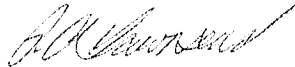


Harbour East Community Council
January 12, 2012

TO: Chair and Members of Harbour East Community Council



SUBMITTED BY:

Phil Townsend, Director of Planning and Infrastructure

DATE: December 15, 2011

SUBJECT: **Case 16898: 307 Prince Albert Road Development Agreement, Monaco Investments**

ORIGIN

Application by Monaco Investments Ltd., to rezone lands at 307 Prince Albert Road from C-2 (General Business) to R-4 (Multiple Family Residential – High Density), to rezone lands at 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density), and enter into a development agreement to permit a 15 storey residential building on the combined site.

RECOMMENDATION

It is recommended that the Harbour East Community Council:

1. Give Notice of Motion to consider both the proposed rezonings and development agreement as set out in Map 3 and Attachment A of this report, and schedule a Public Hearing;
2. Approve the proposed rezoning as shown on Map 3 of this staff report;
3. Upon the expiry of the appeal period for the rezoning, approve a development agreement for a 15 storey residential building, as set out in Attachment A of this staff report; and
4. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

The Site:

Monaco Investments owns two adjacent properties in Dartmouth, one located at 307 Prince Albert Road and the other at 5 Glenwood Avenue, as shown on Map 1. The Prince Albert Road parcel is designated Commercial by the Dartmouth Municipal Planning Strategy (MPS) and zoned C-2 (General Business) which is very permissive in terms of allowable land uses. A development permit has recently been issued for a 16 storey hotel on this site under the current zoning. The Glenwood parcel is designated Residential and zoned R-2 (Two Family Residential).

Process:

The applicant is seeking approval for a 15 storey, 92 unit residential building. This requires a dual process, consisting of a rezoning of both parcels to R-4 (Multiple Unit – High Density), and approval of a development agreement. The MPS enables the application of the R-4 zone to both properties, subject to Policy IP-1(c) (Attachment B). For the development agreement, Policy IP-5 and Policy IP-1(c) apply (Attachment C).

Rezoning:

The rezoning of both properties to R-4 can be considered by Council, as the MPS provides for high density residential land uses under the Residential and Commercial future land use designations. The R-4 zone reduces the potential for impacts on nearby housing that could result from as-of-right commercial development at 307 Prince Albert Road, by removing commercial development ability. As with the C-2 zone, the R-4 zone provides for high rise development, but the MPS requires multiple unit housing to go through the development agreement process. This process gives Council control over a broad range of issues, unlike the process for as-of-right commercial development. The rezoning is consistent with both the Dartmouth and Regional MPS in terms of increasing population in the urban core and ensuring more efficient utilization of existing municipal services.

No additional as-of-right development capability is enabled by the R-4 zone at 5 Glenwood Avenue. The zone would permit as-of-right townhouse development, in addition to single and two unit dwellings, but due to the limited lot width, only two units could be accommodated. A proposal for more than 2 units on this parcel would be subject to the development agreement process, giving Council the ability to review the design and potential impacts.

Development Agreement:

Policy IP-5 (Attachment C) allows Council to consider approval of the requested development agreement for the combined site. The design of the proposed project satisfies the criteria of the policy and the development agreement ensures an attractive, high quality building. There are no wind impacts identified on the Lake Banook paddling course, and the building and site design minimizes wind effects in the pedestrian realm.

Summary:

The proposed rezoning and development agreement are consistent with the intent of the Dartmouth and Regional MPS. Staff is recommending that the application, as presented in this report, be approved by Community Council.

BACKGROUND

Proposal

Monaco Investments is proposing a 15 storey residential building with 92 units at the corner of Prince Albert Road and Glenwood Avenue in Dartmouth. No commercial uses are proposed. Depending on market conditions, the units could be either rental or condominium. The project utilizes 3 levels of underground parking with a small surface visitor parking area. To allow for this development, the applicant is requesting that the subject lands be rezoned to R-4 and that a development agreement be approved.

Site Description & Context

The project site includes two separate lots. The larger lot at 307 Prince Albert Road is 18,807 square feet in size and is zoned C-2 (General Business). It is currently occupied by a funeral home. The second parcel at 5 Glenwood Avenue is zoned R-2 (Two Family Residential), and it is 6900 square feet in size and includes a two unit dwelling. Together the two parcels have lot area of 25,707 square feet. These lands are located in a commercial node focussed on a collector road that is serviced by a bus route and includes an active transportation corridor. There is a wide range of land uses and development scale in the immediate area, including a large grocery store, a hotel and a motel, small retail and service uses, and a mix of low to medium density housing, as shown on Map 2.

Existing Development Rights

The site at 307 Prince Albert Road is zoned for a wide range of commercial uses, and can be developed on an as-of-right basis for commercial buildings with a high degree of lot coverage and unlimited height (except that a building used primarily for offices is limited to three stories). This is demonstrated by the recent issuance of a development permit for a 16 storey hotel. The zone also allows certain as-of-right residential uses subject to the applicable zones - low density housing (R-1 and R-2), townhouses (TH), non-profit housing for up to ten residents, and lodging houses (R-3). The zone also allows for medium density housing, but only through the development agreement process. Development on the site located at 5 Glenwood Avenue is limited to single and two unit dwellings, non-profit housing for not more than ten residents, and home occupations. Attachment D provides a summary of permitted uses in the zones.

Regional MPS Context

The site is located within the Regional Centre as defined by the Regional Municipal Planning Strategy (RMPS), this being the area of Dartmouth within the Circumferential Highway and peninsula Halifax. The RMPS establishes the goal of having 25% of new housing units located within the Regional Centre. However, since the adoption of the plan in 2006, only 16% has been achieved. The RMPS contemplates infill development of medium to high density housing within the Regional Centre. This is generally to be located outside of existing low density neighbourhoods on appropriate redevelopment sites. The subject site is located in close proximity to two designated "Centres", the Mic Mac Mall Urban District Centre and the Penhorn Mall Suburban District Centre. The Centres approach supports medium to high density housing in these areas, each of which is focused on a major transit terminal, as a key component of supporting a strong urban core. An important characteristic of the site is its location within an approximately one kilometre radius of each of the transit terminals.

Dartmouth MPS - Enabling Policy

The site at 307 Prince Albert Road is located within the Commercial Designation as generally indicated on Map 1. This designation allows a broad range of land uses. The site at 5 Glenwood Avenue is designated Residential. Pursuant to Table 4 of the Dartmouth MPS (Figure 1), all forms and densities of housing, including high density, can be located in each designation. The proposal may therefore be

considered by Harbour East Community Council (HECC) through both the rezoning and development agreement processes, pursuant to Policies IP-5 and IP-1(c) of the Dartmouth MPS (Attachments B and C).

DISCUSSION

Staff has reviewed the proposal relative to the applicable policies of the Dartmouth MPS (Attachments B and C). In the opinion of staff, the proposal is consistent both with the policies of the Dartmouth MPS and the intent of the Regional MPS. These policies create a two-stage approval process, where HECC must approve the rezoning before it can make a decision to approve the development agreement application. The discussion provided below deals with the rezoning and development agreement requests separately.

Rezoning Application

Regional MPS

The Regional MPS is the primary planning strategy for HRM. It establishes certain land use goals for the Regional Centre. The RMPS identifies medium and high density residential housing as an appropriate use within both the Regional Centre and in individual Centres. This is envisioned as infill housing to be located outside of established residential neighbourhoods on vacant or underutilized sites, around appropriate nodes and on major transportation corridors. The RMPS also establishes the principle of “Centres”, which also provides for medium to high density housing. The subject site is located in close proximity to the Mic Mac Mall Urban District and the Penhorn Urban Local Centre. The concept envisions that medium to high density residential housing and commercial uses would be located around key focal points. The subject site is in a commercial area, within an approximate one kilometre radius of the transit terminals at the core of each centre, on a major transportation route road which also has a bus route and an active transportation route, and across the street from major regional recreation lands which front onto Lake Banook. This indicates a high degree of appropriateness for higher density housing to fulfill the goals of the RMPS.

Dartmouth MPS

Policy IP-1(c) is the applicable policy in Dartmouth’s secondary MPS under which Council must consider a request for rezoning. This policy establishes those matters for which Council must have regard. The key aspects of the policy are discussed below, while the entire policy is provided in Attachment B, along with a staff review of each criterion. In considering the rezoning, Council should consider potential impacts of the rezoning on the community as compared to those that can occur under the existing zoning.

Proposed Use

There is a wide variety of zoning and commercial and residential uses in the area, including various scales of commercial development and medium density multiple unit housing. This mix of uses on a collector road represents a typical urban mixed use node, with low density residential uses on side streets in the adjacent neighbourhood. Application of the R-4 zone to the site is appropriate as follows:

- The C-2 zone currently allows most commercial uses on the Walker’s site. The only prohibited commercial uses are cabarets, pawn shops and adult entertainment uses. The site could be subdivided

to create three commercial lots. Given this zoning, and the site's corner location on a busy collector road, there is high potential for intensive commercial uses.

- By comparison, the requested R-4 zone allows no commercial uses other than home occupations. Commercial development potential would therefore be eliminated on 307 Prince Albert Road if the rezoning is approved. As residential uses are more compatible with the adjacent neighbourhood than commercial, the R-4 zone would limit the types of impacts that could result from redevelopment of the site. Such impacts could include greater traffic at the intersection of Glenwood Avenue, litter and odours, and noise from commercial service vehicles or drive throughs. The application of the R-4 zone reduces the potential for such conflicts, therefore ensuring a more compatible use on the 307 Prince Albert Road site. Attachment D provides a comparison of uses permitted under the C-2 and R-4 zones.
- The site at 5 Glenwood Avenue is currently zoned R-2 which allows two unit dwellings along with home occupations/offices, and rooming houses for no more than ten residents. Lot coverage is limited to 35%. The requested R-4 zone would not allow more as-of-right development than can take place under the R-2 zone. The R-4 zone does allow townhouse development, but no more than 2 units could be built on this site because of its narrow width. Development of multi-unit residential under an R-4 zone must go through the development agreement process. Council would therefore have control over any development of more than 2 units on this portion of the site.

Bulk (Massing)

In the C-2 zone, commercial buildings can cover nearly 100% of a lot, excluding a 10 foot front yard setback from a street and a 10 foot setback from an abutting residential zone. Only a motel (but not a hotel) is specifically limited in coverage, to a maximum coverage of 33% of the site. This means that commercial buildings with large floorplates are possible, resulting in large massing relative to the size of the site. Such buildings would have a visual impact on the character of Glenwood Avenue where there is suburban style streetscape created by substantial setbacks. On the lot at 5 Glenwood Avenue, the current R-2 zone limits coverage to 35%. If R-4 zoning is applied to both parcels, only lower density uses (single unit, two unit and townhouses) can be built as-of-right. The zone limits lot coverage of lower density uses to 35%, and therefore limits the bulk. For higher density uses, the R-4 zone provides a lot coverage guideline of 50%, which would be considered through the development agreement process. Bulk can be better managed under the R-4 zone as Council can consider appropriate massing for the site.

Scale (Height)

The scale of proposed use on this site is in keeping with that in the broader community as follows:

- Under the current C-2 zone on 307 Prince Albert Road, there are no limits on building height, other than a 3 storey limit for buildings which are used mainly for offices. The 35' height limit around Lake Banook does not extend to this site. High rise commercial development can therefore take place on the site, as evidenced by the fact that a development permit has recently been issued for a 16-storey hotel on the site. The issuance of such a permit indicates that all zoning and site development standards have been met by a proposed use.
- As-of-right townhouse development could take place under both the C-2 and R-4 zones, but neither zone imposes a height limit for this use. As in the C-2 zone, the requested R-4 zone also provides for high rise development, so potential scale in either zone is similar. As Council must approve any multiple unit dwelling through the development agreement process, there is greater control under the R-4 zone, in terms of addressing the placement and appearance of taller buildings.
- In addition to existing buildings in the immediate vicinity of the site, Council has considered two applications for taller multiple unit dwellings. In 2004 council refused a proposal for a 7 storey

building on the Paddlers Cove site because of compatibility concerns with nearby housing. However, on July 6, 2006, Council determined that the medium density, 12 storey Twin Lakes project on Prince Albert Road/Bartlin Road was appropriate, directly adjacent to low density uses. The minutes of this session reflect that this determination was based, in part, on the goals of the then-newly adopted RMPS as they applied to the Regional Centre which includes this area. As previously noted, the RMPS specifically contemplates higher intensity development within the Circumferential Highway.

Traffic

There are no identified concerns with traffic under the requested R-4 zone as follows:

- The applicant has undertaken a traffic impact study for the development. As per standard HRM practice, this analysis projected peak hour traffic generation by the proposed use, relates it to existing traffic volumes and patterns, and finds that the existing road network and intersections are able to accommodate additional traffic. These conclusions are supported by HRM staff. Therefore, staff does not anticipate any traffic concerns with the rezoning.
- In addition to the standard HRM requirement, a comparison of total daily traffic generation by possible commercial development under the existing C-2 zone was also submitted (Figure 2). This was done in response to community concerns that a high density residential use would generate more traffic than is possible under current zoning. This comparison indicates that certain commercial uses, including a hotel, a gas bar, and a coffee shop with a drive through, would generate a significantly greater daily total of trips than the proposed residential use. This comparison addressed total daily traffic but not peak hour volumes and the potential impacts on the functioning of intersections.
- The site is located next to the Trans Canada Trail with opportunities for Active Transportation, and on a bus route (#62) that travels to three major bus terminals. There is a wide range of services and amenities in the immediate area and others are easily accessible without the need for a car. Residential development on this site could therefore contribute to a more efficient use of existing road infrastructure. This is consistent with Policy G-4 of the Dartmouth MPS (Attachment B). No need for public expenditures on road infrastructure related to the rezoning has been identified by HRM staff.

Potential for Wind Impacts

Wind impacts can result from the construction of a building of large bulk and/or scale. In the context of this site, there are two concerns: First is the potential for impacts on the safety and comfort of pedestrians on adjacent public sidewalks. Secondly, although the site is outside of the area defined by Council, there is a public concern that a project of this scale and bulk may impact the paddling course. For as-of-right commercial development under the C-2 zone, an applicant is not required to undertake such studies. Large scale development could therefore take place which could have negative effects. Application of the R-4 zone would remove the ability for large as-of-right commercial development on the site, and require the development agreement process for multiple unit housing. Policy IP-1(c) allows Council to consider wind impacts under criteria (3) and (4) (ix) respectively. The R-4 zone therefore provides Council with a higher level of control over wind impact issues, allowing any potential impacts to be minimized through a development agreement process as a rezoning process alone does not allow Council to regulate the design of buildings.

Services

The RMPS seeks to increase population and more efficiently utilize infrastructure in the Regional Centre. In addition to Policy IP-1c, Policy G-4 of the Dartmouth MPS also applies (Attachment B). This policy establishes a goal to encourage redevelopment in appropriate areas with existing services where possible. This policy aligns with the RMPS goals of residential intensification in the Regional Centre. The subject site is at a key focal point in the regional centre which consists of a commercial node on a main road

which is serviced by transit, an active transportation route, and regional open space and recreation facilities. The surrounding commercial district is seen to be in a state of transition, as indicated by other recent development proposals in the area, by the presence of vacant and underutilized lands, and by the pending closure of the existing funeral home. Redevelopment in such an area can therefore help revitalize the urban core by attracting new residents and better using existing soft and hard infrastructure. A nearby school, Alderney Elementary, has ample capacity for increased enrolment that may result and other schools can accommodate higher grade levels.

Summary of Rezoning Application

There is a high degree of development potential under the C-2 zone with minimal standards and controls. Therefore, there exists a greater risk of impacts on adjacent and nearby properties under an as-of-right C-2 scenario due to factors such as building height and massing, traffic, permitted uses, and wind effects, as opposed to under the proposed R-4 zone where Council has input on all of these matters for multiple unit proposals. The application of the R-4 zone is consistent within this local mixed use context, and would support the RMPS goal of providing for higher density housing in the Regional Centre. Approval of a rezoning to the R-4 zone does not constitute approval of a multiple unit development. It enables a much higher level of scrutiny by Council over development on the site, with appropriate site and design controls to mitigate potential impacts, ensuring a more compatible residential development. Extension of the R-4 zone to 5 Glenwood Avenue is also appropriate because there is no potential for increased as-of-right residential development, and Council can subsequently limit higher density development under Policy IP-5, as it deems fit on this site. Should Council approve the requested rezoning, but no development agreement for multiple unit housing, the presence of the Commercial Designation on 307 Prince Albert Road supports a rezoning of the subject site back to the C-2 zone. It should be noted that the development permit for the high rise hotel would continue to be valid for one year from the date of any zoning change.

Development Agreement Evaluation:

Where any development with three or more residential units is proposed in areas under the Dartmouth MPS, the development agreement process must be utilized. Policy IP-5 provides the evaluative framework by which such projects are to be assessed. Under this policy, Council has flexibility that it can exercise on a case by case basis, depending on the unique circumstances of the site and the proposal. In addition to Policy IP-5, Policy IP-1(c) must also be considered for any development agreement application. The key aspects of these policies are addressed below, while Attachment C to this report includes the entire policies with a discussion of each criterion. Attachment E includes a comparison of the project to the R-4 zone standards. The zone standards ceased to be prescriptive in 1991 when Policy IP-5 was adopted, removing as-of-right development ability for multiple unit dwellings. The R-4 zone serves as a guideline in the following discussion.

Site Design

The proposed building consists of 15 storeys, over a three level underground parking structure with extensive landscaping. The key points to consider on this matter are as follows:

- The underground parking structure is located on both 307 Prince Albert Road and 5 Glenwood Avenue, but the tower portion is located entirely on 307 Prince Albert Road. This is appropriate, as it does not allow a greater scale of development to extend up Glenwood Avenue from the Commercial Designation along Prince Albert Road.

