

Halifax and West Community Council
July 22, 2013

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: original signed
Brad Anguish, Director of Community and Recreation Services

DATE: July 5, 2013

SUBJECT: **Case 17759: MPS/LUB Amendments, and Development Agreement
for the northeast corner of Dutch Village Road and Andrew Street,
Halifax**

ORIGIN

- Application by Dimo Georgakakos
- September 11, 2012, Regional Council initiation of the MPS Plan Amendment Process

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended the Halifax and West Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as set out in Attachments A and B of this report and schedule a joint Public Hearing with Halifax and West Community Council;
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of this report.

It is recommended that Halifax and West Community Council:

3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report to permit a minor increase in height for a multi-unit residential development at 3559, 3561, 3567 and 3573 Dutch Village Road, and 7179 and 7187 Andrew Street, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

RECOMMENDATIONS CONTINUED ON PAGE 2

Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:

- 1 Approve the proposed development agreement as set out in Attachment C of this report; and
2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

Geoff Keddy Architects has submitted an application, on behalf of Dimo Georgakakos, to develop a 6-storey, 61-unit residential building at 3559-73 Dutch Village Road, and 7179 and 7187 Andrew Street, Halifax. The subject site consists of five properties located on the corner of Dutch Village Road and Andrew Street (Maps 1 and 2). Following Public Consultation in January 2013, the applicant proposed to include a small ground-level commercial space fronting on Dutch Village Road.

The current zoning of the subject area and adjacent properties along the eastern side of Dutch Village Road is C-2A (Minor Commercial) Zone under the Halifax Peninsula Land Use By-law (LUB) which allows for a wide range of commercial and residential uses. However, the C-2A Zone provisions place restrictions on the height of multi-unit residential buildings to a maximum of four storeys, as well as other limitations on density, size and massing of residential developments. The Halifax Municipal Planning Strategy (MPS) does not enable the consideration of increasing the height or density, nor does the MPS allow for site-specific variations to LUB requirements by way of rezoning or development agreement. As a result, the applicant has requested that Council give consideration to amending the Halifax MPS and Halifax Peninsula LUB to enter into a development agreement in order to permit an increase in height (i.e. two additional storeys), population density, as well as establish the general layout and concept for the proposed building.

Staff has reviewed the proposal in light of the transitioning nature of Dutch Village Road as a major commercial corridor and in accordance with the general objectives policies (Section II) under the Halifax MPS and the Fairview Secondary Planning Strategy (Section VII). In staff's opinion, it is important that HRM maintain and build upon the commercial nature of Dutch Village Road while minimizing any potential land use conflicts with surrounding uses. The appropriate planning tool to achieve this request is through a development agreement enabled under a site specific policy, as set out in Attachment A.

Staff is of the opinion that the proposed amendments meet the intent of the Halifax MPS and the Secondary Planning Strategy with regard to matters such as land use compatibility, servicing

capacity, landscaped open space provisions, mitigation measures, setbacks, traffic and site access. Further, the proposed development agreement complies with the intent of the proposed MPS policies through controls on the design and use of the building as outlined in the proposed development agreement (Attachment C).

BACKGROUND

The subject site consists of five properties located on the north eastern intersection of Dutch Village Road and Andrew Street in Halifax (Maps 1 and 2). The site is currently occupied by a number of buildings that have been used for residential and commercial uses in the past several years. The property owner has proposed a 6-storey, multi-unit residential building containing 61 units to replace the existing uses. The proposed development does not comply with applicable policies of the Halifax MPS nor the provisions of the Halifax Peninsula LUB in terms of height and density. In response, the applicant has requested amendments to the Halifax MPS and Halifax Peninsula LUB to establish site-specific policies that enable Council to consider the proposed building by development agreement.

Location and Surrounding Land Use

The subject site:

- consists of five properties, identified as 3559-61, 3567 and 3573 Dutch Village Road, and 7179 and 7187 Andrew Street, Halifax (Map 2);
- has a total area of 7177.4 square meters (23,548 square feet);
- is surrounded by commercial and institutional uses to the north, west and south, which include retail plazas, a number of small businesses and restaurants, a gas station, daycare facilities and churches; and
- is bounded by a mix of low-rise and medium-rise residential buildings on the east side of the subject site, high density mixed use development to the south (i.e. the former St. Lawrence Church site), institutional buildings to the north, and a mix of commercial and residential uses, and the former Halifax West site to the west.

Designation and Zoning

The subject site is:

- designated Minor Commercial under the Halifax Municipal Planning Strategy (MPS) and the Fairview Area Secondary Planning Strategy (FASPS) (Map 1); and
- zoned C-2A (Minor Commercial) Zone under the Halifax Peninsula Land Use By-law (LUB) (Map 2). The boundary line between the Halifax Peninsula and the Mainland LUBs follows the centreline of Dutch Village Road (Map 2).

The Proposal

The applicant proposes amendments to the Halifax MPS and the Halifax Peninsula LUB to construct a new 6-storey (5 levels plus a penthouse), 61-unit residential building. To construct the new building, the existing buildings on the subject site, which are in various states of disrepair, will be demolished. The development is proposed to have frontage on Dutch Village Road and Andrew Street, with a driveway for vehicular access from Andrew Street leading to

two levels of underground parking. The proposal will require that all five properties be consolidated into one parcel.

After the public information meeting was held on January 24, 2013, the applicant requested to revise the proposed development from a stand-alone residential building to a mixed use development by including a total of 2,000 square feet of commercial space on the ground level of the proposed building with a frontage on Dutch Village Road. It should be noted that this revision to the proposal was requested during negotiation of the development agreement for this application. Also, the proposal is consistent with the intent of the MPS to encourage both residential and commercial development along Dutch Village Road.

Applicable Policy

The subject site is governed by the Halifax MPS and specifically by the Fairview Area Secondary Planning Strategy (FASPS). The FASPS recognizes and classifies the Dutch Village Road area as a commercial corridor and designates the subject site Minor Commercial (MC). The Plan encourages the continued development of the Fairview area as minor commercial centre that is compatible with the surrounding neighbourhood. The designation specifies that minor commercial uses should front on Dutch Village Road and Alma Crescent.

Moreover, the MPS protects residential areas located within the Minor Commercial Designation from the impacts of adjacent commercial uses, as it requires residential properties to be zoned to reflect their present use in order to promote neighbourhood stability. Policy 2.2.3 establishes provisions in the Land Use By-law that limit the location of pedestrian and vehicular access to commercial uses and parking areas, and requires adequate on-site parking and buffering of visual and noise intrusions. Through the application of the C-2A Zone, the intent of the designation is implemented. However, the Halifax MPS does not contain policies that enable Council to consider residential or mixed-use developments beyond the provisions of the C-2A Zone by way of rezoning or development agreement. Therefore, an amendment to the MPS is required to enable the proposed development.

Recently, Regional Council has made similar amendments to plan policies for the area as follows:

- In August 2010, Regional Council approved site-specific amendments to the Halifax MPS and Halifax Peninsula LUB to enable the construction of 104 residential units and 52,500 square feet of commercial (office and retail) space on the former Saint Lawrence Church site at 3473 Dutch Village Road, Halifax (Map 3).
- In November 2011, Regional Council approved site-specific policies to enable the redevelopment of the former Halifax West High School site at 3620 Dutch Village Road, Halifax, with a mix of commercial, residential and institutional uses as well as a community/neighbourhood park (Map 4).

Applicable Land Use Provisions

Under the Halifax Peninsula LUB, residential and certain commercial uses are permitted as-of-right under the C-2A Zone (Attachment E). The list of uses permitted under the zone is as follows:

- Residential uses permitted under the R-1 (Single Family Dwelling), R-2 (General Residential), and R-2T (Townhouse) zones; and
- A wide range of commercial uses such as retail stores, jewellery repair shops, dry cleaners, offices, Banks and others.

It should be noted that the C-2A Zone includes provisions specific to the Fairview Area, which also references zones within the Halifax Mainland LUB that are subject to the requirements of their respective zones. These zones are:

- R-2AM (General Residential Conversion) Zone, which permits an apartment house with a maximum of 14 units; and
- R-3 (General Residential and Low-Rise Apartment) Zone, which permits an apartment house of four storeys or less.

Municipal Planning Approval Process

The approval process for this proposal consists of two essential steps:

1. Regional Council may consider and, if deemed appropriate, adopt the proposed amendments to the MPS and LUB; and
2. Halifax and West Community Council may consider and, if deemed appropriate, approve the development agreement for the subject site following the provincial approval the MPS amendments.

A joint Public Hearing is required to be held between Regional Council and Halifax and West Community Council in order to consider the proposed MPS and LUB amendments and the proposed development agreement. Following the approval of the MPS and LUB amendments by Regional Council and the Province, Halifax and West Community Council can render a decision on the proposed development agreement. A decision by Regional Council on MPS amendments cannot be appealed; however, an appeal mechanism to the Nova Scotia Utility and Review Board exists for a decision on the development agreement by Community Council.

DISCUSSION

Municipal Planning Strategy Amendments

The Municipality's MPSs lay out Council's intent regarding appropriate land use and future patterns for growth. Amendments to an MPS are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change to the circumstances since the MPS was adopted

or last reviewed or in cases where circumstances are significantly different from the situations that the Plan anticipated.

Compact, mixed-use development on major streets with access to transit service, commercial uses and community facilities promote the more complete, vibrant and walkable communities that are desired by the Regional Plan.

Rationale for Plan Amendment

While MPS policies do not permit or address the consideration of increasing land use provisions such as height and massing for the proposed development on the subject site, a detailed rationale has been submitted by the applicant in support of the proposal. It states that the proposed development will:

- provide improvements to the neighbourhood and the street's vitality and character;
- ensure that the quality of future land uses would strengthen and enhance the fabric of the community;
- enable investment in the economic fabric of the adjacent commercial uses; and
- provide future residents with an opportunity to live and work in this area and utilize available services and amenities.

Proposed MPS Policy and LUB Amendments

The proposed mixed-use development complies with the intent of the Minor Commercial designation of the Fairview Area Plan (Attachments D and E). However, in order to ensure that the proposed building enhances the character of the existing neighbourhood, the appropriate planning process must be undertaken. The proposed policy and by-law amendments, included in Attachments A and B, allow for the possibilities of increasing the height and density for the proposed development on the subject site by the development agreement process, provided that certain factors are taken into consideration such as land use compatibility, servicing capacity, landscaped open space provisions, and traffic and site access.

In staff's opinion the proposed MPS and LUB amendments achieve the above noted objectives and enable a development that is compatible with its surroundings. Therefore, staff recommends amending the Halifax MPS to include site-specific (Policy 2.6) and development agreement criteria (Policy 2.6.1) that provides regard to any potential effects on surrounding residential or commercial areas.

Proposed Development Agreement

It is staff's opinion the proposed development agreement, as provided in Attachment C to this report, satisfies the intent of the proposed MPS amendment: policies 2.6 and 2.6 (see Attachment A). The proposed development agreement:

- limits building height, setbacks, and population density;
- requires high quality materials, which are proposed to be glass curtain wall, decorative precast concrete decorative stone or brick, and composite metal panels, provided in Schedules C-1, C-2, C-3 and C-4 of Attachment C;

- provides flexibility in residential unit mix while identifying and maintaining a maximum population density;
- requires consolidation of all five lots into a single parcel prior to issuing any municipal permits;
- requires screening of mechanical equipment and covering exposed foundation/garage walls;
- allows two levels of underground car parking containing a total of 61 spaces;
- requires a detailed Landscape Plan that conforms to requirements identified in the DA; and
- allows the addition of a limited commercial space on the ground floor of the building with frontage on Dutch Village Road, subject to size limitations, and other various possibilities through non-substantive amendments, which require a resolution of Council.

While the proposed development agreement is consistent with the intent of the Minor Commercial Designation and the proposed MPS amendments, staff has identified the following issues for more detail discussion:

Building Height, Population Density and Lot Coverage:

As provided in the Background section of this report, the residential component of the proposed mixed use building is permitted under the current C-2A Zone, through the R-3 Zone provisions of the Peninsula LUB. However, the development does not comply with existing policy nor LUB requirements in relation to height or population density. As a result, amendments to the MPS and Halifax Peninsula LUB are required to enable the proposal through site-specific policies and development agreement.

In order to identify aspects of the proposal that meet or exceed the as-of-right requirements, a review of the proposed development to applicable LUB provisions of the R-3 Zone is outlined as follows:

Requirement	R-3 Zone	Proposed	Complies	Discussion
Lot Area (min)	6,000 sq.ft.	23,575 sq.ft. (29,119 sq.ft. with street frontage)	Yes	
Frontage (min)	60 feet	<ul style="list-style-type: none">• 98 feet (Dutch Village Rd)• 178 feet (Andrew St.)	Yes	
Lot Coverage (max)	50%	52% (12,240 sq.ft.)	No	✓
Height (max)	50 feet (4 storeys)	68 feet (6 storeys)	No	✓
Density (max)	75 ppa	140 ppa	No	✓
Rear Yard (min)	10 feet	13 – 40 feet (North)	Yes	
Front Yard (min)	10 feet	6 – 13 feet (South – Andrew St.)	No	✓
Left Yard (min)	10 feet	6 – 10 feet (West – Dutch Village Rd.)	No	✓

Right Yard (min)	10 feet	23 – 26 feet (<i>East</i>)	Yes	
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As indicated above, the proposed development meets the lot area, frontage and certain setback provisions of the R-3 Zone; however, it exceeds the maximum requirements for height, density and lot coverage. The proposed footprint of the building exceeds the permitted lot coverage by only 2% as the proposed design and configuration of the building maximizes the development potential of the subject site while minimizing land use conflicts (Schedule B of Attachment C).

