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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
August 9, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: *Shenyll Murphy*
for Councillor Harry McInroy, Chair
Harbour East Community Council

DATE: August 5, 2005

SUBJECT: **Case 00584: Mixed Residential Development- Parcels B&C Woodland Avenue and Block X, South Ridge Circle, Dartmouth**

ORIGIN

Meeting of Harbour East Community Council held on August 4, 2005.

RECOMMENDATION

Harbour East Community Council recommends that Regional Council give First Reading to the proposed amendments to the Dartmouth MPS and LUB provided in Attachment A of the June 15, 2005 staff report and schedule a joint public hearing with Harbour East Community Council.

DISCUSSION

Harbour East Community Council considered this matter at their August 4, 2005 meeting. In addition to the recommendation above, Harbour East Community Council moved Notice of Motion to consider the proposed development agreement to permit a comprehensive residential development on Parcels B & C and a portion of Block X, and to schedule a joint public hearing with Regional Council. Consequently, if Regional Council approves the recommendation of Community Council, the public hearing on this matter will consider both the proposed amendments to the Dartmouth MPS and LUB and the proposed Development Agreement.

BUDGET IMPLICATIONS

N/A

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

N/A

ATTACHMENTS

1. Staff report dated June 15, 2005
2. Report of the Woodland Avenue Public Participation Committee dated June 25, 2005
3. Extract of Draft Minutes of Harbour East Community Council, August 4, 2005

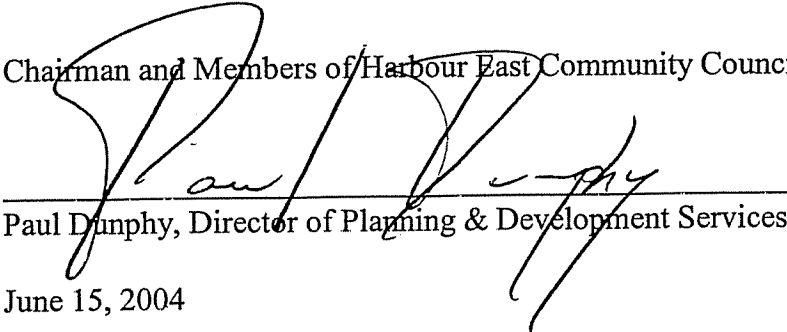
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Sherryll Murphy, Legislative Assistant

10.1.3(i)

Harbour East Community Council
August 4, 2005

To: Chairman and Members of Harbour East Community Council

Submitted by: 
Paul Dunphy, Director of Planning & Development Services

Date: June 15, 2004

Subject: **Case 00584: Mixed Residential Development - Parcel's B&C Woodland Avenue and Block X, South Ridge Circle, Dartmouth.**

ORIGIN

Request by ARW Developments Limited to:

- . Amend the Dartmouth Municipal Planning Strategy (MPS) to enable consideration of a multiple unit dwelling on Parcel B - Woodland Avenue by development agreement.
- . Partially discharge an existing development agreement for Block X - South Ridge Circle.
- . Rezone portions of Parcel B from R-1 to CDD and from CDD to R-1 and revise Schedule V of the Dartmouth Land Use By-law (LUB) as shown on attached Map 2.
- . Permit a comprehensive residential development on Parcels B&C and a portion of Block X, Woodland Avenue by development agreement.

RECOMMENDATION

It is recommended that Harbour East Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Dartmouth MPS and LUB provided in Attachment A and schedule a joint public hearing with Harbour East Community Council.
2. Approve the amendments to the Dartmouth MPS and LUB provided in Attachment A.

It is further recommended that Harbour East Community Council:

1. Move Notice of Motion to consider the partial discharge of the existing development agreement for Block X, South Ridge Circle, in Dartmouth by approving the discharging agreement provided as Attachment B of this report;
2. Move Notice of Motion to consider the proposed development agreement, provided as Attachment C, to permit a comprehensive residential development on Parcels B&C and a portion of Block X, and schedule a joint public hearing with Regional Council;
3. Contingent upon the MPS and LUB amendments being approved by Regional Council and becoming effective pursuant to the *Municipal Government Act*, approve the proposed development agreement provided as Attachment C;
4. Require that the development agreement be signed and delivered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Proposal:

ARW Developments Ltd. wishes to develop a comprehensive residential development on approximately 22 acres of land (referred to as Parcels B&C and a portion of Block X), located northwest of Woodland Avenue East, in Dartmouth (See Map 1). As part of this project, the applicant seeks to re-locate the site of a proposed multiple unit dwelling permitted under an existing development agreement for Block X to an area several hundred feet southwest of its approved location. The developer intends to construct a 44-unit, 4 storey condominium building at the new location. The remainder of the site is proposed for single and semi-detached dwellings and public park uses along an internal public street system as part of an application for development agreement.

In all, a total of 164 dwelling units are proposed comprising:

- 102 single unit dwellings;
- 18 semi-detached dwelling units; and
- a 44 unit multiple unit building.

The proposal includes approximately 1 acre of land previously conveyed to the Municipality for a passive park/buffer as part of the existing development agreement for Block X. Real Property and Asset Management has agreed to declare this property surplus and enter into a purchase and sale agreement with the applicant.

A feature of this project includes the first natural gas-ready subdivision in HRM and additional measures to bury secondary power lines (lines crossing street are underground). Plans describing the proposed land uses, municipal service systems, open space and parkland dedications, are presented as schedules to the development agreement provided as Attachment C of this report.

MPS Policies and Zoning:

Block X is designated Residential under the MPS and zoned CDD (Comprehensive Development District). In 1996, a development agreement with Mount Cedar Developments Limited was approved by the City of Dartmouth for Block X. The development agreement permits a range of housing types including one apartment building containing up to 48 dwelling units. To date, Block X has not been developed to completion.

Parcels B&C are designated Residential and zoned CDD (Comprehensive Development District) with the exception of an 8 acre portion that was rezoned from CDD to R-1 (Single Family Dwelling) Zone in 2003 to permit the development of a church (See Map 1). Currently, the MPS limits residential development on Parcels B&C to single and two unit dwellings and townhouses.

The Dartmouth MPS identifies locations where comprehensive residential development projects may proceed by development agreements subject to site-specific policy criteria. The MPS policies which apply to Parcels B&C do not support the development of a multiple unit dwelling. Additionally, the developer intends to locate the multiple unit dwelling on a portion of Parcel B zoned R-1 with access obtained over lands zoned CDD. The proposal is not permitted under the R-1 Zone nor does CDD policy for Parcel's B&C support relocation of the multiple unit dwelling.

MPS and LUB Amendments Requiring the Approval of Regional Council:

In order to consider a multiple unit dwelling at the proposed location, a site-specific MPS amendment and rezoning to CDD is required. In 2004, Regional Council agreed to initiate a process to consider amending the Dartmouth MPS and LUB to include a multiple unit dwelling within the range of residential uses which may be considered under the policies respecting a CDD for Parcels B&C. The proposed MPS and LUB amendments necessary to enable consideration and development of a multiple unit dwelling at the proposed location are provided in Attachment A and Map 2 of this report.

The proposed amendments would see enabling policy for a development agreement and site specific criteria incorporated into the Municipal Planning Strategy. A proposal to construct a multiple unit dwelling must satisfactorily address such criteria. Issues to be addressed in these criteria include:

- Quality of development (architectural design)
- Density, building height
- Traffic flows/site access
- Neighbourhood interests
- Landscaping and amenity features
- Relationship to surrounding areas

Public Participation:

On April 1, 2004, Harbour East Community Council approved the formation of a Public Participation Committee (PPC) for this project. The Committee's mandate was to create a Concept Plan to guide the development of Parcels B&C and Block X. The PPC held a series of meetings on the development proposal and discussed various issues ranging from municipal servicing to the type of uses permitted within the development. The Committee's report has been submitted to Community Council concurrently with this staff report.

The PPC discussed the proposed relocation of the multiple unit building at length. In general, the Committee expressed concern relative to the history of multiple unit dwelling development in Dartmouth and compatibility of multiple unit dwellings with other housing types. While a majority of Committee members voted in favour of relocating the multiple unit dwelling from its currently permitted location adjacent South Ridge Circle, the Committee uniformly opposes any future proposals for additional multiple unit dwellings in Parcels B & C and Block X.

While concern about future additional multiple unit dwelling development in this area was expressed, the Committee acknowledges the benefit of planning all parcels in a comprehensive manner and finds merit in relocating the building to the proposed site.

In addition to the Public Participation Committee's work, a neighbourhood information meeting was held on October 21, 2004. The minutes of this meeting are included as Attachment D.

DISCUSSION

Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of an MPS have changed significantly. In this instance, the proposed

relocation of the multiple unit dwelling was not anticipated when the existing MPS policies respecting a CDD for Parcels B&C were adopted.

It is staff's opinion that the proposed MPS amendments have merit and should be approved for the following reasons:

1. Improvement Over Existing Situation

An important objective of the CDD policies in the Dartmouth MPS is to create "comprehensive" mixed residential developments. In accordance with the existing development agreement, an apartment building may be developed on the remainder of Block X independently from Parcels B&C. Pending permission to relocate the multiple unit dwelling, the applicant intends to develop both Block X and Parcels B&C in a comprehensive manner. This will serve to effectively integrate the proposed apartment site with low density uses proposed under this current application.

2. Replacing Multi-unit Stock with Multi-unit Stock

A multiple unit dwelling is currently permitted in accordance with the development agreement for Block X. In staff's view, relocating the multiple unit dwelling is consistent with the MPS objectives to provide for mixed use residential development near this location. It is staff's opinion that a well designed, appropriately situated multi-unit building can integrate well with both the existing and proposed residential development in this area.

3. Locational Advantages

The proposed siting of the building on Parcels B&C is an improvement over the currently approved location due to its relative proximity to Woodland Avenue and the proposed church site. This location is closer to the periphery of the proposed development for Parcels B&C, the existing Lancaster Ridge Subdivision, the transit route on Lancaster Boulevard and South Ridge Circle. It is recognized that higher density development typically has a higher traffic generation and need for proximity to transit routes and should be located on or near principal streets.

Proposed Development Agreement for Consideration by Community Council:

Subject to the proposed MPS and LUB amendments being adopted by Regional Council, Harbour East Community Council would be in a position to consider a development agreement to permit the proposed residential subdivision. The criteria in Policy H 3-F (Attachment E) relative to any proposed development of Parcel's B&C and the remnants of Block X have been addressed in the proposed development agreement provided as Attachment C of this report. The applicable policies are appended to this report as Attachment A. A summary analysis of the development agreement pursuant to these polices is as follows:

Overall Development:

- The layout for the proposed development, illustrated on Schedule C-1 of the proposed development agreement, was thoroughly reviewed by the PPC. Similar or compatible housing forms are located adjacent to one another and adequate separation distances and buffers are provided between the proposed apartment building and adjacent uses.
- The proposed 4 storey apartment building is adjacent Woodland Avenue abutting a future church site. This location provides a buffer from adjacent single unit dwellings and offers locational advantages.

Parks and Open Space:

- Two neighbourhood parks, totalling 33,000 square feet and 20,000 square feet respectively, are proposed at locations identified on Schedule C-1. The applicant has agreed to contribute \$60,000 towards the purchase of equipment for development of the parks.
- The value of proceeds from the applicant's acquisition of 1 acre of land previously conveyed to the Municipality for a passive park/buffer as part of Block X will be directed towards the future development of a community trail system around Martin Lake (Map 1). While this additional parkland development opportunity is a direct result of this development proposal, the transaction will be addressed outside of the parameters of the development agreement in accordance with HRM real property transaction policies.
- Approximately 1 acre of tree retention/passive parkland area with an average width of approximately 20 feet will be retained by HRM as a buffer between existing residences on South Ridge Circle and proposed single unit dwellings under this application.

Municipal Sewer and Water Services:

- Schematics for proposed municipal services are illustrated on Schedule C-5 of the proposed development agreement. An older sanitary sewer pumping station situated on South Ridge Circle services existing development in the area. This will be decommissioned and replaced by a new sanitary sewer pumping station situated within the public right-of-way of a proposed public street near Woodland Avenue. No additional pumping stations are required.
- Community concern has been expressed about standing water adjacent South Ridge Circle accumulating during rain events resulting primarily from the Lancaster Ridge development. This condition will be alleviated through a combination of new underground stormwater services proposed in this development along with planned upgrades to the provincial culvert system in the Highway 118 right-of-way. The applicant has taken precaution in the design of these services to determine that underground services can be built without interfering with an old growth pine tree in the passive park/tree retention area behind South Ridge Circle.

Transportation:

- Existing traffic conditions (i.e. generation, speed, shortcutting) on Woodland Avenue and Sea King Drive, etc. are matters of concern for area residents. The PPC reviewed this issue relative to the proposed development and connections to Lancaster Boulevard and Argus Drive. The Concept Plan attached to the proposed development agreement outlines the road network recommended by the Committee.
- The proposed internal street system will be connected via Lancaster Drive at the intersection of Lancaster Drive with Sea King Drive at the location previously used to access a former DND street (Cannon Crescent). A second access point will be from the top of South Ridge Circle near the location previously approved by Council for Block X. The alignment of the internal street system corresponds to the site's topography and property configuration.
- A Traffic Study conducted for the proposed road layout concludes that the effects of the traffic generated or attracted to the site are minor and well within the capacity of the existing road network. According to the traffic study and subsequent review by Traffic and

Transportation Services, traffic generated by the proposed development should not significantly impact the existing road network.

- The proposal includes a hierarchy of sidewalks and secondary walkways as illustrated in Schedule C-3 of the attached development agreement with construction specifications prescribed under clause 3.1.4.

Environmental Protection:

- Most of the ground and vegetation disturbance associated with the proposed development will occur during the excavation and construction of the new public streets. As part of the evaluation process for the development, the developer submitted an environmental protection plan (see Schedule C-4 of the Agreement) which outlines general erosion and sediment control and stormwater management approaches to be used for the development. The plan was reviewed by the Dartmouth Lakes Advisory Board and HRM Engineering and no major concerns have been identified. The proposed development agreement requires:
 - a Subdivision Grading Plan and individual lot grading plans;
 - detailed Erosion and Sediment Control Plan;
 - detailed Stormwater Management Plan;
 - a full time site supervisor during construction;
 - lot stabilization and landscape requirements (placement of top soil); and
 - security deposit.

Prior to the commencement of any site works on the property, HRM must approve the Subdivision Grading Plan, Erosion & Sediment Control Plan and Stormwater Management Plan for the development. As part of HRM's review process, the above plans will also be reviewed by the Dartmouth Lakes Advisory Board and the Provincial Department of Environment.

- To further minimize the impact of development on existing residential uses, the proposed development agreement requires the applicant to retain as much existing vegetation as possible on the site, especially along the exterior boundary of the lands. Also, the agreement requires the planting of street trees to improve the appearance of the development and to minimize the amount of impervious surface.

CONCLUSION

The requested MPS amendment has merit as the relocation of the use represents an opportunity to develop all lands in a comprehensive manner. The proposed development satisfactorily conforms to the existing and proposed policies of the MPS.

Staff feels the proposal has merit and it is appropriate to approve the MPS and LUB amendments and the proposed development agreement.

BUDGET IMPLICATIONS:

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

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

ALTERNATIVES:

1. Regional Council may choose to approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law provided in Attachment A and **Harbour East Community Council** may approve the development agreement provided in Attachment C. This is the recommended course of action.
2. **Regional Council** may choose to refuse the requested amendments to the Municipal Planning Strategy. A request to amend a Municipal Planning Strategy is completely at the discretion of Council. A decision not to amend the MPS cannot be appealed. Should Regional Council not adopt the proposed amendments to the Municipal Planning Strategy, the matter is at an end and there is no action required of Harbour East Community Council.
3. Subject to adoption by Regional Council of the proposed MPS and LUB amendments, **Harbour East Community Council** may choose to refuse the development agreement, and in doing so, must provide reasons based on conflict with MPS Policy. Staff does not recommend this alternative, as the proposed amendments to the MPS have been drafted to permit this development agreement and the proposed development agreement is consistent with applicable MPS policies.
4. Subject to adoption by Regional Council of the proposed MPS and LUB amendments, **Harbour East Community Council** may choose to request modifications to the development agreement. Such modifications may require further negotiations with the developer. This alternative is not recommended as the attached agreement is consistent with MPS policies proposed to be adopted by Regional Council to allow this development.

ATTACHMENTS:

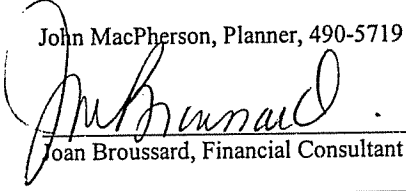
Map 1:	Location, Zoning and Notification Area
Map 2:	Amendments to Schedule V: Schedule V: Lands Subject to a DA
Attachment A:	Proposed Amendments to the Dartmouth Municipal Planning Strategy
Attachment B:	Proposed Discharging Agreement
Attachment C:	Development Agreement with: Schedule C-1: Concept Plan Schedule C-2: Natural Gas and Power Servicing Schematic Schedule C-3: Sidewalk Plan, Tree Retention and Street Tree Layout Schedule C-4: Stormwater Management and Erosion Sedimentation Control

Schedule C-5: Sanitary and Water Servicing Plan
Schedule C-6: Multiple Unit Dwelling Site Plan
Schedule C-7: Multiple Unit Dwelling Concept Elevation
Schedule C-8: Typical Single Family Dwelling Elevation
Schedule C-9: Typical R1M (Smaller Lot) Single Family Dwelling
Elevation
Schedule C-10: Typical Semi-Detached Elevation

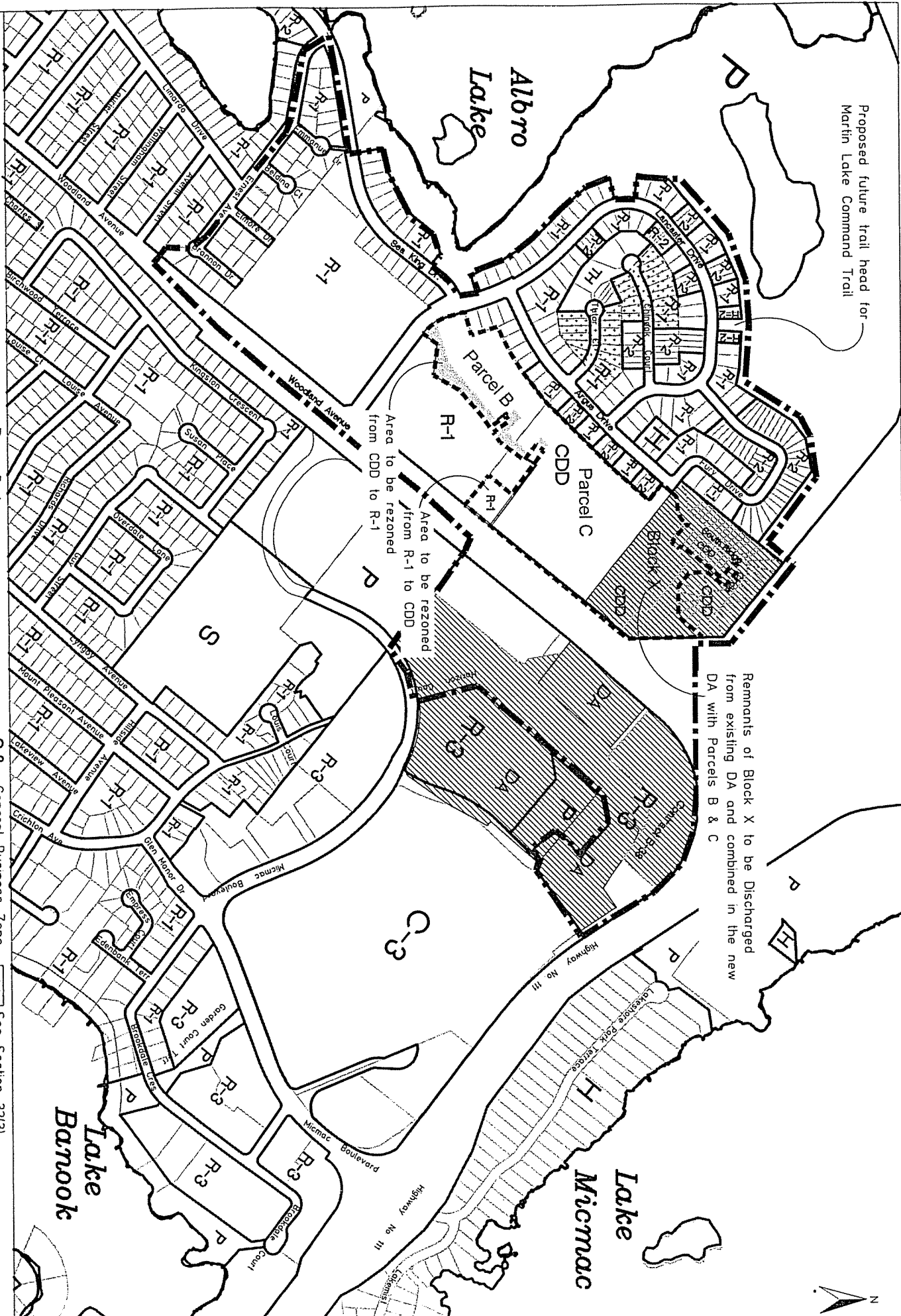
Attachment D: Minutes of the October 21, 2004 Public Information Meeting
Attachment E: Extracts from the Dartmouth Municipal Planning Strategy
Attachment F: MPS Policy IP-1c

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

Report Prepared by: John MacPherson, Planner, 490-5719

Financial Review: 
Joan Broussard, Financial Consultant

Proposed future trail head for
Martin Lake Command Trail



Remnants of Block X to be Discharged
from existing DA and combined in the new
DA with Parcels B & C

Area to be rezoned
from R-1 to CDD

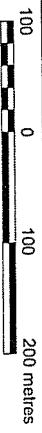
Area to be rezoned
from CDD to R-1

Map 1
Location & Zoning

Subject Area

- P Park
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-3 Multiple Family Residential Zone
- CDD Comprehensive Development District
- C-3 General Business Zone
- H Holding Zone
- S Institutional Zone
- TH Townhouse Zone
- See Section 32(3) Dartmouth By-law
- Notification Area
- Existing Development Agreement

January 20, 2004



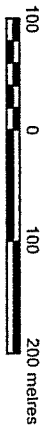
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Map 2 Schedule V



Lands Subject
to a DA



Attachment A

Proposed Amendments to the Dartmouth Municipal Planning Strategy

The Municipal Planning Strategy for Dartmouth is hereby amended by:

1. Replacing the heading following Policy H-3F with the following heading:

Canada Lands Parcels "B" and "C" and remainder of Block X - Woodland Avenue East

2. Inserting the following after the words "Parcels "B" and "C" in Policy H-3F:

and the remainder of Block X

3. Replacing Policy H-3F (a) with:

- (a) **the overall density of development shall not exceed 8 units per acre, including the multiple unit dwelling;**

4. Replacing Policy H-3F (b) with:

- (b) **the general mix of housing units shall, on the completion of development, contain a multiple unit dwelling with a maximum of 44 units, minimum of 50 percent lots which are sized as standard R-1 (Single Family Residential), R-1M (Single Family Modified Residential), and R-2 (Two Family Residential) lots according to the provisions of the land use bylaw. R-1M lots shall not comprise more than 15 percent of the total housing mix and up to 50 percent of lots or dwelling units (if not freehold lots) may contain town house units, according to the provisions of the land use bylaw;**

5. Replacing Policy H-3F(c) with:

- (c) **the minimum lot size for a R-1M lot, as referred to in clause (b) above, shall be 40 feet of frontage and 4000 square feet of lot area. Notwithstanding, a maximum of 50% of R-1M lots may be reduced to 30 feet of frontage.**

5. Adding the following after Policy H-3F(e):

- (f) **the multiple unit dwelling, as referred to in clause (b) above, shall be generally located on Parcel B on the portion of the development parcel adjacent to Woodland Avenue.**

Attachment B
Discharging Agreement

THIS DISCHARGING AGREEMENT MADE THIS ____ DAY OF _____ A.D., 2005.