- The edge of the parking structure is located generally at or below grade, and approximately 7 feet from the boundary of the home at 7 Glenwood Avenue. The only visible use on the portion of the site at 5 Glenwood Avenue would be a landscaped surface parking lot for eight cars. The use of this part of the site for only residential surface parking is appropriate. This ensures that the project does not introduce development of greater height, size, or bulk beyond the extent of the Commercial designation which applies along Prince Albert Road, and minimizes land use impacts.
- The R-4 zone required setbacks from abutting properties based on building height. This setback, ½ the height of the adjacent side of the building, is a good basis on which to assess compatibility with adjacent uses. Council previously determined that this standard is an appropriate one, when it approved the 12 storey Twin Lakes project at 339 Prince Albert Road directly adjacent to low density uses. The R-4 zone standard indicates a setback of 74.5 feet in this case. The proposal is for a setback of 67 feet from the property line of 7 Glenwood Avenue to the nearest balcony, or 69 feet from the main wall of the building. A landscaped buffer of shrubs and trees, which was not required by the R-4 zone, compensates for the slight reduction in setback.
- The tower will present the full width of its façade to two homes located directly across Glenwood Avenue. However, this effect is diminished by the approximately 25 foot setback from the street, the approximately 66 foot width of the street itself, and the presence of extensive landscaping including trees. This separation and landscaping greatly exceeds what would be required under C-2 zoning, and therefore minimizes impacts.

Architecture

The architecture of the building provides appropriate detailing, use of curvilinear walls to reduce the impact of the usual angular appearance of corners, varied wall projections, varied window sizes and patterns, and a large proportion of window openings. There is variety in cladding materials, surface textures, and colours. The roof line provides a strong element of visual interest. Larger windows rising above the lobby to the roof provide a strong visual break in the width of the façade. The underground parking structure is well integrated into the landscaping. The proposed development agreement ensures that the project will be as shown in the schedules, providing both Council and the public with certainty as to what the site will look like when completed. As a non-substantial amendment, the agreement allows Council to consider the approval of minor alterations. Such alterations are often required based on a final detailed design, and would pertain to limited matters such as window details, structural columns or changes to the precast building finish.

Height

The 35 foot height limit which surrounds Lake Banook to protect the paddling course does not apply on this site, nor does the R-4 zone set a maximum height for any permitted use. Policy IP-5 identifies height as an issue to be considered, but does not provide specific criteria by which to address building height adjacent to a neighbourhood. There are several ways to consider the issue, each of which indicates that the proposed height is appropriate:

- The provision of large setbacks from the streets is needed to reflect the suburban nature of the residential area near the site. Such setbacks reduce the allowable building footprint, necessitating greater height to maintain a higher density.
- As discussed under Site Design, an appropriate setback relative to building height is provided to the abutting residential property.
- The proposed tower is located entirely on the property at 307 Prince Albert Road, and is of a scale permitted under the Commercial Designation and C-2 zoning in the area. In addition, there are numerous abutting and nearby properties zoned C-2 (General Business), which are outside of the 35 foot height limit area, on which taller commercial buildings may be constructed as-of-right.

- The overall roof elevation would be the same as that for the 12 storey Twin Lakes project, the site of which is at a higher elevation, so there would be consistency in apparent height of both projects when viewed from nearby parkland or Prince Albert Road.

Bulk (Massing)

Related to height is the question of building massing. The policy itself does not provide specific criteria in order to evaluate compatibility in this regard to the adjacent neighbourhood. The R-4 zone allows 50% lot coverage, while the proposed tower has a lot coverage of 41%, which results in a lower massing than enabled by the zone. The narrow side of the building faces directly toward the adjacent dwelling, which minimizes the visible massing. This lower massing allows the use of suburban style setbacks which respect those of nearby homes along Glenwood Ave. A reduction in building scale would, to maintain a higher density unit count, result in a larger footprint with reduced setbacks and thus heavier massing, having a greater impact on the street character

Potential Wind Impacts

Wind effects are related to the massing of a structure as well as to height. Concerns over wind are identified in two ways. These are the impact on the safety and comfort of pedestrians, and the potential for effects on the Lake Banook paddling course. Although the site is outside of the defined area where protection of the paddling course on Lake Banook is mandated, a wind assessment was requested to address both matters, and the applicant commissioned an expert to undertake the work. An assessment was undertaken and the report concluded that, given prevailing wind direction and the distance of the site from the paddling course, the proposed development would have negligible impacts on the paddling course. This is consistent with the results of the wind modelling that was done for the proposed Paddlers Cove development in 2004. In addition, the report concluded that pedestrians on public sidewalks adjacent to the project would not be unduly affected. Certain measures were recommended to minimize effects of winter winds on the site near the building entrance, and the development agreement contains requirements in this regard.

Shadows:

Related to the height and massing of a building is the potential for shadows. This is another measure by which compatibility can be measured, although HRM only considers this issue relative to potential for impacts on public lands and not on private properties. The applicant retained an expert to undertake a shadow study to determine the potential impacts. The study shows there is no impact on developed parkland at any time of the year. Shadows would be cast on Prince Albert Road and the Trans Canada Trail, which is acceptable. Due to the orientation of the subject site to nearby residential properties, there would be minimal impact as follows:

- On Glenwood Avenue, only # 4 and # 6 would receive any shading, and this would be only immediately after sunrise near the summer solstice. However, it should be pointed out that medium or large scale as-of-right development under the Commercial Designation on 307 Prince Albert Road, or other commercially zoned properties, may have an impact on these 2 homes due to their location relative to the position of the early morning sun.
- There would also be early morning shadows, around the winter solstice, that would extend across Prince Albert Road to several R-1 and R-2 zoned properties on Lakeview Point Road and Prince Albert Road, for a short time. However, even a lower mid-rise building may have this effect at this time of the year given the long length of early morning shadows.

Density

This factor considers the number of units in proportion to the size of a site. Prior to 1992, when as-of-right multi unit development was possible, the R-4 zone established maximum limits in this regard. The standard was based on a mix of site size, the number of floors, and the number of bedrooms per unit. In considering a development agreement proposal, density is of lesser importance than overall site and building design. This is due to the fact that density is not easily perceived; rather it is the physical attributes of a building in terms of height, bulk and scale in its surroundings that are key. Policy IP-5 does not obligate Council to follow the R-4 zone standard, so there is flexibility on a case by case basis to determine an appropriate number of units for a site.

Based on the unit mix proposed in this case (71 2-bedroom units and 21 1-bedroom units) the R-4 zone guideline indicates a maximum of 71 units. These numbers include increases in dwelling density allowed by the zone – a bonus of 10% for the site being located across the street from parkland, and a further 6% for providing underground parking. The applicant is seeking 21 extra units beyond what the R-4 zone standard would have allowed. In this case, the proposed 92 units is acceptable for several reasons.

- There is no merit in regulating density based on the number of bedrooms. Including bonus density allowed by the zone, the guideline allows 92 1-bedroom units on this site. Given low average household sizes, the population of a building varies little regardless of the number of bedrooms per unit. Therefore a mix of 92 one and two bedroom units, which would provide a variety of housing options as encouraged by the RMPS, is acceptable. The agreement provides Council with the ability to vary the unit mix as a non-substantial amendment.
- Even if all of the proposed units were one bedroom and the R-4 zone guidelines were met, there would be relatively little change to the height and massing of the building. As the height and massing are acceptable as previously discussed, the proposed density is therefore appropriate.
- Based on today's very high per-stall construction costs for underground parking, staff feels that a 6% increase in density contemplated by the R-4 zone is too low, especially given the urban design merits of avoiding surface parking lots.
- In some areas of HRM, density is limited based on the capacity of sewer or water service systems. However, there are no such limitations within central Dartmouth.

Landscaping and Buffering

As most of the required parking is proposed to be underground, significant landscaping can be provided to give a green edge to the development. Existing mature trees along Prince Albert Road are to be retained, which is a goal of Policy IP-5. The agreement also requires the planting of numerous trees and shrubs. The effect of building height relative to the adjacent residential property is reduced by the presence of an heavily landscaped buffer strip with extensive plantings of shrubs and trees. Such a buffer was not required by the R-4 zone, and it is the opinion of staff that this visual buffer more than compensates for the slight reduction in setback from the R-4 guideline of ½ the building height. As part of the landscaping of the project, the developer has agreed to provide public art, pursuant to HRM's Public Art Policy. A value of \$100,000 has been set which will provide a substantial benefit to the site and the community. The proposed development agreement allows Council to consider changes to the landscaping plan as a non-substantial amendment.

Traffic:

The proposed development would be accessed from Glenwood Avenue with two driveways. One would access the underground parking garage while the other would access a circular passenger drop off area and eight visitor parking spaces. A Traffic Impact Study submitted by the developer and reviewed by

HRM Traffic Services, indicates no deficiencies in the road network exist and that no changes to intersections are required. In response to public concerns, the developer did explore the feasibility of accessing the parking garage from Prince Albert Road; but, due to the configuration of a traffic island in the vicinity of the Prince Albert Road/Lawrence Street intersection and the presence of a one-way slip lane, this is not possible. In addition, the developer also explored the feasibility of providing traffic signals at the Prince Albert Road/Glenwood Avenue intersection. However, the intersection falls well short of meeting the HRM's standard warrant used to determine when signals are appropriate. Although HRM's standard practice is that driveways for such projects be located at least 100 feet from an intersection, in this case a reduction in the separation of the parking garage entrance to 69 feet is acceptable. This provides greater separation from the existing residential uses on Glenwood Drive.

The site is located on a bus route (#62) which can accommodate additional ridership and provides direct service to major transit terminals at Penhorn Mall and Alderney Gate.

Conclusion – Development Agreement Application

The intent of the development agreement process is to provide Council with the ability to review any multiple unit dwelling proposal to ensure that it satisfies basic design criteria and to address compatibility issues with adjacent land uses. In this case, the proposal is of a high standard of site and building design which is a key goal of the MPS. The impacts on the existing neighbourhood are minimized due to the small footprint of the tower, the fact that there is no above grade development on the lot at 5 Glenwood Avenue, and the presence of extensive landscaping. The development agreement mandates setbacks to respect the existing suburban street character and contains sufficient controls to ensure that the project is built as proposed, and to minimize potential impacts on nearby properties. The multiple unit building is appropriate for the site, and is consistent with regional and local planning documents for appropriate redevelopment which better utilizes existing infrastructure and increases population in the Regional Centre. The agreement requires commencement of construction within two years of the date of registration.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the proposed 2011/12 budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM

Website, responses to inquiries, as well as a public information meeting to which nearby property owners were invited. The minutes of the public information meeting are included as Attachment F to this report.

Should Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the area will be notified.

The proposed development agreement will potentially impact local residents, businesses and property owners.

ALTERNATIVES

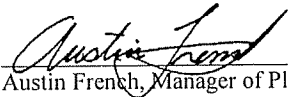
1. Council may choose to approve the proposed rezoning and development agreement as set out in Map 3 and Attachment A respectively. This is the recommendation of staff for reasons set out in this report.
2. Council may choose to approve the proposed rezoning, and the development agreement subject to modifications to the agreement. This may necessitate further negotiation with the Developer and a second Public Hearing.
3. Council may choose to approve the rezoning and refuse the proposed development agreement as set out in Attachment A of this report and in doing so, must provide reasons based on a conflict with MPS policies. In this event, the applicant may request that the Prince Albert Road portion of the site be zoned back to the C-2 General Business Zone, which is supported by the MPS.
4. Council may choose to refuse the rezoning, as set out in Attachment A of this report and in doing so, must provide reasons based on a conflict with MPS policies. If the rezoning is refused, the development agreement cannot be considered.

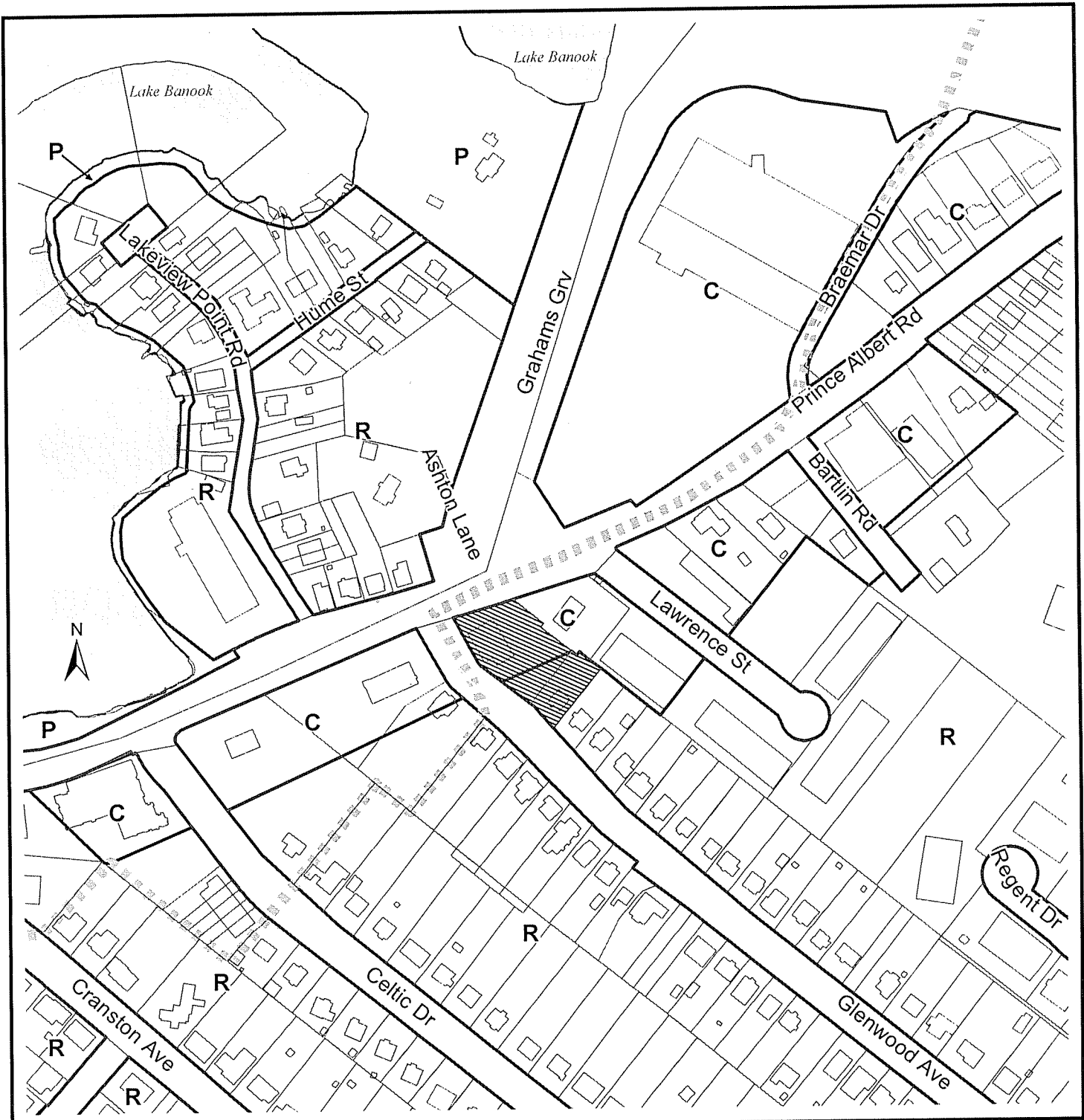
ATTACHMENTS

- | | |
|--------------|--|
| Map 1 | Generalized Future Land Use |
| Map 2 | Zoning and Location |
| Map 3 | Proposed Zoning |
| Figure 1 | Table 4 of the Dartmouth MPS |
| Figure 2 | Traffic Generation Projections |
| Attachment A | Proposed Development Agreement |
| Attachment B | Rezoning Evaluation – Policy IP-1(c) |
| Attachment C | Development Agreement Evaluation - Policies IP-5 and IP-1(c) |
| Attachment D | Permitted Uses Under C-2 and R-4 zones |
| Attachment E | Comparison to R-4 Zone Standards |
| Attachment F | Minutes of Public Information Meeting |

