




P.O. Box 1749  
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**Item No. 11.2.1**  
**Halifax Regional Council**  
**January 27, 2015**

**TO:** Mayor Savage and Members of Halifax Regional Council  
Original Signed

**SUBMITTED BY:**  Councillor Gloria McCluskey, Chair, Harbour East-Marine Drive Community Council

**DATE:** January 12, 2015

**SUBJECT:** **Case 18255: Dartmouth MPS Amendments and Amending Development Agreement 530 Portland Street and 104 Green Village Lane, Dartmouth**

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#### **ORIGIN**

- Application by Connor Architects and Planners
- June 11, 2013 Regional Council initiation of the MPS amendment process
- January 8, 2015 meeting of Harbour East-Marine Drive Community Council

#### **LEGISLATIVE AUTHORITY**

Section 25 (c) of the *Halifax Regional Municipality Charter* sets out the powers and duties of a community council to include "recommending to the Council appropriate by-laws, regulations, controls and development standards for the community."

*Halifax Regional Municipality Charter, Part VIII, Planning & Development*

#### **RECOMMENDATION**

The Harbour East-Marine Drive Community Council recommends that Halifax Regional Council:

1. Give First Reading to consider the proposed Amendments to the Dartmouth Municipal Planning Strategy as set out in Attachment A of the December 15, 2014 report and schedule a joint Public Hearing with Harbour East-Marine Drive Community Council; and
2. Approve the proposed amendments to the Dartmouth Municipal Planning Strategy as contained in Attachment A of the December 15, 2014 report.



## **BACKGROUND**

At their January 8, 2015 meeting, Case 18255 was presented to Harbour East-Marine Drive Community Council.

Further detail in regard to the background of the application is provided in the December 15, 2015, staff report (Attachment 1).

## **DISCUSSION**

At the January 8, 2015 Harbour East-Marine Drive Community Council meeting, staff responded to several questions of clarification from members, including the following:

- With regard to whether any changes were made to the application after the two public information meetings on this matter, staff advised that additional open space was added near building A, and a sidewalk connecting the existing townhouses along Green Village Lane was also added.
- With respect to feedback from area residents regarding the lack of connectivity in the area, staff clarified that that part of Portland Street is under provincial jurisdiction and the province indicate that at this time numbers do not warrant crosswalks across Portland, although that may change when the Penhorn Mall lands are developed.
- Responding to questions about process, staff advised that should Council approve the changes to the Dartmouth Municipal Planning Strategy, then the Amending Agreement would come back to Community Council for consideration. Staff further clarified that at the joint public hearing, Regional Council would be giving consideration to the policy changes, and Harbour East-Marine Drive Community Council would be listening to the specific proposal that has come forward under the requested policy changes.

Following this clarification, a motion was approved that Harbour East-Marine Drive Community Council:

1. Recommend that Halifax Regional Council give First Reading to consider the proposed Amendments to the Dartmouth Municipal Planning Strategy as set out in Attachment A of the December 15, 2014 report and schedule a joint Public Hearing with Harbour East-Marine Drive Community Council;
2. Recommend that Halifax Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy as contained in Attachment A of the December 15, 2014 report; and
3. Move Notice of Motion to consider the proposed amending agreement, as set out in Attachment B of the December 15, 2014 report, to permit the development of three multiple unit buildings and associated amenity space at 530 Portland Street and 104 Green Village Lane, Dartmouth. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

## **FINANCIAL IMPLICATIONS**

As outlined in the December 15, 2014 staff report (Attachment 1)

## **COMMUNITY ENGAGEMENT**

Harbour East-Marine Drive Community Council is comprised of five duly elected members of Council. Meetings are held monthly and are open to the public, unless otherwise stated. Agendas and minutes are available on the web.

Refer to the Community Engagement section of the December 15, 2014 staff report (Attachment 1) for details specific to this application.



### **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all relevant environmental policies contained in the Municipal Planning Strategy.

### **ALTERNATIVES**

Alternatives are identified on page 5 of the attached staff report.

### **ATTACHMENTS**

Attachment 1 Staff recommendation report dated December 15, 2014

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> 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: Jennifer Weagle, Legislative Assistant, 902-490-6517

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P.O. Box 1749  
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**Item No. 10.1.3**  
**Harbour East-Marine Drive Community Council**  
**January 8, 2015**

**TO:** Chair and Members of Harbour East-Marine Drive Community Council

**SUBMITTED BY:** Original signed  
\_\_\_\_\_  
Bob Bjerke, Chief Planner and Director of Planning and Development

**DATE:** December 15, 2014

**SUBJECT:** **Case 18255: Dartmouth MPS Amendments and Amending Development Agreement 530 Portland Street and 104 Green Village Lane, Dartmouth**

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**ORIGIN**

- Application by Connor Architects and Planners.
- June 11, 2013, Regional Council initiation of the MPS amendment process.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Harbour East-Marine Drive Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Dartmouth Municipal Planning Strategy as set out in Attachment A of this report and schedule a joint Public Hearing with Harbour East-Marine Drive Community Council; and
2. Approve the proposed amendments to the Dartmouth Municipal Planning Strategy as contained in Attachment A of this report.
3. Move Notice of Motion to consider the proposed amending agreement as set out in Attachment B of this report to permit the development of three multiple unit buildings and associated amenity space at 530 Portland Street and 104 Green Village Lane, Dartmouth. 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 amendments, and those becoming effective under the *Halifax Regional Municipality Charter*, it is further recommended that Harbour East-Marine Drive Community Council:**

1. Approve the proposed amending agreement as set out in Attachment B of this report: and
2. Require the amending agreement be signed by the property owner within 240 days, or any extension therefore granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

### **BACKGROUND**

Connor Architects and Planners have requested amendments to the Dartmouth Municipal Planning Strategy (MPS) relating to policies for the lands known as the “Hammerling” lands (Map 1). These lands are currently developed under existing policies and development agreements which enable commercial, residential, institutional and recreational uses (Policies H-3 and C-24 to C-27). However, these policies limit the amount of residential units and residential density permitted at this location. Evergreen Plaza Incorporated, who acquired the lands in 2007, are seeking amendments to the existing policies and the existing and amending development agreement to allow an increase in residential density in the form of three multiple unit dwellings.

### **Location, Designation, Zoning and Surrounding Land Uses**

Subject Properties	located at 530 Portland Street and 104 Green Village Lane, formerly 506 Portland Street, and known as the “Hammerling” lands (Map 1);
Location	the south side of the intersection of Portland Street and the Circumferential (Highway 111), and north of the residential communities of Summit Heights Road and Marilyn Drive;
Lot Area	a portion, approximately 8 acres (3.2 hectares), of the original 26 acres known as the “Hammerling” lands (Map 1) under the existing Agreement;
Regional Designation	Urban Settlement under the Regional Plan;
Community Designation	Residential under the Dartmouth MPS (Map 1)
Zoning	CDD (Comprehensive Development District) under the Dartmouth LUB (Map 2);
Current Use(s)	over the past ten years the lands have been developed and now consist of single, two and townhouse units along Green Village Lane, a multiple unit dwelling and the subject lands described above containing two self-storage buildings and a commercial plaza.
Surrounding Use(s)	close proximity to commercial and future residential use on the opposite side of Portland Street (former Penhorn Mall). Adjacent the Circumferential Highway to the east, an existing 4 storey, 51 unit multiple unit building to the south-east and the residential development along Green Village Lane to the west, south and south-east

### **Proposal**

Connor Architects and Planners is requesting increased residential development on a portion of the former “Hammerling” lands in the form of 3 new multiple unit buildings with associated amenity spaces and pedestrian connections (Map 3). The developer does not wish to proceed with the remaining approved, but unconstructed, second building of the commercial plaza or the 5 self-storage buildings due to change in market demands over the past 13 years. The request is for a greater number of dwelling units and increased residential density beyond what the existing development agreement allows and beyond what is supported by the CDD policy.



## History

- In the late 1990's there was an interest in developing the "Hammerling" lands for commercial and residential development by land developers. Attempts to rezone the lands met opposition due to concerns of a large commercial development in very close proximity to an established residential neighbourhood;
- in 1999, Regional Council directed staff to conduct a "Commercial Policy Review" of the Portland Street corridor;
- based on this review, Regional Council rezoned the "Hammerling" lands from R-1 (Single Dwelling Unit) to CDD (Comprehensive Development District) and created site specific CDD policies (Policies C-24 to C-27; Attachment A) to ensure development of the property occurred in a sensitive, inclusive and comprehensive manner through a development agreement process;
- in 2000, Harbour East Community Council approved a development agreement permitting single unit, semi-detached and townhouse dwellings, one multiple unit building and a variety of commercial uses (restaurant buildings, commercial plaza, self-storage facility). The agreement limits the number of residential units to 143 or a residential density of 8.9 dwelling units per acre, whichever is less. The limitation is in accordance with the residential policy intent of H-3B which applies to all CDD zoned properties in Dartmouth; and
- in 2003, Harbour East Community Council approved substantive amendments to the agreement which applied to the commercial uses and included the commercial plaza being developed into 2 buildings and the footprint increasing by 7,000 sq. ft. (650 sq. m.).

## Existing Zoning and Designations

### *CDD Zone and Hammerling Lands Policy*

The Hammerling Lands are subject to two policy sets within the Dartmouth MPS. First, all lands zoned CDD are subject to the H-3 policy set with the intent to provide for a mixed residential development through a comprehensive approach. This policy, among other considerations, requires the creation of a Public Participation Committee<sup>1</sup> and permits a range of housing options, however, limits the maximum number of apartment units to 40% of the total number of residential units and a maximum residential density of 8 dwelling units per acre. Second, the "Hammerling" lands contain site specific policies (Policies C-24 to C-27) intended to address the concerns of potential large commercial development in very close proximity to an established residential neighbourhood. The policy pre-ambles suggest the location and size of the parcel is conducive to mixed infill development of a commercial, residential, institutional and recreational nature. The existing policy structure will not enable the consideration of the proposed three multiple unit dwellings therefore, a change to the Dartmouth MPS has been requested.

### *Regional Plan Policy*

Under the Regional Plan, the property is designated Urban Settlement and is identified as being within an Urban Local Centre. The land use characteristics of an Urban Local Centre are medium to high density residential and commercial. However, under the community plan, the Dartmouth MPS, the existing policies do not enable the consideration of medium to high density residential uses in the area.

## Penhorn Visioning Project and Centre Plan

In September 2011, Regional Council initiated a land use planning process to enable a mixed use re-development of the former Penhorn Mall site. This planning process is known as the Penhorn/Woodlawn Community Visioning project. Future development within the general area has been discussed throughout the visioning project, but the subject lands are outside of the area that will be considered for new land use policies. The proposed development was also considered as part of the Centre Plan: Phase 1(Corridors Project) in 2012 and, as such, was subject to that public engagement process. However, the Corridors Project did not proceed as anticipated and the applicant chose to proceed with their proposal as a stand-alone planning application.

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<sup>1</sup> The Initiation Report (2013) to Regional Council recommended a PPC not be established due to several factors: the considerably smaller area of land; public consultation already carried out under the Centre Plan Corridors Project; and the proposal's suitable response to development principles of Urban Local Centre under the Regional MPS. Regional Council supported this recommendation.



### **Approval Process**

As MPS amendments and an amending agreement are required to enable the proposed residential development, the approval process necessitates Regional Council and Community Council involvement. MPS amendments are under the jurisdiction of Regional Council. The proposed amending agreement is under the jurisdiction of the Harbour East-Marine Drive Community Council. A public hearing, which is required prior to the decision on both matters, may be held at the same time for both the MPS amendment and the amending development agreement. In the event that Regional Council approves the MPS amendments, Harbour East-Marine Drive Community Council may only make a decision on the amending agreement following the amendments to the MPS coming into effect.

## **DISCUSSION**

### **Rationale for Municipal Planning Strategy Amendments**

Municipal Planning Strategies lay out Council's intent regarding appropriate land use and future growth patterns. Amendments to a MPS should not be routine undertakings and Council is under no obligation to consider such requests. Amendments should be only considered when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, last reviewed, or in cases where circumstances are significantly different from the situations that the Plan anticipated.