BETWEEN:

ARW DEVELOPMENTS LTD.
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located within Dartmouth, and which said Lands are more particularly described in Schedule "A" to this Agreement and referenced as the remaining undeveloped lands of Block X, South Ridge Circle (hereinafter called the "Lands");

AND WHEREAS the Municipality entered into a development agreement with the Developer which was recorded at the Registry of Deeds in Halifax on April 2 , 1996 as Document Number 12029 in Book Number 5854 at Pages 875 (the said development agreement, hereinafter referred to as "the Agreement");

THEREFORE at the request of the property owner, the Parties agree to discharge the Property from the Agreement in part; and which said Lands to be discharged are more particularly described in Schedule "A-1" to this Agreement;

AND WHEREAS, pursuant to the procedures and requirements contained in the Municipal Government Act, the Harbour East Community Council approved this request at a meeting held on October, 2005;

WITNESS that in consideration of the sum of one dollar (\$1.00) now paid by the Developer to the Municipality (the receipt of which is hereby acknowledged), it is agreed that the Property is hereby discharged from the Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2005.

SIGNED, SEALED AND DELIVERED) ARW DEVELOPMENTS LTD.

in the presence of

Per: _____) Per: _____

) Per: _____

SEALED, DELIVERED AND)

ATTESTED to by the proper)

signing officers of Halifax Regional) HALIFAX REGIONAL MUNICIPALITY

Municipality duly authorized)

in that behalf in the presence) Per: _____

of)

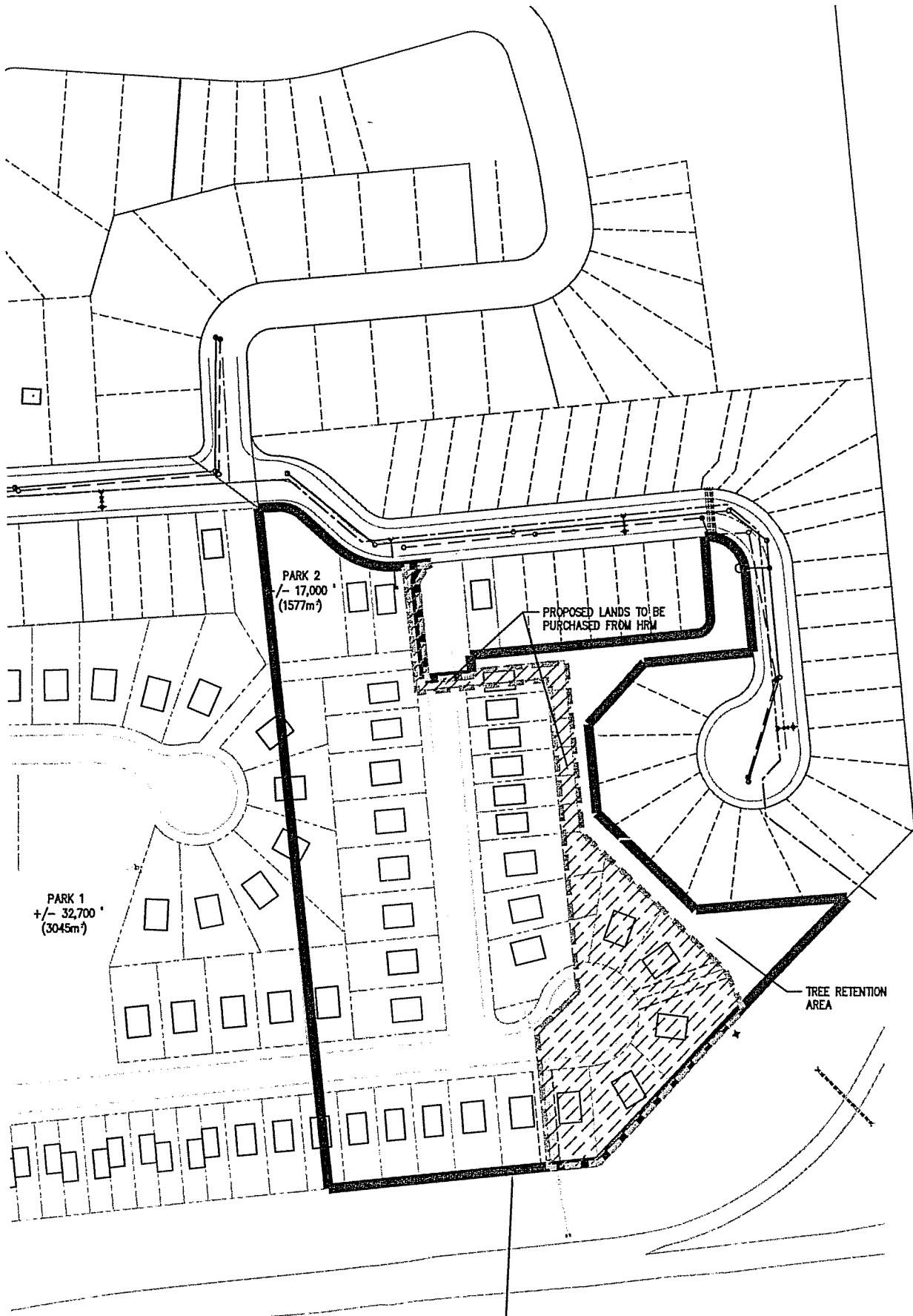
MAYOR

Per: _____)

) Per: _____

MUNICIPAL CLERK

Schedule A-1



Legend

B	Issued for revision	20 NOV '03
A	Re-issued for O.A.	21 OCT '03
Plan	Revision	Date

Project

ARW DEVELOPMENT Ltd.

DARTMOUTH NOVA SCOTIA

Title

CONCEPT SITE PLAN - DEVELOPMENT AGREEMENT APPLICATION

Stamp

Drawn

W. STROME

Designed

Checked

Revision

P.M.C.

Phase

P.M.C.

Scale

1" = 1000 METERS

Date

24 June '04

Drawing No.

A1

Contract

0243

Area to be discharged from Existing Development Agreement

Attachment C

THIS AGREEMENT made this _____ day of _____, 2005

BETWEEN:

ARW DEVELOPMENTS LIMITED
(hereinafter called the "Developer")
OF THE FIRST PART

-and-

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands bound by Woodland Avenue, Lancaster Boulevard, Argus Drive and South Ridge Circle in Dartmouth, Nova Scotia and which said Lands are more particularly described in Schedule "A" to this Agreement (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for the construction of a mixed use development, consisting of residential and commercial uses, on the Lands pursuant to the provisions of the *Municipal Government Act* and the *Municipal Planning Strategy and Land Use By-law for Dartmouth*;

AND WHEREAS the Harbour East Community Council approved this request at a meeting held on _____, 2005 referenced as Municipal Case Number 00584;

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

PART 1: DEFINITIONS AND AGREEMENT

In this Agreement, unless the context otherwise requires:

- (a) “Community Council” means the Harbour East Community Council of the Municipality.
- (b) “Developer” means ARW Developments Limited, its successors and assigns.
- (c) “Development Engineer” means any person designated by the Municipality to grant approvals for the design, construction and acceptance of municipal service systems .
- (d) “Development Officer” means a person appointed by Regional Council to administer the Land Use and Subdivision By-laws and the terms and conditions of this Agreement.
- (e) “Land Use By-Law” means the Dartmouth Land Use By-law, as amended from time to time.
- (f) “Municipal Service Systems Manual” means the document containing the design guidelines, standard details and automated drafting procedures for municipal service systems adopted by the Regional Council for the Municipality, as amended from time to time.
- (g) “Parkland Planner” means a person designated by the Municipality to make recommendations to the Development Officer regarding the acceptance of parkland and open space dedications to the Municipality.
- (h) “Subdivision By-law” means the Dartmouth Subdivision By-Law as amended from time to time.

1.1.2 The following Schedules shall form part of this Agreement:

The Developer shall develop and use the Lands in conformance with the site plans, design drawings, renderings and supporting technical documents, attached as the following Schedules to this Agreement:

Legal Description
Concept Plans

- Schedule A: Legal Description
- Schedule C-1: Concept Plan
- Schedule C-2: Natural Gas and Power Servicing Schematic
- Schedule C-3: Sidewalk Plan, Tree Retention and Street Tree Layout
- Schedule C-4: Stormwater Management and Erosion Sedimentation Control
- Schedule C-5: Sanitary and Water Servicing Plan
- Schedule C-6: Multiple Unit Dwelling Site Plan
- Schedule C-7: Multiple Unit Dwelling Concept Elevation
- Schedule C-8: Typical Single Family Dwelling Elevation
- Schedule C-9: Typical R1M (Smaller Lot) Single Family Dwelling Elevation
- Schedule C-10: Typical Semi-Detached Elevation

1.1.3 *OVERALL CONCEPT PLAN*

- (a) The Municipality acknowledges that the design of the Lands, as illustrated in Schedule "C-1" forms the general intent of the CDD for Woodland Avenue, Parcels B&C and remnants of Block X.
- (b) The Municipality agrees that the Lands may be subdivided and developed in accordance with and subject to the terms and conditions of this Agreement and the Developer agrees that the Lands shall only be subdivided and developed in accordance with and subject to the terms and conditions of this Agreement.

PART 2: GENERAL REQUIREMENTS AND ADMINISTRATION

- 2.1.1 Except as otherwise provided for herein, the subdivision and development of the Lands shall comply with the requirements of the Lands Use By-law and the Subdivision By-law.
- 2.2.2 Nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or the lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.
- 2.3.3 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and Subdivision By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 2.4.4 The Developer and each lot owner shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial or municipal regulations, by-laws or codes applicable to any lands owned by the Developer or lot owner.
- 2.5.5 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 3: SUBDIVISION OF THE LANDS

- 3.1.1 Unless otherwise acceptable to the Development Officer, subdivision applications shall be submitted to the Development Officer in accordance with the concept plan presented as Schedule C-1 and the Development Officer shall grant subdivision approvals subject to and in accordance with the following terms and conditions:

3.1.2 *Environmental Protection:*

- (a) A stormwater, erosion and sedimentation control plan has been prepared by a professional engineer and reviewed by Dartmouth Lakes Advisory Board. Prior to the commencement of any site works on the Lands, the Developer shall obtain a recommendation of approval from the Development Engineer for a detailed erosion and sedimentation control plan which addresses the following:
- (i) how ground disturbance will be restricted to areas where structures and roads will exist when construction is complete;
 - (ii) which vegetation will be protected, marked, and preserved by using construction techniques that minimize soil compaction and damage to tree roots;
 - (iii) how the construction project will be phased to minimize the extent and length of soil exposure;
 - (iv) where slopes equal to or greater than fifteen percent (15%) have been identified, the specific means by which any grade alterations will be undertaken;
 - (v) how the opportunity for erosion will be limited through sequencing of construction activities; and
 - (vi) which erosion and sediment controls will be utilized, where they will be located, the timing of installation (before construction begins), the inclusion of drainage controls up-slope of the construction site; inspection and monitoring, and timing of removal (after the entire site has been stabilized);
- (b) The stormwater management and erosion and sedimentation control plan shall conform with:
- (i) the schematics presented on Schedule C-4;
 - (ii) the requirements of the Nova Scotia Department of the Environment and the Municipal Service Systems Manual;
- (c) The Developer agrees to undertake all construction activities in accordance with the stormwater, erosion and sedimentation control plan, unless otherwise directed by the Nova Scotia Department of the Environment and Labour and also agrees to assume sole responsibility for compliance with all environmental regulations of the Nova Scotia Department of the Environment and Labour. A security deposit in the amount of twenty thousand dollars (\$20,000.00) per phase shall be provided by the Developer in the form acceptable to the Municipality. If the developer undertakes all phases simultaneously, the total security deposit shall be \$50,000. The deposit shall be provided prior to the commencement of any clearing and grubbing, and may be transferred from phase to phase as development proceeds. The Municipality may use the deposit to remedy any and all environmental problems that may result from development of the Lands. The developer shall be responsible for all costs in this regard exceeding twenty thousand dollars (\$20,000.00). The security deposit or the unused portion of the security deposit shall be returned to the Developer once any environmental problems that result from non-compliance with this

Agreement are remedied or where no environmental problems have resulted, upon acceptance of the primary and secondary services by the Municipality;

- (d) The Developer agrees to provide full-time site supervision during the full construction sequence of each Phase to ensure that environmental protection measures are properly implemented and maintained.
- (e) Landscaping of individual lots, including the placement of top soil and sod, shall occur only during dry weather and shall be completed within two days of top soil being deposited on the individual lot. Top soil shall be placed on the lot, not the street. Temporary stabilization or covering of exposed top soil is mandatory in the event of rainfall during the aforementioned two day period. Excess top soil must be removed from the site or permanently stabilized.
- (f) Pursuant to section 3.1.2 (e), no occupancy permit shall be issued unless the entire lot is either fully stabilized with sod or is temporarily stabilized and maintained with a covering of plastic or other such measures as determined and approved by the Development Officer, in consultation with the Development Engineer. Any temporary stabilization of the lot shall be replaced with final landscaping (top soil and sod, etc.) within 9 months of the issuance of the occupancy permit. The owner of the lot shall be responsible for ensuring that any temporary stabilization materials are replaced and/or maintained on an as-required basis to ensure that exposed soil is adequately stabilized at all times.

3.1.3 *Subdivision Grading Plans:*

1. Prior to the commencement of any site works on the Lands, the Developer shall obtain a recommendation of approval by the Development Engineer for a detailed Subdivision Grading Plan for the phase of development for which subdivision approval is sought. The Subdivision Grading Plan shall delineate non-disturbance boundaries for all lots, and the Developer shall be responsible for ensuring that individual house plans and building pads minimize the amount of site disturbance on each lot;
2. The Developer shall prepare detailed individual lot grading plans, which shall comply with the Subdivision Grading Plan. Modifications to the site grading and proposed finished elevations, as indicated on the Plan, may be approved by the Development Engineer, provided such modifications further the intent of this Agreement. The Developer shall provide written conformation of compliance that the lot grading has been completed according to the plans, and where it is determined that any lot grading has not been properly carried out, remedial or corrective measures shall be immediately carried out by the Developer at its cost. It shall further be the responsibility of the Developer to ensure that contractors and home purchasers are aware of the lot grading plans and site non-disturbance areas;

3.1.4 *Municipal Service Specifications - Streets and Pedestrian Facilities*

- (a) The street network shall be developed as generally shown on Schedule C-1, notwithstanding the requirements of the Municipal Service System Specifications unless otherwise required by the Development Engineer. All street construction shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written

approval from the Development Engineer prior to undertaking the work. The Development Officer, in consultation with the Development Engineer, may give consideration to minor incidental changes to the street network, provided the modifications serve to maintain or enhance the intent of this Agreement.

- (b) The Developer agrees, at its own expense to submit to the Development Officer a set of detailed engineering plans demonstrating the proposed internal road system of each Phase. Engineering plans shall be prepared by a Professional Engineer. No Lot Grading Permit shall be issued until the Development Officer receives written confirmation of the Development Engineer's satisfaction with the adequacy of the internal road system to provide safe access and egress to all public roads and for emergency vehicles and adheres to the Municipal Service Systems Specifications unless otherwise specified in this agreement.
- (c) The Developer shall construct temporary cul-de-sacs at the end of dead-end streets until such time as the next phase of development is complete. An unpaved temporary cul-de-sac may be permitted, at the discretion of the Development Engineer, for a time frame no longer than 24 (twenty-four) months provided a security is issued to the Municipality in the amount of 120 per cent of the estimated cost of completion of the temporary cul-de-sac. The estimated cost shall include necessary repair work, materials and paving of a temporary turning circle or cul-de-sac. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable letter or credit issued by a chartered bank. The security shall be returned to the Developers only upon completion of the road as illustrated by Schedule C-3 and described herein and as approved by the Development Officer.
- (d) The alignment and configuration of street rights-of-way shall substantially conform with the alignment and configurations presented on Schedule C-1;
- (e) Sidewalks, primary and secondary walkways, shall be constructed at the locations illustrated on Schedule C-3. The geometric design and construction standards of sidewalks and walkways shall conform with the Municipal Service Systems Manual, unless otherwise acceptable to the Development Engineer.
- (f) Unless otherwise permitted by the Development Engineer, temporary turning bulbs shall be provided at the end of each Phase (if applicable);
- (g) Road reserves and associated services shall be extended to adjacent property lines as required in the Municipal Service Systems Manual;
- (h) The Developer shall construct three (3) pedestrian walkway corridors. Walkways shall be constructed at the locations illustrated on Schedule C-3 or as determined by the Development Officer in consultation with the Development Engineer, HRM Parkland Planning Division and HRM Traffic and Transportation Services prior to the approval of the subdivision plan. Each walkway shall connect to the proposed public street as follows:
 - (i) a walkway corridor, constructed in accordance with municipal services specifications in consultation with the Development Engineer, shall connect to Park 1, via the two proposed streets as generally illustrated on Schedule C-3. The walkway surface shall

be asphalt unless an alternative permeable material is determined acceptable by the Development Engineer in consultation with the Parkland Planning division. The walkway shall be fenced with chainlink on either side for the purpose of preventing access to the proposed residential properties illustrated on Schedule C-1.

- (ii) a walkway corridor, constructed in accordance with municipal services specifications in consultation with the Development Engineer, shall connect to Park 2, via the two proposed streets as generally illustrated on Schedule C-3. The walkway surface shall be asphalt unless an alternative permeable material is determined acceptable by the Development Engineer in consultation with the Parkland Planning division. The walkway shall be fenced in chainlink on either side for the purpose of preventing access to the proposed residential properties illustrated on Schedule C-1.
- (iii) a walkway corridor, constructed in accordance with municipal services specifications in consultation with the Development Engineer, shall connect the proposed street to Argus Drive as generally illustrated on Schedule C-3. The walkway surface shall be asphalt unless an alternative permeable material is determined acceptable by the Development Engineer in consultation with the Parkland Planning division. The walkway shall be fenced in chain link on either side for the purpose of preventing access to the existing and proposed residential properties illustrated on Schedule C-1.

3.1.5 *Municipal Service Specifications - Municipal Water, Storm and Sanitary System*

- (a) Prior to development of the first phase, the Developer agrees to submit, at its own expense, to the Development Officer and the Halifax Regional Water Commission, a Technical Servicing Report and a set of detailed engineering plans. The Technical Servicing Report shall detail and provide the technical support for the proposed phasing and servicing arrangements under interim and ultimate development scenarios.
- (b) The Developer agrees to design and construct, at its own expense, the water supply and distribution system in accordance with specifications of the Halifax Regional Water Commission in accordance with the servicing plan illustrated as Schedule "C-5" of this Agreement and the Design Servicing/Phasing Plan as approved by the Halifax Regional Water Commission.
- (c) The Developer agrees to design and construct the storm and sanitary system in accordance with the Stormwater Management Plan and the Sanitary Servicing Plans illustrated by Schedule C-4 and Schedule C-5 of this Agreement and in conformance with the design and construction standards of the Municipal Service Systems Manual, unless otherwise acceptable to the Development Engineer.
- (d) Any stormwater management facility proposed within any "Parkland" area as identified on Schedule "C-1" shall be reviewed and approved by Parkland Planning and Development Division prior to approval being granted by the Development Officer upon direction from the Development Engineer. The Developer agrees that such facility shall be designed and constructed in a manner which is consistent and compatible with the public use of the area.