Staff believe that the proposed increase in the building's height beyond the permitted four storeys has been mitigated through setback and stepbacks of the building. Also, the proposed height of 70 feet (i.e. 6 storeys) would be considered a medium-rise development in comparison to existing residential uses on Andrew Street and the new mixed-use buildings on Dutch Village Road including the development Council approved for the former St. Lawrence Church site.

The proposed increase in population density to 140 persons per acre has merits for consideration as it provides an opportunity for existing commercial uses and services in the Dutch Village area to benefit due to the location of the subject site on an active commercial corridor and within close proximity to transit routes. In support of the application, a sewer capacity analysis was submitted by the applicant, which has been reviewed by HRM Development Engineering staff and Halifax Water. It was determined that the proposed increase in density is consistent with the servicing capacity for the area and poses no concerns.

Building Setbacks, Buffering and Landscaping

The proposed development generally conforms to the setback requirements of the R-3 Zone from the northern and eastern sides of the property. Setbacks from side property lines that abut existing residential and institutional buildings will vary between 4 and 12 metres (13 to 40 feet) which will provide sufficient relief to adjacent properties. On the other hand, minimal setbacks are proposed from property lines that front Dutch Village Road and Andrew Street in order to provide connectivity with the street. In addition, the corner of the ground level fronting on Dutch Village Road and Andrew Street is designed with a minor setback and gradual curve to provide a clear and adequate light-of-sight for drivers at the intersection of Dutch Village Road and Andrew Street (Schedule B of Attachment C).

Further to setback provisions, the proposed development agreement includes requirements for a landscaping plan, which will provide details of the location, species and designs of the proposed landscaped areas. Staff is of the opinion that the proposed setbacks and landscaped areas provides adequate mitigation and buffering mechanism against any potential impacts on adjacent properties.

Land Use Compatibility

One of the key considerations when reviewing an application that requests an amendment to a Planning Strategy is the compatibility of the proposed land use with existing residential neighbourhoods. The size and location of the subject site allows for the integration of

commercial and multi-unit residential uses in an appropriate manner that ensures compatibility with surrounding land uses. Staff believes that the proposed development is consistent with uses along Dutch Village Road which consist of minor commercial businesses in conjunction with residential uses. Further, the subject site is bounded by Deal Street, Dutch Village Road, Andrew Street and Percy Street, as shown on Map 2. Lands to the north consist of a mixture of low density residential uses such as single unit and duplex dwellings, and transition to mid-rise and high-rise mix use buildings with commercial or office uses on the ground levels towards Dutch Village Road.

Traffic, Vehicular Access and Parking

Proposed policy 2.6 and 2.6.1 requires that consideration be given to the adequacy of road networks leading to the development and the impact of the proposed building on traffic generation, access to and egress from the site, and parking. A Traffic Impact Statement (TIS), which was submitted in support of this application, has been reviewed by HRM Traffic and Right-of-Way Services and HRM Development Engineering. Based on the findings of the TIS and its review by HRM staff, the proposal complies with the traffic provisions of the policy. Specifically, the TIS concluded that the proposed development is not expected to have a significant impact to the performance of Andrew Street, Dutch Village Road, adjacent intersections or the road network. The TIS also concluded that there is adequate visibility of the proposed driveway from both directions on Andrew Street.

With regard to parking requirements, the proposed development agreement requires that the building complies with the parking provisions of the R-3 Zone. Therefore, the proposed agreement requires the site to have a total of 61 spaces within two levels of underground parking. In addition, bicycle parking and storage are supplied externally to the building and internally in the underground parking floors. Given the number of residential units proposed, it is anticipated that the number of parking spaces provided is ample to meet the needs of this development. Further, the development is located on a major transit route and staff anticipates that some of the residents of the proposed building will not require automobiles as a result.

Proposed Commercial Use

During the Development Agreement negotiation process, the applicant proposed to include a 2,000 square feet of commercial space on the ground level of the proposed building with a frontage on Dutch Village Road. As this revision was requested after the Public Information Meeting stage was conducted, the proposed development agreement separates the project into two phases. The first phase permits the construction of the residential building along with other site features necessary to support the development (i.e., access, parking, landscaping, etc.), while deferring the second phase that consists of including the commercial space within the ground floor. The proposed development agreement, included in Attachment C, enables Community Council to consider permitting a maximum of 4,000 square feet (371.6 square meters) of commercial uses permitted under the C-2A Zone that may include a shop for personal services, a small office or a jewellery repair shop, through a non-substantive amendment process, subject to additional provisions.

Conclusion

The transition and re-development of properties in the Dutch Village area is consistent with the intent of the Minor Commercial Designation, which supports and encourages the development of the Dutch Village Road area as a Minor Commercial centre. Given the characteristics of the subject site, amending the MPS to allow the consideration of a development agreement to construct a 6-storey, 61-unit residential building with a limited commercial space on the ground floor is considered compatible with the current land use. Staff are of the opinion that the subject site is unique as it signifies the continuous transition of development on Dutch Village Road.

Therefore, staff recommends that Regional Council adopt the amendments to the Halifax MPS and the Halifax Peninsula LUB provided in Attachments A and B of this report. Further to the adoption of the amendments, Staff recommends that Halifax and West Community Council approve the development agreement as contained in Attachment C of this report.

FINANCIAL IMPLICATIONS

There are no financial 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.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on September 20, 2012. Attachment H contains a copy of the minutes from the meeting. For the Public Information Meeting, notices were posted on the HRM website, in newspapers (regional and local), and mailed to property owners with the notification area shown on Map 2.

Prior to considering the approval of any MPS amendments, Regional Council must hold a public hearing. Likewise, Halifax and West Community Council must hold a public hearing before it can consider approving a development agreement. Under these circumstances, and because of the relationship of the proposed amendments to the proposed development agreement, it is recommended that both Councils proceed with a joint public hearing.

Should Regional Council and Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

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

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies as contained in the Halifax MPS.

ALTERNATIVES

The Halifax and West Community Council could recommend that Regional Council:

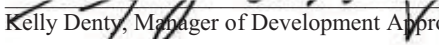
1. Approve the proposed amendments to the MPS for Halifax and the LUB for Halifax Peninsula, as contained in Attachments A and B of this report. This is staff's recommendation. A decision of Council to approve this proposed amendment is not appealable.
2. Modify the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as presented in Attachments A and B. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to refuse the proposed amendments is not appealable.
3. Refuse the proposed amendments to the MPS for Halifax and the LUB for Halifax Peninsula, as contained in Attachments A and B of this report. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed. This is not the recommended course of action.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Approved Policy Amendments (2010) – Former Saint Lawrence Church Site (Case 01302)
Map 4	Approved Policy Amendments (2011) – Former Halifax West Site (Case 01254)
Attachment A	Proposed Amendment to the Halifax Municipal Planning Strategy
Attachment B	Proposed Amendment to the Halifax Peninsula Land Use By-law
Attachment C	Proposed Development Agreement
Attachment D	Relevant Excerpts from the Halifax Municipal Planning Strategy
Attachment E	Excerpts from the Halifax Peninsula Land Use By-law
Attachment F	Approved Policy Amendments (2010-2011) – Halifax MPS
Attachment G	Review of Proposed Development Agreement on Proposed Amendments to the Halifax Municipal Planning Strategy
Attachment H	Public Information Meeting Minutes - January 24, 2013
Attachment I	Additional Correspondence from Neighbouring Residents

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

Report Prepared by: Dali H. Salih, Planner, Development Approvals, 490-1948
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Report Approved by: 
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Report Approved by: 
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Map 1 - Generalized Future Land Use

3559-73 Dutch Village Road
and 7187-89 Andrew Street
Halifax

 Subject area

Halifax Plan Area
Fairview Detailed Plan Area

Designation

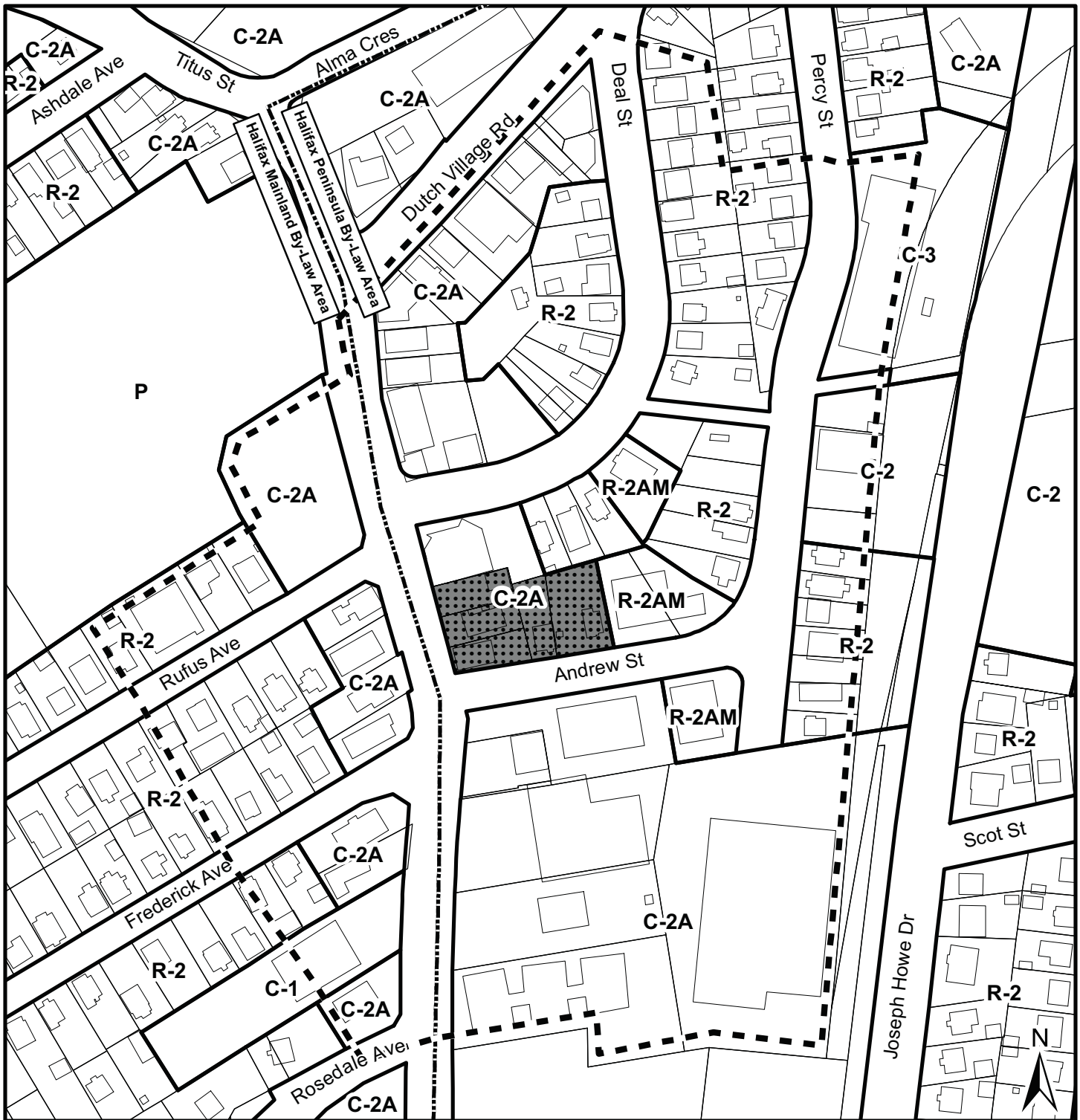
LDR Low Density Residential
MDR Medium Density Residential
MC Minor Commercial
C Commercial
CF Community Facilities

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PLANNING SERVICES

0 20 40 m



This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.