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


Report Prepared by: Mitch Dickey, Planner, 490-5719

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

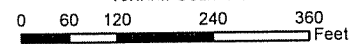



Map 1- Generalized Future Land Use

HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

 Subject Property

Designation



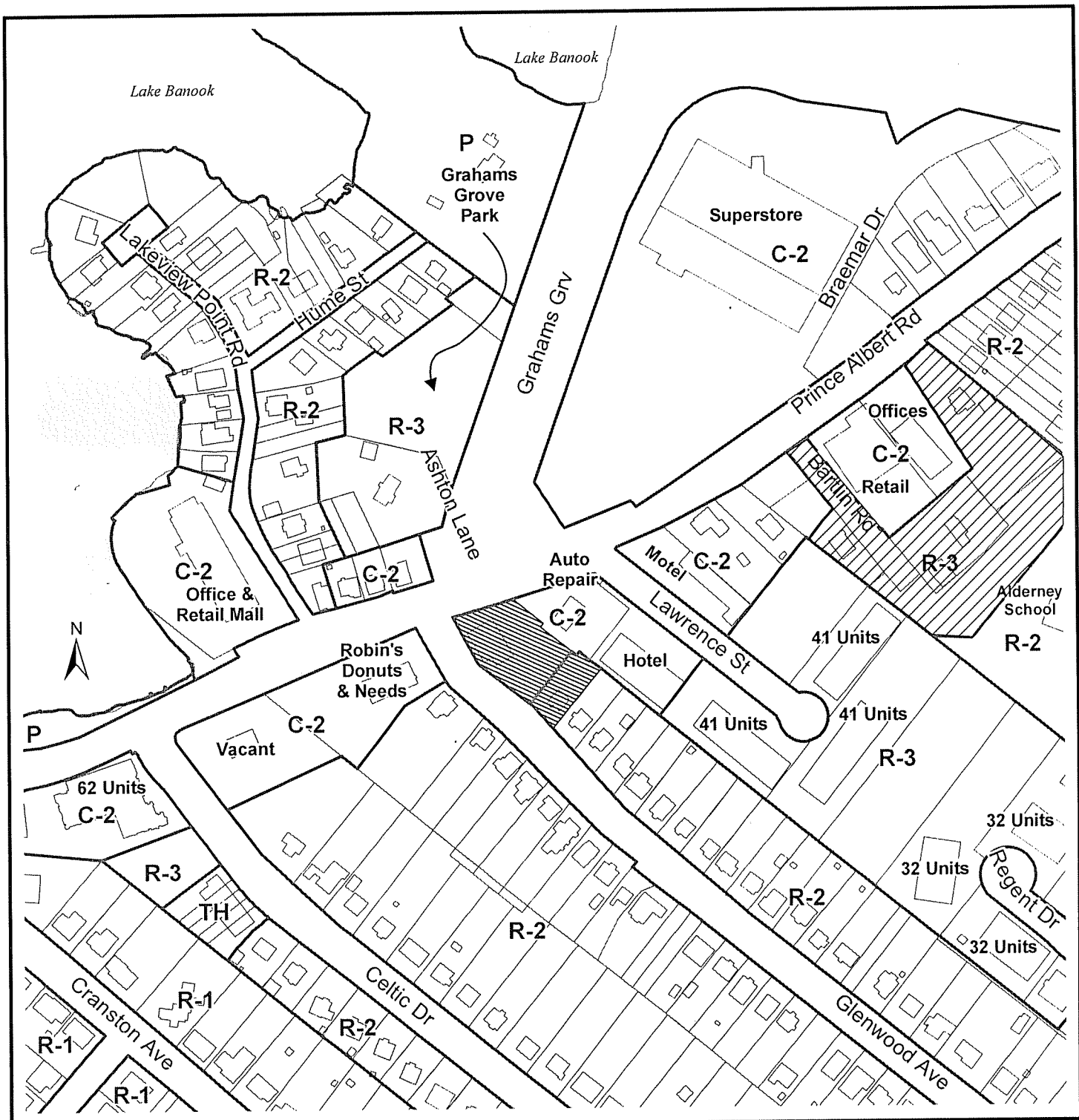
 Lake Banook 35 ft
 Height Limit Area

- R Residential
- C Commercial
- P Park

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


Dartmouth Plan Area

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



Map 2 - Zoning and Land Use

HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

 Subject Property

 Site Approved for 12 Storey
 84 Multi Unit Building

Zone

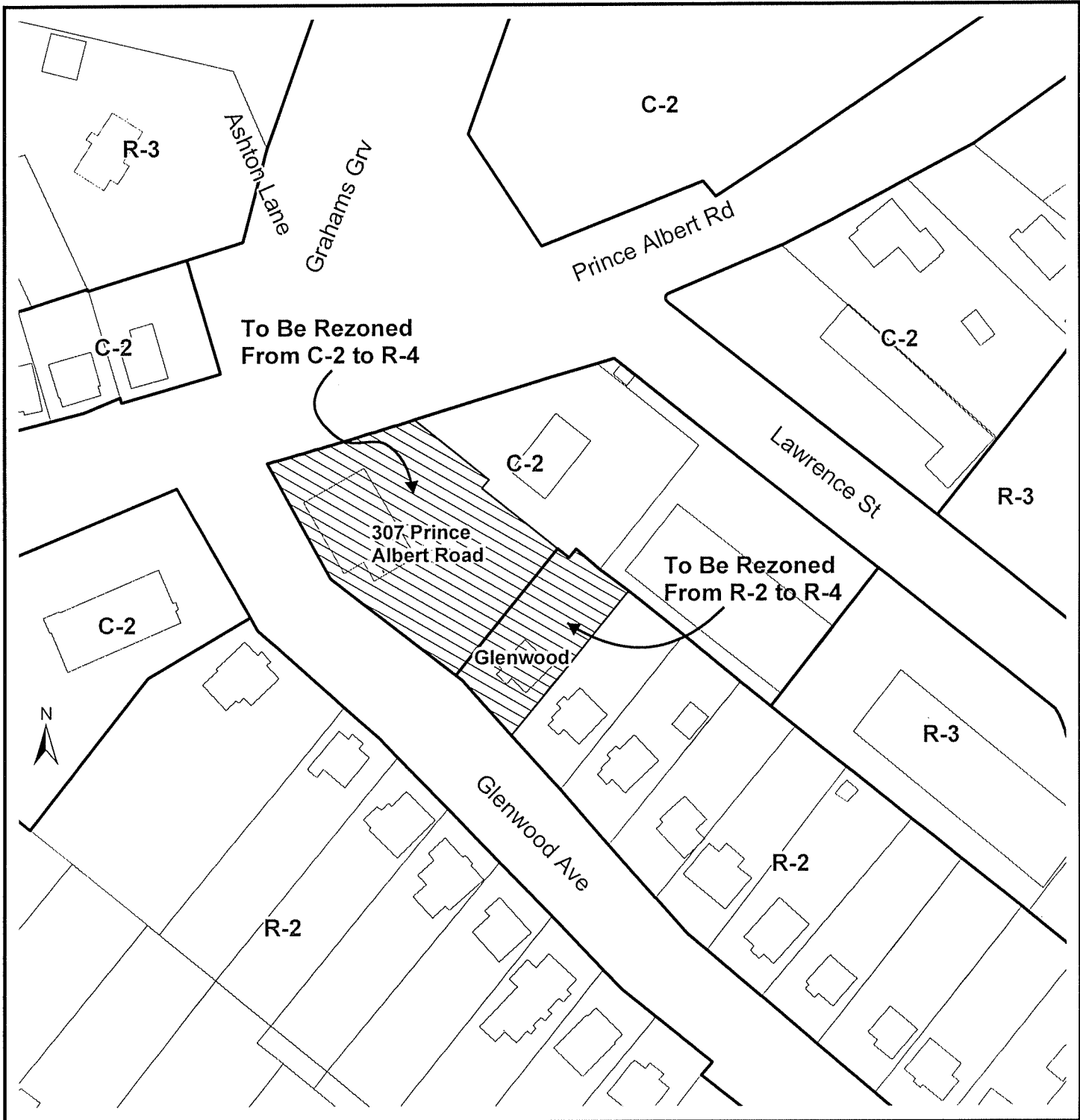
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- TH Town Housing
- C-2 General Business
- P Park

0 60 120 240 360 Feet

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


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

Dartmouth Plan Area



Map 3 - Proposed Zoning



 Proposed Zoning to R4- Multiple Family Residential (High Density)

Zone	
R-2	Two Family Residential
R-3	Multiple Family Residential (Medium Density)
C-2	General Business

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

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

Dartmouth Plan Area

Figure 1
Table 4 of Dartmouth MPS

Table 4								
Reserve	Urban Core	Institutional	Park & Open Space	Industrial	Commercial	Residential	← General Land Use Classification Land Use ↓	
•	<i>Deleted-Reg. Council-July 11/2000, Effective-Sept 2/2000</i>				•	•	Single	
					•	•	Duplex	
						•	•	Low Density Multiple
						•	•	Medium Density Multiple
						•	•	High Density Multiple
						•	•	Mobile Homes
					•	•	•	Neighbourhood Con. Stores
						•	•	Home Occupations
					•	•	•	Retail Trade
					•	•	•	Service Commercial
					•	•	•	Regional Commercial
					•	•	•	Local Office
					•	•	•	General Office
				•	•	•	•	Tourist Commercial
					•	•	•	Warehousing/Distribution
					•	•	•	Light Industrial
					•	•	•	Harbour Oriented Industrial
					•	•	•	General Industrial
			•	•	•	•	•	Local Parks/Rec. Facilities
			•	•	•	•	•	District Parks/Rec. Facilities
			•	•	•	•	•	City Parks/Rec. Facilities
			•	•	•	•	•	Regional Parks & Facilities
			•	•	•	•	•	Watershed
			•	•	•	•	•	Environmental Protection Area
			•	•	•	•	•	Local Institutional
			•	•	•	•	•	City/Regional Institutional
			•	•	•	•	•	Utilities

Figure 2 Traffic Generation Projections

Table 1 - Trip Generation Estimates for Various Land Use Alternatives			
Land Use ¹	Number Units ²	Trip Generation Rates ¹	Trips Generated ³
High Rise Apartment (ITE 222)	92 units	4.20	386
Condominium (ITE 232)	92 units	4.18	385
Senior Adult Housing (ITE 252)	92 units	3.48	320
Hotel (ITE 310)	140 rooms	8.17	1144
Fast Food with Drive Through (ITE 934)	4.0 KGFA	496.12	1984
Coffee / Donut Shop with Drive Through (ITE 937)	2.5 KGFA	818.58	2046
Gas Bar with Convenience Market (ITE 945)	8 Fuelling	162.78	1302

NOTES. 1. Trip generation rates are 'vehicle trips per day'. Rates are for indicated Land Uses and Land Use Codes, *Trip Generation, 8th Edition*, Institute of Transportation Engineers, 2008
 2. Units include apartment counts and hotel rooms; KGFA is '1000 square feet gross floor area'. Gas bar units are number of fuelling positions
 3. Two-way vehicle trips generated per day

Prepared by
 Ken O'Brien, P. Eng.
 GENIVAR Inc,
 September 30, 2011

Attachment A
Proposed Development Agreement

THIS AGREEMENT made this day of [Insert Month], 2012,

BETWEEN:

(Insert Developer Name)

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

OF THE FIRST PART

- and-

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 307 Prince Albert Road and at 5 Glenwood Avenue, Dartmouth, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow a 15 storey, 92 unit residential building on the Lands pursuant to the provisions of the Halifax Regional Municipality Charter and pursuant to Policies IP-5 and IP-1(c) of the Dartmouth Municipal Planning Strategy;

AND WHEREAS the Harbour East Community Council of the Municipality approved this request at a meeting held on [Insert - Date], referenced as Municipal Case Number 16898;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By law and Subdivision By law

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By law for Dartmouth and the Regional Subdivision By law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2 nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by law of the Municipality applicable to the Lands (other than the Land Use By law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on site and off site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

1.4.1 Where the provisions of this Agreement conflict with those of any by law of the Municipality applicable to the Lands (other than the Dartmouth Land Use By law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the Dartmouth Land Use By-law and Subdivision By-law. If not defined in these documents their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 SCHEDULES

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 16898:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Landscaping Plan
Schedules D1 to D3	Underground Parking Plan
Schedules E1 to E3	Building Elevations
Schedules F1 to F5	Floor Plans

3.2 REQUIREMENTS PRIOR TO APPROVAL

3.2.1 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide to the Development Officer written confirmation from a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) that the Development Officer may accept as sufficient record of compliance with the landscaping requirements set out in section 3.8 of this Agreement.

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

3.2.3 Notwithstanding subsection 3.2.2, if securities have been posted in accordance with this Agreement to the satisfaction of the Development Officer, an Occupancy Permit for all or part of the building on the Lands may be issued.

3.3 GENERAL DESCRIPTION OF LAND USE

3.3.1 The use(s) of the Lands permitted by this Agreement is a residential building, as illustrated on the Schedules, comprised of a maximum of 92 dwelling units in a building not to exceed a height of 15 storeys.

3.3.2 Within the multi-unit residential building, a maximum of 21 dwelling units may be 1 bedroom units, and all other units shall contain two or more bedrooms.

3.3.3 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards in conformance with the provisions of the Land Use By-law, as amended from time to time.

3.4 SITING AND ARCHITECTURAL REQUIREMENTS

- 3.4.1 The building shall be located and oriented as illustrated on Schedule B.
- 3.4.2 The Developer agrees that the design, form, and exterior materials of the building shall, in the opinion of the Development Officer, conform to the Building Elevations included with this Agreement as Schedules E1 to E3. Brick accents on the lower two levels shall be of kiln-fired brick with a red hue. Cornices shall be of a colour(s) that provides further contrast to the primary cladding.
- 3.4.3 All façades shall be designed and detailed as primary façades. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.
- 3.4.4 Any exposed foundation in excess of 0.6 metres in height shall be architecturally detailed using embossed or architectural concrete, or brick or stone veneers or treated in an equivalent manner acceptable to the Development Officer.
- 3.4.5 Roof mounted mechanical and telecommunication equipment shall be visually integrated into the roof design or screened from public view.
- 3.4.6 The building shall be designed such that the building mechanical systems (HVAC, exhaust fans, etc.) are not visible from either Lake Banook or from adjacent residential properties. Furthermore, mechanical equipment or exhaust fans shall be screened as an integral part of the building design. This shall exclude mechanical systems such as air conditioners that service individual residential units.
- 3.4.7 The internal layout of the building shall be as shown on Schedules F1 to F5. Layouts shown on the floor plans may be changed provided that the exterior appearance of the building, in the opinion of the Development Officer, is not changed and provided that all other requirements are met.

3.5 LOT CONSOLIDATION

The Municipality shall not issue a Construction Permit for the development until the Lands have been consolidated into a single parcel.

3.6 PARKING, CIRCULATION AND ACCESS

- 3.6.1 An outdoor visitor parking area shall be provided and sited as shown on Schedule B.
- 3.6.2 Above ground parking and driving areas shall be hard surfaced with asphalt, concrete, pavers or an acceptable equivalent in the opinion of the Development Officer, and shall be fully delineated by concrete curb.
- 3.6.3 The location of the access driveways to the Lands shall be as shown on Schedule B.

- 3.6.4 The sidewalk along Glenwood Avenue shall be extended to the full extent of the street frontage of the Lands, and shall be designed and constructed pursuant to the standard specifications of the Municipality.
- 3.6.5 A minimum of eight surface parking spaces for visitor use shall be provided as shown on Schedule B. Underground parking shall be provided as shown on Schedules D1 to D3. Internal layouts shown on these parking levels may be changed, provided that a minimum of 75 standard parking spaces are provided. A further minimum of 25 spaces shall be provided, which may be located in tandem with standard parking spaces. Additional parking spaces for accessible parking shall also be provided, pursuant to Building Code requirements.
- 3.6.6 Bicycle parking shall be provided pursuant to the requirements of the Dartmouth Land Use Bylaw.
- 3.6.7 Electronic garage door openers are to be provided for all residents who require access to the underground parking structure.

3.7 OUTDOOR LIGHTING

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

3.8 LANDSCAPING PLAN

- 3.8.1 Prior to the issuance of a Construction Permit, the Developer agrees to provide a detailed Landscaping Plan which complies with the provisions of this section and generally conforms to the overall intentions of the Landscaping plan shown on Schedule C. The detailed Landscaping Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.8.2 The Landscaping Plan shall include, in addition to the plantings shown on Schedule C, measures to ensure that headlights from cars in the surface parking area do not shine directly onto the adjacent property at 7 Glenwood Avenue.
- 3.8.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications in the opinion of the Landscape Architect that prepares the plans required pursuant to subsection 3.8.1.
- 3.8.4 The Landscaping Plan shall include the location, spacing and species of any vegetation. The Developer shall maintain all landscaping, shrubs, plants, flower beds and trees and shall replace any damaged, dead or removed stock.
- 3.8.5 Specifications for all constructed landscaping features such as fencing, retaining walls, patios, pergolas, and benches, shall be provided to the Development Officer, and shall describe their design, construction, specifications, hard surface areas, materials and

placement so that they will enhance the design of individual buildings and the character of the surrounding area.

- 3.8.6 The Landscaping Plan shall provide details of all ground level open spaces, courtyards and rooftop gardens and open spaces as shown on the attached Schedules. The plan shall specify all model numbers, quantities and manufacturers of site furnishings as well as construction details of landscaping features (pergolas, benches, etc.).
- 3.8.7 Retaining walls shall be permitted only on the Lands, unless a license is approved under HRM Encroachment By-law, and any retaining wall shall be constructed of a decorative precast concrete or modular stone retaining wall system or an acceptable equivalent in the opinion of the Development Officer.
- 3.8.8 Further to subsection 3.8.7, details of any retaining wall system that exceeds a height of 3 feet are to be identified, including the height and type of fencing proposed in conjunction with it. A construction detail of any fence and wall combination should be provided and certified by a Professional Engineer.
- 3.8.9 Four existing mature trees which are located on property of the Municipality directly adjacent to the Lands, along the Prince Albert Road property line as shown on Schedule C, shall be preserved. The Landscaping Plan required pursuant to subsection 3.8.1 shall include a supplementary hazard abatement plan to address this intent. This plan shall be prepared by a qualified person and be subject to review and approval by the Development Officer on the advice of HRM's Urban Forester.
- 3.8.10 Further to subsection 3.8.9, the hazard abatement plan shall:
- (i) Assess the health of each tree and confirm if it can be retained;
 - (ii) Define appropriate non-disturbance areas around each tree which shall be protected from excavation, grade alteration and vehicle access during all stages of construction, with such areas to be delineated by an appropriate physical protective barrier prior to commencement of any site works; and
 - (iii) Address the extent of acceptable pruning which may be undertaken.
- 3.8.11 In the event that any tree identified under Subsection 3.8.9 is of poor health and cannot be saved, or is severely damaged or killed during construction, or dies within two years following completion of construction on the Lands, replacement trees of appropriate calliper shall be provided by the Developer as deemed appropriate by the Development Officer on the advice of HRM's Urban Forester.
- 3.8.12 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter, prepared by a member in good standing of the Canadian Society of Landscape Architects, certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.8.13 Notwithstanding Section 3.8.12, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscaping works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member

in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within six months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.9 MAINTENANCE

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

3.10 SIGNS

3.10.1 Signage shall be provided in accordance with the requirements of the Dartmouth Land Use Bylaw.

3.10.2 A maximum of one permanent ground sign shall be permitted on the Lands to denote the name of the development. The location of such sign shall require the approval of the Development Officer, in consultation with the Development Engineer. The maximum height of any such sign, inclusive of support structures, shall not exceed 5 feet (1.52 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq.m.). All such signs shall be constructed of natural materials such as wood or a composite material which mimics the appearance of wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

3.11 AMENITY SPACE

Amenity space for the benefit of the residents of the multi-unit residential building shall be provided on the Lands as generally shown on the Schedules and in accordance with the requirements of the Dartmouth Land Use By-law. All landscaped common spaces shall count toward the required amount of amenity space.

3.12 WIND MITIGATION

In addition to the landscaping and architectural requirements of this Agreement, plans submitted at the building permit stage shall include measures to mitigate wind effects in the vicinity of the pedestrian walkway and entrance to the building on the Lands. Such measures may include gazebos, canopies, awnings, and/or landscaping as deemed appropriate by a qualified Professional Engineer or Architect.

3.13 PUBLIC ART

- 3.13.1 The Developer agrees to provide public art as defined in HRM's Public Art Policy, at a value of \$100,000, at a publicly accessible location(s). The Developer may propose the nature, location, and design of the proposed piece(s) which shall be subject to review and approval by the Municipality.
- 3.14 No final Occupancy Permit shall be issued for the building on the Lands unless the public art contribution of section 3.13 has been approved and installed to the satisfaction of the Development Officer.

PART 4: MUNICIPAL SERVICES

4.1 General Provisions

All design and construction of primary and secondary service systems shall satisfy the Municipal Design Guidelines unless otherwise provided for in this Agreement and shall receive written design approval from the Development Officer, in consultation with the Development Engineer, prior to undertaking the work.

4.2 Municipal Water Distribution, Sanitary Sewer and Storm Sewer Systems

The Municipal water distribution, sanitary sewer and storm sewer systems shall conform with Halifax Water's latest edition of their Design and Construction Specifications unless otherwise deemed acceptable by Halifax Water and the Municipality.