- (e) Where storm and sanitary infrastructure is proposed outside of a street right of way, adequate width for easements, as determined by the Development Engineer, shall be provided for maintenance purposes and the infrastructure shall be readily accessible.
- (f) The Developer is responsible to decommission the existing pump station on South Ridge Circle, redirecting the sanitary flows to the proposed pump station as shown on Schedule C-5 (Sanitary and Water Servicing). This work shall be completed prior to acceptance of the proposed pump station and associated primary services in that Phase or at the discretion of the Development Officer in consultation with the Development Engineer.

3.1.6 *Municipal Service Specifications -General*

- (a) The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including street intersection improvements, streets, sidewalks, sanitary sewer system, water supply system, storm water sewer and drainage system, and utilities, as generally illustrated by the Schedules attached hereto. Notwithstanding such schedules, all approvals shall be obtained in accordance with all applicable by-laws, standards, policies and regulations (unless otherwise specifically varied by this Agreement) of the Municipality, the Halifax Regional Water Commission, and all other applicable approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer.
- (b) Based on the foregoing, the following variances to the Municipal Service Systems Specifications have been agreed to and shall be permitted:
 - (i) sidewalk on one side of all streets constructed as illustrated on the attached Schedules of this Agreement. The final placement (side of street) and design of the sidewalks shall be determined by the Development Officer, in consultation with the Development Engineer, prior to final approval;
 - (ii) the maximum number of cul-de-sacs shall be limited to two, as illustrated on the attached Schedule C-1 of this Agreement.
- (c) Final subdivision approval shall not be granted on the Land or any portion thereof, until all primary services (defined as sanitary sewer, storm sewer, water system and hydrants, sewer and water service laterals to the property line, surface drainage, curb and gutter with base, roadway with sub-base, base and lift of asphalt, street signs, underground electrical services, underground gas and parkland have been completed.
- (d) No Municipal Building Permit shall be issued until all secondary services (defined as sidewalk with base, walkways with base and approval surface, above ground electrical services, sodding and trees within the street lines) or acceptable primary services are completed except that a Building Permit may, at the discretion of the Municipality, be issued subject to security being provided to the Municipality in the amount of 120 per cent of the estimated cost of completion of all outstanding work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically

renewable letter of credit in the Municipality's name issued by a chartered bank. The security shall be returned to the Developer only upon completion of all work, as described herein and illustrated on the Schedules, and as approved by the Municipality. If outstanding work is not completed within one year from the date of the certified cheque or irrevocable, automatically renewable letter of credit, the Municipality may cash the cheque or letter of credit for the amount owing to complete the outstanding work and complete the necessary work. No municipal Occupancy Permit shall be issued until primary services have been accepted.

- (e) Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced by the Developer as directed by the Development Officer, in consultation with the Development Engineer.
- (f) All secondary electrical service to all properties shall be underground installation where feasible, unless otherwise permitted by the Development Officer, in consultation with a Planner.
- (g) If primary electrical, telephone and cable services are installed underground, the Developer shall be permitted to install ornamental light poles for street lighting. This street lighting shall have the ballast in the fixture, meet the illumination standards in the Municipal Service Systems Specifications and shall be approved by the Development Officer in consultation with the Development Engineer.
- (h) The Developer shall not commence clearing, excavation and blasting activities required for the installation of municipal services and road construction in association with a subdivision prior to receiving final approval of the subdivision design.
- (i) For the multiple unit dwelling, bonding for the completion of outstanding on-site paving and landscaping work (at the time of issuance of the first occupancy permit) may be permitted. Such bonding shall consist of a security deposit in the amount of 120 per cent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer when all outstanding work is satisfactorily completed. If outstanding work is not completed within one year from the date of the certified cheque or irrevocable, automatically renewable letter of credit, the Municipality may cash the cheque or letter of credit for the amount owing to complete the outstanding work and complete the necessary work.
- (j) The Developer shall install street trees on both sides of the public street within the development, at a maximum spacing of 40 feet. Species, sizes and planting details/schedule shall be determined at the time of subdivision approval for the applicable Phase. The Development Officer may permit the retention of existing trees in replacement of new street trees if, in the opinion of the Development Officer, that such action enhances the streetscape.
- (k) Notwithstanding 3.1.6(j), the number and spacing of street trees may be altered at the discretion of the Development Officer, in consultation with the Development Engineer on

the side of street containing the utility corridor if it is demonstrated that the right-of-way can not accommodate trees without posing a hazard to essential utilities of gas, power, etc. Such street trees shall be installed at alternative locations in the subdivision (i.e. Parkland, tree retention area or opposite side of street, etc.) that in the opinion of the Development Officer results in no net loss of street trees otherwise required by 3.1.6(j).

3.1.7 Lot Layout:

- (a) The number, density, configuration and dimensions of lots shall generally conform with Schedule C-1 and shall conform with the following requirements:
- (i) the overall density of development shall not exceed 8 units per acre;
 - (ii) the general mix of housing units shall, on the completion of development, contain a minimum of 50 percent lots which are sized as standard R-1 (Single Family Residential), R-1 M (Single Family Modified Residential), and R-2 (Two Family Residential) lots. R-1 M lots shall not comprise more than 15 percent of the total housing mix. In addition, a multiple unit dwelling containing a maximum of 44 units shall be permitted.
 - (iii) the R-2 units, as referred to in clause (ii) above, shall generally be located on the portion of the development parcel adjacent to Woodland Avenue;
 - (iv) the multiple unit dwelling, as referred to in clause (ii) above, shall generally be located on the portion of the development parcel adjacent to Woodland Avenue as indicated on Schedule C-1;
 - (v) lots intended for standard R-1 single family dwelling units shall have a minimum lot frontage of fifty (50) feet or thirty (30) feet on the outside of a curve or portion thereof and a minimum lot area of 5,000 square feet;
 - (vi) lots intended for R-1M single family dwelling units shall have a minimum lot frontage of forty (40) feet or twenty-five (25) feet on the outside of a curve or portion thereof and a minimum lot area of 4,000 square feet. Notwithstanding, a maximum of 50% of R-1M lots may have a reduced lot frontage minimum of 30 feet to a maximum total of 6 lots.
 - (vii) the lot intended for the multiple unit dwelling shall have a minimum lot frontage of one hundred (100) feet or sixty (60) feet on the outside of a curve or portion thereof and shall have a minimum lot area of fifty thousand (50,000) square feet;
 - (viii) The lot intended for the multiple unit dwelling shall conform with the requirements of the R-3 Zone of the Land Use By-law. No additional multiple unit dwellings shall be permitted within the Lands.

3.1.8 *Parks and Open Space:*

- (a) The Developer shall provide a minimum of 2 neighbourhood parks, as per HRM Parkland Planning Guidelines except as may be varied by this Agreement., within the development, as generally illustrated on Schedule C-1 as "Park 1 and Park 2".
- (b) Municipal Open Space and Parkland dedications shall substantially conform with the locations and dimensions illustrated on Schedule C-1 and any improvements required to make such dedications usable, as recommended by the Parkland Planner, shall be undertaken as a condition of acceptance. The precise location and dimensions of the park shall be finalized at the subdivision approval stage;
- (c) Prior to undertaking any work on either of the neighbourhood parks, the developer shall submit a site grading plan and site development plan to the Development Officer. With the approval of the Development Officer, in consultation with Parkland Planning Division, the parks as shown on Schedule C-1 shall be levelled to subgrade elevation. Material from the site may be used to the extent that it is available. The park shall not be accepted by the Municipality until the site grading and landscaping (as approved by the Development Officer in consultation with Parkland Planning Division) has been completed and all required fencing, as specified in Section 3.1.8(d) and 3.1.8(e), has been installed.
- (d) Neighbourhood Park 1 shown on Schedule C-1 shall:
 - (i) have a minimum area of thirty thousand (30,000) square feet;
 - (ii) have a minimum contiguous street frontage of sixty (60) feet; and
 - (iii) be graded, stabilized and landscaped so as to prevent erosion and otherwise be suitable for playground equipment and recreational use;
 - (iv) be conveyed to the Municipality concurrently with the phase for which subdivision approval is sought;
 - (v) install a chainlink fence along three sides of the neighbourhood park and the Developer shall receive approval of the location, colour and height of fence from the Development Officer, in consultation with HRM Parkland Planning Division, prior to construction;
- (e) Neighbourhood Park 2 shown on Schedule C-1 shall:
 - (i) have a minimum area of fifteen thousand (15,000) square feet;
 - (ii) have a minimum contiguous street frontage of sixty (60) feet; and
 - (iii) be graded, stabilized and landscaped so as to prevent erosion and otherwise be suitable for playground equipment and recreational use;

- (iv) be conveyed to the Municipality concurrently with the phase for which subdivision approval is sought;
 - (v) have the existing stand of trees retained in good condition.
 - (vi) install a chainlink fence along two sides of the neighbourhood park and the Developer shall receive approval of the location, colour and height of fence from the Development Officer, in consultation with HRM Parkland Planning Division, prior to construction;
- (f) The Developer shall provide a total of sixty thousand dollars (\$60,000) to the Municipality towards the cost of play equipment or other recreational facilities on either Park 1 or Park 2 or combination thereof subject to this agreement and at the time the first parkland dedication is conveyed to the Municipality. The type of facilities for the park shall be determined by HRM Parkland Planning Division, in consultation with existing residents in the area and the new residents from the development.
- (g) All "Parkland" and "Open Space" parcels shall remain in their natural state, undisturbed unless site preparation is required as specified in this Agreement or as approved by HRM Parkland Planning, and the Development Engineer if necessary. If disturbance does occur without the necessary approvals, the Developer shall, at its own expense, reinstate the area upon the direction of the Development Officer, in consultation with Parkland Planning and Development Division.
- (h) The Developer agrees that the "Parkland" and "Open Space" site preparation and development as described in this Section shall be completed in conjunction with the final subdivision approval for the portion of the streets on which the identified parcel has frontage unless otherwise stated by the Development Officer, in consultation with HRM Parkland Planning and Development Division. Final subdivision approval shall not be granted for the Lands within the relevant phase or portion thereof until all Neighbourhood Park(s) and Open Space parcels within the relevant phase or portion thereof have been developed and accepted by the Municipality, except that the Municipality may, at its discretion, issue final approval subject to security being provided to the Municipality in the amount of 120 per cent of the estimated cost of completion of all outstanding work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically renewable letter of credit in the Municipality's name issued by a chartered bank. The security shall be returned to the Developer only upon completion of all work, as described herein and illustrated on the Schedules, and as approved by the Municipality. If outstanding work is not completed within one year from the date of the certified cheque or irrevocable, automatically renewable letter of credit, the Municipality may cash the cheque or letter of credit for the amount owing to complete the outstanding work and complete the necessary work.
- (i) The Developer may place excess fill generated from construction of the development onto the parcels designated as "Park" for the sole purpose of site preparation. This shall not commence until a grading plan has been approved by the Development Officer acting on the advice the HRM Parkland Planning and Development Division and the Developer Engineer. The grading plan shall be submitted at the time of subdivision approval and indicate the

Maximum Building Height:	30 feet (from average finished grade to the top of cornice)
Required Parking:	A minimum of 2 spaces per dwelling unit shall be provided. The driveway width shall not exceed 33% of the front yard width, except that 40% shall be the maximum where there are existing trees retained within the front yard.

4.1.2 No municipal development permit shall be granted for any R-1M single unit dwelling except in accordance with the following:

Location:	Single Unit Dwellings (R-1M) shall be located as generally shown on Schedule C-1.
Minimum Lot Area:	4,000 square feet.
Minimum Lot Frontage:	40 feet (12.2m), except that for lots with frontage on the outside of a curve, a minimum frontage of 30 feet (7.32m) shall be permitted provided that a lot width of 40 feet (12.2m) is provided, measured at a distance 20 feet (6.1m) back from the street line at the centre point of the lot frontage. Notwithstanding, a maximum of 50% of R-1M lots to a maximum total number of 7 lots may be reduced to 30 feet of frontage.
Minimum Front	15ft. (measuring from the front lot line to the nearest portion of the structure)
Flankage Yard:	18ft. (measuring from the front lot line to the building wall)
Minimum Side Yards:	4 ft. 4ft. (for accessory buildings)
Minimum Rear Yard:	20 ft. 4ft. (For accessory buildings)
Maximum Lot Coverage	40% lot coverage maximum
Maximum Building Height:	30 feet (from average finished grade to the top of cornice)
Required Parking:	The driveway width shall not exceed 33% of the front yard width, except that 40% shall be the maximum where there are existing trees retained within the front yard.

4.1.3 *No municipal development permit shall be granted for any R-2 two unit dwelling unit except in accordance with the following provisions:*

Location:	Semi-Detached Dwellings shall be located as generally shown on Schedule C-1.
Minimum Lot Area:	5,000 square feet or a minimum area of 2,500 square feet per unit.
Minimum Lot Frontage:	25 feet per dwelling unit. Notwithstanding, for lots with frontage on the outside of a curve, a frontage of 15 feet (3.66 m) shall be permitted, provided that a lot width of 25 feet is provided, measured at a distance of 20 feet back from the street line at the centre point of the lot frontage.
Minimum Front and Flankage Yard:	15 feet (7.62 m)
Minimum Side Yards:	8 feet (2.44 m) except where an attached garage accessory building is provided in the side yard in which case the yard may be reduced to 4 feet (1.22m).
Minimum Rear Yard:	20 feet (6.1m)
Maximum Lot Coverage	40% lot coverage.
Building Height:	Maximum height of 30 feet (from average finished grade to the top of cornice).
Required Parking:	The driveway width shall not exceed 33% of the front yard width, except that 40% shall be the maximum where there are existing trees retained within the front yard.

4.1.4 *Design Criteria:*

- (a) The Developer agrees that an objective of this development is to provide an aesthetically pleasing street scape which exhibits a complementary variety of house types and architectural designs.
- (b) All R-1 single unit dwellings, R-1M single unit dwellings and two unit buildings shall be designed and oriented to ensure variation along the streetscape through uses of building wall offset (projection or recession) from the front yard setback, application of different colours, window styles etc.
- (c) Notwithstanding the minimum front yard requirements for Section 4.1.1, 4.1.2 and 4.1.3, the front yard setback for single unit dwelling and semi-detached buildings (2 units) lots shall not be repeated within a three-lot radius on the same side of the street. The variation

in setbacks shall be in intervals of not less than two feet and not greater than five feet provided that no foundation wall shall be closer than 18 feet to a street line. Nothing in this Agreement shall prevent one unit of a semi-detached dwelling from having a greater front yard than the minimum prescribed for the building.

- (d) Roofs of a minimum 4'12 pitch shall be utilized, where feasible.
- (e) Side gable roofs with a 4'12 pitch shall be used where possible for attached garages.
- (f) Eaves projection shall be incorporated in roof design.
- (g) For R-1 (Single Unit Dwelling) lots attached garages shall be angled, staggered, or setback to ensure the attached garage extends beyond or behind the front facade of the dwelling.
- (h) The front facade of all dwellings, except for the multiple unit building, shall contain accentuated trim detailing. Other specialized trim features shall also be encouraged in order to add variety to the street scape appearances, including front entry detailing, cornice treatment, bargeboard, decorative window mouldings and shutters.
- (i) Gas meters shall not be located on the front or flank elevation of any single or two unit dwelling and shall be located on the side or rear elevation in a manner which reduces their visual impact.
- (j) Fuel storage tanks, heat pumps/air exchangers and other similar objects with the exception of gas meters shall be located only in the rear yard of the lot.

4.1.5 No municipal development permit shall be granted for the multiple unit dwelling except in accordance with the following provisions:

Location:	Multiple Unit Dwelling shall be located as generally shown on Schedule C-1.
Maximum # of Units:	44 units
Minimum Lot Area:	1 acre
Maximum Height:	Maximum building height shall not exceed 4 storeys (or 50' feet measured from average finished grade to peak of roof).
Required Parking:	1.25 parking spaces per unit shall be provided underground, plus one visitor space per ten units. Visitor parking may be surface parking which is provided in the front or rear yard provided that the parking area is located no closer than 10 feet from any lot line, and that the parking area is screened from the ground floor view of any abutting residential dwelling lot with an solid wooden fence or a vegetation

screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;

Landscaping:

All areas of the lot not required for parking, access and amenity space shall be landscaped, retained in natural vegetation, or a combination of the two. Landscaping shall consist of grassed areas, supplemented by flower beds, and extensive plantings of nursery stock shrubs and trees, or otherwise acceptable plantings such as native vegetation. Plantings shall be provided and maintained pursuant to a plan to be provided by a Landscape Architect who is a member in good standing with APALA.

Amenity Space:

Amenity Areas shall be provided in accordance with the requirements of the R-3 Zone of the Land Use By-law.

4.1.6 Design Criteria

- (a) The multiple unit dwelling shall include architectural detailing such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards.
- (b) Architectural treatment shall be continued, in its major features, around all sides of the multiple unit buildings visibly exposed to public streets and existing or new residential buildings.
- (c) Exterior building materials shall not include vinyl siding but shall be comprised of a combination of the following :
 - clay masonry
 - concrete split face masonry
 - cut stone masonry
 - random stone masonry
 - horizontal clapboard stained wood siding
 - vertical tongue and groove or shiplap stained wood siding
 - vertical board and batten stained wood siding
 - stained wood shingles; or
 - acceptable equivalent in the opinion of the Development Officer, in consultation with a Building Inspector.
- (d) Roof materials shall be comprised of either asphalt shingles, wood shingles or shakes, prefinished standing seam metal, or natural and/or artificial slates.

- (e) The building shall offset walls though use of projections and recesses.
- (f) The primary roofs for the multiple unit dwelling building shall be a slope of 4'12 degrees or greater, with secondary roof form of different pitch, single slope, flat, curved or mansard. Alternative roof profiles may be considered in the context of complementing adjacent dwellings. The roof shall be an integral component of the building design. Generally, the upper floor of all buildings shall be articulated with roof design, with features including dormers, bay windows, sheds, balconies, roof windows, and penthouses. Any roof mounted mechanical equipment shall be visually integrated into the roof design.
- (g) Window openings shall be a maximum of 50% of all wall area. All windows shall be framed and articulated.

4.1.7 A site plan shall be required for the multiple unit dwelling and no site plan shall be approved unless the following criteria are satisfied:

- (i) landscaping shall be incorporated into the parking areas and parking areas shall be designed so as to provide safe and convenient pedestrian access to the buildings they are intended to serve;
- (ii) walkways shall extend from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property and, unless otherwise not possible, shall not cross any driveways or parking areas;
- (iii) provisions shall be made for the storage of bicycles;
- (iv) street furniture; trees, lighting and landscaping measures shall be incorporated into the development;
- (v) buildings, structures and parking lots shall be located on a lot so as to minimize the alteration of natural grades and to minimize the area of impervious surfaces;
- (vi) All loading areas, service areas and garbage receptacles for multiple unit dwellings shall be screened from public view by fencing or masonry walls and/or suitable landscaping. The Developer agrees, at its own expense, to ensure compliance with the Environment Act and Regulations by dedicating area for separate containers designated for: (a) Recyclable Containers, (b) Paper Materials, (c) Organic/Compos and (d) Refuse (materials not included in other categories).

- 4.1.8 *All applications for development permits for multiple unit dwellings shall include but are not limited to the following information:*
- 4.1.8.1 (i) the proposed design, exterior appearance and materials, elevation drawings and signage;
(ii) yard dimensions, and measures to buffer adjacent uses
(iii) parking area layout, lighting and landscaping;
(iv) provision of useable amenity areas (indoor and outdoor)
(v) existing municipal services and proposed connections
(vi) grading and drainage plan
(vii) erosion and sedimentation control plan
(viii) vehicular and pedestrian access
(ix) landscaping plan
- 4.1.8.2 Lighting shall be directed to driveways, building entrances and walkways, and shall be arranged so as to divert the light away from adjacent lots, buildings and streets.
- 4.1.8.3 Where parking lots are to be delineated by curbing, such curbing shall be concrete.
- 4.1.9 Phasing, if applicable shall comply with the following conditions:
- (i) The Development Officer, in consultation with the Development Engineer, shall not approve no more than 100 units prior to the completion of the second access.
- (ii) The Development Officer, in consultation with the Development Engineer and the Parkland Planning and Development Division, shall not endorse any Phase or portion thereof unless each Phase is established in a manner that ensures a reasonable progression of infrastructure construction from the perspective of municipal operations and maintenance and adhere to phasing requirements established in the Agreement.
- (iii) All Phases or portion thereof shall include the provision of the applicable parkland parcels and facilities as required by of this Agreement.
- (iv) Prior to construction of any Phase or portion thereof, a Municipal Service agreement must be signed in accordance with the Subdivision By-Law and this Agreement.
- (v) The Developer agrees that, with each application for subdivision, a summary table (Density/Audit sheet) of the total number of lots approved to date, by category, and the number of persons per acre shall be submitted. The table shall also show any outstanding applications for which approval has not been granted.

- 4.1.10 Community Signs - A maximum of two ground signs shall be permitted at the Lancaster Drive entrance to the subdivision to denote the community and/or subdivision name. A maximum of one ground sign is permitted indicating the name of the multiple unit dwelling. The locations of such signs shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 5 feet and the face area of any sign shall not exceed 40 square feet (4.65 sq.m.). Signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.
- 4.1.11 The Developer agrees, at its own expense, to provide each new homeowner with a copy of the Protective Covenants when a property is purchased or transferred.