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



Map 2 - Zoning and Notification

3559-73 Dutch Village Road
and 7187-89 Andrew Street
Halifax

 Area of proposed
development agreement

 Area of notification

Halifax Peninsula Land Use By-Law Area
Halifax Mainland Land Use By-Law Area

Zone - Halifax Peninsula

R-2 General Residential
R-2AM General Residential Conversion
C-2 General Business
C-2A Minor Commercial
C-3 Industrial

Zone - Halifax Mainland

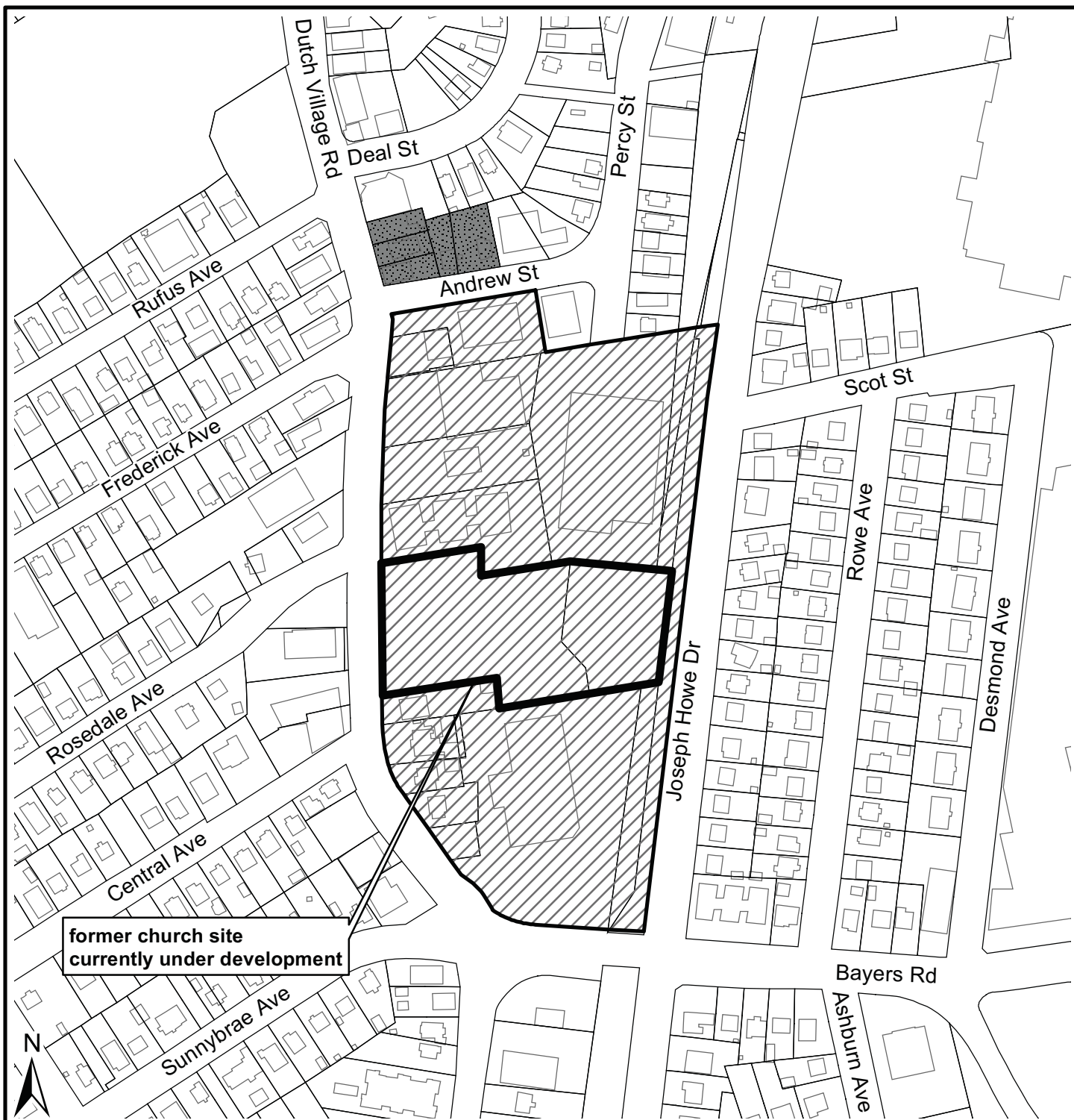
R-2 Two Family Dwelling
C-1 Local Business
C-2A Minor Commercial
P Park and Institutional

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0 20 40 60 m

This map is an unofficial reproduction of
a portion of the Zoning Maps for the by-
law areas indicated.

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of any representation on this plan.



Map 3 – Approved Policy Amendments (2010) Former Saint Lawrence Church Site (Case 01302)

3559-73 Dutch Village Road
and 7187-89 Andrew Street
Halifax

Halifax Peninsula
Land Use By-Law Area



Subject properties



Area where mixed residential/commercial
uses may be permitted by development
agreement (Case 01302)

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0 20 40 60 80 m

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Map 4 – Approved Policy Amendments (2011) **Former Halifax West Site (Case 01254)**

3559-73 Dutch Village Road
 and 7187-89 Andrew Street
 Halifax

Halifax Peninsula
 Land Use By-Law Area



Subject properties



Area where mixed residential/commercial
 uses may be permitted by development
 agreement (Case 01254)

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ATTACHMENT A:
Proposed Amendments to the Halifax Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax as adopted by Regional Council on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [insert date of hearing] is hereby amended as follows:

1. Add policies 2.6 and 2.6.1 to Section VII (Fairview Area Secondary Planning Strategy, Commercial Facilities Section) of the Halifax Municipal Planning Strategy immediately after 2.5.1(k), as follows:

“2.6 Notwithstanding the preceding policies within the Commercial Facilities Section, for a property located on the north eastern corner of Dutch Village Road and Andrew Street, and extends from 3559 Dutch Village Road to 7179 Andrew Street, zoned C-2A (Minor Commercial Zone) and designated Minor Commercial on the Generalized Future Land Use Map (Map 9c) of this Plan, the Municipality shall permit the development of a residential building or a mixed use building consisting of residential and commercial uses by Development Agreement.

2.6.1 Any development permitted pursuant to Policy 2.6 shall be achieved and evaluated as per the criteria included in Policy 2.5.1, with the exception of subsections ‘b’, ‘i’ and ‘j’. In addition to the applicable criteria in Policy 2.5.1, any Development Agreement shall ensure that:

- (a) the height of the building shall not exceed 21 metres (70 feet) and a total of 6 storeys. Height shall be defined as the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building, but shall not include the placement of mechanical equipment;**
- (b) any commercial use shall be limited to one use with a maximum floor area of 371.6 metres (4,000 square feet). Which shall be located on the ground level with frontage on Dutch Village Road. The ground level shall be designed to have a high level of transparency; and**
- (c) the development provides connectivity with the street through minimal setbacks from property lines.”**

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the ____ day of _____, 2013.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2013.

Municipal Clerk

ATTACHMENT B:
Proposed Amendments to the Halifax Peninsula Land Use By-law

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula as adopted by Regional Council on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the **[insert date of hearing]** is hereby amended as follows:

Add Section 96(e) to the Land Use By-Law for Halifax Peninsula immediately after 96(d) to read as follows:

“North East Corner of Dutch Village Road and Andrew Street, Halifax

- (e) permit, in accordance with Policy 2.6 and 2.6.1 of Section VII (Fairview Area Secondary Planning Strategy, Commercial Facilities) of the Halifax Municipal Planning Strategy, a mixed use building consisting of residential and commercial uses or a residential building only.”

I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Peninsula, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the ____ day of _____, 2013.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2013.

Municipal Clerk

Attachment C
Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

[Insert Individual's name]

an individual, in the Halifax Regional Municipality, in the
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located on the north eastern corner of Dutch Village Road and Andrew Street, and extends from 3559 Dutch Village Road to 7179 Andrew Street, Halifax 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 allow for the construction of a mixed use building consisting of residential and commercial uses on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.6 and 2.6.1 of the Municipal Planning Strategy for Halifax and Section 96(e) of the Land Use By-law for Halifax Peninsula;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 17759;

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

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

PART 2: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

2.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement **and filed in the Halifax Regional Municipality as Case Number 17759:**

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C-1	North Elevation
Schedule C-2	South Elevation (Andrew Street)
Schedule C-3	East Elevation
Schedule C-4	West Elevation (Dutch Village Road)
Schedule D	Roof Top Plan (Level 6)
Schedule E-1	Landscape Plan (Ground Level)
Schedule E-2	Landscape Plan (Roof Top)

2.2 Requirements Prior to Approval

2.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer in accordance with Section 2.7 of this Agreement, unless otherwise permitted by the Development Officer:

- (a) Written confirmation and photographs demonstrating the existing buildings and structures on the Lands have been removed; and
- (b) Plan of Survey of approved Lot Consolidation of the Lands.

2.2.2 Upon the issuance of any Occupancy Permit, the Developer shall provide the Development Officer with written confirmation from a qualified professional accompanied by a photographic record demonstrating compliance with the required Landscape Plans in accordance with Section 2.10 of this Agreement.

- 2.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

2.3 General Description of Land Use

The use of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, is a mixed-use building containing:

- (a) a maximum of 61 residential units; and
- (b) 2,000 square feet of ground-level commercial space within six (6) storeys.

2.4 Detailed Provision for Land Use

- 2.4.1 The Developer shall provide the Development Officer with sufficient information to verify that the proposed development conforms to each of the following requirements:

- (a) Height: The height of building on the Dutch Village Road side shall not exceed 18 metres (60 feet) above grade of the finished ground, and a total of 21 metres (70 feet) on the Andrew Street side including the parking garage.
- (b) Population Density: The density for 61 residential units shall not exceed a maximum of 140 persons. For the purposes of calculating population density on the Lands, the following shall apply:
 - i. Bachelor units shall be assigned 1 person per unit;
 - ii. One (1) Bedroom units shall be assigned 2 persons per unit; and
 - iii. Two (2) Bedroom or more units shall be assigned 2.25 persons per unit.
- (c) Further to 2.4.1(b), for the purposes of determining permissible density, one bedroom plus den units shall be considered to be one-bedroom units and two bedrooms plus den shall be considered to be two bedroom units.
- (d) Unit Mix: A minimum of 50% of the residential units shall consist of 2 or more bedrooms. This mix may be increased up to 5% provided the maximum residential density does not exceed 140 persons.
- (e) Lot Coverage: The building shall not exceed maximum lot coverage of 52%.
- (f) Recreational Open Space: The proposed development shall include 265.2 square metres (2,855 square feet) of amenity and recreational space within the building and

400 square metres (4,305 square feet) of outdoor amenity space in the form of landscaped open space.

2.5 Siting and Architectural Requirements

2.5.1 The main entrance to the building shall:

- (a) front on Dutch Village Road; and
- (b) be emphasized by an architectural overhang as shown on Schedule E-4. Service entrances shall be integrated into the design of the building and shall not be a predominate feature.

2.5.2 The façades of the building facing Dutch Village Road and Andrew Street shall be designed and detailed as shown on the Schedules E-1 through E-4. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.

2.5.3 Any exposed foundation in excess of 1.5 meters (5 feet) in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.

2.5.4 Exterior building materials shall not include vinyl siding but may include clay masonry, non-combustible cladding, concrete split face masonry, cut stone masonry, random stone masonry or acceptable equivalent in the opinion of the Development Officer.

2.5.5 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.

2.5.6 The building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Dutch Village Road, Andrew Street 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.

2.5.7 Balconies shall include pre-finished metal rails, balustrades or equivalent.

2.5.8 Windows for each component shall be designed as illustrated on the Schedules. If shutters are used, they must be sized to fit the opening and must be provided for all windows. Windows shall be vertically proportioned, where possible. Windows should be framed with painted or stained wood, prefinished metal or vinyl.

2.5.9 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from adjacent properties.

2.6 PREPERATION OF THE LANDS

- 2.6.1 The Developer shall remove all existing buildings and structures on the Lands prior to the issuance of a Development Permit.
- 2.6.2 The Developer shall submit a subdivision application to the Development Officer to consolidate the properties, as shown on Schedule B, into a single parcel. No Development Permit shall be issued until the consolidation plan has been approved.

2.7 PARKING, CIRCULATION AND ACCESS

- 2.7.1 The driveway entrance and parking area shall be as generally shown on Schedule B.
- 2.7.2 Parking for the building shall comprise no more than 61 parking spaces within two underground parking levels.
- 2.7.3 Bicycle parking shall be provided as per the requirements of the Land Use By-law for Halifax Peninsula, as amended from time to time.

2.8 OUTDOOR LIGHTING

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

2.9 LANDSCAPING

- 2.9.1 Upon the issuance of a Building Permit, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedules E-1 and E-2. The Landscape 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.
- 2.9.2 All plant materials shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 2.9.3 Landscaped areas shall conform to the following:
 - (a) Provisions of new street trees along the Dutch Village Road and Andrew Street frontages shall conform to the HRM Municipal Design Guidelines and shall be in consultation with HRM's Urban Forester and Development Engineer;

- (b) Landscaped open space shall include any combination of trees, shrubs, flowers, grass or other horticultural, and decorative stonework, pavers, screening or other landscape architectural elements; and
- (c) The minimum requirement for landscaped open space horticultural elements shall be grass sod.

2.10 MAINTENANCE

- 2.10.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the 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.
- 2.10.2 All disturbed areas shall be reinstated to original condition or better.

2.11 SIGNS

- 2.11.1 A maximum of two ground signs shall be permitted but no ground sign shall obstruct the vision of drivers leaving or entering the roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on public streets.
- 2.11.2 Mobile, moveable or fluorescent coloured signs or billboards shall not be permitted, illuminated or otherwise.
- 2.11.3 The base of any new ground sign shall be of a material and colour which is complementary to the building and be integrated into the landscaping.
- 2.11.4 Fascia signage for the building shall be permitted and designed to be unified, compatible and complementary to the building.
- 2.11.5 Fascia signage for the residential building shall be permitted and limited to one non-illuminated sign provided it that conforms to the requirements of the C-2 Zone and confined to a single defined area on the facade facing Dutch Village Road.
- 2.11.6 Directional signage to the residential entrance shall be provided but limited to one sign with a maximum sign area of 0.74 square meters (8 square feet).
- 2.11.7 Signs depicting the name or corporate logo of the Developer shall be permitted.