4.3 Off-Site Disturbance

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.4 Outstanding Site Work

The Municipality may accept securities for the completion of outstanding on-site paving and landscaping work on the Lands (at the time of issuance of the first Occupancy Permit). Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed. Should the Developer not complete the required work within six months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the work. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

4.5 Solid Waste Facilities

The building shall include designated space for three stream (refuse, recycling and composting) source separation services, wholly contained within the parking garage portion of the building. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.

4.6 Private Infrastructure

All private services and infrastructure located on the Lands, including but not limited to the private circulation driveway(s), laterals for water and sewer, and any private stormwater pipes or collection systems, shall be owned, operated and maintained by the Developer. Furthermore, the Municipality shall not assume ownership of any of the private infrastructure or service systems constructed on the Lands.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Site Grading Plan and Stormwater Management

No Development Permit shall be issued unless a Site Grading Plan, prepared by a qualified Professional Engineer in accordance with the Municipal Design Guidelines, is submitted to the Municipality. The plan(s) shall identify stormwater management measures to minimize any adverse impacts on adjacent lands or stormwater drainage systems during and after construction. Stormwater shall not be directed to adjacent private property unless private easements are provided in accordance with the most recent edition of the Halifax Water Design and Construction standards.

5.2 Erosion and Sedimentation Control Plan

Prior to the commencement of any on-site works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Department of Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented.

5.3 Failure to Conform to Plans

If the Developer fails at any time during any site work or construction to fully conform to the requirements set out under Part 5 of this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Officer, in consultation with the Development Engineer, to ensure compliance with the environmental protection plans.

PART 6: AMENDMENTS

6.1 Non Substantive Amendments

The following items are considered by both parties to be non-substantive and may be amended by resolution of Council:

- (a) Adjustments to the exterior design of the building that differ from the details shown in the Schedules;
- (b) Alterations to the Landscaping Plan on Schedule C;
- (c) Changes to the proportion of units by bedroom type;
- (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement;
- (e) The length of time for the completion of the development as identified in Section 7.5 of this Agreement;

6.2 Substantive Amendments

Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Halifax Regional Municipality Charter.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

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

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within three years from the date of registration of this Agreement at the Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. Completion of Development

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

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

7.5 Discharge of Agreement

If the Developer fails to complete the development after five years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (a) negotiate a new Agreement; or
- (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

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

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or

remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the Assessment Act;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the Halifax Regional Municipality Charter or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 20__.

SIGNED, SEALED AND DELIVERED in the presence of:

=====

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

(Insert Registered Owner Name)

Per: _____

Per: _____

=====

HALIFAX REGIONAL MUNICIPALITY

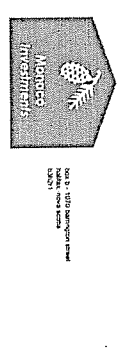
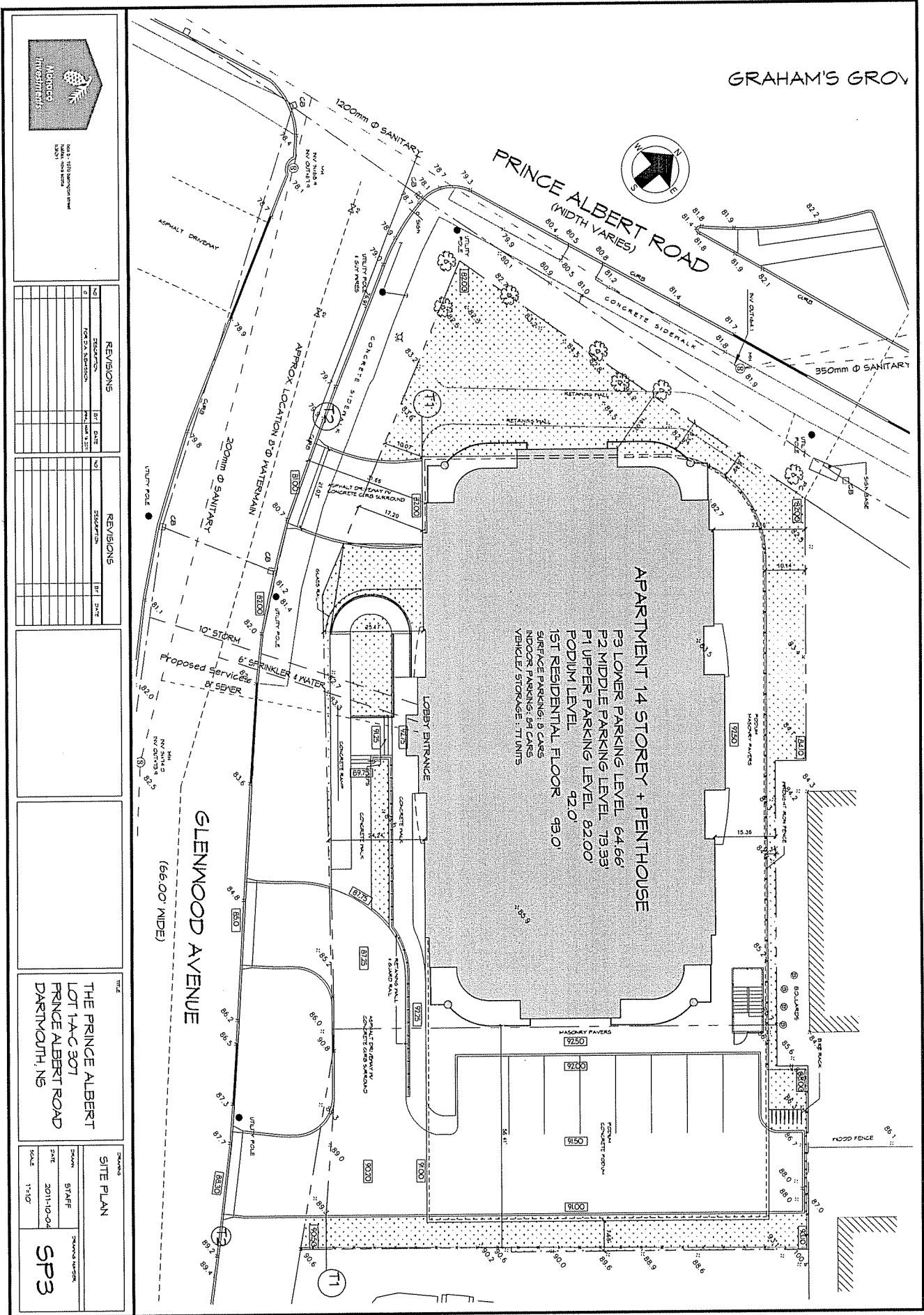
Per: _____

Mayor

Per: _____

Municipal Clerk

Schedule B - Site Plan



REVISIONS	
NO.	DESCRIPTION

REVISIONS	
NO.	DATE

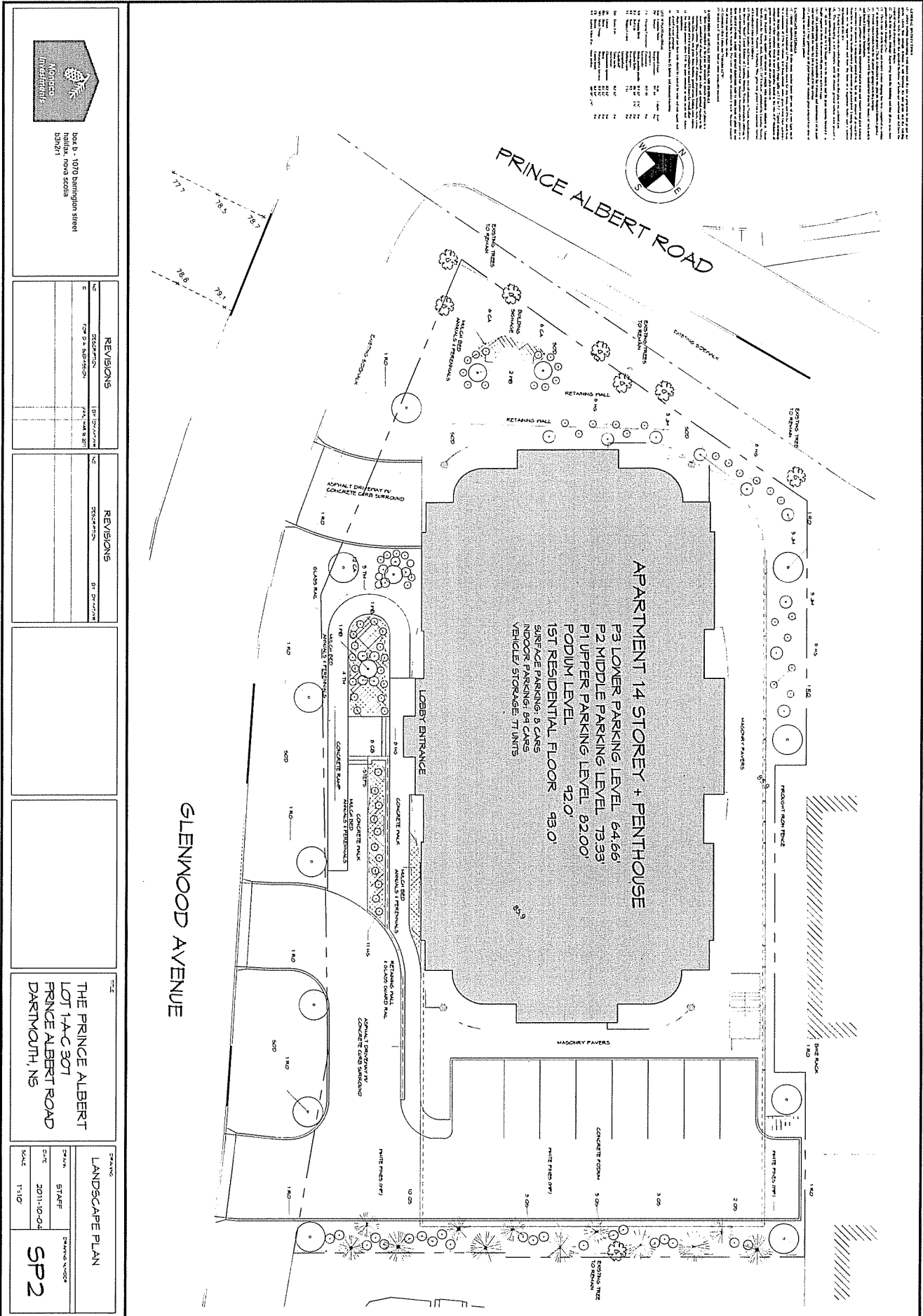
THE PRINCE ALBERT
LOT 1A-C 307
PRINCE ALBERT ROAD
DARTMOUTH, NS

SITE PLAN

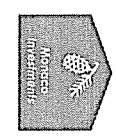
DATE: 2011-10-04
SCALE: 1"=10'

SP3

Schedule C - Landscaping Plan



NO.	PLANT MATERIAL	QTY	REMARKS
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99
100



Box 4 - 1070 Harrington Street
 Halifax, Nova Scotia
 B3H2T1

NO.	REVISIONS	DATE	BY
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2

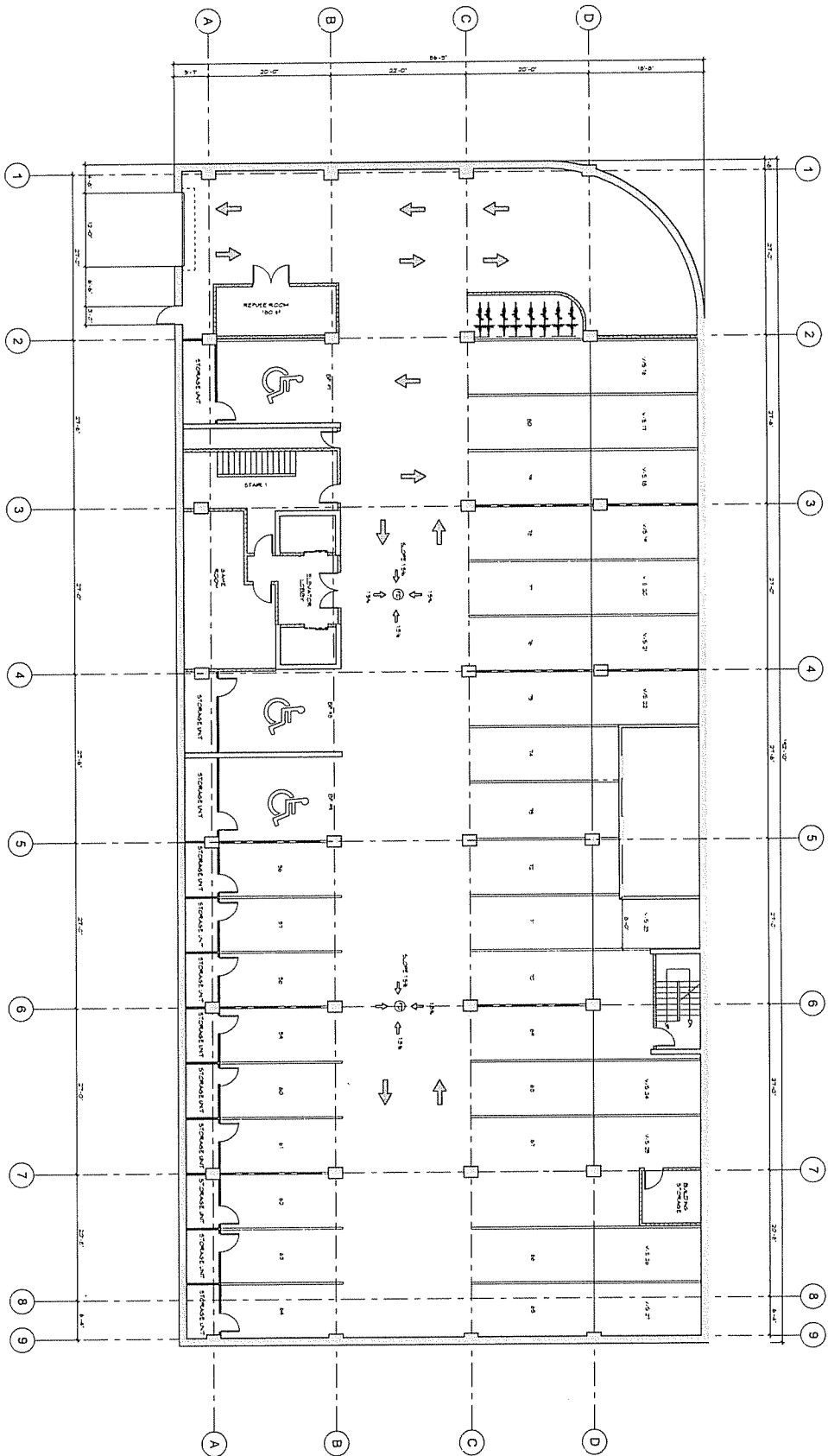
NO.	REVISIONS	DATE	BY
1
2

THE PRINCE ALBERT
 LOT 1-A-C 301
 PRINCE ALBERT ROAD
 DARTMOUTH, NS

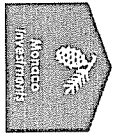
LANDSCAPE PLAN
 DATE: 2011-10-04
 SCALE: 1"=10'

SP2

Schedule D1 - Parking Level 1



① LEVEL P1
1/8" = 1'-0"



DATE: 2011-10-04
DRAWN BY: STAFF
SCALE: AS NOTED

STAMP:

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REVISIONS

NO.	DATE	REVISION

TITLE:
THE PRINCE ALBERT
LOT 1-A-C 301
PRINCE ALBERT ROAD
DARTMOUTH, NS

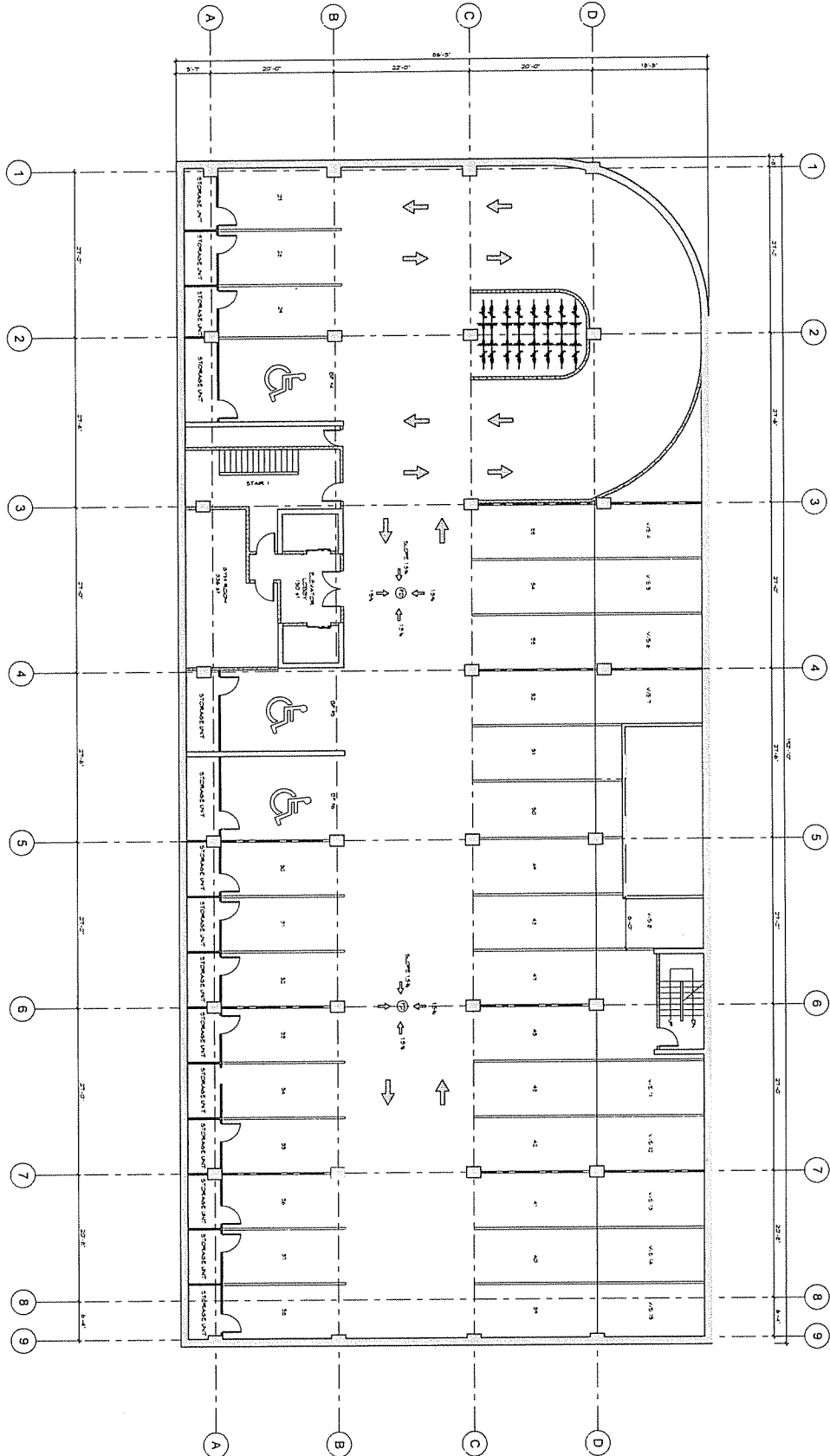
DRAWING:

PARKING LEVEL P1 FLOOR
PLAN

DATE: 2011-10-04
DRAWING NUMBER:

P1

Schedule D2 - Parking Level 2



LEVEL 02
1/8" = 1'-0"



Monarch Forestry
1000 Highway 100
Dartmouth, NS
B2Y 4K6

STAMP

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REVISIONS

TITLE

THE PRINCE ALBERT
LOT 1A-C 301
PRINCE ALBERT ROAD
DARTMOUTH, NS

DRAWING

PARKING LEVEL P2 FLOOR
PLAN

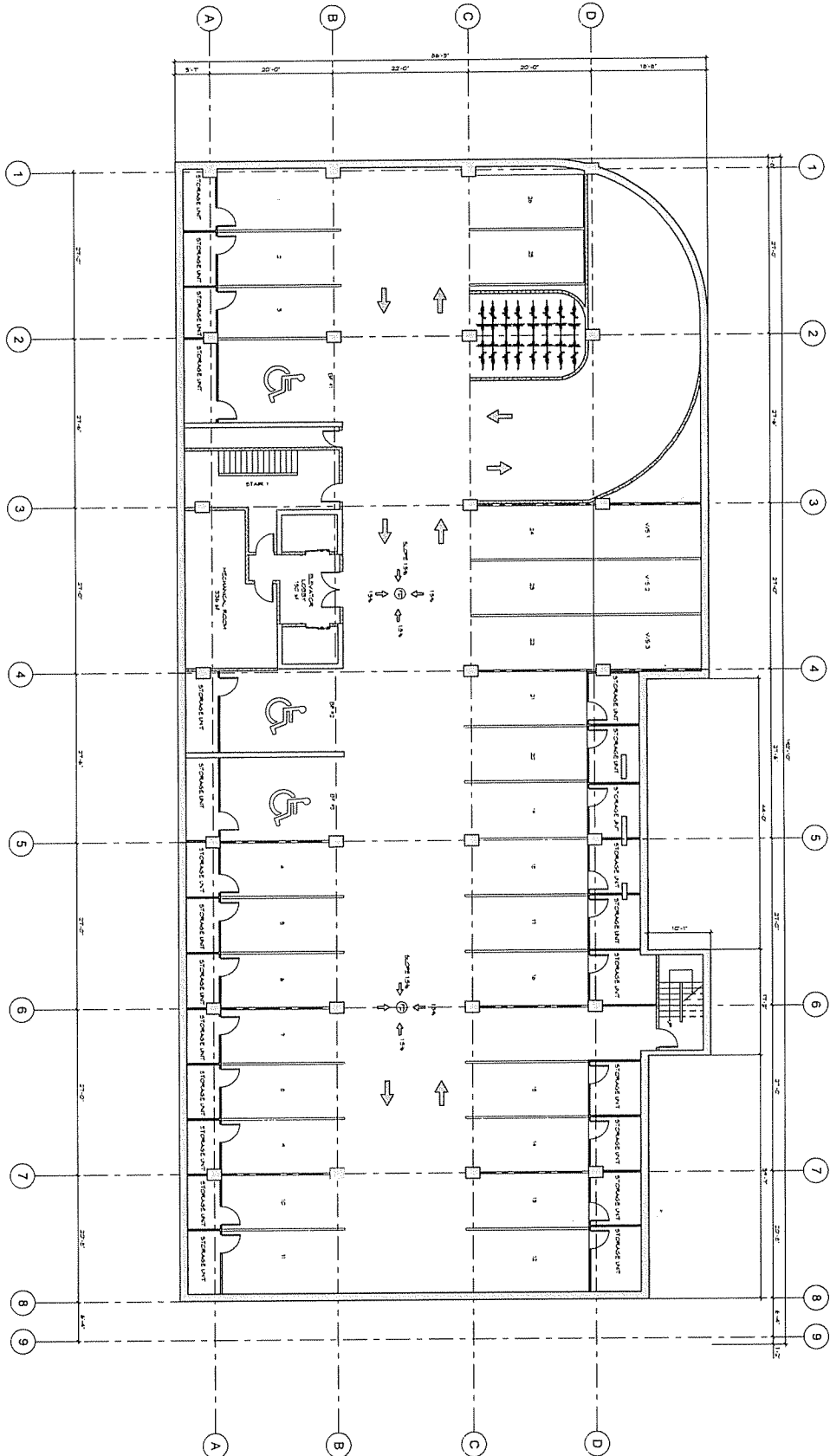
DRAWN BY: STAFF

DATE: 2011-10-04

SCALE: AS NOTED

DRAWING NUMBER
P2

Schedule D3 - Parking Level 3



LEVEL P3
1/8" = 1'-0"



DATE: 2011-09-04
DRAWN BY: STAFF
SCALE: AS NOTED

STAFF

STAFF

STAFF

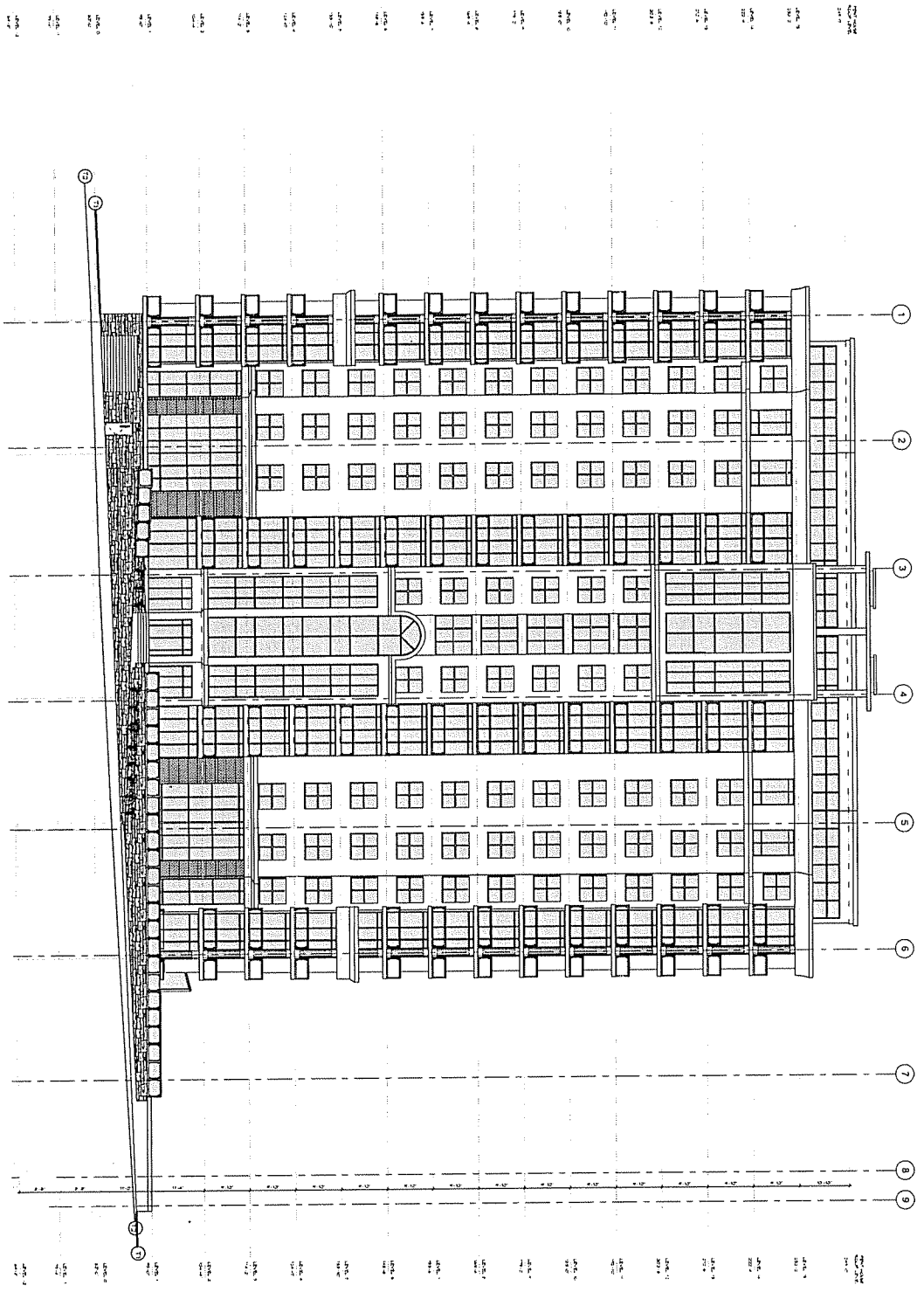
REVISIONS

TITLE
THE PRINCE ALBERT
LOT 1-A-C 307
PRINCE ALBERT ROAD
DARTMOUTH, NS

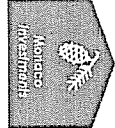
DRAWING:
PARKING LEVEL P3 FLOOR
PLAN
DRAWING NUMBER:
P3

DATE: 2011-09-04
DRAWN BY: STAFF
SCALE: AS NOTED

Schedule E1 - Front Elevation



① FRONT ELEVATION
3/7/22 11:11:10



3631 7th Street, Suite 100
Dartmouth, NS A1A 2S2
Tel: 506-253-1111
www.northernarchitect.com