The existing policy limits the number of apartment units to 40% of the total number of residential units developed on the lands zoned CDD. The existing development agreement limits residential density to 8.9 units per gross acre or 143 residential dwelling units, whichever is less. This limitation is in accordance with Policy H-3B. The applicant's request is for 263 additional residential dwelling units. This is double the density of the existing development agreement. The Dartmouth MPS refers to options of redevelopment and infilling of areas throughout the "City" to maximize use of existing services for new residential growth. These areas should be located where additional growth may be accommodated, without great expenditures, with existing street capacities and sewer capacities such as the subject lands. The proposal uses existing services to accommodate the higher densities and, being within the Regional Centre, the increase in density is appropriate. Staff concur that the proposal for residential redevelopment in this area is reasonably consistent with the Urban Settlement designation under the Regional MPS to provide for a diverse, vibrant and liveable urban environment.

The Regional Plan specifically identifies the lands as being an Urban Local Centre, and within the Penhorn Visioning area. The land use characteristics of an Urban Local Centre are not necessarily supported by existing plan policies as these policies were developed over 15 years ago and do not respond to the community's current vision for development and market trends. The proposal aligns with the medium and high density mixed use development principles of an Urban Local Centre as envisioned for the Penhorn area during the visioning process. It also should be noted that this proposal was considered as part of the Centre Plan: Phase 1(Corridors Project) and as such was part of that public engagement process. Generally, these engagement processes identified support for high density tall buildings at Portland Street with medium and high density residential development at the rear of the lands, that did not overwhelm existing residential development, set in a walkable landscape with good connections to Penhorn redevelopment and established residential neighbourhoods.

### **Proposed Amending Development Agreement**

The proposed amending development agreement covers only the portion of the "Hammerling lands" shown on Maps 1 and 2. This approach enables the existing agreement to remain in effect on the balance of the lands and the amending agreement provides specific provisions for the proposed 3 multiple unit dwellings. The proposed amending development agreement satisfies the intent of the existing policies of the MPS, including the proposed amendment to allow an increased number of residential units on the subject lands at a higher density of dwelling units per acre. Of the matters addressed by the proposed amending development agreement the following have been identified for more detailed discussion.



*Building Design, Height and Massing*

The design and location of the buildings is generally illustrated on Map 3.

**Building A:** is a ten storey L-shaped building that transitions, by means of a terracing effect, to the height of the nearby townhouses on Green Village Lane onto which it backs. This terracing also visually benefits the existing nearby multiple unit building. The terracing serves to lessen the perception of bulk of the building and allows for landscaped roofs. There is an at-grade roof top (over the underground parking) amenity space adjacent to this building which is connected to the ground level pedestrian sidewalk system.

**Building B:** is located almost midway between the existing commercial building and the proposed Building A. It is nine storeys in height with extensive fenestration and a variety of cladding materials to provide visual interest, colour and texture. The roof line is a combination of moulded cornices and varied roofs. Building B is the sole building permitted to contain commercial uses (limited to approximately 5,400 square feet in the proposed amending agreement) and the landscape plan required under the proposed amending agreement specifically requires the pedestrian realm/commercial interface be given architectural and landscape consideration.

**Building C:** is a four storey building having a simple gable roof that is located just north of the existing townhouses. The façade towards Green Village Lane is intended to present a townhouse appearance so as to better transition from the bulk of a multiple unit building to the smaller scaled existing townhouses to be read as a common wall forming the edge of the street.

*Compatibility*

The subject lands contain a commercial plaza, facing Portland Street, on the northeast corner of the lands and two self-storage buildings to the southeast and associated parking. The surrounding land uses are residential on Green Village Lane including townhouses and a multiple unit building (168 Green Village Lane) with a prescribed density of just over 8 dwelling units per acre. The density, scale, height, building materials and architectural character of the surrounding buildings were factors taken into consideration in assessing the compatibility of this infill redevelopment along with pedestrian linkages, landscaping and traffic implications. A high density residential development is appropriate for the site and the development agreement process enables design controls to be established through the process. The proposed 10 storey building is located nearby the existing multiple unit building, with the tallest part of the building towards the Circumferential Highway. The terraced form of the building and horizontal separation distances ensures the compatibility with the existing multiple unit and the townhouses. The landscaping required under the landscape plan of the proposed amending agreement is intended to result in an integrative design concept that further contributes to land use compatibility. Building C is located such that one side faces Green Village Lane with a townhouse wall and the other side faces Building B with a four storey façade. The townhouse wall serves to transition the bulk and height of the larger scaled Building C to the existing townhouses. The uses, building locations and heights as proposed represent an appropriate development that is in keeping with the characteristics of the surrounding land uses and there are no compatibility concerns.

*Housing Type Mix*

The three residential buildings permitted under the proposed amending agreement provide a total of 263 dwelling units. The following is a breakdown of the three proposed residential buildings:

<b>Building</b>	<b># of Storeys</b>	<b># of Units</b>	<b>Unit Type</b>	<b>Commercial</b>
Building A	10	148	Max 31 one bedroom, remainder are two bedroom	No
Building B	9	90	90 two bedroom	Yes (5,400 sq ft)
Building C	4	25	max. 6 bachelor or one bedroom, remainder are two bedroom.	No



The proposed amending agreement allows the Development Officer to vary the overall unit type mix by up to 10 percent of the total number of units per building.

*Landscaping and Amenity Spaces*

The existing development agreement on the subject lands contains provisions for tree retention, requirements for development permit applications to include a landscaping and maintenance plan, requirements for street tree planting and requirements for a landscape plan for the entire development to be submitted to HRM for review. The proposed amending agreement reiterates the requirement for a landscape plan but requires it to be prepared by a landscape architect and requires that it provide specific detailed designs for each of the 3 individual building sites and each of the adjacent amenity spaces. The proposed agreement also provides design guidelines specific to the amenity space adjacent Building C and gateway elements and the at-grade roof top amenity space at Building A. It also provides direction to address pedestrian entrances and landscaped areas adjacent the buildings with architectural and landscape architectural design treatment so that pedestrian oriented space associated with the buildings will heighten the aesthetic setting and be comfortable, interactive and interesting for the pedestrian.

*Traffic Impact and Access*

A Traffic Impact Study (TIS) submitted in support of the application concludes that traffic from the proposed development can be accommodated within the existing street network and staff concurs with the conclusion and recommendation of the study. The proposed development will be served by the existing Green Village Lane signalized intersection to Portland Street opposite the Sears driveway, as well as an existing driveway to Portland Street (right in/ right out only) opposite the Sears/Sobeys Penhorn driveway. The TIS concludes that because the two-way trip generation for the proposed development is essentially the same as the additional site trips that would have been generated by completion of the approved site development, the change in land use will not have significantly different traffic impacts from those that would have occurred under the existing agreement.

The TIS also notes that pedestrian facilities are not adequate to provide convenient and safe access to the Penhorn Terminal from the south side of Portland Street. The only sidewalk in Evergreen Village is on the west side of Green Village Lane and there is no sidewalk on the south side of Portland Street adjacent to the site. Two potential pedestrian crossing points at the signalized Portland Street and Green Village Lane intersection do not have pedestrian heads or crosswalk markings. To address these deficiencies in pedestrian connections the proposed amending development agreement requires the developer to construct a sidewalk on the south side of Portland Street from the signalized intersection east to the subject lands and also to provide a sidewalk on the northeast side of Green Village Lane from the signalized intersection to the existing driveway access south of Building C (see Map 3).

*Extended Time for Signing of Amendment Agreement*

As a condition of the 2003 amending development agreement, which enabled the commercial plaza to be developed into 2 buildings, two road parcels near Portland Street were to be purchased by the developer from the Municipality and the Province, however this action has not been carried out to date and must occur prior to the signing of the proposed amending agreement. The proposed amending development agreement has been drafted on the premise that the land transfer is complete. To account for the time required for the HRM street conveyance and street closure processes and the purchase of the land between the Province and the developer, staff has included a longer time frame for the signing of the agreement. Typically, 120 days is allocated for signing of an agreement; staff are suggesting 240 days.

**Conclusion**

It is recommended the existing site-specific policy set (C-23 to C-27) be deleted from the Commercial chapter of the Dartmouth MPS and a new, site-specific policy for these lands be placed in the Housing chapter. The proposed amendments (Attachment A) direct residential growth to built-up areas by means of re-development and infill and allow an increase in residential density to 16 units per acre in keeping with the overall objectives, but not the site-specific policies, of the Dartmouth MPS and the Regional Plan respectively.



The proposed MPS policies promote compact residential development within walkable distances to local commercial services by allowing an increased density on the subject lands (Attachment A). The proposed amending agreement (Attachment B) adequately implements the existing and proposed MPS policies. Therefore, staff recommends that Council adopt the amendments to the Dartmouth MPS provided in Attachment A of this report. Further to the adoption of the amendments staff recommends that Harbour East-Marine Drive Community Council approve the amending development agreement as contained in Attachment B of this report.

### **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 Amending Development Agreement. The administration of the agreement can be carried out within the proposed 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 two Public Information Meetings (workshops format) held on October 23, 2013 and October 30, 2013 (see Attachment D minutes). Notices of the Public Information Meetings were posted in the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

Issues identified by the public at the workshops included the 10 storey height of proposed Building A in regards to blocking views, scale and not sufficient (horizontal) separation distance from the existing multiple unit building at 168 Green Village Lane. To address these issues Building B is required in the proposed amending development agreement to be designed to step down in height from 10 stories to 4 stories to visually attenuate the perception of bulk, by means of planted rooftops, towards the existing 4 storey multiple unit building and townhouses on Green Village Lane. The nearest wall of the proposed Building B is located over 100 feet distant from the existing multiple unit building.

The public perceived the proposed increased density as a nexus for a number of problems: increased traffic volumes onto Portland Street, exacerbation of current water and sewer issues and a paucity of parkland/amenity space. Concern was expressed throughout both meetings that the water pressure in the proposed buildings would not be sufficient (for showering and flushing) and that there were deficiencies in the sewer system that would limit servicing the proposed number of dwelling units. The potential increased traffic volumes onto Portland Street and the immediate area street network were analysed in the Traffic Impact Study and the additional number of trips generated per day by the proposed development will have no significant impact and is almost the same as the volumes created by the approved use of the lands. Similarly, the potential increased demand on water and sewage services was evaluated by Halifax Water and deemed to be adequate.

There was a general feeling amongst the public that the proposal lacked amenity space, had insufficient planting of trees and did not contribute to walkability having no proposed trails and inadequate sidewalks. The proposed amending development agreement requires the developer to provide three amenity areas and landscaped areas, a new sidewalk on the north side of Green Village Lane extending from south of the existing townhouses to Portland Street, a sidewalk from Portland Street to the redeveloped area extending to Building B at the southeast extent of the lands. The amending development agreement requires a landscape plan be prepared by a landscape architect emphasizing design treatment at building entrances, landscaped areas identified on the site plan and specific design requirements for two of the amenity spaces.

A public hearing must be held before Regional Council may consider approval of any proposed amendments to the Dartmouth MPS and the amending agreement. Should Council decide to proceed



with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed MPS amendments and amending agreement will potentially impact local residents, property owners, and community or neighbourhood organizations.

### **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all relevant environmental policies contained in the MPS.

### **ALTERNATIVES**

1. Community Council may choose to refuse to approve the amending agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. This is not recommended. A decision of Council to reject this amending agreement, with or without a public hearing, is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Community Council may choose to approve the proposed amending agreement subject to modifications. This may necessitate further negotiation with the applicant and may require an additional public hearing.