PART 5: TREE RETENTION

- 5.1.1 The Developer agrees that tree retention, where possible, is an important objective. Therefore in areas of mature tree cover, living trees having a caliper of 4 inches or greater will be retained except where they are located within a road right of way, within the footprint of a building or as per the delineation of the site disturbance boundary on the lot grading plan in accordance with Section 3.1.3. A statement regarding this will be attached to the deeds of affected lots.
- 5.1.2 Further to Section 5.1.1, no trees shall be removed within 10 feet of the rear property boundary line on any R-1, R-1M or R-2 type residential lots abutting existing residential lots on Argus Drive, abutting Woodland Avenue or abutting the Tree Retention Area noted on Schedule C-1, except as required for stormwater management on lots abutting existing residential lots on Argus Drive. A statement regarding this will be attached to the deeds of affected lots. If trees are removed, the Developer or the land owner shall replace the trees with trees as directed by the Development Officer, in consultation with HRM Parkland Planning Division.
- 5.1.3 Further to Section 5.1.1, no trees shall be removed within the Tree Retention Area identified on Schedule C-1 to be retained by HRM as part of this Agreement, except where required to accommodate underground stormwater management infrastructure.
- 5.1.4 The Developer agrees to retain the mature pine tree illustrated on Schedule C-1 near South Ridge Circle during site works required for installation of underground stormwater management infrastructure.
- 5.1.5 Notwithstanding Section 5.1.1 through Section 5.1.4 of this Agreement, where a qualified person engaged by the property owner certifies that a tree poses a danger to people or property, the Development Officer may permit the tree to be removed.

PART 6: AMENDMENTS

- 6.1.1 The provisions of this Agreement relating to the following matters are identified as, and shall be deemed to be, not substantive and may be amended by resolution of the Community Council:
- (i) variations to the boundaries of municipal parkland dedication provided that a recommendation of approval is received from the Parkland Planner
 - (ii) removal of the the mature pine tree indicated on Schedule C-1 near South Ridge Circle only if determined by a qualified arborist that the tree would not survive site works required for installation of underground stormwater management infrastructure.
- 6.1.2 Amendments to any matters not identified under Section 6.1.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of Municipal Government Act.

PART 7: MAINTENANCE AND LANDSCAPING

- 7.1.1 The Developer or landowner/operator shall maintain and keep in good repair all portions of the development and Lands, including but not limited to, the interior and exterior of the buildings, retaining walls and fencing, lighting, walkways, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, and snow removal/salting of walkways, driveways and parking areas, and including the maintenance of the on-site stormwater management system.
- 7.1.2 The Developer shall submit a Landscaping Plan, including a Maintenance Plan, that show what landscaping measures (ie. grass, shrubs, trees, etc) are to be applied to the entire development, including to and the Plan shall be approved by the Development Officer in consultation with HRM Recreation Service, Traffic and Transportation Services, and Department of Transportation and Public Works, if applicable.
- 7.1.3 Further to Section 7.1.2, the Landscaping Plan shall be submitted and approved by the Development Officer, in consultation with HRM Parkland Planning Division, Traffic and Transportation Services, and the Provincial Department of Transportation and Communication, prior to the issuance of any building permits for the development.

PART 8: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

- 8.1.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer

shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.

- 8.1.2 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Community Council.
- 8.1.3 In the event that construction on the lands has not commenced within 2 (two) years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of the Community 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 purposes of this section, "commencement of construction" shall mean the pouring of the footings for the foundation.
- 8.1.4 If the Developer fails to complete the development or portions thereof, or after 10 (ten) years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, the Community 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 the Community Council, the Developer's rights hereunder are preserved and the Community Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law, as may be amended.

PART 9: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

- 9.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 9.1.2 If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:



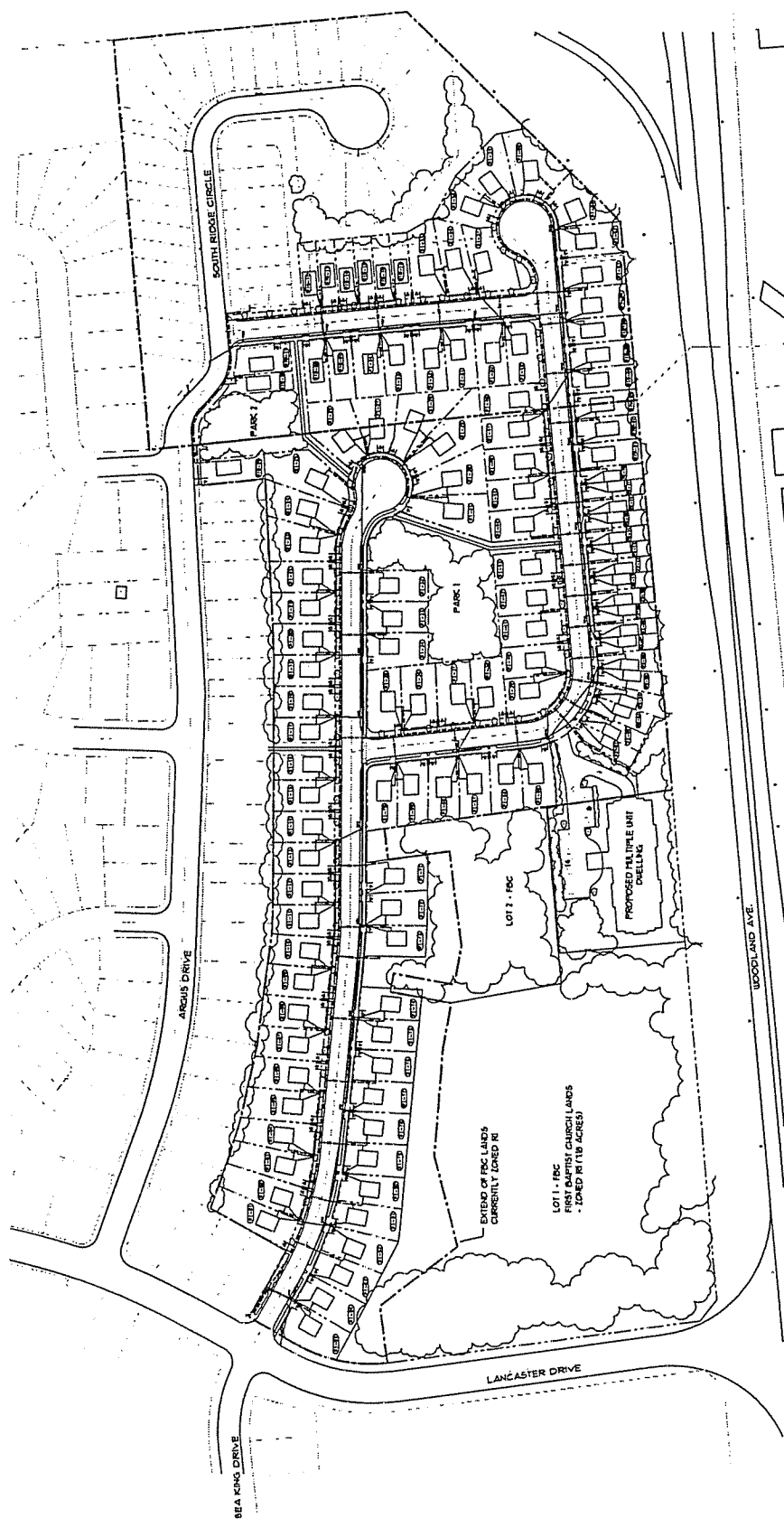
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- 2. Utility line / cut line
- 3. Proposed location
- 4. Proposed lot
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ARU DEVELOPMENT Ltd.
DARTMOUTH
NOVA SCOTIA

NATURAL GAS & POWER
SERVICING SCHEMATIC
DEVELOPMENT AGREEMENT
APPLICATION

94

0719



NATURAL GAS & POWER SERVICING SCHEMATIC



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ARU
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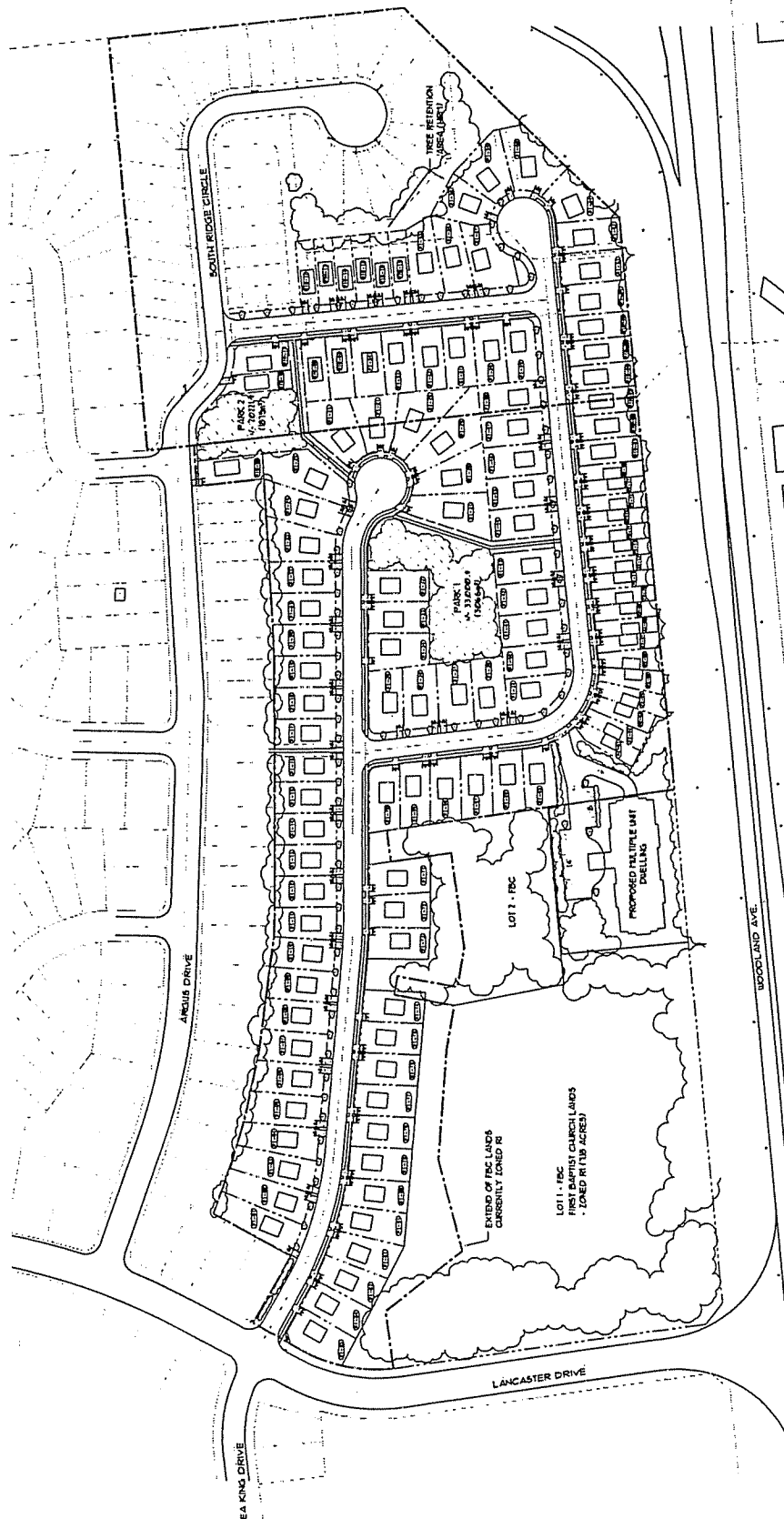
DANMORIN
NOVA SCOTIA

SIDEWALK, STREET TREE & TREE RETENTION
DEVELOPMENT AGREEMENT
APPLICATION

DATE	10/10/2010
SCALE	1:1000
PROJECT	ARU DEVELOPMENT LTD.
CLIENT	ARU DEVELOPMENT LTD.
DESIGNER	ARU DEVELOPMENT LTD.
APPROVED BY	ARU DEVELOPMENT LTD.
DATE	10/10/2010

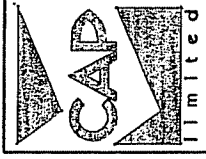
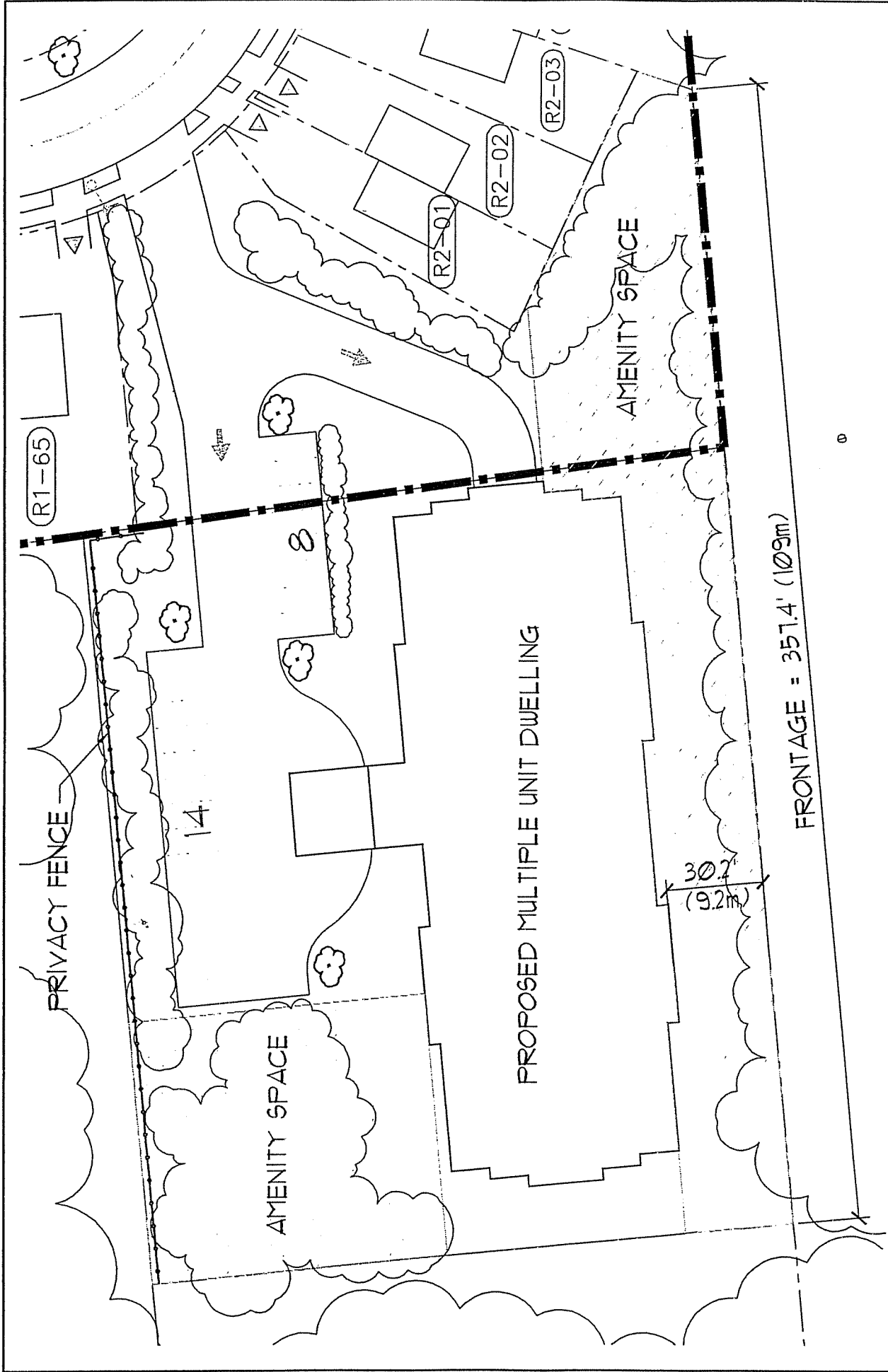
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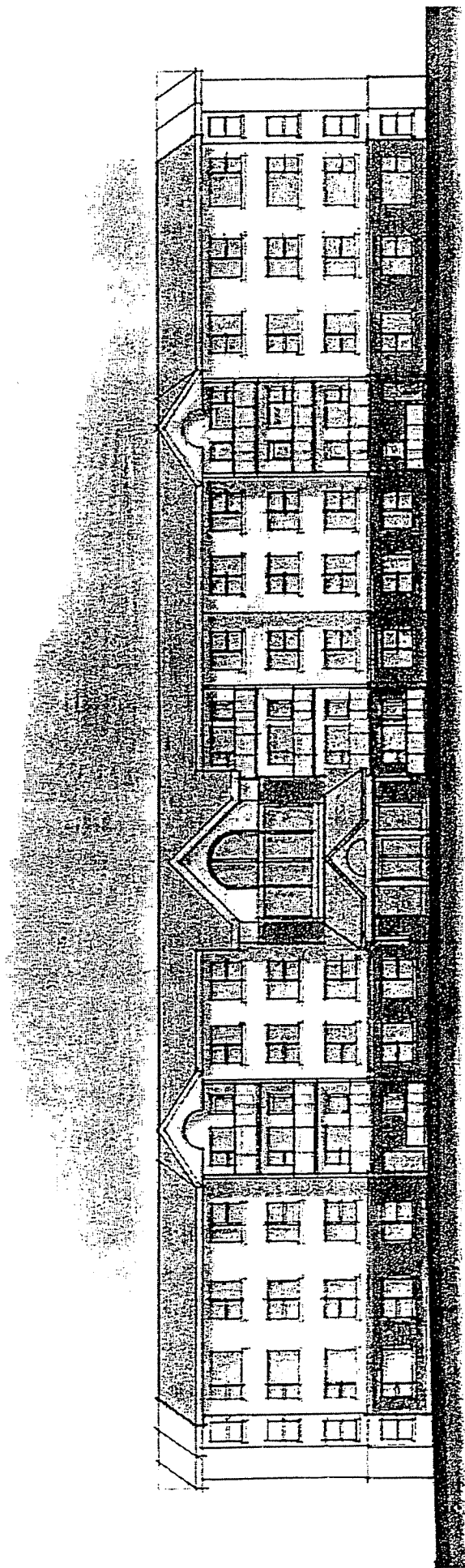


SIDEWALK, STREET TREE & TREE RETENTION PLAN

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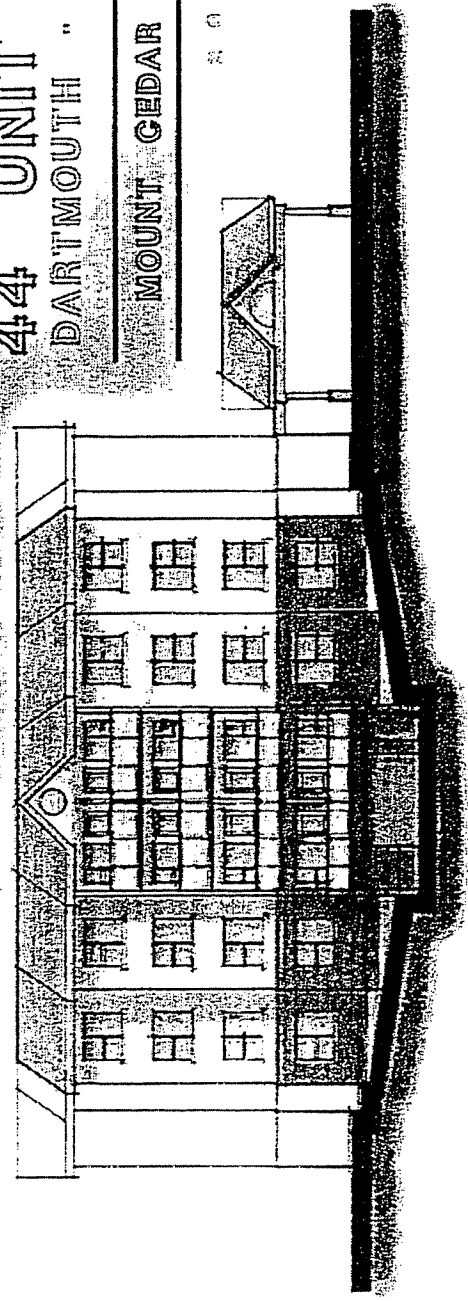


Date	Project No.	Drawn	Checked	Scale
30 MAY 05	0243	WS		1:500
Project	Title		Drawing	
ARW DEVELOPMENT LTD. DARTMOUTH, NOVA SCOTIA	MULTIPLE UNIT SITE PLAN		S2	