2.12 TEMPORARY CONSTRUCTION BUILDING

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

2.13 SCREENING

- 2.13.1 Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.

2.14 SOLID WASTE FACILITIES

- 2.14.1 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 3: STREETS AND MUNICIPAL SERVICES

- 3.1 All design and construction of primary and secondary service systems 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.
- 3.2 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.
- 3.3 For the residential building securities for the completion of outstanding on-site paving and landscaping work (at the time of issuance of the Occupancy Permit) may be permitted. Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed.

PART 4: AMENDMENTS

4.1 Non-Substantive Amendments

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

- (a) A 10% increase in the total number of the residential units provided that neither the building size, maximum density nor the exterior appearance of the building change.

- (b) Minor changes to the exterior architectural appearance of the building, including materials, colours, and architectural treatments which, in the opinion of the Development Officer, are not permitted under sub-section 2.6.
- (c) The Developer shall be permitted to include one commercial use, which shall:
 - i. be limited to a café, an office space, or a store for the purposes of personal services, subject to the C-2A provisions;
 - ii. not exceed a maximum of 371.6 square metres (4,000 square feet) of gross floor area; and
 - iii. be located within the ground level of the building with frontage on Dutch Village Road.
- (d) The granting of an extension to the date of commencement of construction as identified in Section 5.3.1 of this Agreement.
- (e) The length of time for the completion of the development as identified in Section 5.5.1 of this Agreement.

4.2 Substantive Amendments

Amendments to any matters not identified under Section 4.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 5: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

5.1 Registration

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

5.2 Subsequent Owners

- 5.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 5.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

5.3 Commencement of Development

- 5.3.1 In the event that development on the Lands has not commenced within five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry

Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

- 5.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.
- 5.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 4.1 (c) if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

5.4 Completion of Development

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

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Peninsula, as may be amended from time to time.

5.5 Discharge of Agreement

- 5.5.1 If the Developer fails to complete the development after ten (10) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

6.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

6.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

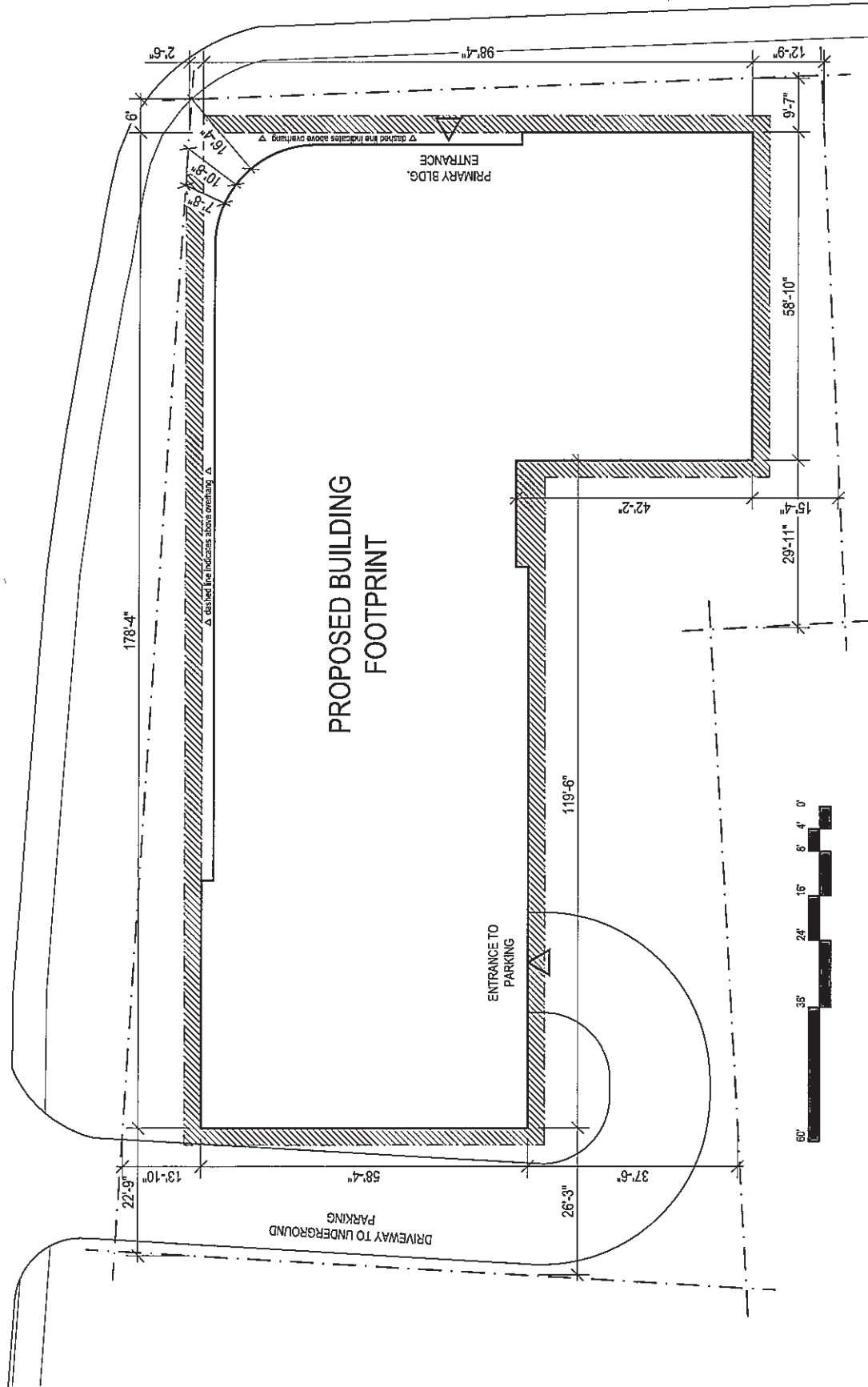
Witness

Per: _____

MUNICIPAL CLERK

ANDREW STREET

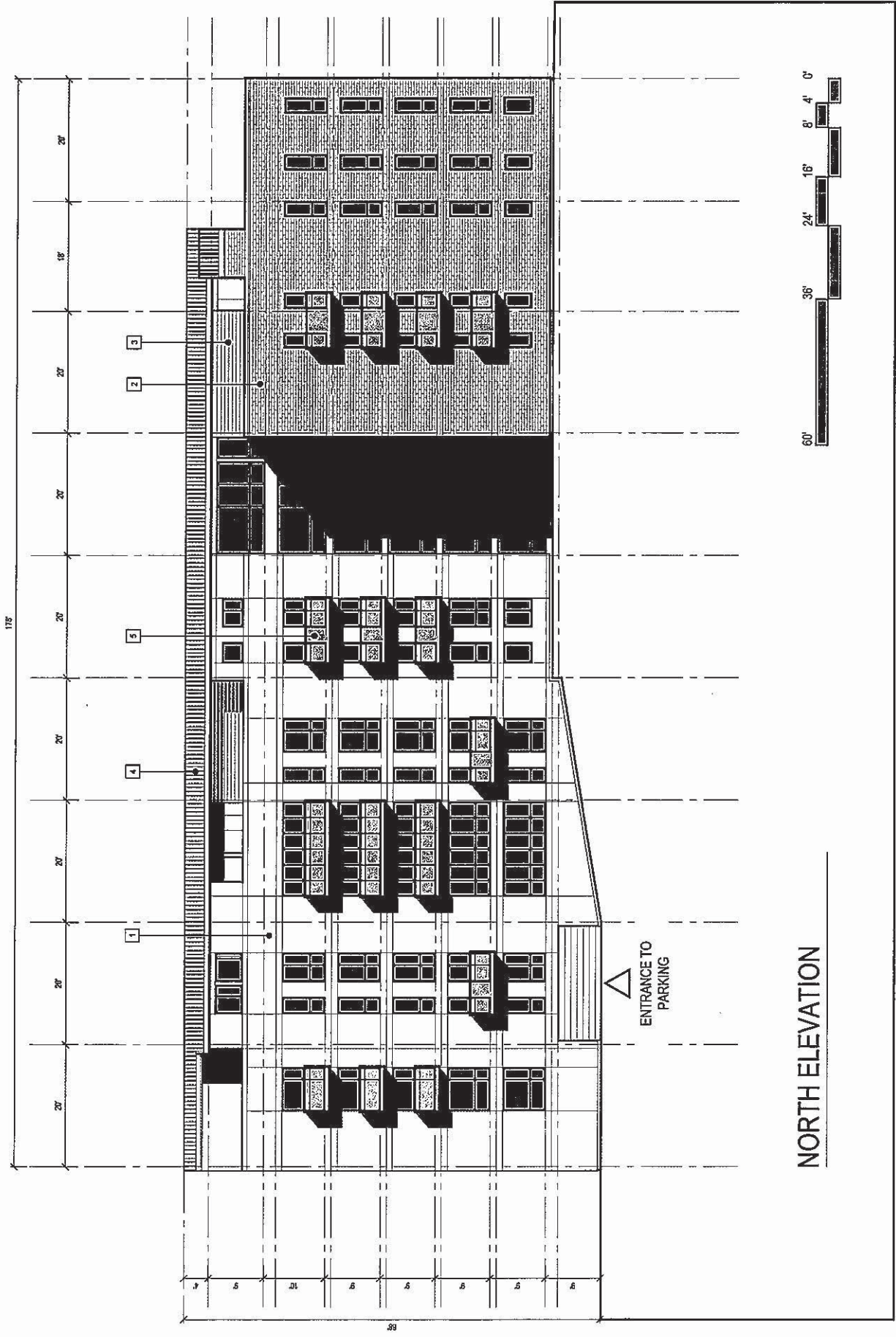
DUTCH VILLAGE ROAD



hatched area indicates balcony zone

SCHEDULE B: SITE PLAN
scale as noted





SCHEDULE C-1: NORTH ELEVATION

scale as noted

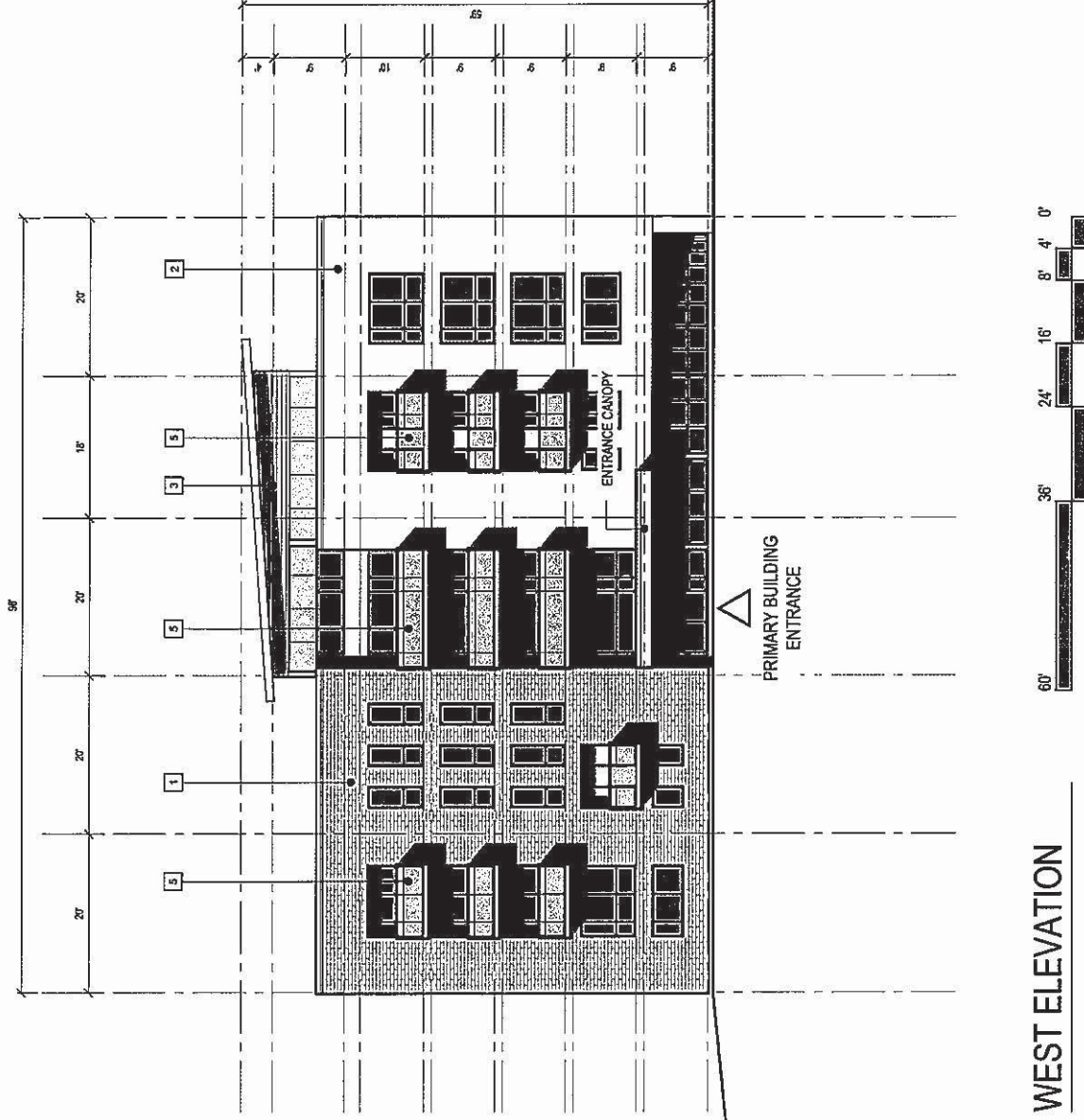
SOUTH ELEVATION



SCHEDULE C-2: SOUTH ELEVATION

scale as noted

- 1 AL-13 ALUMINUM CLADDING OR EQUIVALENT, COLOUR T.B.D.
- 2 CHARCOAL BRICK CLADDING
- 3 HORIZONTAL CEDAR SHIPLAP
- 4 STANDING SEAM METAL ROOF OR EQUIVALENT
- 5 GLASS BALCONY SAFETY RAILING