### **ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Aerial View Facing East
Attachment A	Proposed Amendments to the Dartmouth MPS
Attachment B	Proposed Third Amending Agreement
Attachment C	MPS Policy Evaluation
Attachment D	Minutes of Public Information Meetings (October 23 & 30, 2013)

2000 Staff Report: available upon request

2003 Staff Report First Amending Agreement: available upon request

2009 Staff Report Second Amending Agreement:  
<http://www.halifax.ca/Commcoun/hecc/documents/090611hecc101.pdf>

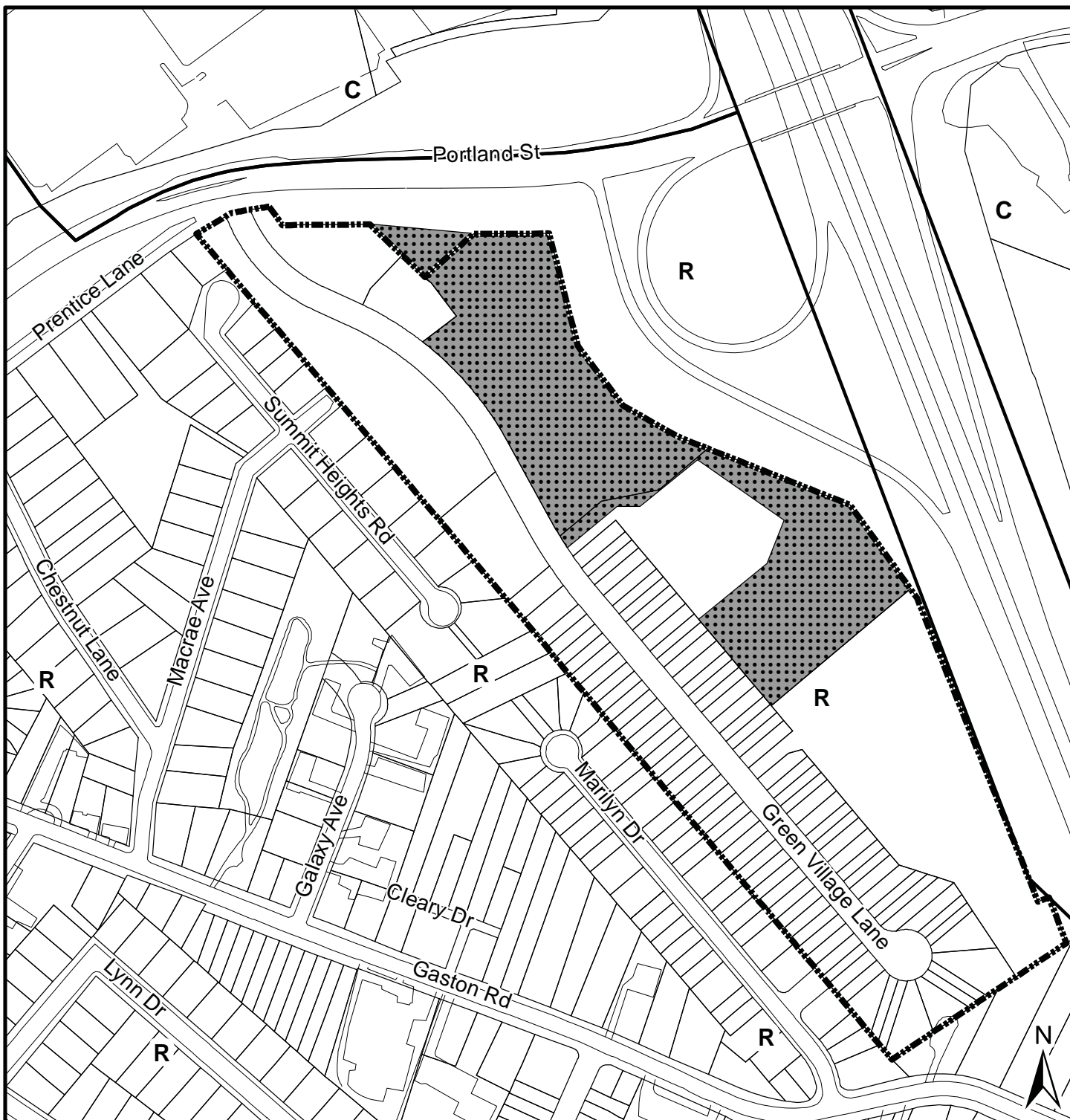
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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Darrell Joudrey, Planner 1, 902-490-4181


Report Approved by: Original signed  
Kelly Denty, Manager of Development Approvals, 902-490-4800





## Map 1 - Generalized Future Land Use

Green Village Lane  
Dartmouth

 Area of Proposed Third  
Amending Agreement

 Area of Existing  
Development Agreement

Dartmouth Plan Area

### Designation

R Residential  
C Commercial

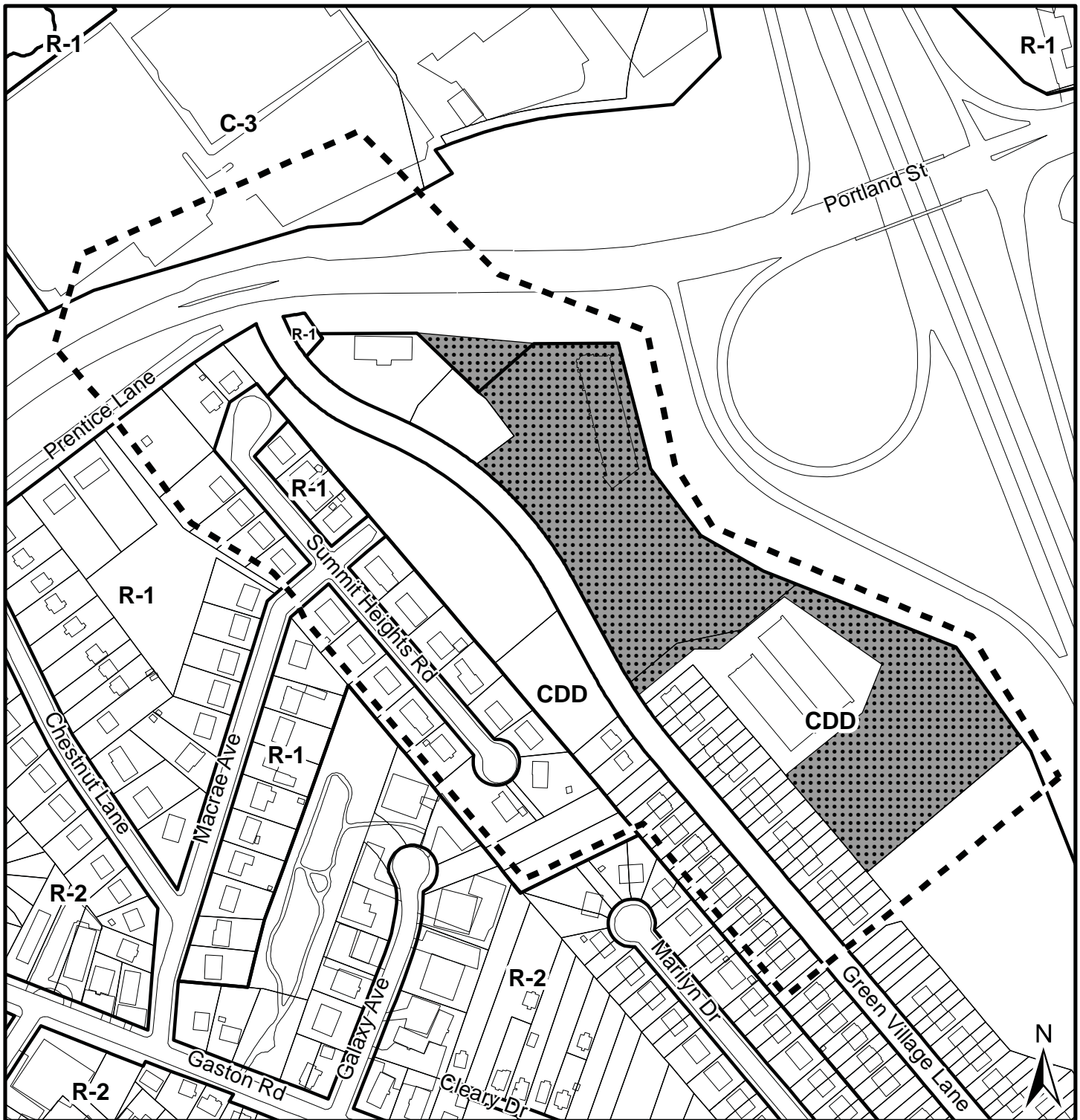
**HALIFAX**

0 20 40 60 80 100 m

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

The accuracy of any representation on  
this plan is not guaranteed.







## Map 2 - Zoning and Notification

Green Village Lane  
Dartmouth

**HALIFAX**

 Area of Proposed Third Amending Agreement

 Area of notification

Dartmouth Plan Area

### Zone

R-1	Single Family Residential
R-2	Two Family Residential
C-3	General Business
CDD	Comprehensive Development District

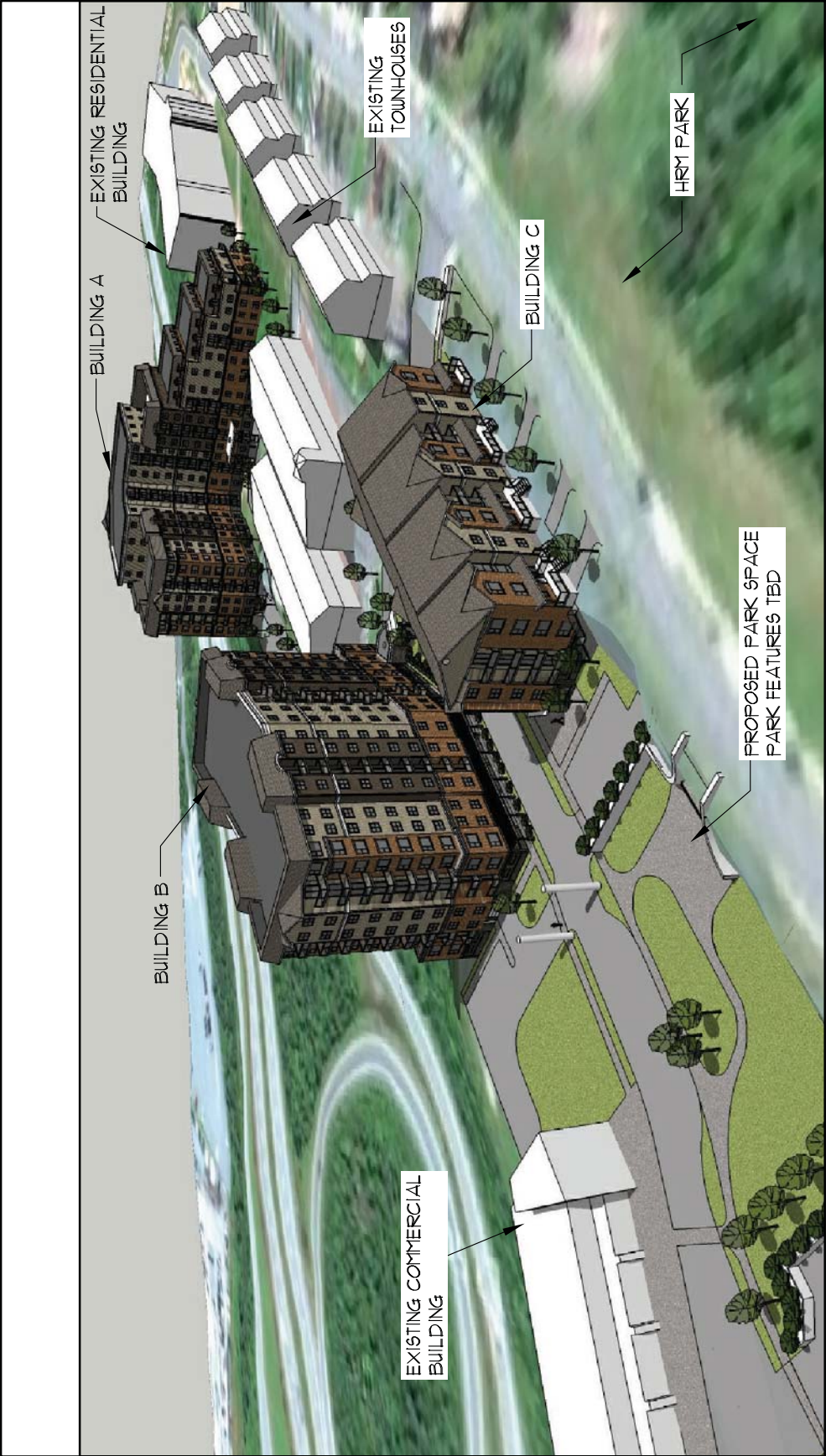
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This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.





\*NOTE\* RENDERING ONLY. DOES NOT INDICATE  
ACTUAL COLOUR SCHEME.