STAMP

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REVISIONS

NO.	DATE	DESCRIPTION	BY

TITLE

THE PRINCE ALBERT
LOT 1-A-C 307
PRINCE ALBERT ROAD
DARTMOUTH, NS

DRAWING

FRONT ELEVATION

DRAWN BY: STAFF

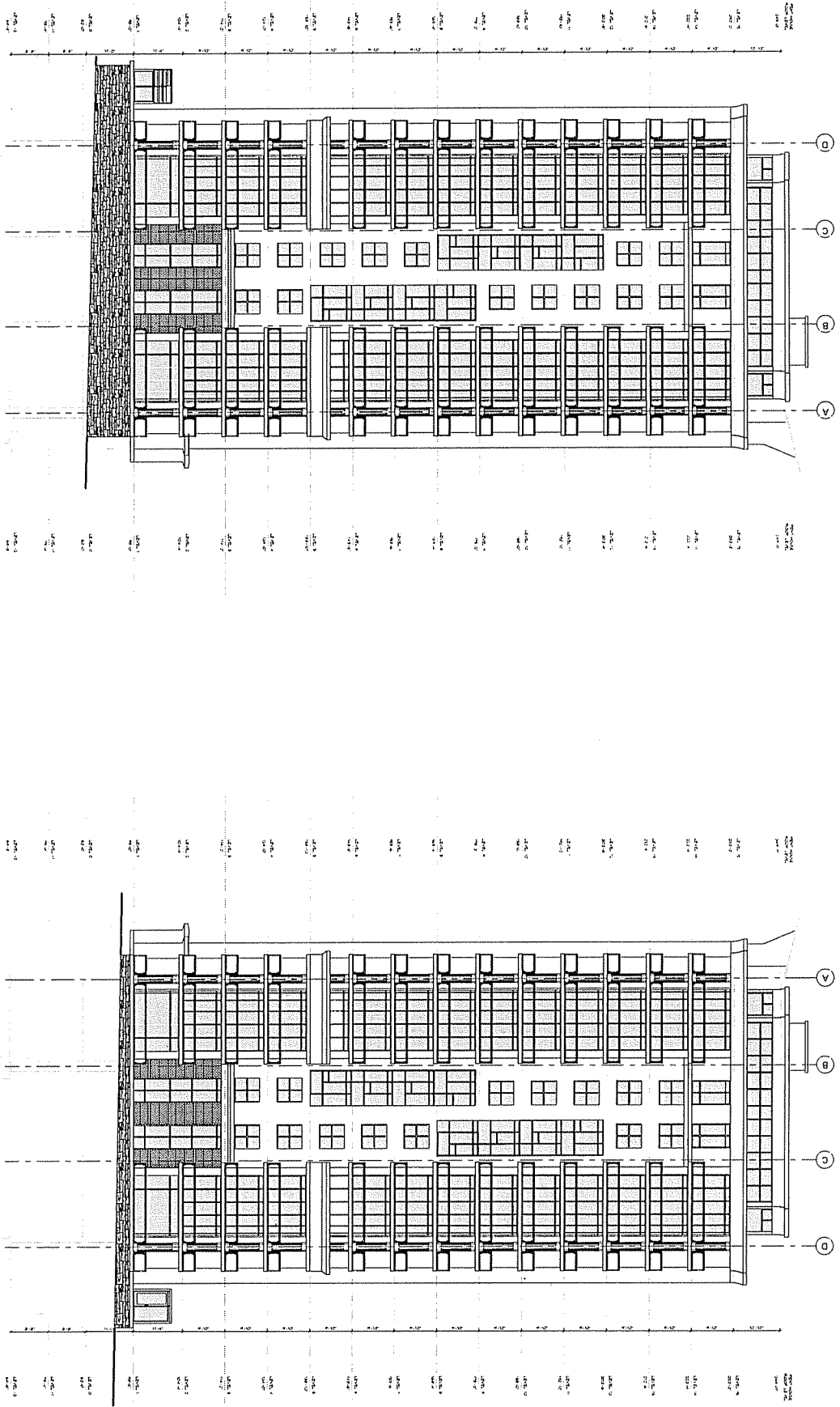
DATE: 2011-10-04

SCALE: AS NOTED

DRAWING NUMBER

A16

Schedule E2 - Side Elevations



① LEFT ELEVATION
BY STAFF
2/21/10

① RIGHT ELEVATION
BY STAFF
2/21/10



DATE: 2011-10-04
DRAWN BY: STAFF
SCALE: AS NOTED

STAMP

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NO.	DATE	REVISIONS

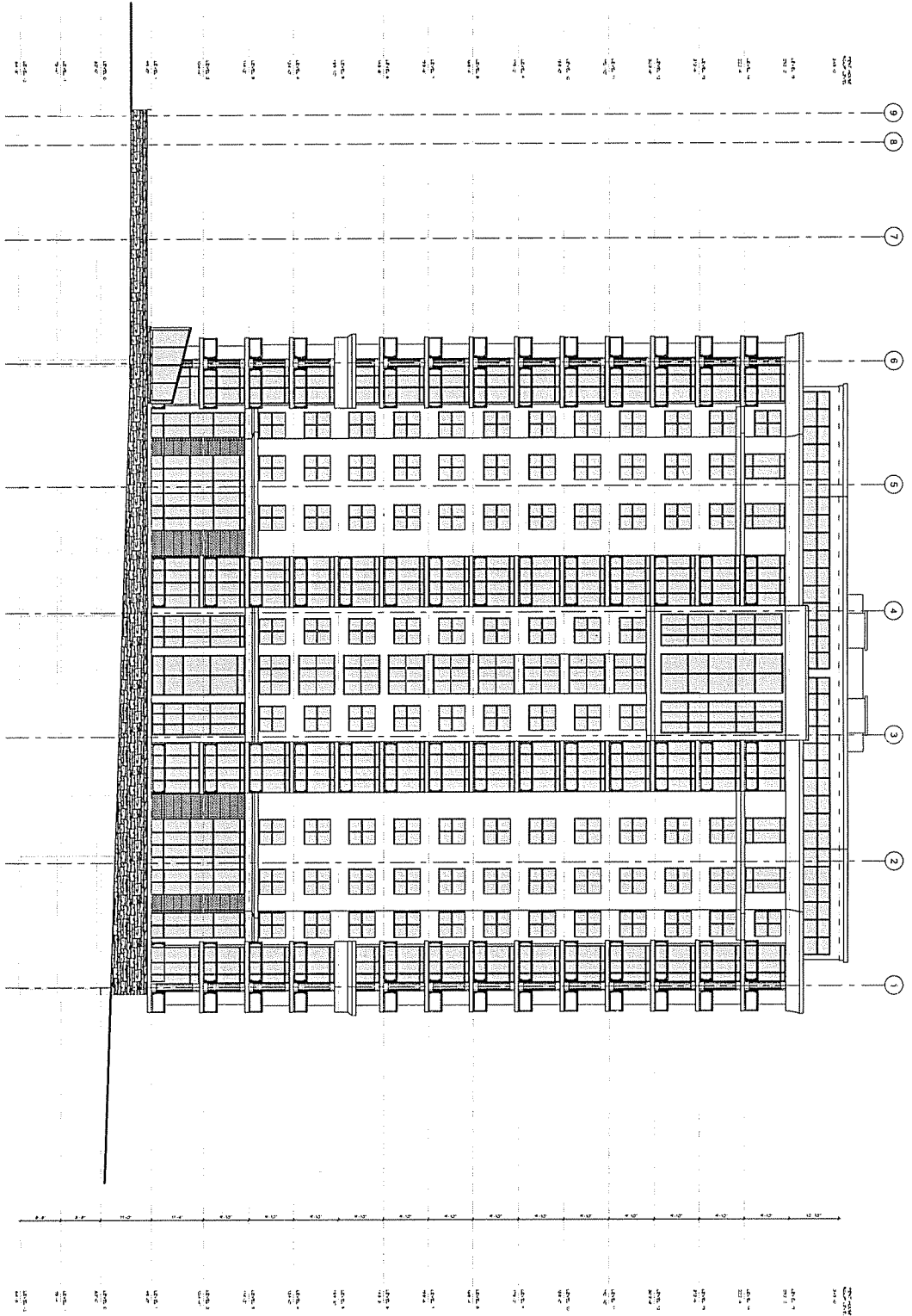
TITLE
**THE PRINCE ALBERT
 LOT 1-A-C 307
 PRINCE ALBERT ROAD
 DARTMOUTH, NS**

DRAWING:
SIDE ELEVATION

DRAWN BY: STAFF
 DATE: 2011-10-04
 SCALE: AS NOTED

DRAWING NUMBER:
A17

Schedule E3 - Rear Elevation



① REAR ELEVATION
9/27/11-11/10



300 N. 2025 BARNSTABLE ROAD
NANTUCKET, MA 02551
TEL: 508-548-1100
WWW.NANTUCKETARCHITECTURE.COM

STAMP

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REVISIONS

NO.	DATE	DESCRIPTION	BY

TITLE:
THE PRINCE ALBERT
LOT 1-A-C 307
PRINCE ALBERT ROAD
DARTMOUTH, NS

DRAWING:
REAR ELEVATION

DRAWN BY: STAFF

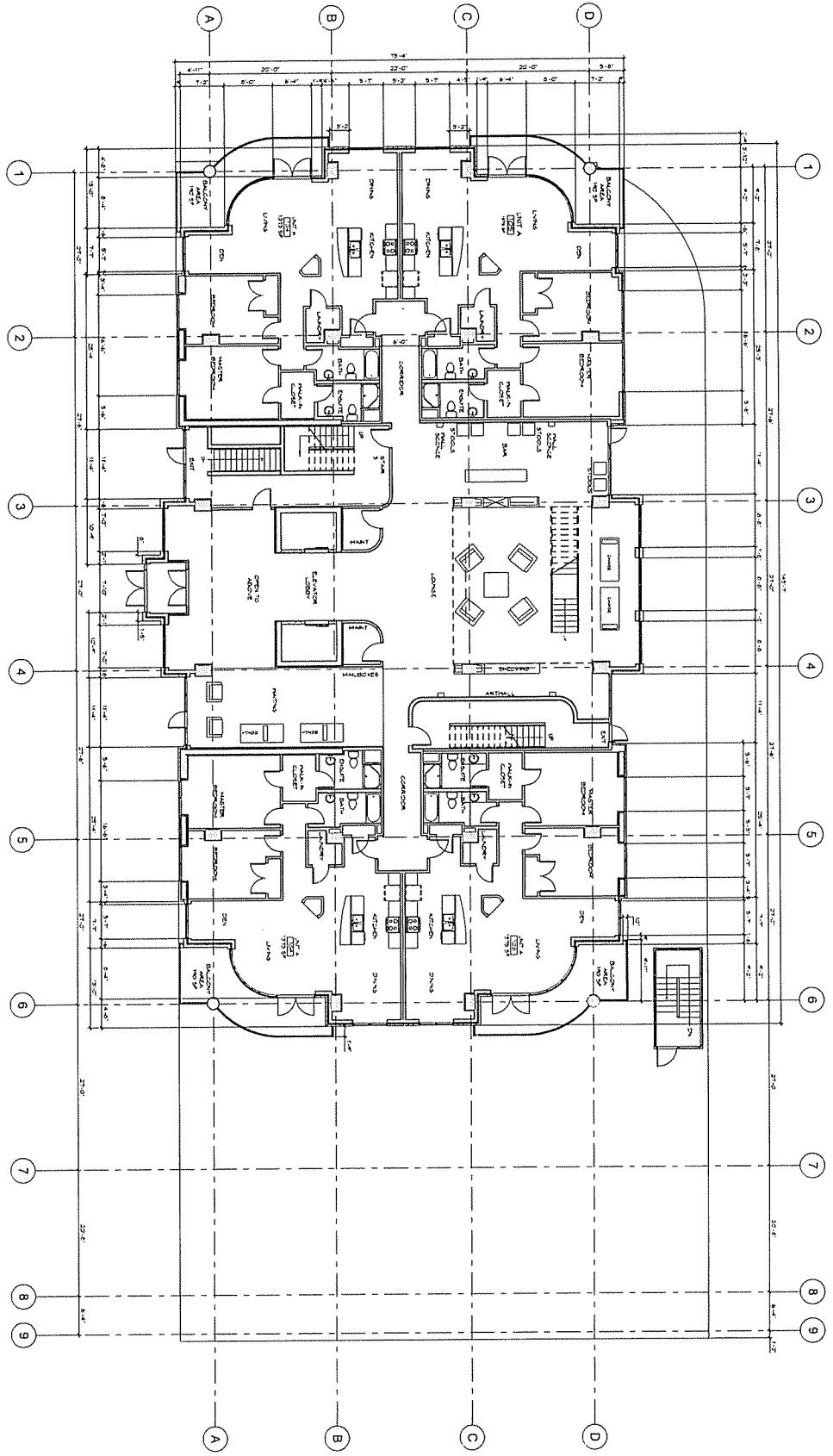
DATE: 2011-10-04

SCALE: AS NOTED

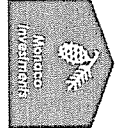
DRAWING NUMBER:

A18

Schedule F1 - Ground Floor Plan



LEVEL 1
1/8" = 1'-0"



DATE: 2011-10-04
DRAWN BY: STAFF
SCALE: AS NOTED

STAFF

STAFF

STAFF

REVISIONS

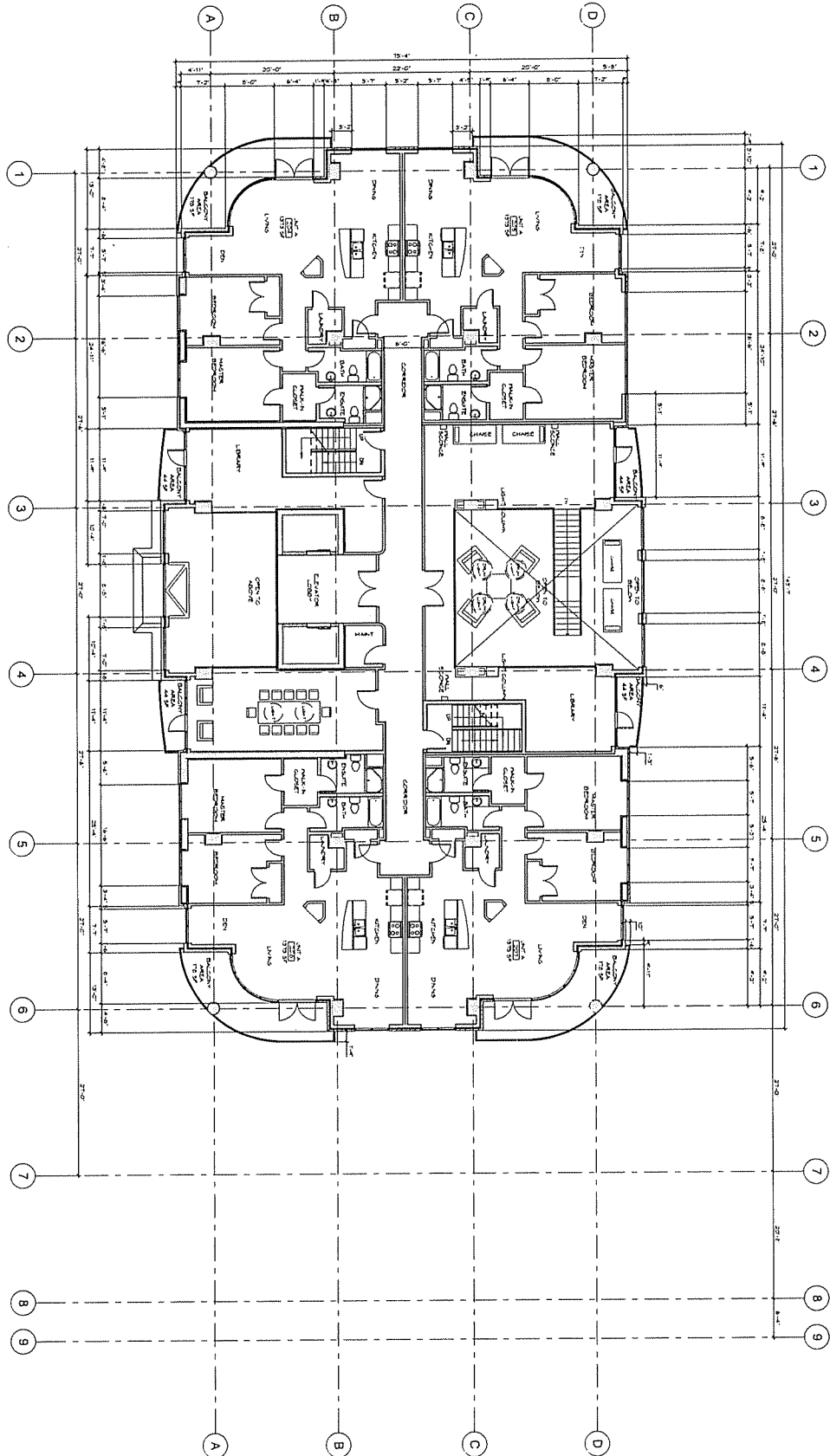
TITLE
THE PRINCE ALBERT
LOT 1-A-C 307
PRINCE ALBERT ROAD
DARTMOUTH, NS

DRAWING:
LEVEL 1 FLOOR PLAN

DRAWN BY: STAFF
DATE: 2011-10-04
DRAWING NUMBER:
A1

SCALE: AS NOTED

Schedule F2 - 2nd Floor Plan



LEVEL 2
1/8" = 1'-0"



2011-0-04
2011-0-04
2011-0-04

STAFF

STAFF

STAFF

REVISIONS

TITLE

THE PRINCE ALBERT
LOT 1-A-C 301
PRINCE ALBERT ROAD
DARTMOUTH, NS

DRAWING

LEVEL 2 FLOOR PLAN

DRAWN BY: STAFF

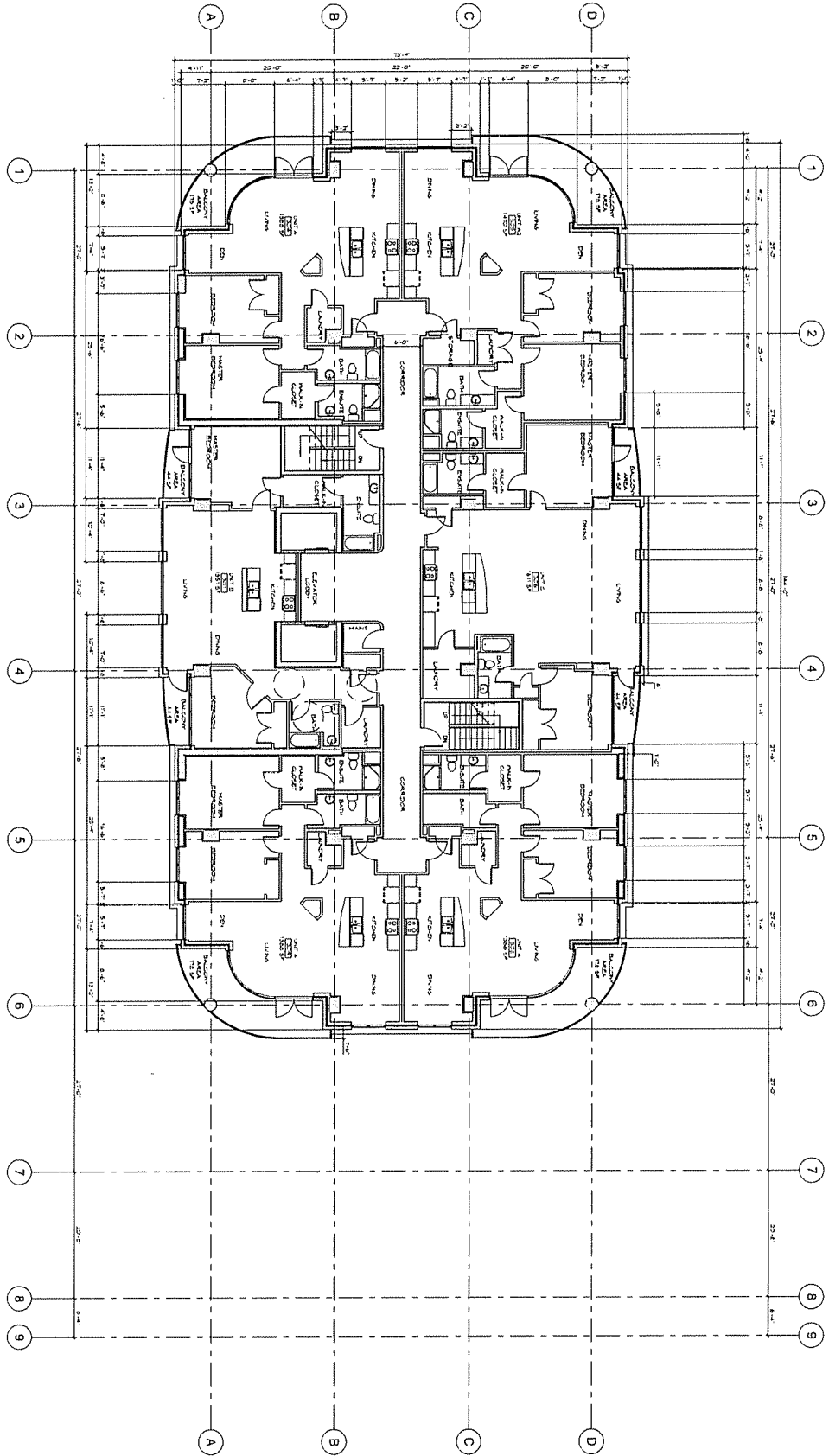
DRAWING NUMBER

DATE: 2011-0-04

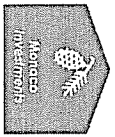
SCALE: AS NOTED

A2

Schedule F3 Typical Upper Floor Plan



LEVEL 3
1/2" = 1'-0"



Maritime Investment Services
1000 Water Street
Dartmouth, NS B5A 1K6
Tel: 902-261-1111

STAMP:

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REVISIONS

NO.	DATE	DESCRIPTION	BY

TITLE
THE PRINCE ALBERT
LOT 1-A-C 307
PRINCE ALBERT ROAD
DARTMOUTH, NS

DRAWING:
LEVEL 3 FLOOR PLAN

DRAWN BY: STAFF

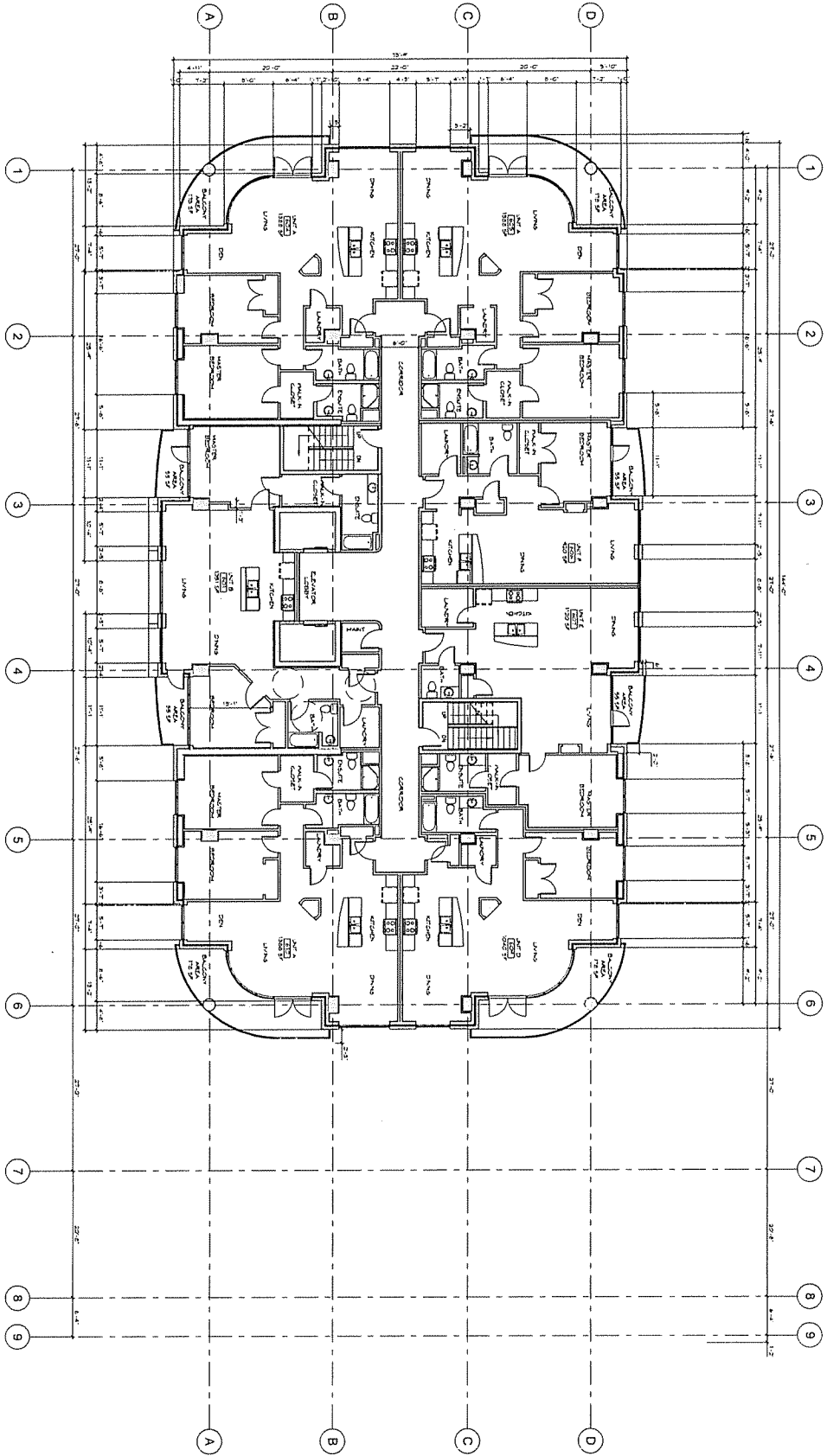
DATE: 2011-10-04

SCALE: AS NOTED

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A3

Schedule F4 Typical Upper Floor Plan



① LEVEL 4
1/2" = 1'-0"