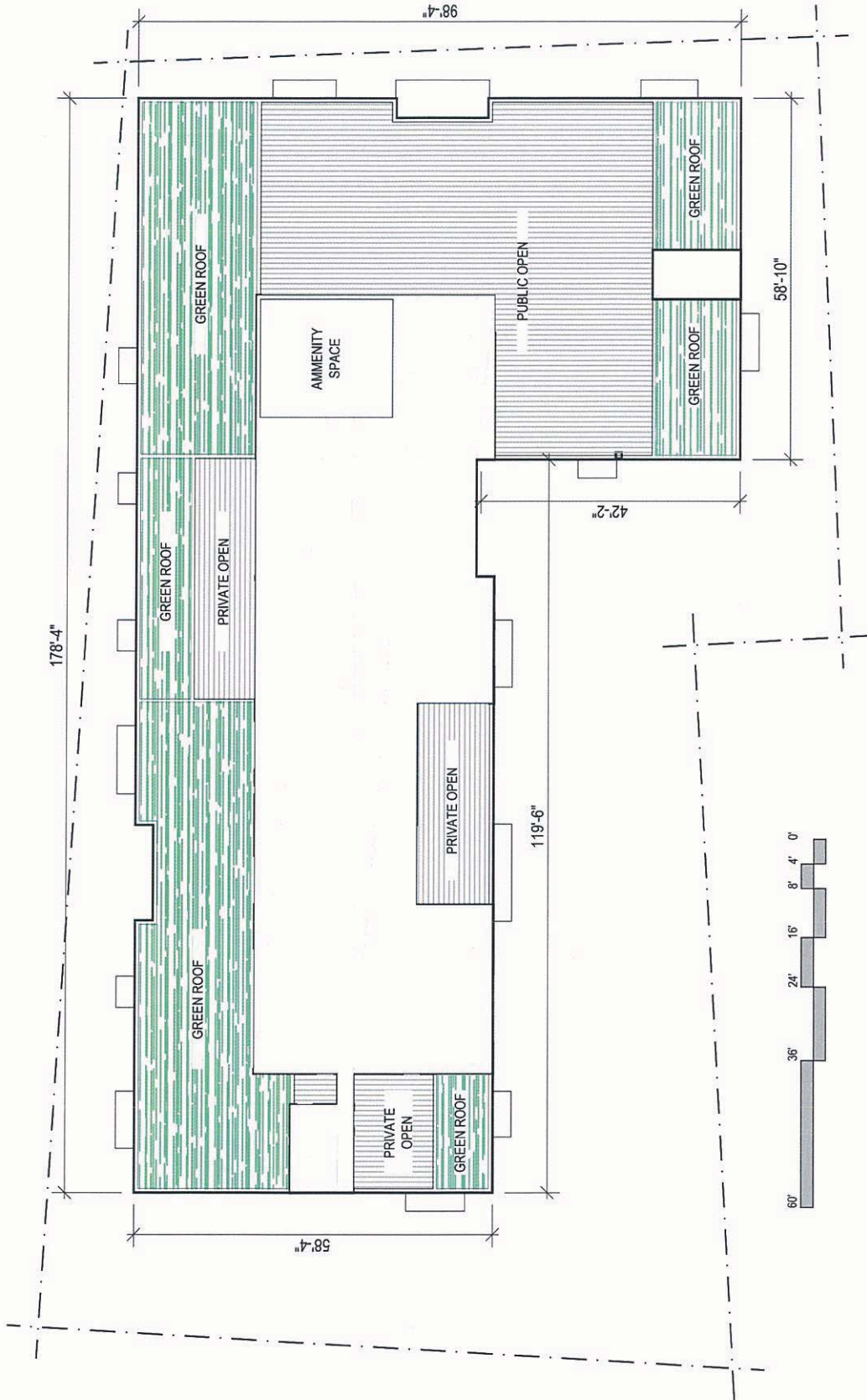


WEST ELEVATION

SCHEDULE C-4: WEST ELEVATION (DUTCH VILLAGE RD.)

scale as noted

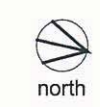
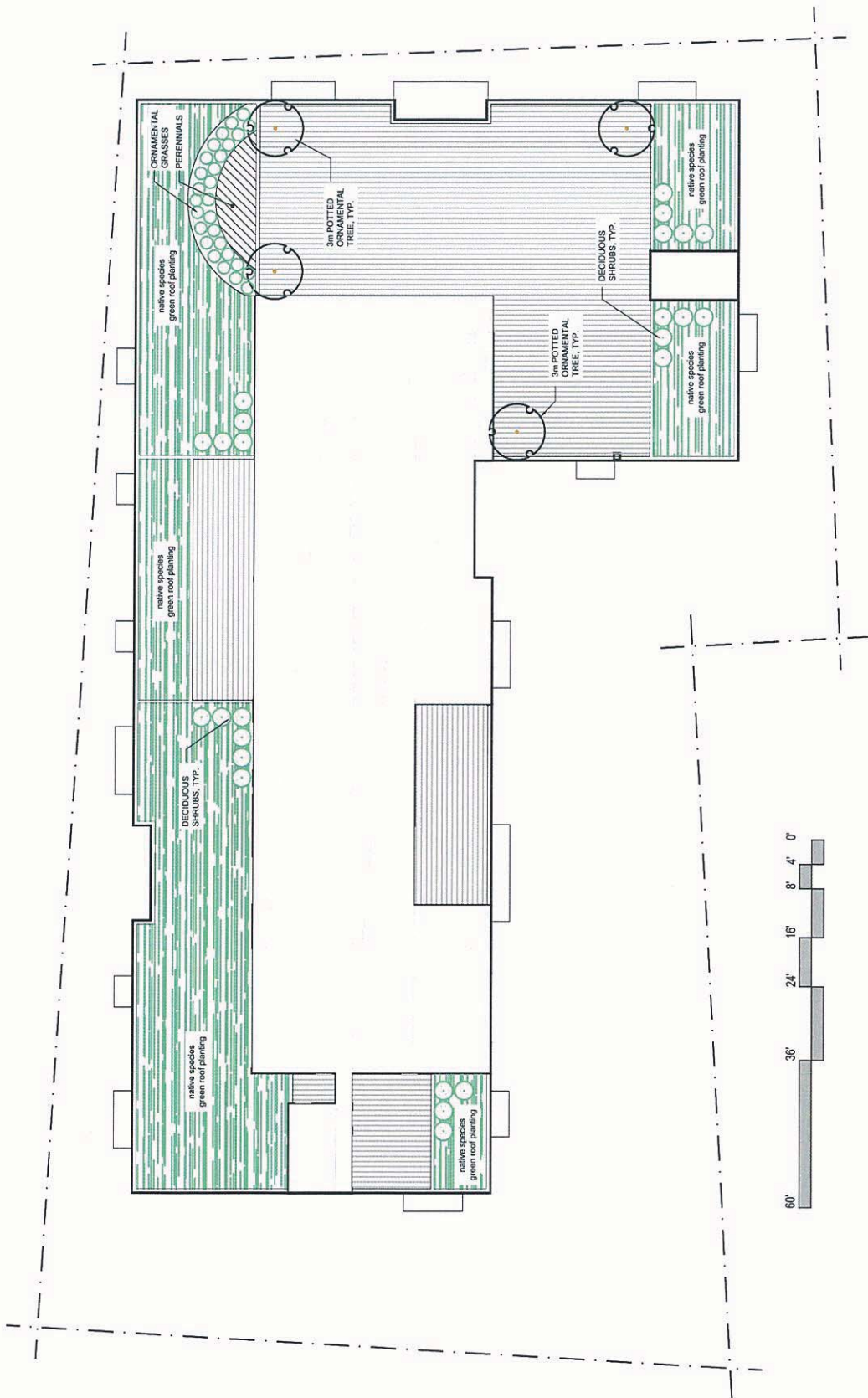
- 1 AL-13 ALUMINUM CLADDING OR EQUIVALENT, COLOUR T.B.D.
- 2 CHARCOAL BRICK CLADDING
- 3 HORIZONTAL CEDAR SHIPLAP
- 4 STANDING SEAM METAL ROOF OR EQUIVALENT
- 5 GLASS BALCONY SAFETY RAILING



SCHEDULE D : ROOF TOP (LEVEL 6) PLAN

scale as noted





SCHEDULE E-2: LANDSCAPE PLAN (ROOF TOP) scale as noted

- ORNAMENTAL TREE (POTTED)
- DECIDUOUS/EVERGREEN SHRUBS ORNAMENTAL GRASSES
- PERENNIAL PLANTING BED
- LANDSCAPE EDGING
- LOCAL SPECIES GREEN ROOF PLANTING

ATTACHMENT D:
Relevant Extracts from the Halifax Municipal Planning Strategy

SECTION VII - FAIRVIEW AREA SECONDARY PLANNING STRATEGY

OBJECTIVES AND POLICIES

CONTEXT:

The policies of Part II, Section II of the Municipal Planning Strategy shall apply as appropriate and for greater clarity the objectives and policies of this Section shall also apply.

1. RESIDENTIAL ENVIRONMENTS

Objective: Maintain and enhance the residential environment of Fairview while allowing for growth and change in designated areas.

1.1 "Residential Environments" may comprise three categories:

- (a) low-density residential;
- (b) medium-density residential; and
- (c) high-density residential.

1.2 In areas shown as "Low-Density Residential" on the Generalized Future Land Use Map (Map 9c) the City shall permit buildings with one or two dwelling units and appropriate community facilities.

1.3 In areas known as "Medium-Density Residential" on the Generalized Future Land Use Map (Map 9c) it is the City's intention to maintain the existing low-rise character of the area.

1.4 In the area shown as "High Density Residential" on the Generalized Future Land Use Map (Map 9c), the City shall permit apartment buildings.

2. COMMERCIAL FACILITIES

Objective: Encourage the continued development of the Dutch Village Road area as a Minor Commercial centre, compatible with the surrounding neighbourhood.

2.2 The Dutch Village Road Commercial area is recognized as a "Minor Commercial centre" within the meaning of Part II, Section II, Policy 3.1.2 of the Municipal Planning Strategy. The City shall encourage its development within the limits set out in this Plan.

2.2.1 Minor commercial uses should front on Dutch Village Road, Alma Crescent or Titus Street and should be concentrated between Bayers Road and Evans Avenue, and shall be permitted only in areas designated "Minor Commercial" on the Future Land Use Map (Map 9c) of this Plan. The area designated "Minor Commercial" along Dutch Village

Road and Titus Street is intended to provide limited expansion capability of the minor commercial uses.

SECTION II - CITY-WIDE OBJECTIVES AND POLICIES

1. ECONOMIC DEVELOPMENT

Objective: The development of the City as a major business, cultural, government, and institutional centre of Atlantic Canada, while enhancing its image as a place to live and work.

- 1.1 The City should encourage an economic climate conducive to development and the growth of employment opportunities.
- 1.2.2 In considering new development regulations and changes to existing regulations, and development applications, the City shall give consideration of any additional tax revenues or municipal costs that may be generated therefrom.
- 1.5 The City should provide a policy environment within which development can respond to changing market demands, while clarifying the intentions of the City and ensuring that development conforms to a pattern that is cost-effective for the City.
- 1.6 The City should direct the location of development in a manner consistent with its capital program, and economic, social and environmental objectives.

2. RESIDENTIAL ENVIRONMENTS

Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

- 2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.
- 2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.
- 2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.

- 2.5 The City shall prepare detailed area plans for predominantly unstable neighbourhoods or areas. The priorities and procedures by which the City shall prepare these plans shall conform to the official City report entitled Areas for Detailed Planning and subsequent amendments which may be made by the City thereto as set forth in Part III, Section I of this document.
- 2.6 The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

3. COMMERCIAL FACILITIES

Objective: The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.

- 3.1 The City shall encourage a variety of commercial centres to serve the variety of community needs and shall seek to do so under Implementation Policy 3.7. Provision shall be made for neighbourhood shopping facilities, minor commercial centres, shopping centres and regional centres.
- 3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.