F R O N T V I E W

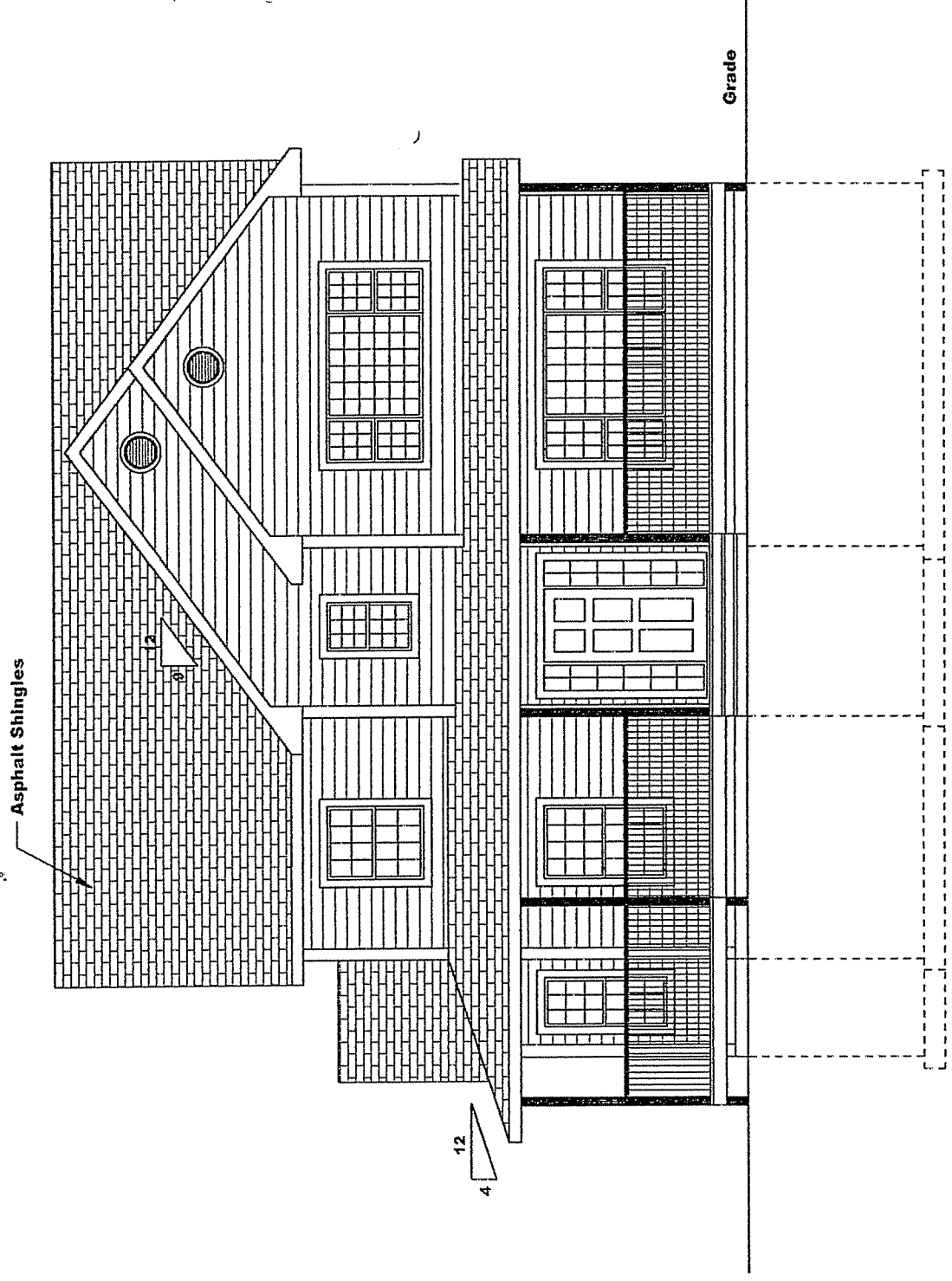
PROPOSED
44 UNIT BUILDING
 DARTMOUTH " NOVA SCOTIA
 MOUNT CEDAR DEVELOPMENTS



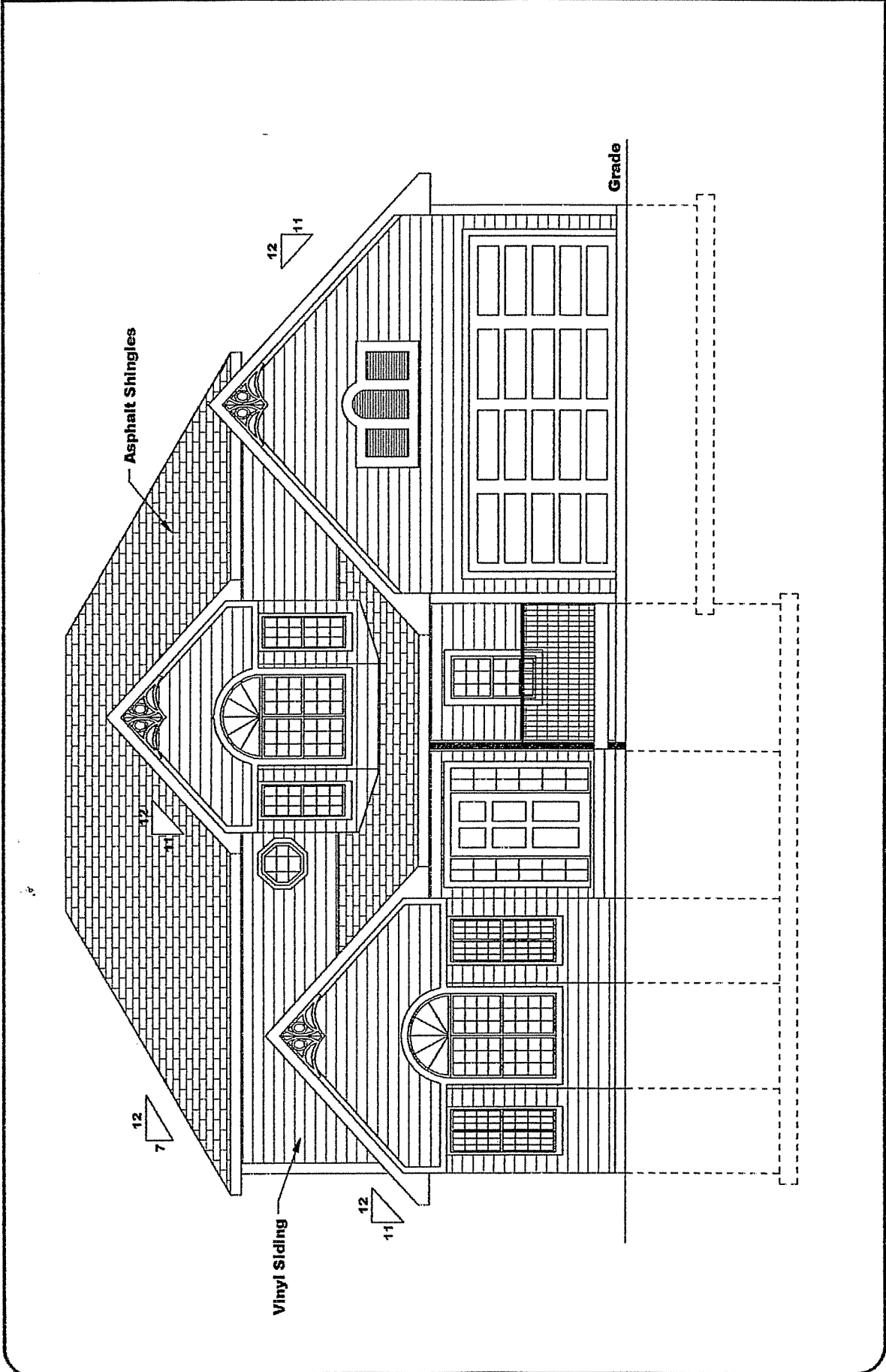
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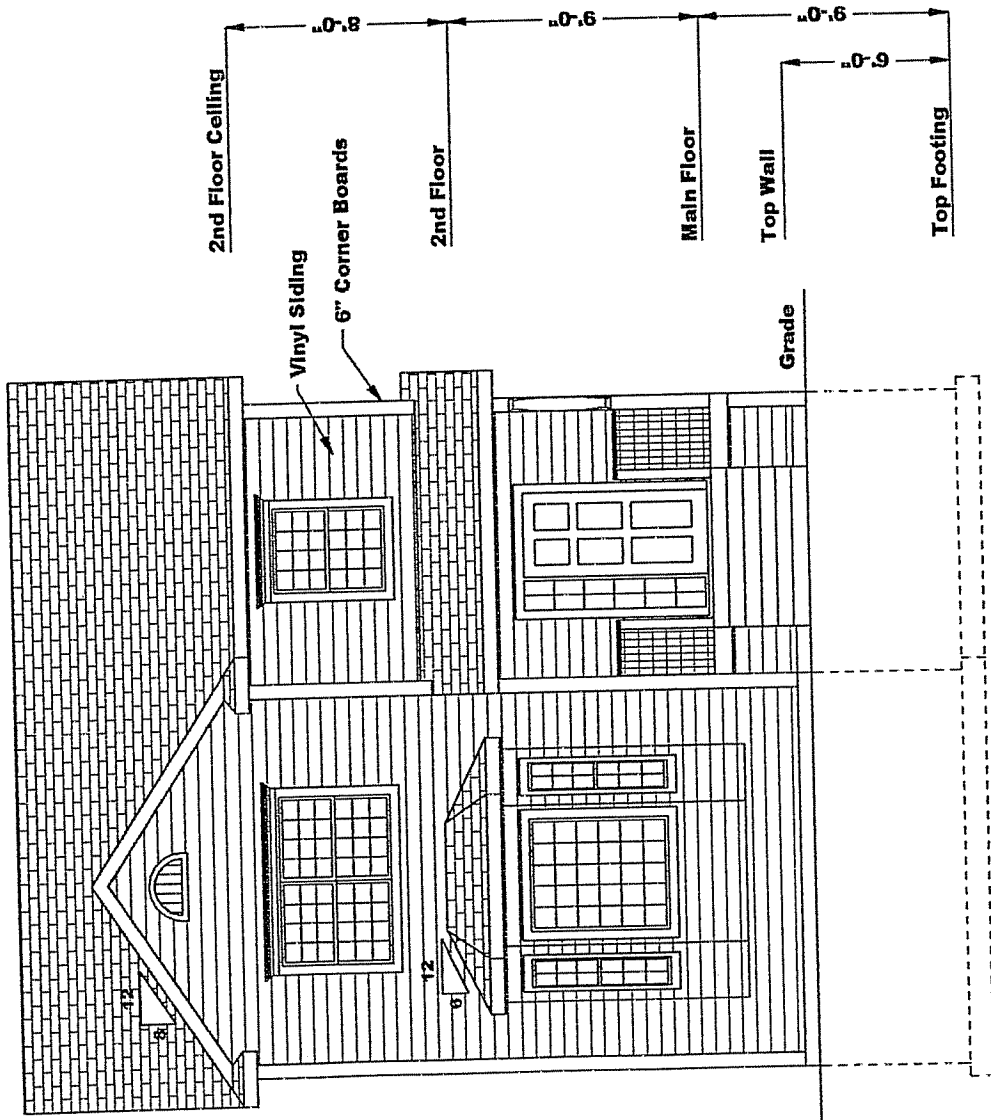
Schedule C-8
 Typical Single Unit
 Dwelling Elevation



Schedule C-8
 Typical Single Unit
 Dwelling Elevation

NOTES:

1. Do not scale these drawings.
2. Contractor to check and verify all dimensions, levels and datums.
3. This building construction to meet or exceed all local codes and requirements as well as the latest edition of the National Building Code.
4. Any and all changes to this plan must be approved by owner prior to change.
5. All finishes, doors, windows and fixtures to owners approval.
6. This plan is a product of a drafting service and may require an engineers stamp prior to construction.
7. Contractor to check and verify all structural members including: footings, foundations, joists, beams, posts, T-Js, rafters, bearing walls, trusses and all steel members needed for construction prior to start of construction.
8. Ventilation and heat recovery system to be designed and installed by a certified installer.
9. Heating system to be determined by owner or contractor prior to construction.
10. Electrical plan to be provided by a certified electrician.
11. All bedroom windows to meet or exceed Canadian Egress Code
12. Entry door between house and garage to be sealed c/w automatic door closure.
13. Decks placed on 8" diam. sono tubes (Big Foot). 8"x8" posts to be used and 3-ply 2x8 beam used for support. Rail height to be 42".



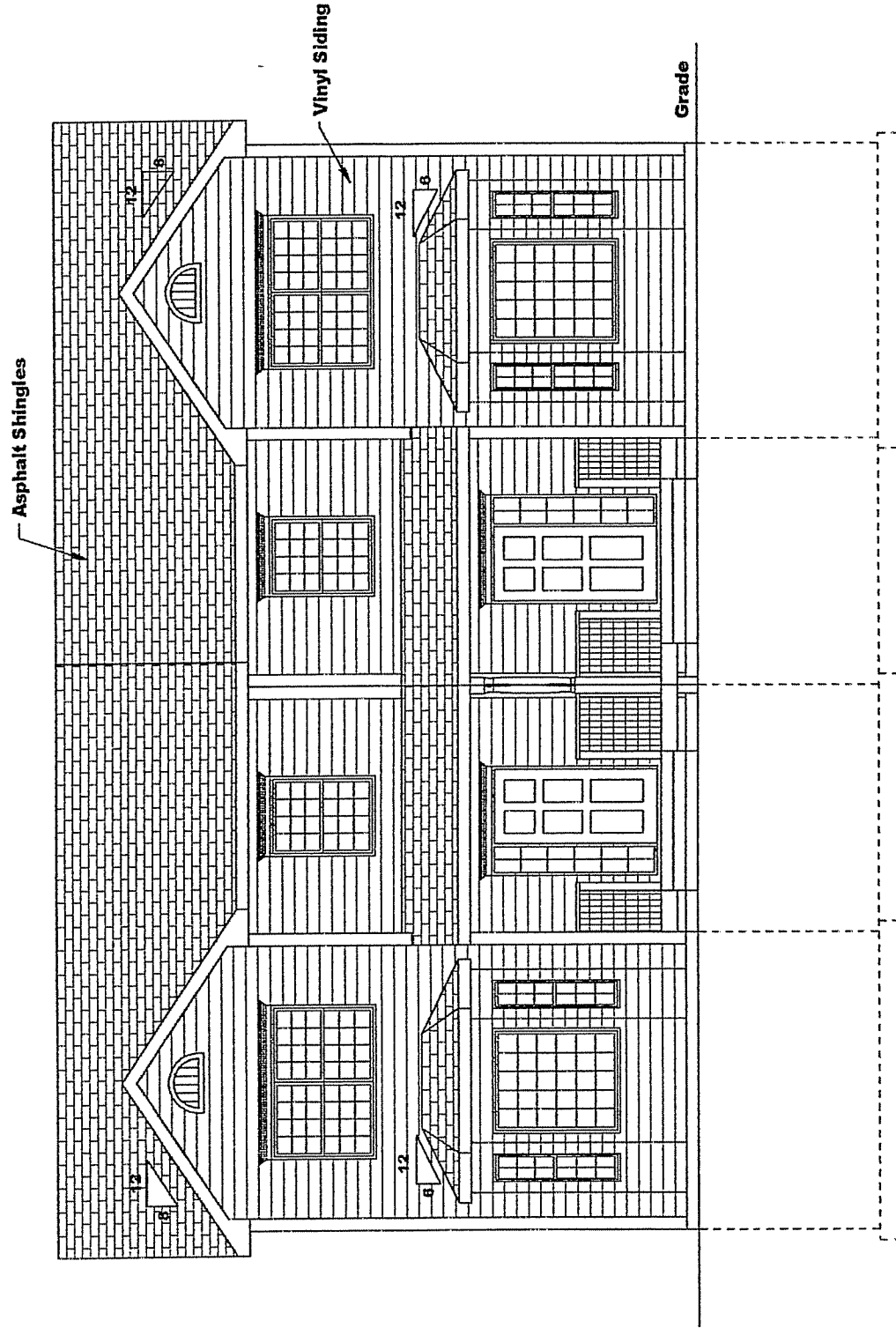
Schedule C-9
 Typical RIM (smaller lot)
 Single Family Dwelling

Scale: 3/16" = 1' - 0"
Date: March 2004
Drawn By: K.J.D.
Project: 2004991

FRONT
ELEVATION

The Prestige

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Page



Schedule C -10
Typical Semi-Detached
Elevation

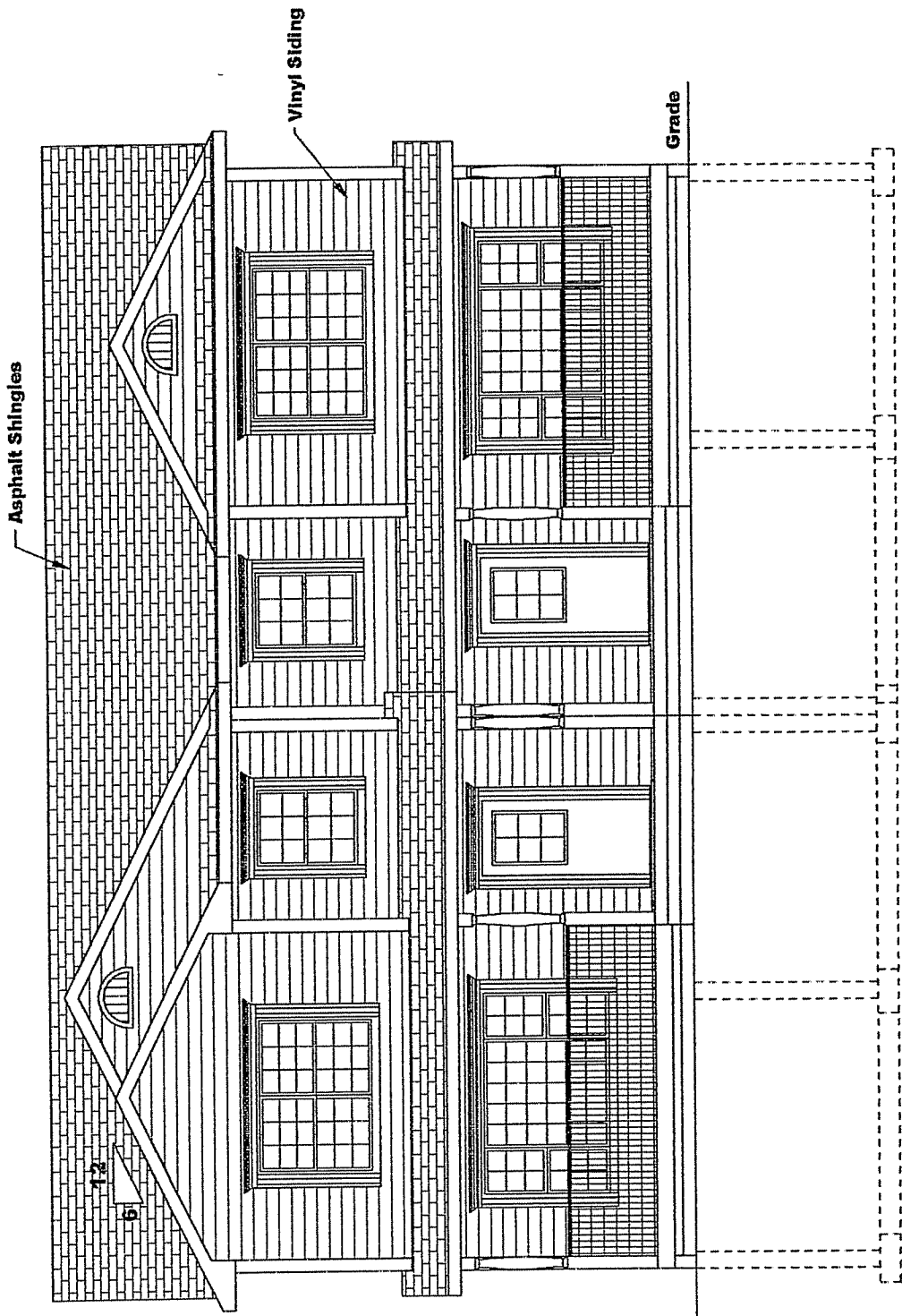
Scale: 3/16" = 1'-0"
Date: March 2004
Drawn By: K.J.D.
Project: 2004990

FRONT
ELEVATION

The Brookside

1

Page



Asphalt Shingles

Vinyl Siding

Grade

Schedule C -10
Typical Semi-Detached
Elevation

ATTACHMENT D

**HALIFAX REGIONAL MUNICIPALITY
PLANNING SERVICES - ALDERNEY GATE
MINUTES - PUBLIC INFORMATION MEETING
WOODLAND AVENUE**

**7:00 p.m.
Thursday, October 21, 2004
John McNeil Elementary School**

PUBLIC PARTICIPATION COMMITTEE

MEMBERS IN ATTENDANCE:

Peter Connor
Marlene Holden
Brad MacLeod
Clint Schofield
Phil Dodd
Peter Connor

REGRETS:

Councillor Jim Smith, District 9
Mike Raftus
Shawn Fuller
Eric Wile
Pierre Clement
Shawn Fuller
Catherine Lunn
Dave Shaw

STAFF IN ATTENDANCE:

John MacPherson, Planner, HRM
Kenda MacKenzie, Development Engineer, HRM
Jan Skora, Parkland, HRM
Jamie Hannam, Halifax Regional Water Commission
Pamela Watts, HRM Administrative Support

OTHERS:

Walter Tucker, ARW Developments Ltd., Developer
Danny Chedrawe, Mount Cedar Developments, Developer
The meeting was called to order at approximately 7:10 p.m.

1. **JOHN MACPHERSON, PLANNER, HRM**

Mr. MacPherson introduced himself as the planner assigned to this application. The application is by ARW Developments Ltd. to develop lands identified as Parcels B and C and Block X, Woodland Avenue.

Mr. MacPherson showed the subject area on the overhead. The property is approximately 20 acres in area. The highlighted area represents the residential properties within South Ridge Circle. The existing development agreement provides for a mixed residential development which was approved by the former City of Dartmouth Council in 1996. Those lands in particular provided for a mix of single family residential development, semi-detached dwellings, as well as some townhouses. A 48 multiple unit dwelling was also proposed with this particular development agreement.

To date, South Ridge Circle remains incomplete with a proposed cul-de-sac containing single family dwellings, semi-detached dwellings and a 48 multiple unit dwelling outstanding.

At the end of 2000, a planning process looked at possible future sites for development in this part of Dartmouth. The particular land holdings which include Parcels B&C Woodland Avenue East were highlighted and shown on overhead. Policy that was adopted to support these lands and they are designated Residential. The lands along some of the other properties were given a CDD (Comprehension Development District) Zone. There are site specific policies for CDD Zones which indicate what type of development can occur in that area. In this case, residential, but it can be a mixed residential development consisting of a certain density or type of single family dwelling units, along with semi-detached units averaging up to a density maximum of six units per acre (it would apply to about 24 acres).

In 2003, Harbour East Community Council (HECC) received an application by First Baptist Church to rezone a portion of those lands (8 acres) (shown on overhead). The request was to rezone from CDD to R-1 Zone because the CDD Zone that was adopted by HECC had not envisioned a church for that area. A church is permitted in the R-1 Zone.

Today, the developer would like to develop Parcels B and C in a fashion that fits within current policy which is residential development (six units per acre). A portion of the R-1 Zone owned by First Baptist Church Dartmouth is proposed as the site to locate the multiple unit dwelling previously approved under the existing development agreement for Block X (shown on overhead).

Mr. MacPherson explained why and how a Public Participation Committee (PPC) was formed and the public process involved for this application.

During the committee meetings, there were some issues that generated a great deal of discussion. Some being the relocation of the condominium, traffic (an ongoing issue), water pressure, and

issues related to the shortage of parkland. Each issue was put to a consensus vote and they were approved by this Committee in form of a report that will be going forward to HECC.