NO. 14 - 2011-10-04
SCALE: AS NOTED

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REVISIONS

NO.	DATE	DESCRIPTION	BY

TITLE
**THE PRINCE ALBERT
 LOT 1-A-C 307
 PRINCE ALBERT ROAD
 DARTMOUTH, NS**

DRAWING:
LEVEL 6 FLOOR PLAN

DRAWN BY: STAFF

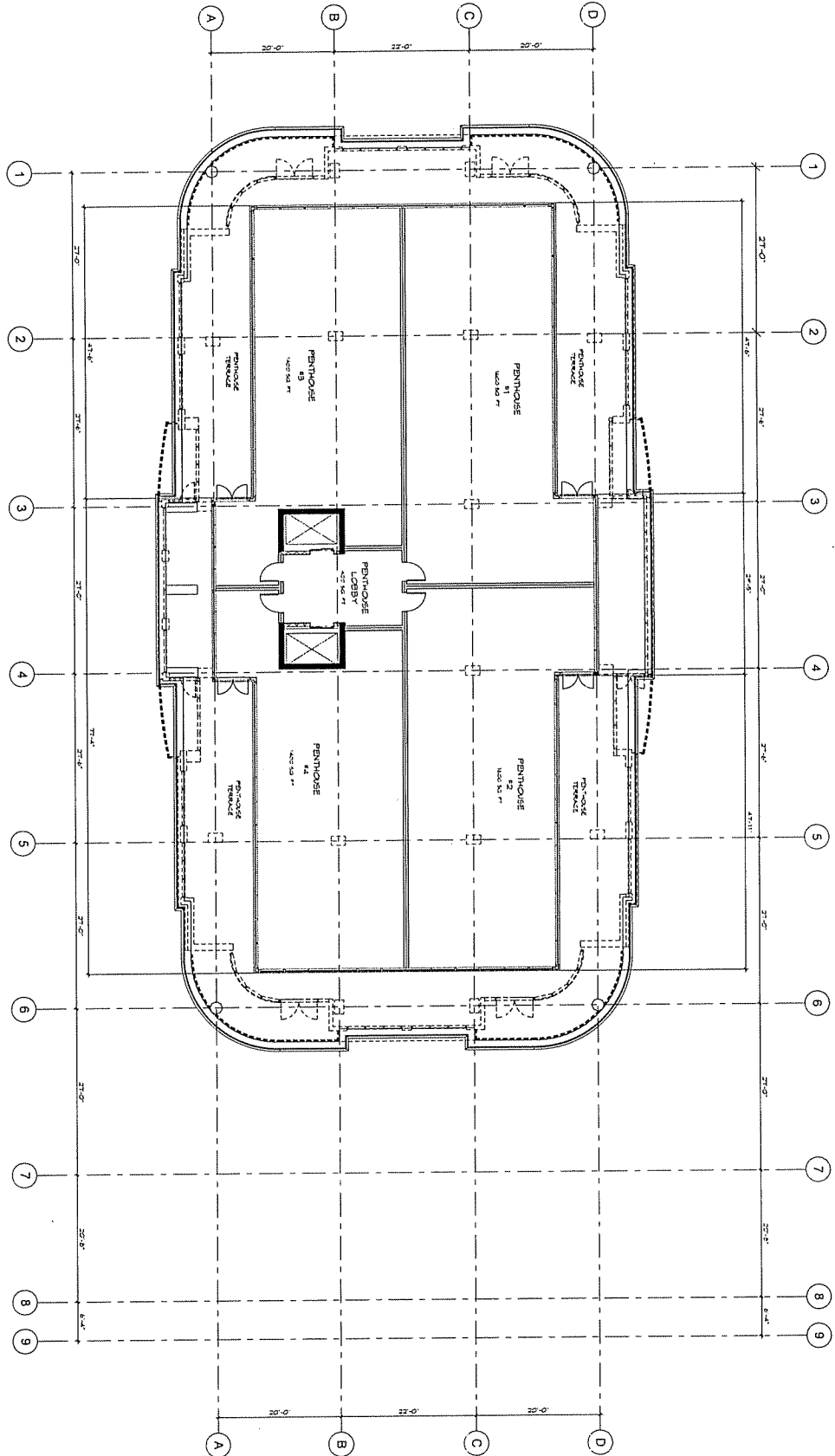
DATE: 2011-10-04

SCALE: AS NOTED

DRAWING NUMBER:

A6

Schedule F5 - Penthouse Floor Plan



① LEVEL PH
1/8" = 1'-0"



NOVA Scotia
REGISTERED ARCHITECT
2007

STAFF:

STAFF:

STAFF:

REVISIONS

NO.	DATE	DESCRIPTION	BY

TITLE

THE PRINCE ALBERT
LOT 1-A-C 307
PRINCE ALBERT ROAD
DARTMOUTH, NS

DRAWING:

PENTHOUSE LEVEL FLOOR
PLAN

DRAWN BY: STAFF

DATE: 2011-10-04

SCALE: AS NOTED

DRAWING NUMBER
A15

**Attachment B
Rezoning Evaluation
Policy IP-1(c) and Policy G-4**

IP-1(c) Zoning By-law

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 intent of the Municipal Development Plan	The proposal has been considered in accordance with policies IP-5, IP-1c, and G-4 of the Dartmouth MPS. The requested rezoning of both lots to R-4 (Multiple Family Residential - High Density) is specifically enabled by Policy IP-1(b) - Table 4 of the MPS, as shown in Figure 1. This allows High Density Residential land use in both the Commercial and Residential Designations. To implement this intent, the R-4 zone can be applied in both designations, where council deems it appropriate. The Dartmouth MPS also supports improved utilization of existing city services such as piped services, roads, and schools, through redevelopment in existing serviced areas. Rezoning the site to allow higher density housing supports this intent, as set out by Policy G-4 which is included at the end of this Attachment. In addition, the intent of the Regional MPS supports high density housing in the Regional Centre, which includes the subject site.
(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	High density residential use of 307 Prince Albert Road is more compatible with adjacent and nearby housing than commercial development, which has limited controls under the C-2 zone. There is a wide range of development types and scales in the area. Application of the R-4 zone will provide Council with control over the bulk and scale development on the site in relation to the immediate area.
(3)	provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries	The C-2 zone contains minimal requirements to address buffering, screening and landscaping as part of any as-of-right commercial development. Only a 10 foot deep strip of landscaping adjacent to a street and any abutting residential property is required. The existing C-2 zone gives no protection to existing mature trees along the Prince Albert Road frontage which currently serve as prominent landscaping. There is no access control in the C-2 zone, and the HRM Streets Bylaw requires driveways be put on the less busy street, in this case accessing onto Glenwood Avenue. As previously discussed, certain commercial uses may generate greater traffic than the proposed high density residential use. The potential impacts of traffic on the neighbourhood are therefore greater in commercial redevelopment scenarios. As-of-right development under the R4 zone for low density and

		townhouse dwellings is not required to have landscaping. For multiple unit dwellings, a higher level of landscaping is normally required through the development agreement process as illustrated in the attached agreement. Through this process Council can determine and require appropriate buffering, landscaping and screening, including the retention of existing mature trees, to minimize impacts from high density residential development on adjacent land uses.
(4)	that the proposal is not premature or inappropriate by reason of:	See individual criterion below.
	(i) the financial capability of the City is to absorb any costs relating to the development	No concerns were identified regarding potential financial implications for HRM.
	(ii) the adequacy of sewer and water services and public utilities	No deficiencies in, or impacts on, services and utilities have been identified that would result from the development.
	(iii) the adequacy and proximity of schools, recreation and other public facilities	The Halifax Regional School Board advises that there is capacity for students within the school system. There is extensive public parkland located across Prince Albert Road surrounding Lake Banook, and broad range of recreational opportunities.
	(iv) the adequacy of transportation networks in adjacent to or leading to the development	The site is on a collector road that can handle additional traffic generated by redevelopment of the site for either commercial or high density residential uses. Commercial development under the C-2 zone may have greater impacts on the Glenwood Avenue intersection, as certain commercial uses generate more traffic than does residential development.
	(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas	As development under the R-4 zone would have to take place through the development agreement process, a higher standard for erosion & sedimentation control protection is being required than would be for as-of-right commercial development. The rezoning therefore provides increased protection to the lake. A stormwater management plan would also be required as part of a development agreement.
	(vi) preventing public access to the shorelines or the waterfront	Not applicable.
	(vii) the presence of natural, historical features, buildings or sites	There is no heritage significance in the existing buildings. The site is within an area of elevated potential for archaeological resources, as identified under the RMPS. The developer will be required to undertake an assessment prior to development pursuant to the Land Use Bylaw.
	(viii) create a scattered development pattern requiring extensions to trunk facilities	The development would utilize existing sewer, water and transportation infrastructure that is already in place, as this development is considered an infill project.

	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.	The proposal meets the goals of the regional and local MPS documents to encourage development in existing serviced areas. There are no detrimental economic or social impacts, and Lake Banook paddling course is not negatively impacted.
(5)	that the proposal is not an obnoxious use	An obnoxious use is generally one that creates a nuisance or is offensive in terms of fumes, noise, glare, or unsightly storage. Although the C-2 zone precludes the establishment of obnoxious uses, redevelopment under this zone could result in certain elements of various commercial uses which may be undesirable next to a residential neighbourhood. These include uses such as drive throughs which may operate 24 hours a day or licensed liquor establishments. By contrast, a residential use 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 nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:	Under the existing C-2 zone controls cannot be placed on any of these matters relative to as-of-right commercial development. There is also no mechanism to allow protection of the existing mature trees along Prince Albert Road. For low density as-of-right residential uses in either the C-2 and R-4 zones, there are also no controls regarding these matters. However, development of multiple units in an R-4 zone must proceed through the development agreement process, and each of these matters would be dealt with in detail under Policy IP-5. The requested R-4 zone therefore gives Council greater control, and allows any potential impacts to be minimized as follows:
	(i) type of use, density, and phasing	A high density residential development is appropriate given the intent of the RMPS and the context of the site within the Regional Centre and its location on a designated collector road. Density and phasing for multiple unit projects is addressed through the development agreement process as per Policy IP-5.
	(ii) emissions including air, water, noise	The potential for such emissions is more limited under the R-4 zone than the broad range of uses permitted under the existing C-2 zone.
	(iii) traffic generation, access to and egress from the site, and parking	Application of the R-4 zone to the site is anticipated not to impact traffic circulation as compared to potential under the existing C-2 zone. The development agreement process for multiple unit dwellings will address a detailed proposal for the site and the location of access points can be considered. Parking requirements for multiple unit dwellings will be addressed under Policy IP-5.
	(iv) open storage and landscaping	Open storage is not permitted in the R-4 zone. The development agreement process enables the requirement of extensive landscaping for multi unit dwellings, and enables

		protection of existing trees on the site that would otherwise be at greater risk from commercial development.
	(v) provisions for pedestrian movement and safety	A wind assessment can be required under Policy IP-5 to ensure that impacts on pedestrians are minimized. The extent and adequacy of sidewalks can also be addressed.
	(vi) management of open space, parks, walkways	This is not applicable for a rezoning but can be addressed as needed on a site specific basis under Policy IP-5.
	(vii) drainage both natural and sub-surface and soil-stability	Any multiple unit development proposed under the R-4 zone would require a development agreement which enables requirements for stormwater management and erosion and sedimentation controls in accordance with applicable HRM and Provincial standards.
	(viii) performance bonds.	No bonds are applicable for as-of-right development under either the C-2 or R-4 zones. For multi units under the R-4 zone bonds can be required as appropriate under a development agreement pursuant to Policy IP-5.
(7)	suitability of the proposed site in terms of steepness of slope, soil conditions, rock out-croppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors	Geotechnical investigations indicate that the site consists of about 14 feet of glacial till, overlying bedrock. There are no deficiencies which make the site unsuitable for development. As-of-right commercial or residential development near a lake in the C-2 zone, or for low density housing under the proposed R-4 zone, is not subject to any special standard or scrutiny. However, a proposal for multiple units under the R-4 zone means that the DA process must be used which provides a higher level of protection to Lake Banook.
(8)	that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council	A Public Information Meeting was advertised and area residents notified by mail. The proposal cannot be approved unless Council holds a Public Hearing. The date of the hearing will be advertised in the local newspaper and notices will be sent directly to local residents.
(9)	that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:	
	(i) Council with a clear	The information provided is sufficient for a staff

	indication of the nature of proposed development, and	evaluation and Council review and decision.
	(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community	The information provided is sufficient for a staff evaluation and Council review and decision.
(10)	Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)	Not applicable.

Policy G-4 It shall be the intention of City Council to investigate the possibilities and options for redevelopment of areas throughout the City to make better utilization of existing services.	Redevelopment and intensification with higher density residential uses is most appropriate along main roads such as Prince Albert Road where commercial development and zoning exists. The proposed use better utilizes existing piped and transportation infrastructure, and achieves the RMPS intent of intensification in the Regional Centre while respecting low density residential neighbourhoods.
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Attachment C
Development Agreement Evaluation - Policies IP-5 and IP-1(c)

Policy IP-5

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

<p>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</p>	<p>The exterior design of the site and building is appropriate for the subject properties in terms of height, bulk and scale. The proposal provides appropriate setbacks and adequately mitigates the effects of a larger building adjacent to the existing neighbourhood.</p>
<p>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</p> <p>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</p> <p>(ii) traffic generation, access to and egress from the site; and</p> <p>(iii) parking;</p>	<p>(i) The density is appropriate given the size of the site and its context to streets. The design of the proposed building and its site mitigates potential conflicts which may arise with adjacent and nearby uses by reason of height, size and bulk. The development agreement contains controls which require that the project be built as shown, in order to provide adequate setbacks, and the provision of adequate landscaping and buffering.</p> <p>(ii) A Traffic Impact Study was undertaken which indicated the transportation network can accommodate traffic that would be generated by the development. The development agreement requires that the driveway to the parking garage where the majority of trips will access/egress the site be located closer to Prince Albert Road.</p> <p>(iii) The parking requirement of the Dartmouth Land Use Bylaw is 1.25 spaces per unit. However, the location of the site within the Regional Centre, on a bus route and adjacent to the Trans Canada Trail which is a major active transportation route, and in close proximity to community and commercial services indicates that required parking ratios could be lowered. This is standard practice in the Regional Centre. However, the applicant is proposing to exceed the land use bylaw standard of 1.25 spaces per unit. There are 109 parking spaces</p>

	<p>including accessible spaces proposed within the 3 level parking garage, and 8 surface spaces for visitors. The total number includes tandem spaces in the underground garage, where one car must be moved in order for a second car to manoeuvre. This results in a parking ratio 1.28 spaces per unit. If the tandem spaces are not counted, the parking ratio is 1.01 spaces per unit which is consistent with that required for other projects in central Dartmouth. Some of the interior spaces will also be designated for visitors. Bicycle parking is also to be provided per the Land Use Bylaw.</p>
<p>(c) adequacy or proximity of schools, recreation areas and other community facilities;</p>	<p>The Halifax Regional School Board advises that the school system has capacity for additional students.</p> <p>The site is located across the street from extensive municipal parkland and the Trans Canada Trail.</p>
<p>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</p>	<p>A traffic impact study indicates that the area road network is able to accommodate traffic generated by the proposed development. The location of two driveways to the site from Glenwood Avenue has been approved.</p>
<p>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</p>	<p>The agreement requires that a mix of one and two bedroom units be provided in order to attract a variety of household types. Using the R-4 standard as a guide, a minimum total amenity space (consisting of a variety of spaces such as balconies, roof patios, common rooms, larger landscaped areas etc.) of 23,000 square feet would be required. Including all landscaped areas and the top of the parking podium, over 33,000 square feet is to be provided. This results in an average of almost 350 square feet per unit, exceeding the zone requirement by 48%, providing diverse space for residents and contributing to an attractive site. The agreement also reflects a commitment by the developer to fund public art on the site, to the value of \$100,000.</p>
<p>(f) that mature trees and other natural site features are preserved where possible;</p>	<p>There are four mature HRM-owned trees adjacent to the property line along Prince Albert Road. These are a significant feature in the streetscape, and also serve as a visual buffer from development across Prince Albert Road. The agreement requires that these be preserved to the greatest extent possible, through the preparation of a hazard abatement plan to be prepared by a certified</p>

	<p>arborist or landscape architect. This will identify potential problems and determine appropriate means to protect the trees during excavation and construction. In the event of damage or death of the trees appropriate measures would be required to replace the trees.</p>
<p>(g) adequacy of buffering from abutting land uses;</p>	<p>The adjacent commercial use, an auto repair garage at 311 Prince Albert Road, does not need substantial separation or buffering from the proposed building. The podium may be built up to the property line of that use, as could be done under the previous commercial zoning. The tower portion of the structure is to be setback, on average, 15' from that property line.</p> <p>A single unit dwelling exists at 7 Glenwood Avenue. The underground parking podium would be built to approximately 7 feet from the property line. The agreement restricts the use of 5 Glenwood Avenue only to underground parking and surface visitor parking to maintain a substantial buffering distance – the closest part of the tower is located 67 feet from the property line of #7. To provide a visual buffer, extensive landscaping is required along the property line which was not required by the R-4 zone. This will consist of a variety of species of shrubs and trees which is to be maintained at all times.</p> <p>The development requires that a three-stream household waste system be provided, as per standard HRM requirements. This is to be located within the parking garage, which ensures that waste, compost and recycling bins do not intrude, visually or otherwise, on the adjacent neighbourhood. Service trucks collecting the waste will have to enter the parking garage.</p>
<p>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</p>	<p>A grading plan along with an erosion and sedimentation and control plan must be submitted for review by engineering staff to ensure there are no problems either during or after construction. All drainage must be accommodated so that it does not impact either the adjacent HRM streets or abutting or nearby properties. All disturbed areas will be landscaped and maintained in an attractive manner.</p>

(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).	See below.
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IP-1(c) Zoning By-law