ATTACHMENT E:
Excerpts from the Halifax Peninsula Land Use By-law

C-2A (Minor Commercial) Zone

- 59A(1) The following uses shall be permitted in any C-2A Zone:
- (a) all R-1, R-2, R-2T and C-1 uses;
 - (b) stores for the purpose of retail trade and rental excluding:
 - (i) motor vehicle dealers;
 - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities; and
 - (iii) adult entertainment uses
 - (c) radio, television and electrical appliance repair shops;
 - (d) watch and jewellery repair shops;
 - (e) a store for the purpose of personal service including shoe repair shops, barber and beauty shops, dry cleaners, funeral services, and excepting massage parlours and adult entertainment uses and amusement centres;
 - (f) bowling alley;
 - (g) a motion picture theatre;
 - (h) a service station;
 - (i) offices;
 - (j) a bank and other financial institutions;
 - (k) a restaurant;
 - (l) community facilities;
 - (la) billboards not to exceed twenty-eight square meters (28m²) in area and not to extend more than eight meters (8m) above the mean grade on which it is situated provided that no billboard shall be erected in the **Peninsula North Area**;
 - (lb) commercial recreation uses;
 - (lc) day care facility; (RC-Mar 3/09;E-Mar 21/09)
 - (m) any use accessory to any of the foregoing uses.
- 59A(2) No person shall in any C-2A Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 59A(3) No person shall in any C-2A Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

R-1, R-2T AND R-2 USES IN C-2A ZONE

- 59B Buildings erected, altered or used for R-1, R-2 and R-2T uses in a C-2A Zone shall comply with the requirements of their respective zones.

HEIGHT

59C The height of any building in a C-2A Zone shall not exceed 35 feet.

SIGNS

- 59D(1) (a) Any persons carrying on a business may place upon and parallel to the front of the building a non-illuminated signboard not exceeding 3 feet in height and limited to the space immediately above the ground floor store windows extending the length of such front and appertaining solely to the ownership of the business conducted therein. For each foot that the building face upon which the said signboard is placed is setback from the street line, .05 feet may be added to the height of such signboard to a maximum of eight feet. In no case shall a sign permitted by this section exceed 300 square feet in area.
- (b) Any persons carrying on a business may place upon the building, a non-illuminated signboard not exceeding three feet in height and 300 square feet in area or two non-illuminated signboards, each of which does not exceed three feet in height and a total of 300 square feet in area and appertaining solely to the ownership of the business conducted therein.
- 59D(2) Illuminated signs may be erected provided they do not constitute a nuisance or hazard to the public.
- 59D(3) A single signboard (illuminated or otherwise) may be placed upon and perpendicular to the front of a building for the purpose of identifying the proprietor or nature of the business permitted therein. Such signboards shall be located immediately above the ground floor windows and shall not exceed 12 square feet (1.12 square meters) in area on a single surface. A maximum of two such signboards shall be permitted for any building regardless of the number of uses contained therein.
- 59D(4) In the **Peninsula North Area**, a single freestanding sign (illuminated or otherwise) of up to twenty-eight square metres - 28m² (300 ft²) in area and up to eight metres - 8m (26ft) above mean grade, may be placed upon a lot for the purpose of identifying the proprietor or nature of the business or businesses located on the lot.

FAIRVIEW AREA

- 59E(1) In the **"Fairview Area"**, R-2AM and R-3 (Mainland Area) uses shall be permitted in any C-2A Zone.
- 59E(2) In the **"Fairview Area"**, buildings erected, altered or used for R-2AM and R-3 (Mainland Area) uses in a C-2A Zone shall comply with the requirements of the

R-2AM Zone as detailed in Section 43AG, and the R-3 (Mainland Area) Zone respectively.

59F In the "**Fairview Area**", the following additional requirements shall apply in the Minor Commercial Zone:

ACCESS (Fairview Area)

59F(1) Stores shall front on Dutch Village Road, Titus Street or Alma Crescent only. There shall be no commercial display of goods for sale on the side or rear of any buildings.

59F(2) Vehicular access to commercial uses and parking areas shall be from Dutch Village Road, Titus Street or Alma Crescent. Access from side streets is also permitted, provided that the minimum distance from an abutting residential zone to the point of access shall be 5 feet.

SETBACKS FROM RESIDENTIAL ZONES (Fairview Area)

59F(3) Any building used for C-1 or C-2A purposes in a C-2A Zone shall be set back a minimum of 20 feet from a rear lot line and 12 feet from a side lot line where such lot line abuts a residential zone.

DRIVEWAYS (Fairview Area)

59F(4) Driveways and parking areas for C-1 or C-2A uses in a C-2A Zone shall be set back a minimum distance of 5 ft. from a rear lot line adjacent to a residential zone and a side lot line adjacent to a residential zone and be screened by a fence having a minimum height of 5 ft. The 5 ft. setback area is to be landscaped and where a transparent fence is to be used, the landscaped setback area must provide solid visual screening on a year-round basis to a minimum height of 5 ft. at maturity.

PENINSULA NORTH AREA

59FA Notwithstanding Section 59B, for the area identified as "**Peninsula North Area**" residential uses shall be permitted in buildings containing non-residential uses in a C-2A Zone, provided the following requirements are complied with:

- (1) residential uses are located above the first floor:
- (2) there is a maximum of 4 dwelling units:
- (3) separate access to the exterior of the building at ground level is provided for residential uses: and
- (4) parking is provided as follows:
 - (a) one space for every unit of two or more bedrooms: and
 - (b) one space for every four or less bachelor or one bedroom units.

- (5) where a lot has been created subsequent to the adoption of this section, and where such lot does not contain a commercial building, the lot size requirements shall comply with the requirements for residential uses.

MOTOR VEHICLE REPAIR SHOPS

- 59FB Notwithstanding Section 59A(1)(b)(ii), motor vehicle repair shops, excluding those which service or repair motor vehicles in excess of 6000 pounds or auto body shops or auto paint shops, may be permitted provided that:
- (a) They are located on a site which has a valid occupancy permit for a service station or the most recent valid occupancy permit is for a service station.
 - (b) An opaque fence having a minimum height of five feet is constructed abutting any residential zone.
 - (c) Lighting facilities, if provided, are directed away from any abutting residential zone.
 - (d) Any commercial refuse contained is enclosed in a structure which screens it from the street and abutting residential zones.
 - (e) There is no outdoor storage of inoperative motor vehicles, boxes, crates or any other materials.
 - (f) There is landscaped open space; raised or otherwise protected, having a minimum width of six feet along that part of the street line not required for the curb cut or pedestrian entrance.

SETBACKS FROM RESIDENTIAL ZONES: PENINSULA NORTH AREA

- 59FC(1) Any building used for C-1 or C-2A purposes in a C-2A zone, or any addition to an existing building used for C-1 or C-2A purposes in the C-2A zone, including additions of height; shall be set back a minimum of 20 feet from a rear lot line and 4 feet from a side lot line where such lot line abuts a residential zone.
- 59FC(2) Parking areas for C-1 or C-2A uses in a C-2A zone, if provided in the rear or side yard of the portion of the lot abutting a residential zone, shall be screened from the residential zone by either an opaque fence having a minimum height of 5 feet or landscaping which provides solid visual screening on a year-round basis to a minimum height of 5 feet at maturity.

Halifax Mainland Land Use By-law

R-3 (General Residential and Low-Rise Apartment)

28CA(1) The following uses shall be permitted in any R-3 Zone:

- (a) R-1, R-2, R-2T and R-2AM uses;

- (b) stacked-attached housing;
- (c) apartment house of four storeys or less;
- (ca) day care facility (RC-Mar 3/09;E-Mar 21/09);
- (d) uses accessory to any of the foregoing uses.

28CA(2) No person shall in any R-3 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

28CA(3) No person shall in any R-3 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

28CB No person shall in any R-3 Zone, erect, place or display any billboard or sign except those permitted in R-1 Zones.

R-1, R-2, R-2T AND R-2AM USES IN R-3 ZONE

28CC(1) Buildings erected, altered or used for R-1, R-2, R-2T or R-2AM uses in an R-3 Zone shall comply with the requirements of their respective zones, **with the exception of stacked attached housing.**

STACKED ATTACHED HOUSING

28CD Buildings erected, altered or used for stacked attached housing in an R-3 Zone, shall comply with the following requirements:

28CD(1) The minimum distance between the rear lot line and every building shall be at least 20 feet.

28CD(2) The maximum lot coverage shall be 50 percent.

28CD(3) The maximum height shall be 50 feet.

28CD(4) Each dwelling unit shall have a minimum of 175 square feet of exterior open space accessible directly from the unit.

28CD(5) One separately accessible parking space at least 9 feet by 20 feet shall be provided for each stacked-attached unit, exclusive of the area of the front yard and entrance or driveway leading to such building.

28CD(6) The lot frontage shall be 60 feet.

28CD(7) The minimum lot area shall be 6,000 square feet.

28CD(8) The minimum side yard shall be 15'.

FOUR STOREY APARTMENTS

28CE Apartment buildings of four (4) storeys or less and not exceeding 50 feet in height shall be permitted in an R-3 Zone provided the following requirements are complied with:

MINIMUM LOT AREA

28CE(1) The minimum lot area upon which such building is located shall be 6,000 square feet with a minimum continuous street frontage of at least 60 feet on one street;

DISTANCE FROM LOT LINES - 80° ANGLE

- 28CE(2)
- (a) The distance from any part of such building and any official street line or lines abutting upon such lot shall be no less than 20 feet measured at right angles to any such official street line or lines; provided, however, that such distance may be reduced to not less than 10 feet measured at right angles to any such official street line or lines if that part of the building which is less than 20 feet from any such official street line or lines is entirely contained within the arms of an 80 degree horizontal angle as determined in subsection (3) of this section;
 - (b) The distance from any part of such building and any lot line of such lot other than an official street line shall be not less than 10 feet measured at right angles to such a lot line;
 - (c) All windows and doors serving habitable rooms in such building shall be located not less than 10 feet from any lot line of such lot measured at right angles to such lot line;

SIZE OF BUILDING - 60° ANGLE

- 28CE(3)
- (a) Subject to the provisions of subsection (2), such building or any part thereof shall not project beyond the angular planes determined by constructing such angular planes over such lot:
 - (i) From each lot line at natural or finished ground level, whichever is the lower, at a vertical angle of 60 degrees above the horizontal and measured perpendicular to such lot line or, in the case of a curved lot line, perpendicular to the tangents of all points of such lot lines; provided, however, that where the natural ground at the lot line is more than 5 feet above the finished ground level established at any point on the wall opposite the lot line and where the horizontal distance to the face of any part of such wall or its vertical projection is less than 50 feet, the angular planes shall be constructed over the lot from all points on the intersections of the vertical projection of the lot line and the horizontal projection of the finished ground level; or
 - (ii) In the case where a lot line of such lot coincides with an official street line, from the center line of such street or from any intervening line parallel to such center line provided, however, that:

- (A) the distance from the line on which the plane is constructed and the lot line does not exceed 30 feet; and
 - (B) the vertical angle of 60 degrees is constructed perpendicular to the line on which the plane is constructed or, in the case of a curved line, perpendicular to the tangents of all points of the curved line.
- (b) Notwithstanding the provisions of clause (a) of subsection (3) and subject to the provisions of subsection (2), any part of such building may project beyond any prescribed 60 degree angular plane if:
 - (i) The projection through the plane subtends a horizontal angle not exceeding 80 degrees formed by lines drawn from a point on the line on which the 60 degree angular plane constructed opposite to the center of the projection; and
 - (ii) The extremities of the projection are enclosed by the arms of such 80 degree horizontal angle.

DISTANCE BETWEEN EXTERNAL WALLS - 85° ANGLE

- 28CE(4) (a) For the purposes of this subsection:
- (i) "Base line" means, in the case of a wall rising from the ground, the natural or finished level of the ground adjoining the base of the wall, whichever is lower, and in all other cases means the lowest line of the wall above the natural or finished level of the ground, whichever is lower;
 - (ii) A wall supported by construction above posts, pillars, or other open construction shall be deemed to rise from the ground, and the base line of the wall shall be deemed to be the line on which the projection downward of the face of the wall meets the natural or finished level of the ground, whichever is lower;
 - (iii) Where external walls are not parallel to each other but the angle of divergence does not exceed 85 degrees, such walls shall be deemed to face each other.

DISTANCE BETWEEN EXTERNAL WALLS - 65° ANGLE

- (b) The provisions of this subsection (4) shall only apply if any part of such building is erected with the arms of horizontal angles of 65 degrees constructed outwards at the natural level of the ground, from the nearest extremities of external walls that face each other; provided, however, that where the two extremities of one such wall are, respectively equidistant from the opposite extremities of the other wall or where the two extremities of one wall are equidistant from the nearest extremity of the other wall, the 65 degree horizontal angle may be constructed from either pair of equidistant extremities;

MINIMUM 50 FOOT SEPARATION BETWEEN WALLS - 40° ANGLE

- (c) The distance between any external walls of such building that face each other shall be not less than 50 feet, and any part of such building shall not project beyond any of the angular planes outwards from the base line of each such external facing wall of each part of such building at a vertical angle of 40 degrees above the horizontal and measured perpendicular to such base line or, in the case of a curbed base line, perpendicular to the tangents of all points of such curved base line;

EXTERIOR FACING WALLS - NO WINDOWS - NO HABITABLE ROOMS

- (d) Where two external walls of such building face each other and neither wall contains any door or window serving a habitable room, the provisions of clause (c) of this subsection shall not apply but the distance between such walls shall not be less than six feet.