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	Date 22 MAY 2012	Issued: D.A. AMENDMENT PRE-APPLICATION (REVISION 2)	Project No. 1132	Scale NTS
	Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA	Title AERIAL VIEW FACING EAST		Drawing RN-Ø



## **Attachment A:**

### **Proposed Amendments to the Dartmouth Municipal Planning Strategy**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Dartmouth which was passed by a majority vote of the former City of Dartmouth at a duly called meeting held on the 25<sup>th</sup> day of July 1978, and approved with amendments by the Minister of Municipal Affairs on the 15<sup>th</sup> day of September, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 23<sup>rd</sup> day of November, 2013 is hereby further amended as follows:

1. In Chapter 5 – Commercial after (6) Portland Valley/Portland Street Policy C-22 delete the preamble for the “Hammerling Lands” and Policies C-23, C-24, C-25, C-26 and C-27.
2. Map 9aa, as attached as Schedule A, shall be added following Map 9z.
3. In Chapter 4 Housing after Policy H-3F and before Policy H-4 add the following preamble and policies:

#### **Lands south-west of the Portland Street and Highway 111 interchange (Hammerling lands)**

**A Comprehensive Development District (CDD) zone has been applied to a 26 acre parcel of land (formerly known as the Hammerling lands) located south-west of the Portland Street and Highway 111 interchange. In 2000 a development agreement was approved for these lands to ensure sensitive and comprehensive development of commercial land uses proximate to established residential development.**

**Residential development along Green Village Lane including a multiple unit dwelling, two self-storage buildings and a commercial plaza have been completed. However, the remaining commercial land use provided for in the 2000 agreement did not occur as contemplated.**

**A redevelopment of approximately 8 acres to replace the commercial land uses with medium to high density residential development is in keeping with the Urban Settlement designation under the Regional MPS to provide for a diverse, vibrant and liveable urban environment. This is further envisioned under the Penhorn Mall Visioning exercise supporting the Urban Local Centre principles for medium to high density, walkable, mixed development with effective transit connections. The land use characteristics of an Urban Local Centre are not necessarily supported by plan policies which were developed over 15 years ago and were not responding to the growth trends in the same nature as the Regional Plan does today. This site specific policy enables medium to high density development in a location that is supported by the Regional Plan.**

**Policy H-3G It shall be the intention of Council to apply a Comprehensive Development District (CDD) zone to 26 acres of land located at the south-west of the Portland Street and Highway #111 interchange (formerly known as the Hammerling lands) to ensure future development of these lands proceeds in a comprehensive manner.**



Uses to be considered include commercial, residential, institutional and recreational uses. Housing policies H-3, H-3(AA), H-3A, H-3B, and H-3C of this Plan shall not apply to these CDD lands.

**Policy H-3H** It shall be the intention of Council to consider redevelopment of the Hammerling lands for medium and high density mixed use residential commercial development in accordance with the principles of Local Urban Centres envisioned in the Regional Plans. Development within the Hammerling lands CDD shall be subject to a development agreement. Council shall consider the following prior to approving any agreements:

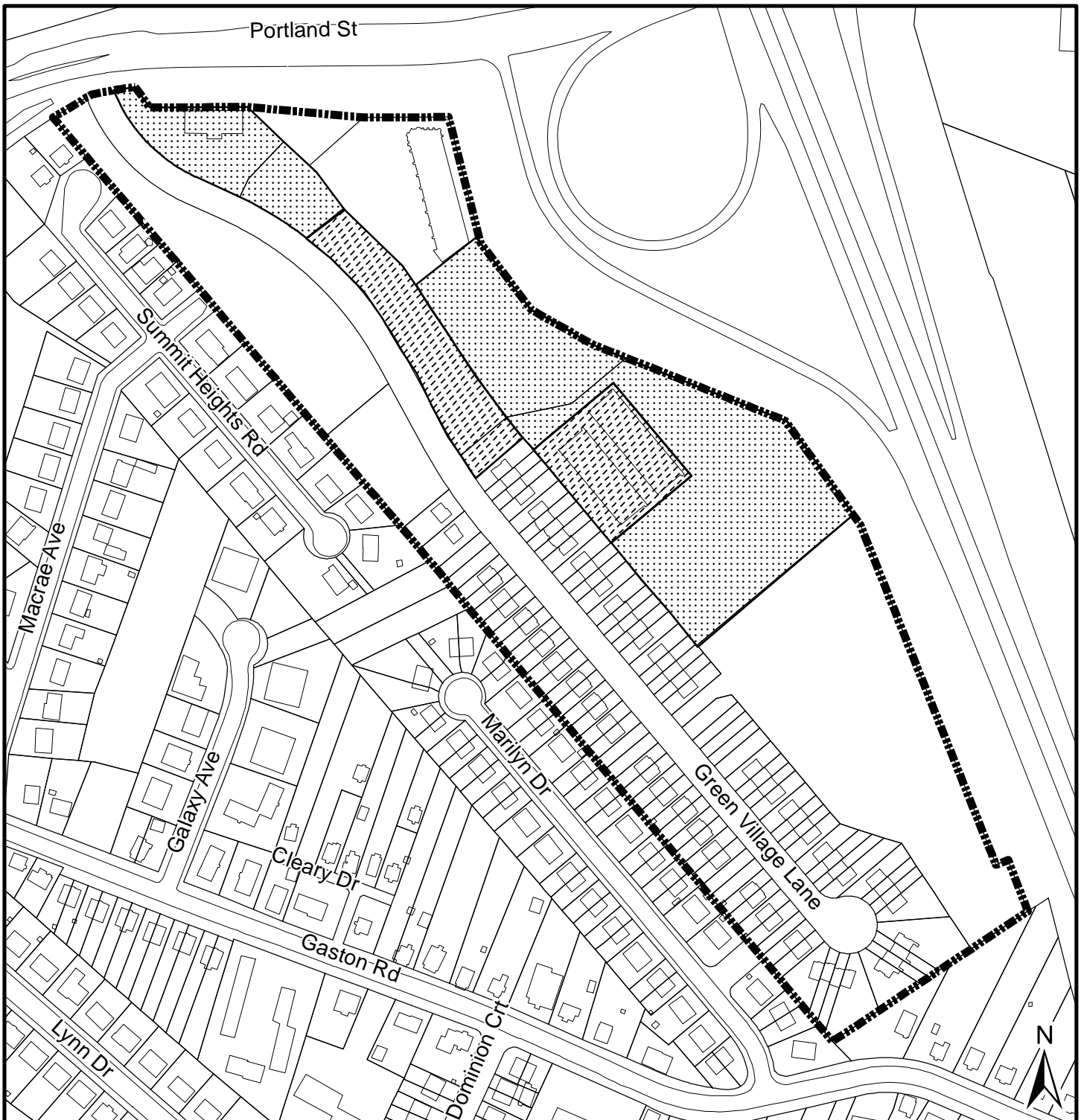
- a) medium and high density mixed use residential development shall be located on the lands in accordance with Map 9aa;
- b) the design of buildings and their sites shall acknowledge the pedestrian realm with human scale architectural and landscape architectural detailing to create welcoming, interesting and interactive spaces at street and sidewalk level areas and strong pedestrian connections between buildings and amenity spaces;
- c) adequacy of the exterior design, height, bulk and scale of the development with respect to its compatibility with the existing neighbourhood. Buildings shall be designed to reinforce a human scale streetscape. The stepping back of higher buildings away from existing residential areas shall be considered to avoid a massive building appearance;
- d) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of building form, traffic generation and parking; and
- e) adequacy of useable amenity space and attractive landscaping such that the needs of existing and future residence are addressed and the development is aesthetically pleasing.

I HEREBY CERTIFY that the amendments to the Dartmouth Municipal Planning Strategy as set out above, were passed by a majority vote of the Halifax Regional Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Municipal Clerk





## Map 9aa

Green Village Lane  
Dartmouth

**HALIFAX**



Area of Policy H-3G and H-3H



Medium Density Residential Development

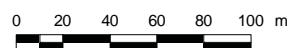


High Density Mixed Use Development

Dartmouth Municipal Planning Strategy

The accuracy of any representation on  
this plan is not guaranteed.

Effective date:





**Attachment B:**  
**Third Amending Development Agreement**

THIS THIRD AMENDING DEVELOPMENT AGREEMENT made this       day of [Insert Month], 20XX,

BETWEEN:

**(INSERT DEVELOPER NAME)**

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

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 530 Portland Street and 104 Evergreen Village Lane, Dartmouth, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Harbour East Community Council approved an application by the Developer to enter into a Development Agreement to allow for single unit dwellings, semi-detached dwellings, townhouse dwellings, a multiple unit dwelling, commercial use, a fire station and associated office space, park and open space use development on the Lands on October 3<sup>rd</sup>, 2000, referenced as Municipal Case Number 00163, said Agreement was registered at the Land Registration Office in Halifax as Document Number 35871 (hereinafter called the "Existing Agreement");

AND WHEREAS the Municipality entered into an amendment to the Existing Development Agreement with Pinnacle Homes Limited to revise the concept plan to identify three commercial sites for a commercial plaza, commercial buildings and self-storage, define restaurant use and adopt Schedule C-1 which was registered at the Land Registry Office in Halifax as Document Number 44510 (hereinafter called the "First Amending Development Agreement");

AND WHEREAS the Municipality entered into an amendment to the Existing Development Agreement with Pinnacle Homes Limited to allow temporary signs in accordance with By-law Number S-800 which was registered at the Land Registry Office in Halifax as Document Number 94915759 (hereinafter called the "Second Amending Development Agreement");

AND WHEREAS the Developer has requested that the Municipality enter into a third amending Development Agreement to allow 263 dwelling units in 3 multiple unit residential buildings and associated amenity space on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies H-3G and H-3H of the Dartmouth Municipal Planning Strategy (herein after called the "Third Amending Development Agreement");

AND WHEREAS the Harbour East-Marine Drive Community Council approved said request at a meeting held on XXXXX XX, 20XX, referenced as Municipal Case 18255;

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

The Existing Agreement is amended as follows:

1. The Existing Agreement shall be amended by adding the following section after clause 2.10.1



## **2A MULTIPLE UNIT DEVELOPMENT: BUILDINGS A, B and C**

### **2A.1 Schedules**

2A.1.1 The Developer shall develop and use the Lands in a manner which in the opinion of the Development Officer is substantially in conformance with plans filed in the Halifax Regional Municipal Development Approvals Department as Case 18255 and attached as the following Schedules to this Agreement:

Schedule 2A1	Legal Description of the Lands
Schedule 2B1	Concept Site Plan
Schedule 2C1	Building A West Elevation
Schedule 2C2	Building A South Elevation
Schedule 2C3	Building A East Elevation
Schedule 2C4	Building A North Elevation
Schedule 2C5	Building A Northwest Elevation
Schedule 2C6	Building A Northeast Elevation
Schedule 2D1	Building B South Elevation
Schedule 2D2	Building B West Elevation
Schedule 2D3	Building B North Elevation
Schedule 2D4	Building B East Elevation
Schedule 2E1	Building C South Elevation
Schedule 2E2	Building C West Elevation
Schedule 2E3	Building C North Elevation
Schedule 2E4	Building C East Elevation
Schedule 2F1	View of Amenity Space and Gateway Elements
Schedule 2G	Proposed Subdivision Plan

2A.1.2 The uses permitted by this agreement, subject to its terms and as generally illustrated on the Schedules, attached hereto, are the following:

- a) 10 storey Multiple Unit Building A with a maximum of 148 units;
- b) 9 storey Multiple Unit Building B with a maximum of 90 units;
- c) 4 storey Multiple Unit Building C with a maximum of 25 units;
- d) Commercial Uses (as per Schedule H); and
- e) Amenity Space located as shown on Schedules 2B1 and 2F1 of this Agreement.

2A.1.3 The mix of residential unit types shall be as follows:

- a) Building A shall contain a maximum of 31 one bedroom units;
- b) Building B shall contain no one bedroom units;
- c) Building C shall contain a maximum of 6 one bedroom units; and
- d) Notwithstanding the above clauses the Development Officer may vary the overall unit type by up to 10% of the number of units required.

2A.1.4 Commercial uses shall be permitted in Building B as follows:

- a) Commercial uses shall be in accordance with Schedule F;
- b) Commercial uses shall, if possible, be located fronting onto the sidewalk or public space and provide interactive elements such as doors and windows; and
- c) Commercial uses shall be limited to 40% of the gross ground floor area but may be permitted in combination with ground floor residential uses.

2A.1.5 The Developer shall be permitted to develop a maximum of 263 residential units on the property as generally illustrated on Schedule 2B1.

2A.1.6 Sections 2.3.1, 2.3.8, 2.3.9, 2.3.12, 2.3.23, 2.3.24 and 2.4.1 of the Existing Agreement do not apply to this Third Amending Agreement.

