accounts - Financial Consultants - Procurement - Manager				
	Fire				
	HR				
	IAM				
	Legal - By-Laws - Admin Orders - Other				
	Police				
	TPW				
	Library				
	Halifax Water				
	Councillor(s)				
	Regional Youth Advisory Committee (RYAC)				
	Stakeholder - External				

Revised: March 2008