BALCONIES, CORNICES, EAVES, AND CANOPIES

- 28CE(5) (a) Notwithstanding the provisions of Subsections (3) and (4) of this section, separate individual balconies, which are open on three sides, cornices, eaves and canopies, may project through the angular planes as determined in such subsections; provided, however, that any part of such balcony, cornices or eaves, shall be not less than 10 feet from any lot line of such lot;
- (b) Notwithstanding clause (a); of subsection (5), canopies may project to within 5 ft. of the street line.

28CF A lot on which there is a building used as a boarding house, lodging or rooming house, or apartment house shall comply with the following requirements:

DENSITY

- 28CF(1) The population density of such building on the lot shall not exceed 75 persons per acre.

OPEN SPACE

28CF(2) Open space on such lot shall be provided as follows:

- (a) 150 sq.ft. for each bachelor unit
275 sq.ft. for each one-bedroom unit
575 sq.ft. for each two-bedroom unit
950 sq.ft. for each three-bedroom unit
1,325 sq.ft. for each unit containing four or more bedrooms
- (b) At least 80 percent of the open space required in clause (a) shall be landscaped open space, and the roof or any portion therefor of any part of such building

that has no residential accommodation included below such roof or portion thereof may be calculated as landscaped open space, provided that:

- (i) no part of such roof is more than 5 feet above the ground level of at least one lot line of such lot; and
 - (ii) such roof or portion thereof is capable of being used as landscaped open space.
- (c) Section 28CF shall be applied to the combined occupancy of all the buildings on the lot.

28CG (Deleted)

DRIVEWAY ACCESS

28CH(1) In the "Bedford Highway Area" one vehicle access point shall be permitted to the Highway from each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for each lot with frontage greater than 100 feet.

28CH(2) For the purpose of Subsection (1) the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting, or a similar device that will not obstruct the view of traffic.

UNIT MIX - MAINLAND SOUTH

28CI An apartment house which is located in the "Mainland South Area", shall be required to provide one two-bedroom unit for every three bachelor and/or one bedroom units.

ATTACHMENT F
Approved Policy Amendments (2010-2011) - Halifax MPS

Case 01302 -- Former Saint Lawrence Church Site (2010)

Policy 2.5 Notwithstanding the preceding policies within the Commercial Facilities Section, for properties bounded by Joseph Howe Drive, Dutch Village Road and Andrew Street, zoned C-2A (Minor Commercial Zone) and designated Minor Commercial on the Generalized Future Land Use Map (Map 9c) of this Plan, the Municipality may permit the development of a mix of residential and commercial uses by Development Agreement.

Policy 2.5.1 Any development permitted pursuant to Policy 2.5 shall be achieved by attention to a variety of factors for which conditions may be set out in the Development Agreement, such as but not limited to:

- (a) the appropriate scale and massing of the building(s) for the lot area and configuration;
- (b) the height of the building(s) which shall not exceed the low to mid-rise range;
- (c) the architectural design of the building(s) including high quality building materials, articulation of and variation to the building(s) facades; and fine-grained architectural detailing;
- (d) the creation of high quality design detail at street level through attention to such matters as site landscaping, minimal surface parking on the street frontage, conspicuous building entrances, appropriate lighting and co-ordinated signage;
- (e) the relationship of new development to the street, adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;
- (f) provision and improvement of safe vehicular and pedestrian access and egress;
- (g) the adequacy and appropriate location of vehicular and bicycle parking facilities;
- (h) the provision of useable on-site open space and recreational amenities of a size and type adequate for the resident population;
- (i) appropriate separation of residential and commercial uses;
- (j) connectivity and interaction with the Regional Trail where abutting; and

- (k) the adequacy of the servicing capacity of the site.
(RC- Aug 26/10;E-Sep 25/10)

Case 01254 – Former Halifax West Site (2011)

Policy 1.9 Notwithstanding the Community Facilities objective and policies of Section II, for the property known as the former Halifax West High school on Dutch Village Road (PID #00188490), the Municipality may permit a mixed-use development of the site by development agreement. (RC-Nov 15/11;E-Jan 14/12)

Policy 1.9.1 Any development permitted pursuant to Policy 1.9 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:

- (a) the subdivision and retention of a minimum of 1.6 acres of land by the Municipality at the western end of the site for public open space purposes along with related park development and infrastructure improvements to be carried out by the land developer;
- (b) the massing, location and height of building(s), which shall not exceed the low to mid-rise range, and in no case shall any building height exceed 8 storeys above underground parking level(s);
- (c) the architectural design of the building, including building materials, signs and lighting;
- (d) the provision of adequate site landscaping and useable open space for building residents;
- (e) the provision of safe vehicular and pedestrian access and egress, including provision for the continued vehicular access to the existing driveway of Civic #31 Alma Crescent and pedestrian access through the site to Dutch Village Road;
- (f) the adequacy of vehicular, bicycle parking and solid waste facilities; and
- (g) the adequacy of the servicing capacity of the site. (RC-Nov 15/11;E-Jan14/12)

ATTACHMENT G:
Review of Proposed Development Agreement on
Proposed Amendments to the Halifax Municipal Planning Strategy

The proposal may be considered by Council through the following applicable policies of the Halifax Municipal Planning Strategy:

Section VII: Fairview Area Secondary Planning Strategy
Commercial Facilities

Policies	Staff Comments
<p>Policy 2.6: Notwithstanding the preceding policies within the Commercial Facilities Section, for a property located on the north eastern corner of Dutch Village Road and Andrew Street, and extends from 3559 Dutch Village Road to 7179 Andrew Street, zoned C-2A (Minor Commercial Zone) and designated Minor Commercial on the Generalized Future Land Use Map (Map 9c) of this Plan, the Municipality shall permit the development of a residential building or a mixed use building consisting of residential and commercial uses by Development Agreement.</p>	<p>The proposed development agreement permits a 21 metre (70 foot) residential building with a small commercial space on the ground floor on the property located north eastern corner of Dutch Village Road and Andrew Street, Halifax. Staff is of the opinion that the proposal is compatible and consistent with surrounding uses and the intent of the Minor Commercial designation and MPS policies.</p>
<p>Policy 2.6.1: Any development permitted pursuant to Policy 2.6 shall be achieved and evaluated as per factors included in Policy 2.5.1, with the exception of subsections ‘b’, ‘i’ and ‘j’.</p>	
<p>(a) the appropriate scale and massing of the building(s) for the lot area and configuration;</p>	<p>The proposed development agreement requires the building to be constructed within specific setbacks and maximum lot coverage of 52%.</p> <p>The proposed development agreement further requires that one commercial use is permitted and restricted to a maximum of 371.6 metres (4,000 square feet) with access from Dutch Village Road through non-substantive amendments due to the lack of public input at the public information meeting.</p>
<p>(c) the architectural design of the building(s) including high quality building materials, articulation of and variation to the building(s) facades; and fine-grained</p>	<p>To ensure the proposed building is constructed of high quality durable materials, the proposed development agreement requires that brick, stone</p>

<p>architectural detailing;</p> <p>(d) the creation of high quality design detail at street level through attention to such matters as site landscaping, minimal surface parking on the street frontage, conspicuous building entrances, appropriate lighting and co-ordinated signage;</p>	<p>masonry, wooden shingles and high quality pre-cast panelling containing fine grained detail to resemble one of the other permitted cladding materials be used on the exterior of the building.</p>
<p>(e) the relationship of new development to the street, adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</p>	<p>The proposed development agreement includes requirements for landscaping plans, which will provide details of the location, species and designs of the proposed landscaped areas. Staff is of the opinion that the proposed setbacks and landscaped areas provides adequate mitigation and buffering mechanism against any potential impacts on adjacent properties.</p>
<p>(f) provision and improvement of safe vehicular and pedestrian access and egress;</p>	<p>The proposed development agreement:</p> <ul style="list-style-type: none"> • requires all vehicle-parking to be located underground; • limits vehicle and service access to the building only along Andrew Street as per the schedules; • requires the access to the underground parking to be located on Andrew Street to reduce conflict with existing traffic flows on Dutch Village Road.
<p>(g) the adequacy and appropriate location of vehicular and bicycle parking facilities;</p>	<p>The development is located within close proximity to residential neighbourhoods, which consist of adequate street parking, as well as major transit routes. Staff anticipates that numerous residents of the proposed building and up-coming developments will use transit rather than automobiles for their main source of travelling.</p> <p>A Traffic Impact Statement (TIS) was completed as part of this application and it was determined that the proposed development would not have a significant impact to the street network.</p>

(h) the provision of useable on-site open space and recreational amenities of a size and type adequate for the resident population; and	The proposed development agreement requires 265.2 square metres (2,855 square feet) of recreational space to for the resident population of the development within the building and 400 square metres (4,305 square feet) of outdoor amenity space in the form of outdoor roof top amenity space.
(k) the adequacy of the servicing capacity of the site.	The proposed development has been reviewed by Halifax Water and it has been determined that there is sufficient water and sewer capacity to service this development.
Policy 2.6.1 (cont.): In addition, these factors for which conditions may be set out in the Development Agreement shall also include:	
(a) the height of the building shall not exceed 21 metres (70 feet) and a total of 6 storeys. Height shall be defined as the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building, but shall not include the placement of mechanical equipment;	The proposed development agreement restricts the height of the building to 21 metres (70 feet) and a total of 6 storeys. The development agreement further defines height as set out in these criteria.
(b) the commercial use shall be limited to one use within a maximum of 371.6 metres (4,000 square feet). It shall be located on the ground level with frontage on Dutch Village Road. Also, the ground level shall be comprised of a high degree of windows; and	The proposed development agreement permits the Developer to include one commercial use thought a non-substantive amendment, provided that it is limited to certain uses permitted under the C-2A Zone such a café, an office space, or a store for the purposes of personal service. The commercial use is to be located on the ground level with frontage on Dutch Village Road.
(c) to provide connectivity with the street, minimal setbacks from property lines shall be provided.	The proposed development agreement requires the building to be constructed within specific setbacks from the property lines as per the schedules.

ATTACHMENT H
Public Information Meeting Minutes – January 24, 2013
7:00 p.m.
Bayers Road Office, Halifax

STAFF IN

IN ATTENDANCE: Dali Salih, Planner, HRM Planning Services
Hilary Campbell, Planning Technician, HRM Planning Services
Jennifer Purdy, Planning Controller, HRM Planning Services
Councillor Russell Walker

ALSO IN

ATTENDANCE: Dimo Georgakakos, Property Owner
Geoff Keddy, Geoff Keddy Architect

PUBLIC IN

ATTENDANCE: Approximately 11

The meeting commenced at approximately 7:14 p.m.

Opening remarks/Introductions/Purpose of meeting

Ms. Dali Salih, Planner, Planning Applications, called the meeting to order at approximately 7:14 PM. She introduced herself as the Planner guiding this application through the Planning process. She also introduced HRM Staff, the applicant and the Councilor present. She welcomed everyone and thanked them for coming.

Ms. Salih advised that the application is by Geoff Keddy Architects, on behalf of the property owner, to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law to enable a 6-storey residential building at the corner of Dutch Village Road and Andrew Street.

Ms. Salih reviewed the Planning process, noting that no decisions have been made to this point or at this meeting. The Public Information Meeting is an initial step, whereby HRM informs the community early in the process that a Planning application has been received and identifies policies that allow the proposal to be considered. Staff will also explain the proposal and provide the applicant with the opportunity to present the proposal to the community. Staff will seek feedback from area residents before a Staff Report is prepared. Following this meeting, the application will then be brought forward to Halifax and West Community Council which will hold a public hearing at a later date, prior to making a decision on the proposed development.

Presentation on Application – Dali Salih

HRM Planning Services has received an application to amend HRM Planning Documents, which includes the Halifax Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for

Halifax Peninsula, to allow a minor increase in height from what is permitted as of right, an increase from 4 storeys to 6 storeys for a residential building by the Development Agreement process. She, at this time, showed a slide of the current properties. She explained that a development agreement is a contract between the Municipality and the property owner regarding a proposed land use. She showed slides of an aerial view of the 5 properties and explained that they are used for commercial and residential uses. The site has frontage on and access from both Dutch Village Road and Andrew Street. It is surrounded by Commercial and institutional uses to the north, east and south, which include retail plazas and a number of small businesses.

Ms. Salih viewed a slide of the proposed site plan submitted by the applicant explaining that the applicant wishes to demolish the existing buildings on the subject properties and construct a 6-storey (5 storeys plus a penthouse), 61-unit residential building, which is proposed to face Dutch Village and Andrew Street. The access driveway will be off Andrew Street leading to two levels of underground parking. The proposal will require consolidating the subject properties into one parcel.