### **2A.2 Architectural Requirements for Multiple Unit Buildings**



- 2A.2.1 All facades of the multiple unit buildings shall be designed and detailed as primary facades, with detailing and finishes as shown on the Schedules to fully extend around the buildings. The exterior cladding, architectural detailing, and window proportions, shall, in the opinion of the Development Officer, conform to that shown on the Schedules. All public entrances fronting onto a sidewalk or a public space shall be clearly identified and highlighted through architectural details, landscaping or ground treatment.
- 2A.2.2 Roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design or screened and shall not be visible from any abutting public street or adjacent residential development. All vents, down spouts, flashing, electrical conduits, meters, 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 as an accent.
- 2A.2.3 The Developer agrees to provide a landscaped-at-grade roof Amenity Space adjacent Building A as located on Schedule 2B1 that features the following:
- a) the amenity space shall have a minimum area of 7200 square feet;
  - b) the amenity space shall feature design elements to integrate it into the surrounding landscaped area and sidewalk system of Building A;
  - c) the stairs and railing shall be treated as design elements and integrated into the rooftop amenity space; and
  - d) detailed design shall be provided in the Landscape Plan required under this Agreement.
- 2A.2.4 The Developer agrees to provide an Amenity Space adjacent to Building B as located on Schedule 2B1 of this Agreement that features the following:
- a) the amenity space shall have a minimum area of 6500 square feet; and
  - b) detailed design shall be provided in the Landscape Plan required under this Agreement.
- 2A.2.5 The Developer agrees to provide an Amenity Space adjacent to Building C and Gateway Elements as located on Schedules 2B1 and 2F1 of this Agreement that feature the following:
- a) the amenity space shall have a minimum area of 17,200 square feet;
  - b) stairs connecting the amenity space to Green Village Lane shall feature design elements integrated into the stairs;
  - c) the existing slope graded towards Green Village Lane immediately adjacent the amenity space shall be considered part of the design response for the amenity space;
  - d) the existing slope from the amenity space northeast edge to Building C and from the amenity space northwest edge to the existing parking spaces shall be landscaped areas;
  - e) Gateway elements shall be located at both sides of the street as shown on Schedule 2F1; and
  - f) detailed design shall be provided in the Landscape Plan required under this Agreement.
- 2A.2.6 A covered feature shall be located at Building B generally where the building fronts on to the sidewalk and shall be given architectural and landscape architectural design treatment that shows consideration of the pedestrian realm interaction in the Landscape Plan. All pedestrian entrances and landscaped areas adjacent to pedestrian entrances of Buildings A, B and C shall be acknowledged with landscape architectural design treatment in the Landscape Plan.

## **2A.3 Parking**

2A.3.1 Parking shall be provided as follows:

- a) Underground resident parking for each Building shall be provided at a minimum rate of 1 space per unit for Building A, at a rate of 0.75 spaces per unit for Building B and 22 spaces for Building C;



- b) A minimum of 5 surface parking spaces to serve as visitor parking only and 60 Class A and 14 Class B bicycle parking spaces shall be provided for Building A;
- c) A minimum of 5 surface parking spaces to serve as visitor parking only and 36 Class A and 9 Class B bicycle parking spaces shall be provided for Building B; and
- d) A minimum of 6 surface parking spaces to serve as visitor parking only and 10 Class A and 3 Class B bicycle parking spaces shall be provided for Building C.

2A.3.2 The surface parking areas as well as internal driveways shall be hard surfaced and defined by concrete curb.

## **2A.4 Outdoor Lighting**

2A.4.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

### *2A.4.2 Lighting Plan*

Further to subsection 2A.4.1 prior to the issuance of a Development Permit, the Developer shall prepare a Lighting Plan and submit it to the Development Officer for review to determine compliance with Subsection 2.3.24 of this Agreement. The Lighting Plan shall contain, but shall not be limited to, the following:

- a) The location, on the Buildings and on the premises, of each lighting device;
- b) The location and type, on the amenity space, of each individual lighting device; and
- c) A description of the type of proposed illuminating devices, fixtures, lamps, supports, and other devices.

2A.4.3 The Lighting Plan and description shall be sufficient to enable the Development Officer to ensure compliance with the requirements of Subsection 2A.4.2 of this Agreement.

## **2A.5 Landscaping**

### *Landscape Plan*

2A.5.1 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which complies with the provisions of this Agreement and generally conforms with the overall intentions of Schedule 2B1. 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 Agreement.

2A.5.2 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

2A.5.3 The Landscape Plan shall include the following:

- a) a sidewalk to provide a pedestrian connection from Portland Street to Building A as generally shown on Schedule 2B1. This sidewalk shall be constructed of concrete;
- b) a sidewalk on the northeast side of Green Village Lane to provide a pedestrian connection from Portland Street to the south side of the existing driveway access as generally shown as Schedule 2B1. This sidewalk shall be constructed of concrete;
- c) a detailed design for each individual Building site (including Landscaped Areas);
- d) a detailed design for the Amenity Space (including furniture) and Gateway elements as shown on Schedules 2B1 and 2F1as required in the Agreement; and
- e) a detailed design for the landscape-at-grade roof Amenity Space of Building A and the Amenity Space of Building B.

2A.5.4 All walkways shall be hard surfaced.

### *Compliance with Landscaping Plan*



2A.5.5 Prior to issuance of the first Occupancy Permit for Building A, Building B and Building C the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping including hard surfacing of all walkway, parking and driving areas has been completed according to the terms of this Development Agreement.

2A.5.6 Notwithstanding Section 2A.5.5, where the weather and time of year does not allow the completion of the outstanding landscape and onsite paving works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within six months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

**2A.6 Subdivision of the Lands**

The lands may be subdivided in accordance with Schedule 2G of this Agreement subject to the requirements of the Regional Subdivision By-law.

The Municipality agrees that the park dedication requirements have been fulfilled as per the terms of the Existing Development Agreement.

**2A.7 Solid Waste Facilities**

The buildings shall include designated space for five stream (refuse, recycling and composting) source separation services in accordance with By-law S-600 as amended from time to time. This designated space for source separation services shall be shown on the building plans.

**2A.8 Non Substantive Amendments**

2A.8.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:

- a) Changes to the requirements of Subsection 2A.2.1 regarding exterior design for matters such as window design and proportion, variations to cladding materials and colours which, in the opinion of the Development Officer, do not conform with Schedules 2C1 to 2C6, 2D1 to 2D4 and 2E1 to 2E4;
- b) Alterations to the residential unit types established by Subsection 2A.1.3 provided that at least 60 percent of units are two bedroom or larger;
- c) A reduction in the parking requirement below the threshold set out in Subsection 2A.3.1, provided that a minimum ratio of 0.8 spaces per unit is provided;
- d) Changes to the Landscaping Plan as detailed in Section 2A.5 which, in the opinion of the Development Officer, do not conform with Schedule 2B1 or 2F1;
- e) The granting of an extension to the date of commencement of construction as identified in Section 3.3 of this Agreement;
- f) The length of time for the completion of the development as identified in Section 3.4 of this Agreement.

**2A.9 Substantive Amendments**

Amendments to any matters not identified under Section 2A.8 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.



2. The Existing Agreement shall be amended by deleting Section 3.3 and replacing it with the following Section 3.3

3.3 In the event that construction of Buildings A, B or C has not commenced within three years from the date of registration of this Agreement at the Land Registration office, the Municipality may, by resolution of Council, either discharge this Agreement whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction. For the purpose of this section, commencement shall mean upon the issuance of the first development permit.

3. The Existing Agreement shall be amended by deleting Section 3.4 and replacing it with the following Section 3.4

3.4 In the event the Developer fails to complete the development or portions thereof, or after five years from the date of registry of this Agreement with the Land Registration office, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law, as may be amended.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

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

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK







Schedule 2C1 - Building A West Elevation

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<div><div></div><div>22 MAY 2012</div></div>	<div><div>Issued:</div><div>D.A. AMENDMENT PRE-APPLICATION (REVISION 2)</div></div>	Project No. 1132	Scale NTS
<div><div>Project</div><div>EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA</div></div>	<div><div>Title</div><div>BUILDING A WEST ELEVATION</div></div>	<div><div>Drawing</div><div>RN-1</div></div>	



## An architectural rendering of a multi-story residential building. The building features a mix of brick and siding, with a stepped roofline and numerous windows. The foreground is landscaped with green grass, trees, and a bench. A dimension line indicates a height of +/- 34'-0" for a specific section of the building.

**\*NOTE\* RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.**

	Date 22 MAY 2012	Issued: D.A. AMENDMENT PRE-APPLICATION (REVISION 2)	Project No. 1132	Scale NTS
	Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA		Title BUILDING A SOUTH ELEVATION	Drawing RN-2



Schedule 2C3 - Building A East Elevation

		<p><b>*NOTE*</b> RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>	
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		Date 22 MAY 2012	Issued: D.A. AMENDMENT PRE-APPLICATION (REVISION 2)
Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA		Project No. 1132	Scale NTS
Title BUILDING A EAST ELEVATION		Drawing RN-3	



# Schedule 2C4 - Building A North Elevation

 <p>LANDSCAPED PODIUM</p> <p>0'-0" 0'-0" -/+</p>		<p><b>*NOTE*</b> RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>	
<div></div> <div><p>Date 22 MAY 2012</p><p>Project <b>EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT</b> DARTMOUTH, NOVA SCOTIA</p></div>		<p>Issued: D.A. AMENDMENT PRE-APPLICATION (REVISION 2)</p>	<p>Project No. 1132</p> <p>Title <b>BUILDING A NORTH ELEVATION</b></p> <p>Scale NTS Drawing <b>RN-4</b></p>
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Schedule 2C5 - Building A Northwest Elevation

		<p><b>*NOTE*</b> RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>	
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		Title BUILDING A NORTH WEST ELEVATION	Drawing RN-5
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Schedule 2C6 - Building A Northeast Elevation

		<p><b>*NOTE*</b> RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>	
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Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA		Project No. 1132	Scale NTS
Title BUILDING A NORTH EAST ELEVATION		Drawing RN-6	
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Schedule 2D1 - Building B South Elevation



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	Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA	Title BUILDING B SOUTH ELEVATION	Drawing RN-1	



Schedule 2D2 - Building B West Elevation

		<p>*NOTE* RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>	
		Date 22 MAY 2012	Issued: D.A. AMENDMENT PRE-APPLICATION (REVISION 2)
Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA		Project No. 1132	Scale NTS
Title BUILDING B WEST ELEVATION		Drawing RN-8	
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# Schedule 2D3 - Building B North Elevation



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Project <b>EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA</b>	<b>EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA</b>			Title <b>BUILDING B NORTH ELEVATION</b>	Drawing <b>RN-9</b>



Schedule 2D4 - Building B East Elevation

		<p><b>*NOTE*</b> RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>	
		Date 22 MAY 2012	Issued: D.A. AMENDMENT PRE-APPLICATION (REVISION 2)
Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA		Project No. 1132	Scale NTS
		Title BUILDING B EAST ELEVATION	Drawing RN-10

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Schedule 2E1 - Building C South Elevation

<p>MULTIPLE ROOF FORMS WITH DECORATIVE DORMER ELEMENTS TO ADD VISUAL INTEREST</p> <p>WINDOWS WITH FIVE-PIECE TRIM DETAILING</p> <p>BALCONY WITH GLASS AND METAL RAILING</p> <p>ENTRY PORCH</p> <p>FIBER CEMENT SIDING COLOUR 2</p> <p>FIBER CEMENT BANDING DETAIL</p>				<p>*NOTE* RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>	
		Date 22 MAY 2012		Issued: D.A. AMENDMENT PRE-APPLICATION (REVISION 2)	
Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA		Project No. 1132		Scale NTS	
Title BUILDING C SOUTH ELEVATION		Drawing RN-11		© Connor Architects and Planners Limited 2012	



Schedule 2E2 - Building C West Elevation

		<p><b>*NOTE*</b> RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>	
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Title BUILDING C WEST ELEVATION		Project No. 1132	Scale NTS
			Drawing RN-12



Schedule 2E3 - Building C North Elevation

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Project EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA		Project No. 1132	Scale NTS
		Title BUILDING C NORTH ELEVATION	Drawing RN-13



Schedule 2E4 - Building C East Elevation

 <p><b>*NOTE*</b> RENDERING ONLY. DOES NOT INDICATE ACTUAL COLOUR SCHEME.</p>			
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Date 22 MAY 2012		Project No.	Scale
Issued:		1132	NTS
D.A. AMENDMENT PRE-APPLICATION (REVISION 2)			
Project		Title	Drawing
EVERGREEN VILLAGE DEVELOPMENT AGREEMENT AND M.P.S. AMENDMENT DARTMOUTH, NOVA SCOTIA		BUILDING C EAST ELEVATION	RN-14
			



## Attachment C: MPS Policy Evaluation

### Housing:

#### Lands south-west of the Portland Street and Highway 111 interchange (Hammerling lands)

A Comprehensive Development District (CDD) zone has been applied to a 26 acre parcel of land (formerly known as the Hammerling lands) located south-west of the Portland Street and Highway 111 interchange. In 2000 a development agreement was approved for these lands to ensure sensitive and comprehensive development of commercial land uses proximate to established residential development. Residential development along Green Village Lane including a multiple unit dwelling, two self-storage buildings and a commercial plaza have been completed. However, the remaining commercial land use provided for in the 2000 agreement did not occur as contemplated.