2. PETER CONNOR, CONNOR ARCHITECTS AND PLANNERS, CONSULTANT

Introduced himself as the Consultant acting on behalf of the Developer. He is the chief designer of this development proposal. He has had a fair bit of background with this whole plan area. He started twenty years ago on Block X development with Danny Chedrawe. He was involved in the initial stage of the Woodland Avenue East Planning Process. A number of the members of the current PPC were around and involved during the development of Woodland Avenue's plan policy for Parcels B&C.

An overhead was shown of a connection of Lancaster Ridge with a new road at Cannon Crescent (the same intersection that is at the top of Albro Lake Road) which will run through and parallel to Argus Drive and end in a cul-de-sac. Two thirds down that new road (new main access road) will be another road that moves around and connects into South Ridge Circle. On the turn towards Woodland Avenue is a very short cul-de-sac. The development is comprised of 85 R-1 (typical single family residential) lots. There are 18 R-1M (small single family residential) lots and 18 R-2 lots. The R-1 lots are on both sides of the main access road and the inner circle of the connecting loop road will house the R-2 lots and the R-1M lots (shown on overhead).

There will be two parks. Park 1 is in the very center of the proposed development and Park 2 is off of Argus Drive and South Ridge Circle. Park 1 is roughly three quarters of an acre which will have some playing equipment and playing field type capabilities and Park 2 is approximately four tenths of an acre (17,000 square feet). Park 2 will have a different use and some of the mature vegetation in this area will be retained. The two parks and their configuration came through process of consultation with Parkland and the Committee. There is a strip of land (shown on overhead) that is currently within public ownership and this proposal is based on taking that public land out of public ownership and turning it into private lands such that lots can be developed in that area and also take an existing stormwater drainage straight bed and pipe it from South Ridge Circle through to culverts that cross Woodland Avenue. Therefore, what is currently an open stream bed and detention area, which has some standing water in it, would all disappear and become a piped storm drainage system. There is a 44 unit condominium building (multiple unit building) backing onto Woodland Avenue and although the drawing doesn't indicate it, the area is against the site for the future First Baptist Church.

The multiple unit dwelling is best described as a four storey building with 44 units. The front of the building backs onto Woodland Avenue. The front elevation was shown on overhead. They are hoping to keep some of the natural tree cover that is already there, some of which is in the Woodland Avenue right-of-way. There is a whole storey grade change from the west end of the building to the east end. The natural change in grade will be used to allow us to provide underground parking for the building. The building will have a masonry base with brick. Three storeys will be in a lighter earth tone in a driftwood type shingle. Each balcony will be contained

with glass and handrails at the edges. There will be a central atrium in the building. There are sixteen two bedroom units plus a den, fourteen two bedroom units, two one bedroom units plus a den, and twelve one bedroom units. The typical size of the two bedroom unit with the den would be about 1440 square feet, a two bedroom alone would be about 1234 square feet, one bedroom with the den about 1100 square feet and a one bedroom alone about 850 square feet. Each corridor will have a common room that will open into the atrium feature at the front of the building.

Mr. MacPherson added that this development is not as-of-right where a developer can come in make an application and apply for a subdivision. There is specific policy that applies to these lands. If development for Parcels B and C follows policy (six units per acre - singles, semis, townhouses), it could be accommodated by development agreement which requires public consultation and approval by HECC. The application involves a request to develop a comprehensive mix; however, there are different planning applications that must occur as part of that process. The relocation of the multiple unit. The current policy that covers Parcels B and C doesn't permit a multiple unit dwelling. This must be considered by a plan amendment process which requires approval by Regional Council. Another component of this application is that a certain type of use is permitted under the South Ridge Circle development agreement. A change to make the connection (shown on overhead) and disposal of HRM lands requires a planning process as well and it would likely be in form of a discharge for part of the South Ridge Circle development agreement.

3. QUESTIONS AND COMMENTS

One resident thanked Mr. MacPherson for his presentation, but said there are a number of issues. It is extremely important to bring the policies that are going to be dealt with forward and to inform the public of the language of those policies and how they work within the proposal. The development agreement approved by HECC is quite clear on how the community would be developed. The exact current and proposed locations of the 44 unit multiple dwelling should have been shown on the map for comparison. Mr. MacPherson then did so.

The resident wanted to know how the CDD will be changed when there is a commitment to develop a parcel of land by the Municipal Government and then make the process whereby that change can take affect. Mr. MacPherson explained that the lands are zoned CDD unlike Parcel B and C. Parcels B and C are site specific and would follow the criteria to guide the development of those lands. The development agreement pertaining to Block X can be amended or discharged whether it be full or in part by HECC.

One resident asked where the cul-de-sac will be located. Mr. MacPherson showed this location on overhead. It is very close to the on-ramp of Woodland Avenue.

Gloria McCluskey, Councillor for District 5, asked when the traffic study began and ended. Kenda MacKenzie, Development Engineer, said the study took place in 2003 when the

application was made and part of that study they had forecasted up to 2008. The study involved Sea King, Lancaster and the new development.

Councillor McCluskey asked where will the traffic go when it reaches the end of Lancaster Drive. Ms. MacKenzie showed on the overhead the p.m. peak projected traffic volumes which showed the estimated traffic without the development and then the projected traffic with the development. In 2008, with the development, it is anticipated that going down Sea King, traffic going both ways, there would probably be an increase of approximately 50 vehicles over that hour. The study didn't go any further than Lancaster Drive.

Councillor McCluskey wondered why the study didn't take in Woodland Avenue and Victoria Road which is the way most people travel when going to Halifax. Ms. MacKenzie explained that when the Developer is required to do a traffic impact study there is consultation done with Traffic Services and whatever is identified in that consultation are the most impacted intersections and where the primary focus should be looked at.

Councillor McCluskey asked why there wasn't a notice in the paper or any written notice given to the people who will be affected. Mr. MacPherson explained that standard notification procedures were followed under the requirements of the Municipal Government Act. The ad was placed twice in the Halifax Mail-Star/Chronicle Herald. Approximately 350 individual property owners were notified by mail. The notification area for the mailout did not extend down Woodland towards Victoria Road nor down to the lower parts Albro Lake Road towards Victoria Road because notification within a serviced area is typically 250 feet within the subject property and in an unserviced area it would be 500 feet. In this case, the notification surpassed the 250 foot area as a result of consultation with area councillor, Councillor Smith.

Councillor McCluskey asked if Woodland Avenue is within the 500 foot radius. Mr. MacPherson explained that the properties across the street from the subject property were notified. Ed Gorber, Kingston Crescent, mentioned that they live across the street from the property and he did not receive a notice. Mr. MacPherson said it did not extend to Kingston Crescent. The notification area was extended quite far beyond the legislative requirement. Councillor McCluskey mentioned that the Councillor could have requested that the notices go further than they did.

Councillor McCluskey asked where the stormwater pipes will go. Ms. MacKenzie, said the detailed design is not yet completed, but they have a preliminary set of design drawings from a preliminary review that was done. The area that concerns most residents is in behind South Ridge Circle where there are three culverts that come out to an open channel. The current plan indicates that the open channel will be piped up to a street (shown on overhead) and then carried down. There will be a stormwater outlet going down into the ditch network of the highways. Councillor McCluskey asked where it will go from there. Ms. MacKenzie said there is a set of culverts that go across the Circ and work their way down to Lake MicMac; therefore, it would follow that drainage corridor.

Councillor McCluskey asked Mr. Connor if he was a member of the PPC. He responded by saying yes. He was there to represent the Developer's interest. Mr. MacPherson said a landowner representative is appointed by Council and is standard procedure.

One resident asked if there are still plans to do away with the turnoff coming up Woodland Avenue and into Lancaster Drive. Ms. MacKenzie said that is not part of this development, it is a Capital Project. It was supposed to happen, but may not now. She will check into it with HRM Transportation Department to see if it is slated as part of the Capital Projects. The resident is concerned that there will be quite a lineup on Woodland Avenue for people going in that area. Ms. MacKenzie stated the traffic study indicates that the worst case scenario is going to be coming out of the new development at the four way stop sign. Approximately one car cue length is anticipated there to get through that four way intersection. The resident asked if lights will be put there, but Ms. MacKenzie anticipates that the lights would not be warranted even at the 2008 stage.

One resident asked if the increase of cars in the year 2008 will be 50. Ms. MacKenzie replied that this figure is without any development. Coming out of the new development during the p.m. peak hour the study anticipates 16 vehicles going straight through and coming up Sea King and turning onto Lancaster making a left hand turn. There will be an approximate five vehicle increase from what would be anticipated in 2008 with the new development done. The estimated increase in vehicles per day is slightly under 1400 vehicles and that is total trips throughout the day. The worst case scenario would be between 4:00 p.m. and 5:00 p.m.

The resident asked if anyone had gone back and look at data that was collected from the traffic study done in 2001 as part of the Woodland Avenue East Planning Process, an extensive study that was done for the whole Dartmouth North going around Lake Banook, Westphal, MicMac, Sea King, Lancaster, Victoria Road and Woodland Avenue. Were those figures incorporated into last year's study? Ms. MacKenzie said there wasn't any reference made to the 2001 study within this latest study. She will check to see if it was included. This study was done by the Developer, not the City.

One resident mentioned that during Mr. Connor's presentation there was reference to the First Baptist Church having a driveway on Lancaster Drive. Would it be possible for the church to use the entrance on Cannon Crescent as opposed to the one on Lancaster Drive? Mr. MacPherson clarified that the church property is not part of this application. There is the ability on that property, given it's R-1 Zone, to develop a church in accordance with that zone. Within Municipal specifications, there is the ability to access directly onto Lancaster Drive with the indication of potential future access onto Cannon Crescent.

The resident said that people bought houses in Block X based on the property being approved as CDD Zone. Clint Schofield, a member of the PPC, said any change in the development agreement is through recommendation to Council. There are residents who have purchased property on South Ridge Circle as part of that development agreement. Any proposed

amendments have to follow a planning process which allows property owners a chance to address their concerns and speak in favour of or against the application. Mr. Connor wanted it made known that three members of the PPC were not present during a vote that was taken to relocate the condominium.

The developer fought hard in 1995 against Dartmouth Council to have South Ridge Circle approved. It was approved before Lancaster Ridge existed, before there were lights on Woodland Avenue and Lancaster Drive and before Argus Drive went in. South Ridge Circle is comprised of quality, affordable housing for first time home buyers. He believes it is a much better plan to relocate the building. The building is approved so it will still go where it was originally proposed if not relocated.

When Bock X was developed it met the ten acres land mass requirement, but it is a stand alone CDD. When the Woodland Avenue Master Plan was created, it looked at a greater plan area. Tonight we're looking at a third evolution (plan within a plan area) and a more comprehensive sense.

A resident of South Ridge Circle, wondered how much public land will be left behind South Ridge Circle, if any. Mr. MacPherson explained that there are a few acres of public land that were identified in the South Ridge Circle development agreement as park/tree retention area. There is the ability for Municipal Council to consider disposal of the land requiring most likely another public process to do so. Real Property Services has issued a letter of consent to make application on behalf of those lands. It hasn't been determined as to whether or not the lands will be sold. In looking at all of the plan policy criteria, there is an ability through development to look at those lands and dispose of them as a park in favour of more improved, better active park space. The Committee is concerned about the parkland and the lack of park resource within the community. Based on this proposal, there will be a remnant of tree and buffered space. HRM may retain this area. There are a number of things that could happen, but nothing has been set in stone yet.

The Committee discussed in great detail stormwater management and concerns some South Ridge Circle residents had with regards to standing water. There is a pond that sits behind a cul-de-sac with houses below which raises concerns about West Nile Virus. Is there the ability to improve that situation and not have an open channel running down to a watercourse? The stormwater is not only a result of the development on South Ridge Circle, it comes from the Lancaster Ridge subdivision as well. This will be looked at as part of the review process for HRM and discussions with the developer and the PPC.

One resident from South Ridge Circle went around the neighbourhood with a survey about the drainage and the lack of trees. The residents would like to maximize tree retention to aid in drainage.

Mr. Connor spoke to the routing of the stormwater pattern. Rather than follow the channel that is prime now, we would come across to and down through the stream system (shown on overhead), and finally discharge (shown on overhead) near the on-ramp. The pre-retention or planning requirements can indicate that the trees remain standing there.

Ms. Pearl, South Ridge Circle, asked if the multiple unit building is a condominium or an apartment building. Mr. MacPherson explained that the Municipality does not regulate tenancy. Ms. Pearl asked who decides what the purpose of the building will be. Mr. MacPherson said the Developer will do that. Mr. Connor believes the building will be condominiums. Even though the development agreement will simply call it a multiple unit building, the developer clearly intends and has a strong record of developing condominium developments. The building is fully intended and slated to be a condo building.

Ms. Pearl wondered if there is a plan to add trees. There are a lot of gravel driveways in Lancaster now, are we looking at paved driveways? With respect to the design of houses, will there be a variety of styles of houses? Mr. MacPherson explained that architectural features can be incorporated into the development agreement. As for trees, there is a Municipal requirement in the Municipal Services Specifications for a certain number of street trees to remain or be planted. Ms MacKenzie explained that the trees would be planted approximately one tree per lot. This development is going to have primarily all underground services; therefore, where the trees can be planted will be restricted based on sewer, water, electrical, telecom and gas utilities all going into the property. Mr. MacPherson explained that the development agreement speaks to the street trees as well as the maintenance issues related to properties. As to where the trees are planted will be negotiated in the development agreement. Mr. Connor said the houses within the development will be in the \$250 000 range and they all be on a pre-sold basis. They will be highly individual due to the pre-sold aspect. In that price range, paved driveways are usually a feature that is incorporated. He referred to the centre part of the brochure that White Stone provided at the meeting as to the style of the houses that they are in the market of building.

Ms. Pearl asked if the development agreement has been negotiated to which Mr. MacPherson assured her it was not. Mr. MacPherson explained that driveways, placement of houses, etc. will be negotiated at a later date in the development agreement. Ms. Pearl asked where residents can get involved in the process to ensure that these things are taken into consideration. Mr. MacPherson explained that the PPC has been involved and they will take the comments from this meeting and discuss what the residents would like to see come out of this development. Staff will take comments from this meeting and make recommendations to HECC through a staff report and negotiate a development agreement with the Developer. There will be another opportunity for public comment during the public hearing which will be held by HECC.

Mr. Gorber apologized for his outburst and explained that he was a member of the Woodland East Planning Committee (WEPC). The meetings that went on were very heated. Staff sending written notification to tenants, but not to property owners who live on the other side of Woodland Avenue is very short sided. There was no mention of Parcel A in the traffic study. Due to the

impact Parcel A will have on the traffic it should have been included. It can only be developed as residential unless another amendment was made. Lancaster and Woodland or Lancaster and Sea King will be affected tremendously. He has heard mention that this plan is much better than the other one, but he hasn't heard mentioned this evening what the other plan was. He strongly urges explanation on why this plan is so much better than the first. Has any study been done? The WEPC's recommendation to HECC and voted on by the Council of the Whole was for R-1 modified structure. From day one that church was anticipated to go there to balance the lands. What impact will this have on Parcels A and B? He thinks this should be a consideration. Mr. MacPherson explained that six units per acre is the standard policy for Parcels B and C and that is what is intended for this development. The relocation of the multiple unit dwelling would be placed into a new plan policy. The figure would have to be readjusted to accommodate the multiple unit dwelling in its entirety.

Mr. Connor said while the church was always on the table even during the WEPC Master Planning exercise. The six units per acre is not being reallocated to the remaining fifteen acres that are left in Parcels B and C. This is an overall less dense development (less number of units in total) than the Woodland Avenue East. You also have to take into account the remaining portions of Block X. There is a bit of a blend there, but it is a blend that takes out of Block X and adds to what is left of Parcels B and C but then you would have to reduce the number of units the church takes out. The total number of units is actually lower because of the church.

Mr. Connor mentioned that most of the targeted market will be seniors and church parishioners who are already expressing an interest in moving next door to their parish. One resident asked if there was anything stopping young families from moving in. Mr. Chedrawe explained that Block X was targeted to be a seniors complex/apartment.

Marlene Holden, Fury Drive, member of the Woodland PPC, said the discussion tonight should be how we want this land developed, not will or won't this land be developed. Block X was to be apartments and now it looks like it will be condominiums. Block X was in the middle of a congested street called South Ridge Circle and in that district there is very little parking and houses are very close together. If you take all the units that were going to go down into that cul-de-sac area and think about the traffic that would be going down Argus Drive, she thinks it would make much more sense to have that building up on top out of the way by a somewhat commercial building, being a church, whereas there wouldn't be the mass amount of people on a daily basis in that district. As residents of Lancaster in regards to traffic, people should think about what goes in and out of Lancaster and Argus, and with that in mind she suggests that it would be more beneficial to have the multiple unit dwelling where it is being proposed.

Colleen Skerry, Fury Drive, is interested in keeping her subdivision nice. She is concerned about a number of issues. The relocation of the proposed multiple unit is much better. The building being a rental or condominium makes a difference in the type of people that live in the area. Is the parking all underground or will there be extensive parking on top? Mr. Connor said the parking provided is actually fifty-five stalls. Forty-four of them will be under the building and

twenty-two above. There will be a car spot per unit enclosed and there will be twenty-two above which would be a combination of guest/visitor and second owned spots for vehicles. It cannot be written in the development agreement whether the building be rentals or condos. He assured that what the Developer intends to build a condominium building. On the building itself, we have actually provided more amenity space than is required under the R-3 Zone. In order to do this, we have to go through a rezoning process and a development agreement. The zone itself has an open space requirement or an amenity space requirement which is 14,000 square feet. We are providing 21,500 square feet (50% over and above what is required). Generally, that produces a better quality building. It has better grounds, landscaping and bigger units.

Ms. Skerry said all intentions are good, but there is nothing to stop things from changing. She fears that what is being said tonight will not actually happen. The concept plan looks great with the buildings and trees, but she has often seen developers go in and wipe the trees out and the residents are left to plant the trees.

Ms. Skerry said the traffic that runs down Sea King, Woodland, and Victoria is incredible. She is from Lancaster and she cannot go down Woodland as she would sit there for fifteen minutes just trying to get through a light. The traffic volume and waiting times will increase. Having the church access through Cannon Crescent would be so much better than Lancaster. There is already an intersection that is horrendous and now there will be two more heavy traffic areas added which will have to go to Woodland and Victoria.

James Charles, South Ridge Circle, property abuts Block X, was assured by the realtor when he purchased his property that they would have a minimum of 100 foot greenbelt in their backyard. His neighbours were assured the same thing. Do the edge of the properties back onto each other? If they don't, what type of buffer zone will be there? Will there be a tree area on either side of the buffer zone plus the buffer zone or will there be a buffer zone that has trees? He is very disappointed that they are not going to have the 100 feet that was promised would never change. Mr. MacPherson said nothing has changed to date. There is a proposal on the table which would result in a change through a public process. Mr. Connor said they are looking at 20 feet that would be a true buffer and then the retention of tree and green area on the new lots that are around the cul-de-sac. Also, at the end of South Ridge Circle there is a large triangle of land that the developer is not proposing to acquire. The people that live in this particular area will still have that buffer, or open area, between the rear of the lots (shown on overhead) and the ramp. The area shown on overhead is a 20 foot wide strip of pure buffer augmented with retained trees which we would covenant and include in the development agreement on the individual lots. Mr. Charles asked if the 20 foot buffer zone will be treed. Mr. Connor believes it will be left the way it is, but cannot speak to the quality of the trees as some have come down during windfalls due to Hurricane Juan. Mr. MacPherson explained that within a development agreement there is the ability to create a non-disturbance area that is enforceable.

Brad MacLeod, member of PPC, believes that adjacent to the new drainage course there is some potential to put additional greenbelt space which would better reflect the original greenbelt

portrayed in the redistribution of parks that happened during the PPC. Those homeowners had their greenbelt taken away from them. Ms. MacKenzie explained when HRM takes over the piece of infrastructure (drainage) a 20 foot wide easement would be taken to allow them to maintain the pipe in case there is a break or a blockage. The 20 foot easement would not have any trees for fear that the root systems would damage the pipes. Mr. Connor showed on the overhead an area of untouched land outside of the 20 feet that Ms. MacKenzie described that is needed for an easement for piping which would be kept in its natural state. Like the bottom of South Ridge Circle, the area against the off-ramp to Woodland Avenue is untouched and there is a similar area (shown on overhead) outside of the 20 feet for the piping that would remain untouched.

Mr. MacLeod asked if there is still a plan to move the sewage pumping station and due away with the existing pumping station. Ms. MacKenzie explained the existing sewage pumping station is basically a temporary situation. The original development agreement requires the pumping station to be moved before any new development goes on in Block X. Engineering is going to have to carry through and remove it. There will be a new pumping station down in the corner to get across a dry pipe that exists in Woodland Avenue. Mr. MacLeod wanted to confirm that in that particular there won't be any further development once the pumping station is removed. Mr. Connor, speaking on behalf of the Developer, believes that if the community and staff wish for that land to become a lot it will, but if not it would stay in the public domain. Mr. MacLeod said some thought should be put into what will happen with that lot once the pumping station is gone as it is an eyesore.

Phil Dodd, Sea King Drive, said there is one exit out of Lancaster. Congestion will occur at Lancaster, Sea King, and Cannon Crescent. Add Parcel A (11.5 acres - 140 to 150 homes) and they will come out to Sea King and down Albro Lake causing more congestion.