Ms. Salih explained that the site is within the Peninsula Plan Area. Under the Halifax Peninsula LUB, residential and certain commercial uses are permitted as-of-right under the C-2A Zone. Permitted uses are commercial uses such as retail stores, jewelry repair shops, dry cleaners, offices, banks and others. Residential uses permitted under the R-1 (Single Family Dwelling), R-2 (General Residential), R-2T (Townhouse) zones and the R-3 (General Residential and Low Rise Apartment) zone from the Halifax Mainland Land Use By-Law. Ms. Salih reviewed a chart outlining the C-2A zone for Residential Uses adding that, under the current C-2A zone, the applicant is permitted to build up to a 4-storey residential building as-of-right under the R-3 zone. The Plan expressed the intent to encourage the continued development of the Fairview area in a way that is compatible with the surround neighbourhood and protect existing residential neighbourhoods. In the case of this application, the Halifax MPS does not include policies regarding increasing the height or the density in the Fairview/Dutch Village area. As a result, an amendment to the Halifax Plan is required to create specific policies to allow intensification by development agreement on those 5 subject site.

Presentation of Proposal – Geoff Keddy, Geoff Keddy Architects

The applicant thanked the residents for coming to the meeting and explained that within the 61 units, they will be equally split between 1 bedroom and 2 bedroom apartments. He explained that two of these units will be within a penthouse. The roof will be designed for sunshine and to have a chance to socialize with neighbours. It will be an open green space and open to all residents. He explained that in regards to the articulation, some of the balconies are pushed in to try to bring down the appearance of the building. The building will be made of metal paneling; however, it will have a wood look finish. The windows will be environmentally friendly and there will be more landscaping and lighting at night to make architecture of the building more appealing. He added that the main entrance to the building fronts on Dutch Village Road.

A gentleman asked if there will be retail on the bottom floor.

Mr. Keddy explained that the building will be all residential.

The gentleman also asked if there will be enough parking for each unit.

Mr. Keddy answered yes.

Planning Process Overview– Dali Salih

At this time, Ms. Salih reviewed the Municipal Planning Process explaining that all planning processes start with submitting an application. In this case, where the application requires the Municipal Planning Strategy to include policies specific to a site, Staff is required to receive direction from Regional Council with regards to starting the Planning process. On September 11, 2012 Regional Council passed a motion requesting that Staff start the Planning process of this application as there are merits to the proposal. Following tonight's meeting, Staff will gather feedback from the public, comments from other HRM departments, and analyze that information. Along with the minutes from the Public Information Meeting, there will be a report that includes the history of the site, policy analysis and a draft of the development agreement. This report will be forwarded to Regional Council and Halifax and West Community Council with a recommendation. Regional Council will then schedule a joint public hearing, which is another opportunity for the public to speak, or any written submissions can be sent to the Municipal Clerk's office before the hearing. After the public hearing, Regional Council will make a decision on the amendments to the Municipal Planning Strategy based on the Staff recommendation and the public hearing. There will be no appeal after Regional Council's decision. If the amendments are approved, Halifax and West Community Council at a later date will make a decision on the development agreement. An appeal period will follow this decision.

Questions and Answers

Ms. Miriam MacDonald, Girl Guides Canada, asked what the time frame will be from start to finish.

Mr. Keddy explained that once the HRM application process is completed and Councils approves the application, they anticipate that they will be starting the development later 2013 and finishing it in spring 2014.

Ms. MacDonald asked what the estimated distance from the property line the development will be.

Mr. Keddy explained that the estimated distance would be 20 feet from the Girl Guides Canada building side.

Ms. MacDonald asked that the property owner/developer keep the communication lines open with the neighbours and work with the neighbours. She addressed some concern regarding blasting.

Ms. Salih explained that the timelines and the distances/setbacks from the property lines will be negotiated with the applicant as part of the development agreement. She explained that the

applicant will need to apply for blasting/demolition permits where specific terms and requirements will have to be followed.

Mr. E. Pettipas, Owner of Dairy Queen, asked if there is a 4-storey height restriction in the entire area because there are other buildings such as the St. Lawrence Church that are higher than that.

Ms. Salih explained that the St. Lawrence Church also went through a similar Planning process.

Mr. Pettipas explained that this development would be an improvement to what is currently there and thinks it is a good idea.

Ms. Holly Thompson, Halifax asked for further clarification on one of the building images shown on the slides.

Mr. Keddy pointed out that the picture was taken from a bird's eye view.

Ms. Kendra Barnes, Halifax, explained that the area is full of low income households and asked how this development will fit in with the surrounding area.

Mr. Georgakakos, property owner, explained that he wants this building to be the best possible building in the area to replace the current ones. He wants the design to appeal to most people in the area. He explained that this will be a family business and wants to be proud of his building. He explained that he and his wife had owned this property since before the 80's but, haven't been financially able to do this until now.

Ms. Barnes addressed concerns with the current traffic issues and how the additional traffic from this building is going to add to these concerns. She explained that vehicles do not stop at the crosswalk and asked if HRM or if the developer will be addressing any of these concerns.

Ms. Salih explained that a traffic impact study was submitted as part of this application process, where it was reviewed by HRM Development Engineer and deemed acceptable. If the amendments and development agreement get approved by Council, the agreement will be a legal contract between the property owner and the Municipality, which will list requirements that the applicant will be responsible for.

Ms. Barnes asked if the current tenants will be asked to leave and if they would be welcome to rent in the new building and if so, would they be able to afford it.

Mr. Georgakakos explained that he has a good relationship with his current tenants and that they will have every opportunity to rent in the new building; however, there will be a period of time for the construction that they will have to find a place to live. He explained that as a property owner, he is entitled to renovate and improve his properties. As far as the monthly rent, he anticipates the apartment stock to be going down before this building is built.

Closing Comments

Ms. Salih thanked everyone for attending. She encouraged anyone with further questions or comments to contact her.

Adjournment

The meeting adjourned at approximately 7:45p.m.

ATTACHMENT I
Additional Correspondence from Neighbouring Residents

From: Darlene Duggan
Sent: January 10, 2013 5:03 PM
To: Salih, Dali
Subject: Case 17759

Dear Ms. Salih:

I live on Deal St. I am not able to attend the meeting on this Case. I am against a 61 unit development. The area is too congested now, 61 units is not smart planning. There should be a VISION and a new branding strategy for the area for growth and smart sustainable development, not throw up another apartment building. Apartment buildings have ruined Fairview making the area the butt of jokes of residents in the HRM. That area needs to be developed, but slapping up another apartment building is not the answer. The area needs families to move in. A more forward thinking Smart development is needed, or a progressive senior citizen's or older citizen's complex. Townhouses would be much more palatable. The residents of Fairview do not want more apartments, and more crime.

Sincerely,
Darlene Duggan

From: Ashley Morton
Sent: January 23, 2013 9:50 PM
To: Salih, Dali
Subject: Case 17759 Public Meeting - Input

Hello.

I am writing to express my support for the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Land Use By-Law to permit a greater-than-currently-allowed height and massing for a proposed building on Dutch Village Road (Case 17759).

I believe that the increased residential density in an area relatively close to our core, and well-served by transit (Buses run on the northern part of Dutch Village Road, only a block away at a rate of 17-an-hour during rush hour, and provide good service even in evenings & weekends) is good for the city. While I would love it if everyone wanted to move to the Peninsula, it's not the case that everyone wishes or can afford to live within walking distance of the Grand Parade. Increased density in this location (Dutch Village Road) is not sprawl, and is a reasonably positive choice from a transit and community-building point of view.

I hope you will include my support in your consideration as you move forward with the evaluation of this application.

Regards,

Ashley Morton

From: Stephens Ward

Sent: January 24, 2013 3:57 PM

To: Salih, Dali

Subject: opposition to 3559 - 7187 corner

- 1) i have listened to the people who lied at the halifax west project and seen that no considerations were made to the neighbourhood
 - 2) this corner is not vacant
 - 3) with the other two projects that were handed out the traffic will be more ridiculous than having a city planner at a public meeting saying there will be no change in traffic with the edition of 136 units
 - 4) 61 more units they want to jam in that space?
 - 5) landlords are expected to not let property fall into disrepair
 - 6) the major issues are population and traffic problems that will not go away
 - 7) i did not work hard enough on the hali high project but i was lied to and sent on fool's missions by people i trusted to think of the neighbourhood
 - 8) my mother has lived at 11 rufus avenue since 1931 and people like her do not want the density to get worse
- fyi: you may be aware of the "skinner box". anyone who ever took any psych would know that as you add more rats to the box society falls apart. these developers are ruining a neighbourhood they do not live in and this is the last straw.

sincerely dedicated to preservation...

stephens ward

From: Stephens Ward **Sent:** March 15, 2013 4:14 PM

To: Salih, Dali

Subject: dvr

i have not heard from you in some time and will contact you mon. i have spent some time measuring the area and i think 1) current proposal is no good for several reasons not the least of

which is problems between the laws and the presentation of yours i saw and 2) i think i have a better idea good for everyone. if i could make the suggestion and it were considered as viable as i think then i would go to work in promoting it... and it fits everyone's needs which includes at least as much profit as a lost cost new eye sore as is now being presented. by the by... i used to work for gus years ago so i know more than you might think. not to sound ominous but bear in mind my grandfather built most of what is left of that area... which is not much. however i do know what it used to look like when there was a swamp there. any one do a topological study? what about the infrastructure? traffic count? do you live in that area? does the owner? I DO! russel does not. mon q ... a asap.

From: Stephens Ward

Sent: March 21, 2013 2:25 PM

To: Salih, Dali

Subject: drv & percy

i need more information as to "concrete" plans for this property. perhaps you will have time fri or first of week. i had no comments at the "meeting" because there was no sustenance to the presentation. " if this and maybe that do not count". maybe designs without commitment and "i'm sure that the by laws in place can be altered" does not fly any better than a lead balloon. i am available at your convenience for a time and date. another of the elderly in my neighbourhood has passed away and i want to see that the quality of life for the seniors remaining is not disturbed. someone broke into my vehicle a few days ago and the response from the police was that there was a lot of that... case closed. i watched a child stand at rufus and dvr with his bicycle, bright red helmet and hand out at the cross walk but no one stopped. when i made the left hand turn my truck stalled "in all places" in both lanes! the child crossed the street and my truck started right up. my 85 year old mother gave up trying to cross the same intersection and went south on dvr where there is no sidewalk. I am passionate about keeping population density down and my neighbourhood safe. be in touch soon.

stephen ward

From: Stephens Ward **Sent:** April 4, 2013 2:11 PM

To: Salih, Dali

Cc: Denty, Kelly

Subject: extra terrestrial apartment building

i indicated to you some time ago that i was interested in what was happening to the property on dvr and percy. i gave you my name, address, phone # and e - mail. since then i have called you once and left you three e - mails... but you did not respond. let me first remind you that my family has had the house at the fairview address since 1931 but in my grandfather's elderly state he couldn't stop a 16 unit going up next door... he was lied to about the true intent for the property and it has been a crack house ever since.

i do not want see my neighbourhood destroyed thanks to the efforts of people who 1) do not live

here and 2) go so far as to walk non residents on a door to door basis on the promotion of nebulous and vaguely undocumented "deals". regardless of the 1400 signatures raised to less intensify the population density the old hfx west property it went forward and i know for a fact that someone went around saying how great this over development would be. i listened at city hall as one of your colleagues said there would be no change in traffic even though as is the cars are making their own lanes on deal and percy but there would be no change in traffic with a large building? three large buildings? come on!

well that's an "over deal" but it makes a good story that halifax; with a downtown that looks like a war zone, is ruining neighbourhoods.

i have larger information than the fact that i worked in that pizza place in the '70's' when it was a dump then. the upstairs was a popular drug house where they used to get soo stoned i used to run pizza upstairs because the tenants were too stoned to make the stairs. but nothing was done by the loving owner of the building. i don't like that building for several reasons. it should have been court ordered YEARS AGO... but no one did anything. not the city (meaning health, fire, police) and putting a building in such as suggested is absurd, there are better ways.

who am i to say? as i watch drivers ignore my octogenarian mother take her chances on crossing dvr or the other happy solution to take her chances walking south on the west side of dvr. try it sometime (check your life insurance first). watching the accidents that occur as is. you could watch children try to cross to the bicycle path; the only local recreation. you could hang out on the streets off dvr; feel comfortable. those hoods are only a current fashion. see how you make out driving from dvr and joe howe south to dvr and joe howe north at 8:00 a.m.. many social issues that i recall from acquiring a degree from dalhousie in sociology, another one in educational psychology and another from nscad/u of regina in historic architecture come into play. common sense will suffice; no degree necessary.

years ago working at a university newspaper the editor gave the usual pep talk that i did not really listen to except this: if someone asks you a difficult question do not reply. if they turn bitchy i will flatten them. is this your training? is mr. denty the flattener?

the most repulsive event i saw at that "meeting" of convenience to some was you saying that you 1) knew the design was subject to change (20 ft. of green space? what happened to metric and what happened to business or the truth in business 2) that you said on record that the proposed building will EXCEED the tentative design but quote: "i do not think anyone will mind a couple more stories as that only adds up to a few extra feet"< your words. tell you what... so i studied and taught architecture from a historical perspective. that's the one where you put your thinking cap on because a building with extra stories and two penthouses that can be done in a very few feet means that the plan is to move extra terrestrials in.

i expect a response and we can go over my measurements and other concerns about a truths that my neighbourhood needs to know. areas such as a contacted design that meets the laws, infrastructure, security, use of main floor... several other items that require documented promises...designs and dates.

i wish to talk to asap before i start my walking campaign.

stephen ward