A redevelopment of approximately 8 acres to replace the commercial land uses with medium to high density residential development is in keeping with the Urban Settlement designation under the Regional MPS to provide for a diverse, vibrant and liveable urban environment. This is further envisioned under the Penhorn Mall Visioning exercise supporting the Urban Local Centre principles for medium to high density, walkable, mixed development with effective transit connections. The land use characteristics of an Urban Local Centre are not necessarily supported by plan policies which were developed over 15 years ago and were not responding to the growth trends in the same nature as the Regional Plan does today. This site specific policy enables medium to high density development in a location that is supported by the Regional Plan.

	Policy Criteria	Comment
	<p>Policy H-3G</p> <p>It shall be the intention of Council to apply a Comprehensive Development District (CDD) zone to 26 acres of land located at the south-west of the Portland Street and Highway #111 interchange (formerly known as the Hammerling lands) to ensure future development of these lands proceeds in a comprehensive manner. Uses to be considered include commercial, residential, institutional and recreational uses. Housing policies H-3, H-3(AA), H-3A, H-3B, and H-3C of this Plan shall not apply to these CDD lands.</p>	<p>Council established a CDD zone on the subject lands in 2000 as the lands were 26 acres in area and within the development boundary. Through the existing development agreement on the lands commercial development was limited to a commercial plaza of 60,000 square feet, seven self-storage buildings with a total of 150,000 square feet and two restaurant buildings with a maximum of 10,000 square feet combined. A variety of residential uses were permitted, including single dwelling units, two unit dwellings, townhouse dwellings and a multiple unit building. A fire station (not built but still identified as future project by fire emergency logistics staff) and associated office space, parkland open space and accessory uses were also permitted in the existing development agreement. The lands for the fire station are now owned by HRM and are located off Portland Street on the south side of Green Village Lane. Current land uses across the street from the proposed fire station location are existing and vacant commercial lots and a parking lot (proposed amenity space).</p>
	<p>Policy H-3H</p> <p>It shall be the intention of Council to consider redevelopment of the Hammerling lands for medium and high density mixed use residential commercial development in accordance with the principles of Local Urban Centres envisioned in the Regional Plans.</p>	



	<b>Policy Criteria</b>	<b>Comment</b>
	Development within the Hammerling lands CDD shall be subject to a development agreement. Council shall consider the following prior to approving any agreements:	
	<b>Policy Criteria</b>	<b>Comment</b>
a)	medium and high density mixed use residential development shall be located on the lands in accordance with Map 9aa;	The Regional Plan specifically identifies the subject lands as being within the Penhorn Visioning area and the proposal aligns with the medium and high density mixed use development principles of an Urban Local Centre. The proposal for residential redevelopment locates the proposed high density buildings nearest the Circumferential (Highway 111) and the existing multiple unit building while other high density lands for future redevelopment are shown as adjacent and proximate Portland Street in accordance with Map 9aa. Medium density residential development is located at the north side of Green Village Lane, juxtaposed to the existing town houses, and the area where self-storage currently exists as shown on Map 9aa. The proposed development supports the Urban Local Centre principles for medium to high density, walkable, mixed development with effective transit connections.
b)	the design of buildings and their sites shall acknowledge the pedestrian realm with human scale architectural and landscape architectural detailing to create welcoming, interesting and interactive spaces at street and sidewalk level areas and strong pedestrian connections between buildings and amenity spaces;	The proposal is for residential redevelopment of the subject lands. Careful consideration has been given to the placement of buildings in relation to existing residential development. Building A and Building C are located the nearest to the existing townhouses. Building B steps down to the rear of the townhouses on Green Village Lane while Building C has a facade on Green Village Lane that is referential to the townhouse nature of the existing townhouse units on that street. Building A is located a sufficient separation distance from the existing condo building, 168 Green Village Lane and the required landscape plan will address integrative plantings/landscaping on the lands. Proposed Building B is close enough to Building C to provide a brief sense of enclosure but located distant from the existing condo.
c)	adequacy of the exterior design, height, bulk and scale of the development with respect to its compatibility with the existing neighbourhood. Buildings shall be designed to reinforce a human scale streetscape. The stepping back of higher buildings away from existing residential areas shall be considered to avoid a massive building appearance;	Redevelopment of 8 acres of the 26 acres site is proposed for 3 new proposed multiple unit buildings: Building A is 10 terraced floors with 148 dwelling units; the terracing is intended to transition to the existing townhouses on Green Village Lane. The terraces will also be planted and the at-grade area over the parking garage is to be landscaped as an amenity space. Building B is a mixed use multiple unit building of 9 floors with 90 residential dwelling units and a potential of 5400 square feet of main floor commercial space. Building C is 4 floors



	<b>Policy Criteria</b>	<b>Comment</b>
		with 25 dwelling units whose northeast façade is intended to transition to the existing townhouses on Green Village Lane.
d)	adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of building form, traffic generation and parking; and	The proposed development will have a minimal impact on the surrounding existing neighbourhoods in comparison to the approved commercial (the remaining portion of the plaza and the self-storage units). The increased amount of residential development will be a positive effect on the established neighbourhood with enhanced opportunity for human/social interactions, pedestrian connections and appropriate locally oriented retail/commercial uses. The site plan greatly reduces the amount of surface parking and provides it in smaller broken up areas. Building A has a 1:1 underground parking ratio while Building B has about a 1:8 ratio and both provide a reasonable number of surface parking spaces.
e)	adequacy of useable amenity space and attractive landscaping such that the needs of existing and future residence are addressed and the development is aesthetically pleasing.	The proposed amending agreement reiterates the requirement of the Existing Agreement for a landscape plan but requires it to be prepared by a landscape architect. The landscape plan is to provide specific detailed designs for each of the 3 individual building sites and their adjacent amenity spaces. The proposed agreement also provides design guidelines specific to the amenity space adjacent Building C and gateway elements and the at-grade roof top amenity space at Building A. There is direction to address pedestrian entrances and landscaped areas adjacent the 3 buildings with architectural and landscape architectural design treatment so that pedestrian oriented space associated with the buildings will heighten the aesthetic setting and be comfortable, interactive and interesting for the pedestrian.

### **Implementation**

#### Policy IP-1(c)

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

	<b>Policy Criteria</b>	<b>Comments</b>
(1)	that the proposal is in conformance with the policies and intent of the Municipal Development Plan	Staff advise that this proposal is in conformance with any and all relevant policies and intent of the Dartmouth MPS as amended.
(2)	that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal	See H-3H above.



	Policy Criteria	Comments
(3)	provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries	Potential incompatibilities with adjacent land use and traffic arteries were addressed by the Traffic Impact Study (TIS) in that all sight stopping distances must be kept clear of vegetation and the street are not to be planted
(4)	that the proposal is not premature or inappropriate by reason of:	
(i)	the financial capability of the City is (sic) to absorb any costs relating to the development	All costs for this proposed development shall be the responsible of the developer.
(ii)	the adequacy of sewer and water services and public utilities	Halifax Water has reviewed the application and comments that the sewer and water services are adequate
(iii)	the adequacy and proximity of schools, recreation and other public facilities	HRSB has not provided comment at this time, however the school board is required to provide this service. The neighbourhood park, on the south side of Green Village Lane, Lake Penhorn and other parks in the area provide adequate public recreation facilities. There is a soccer pitch, tennis courts and basketball hoop off of Bow Street as well as a nearby Community Centre and arenas in the larger area.
(iv)	the adequacy of transportation networks in adjacent to or leading to the development	A TIS has been prepared in support of this application. HRM Development Engineering has provided comments on the application and are in concurrence with the TIS. The TIS concluded that the proposed residential development was comparable to the approved commercial uses and was insignificant in terms of impact. The study noted that HalifaxTransit services are available on the north side of Portland Street in front of the Sobeys store and is served by routes 56, 57, 58, 59, 61, 62, 65, 66, 68 and 159 that will more than adequately serve the proposed development. Comments included minimizing the driveway access from Green Village Lane from Building C to 2 double width driveways for traffic circulation purposes. It was also requested that a new sidewalk be provided on the northeast side of Green Village Lane from the existing driveway access south of Building C to the intersection of Portland street; this will link the proposed amenity space, the new apartment building and existing town houses on Green Village Lane
(v)	existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas	It is a standard approach to require the provision of erosion and sedimentation controls effective during site development and after completion and is a requirement of the existing development agreement.
(vi)	preventing public access to the shorelines or the waterfront	n/a
(vii)	the presence of natural, historical features,	The existing natural vegetation on the lands is



	<b>Policy Criteria</b>	<b>Comments</b>
	buildings or sites	required to be retained under the existing development agreement. There are no historical features, buildings or sites identified on the site.
(viii)	create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized	The proposed development on the subject lands will not contribute to a scattered development pattern. The higher density, compact redevelopment will make efficient use of public services.
(ix)	the detrimental economic or social effect that it may have on other areas of the City	Because the application lies within the boundaries of the Penhorn Visioning exercise and aligns with the principles therein developed staff anticipate that minimal or no detrimental economic or social effect on other areas of the Dartmouth.
(5)	that the proposal is not an obnoxious use	The propose land use is residential with a minor commercial component and associated new amenity spaces with no obnoxious uses.
(6)	that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:	
(i)	type of use, density, and phasing	The land use, residential density and phasing are anticipated to be controlled through the development agreement.
(ii)	emissions including air, water, noise	Staff is not aware of any air, water or noise issues.
(iii)	traffic generation, access to and egress from the site, and parking	See IP-1 (c) (iv)
(iv)	open storage and landscaping	Open storage use is not permitted for the proposed new buildings and the required landscape plan will address any enhanced landscaping deemed necessary.
(v)	provisions for pedestrian movement and safety	The concept site plan shows proposed pedestrian movement throughout the lands and Development engineering has provided comments in regards to pedestrian safety; requesting a sidewalk along the northeast side of Green Village Lane.;
(vi)	management of open space, parks, walkways	The concept site plan identifies a new amenity space adjacent Building C near the western boundary abutting Green Village Lane and associated amenity spaces at Buildings A and B. These will remain in private ownership and are not to be turned over to HRM
(vii)	drainage both natural and sub-surface and soil-stability	Provision for Erosion and Sedimentation control plans and Stormwater Management plans are both standard requirements of a development agreement.
(viii)	performance bonds	n/a
(7)	suitability of the proposed site in terms of steepness of slope, soil conditions, rock out-croppings, location of watercourses, marshes, swamps, bogs, areas subject to	Site suitability or/and constraints were addressed in the initial development agreement and no new constraints were noted by staff as part of this application.



	<b>Policy Criteria</b>	<b>Comments</b>
	flooding, proximity to major highways, ramps, railroads, or other nuisance factors	
(8)	in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council	A public information meeting for input from the public was held in the form of two workshops held on consecutive weeks and carried out by the site designer and architect in conjunction with HRM staff.
(9)	that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide	
(i)	Council with a clear indication of the nature of proposed development; and	Although no zoning amendments form part of this application staff the staff report, proposed amendment to the development agreement, and accompanying site plans provide Council with a clear indication of the nature of the proposed development.
(ii)	permit staff to assess and determine the impact such development would have on the land and the surrounding community	Staff evaluation and analysis of the proposed development will provide Council with an assessment of any potential impact on the lands and the surrounding community.
(10)	Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges-Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02 E-Aug 17/02)	n/a



**ATTACHMENT D**  
**Minutes of Public Information Meetings (October 23 & 30, 2013)**

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING # 1**  
**CASE NO. 18255 – EVERGREEN VILLAGE**

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**7:00 p.m.**  
**Wednesday, October 23, 2013**  
**Evergreen Plaza, 530 Portland Street**

**STAFF IN**

**ATTENDANCE:** Darrell Joudrey, Planner, Planning Applications  
Holly Kent, Planning Technician  
Jennifer Purdy, Planning Controller

**ALSO IN** Councillor Gloria McCluskey, District 5  
**ATTENDANCE:** Peter Connor, Connor Architects and Planners  
Erin Ashley, Connor Architects and Planners

**PUBLIC IN**  
**ATTENDANCE:** 38

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The meeting commenced at approximately 7:02 p.m.