Mr. Dodd is also concerned about the water pressure. Is Sea King on the gravity fed system? He mentioned that when the neighbour flushes the toilet, it causes his water pressure to go way down. Things will only get worse as more development goes in. Mr. Connor said the existing pressure is managed within a system to be most efficient. The water in this area is fed through a pressure reducing valve which controls pressure coming into a centre pressure zone (shown on overhead). The higher areas have lower pressure and the lower areas have higher pressure. We strive to meet a pressure range of below 80 psi and above 40 psi in a reasonable service area. It's important to note that we are not required to meet any minimum pressure, there is no obligated pressure. We set a target that we try to achieve above 40 psi so we can get an acceptable level of water pressure to run appliances and run the shower. We try to keep it below 80 psi to ensure there is no leakage and breakage in the system or in the home. The lower we can keep the pressure from a management perspective, the less leakage and breakage we have in the system. This new development will not have any impact on reducing the pressure. Because the pressure is controlled coming into the zone, the pipes are sized and designed for this system.

David Carter, Lancaster Drive, said there is quite an elevation change from where the multiple unit building was to be and where it is now proposed and it will tower over the rest of the homes in the area. Mr. Connor said there is quite a rise at Lancaster and Woodland Avenue and that is potentially where the church will go. At the back of the Cannon Crescent lots, there is a fair drop in the area (shown on overhead) and there is another plateau that will not be towering over. You may see the back of the top storey and roof from Lancaster Drive, but not the total building because of the grade elevation.

A resident of South Ridge Circle, asked that someone point out the publicly owned land that may become privately owned. Mr. MacPherson showed the lands on overhead.

James Charleton, South Ridge Circle, said there is about a ten to fifteen elevation drop from his backyard into what is now designated park/tree preservation area and the near roadway that was just created. Is that whole area going to be backfilled? If so, this will do damage to the trees, what are the plans for that area? Mr. Connor said the road will be moved. Then the road drops down quite significantly to reach the existing grades. Mr. Charleton's concern is the buffer zone. He suggests minimizing the fill that is put in that area so the trees are not destroyed. The neighbours of South Ridge Circle are concerned about losing the greenbelt that was promised to them. They would like to have 20 feet of trees and not 20 feet of cleared area. Mr. Connor said they have to ensure that the grades set around the houses are such that there is a grade change from the front to the rear of the houses so a walkout type capability can be achieved at the rear. They will try to maintain as much of existing grade at the rear of those lots as possible. Mr. MacPherson explained that the non-disturbance clause in the development agreement would apply to roads as well.

One resident said there is a ratio of parkland to residential area that the Developer has to adhere to, is the same true for trees? Mr. MacPherson explained that green space or parkland must be 5% of the total subdivision. The resident asked about parkland dedication. Does this include cash in lieu? Mr. MacPherson said Parkland Planning has a criteria they have to follow. Jan Skora, Real Property Planning, through the process we determine the parkland throughout the subdivision in a variety of forms. With this development, we are using land vegetation. He showed on overhead where they would like to preserve this vegetation. They hope to be able to protect this and maybe preserve it for an active park.

Derrick Malice, Sea King Drive, thinks it is a very nice plan, but there is a traffic issue. Not just volume, but speed as well. A funnel will be created coming straight down to the intersection on Lancaster leading to Sea King. He thinks it is irrelevant where the 44 unit building goes as far as a traffic issue. On average, you would be looking at approximately 300 +/- cars extra. The traffic study was done on small areas. The backup at Woodland Avenue, at the lights at Victoria Road, goes passed Slayter Street and people are cutting in across. People treat Sea King Drive as a drag racing course. The traffic study should be done by the City and not the Developer. His view is that they are looking at focusing too much on the micro as opposed to the macro view. Ms. MacKenzie explained that all the developments, even on a buy right basis, the traffic studies

are commissioned by the Developer. They have to get a professional engineer in good standing with the Association of Professional Engineers of Nova Scotia to complete that study. The Engineer has to have a background in traffic engineering. That Engineer has that expectation and the responsibility to compile all of the facts and present unbiased results. There were three studies done on Sea King and the speed issue, if it exists, is an enforcement issue and it has to be dealt with through the proper authorities. As far as the traffic study, that is standard operating procedures for all of our developments.

Mr. Connor said based on the work that is now being done on the highway interchange with the opportunity parcels fully developed to project and model on the computer what those traffic volumes would look like. All of that work was done before Ken O'Brien was engaged to do this. We need to go back and ask him specific questions as to whether he connected all that previous data in those researches to this and what kind of impact do they have in total. Mr. Connor would be surprised if he didn't, but he will find out for sure.

Earl Jennings, Cannon Crescent, said the entrance from Lancaster going into Cannon Crescent is a concern for him. He wondered if Cannon Crescent will be widened or if there will be a sidewalk placed along the street. With the extra traffic there will be the need for some division between the street and pedestrians. Mr. MacPherson said widening the road wasn't part of the proposal, but there may be some opportunity for these issues to be addressed. Based on preliminary discussions and as part of the parkland dedication, there may be a sidewalk placed on one side of the street. We would still have to negotiate it into the development agreement and continue through the process before any decisions are made.

Linda Chaplin, Argus Drive, has a concern about traffic as there are a lot of children that live in the area. She would like to see the Developer make the jog (blind spot) in the road more visible as cars come up the road as they don't see pedestrians until the last second. It is not so bad coming off of Fury Drive as they have a stop sign, but there isn't one from South Ridge Circle to Argus and they come around the corner at quite a speed. If there is a park that goes in that area, there would be even more kids around. She had previously asked for a stop sign, but was told there was not enough traffic there.

John Buchanan, Argus Drive, said his property abuts the new subdivision and at the other corner of his property is a drainage and culvert system with a manhole cover. There is quite an elevation change between the backyard and where the development will take place. Will this cause a problem with flooding in the backyard where the elevation is higher? Is the drainage system going to remain at the corner of his property or will it be removed when the new houses are built and what impact will it have on the properties on Argus Drive? Ms. MacKenzie said the drawings they had at the meeting do not show the as built infrastructure that far away from the proposed developed. We are not at a detailed design stage yet. One of the things that the Design Engineer have to take into consideration is the existing infrastructure and provide a subdivision grading plan to show how drainage will take place on this development and also ensure there is no negative impact on existing developments. Mr. Buchanan's concern is any change due to

construction and any disturbance to the infrastructure that is already there will cause a drainage problem on his property. Also, to repeat the South Ridge Circle resident's concerns, there are quite a few mature trees that are standing there now and some will have to be taken down during construction. Any trees that can be preserved would certainly be a welcome to the residents along Argus Drive and the surrounding area.

Mr. Defoe, Argus Drive, said since South Ridge Circle has been opened up there has been an increase in traffic; therefore, when this development happens the traffic will increase even more.

One resident said when the proposed developed was first dealt with we were told that people wouldn't suffer the consequences of water pressure. A letter was written to the Halifax Regional Water Commission. The response was if people wanted additional water pressure they could buy a water pressure pump and place it in their basement. Some of those pumps cost between \$500 to \$1200 depending on how much extra pressure you need. Another question he asked was when developing these subdivisions, do the Developers consults with the Public Transportation Authority as to the development of the street and road network. We have an aging population and a number of disabled people. When developing these kind of communities, are consultants of disabled communities or the Advisory Committee For Persons With Disabilities of the Municipal Government consulted on how to plan these kinds of subdivisions with a disabled community in mind? Mr. MacPherson said it depends on the nature and location of the application with regards to who we would consult with. In this particular case, Nova Scotia Public Transportation has been asked for comment in regards to the traffic situation as well as stormwater management and issues related to that. Metro Transit is consulted when an application is received for a subdivision. They forward their review and comments back to Planning staff. The city has Municipal Specifications for development in terms of road design and things of that nature. Policies must be followed.

The resident wanted to make sure the multiple unit dwelling will be made accessible to persons with disabilities.

Mr. Connor said they have determined the size, location and some of the features of the two proposed park areas, but the actual detail of those parks will come from public input. There will be a program developed with the accessibility and demographic requirements driven by the immediate community.

Ms. MacKenzie explained that they have designated maximum slopes for wheelchair accessibility and with regards to the sidewalks, there are pedestrian ramps and they have a certain design standard. They have been working with CNIB as well as Mobility Nova Scotia to deal with improving mobility issues. There are improvements coming out in our next revision of our design standards that will address some of the concerns that have been expressed from those two groups within the Municipality. Any street that does not have a sidewalk would be one that was done prior to probably 1999/2000. The minimum street width and classification is a local street

in the urban core and every local street has to have a sidewalk on one side. As you get into the larger classifications of streets, they need two sidewalks (one on each side).

Mr. MacPherson explained that the PPC will meet again after this meeting to review the final report before it goes to HECC. The next HECC is scheduled for November 18, 2004.

Mr. MacPherson thanked everyone for coming and expressing their comments and concerns regarding the application.

4. ADJOURNMENT

The meeting adjourned at approximately 9:45 p.m.

Attachment E

Extract From the Dartmouth MPS

Policy H-3F Canada Lands Parcels "B" and "C" - Woodland Avenue East

Notwithstanding the provisions of Policies H-3, H-3(AA), H-3A, H-3B, H-3C, H-3D, and H-3E, the following provisions shall apply to the property zoned as Comprehensive Development District (CDD) and known as the Canada Lands Parcels "B" and "C" - Woodland Avenue East site (Schedule V). For clarity of interpretation, unless noted below, all other provisions of these policies shall apply to the Canada Lands - Woodland Avenue East site.

- (a) the overall density of development shall not exceed 6 units per acre;*
- (b) the general mix of housing units shall, on the completion of development, contain a minimum of 50 percent lots which are sized as standard R-1 (Single Family Residential), R-1M (Single Family Modified Residential), and R-2 (Two Family Residential) lots according to the provisions of the land use bylaw. R-1M lots shall not comprise more than 15 percent of the total housing mix and up to 50 percent of lots or dwelling units (if not freehold lots) may contain town house units, according to the provisions of the land use bylaw;*
- (c) the minimum lot size for a R-1M lot, as referred to in clause (b) above, shall be 40 feet of frontage and 4000 square feet of lot area;*
- (d) the townhouse units, as referred to in clause (b) above, shall generally be located on the portion of the development parcel adjacent to Woodland Avenue; and there shall be no land use permitted in this comprehensive development district other than residential uses, as noted above, and uses accessory thereto, and open space and recreational uses.*
- (e) there shall be no land use permitted in this comprehensive development district other than residential uses, as noted above, and uses accessory thereto, and open space and recreational uses. (Regional Council-January 29, 2002, Effective-March 2, 2002)*

ATTACHMENT F

MPS Policy IP-1c

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

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



10.1.3/ii

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Harbour East Community Council
August 4, 2005

To: Chairman and Members of Harbour East Community Council

Submitted by: Catherine J Lunn
Catherine Lunn, Chairperson, Woodland Avenue Public Participation
Committee

Date: June 25, 2004

Subject: Case 00584: Mixed residential Comprehensive Development District on lands
identified as Parcel's B&C Woodland Avenue and the remnants of Block X,
South Ridge Circle, Dartmouth.

ORIGIN

On April 1, 2004, Harbour East Community Council established a Public Participation Committee (PPC) to create a Concept Plan that establishes guiding principles for the development of a comprehensive mixed residential subdivision on Parcels B&C, Woodland Avenue and the remaining undeveloped portions of Block X, South Ridge Circle.

RECOMMENDATION

The Committee recommends that Harbour East Community Council recommend to Regional Council approval of amendments to Comprehensive Development District Policies of the Dartmouth MPS for Parcel's B&C, Woodland Avenue, to enable a multiple unit dwelling to be developed by development agreement on Parcels B&C.

It is further recommended that Harbour East Community Council:

1. Discharge in part, the existing development agreement for the remaining undeveloped portions of Block X (South Ridge Circle).
2. Rezone portions of Parcel B from R-1 to CDD and other portions from CDD to R-1 and revise Schedule V "Lands Subject to a DA" of the Dartmouth Land Use By-law as shown on Map 2.
3. Permit the proposed comprehensive mixed use residential subdivision on Parcels B&C and the remnants of Block X, Woodland Avenue as generally described in Schedule C-1 attached to this Report by development agreement and subject to the intent, discussions and issues of the committee.

BACKGROUND

Introduction

On April 1, 2004, Harbour East Community Council approved a Public Participation Committee (PPC) to create a Concept Plan that establishes guiding principles for the development of a comprehensive mixed residential subdivision on Parcels B&C, Woodland Avenue and the remaining undeveloped portions of Block X, South Ridge Circle.

The PPC consists of representatives from the adjacent neighbourhood (6), one each from the Lancaster Residents Association and District 9 Residents Association (2), the Dartmouth Lakes Advisory Board (1), residents at large (1) and a property owner representative (1) for a total of 11 members. The names of the Committee members are provided in Attachment B.

The PPC held a series of meetings between May 2004 and March 2005 on the development proposal and discussed a wide array of issues ranging from municipal servicing to the type of uses permitted within the development. This report outlines the findings of a planning process for the subject lands, identifies the areas of agreement and concerns and provides recommendations for the development of the subject lands within the context of the proposal presented by ARW Developments Ltd..

Background and Enabling Policies

- In 1996, a Development Agreement between Mount Cedar Developments Limited and the former City of Dartmouth was approved for lands identified as Block X, South Ridge Circle (Map 1). This development agreement permits the following residential land uses:
 - a minimum of 12 single unit dwellings;
 - a maximum of 32 linked dwelling units;
 - a maximum of 16 townhouses; and
 - one apartment building containing a maximum of 48 dwelling units.To date, this development is incomplete with the potential to construct the multiple unit dwellings and approximately 16 townhouse units remaining.
- In 1999, Canada Lands Company Limited acquired approximately 23 acres of land (containing former DND married housing quarters) adjacent to Block X identified as Parcels B & C, Woodland Avenue.
- In 2000, these lands, along with Parcel A, Woodland Avenue, Can Euro lands, Maritime Tel & Tel Site and the former YMCA site, were identified as opportunity sites which became the subject of the Woodland Avenue East Planning Process. Led by a Steering Committee comprised primarily of area residents, this planning process explored, in consultation with the affected communities, an appropriate range of land uses for the opportunity sites within the study area. The process provided a comprehensive planning exercise which culminated in recommended policy direction for the Municipal Planning Strategy and Land Use By-law for Dartmouth. As a result of this process, Council

rezoned Parcels B&C from R-1 (Single Family Dwelling) Zone to comprehensive development district (CDD) Zone requiring that future development of these lands only be permitted through a development agreement. In accordance with CDD Policy H-3F of the Dartmouth MPS, Parcel's B&C limits residential development to:

- single unit dwellings;
 - two unit dwellings; and
 - townhouse units.
- In 2003, Council approved the rezoning of approximately 8 acres of Parcels B and C from CDD Zone to R-1 (Single Family Dwelling) Zone to permit the development of a church leaving approximately 15 acres remaining under CDD.
 - In 2003, ARW Developments Ltd. purchased Parcel's B&C due to the size and location of the parcel and the opportunity for the creation of a mixed infill residential development. An evaluation of the development potential of Parcels B&C and the remaining portion of Block X confirmed an opportunity to approach the development of these lands in a comprehensive manner. ARW Developments Ltd. intends to develop a comprehensive mixed use residential subdivision on these lands. As a component of this subdivision, the applicant wishes to change the location of a proposed multiple unit dwelling currently permitted under an existing development agreement for Block X, South Ridge Circle in order to relocate the proposed building several hundred feet west of its approved location (See Map 1). It is the Developer's intention to construct a 44 unit, 4 storey condominium.
 - An amendment to the MPS is required to enable consideration of a multiple unit dwelling on Parcel's B&C by development agreement. Additionally, amendment to the LUB is proposed in order to permit a development agreement relative to the amended MPS policy.
 - In 2004, Regional Council agreed to initiate a process to consider amending the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Dartmouth to expand the type of residential uses permitted by Comprehensive Development District Policy for Parcels B&C, Woodland Avenue, to permit the development of a multiple unit dwelling as a component of ARW Developments Ltd. proposed residential subdivision.

DISCUSSION

Sanitary Sewer Services

The concept being proposed for the subject property will result in a disconnection of the pumping station on South Ridge Circle in favour of services being directed south across Woodland Avenue to Horizon Court and the 48" truck sewer along Lake Banook.

Recommendations:

1. The existing pumping station on South Ridge Circle shall be disconnected. All sewage from the property shall be directed south across Woodland Avenue to Horizon Court and the 48" trunk sewer along Lake Banook.
2. The design and construction of all sanitary sewer lines shall conform with HRM Standards.

Water Services

Central water services are currently available to the site at both the western boundary at the intersection of Lancaster Drive and Sea King Drive and along the northern property boundary of the property from the adjoining residential neighbourhood. Consistent with the policies of the Halifax Regional Water Commission, the water system will involve a connection to the force main near the intersection of Lancaster Drive and Sea King Drive.

Committee members expressed concern for low water pressure levels experienced in the existing Lancaster Ridge subdivision. At the request of the Committee, staff directed correspondence to the Halifax Regional Water Commission outlining resident concerns for water pressure levels. It is the recommendation of the Committee, that the proposed looping of the water system maintain existing water pressure levels within the Lancaster Ridge Subdivision and if possible act to enhance existing levels. Details with respect to the sizing of this service will be undertaken during the detailed design stage which accompanies the ultimate subdivision approval.

Recommendations:

1. To service the proposed Lots on Parcels A, B and the remnants of Block X, the committee recommends that the developer be required to extend a watermain from Sea King Drive, Lancaster Drive and Argus drive in a configuration where no dead end lines exist and looping is present.
2. The proposed development should not act to further reduce existing low water pressures experienced by homes in the existing Lancaster Ridge Subdivision. The proposed looping of the water system should at a minimum serve to maintain existing water pressure levels and if possible result in an increase water pressure experienced in the existing developed subdivision.
3. The design and construction of the water system shall conform with the Halifax Regional Water Commission.

Stormwater

The majority of the lands slope in a southerly direction towards Highway 111 east bound ramp with the western portion of Parcel B sloping westerly towards Lancaster Drive. The Albro Lake Road/Highway 111 east bound ramp to Woodland Avenue section of the Lancaster Ridge Subdivision/Woodland Avenue area close to Lake Mic Mac has a history of flooding which is believed to be the result of the inadequate existing drainage system. Concerns have been raised

regarding the proximity of proposed development to Albro Lake and Mic Mac Lake and the combined effect of increased development in the Woodland Avenue East area on water quality of area lakes.

Committee members acknowledged the concerns of residents of Lancaster Ridge/South Ridge Circle Subdivisions regarding exposed stormwater drainage and standing water adjacent to existing properties on South Ridge Circle. It is noted, that these concerns are addressed by the Concept Plan demonstrating that the developer intends to upgrade the existing open drainage corridor with a piped underground stormwater system that will tie into the stormwater drainage system of the proposed streets.

A recent stormwater study indicates that in the existing conditions, there is a significant amount of flooding occurring at various places in the drainage system. The proposed development is partly located in this existing floodplain. Through planned improvements, including a combination of culvert upgrades and the use of overland flow, roadway swales/open space as storage, the impact of proposed development on stormwater flows is considered minor.

Further, to reduce potential impacts associated with erosion and sedimentation during construction, ARW Developments should be required to design a stormwater management plan for this project which will be reviewed and ultimately approved by HRM. The Erosion and Sediment Control Plan should be sent to the Dartmouth Lakes Advisory Board and the Nova Scotia Department of the Environment for comments prior to the issuance of required permits/approvals.

Recommendations:

1. Existing exposed stormwater drainage and standing water adjacent to existing properties on South Ridge Circle should be addressed by replacing the existing open drainage corridor with a piped underground stormwater system that will tie into the stormwater drainage system of the proposed streets.
2. ARW Developments should implement environmental control measures to address the quantity and quality of stormwater leaving the property, during and after construction, as per MPS policy.
3. The Dartmouth Lakes Advisory Board should review and provide recommendations/comment to Council respecting stormwater management, erosion and sedimentation control.

Transportation

Primary access to the development should be to Lancaster Drive opposite Sea King Drive (the location where former Cannon Crescent intersects with Lancaster Drive) with a second point of access at the north end of Argus Drive (in an area formerly reviewed by the City of Dartmouth as part of the Development Agreement approval for South Ridge Circle).

Lancaster Drive meets Woodland Avenue at a four way intersection opposite Mic Mac Boulevard. The intersection has been constructed to high design standards, complete with turning lanes and traffic signals. Lancaster Drive and Adjoining streets west of the site are almost completely built-out with approximately 277 single family and duplex units. Committee members expressed strong concerns regarding current traffic conditions experienced between the Woodland Avenue/Lancaster Drive intersection and Sea King Drive. Committee members have expressed longstanding concerns specific to the speed and volume of traffic entering Lancaster Drive from Woodland Avenue.

Based on a preliminary review of traffic generation estimates contained in a Traffic Impact Analysis prepared by Atlantic Road & Traffic Management, the following assumptions can be made:

- trips generated by 80% of the single unit dwelling units, two unit dwelling units and all of the multiple family dwelling units will access Lancaster Drive at the new street to be constructed opposite Sea King Drive.
- traffic generated by the remaining 20% of the units is assumed to use Argus Drive to access Lancaster Drive.
- the addition of the fourth 'leg' and site generated traffic to the intersection will not have any significant impact on the level of service of Lancaster or Sea King Drives.
- traffic generated by the proposed Subdivision will not have any significant impacts on traffic performance in the area of Lancaster Ridge Subdivision.

Recommendations:

1. Vehicular access to the property should be provided via Lancaster Drive at the intersection of Lancaster Drive with Sea King Drive at the location previously used to access former DND street Cannon Crescent. A second access point should be located at the top of South Ridge Circle near the location previously approved by Council as part of the Block X development agreement.
2. Access to the interior of the lands should be provided via a new public street system which will be aligned with the intersections of Lancaster Drive and Sea King Drive and South Ridge Circle. The alignment of the new public street system is in response the site's topography and rectangular configuration of the property and should be designed generally as shown in Schedule C-1.
3. A hierarchy of sidewalks and secondary walkways will extend through the development. The Developer should construct walkways, connecting the proposed subdivision to parkland and existing Lancaster Ridge Subdivision at Argus Drive generally as illustrated on the Concept Plan. The walkway shall be fenced and a stable surface provided.
4. The proposed new public streets and pedestrian networks should be designed and constructed to HRM's Municipal Services Specifications.