**Opening remarks/Introductions/Purpose of meeting**

**Mr. Darrell Joudrey**, Planner, Planning Applications, called the meeting to order at approximately 7:02 p.m. in the Evergreen Plaza, Portland Street, Dartmouth.

He introduced himself as the planner guiding this application through the process and also introduced Councillor Gloria McCluskey, District 5; Holly Kent, Planning Technician, HRM Planning Services and Jennifer Purdy, Planning Controller, HRM Planning Services.

Mr. Joudrey advised that the application is by Connor Architects for site specific amendments to the Dartmouth Municipal Planning Strategy and an existing development agreement for former 506 Portland Street to enable a new multiple unit residential development.

Mr. Joudrey reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood. The application will then be brought forward to the Harbour East-Marine Drive Community Council and if they decide to move forward the application will then be brought to Regional Council. Regional Council will then give a first reading and set a Public Hearing for both the Municipal Planning Strategy amendments and the development agreement. Following that meeting the development agreement will be sent back to Harbour East-Marine Drive Community Council for a decision. After a decision is made there will be a two week appeal period.

**Presentation on Application**

Reviewing a slide of the subject property, Mr. Joudrey explained that the lands are located at 530 Portland Street and 104 Green Village Lane which were formerly known as the “Hammerling” lands. The lands are located on the south side of the intersection of Portland Street and the Circumferential, and north of the residential communities of Summit Heights Road and Marilyn Drive.



He reviewed an aerial view showing subject properties as currently developed in terms of the commercial plaza, restaurant building, the storage facilities, permitted multiple unit building and townhouses at Green Village Lane. The lands are subject to a development agreement which was approved by Harbour East Community Council in 2000.

Mr. Joudrey explained that the lands are designated residential and are zoned Comprehensive Development District (CDD), which allows the existing development agreement to be negotiated. These lands are currently commercially and residentially developed.

Mr. Joudrey explained that the proposal is for increased residential development on the subject lands in the form of 3 new multiple unit buildings. The request is for a greater number of dwelling units and increased residential density beyond what the existing development agreement allows and beyond what is supported by policy. The application is also requesting that the public participation committee that is required under the policy not be established for this application. He added that the application is for a 7 storey, 70 unit multiple unit building; an 8 storey, 80 unit multiple unit building; and a 4 storey, 40 unit multiple unit building.

At this time, Mr. Peter Connor of Connor Architects and Planners corrected Mr. Joudrey explaining that the number of buildings he is referring to are incorrect and that he will speak about the corrected numbers during his presentation.

Residents of the meeting expressed deep concern regarding the incorrect information and asked why staff was working with different figures than what the applicant is proposing. After much discussion, Mr. Joudrey explained that he was using the figures that were proposed within the Pre-Application and apologized for any confusion and assured that they will be reviewing the current proposed units from this point forward and will ensure that the other departments will be provided with the correct application.

Upon request, Mr. Joudrey again reviewed the side of the subject lands noting the current zoning.

A resident asked why the City would consider this application.

Mr. Joudrey explained that staff has received an application and based on policy, they review the application and bring it forward to the public for comment.

A resident explained that the Regional Plan and the Policy does not work together and explained that the regional plan was set out to be only small development and two restaurants in this area and the other policy allows for larger development.

Mr. Joudrey explained that this is the development agreement that was negotiated under the Hammerling lands policy and the CDD policy. Mr. Joudrey explained that the development agreement is still in effect and that the owner is coming back and asking for amendments to the existing development agreement in order to allow more residential development on the site.

A resident explained that there is a traffic situation and this zone was very specific as to what was allowed for commercial and it was never discussed that this would come forward in the future to be changed.

A gentleman explained that this lot is not big enough for the density proposed.

**Peter Connor, Applicant** explained that they have been currently working on this project for approximately three years. There has been a lot of iterations over the years and that is why Mr. Joudrey had accidentally been working with the wrong numbers. He explained that the Pre-Application is a high level version to see if your approach is acceptable and complete before entering into the full application.

Mr. Connor reviewed a slide of the site plan showing where it is in relation to Sobeys, Penthorn, Transit and strip mall. He explained that the developer is interested in improving the walk way to transit and is also a part of HRM Centre Plans goal. Reviewing a slide, he explained that they are looking to develop the site in three distinct areas:



Building (A) will be townhouse form on Green Village Lane and will be 4 storeys tall and have 25 units  
Building (B) will be across the street from the Town Houses and will be 9 storeys tall and have 90 units

Building (C) will be 'L' shaped is located in between the town houses and will have 4 storeys on the west end, increasing to 10 storeys in the center, then back down to 8 storeys on the north end; this will have a total of 150 units.

A resident asked if these will be condominiums or apartment buildings. Mr. Connor explained that these will be rental as opposed to condominiums.

A resident asked how many people will live in the 150 units. Mr. Connor explained that he doesn't have that number available but, can bring that information to the next meeting.

Ms. Cathy Connolly asked how much distance is between Building A and her condominium on Green Village Lane.

**Ms. Erin Ashley, Connor Architects and Planners** explained that it is approximately 150 feet between proposed Building A and the Condominium.

A resident asked that they be more precise. Mr. Connor explained that they can provide an actual dimension from building face to building face.

Ms. Ashley explained that because there are two meetings, at the end of meeting one, they will compile all the questions and bring back the answers to meeting two.

Councillor McCluskey explained that all the residents on Green Village Lane did not receive the notice and asked that everybody get the notice in this community.

It was also mentioned that residents on Chestnut Lane have also not received this notification.

Mr. Connor explained that the intent of tonight's meeting was to give a full high level of understanding as to what is in the development and not speak to much detail as it relates to the public open spaces as they want to hear suggestions from the public.

A member expressed concern with this development blocking their views and if this building is built they will only see a brick wall when they look out their windows.

Mr. Ken Gay explained that he currently has a beautiful view of Woodlawn Valley and Cole Harbour Hill; he was told that when he bought the property that he wouldn't lose his view as anything that would be build has to be low profile. He spent a lot of money making his back wall all glass. If this development goes up, he will be looking at a 10 storey building. He asked if the residents have to accept this or if they can oppose it to stop this development.

Mr. Connor explained that this application is all about change.

Mr. Joudrey explained that no decisions have been made at this time. Regional Council has given permission to explore in the form of public participation the request for amendments on this site.

Ms. Connolly asked if the residents can attend a Council meeting regarding this.

Mr. Joudrey explained that following this process there will be another opportunity for the public to speak during a Council meeting. He added that before that meeting, this proposal will have to go to Halifax Water, Traffic Services and through other internal departments for their input as well as Nova Scotia Transportation. This is a working design at this point and it is a starting point for negotiations.



A member of the resident explained that they want to leave this area as it is.

At this time there was a large discussion regarding the developer and the residents past negative history with him.

Mr. Joudrey explained that the developer has rights to develop on his land.

Ms. Connolly asked what the projected start date would be if this development was approved.

Mr. Joudrey explained that it can take 8-10 months for this application to be brought forward to Community Council.

A member of the residents expressed concern regarding balcony's falling.

Some general concerns that were discussed were the narrow roads and how the fire department would not get through, concern regarding the developer hiring the engineers to perform the traffic studies and other studies and staff/council taking their word for it, water and sewage and current concerns with water pressure and the smell of the water.

It was requested that this application be stopped before it goes to Council.

Ms. Connolly asked when the next Harbour East Community Council will be held.

Councillor McCluskey explained that it will be held on November 14, 2013 at 6pm.

Mr. Connor reviewed a slide of the aerial view looking at the proposed building from the southern direction and added there will be underground parking accessing from the lower level in behind the building.

Ms. Ashley explained that the first level of units will function like a townhouses and these tenants will be able to park out front. She explained the rest of the building will be apartment like with a lobby.

Mr. Connor viewed a slide of the street view explaining that the building will be set in a three band layout; the first level being two floors then the middle level set back and then the top level. He explained that they are encouraging a walkable community and hoping to make it attractive for residents to enjoy the landscaping and sidewalks. He viewed a drawing that shows the total site plan as well as circulation on the site. It showed pedestrian and bike areas and noted that there is access across the street to transit. There is a looped road that has a turnaround area to the 'L' shaped building and noted that they are looking at linkages that will take people from the park space to across Green Village Lane and connecting into the playground park.

Items to be discussed regarding Planning Principals are: pedestrian walkway and sidewalk design. He explained that there are a number of items that will have to look at to make it a complete and successful walking area. These items will be discussed in more detail at the next meeting.

He reviewed a slide of the walkways that they are hoping to develop explaining that they will be edging the walkways and have park benches, planting areas and park space. There will also be a covered canopy allowing people protection to walk underneath.

A gentleman from the condo residence explained that he has concern for children in daycare with the additional traffic. Some discussion on traffic concerns was had. Mr. Joudrey explained that these concerns will be addressed within the traffic analysis study.

Some discussion from residents was noted that this proposal is too large for the area and will not fit in with surrounding buildings.



Mr. Connor viewed a slide of sensory reception and explained that these will be reviewed in more detail at the next meeting.

Ms. Connolly explained that the building along with the entire proposal is beautiful and looks attractive to perspective buyers however; the Architect is trying to convince members of the public who are already very angry from things that have happened in the past. Although the design is pleasing, it will not have an advantage to anyone at this meeting.

### **Questions and Answers**

Mr. Jim Meredith, Dartmouth addressed concern that they are not receiving correct information from HRM and Halifax Water. He explained that the sewer system goes up Green Village Lane and explained that there will need to be sewage stations in each one of the buildings.

Mr. Connor explained that they have already gone through a preliminary analysis when the pre-application was submitted. They have had correspondence through the City, Halifax Water and the Traffic Group. He explained that there is a service easement across the parking lot that they would be connecting in to and not up on Green Village Lane. He added that there may be a need for a sewage pump to service the bottom level of the B and C buildings; but, most will be fed by gravity.

Mr. Connor reviewed a slide of where the piping will be.

Mr. Meredith expressed concern with it not being level.

Mr. Joudrey explained that the Engineering Company will comment on both water and sewage which will be submitted to HRM staff. Staff will follow their recommendations and all comments received will be put into the staff report to be reviewed by Council.

A member of the public addressed his concern with the developer hiring the Traffic Engineer. Mr. Connor explained that this is the standard process.

Mr. Dave Bollivar, Dartmouth explained that realistically the people here at this meeting have very little interest in what the side walk looks like etc. The community's issues are much broader and bigger, such as sewage, traffic, density, effect of view planes. He suggested that they not waste the public's time talking about sidewalks at the next meeting and suggested coming with details about the bigger issues that have been raised at tonight's meeting.

Mr. Joudrey explained that they have not received comment back from Halifax Water or Building Standards at this time. This process comes after the public consultation.

Mr. Connor explained that they thought by having this public information meeting that it would meet the requirements of the bigger picture. That bigger picture would be defined by the HRM Centre Plan and the Corridor Plan and in creating more density within the urban core within the Circumferential Highway. Those principles are what they are addressing and believe that they are well defined, understood and accepted as planning principles. He thought the purpose of this meeting was how to make it work and be pleasing to the nearby residents.

Ms. Connolly explained that anything that is associated with the developer will never be ok with the residents and that they will do everything in their power to make sure that it does not happen.

A gentleman of the public explained that regardless of what happened to the condominium building; this proposal does not fit the small area of land. The density is too high for this small area. This will also cause great traffic concerns causing traffic jams. This development will also make the value of homes in the area go down and with the increase of people, it will generate more crime in the area.



Ms. Jean Durrant, Dartmouth explained that she lived in North End Dartmouth and was promised higher end building but, ended up with low income rentals. She explained that she did not buy her home here to live next to rentals. 99% of the residents are owners who take pride in their homes. She addressed concern with rentals not having the same respect for their homes. She also addressed concern with the current Metro Transit parking area at Sears being closed off to the public for parking if 500 plus new residents also park there. Mr. Joudrey explained that this proposal will be sent to the Transportation Department who will provide suggestions.

Ms. Smyth explained that she doesn't understand why the original proposal needs to be changed. She added that it was already a huge process to change the zoning to CDD. Mr. Joudrey explained that the policy was created 15 years ago and times have changed. The Regional Plan has now directed staff to look at a walkable, higher density form of development within the Circumferential.

Councillor McCluskey explained that when the Regional Plans are being discussed, residents should attend these meetings.

Mr. Joudrey explained that the RP+5 Meetings look at Policy that determines form and pattern for the development of the whole Regional Centre within the Circumferential and the Peninsula. He encouraged residents to attend these meetings.

A lady asked what paper these meeting ads are posted in. Mr. Joudrey explained that the notices are required under the Municipality's Charter to have two notices placed in the paper at least 14 days prior to a Public Hearing. These notices are also placed on the Halifax.ca website as well as a mail out to nearby residents.

### **Closing Comments**

Mr. Joudrey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

### **Adjournment**

The meeting adjourned at approximately 8:58p.m.



**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING # 2  
CASE NO. 18255 – EVERGREEN VILLAGE**

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**7:00 p.m.  
Wednesday, October 30, 2013  
Evergreen Plaza, 530 Portland Street**

**STAFF IN**

**ATTENDANCE:** Darrell Joudrey, Planner  
Thea Langille, Major Projects Planner  
Brittney MacLean, Development Approvals, Intern  
Graham Buffet, Development Approvals, Intern  
Leah Perrin, Development Approvals, Intern

**ALSO IN**

**ATTENDANCE:** Councillor Gloria McCluskey, District 5  
Peter Connor, Connor Architects and Planners  
Erin Ashley, Connor Architects and Planners

**PUBLIC IN**

**ATTENDANCE:** 27

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The meeting commenced at approximately 7:02 p.m.

**Opening remarks/Introductions/Purpose of meeting**

**Mr. Darrell Joudrey**, Planner, Planning Applications, called the meeting to order at approximately 7:05 p.m. in the Evergreen Plaza, Portland Street, Dartmouth.

He introduced himself as the planner guiding this application through the process and also introduced Councillor Gloria McCluskey, District 5 and Thea Langille, Major Projects Planner.

Mr. Joudrey advised that the application is by Connor Architects for site specific amendments to the Dartmouth Municipal Planning Strategy and an existing development agreement for former 506 Portland Street to enable a new multiple unit residential development.

Mr. Joudrey reviewed the application process, noting that this second public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood. The difference to this evening's meeting format was explained. The consultant, Peter Connor Architects and Planners would be guiding the meeting and participants would move to their assigned tables where plans, elevations, paper and markers were provided for written and drawn response to the presentation.

The application will then be brought forward to the Harbour East-Marine Drive Community Council and if they decide to move forward the application will then be brought to Regional Council. Regional Council will then give a first reading and set a Public Hearing for both the Municipal Planning Strategy amendments and the development agreement. Following that meeting the development agreement will be sent back to Harbour East-Marine Drive Community Council for a decision. After a decision is made there will be a two week appeal period.



The lands are subject to a development agreement which was approved by Harbour East Community Council in 2000.

**Peter Connor, Applicant** explained that they have been currently working on this project for approximately three years. There has been a lot of iterations over the years and that is why Mr. Joudrey had accidentally been working with the wrong numbers. He explained that the Pre-Application is a high level version to see if your approach is acceptable and complete before entering into the full application.

Mr. Connor reviewed a slide of the site plan showing where it is in relation to Sobeys, Penhorn, Transit and strip mall. He explained that the developer is interested in improving the walk way to transit and is also a part of HRM Centre Plans goal. Reviewing a slide, he explained that they are looking to develop the site in three distinct areas:

Building (A) will be townhouse form on Green Village Lane and will be 4 storeys tall and have 25 units  
Building (B) will be across the street from the Town Houses and will be 9 storeys tall and have 90 units  
Building (C) will be 'L' shaped is located in between the town houses and will have 4 storeys on the west end, increasing to 10 storeys in the center, then back down to 8 storeys on the north end; this will have a total of 150 units.

Participants were asked to move to the tables they had selected upon entering the meeting and address the constraints and opportunities they saw for the site.

#### **Jean Durrant**

- Ms. Durrant questioned what the plan will be for water and sewage. She has heard the condo building has to be pumped out, and some residents of the area have orange or black water.

#### **Dave Bollivar**

- Mr. Bollivar and his wife own a condo in the Evergreen building
- He has concerns about population density and the problems that will flow from that, such as sewer and water. The concept doesn't allow for sufficient road space for the amount traffic to service the units on Portland Street and getting in and out. Green Village Lane is a cul-de-sac, and to put 260 more units that will exit on to the main street won't work. There is already a long light on Green Village Lane.

#### **Mike Finnigan**

- Mr. Finnigan lives on Green Village Lane. He has a view which will be blocked by proposed buildings.
- Traffic will be an issue. Everyone will be coming in through the same access ways
- They have been told there will be 2 to 10 years of construction with mud and dust around

#### **Bruce Fraser**

- Mr. Fraser lives across the lake on Emma Court. It is a dead end and there is the possibility of a condo going up at the end, so he has an interest in the process tonight.
- There are about 500 people living in this area, and half a million of Nova Scotia's population in HRM. He understands that there is a desire for increased density in the urban core. He understands that no one wants change but ultimately the city is an instrument of the Province. There will be people from the Shipyard and people need to live somewhere.

#### **Jim Meredith**

- Mr. Meredith has concerns about the size of the proposed buildings in relation to the existing development. There will be townhouses next to tall 10 storey buildings.
- This development will affect the property values of current properties. People purchased based on current and expected conditions of what would be in the area. He has no problem with a strip mall and 2 self-storage facilities, which is what the developer's existing development agreement allows.
- He asks where would you walk to? The developer won't put these facilities in anyway.



**Jean Durrant**

- She is still waiting for the trees that were promised when her property was developed.

**Dave Bollivar**

- The idea that people would live here and walk to the other side to catch the bus doesn't work. The weather is too difficult for walking.

**Mike Finnigan**

- Crossing the road is very difficult
- Snow plowing is not happening quickly enough to allow for additional traffic on the road.

**Dave Bollivar**

- What about playgrounds for children? Last week he asked the consultant about a playground and they were told there was a playground on the other side of the road. That playground is poor.

**Jim Meredith**

- There is no telling whether the proposed buildings will be condos or rental buildings, and those have very different needs. Rental buildings will have more kids, so where is the school, where is the planning for that?

**Dave Bollivar**

- This development is what is envisioned for this area, and if they identify the Penhorn area for high density then how will Portland Street have the capacity to deal with the traffic?
- This development should be looked at in the context of the entire area.

**Bruce Fraser**

- Mr. Fraser asked about parkland dedication. He said that he was not sure about Nova Scotia, but in New Brunswick he knew that new development required a certain percentage of land to be dedicated for parkland. If there are concerns about playgrounds for children then those should be taken into consideration.

**Jim Meredith**

- He knows that there are parking requirements for residential units and commercial property. How will there be enough parking for the existing commercial and proposed residential?

**Mike Finnigan**

- Mr. Finnigan expressed concerns about access to emergency vehicles down Green Village Lane. Also people drive too quickly down the street.

**Jim Meredith**

- Most days people park on both sides of Green Village Lane so you can only get one car up the street.

At this stage, remaining participants Mr. Meredith and Mr. Bollivar were asked about what could be a benefit to the community.

**Jim Meredith**

- A walking trail would be a benefit, but there was one in the original plan and it was not built
- There are only sidewalks on one side of the street

**Dave Bollivar**

- Right now the area is livable, what is proposed would make it unlivable
- High rise residential buildings don't fit with the area. Townhouses might be okay.

**Jim Meredith**

- There are view plane and density issues



**Dave Bollivar**

- If this were approved, existing residents will immediately sell their homes. It won't be their quality of life anymore.
- The area is too constrained about where you can walk to for the walkable neighbourhoods concept to work.

**Jean Durrant**

- Raised concerns with sewage and water capacity, the existing condo in the area has had to be pumped out periodically, the color of water and the quality of water has been a concern for many current residents of the area (sometimes it is orange in color)

**Dave Bolivar**

- The proposed project will make the population density too high, it could increase the problems with sewer and water that are already present. Increases to the density in the area will also contribute to roadway and traffic volume loads that will exceed the capacity of the streets. It will be too busy traffic wise. The increased traffic volume, resulting from the proposed development, on Portland and on Green Village Lane itself will be unacceptable. Current access to Portland from Green Village and the shopping mall is difficult and limited there is no way the increased volume will work

**Mike Finnegan**

- The view will be inhibited and eliminated by these new buildings. Reiterating traffic concerns: the volume resulting from the proposed development will be very high. The grade of the land to be developed is very steep. Portions of road are going to be extremely icy and impassable in the winter due to ice and snow. The new buildings will bring way too much traffic volume for the proposed driveways and the existing street network. The duration of the construction will be very long 2 – 10 years of construction potentially until it is all done

**Bruce Fraser**

- There are ½ a million people in the province of NS and many are moving to Halifax. Increased density in the core is needed to so as to limit endless sprawl, change will happen. The city is instrument of the province, people will need places to live. This could be one of those places.

**Mike Finnegan**

- People are also leaving the province

**Jim Meredith**

- The size of the buildings proposed is out of scale in relation to existing 4 and 2 storey buildings. Very out of character, will make property values drop. People purchased property based on the development that is in place and the development agreement that is in place and approved. The changes will be negative and decrease property values. In regard to walkability, where are we walking to? Is this the right place for walkability? We have concerns over the highway and Portland St. They are busy and difficult to cross. So where are you going to walk to? There really isn't anything to walk to

**Jean Durrant**

- Where are the trees that were a part of the original development? Not a lot of trees now, don't have much faith that new trees will be brought in. Trees in the renderings are just for show and to sell the idea.

**Dave Bolivar**

- The idea that people are going to live here and walk to the bus terminal is not going to happen. I don't think it will happen. Right now I would say very few people walk to transit. Weather will make it very difficult to walk in winter



**Mike Finnegan**

- There are issues with plowing, we currently get snow piled up in the street and get buried in and have to shovel out

**Dave Bollivar**

- What about playgrounds for children? Where will the playgrounds be? Need to see more playground and amenity space if there is to be any increase in density. Property value will drop drastically if there is new development of this nature

**Jim Meredith**

- Are they condos or rental units? Feel like this isn't clear and hasn't been said or determined. Apartments will have more kids, need more schools and more amenity space

**Dave Bollivar**

- Is this consistent with the plan (regional)? If there is other high density development nearby access to Portland and traffic will be crazy, way too busy

**Jim Meredith**

- How many nearby properties get developed will be very important to any development here. The overall increase in density is very important in terms of the whole area and the context overall (community wide implications well beyond Evergreen)

**Bruce Fraser**

- Some % of parkland must be set aside as part of the process and would be set aside for the density proposed. This is how it works in New Brunswick where I (Bruce) came from

**Jim Meredith**

- Parking, how many parking spaces per unit and per commercial use are proposed, where will everyone park

**Dave Bollivar**

- A lot of the existing parking will be taken up

**Mike Finnegan**

- Access for emergency vehicles is very important. IT is very difficult right now for emergency vehicles to access Evergreen so increased population will make it worse (more emergencies)

**Jim Meredith**

- Already very tight (population is already too high). The only way to really make it walkable would be to get an overpass. We need places to walk to. Need a safe way to cross Portland, probably overpass or good cross walk but I don't think it will ever happen.

**Dave Bollivar**

- Need a lot of things to make this community walkable. Currently, we have limited flexibility for walkability

**Jim Meredith**

- In Toronto walking communities have small commercial and low houses, creates walkability. Other areas with access to HWY and major arteries box us in here

**Jim Meredith**

- Walking trails would be beneficial for some, somewhat woodsy (forested area) we expect to see more trees, parkland, and trails associated with the original development



**Dave Bollivar**

- Right now the traffic and community is livable. It won't be with new proposed high rise high density development. Large buildings don't fit in with the current scale

**Jim Meredith**

- Low rise would receive less opposition. The scale is the major issue. We don't want a Fenwick tower

**Dave Bollivar**

- People who bought will likely leave and move away if the proposal goes through. Development needs to enhance not take away

**Closing Comments**

Mr. Joudrey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

**Adjournment**

The meeting adjourned at approximately 9:01p.m.