Land Use

Residential

The proposed residential development occupies approximately 20 acres. In accordance with MPS policy for Parcels B&C, a mix of housing types are being proposed such as single unit dwellings and two-unit dwellings. The existing development agreement for Block X, permits the development of a multiple unit dwelling. As part of a comprehensive vision for the development of Parcels B&C and Block X, ARW Developments proposes to relocate the multiple unit dwelling from Block X several hundred feet to the west to a portion of Parcel B along Woodland Avenue. To consider this relocation, the subject portion of Parcel B (rezoned in 2003 from CDD to R-1 as part of lands rezoned to permit the First Baptist Church) would have to be rezoned CCD and negotiated under development agreement. In addition, MPS policy specific to Parcels B&C would have to be amended to permit access to the multiple unit dwelling use.

The proposed relocation of the multiple unit dwelling generated a great deal of discussion by the Committee. In general, some Committee members expressed concern relative to the history of multiple unit dwelling development in Dartmouth and to compatibility of multiple unit dwellings with other housing types. While a majority of Committee members voted in favour of relocating the multiple unit dwelling from its currently permitted location behind South Ridge Circle, the Committee is uniformly against any future proposals to develop additional multiple unit dwellings on Parcels B & C and Block X. In addition, while the Committee acknowledges that Parcel A is not within the Committee's mandate at this time, the Committee expressed uniform opposition towards any future proposed multiple unit dwellings on Parcel A.

All residential units will front on a proposed public street and receive direct access onto either Lancaster Drive or Argus Drive. The location of each type of use is as per the attached Concept Plan (Schedule C-1).

To minimize land use impacts on existing residential uses, abutting the property (ie on Argus Drive and South Ridge Circle), similar or compatible housing forms should be located adjacent to one another, such as single unit dwellings abutting single unit dwellings. In such cases, no buffer area should be required but the Committee does recommend that the developer retain as much natural vegetation at the rear of these lots as possible. Adequate separation distances and buffers should be provided between the apartment building and adjacent residential uses.

MPS policy sets a general guide of a maximum residential density of 6 units per acre. This density maximum may change slightly to accommodate the relocation of the multiple unit dwelling or if the developer provides additional parkland and/or amenities beyond what is normally negotiated through the CDD agreement process.

Recommendations:

1. Parcel's B&C and Block X should provide a mix of housing types (single unit dwellings, two unit dwellings and apartment units. The general location of each type of housing shall be as generally illustrated on the Concept Plan.

2. The general guide of a maximum residential density of 6 units per acre is established in current MPS policy. It is acknowledged by the Committee, that the maximum allowable density may increase to accommodate the relocation of the multiple unit dwelling or if the developer provides additional parkland and/or amenities beyond what is normally negotiated through the CDD agreement process.
3. A maximum of one multiple unit dwelling should be permitted on Parcel B. No additional multiple unit dwellings should be permitted on Parcel B, C or Block X.
4. Proposed dwellings planned to be located adjacent to existing dwellings on Argus Drive and South Ridge Circle should be of similar housing type (ie singles abutting singles, etc.). If housing types are not the similar, a buffer should be provided between the two abutting uses.
5. The Developer should retain as much natural vegetation as possible at the rear of the lots abutting the existing developed lots along Argus Drive and South Ridge Circle.
6. The multiple unit dwelling should be located adjacent Woodland Avenue as generally shown on the Concept Plan.
7. The maximum height of the multiple unit dwelling should be four storeys and the maximum number of units should be limited to 44.
8. Variation and embellishment in exterior architectural design and siting should be applied to the entire development and required through provisions of the development agreement to encourage visual interest and quality design.

Recreational Land

HRM Real Property Parkland Planning Services have identified an assessed need for neighbourhood parkland in the Lancaster Ridge Subdivision. In accordance with Parkland Planning standards, the proposed development is required to provide neighbourhood parkland to service the proposed development.

In accordance with the existing development agreement for Block X, an area identified by Schedule "B" as "Park (Tree Preservation Area)" was previously dedicated to HRM by Mount Cedar Developments. This "park area" currently serves as a buffer between existing houses on South Ridge Circle and previously proposed uses (i.e. multiple unit dwelling) as approved by the Development Agreement for Block X. The current concept by ARW Developments proposes to acquire this parcel from HRM for limited development opportunity in exchange for improved parkland development in the community and upgrades to existing stormwater management. As a result of planned improvements, Real Property Services has agreed to recommend that this parcel be declared surplus to HRM's needs.

ARW Developments Ltd. has offered to provide two neighbourhood parks and contribute towards the development of these parks. With input by staff and the Committee, the following

recommendations have been established to guide the location and development of two neighbourhood parks:

Recommendations:

1. HRM should dispose of the majority of the land holding previously approved under the existing development agreement for Block X and identified as "Park (Tree Preservation Area)" to ARW Developments and either retain the remaining vegetated strip of land between proposed development and existing properties on South Ridge Circle or investigate selling the this land area to the existing adjacent home owners on South Ridge Circle.
2. The old growth pine located within the "Tree Preservation Area" should be retained and planned stormwater drainage improvements implemented without disturbing the tree if possible.
3. The developer shall provide two neighbourhood parks.
4. Neighbourhood Park 1 should be located as generally illustrated on the Concept Plan as "Park 1". Park 1 shall take be configured to take advantage of gently sloping lands.
5. Neighbourhood Park 2 shall be located at the top of South Ridge Circle as generally illustrated on the Concept Plan as "Park 2".
6. Park 2 should be configured in a manner which serves to retain as much of the existing vegetation as possible.
7. A walkway connection should be provided from the new street adjacent Park 1 over lands housing the pumping station to Argus Drive.
8. Parkland eligibility that results from subdivision of the lands owned by and proposed as the site for the First Baptist Church Dartmouth should be transferred to ARW Developments for use in the development of the neighbourhood parks proposed for Parcels B&C.
9. The types of facilities for the park should be determined by HRM Recreational Services, in consultation with existing residents in the area and the new residents from the proposed development.

Environmental Controls

The majority of the property drains towards the Highway 111 and flows into Lake Mic Mac, except for a portion of Parcel B that flows towards Lancaster Drive.

Recommendations:

1. Site specific provisions for the property should require environmental protection measures and erosion and sedimentation control mechanisms, including the implementation of an effective stormwater management plan, to be incorporated within the design and construction of the development.
2. Stormwater management and erosion and sedimentation control plans should be approved by HRM engineering, in consultation with Dartmouth Lakes Advisory Board.
3. Prior to any earth movement or tree removal on the property, an Erosion and Sedimentation Plan and Stormwater Management Plan should be reviewed and approved by HRM, in consultation with the Dartmouth Lakes Advisory Board to address conditions during and after construction.

Landscaping and Maintenance

Recommendations:

1. To enhance the appearance of the development and to mitigate land use compatibility concerns, ARW Developments should provide landscaping and buffering measures throughout the development.
2. A Maintenance Plan for all landscaping measures should be submitted and approved by HRM prior to the issuance of any permits for the development.

Phasing of the Development

Upon approval of a CDD Agreement for the property, the proposed public street and all of the services contained within it, and the necessary extensions to the sanitary sewer and water system will all be designed and submitted for review as one complete phase. The development is anticipated to take two to three years to complete, with the first units to be designed and potentially constructed beginning in the fall of 2004.

CONCLUSIONS

The PPC process for Parcels B&C and the remaining lands of Block X offered an opportunity for several interested stakeholders to discuss conceptual development guidelines for the lands within the context of a development proposal. While disagreements and concerns were evident with respect to planning process, relocation of a multiple unit dwelling and traffic conditions experienced in the area and unforeseen issues and circumstances resulted in delays to the planning review process, the Committee worked well together and discussing real ideas and issues about the subject area. The content of this report and the development proposal before Council or consideration is a direct result of the Committee's commitment to the planning process.

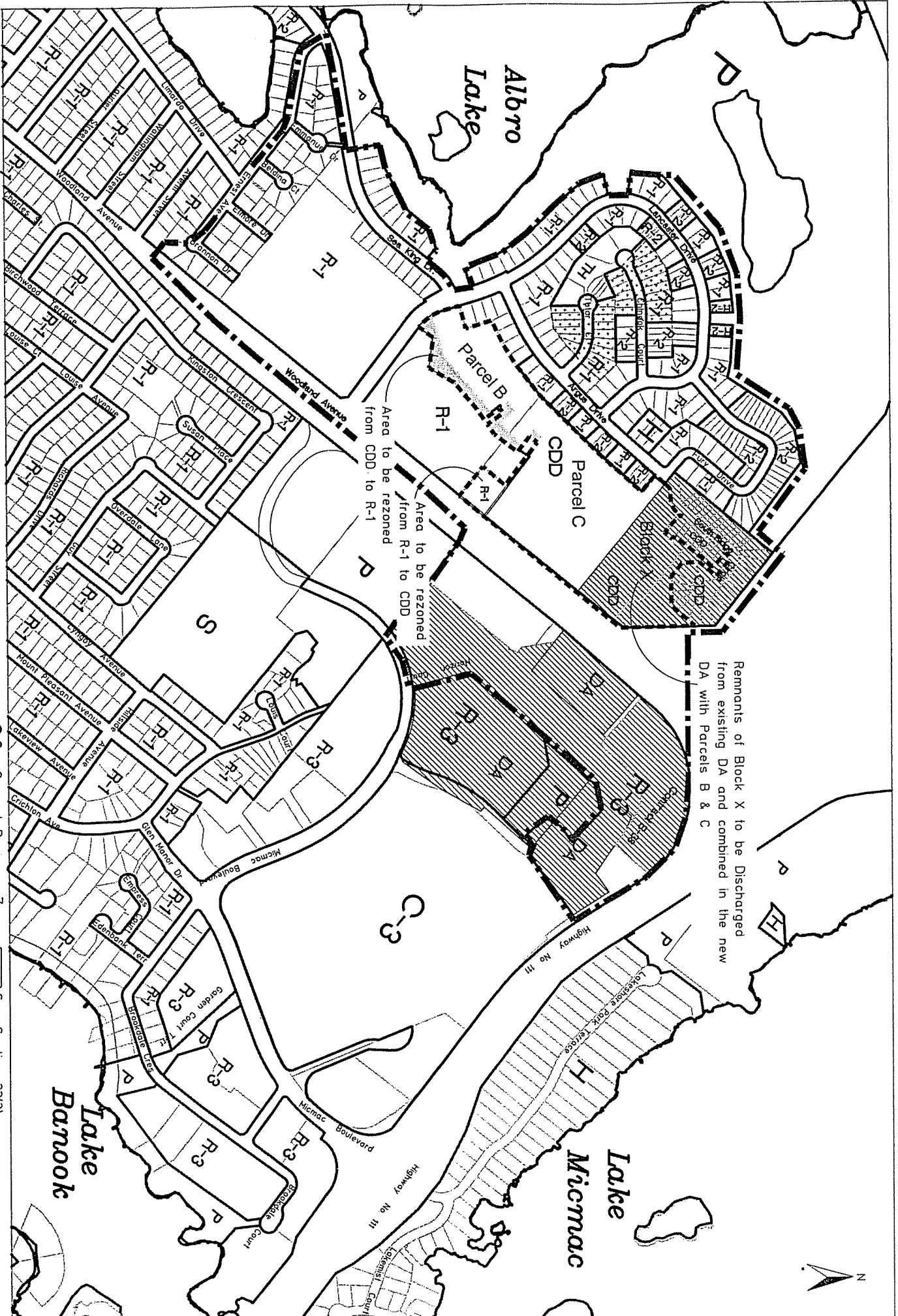
ATTACHMENTS

Map 1: Location & Zoning
Attachment A: Schedule C-1: Concept Plan
Attachment B: Members List for the Woodland Avenue Public Participation Committee

Minutes of the Meetings for the Woodland Avenue PPC for May 5, 2005, May 12, 2005, May 26, 2005, June 2, 2004, June 2004, June 24, 2004 and March 21, 2005 (available upon request)

Additional copies of this report , and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210 or Fax 490-4208

Report Prepared by: John MacPherson, Planner in consultation with the Woodland Avenue Public Participation Committee



Remnants of Block X to be Discharged from existing DA and combined in the new DA with Parcels B & C

Area to be rezoned from R-1 to CDD

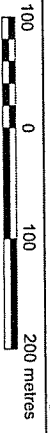
Area to be rezoned from CDD to R-1

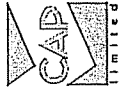
Map 1 Location & Zoning

Subject Area

- P Park
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-3 Multiple Family Residential Zone
- CDD Comprehensive Development District
- C-3 General Business Zone
- H Holding Zone
- S Institutional Zone
- TH Townhouse Zone
- See Section 32(3) Dartmouth By-law
- Notification Area
- Existing Development Agreement

January 20, 2004





- 1. SHEET TITLE
- 2. SHEET NO. OF SHEET
- 3. SHEET TOTAL
- 4. SHEET LOCATION
- 5. SHEET WIDTH
- 6. SHEET HEIGHT
- 7. SHEET AREA
- 8. SHEET PERCENTAGE

ARU DEVELOPMENT Ltd.
DARTMOUTH
NOVA SCOTIA

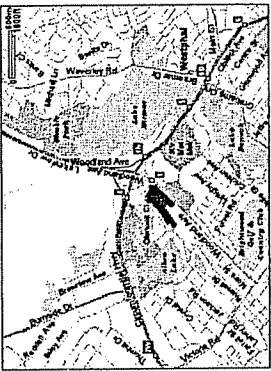
CONCEPT SITE PLAN
DEVELOPMENT AGREEMENT
APPLICATION

Project	ARU DEVELOPMENT Ltd.
Client	ARU DEVELOPMENT Ltd.
Location	Dartmouth, Nova Scotia
Date	2023
Scale	1:1000
Author	[Name]
Checker	[Name]
Approver	[Name]



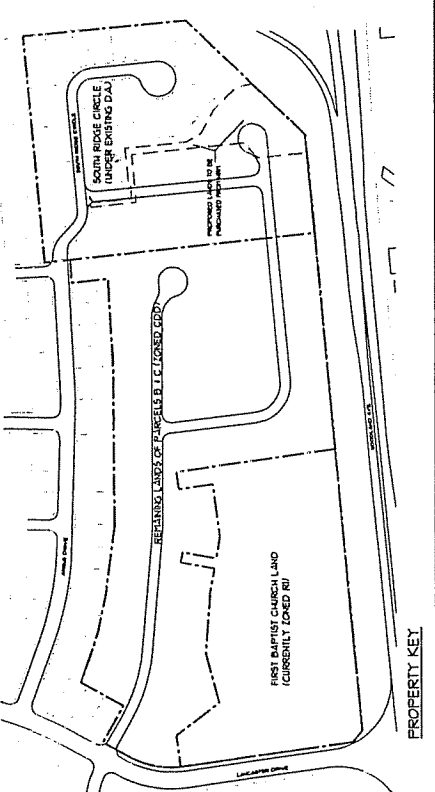
013

Attachment A

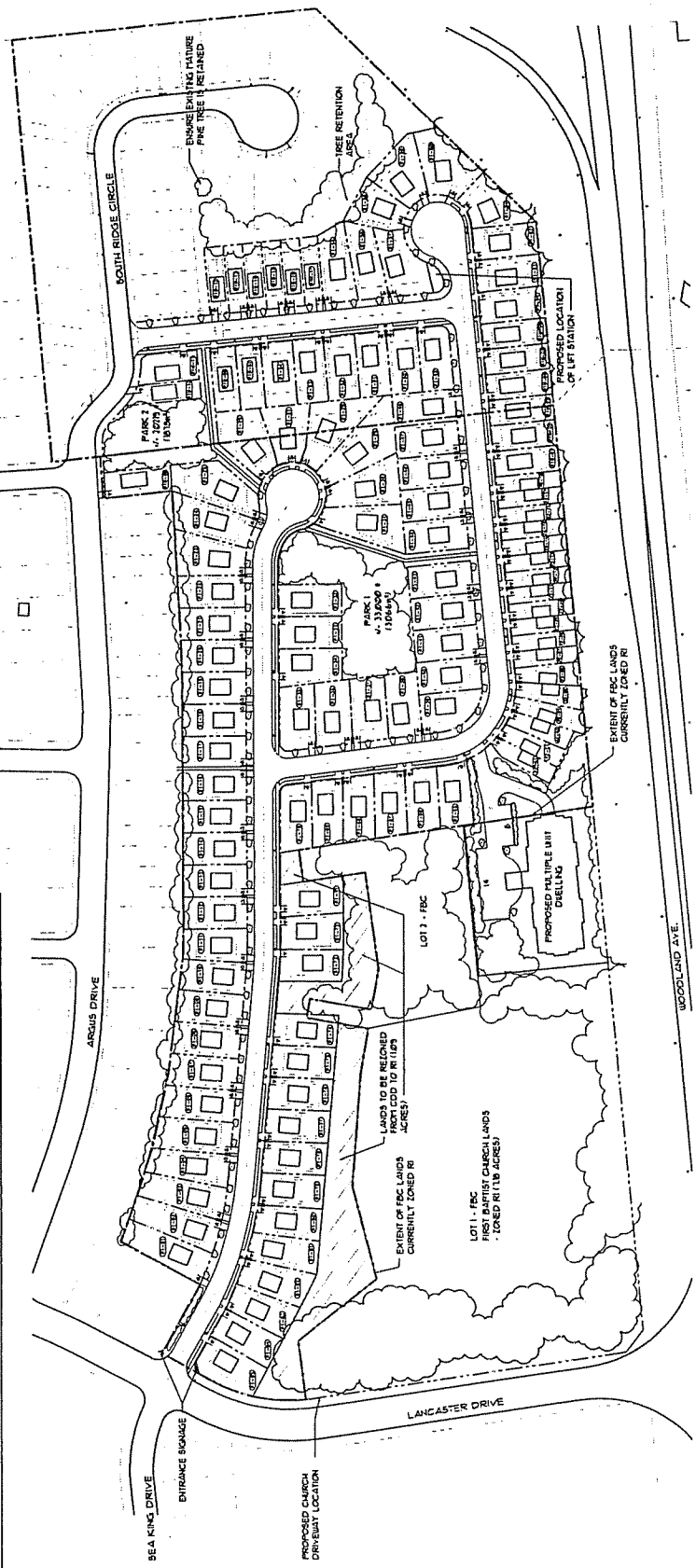


DEVELOPMENT LOCATION

- POINT CEDAR DEVELOPMENTS (CONDO BUILDING)
 - 10 ACRES R1, 0.39 ACRES CDD, 1.50 ACRES TOTAL
 - 148X4 LOT COVERAGE
 - APPOINT SPACE REQUIRED
 - 21,600 (TYPICAL) PROVIDED
- PARKING
 - 170 OUTDOOR VISITOR PARKING
- ARU DEVELOPMENT LTD.
 - 85 R1 (1-RT) & R2
 - 100 R1 (1-RT) & R2
 - PARKS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
- FIRST BAPTIST CHURCH
 - 0.39 ACRES CDD, 0.31 ACRES TOTAL
 - DRIVEWAY ACCESS TO LANCASTER



PROPERTY KEY



CONCEPT SITE PLAN

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ATTACHMENT B

Members of the Public Participation Committee

Name	Address
Catherine Lunn - Chair	25 Colombo Drive, Dartmouth
Mike Raftus - Vice Chair/Lancaster Residents Association	32 Sea King Drive, Dartmouth
Sean Fuller - District 9 Residents Association	19 Ernest Avenue, Dartmouth
Phil Dodd	36 Sea King Drive, Dartmouth
Marlene Holden	56 Fury Drive, Dartmouth
Clint Schofield	12 Ernest Avenue, Dartmouth
Eric Wile	52 South Ridge Circle, Dartmouth
Brad MacLeod	45 South Ridge Circle, Dartmouth
Dave Shaw	53 Lancaster Drive, Dartmouth
Peter Connor - Land Owner Representative	105 Braemar Drive, Dartmouth
Pierre Clement - Dartmouth Lakes Advisory Board	69 Swanton Drive, Dartmouth

Extract - Draft Minute - Harbour East Community Council - August 4, 2005

10.1.3 Case 00584: Mixed Residential Development - Parcels B&C Woodland Avenue and Block X, South Ridge Circle, Dartmouth

- A staff report dated June 15, 2005 was before Community Council. Also before Community Council was a report from the Woodland Avenue Public Participation Committee.

Mr. John MacPherson, Planner, provided an overview of the proposal to amend the Comprehensive Development District Policies of the Dartmouth MPS for Parcels B&C, Woodland Avenue, to enable a multiple unit dwelling by Development Agreement on Parcels B&C, as contained in the June 25, 2005 staff report. Mr. MacPherson and Ms. Kenda MacKenzie, Development Engineer, responded to questions from members of Community Council regarding the proposal.

Ms. Catherine Lunn, Chair of the Woodland Avenue Public Participation Committee, presented the Committee report reviewing with Community Council the Committee's recommendations. Ms. Lunn then responded to questions from members of Community Council.

Councillor McInroy, on behalf of Harbour East Community Council, thanked Ms. Lunn and the Committee members for their work and dedication.

MOVED by Councillor Smith, seconded by Councillor Karsten that:

- 1. Recommend that Regional Council give First Reading to the proposed amendments to the Dartmouth MPS and LUB provided in Attachment A and schedule a joint public hearing with Harbour East Community Council.**
- 2. Move Notice of Motion to consider the proposed development agreement, provided as Attachment C of the June 15, 2005 staff report, to permit a comprehensive residential development on Parcels B & C and a portion of Block X, and schedule a joint public hearing with Regional Council.**

MOTION PUT AND PASSED UNANIMOUSLY.