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 intent of the Municipal Development Plan	A detailed review of the proposed project under Policy IP-1(c) and Policy IP-5 indicate that the project is consistent with the applicable policy criteria.
(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	The proposed project respects suburban style street setbacks in the area, and does not introduce a large scale development form within the Residential Designation, as the above grade portion of the project is located within the Commercial Designation and on the commercial site at 307 Prince Albert Road. The use is appropriate in a commercial district on a main transportation corridor, with the provision of substantial physical and visual separation of the tower from the adjacent site at 7 Glenwood Avenue and from facing residential properties. Landscaping along the street frontages mitigates the bulk and scale of the building. The parking garage is below grade and will be well landscaped.
(3)	provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries	The development agreement requires extensive landscaping, screening and buffering in order to reduce potential impacts on nearby properties and streetscapes, including the retention of mature trees. The main driveway is located closer to Prince Albert Road than would normally be required in order to reduce impacts on low density housing on Glenwood Avenue.
(4)	that the proposal is not premature or inappropriate by reason of:	See individual criterion below.
	(i) the financial capability of the City is to absorb any costs relating to the development	No concerns were identified regarding potential financial implications for HRM.
	(ii) the adequacy of sewer and water services and public utilities	No deficiencies in, or impacts on, services and utilities have been identified that would result from the development.
	(iii) the adequacy and proximity of schools, recreation and other public	The Halifax Regional School Board advises that there is capacity for students within the school

	facilities	system. There is extensive public parkland located across Prince Albert Road surrounding Lake Banook, and broad range of recreational opportunities.
	(iv) the adequacy of transportation networks in adjacent to or leading to the development	A traffic impact study indicates that traffic generated by the proposed 92 units can be accommodated on the existing road network and that no changes to the Glenwood Avenue/Prince Albert Road intersection are needed.
	(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas	To address potential impacts that may be caused by construction, the development agreement requires submission of detailed erosion and sedimentation control plan and a stormwater management plan. These must contain appropriate measures to prevent runoff that is contaminated by silt or other materials from leaving the site.
	(vi) preventing public access to the shorelines or the waterfront	Not applicable.
	(vii) the presence of natural, historical features, buildings or sites	There is no heritage significance in the existing buildings. The site is within an area of elevated potential for archaeological resources, as identified under the RMPS. The developer will be required to undertake an assessment prior to development, pursuant to the requirements of the Land Use Bylaw.
	(viii) create a scattered development pattern requiring extensions to trunk facilities and public services while other such facilities remain under utilized	The development would utilize sewer, water and transportation infrastructure that is already in place.
	(ix) the detrimental economic or social effect that it may have on other areas of the City.	The proposal meets the goals of the regional and local MPS documents to increase development in existing serviced areas. There are no detrimental economic or social impacts, and the paddling course on Lake Banook is not negatively impacted.
(5)	that the proposal is not an obnoxious use	A residential use is not an obnoxious use in terms of fumes, noise, glare or unsightly storage. However the development agreement places controls on waste storage and collection to reduce potential for noise from service vehicles. The primary vehicle access has been moved closer to Prince Albert Road which will reduce noise and headlight glare from vehicles. The surface parking area must be designed to prevent vehicle headlights

		from shining directly onto 7 Glenwood Avenue.
(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 nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:	The development agreement includes appropriate controls as follows:
	(i) type of use, density, and phasing	The proposed high density development is appropriate. The development agreement limits the use of the site at 5 Glenwood Avenue to well buffered surface parking, to avoid the introduction of larger scale development into the Residential Designation from the Commercial Designation. The project will not be phased.
	(ii) emissions including air, water, noise	The development is not expected to generate emissions that will warrant controls. However, mechanical equipment must be screened from view from adjacent properties and Lake Banook. The Noise Bylaw would apply during construction to limit related noise, and after construction would apply to any noise caused by mechanical systems.
	(iii) traffic generation, access to and egress from the site, and parking	Traffic from the proposed use can be accommodated in the existing road network. The development requires that the access to the parking garage be located closer to Prince Albert Road than would normally be permitted. Adequate parking is provided, and surface parking is to be well landscaped and buffered. Access by service vehicles for refuse collection will be via the parking garage to minimize effects on nearby properties.
	(iv) open storage and landscaping	Open storage is not permitted. Extensive landscaping, including tree retention, is required.
	(v) provisions for pedestrian movement and safety	The agreement requires that the Developer extend the sidewalk along the project's entire Glenwood Avenue frontage. No other concerns exist in this regard.
	(vi) management of open space, parks, walkways	Landscaped space is to be regularly maintained to a high standard, and dead plants are to be replaced.
	(vii) drainage both natural and sub-surface and soil-stability	The proposed agreement includes requirements for site grading, stormwater management and erosion and sedimentation controls in accordance with applicable HRM and Provincial standards
	(viii) performance bonds.	Where applicable, the agreement requires the

		Developer to provide appropriate securities to HRM. The security is not returned until the work is complete.
(7)	suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors	No concerns have been identified with regard to these features on the lands. The development will have to comply with all applicable HRM, Provincial and Federal regulations related to watercourses and wetlands
(8)	that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council	A Public Information Meeting was advertised and area residents notified by mail. The proposal cannot be approved unless Council holds a Public Hearing. The date of the hearing will be advertised in the local newspaper and notices will be sent directly to local residents.
(9)	that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:	
	(i) Council with a clear indication of the nature of proposed development, and	Complete.
	(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community	Complete.
(10)	Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.	Not applicable.

Attachment D
Permitted Uses Under C-2 and R-4 Zones

PART 9: C-2 (GENERAL BUSINESS) ZONE

39(1) The following uses only shall be permitted in a C 2 Zone:

- (a) R-1, R-2, R-3, C-1 and TH uses as herein set out;
- (b) Business or commercial enterprises except:
 - (i) obnoxious uses and uses creating a hazard to the public and
 - (ii) offices other than those permitted in the C-1 Zone
 - (iii) except Adult Entertainment uses
 - (iv) cabarets
 - (v) pawn shops
- (c) Uses accessory to the foregoing uses.
- (d) A group home for not more than 12 residents.

39(2) Buildings used for R-1, R-2, R-3, C-1 and TH uses in a C-2 Zone shall comply with the requirements of an R-1, R-2, R-3, C-1 or TH Zone respectively

PART 5: R-4 (MULTIPLE FAMILY RESIDENTIAL) ZONE - HIGH DENSITY

35(1) The following uses only shall be permitted in an R-4 Zone:

- (a) R-1, R-2, R-3 and TH uses as herein set out,
- (b) apartment buildings,
- (c) uses accessory to any of the foregoing uses.

35(2) Buildings used for R-1, R-2, R-3 and TH uses in an R-4 Zone shall comply with the requirements of an R-1, R-2, R-3 or TH Zone respectfully.

Attachment E
Comparison to R-4 Zone Standards

R-4 and General Provisions Guideline:

Subject Area	R-4 Standard	Proposal
<p style="text-align: center;">Lot Coverage Maximum</p> <p>(Above Grade - Underground parking structures are not included in the lot coverage calculations)</p>	50%	41%
<p style="text-align: center;">Number of Dwelling Units</p> <p>Bachelor Units Only</p> <p>One Bedroom Units Only</p> <p>Two Bedroom Units Only</p> <p>Based on Proposed Unit Mix of 77% 2-bed & 23% 1-bed</p>	<p>86 units pre-bonus 100 units post bonus</p> <p>78 units pre-bonus 91 units post bonus</p> <p>56 units pre-bonus 65 units post bonus</p> <p>61 units pre-bonus 71 units post bonus</p>	<p>92 units (71 two-bed, 21 one-bed)</p>
<p style="text-align: center;">Side and Rear Yards</p>	<p>½ of adjacent side (74.5 feet)</p>	<p>67 feet to 7 Glenwood 15 feet to 311 Prince Albert</p>
<p style="text-align: center;">Amenity Space</p>	23,000 square feet	33,000 square feet
<p style="text-align: center;">Car Parking</p>	1.25 spaces per unit	<p>1.01 spaces per unit plus: 25 tandem spaces and 9 accessible spaces for 1.28 spaces per unit</p>

Attachment F
Minutes of Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 16898 – 307 PRINCE ALBERT ROAD & 5 GLENWOOD DRIVE

7:00 p.m.
Wednesday, May 4, 2011
Alderney Elementary School
2 Penhorn Drive, Dartmouth

STAFF IN

ATTENDANCE: Mitch Dickey, Planner, Planning Applications
Kurt Pyle, Supervisor, Planning Application Eastern Region
Holly Kent, Planning Technician
Jennifer Little, Planning Controller

ALSO IN

ATTENDANCE: Tony Maskine, Monaco Investments Ltd.
Councillor Gloria McCluskey, District 5
Councillor Bill Karsten, District 7

PUBLIC IN

ATTENDANCE: 82

The meeting commenced at approximately 7:09 p.m.

Opening remarks/Introductions/Purpose of meeting

Councillor Bill Karsten called the meeting to order at approximately 7:09pm. Councillor Karsten explained that he would be helping facilitate the meeting and introduced Councillor Gloria McCluskey as the area Councillor, Mr. Mitch Dickey, Planner for Planning Applications who is the Planner leading this application through the process; Kurt Pyle, Supervisor Planning Application Eastern Region; Holly Kent, Planning Technician, HRM Planning Services and Jennifer Little, Planning Controller, HRM Planning Services.

Mr. Dickey advised that the application is to rezone lands at 307 Prince Albert Road and 5 Glenwood Avenue in Dartmouth from C-2 and R-2 to R-4 High Density Residential, and to enter into a development agreement for a 15 storey, 94 unit building.

Mr. Dickey reviewed the application process, noting that the public information meeting is an initial step, whereby HRM staff reviews and identifies the scope of the application and seeks input from the neighborhood. No decision will be made at this meeting. The application will then be brought forward to Harbour East Community Council which will review the application and make a decision based on a detailed evaluation and will hold a public hearing at a later date, prior to making a decision on the proposed development.

Staff Presentation

Mr. Dickey explained that the development of multiple unit buildings in Dartmouth is enabled by the local Municipal Planning Strategy (MPS) through a public process. The Dartmouth Municipal Planning Strategy provides the framework for community land use distribution through policies and Land Use Designations such as the Commercial Designation applied to the Walker's site provides for all commercial development options and provides for all residential options. The Residential Designation applied to 5 Glenwood Avenue also allows consideration of high density residential uses. Mr. Dickey reviewed a slide of the subject properties viewing the zoning and the zoning of the area surrounding it. He explained what commercial and residential uses are allowed under the C-2 (General Business) zone on the Walker's site. He added that there is a 35' building height limit in the Lake Banook area to protect the padding course, but it does not extend to the site under discussion.

Mr. Dickey explained that Monaco Investments has applied to rezone both 307 Prince Albert Road and 5 Glenwood Avenue to R-4 (High Density) Residential and is looking for approval of a development agreement to allow a 15 storey, 92 unit building. He explained the details of policy from the Dartmouth MPS which outlines the matters that staff and Council must consider when an application is made.

Tony Maskine, Monaco Investments Ltd. thanked the residents for coming to the meeting and reviewed slides of the proposed building explaining that it is a 14 storey apartment building and penthouse. There will be 92 units including the penthouse units on the top floor. There will be three floors of underground parking. He explained that they are trying to make the building fit in with lots of landscaping and a very high quality design. He added that there are a lot of semi retirees and retirees who would like to stay in the area in a low maintenance environment that is close to HRM facilities and grocery stores that is cost efficient. He explained that this project has been in the works for approximately a year and added that there has been a lot of research conducted and further feedback is welcome to help create a better project. He explained that there has been a traffic study conducted which showed that this building will not generate a lot of additional traffic. He also added that the development is 500 feet from the lake and doesn't anticipate that it will affect the water course in any way.

Questions and Answers

Mr. Jeff Weatherhead, Dartmouth, briefly explained the history of his home and expressed concern with the development. He explained that this development would be great in another location in the area, suggesting the Penhorn Mall site. He explained that in the Dartmouth Municipal Planning Strategy, it speaks about values and feels that this development will take away from it. He expressed concern with the scale of the building and if the building increases in height, it will impact the neighborhood and will result in the opposite as to why he moved into this neighborhood.

Ms. Anne Landry, Dartmouth, asked what other projects the developer has built.

Councillor Karsten explained that the most recent commercial development was two office buildings on Portland Hills Drive.

Ms. Landry asked what residential properties the developer had completed.

Mr. Maskine explained that a subdivision on Bedford Highway was designed back in 1999 and welcomed residents to visit website Portlandhills.ca for more information. He added that he was involved in the Gladstone

project, a condominium building in Downtown Dartmouth and one in Downtown Halifax on Barrington Street. Prior to that he worked out West.

Ms. Landry asked once the proposal is completed and approved by Council, how secure are the residents that the buildings will result in the quality promised.

Councillor Karsten explained that for any development it is most beneficial to the public if there is a development agreement involved. Council will set out the requirements in an agreement that they feel will most benefit the residents and the appearance of the community. Council micromanage the development ensuring the developers meet the guidelines laid out within the development agreement.

Ms. Landry explained that when Highfield Park was being developed, the residents were told that the development would be high-end and it is not. She added her concern with being told one thing and it not being followed through.

Mr. Maskine explained that there has been a level of details gone into the design in order to satisfy the application with HRM and that a development agreement spells out what he can and can't do.

Mr. Gerry Mitchell, Dartmouth, explained that this development does not belong in this neighborhood. He added concern with the increase of traffic and the additional noise.

Mr. John Ross, Dartmouth, explained that a few years ago, there was a property on Lake Banook that had the entire community up on arms, the proposal submitted to the City had requested a 7-8 storey building. At that time a group was created named 'Save our Lakes Coalition' and was full of Dartmouth residents, a member of parliament, a member of the legislature, and several municipal councillors. These people had a great commitment and worked together for a year and a half. He explained that he has been a resident in this area his entire life and addressed concern with the Planning Department determining that any property in Dartmouth that is zoned C2 seems to allow infinite height and size. He explained that there has never been a building higher than two storeys. He addressed concern with shadowing and lighting. He explained that in the original planning strategy it has controls on heights, massing, scale and type of development that is appropriate for the site and comparable with abutting and adjacent residential uses. The highest building near this site is only five storeys. He addressed concern that a fifteen storey building does not meet the height, size and density of the existing neighborhood.

Ms. Margaret Cassidy, Dartmouth, explained that she has been a resident of the area for 20 years; she addressed concern with this development. She explained that high rises being placed surrounding small areas shadow the area and does not want to see this happen in this area. She gave an example of the Public Gardens. She addressed concern with destroying one of the only gems in Dartmouth.

Ms. Debbie MacNeil, Dartmouth, explained that she is now retired and explained that she is excited about this development. This development is exactly what she and her husband are looking for in order to stay within the Community. She added that she loves the look of the building.

Mr. Jim Fraser, Dartmouth, explained that he currently no longer lives in the area however, explained that he does not feel that this development belongs in this neighborhood. He added that what makes a lake beautiful is the area around it, the trees, the fields and houses to scale. He also addressed concern with adding additional traffic and explained that he has sat at the end of Celtic Drive for 20 minutes waiting for a break in traffic to get out. He said even 6 more cars would have a negative effect. He explained that the previous mention of frontage being comparable to surrounding lots is incorrect and added that the 80 feet depth of the building is much wider than houses in the area and added that the picture brought forward regarding the development is misleading and

does not show the impact the development will have on the area. He would not want to see any building on this site from his property.

Mr. Dean Ross, Dartmouth, expressed concern with traffic safety. He explained that there are hundreds of cars and visitors in this area. He explained that when both sides of the road have vehicles parked along them, it does not allow for two cars to travel safely between and has concern with the children and pedestrians in the area. He asked how this development will meet the requirement of being at least 500 feet away from the lake.

Mr. Dickey explained that the 500 feet that he had previously mentioned was an average distance from the shores of the lake. In some areas the height limit area is closer to the lake and extends farther in others.

Mr. Ross expressed his concern with general guidelines that can be changed.

Referring to a slide, Mr. Dickey reviewed the distance between the Walker's lot and the lake, explaining that the distance to the lake is almost 500 feet.

Councillor Karsten asked when the height limit around Lake Banook was established.

Mr. Dickey explained that this was done in 2005 following the proposal for Paddlers Cove site and the YMCA site. The areas to be included within the 35' limit area were developed in full consultation with the paddling club representatives and other interested persons.

Mr. Ross requested an accurate distance between the property and the lake.

Mr. Dickey explained that it was between 450-475 feet.

Councillor Karsten asked if there is anywhere in the Plan that states that it must be 500 feet?

Mr. Dickey answered 'no', the height limit applies only within the defined boundary as shown.

Ms. Irene Schofield, Dartmouth, explained that she has been helping protect the local school and explained that they have been promised population increase with apartment buildings on the Sobeys lands. She supports more housing in the area. She expressed concern with her property values and taxes going up if new development increases the value of existing housing.

Councillor McCluskey explained that there are no applications at this time; however it is being looked in to.

Mr. Tim Dittmer, Lower Sackville, here at this meeting on behalf of friends in New Glasgow, they have been looking to move to HRM for the last few years. They have reviewed this application and like the project, and would be interested in living here.

Mr. Kevin Sullivan, Dartmouth, has been a nearby resident since 2001 asked how long the process is for this application. He stated the area does not need revitalization.

Mr. Dickey explained that the HRM process will take about 6 months until it is presented to Council. Mr. Dickey explained that those who have signed the sign-up sheet and those who are currently on the notification list, will receive notification of the public hearing.

Mr. Sullivan asked what the next form of public consultation would be.

Mr. Dickey explained that it would be the Public Hearing. Members of the public can be present at that time to address any comment or concerns they may have. Council will also have been presented with the staff report and staff recommendation at that time.

Mr. Sullivan explained that he enjoys the neighborhood and the lake as it is and feels that this building is out of scale and will have a negative affect to the community and homeowners.

Ms. Nancy McInnis Leek, Dartmouth, a resident in the neighborhood for 9 years, likes the lifestyle for children. She added that she was involved in the creating the 1990 Municipal Planning Strategy and explained that they spent a lot of time on this particular area. The scenic values were important not to include high rises and beings able to enjoy the lakes and parks. She explained that this is a lovely building, just is not right for this area. She stated that seniors want low rise buildings. She said there is desire for no density in the community.

Ms. Allison Crowe, Dartmouth, addressed great concern with the application and does not want the building in her backyard. She also addressed concern that if this development is approved, that it will open the door to allow for other big developments in this area.

Ms. Betty Rumley, Dartmouth, has been a resident of the area for 33 years and enjoys the lifestyle. She explained that this development does not fit in this area and recommended it be placed on the land behind Sobeys at Penhorn Mall. She addressed concerns with the current traffic issues and explained that this development would cause safety issues. She also addressed concern with approval of this development opening the door to allow for other developers to follow suit. She stated that a 5 minute wait to turn left off Glenwood is common.

Mr. Dale Cullen, Dartmouth, addressed concern with traffic and requested that Ken O'Brien address the residents as to what the results were of the traffic study.

Mr. Ken O'Brien, from Genivar Inc. explained that when conducting a traffic impact study they look at the following questions: 1) what is the existing traffic situation; 2) How has it changed over time; 3) what traffic will be generated by the proposed development and 3) what impact will it have. He explained that a traffic impact study has been completed which showed that the morning peak hour traffic is 7 trips entering the building and 7 trip exiting. For the afternoon peak hour it showed 20 trips entering and 13 exiting. This does not take into account if the building is populated by senior citizens. If the residents of the building were mostly senior citizens, it would only generate half that amount. He explained that the study showed that the average delay in the morning is 15.8 seconds per vehicle exiting on to Glenwood. They anticipate the traffic counts to increase approximately 2% per year. He briefly reviewed the HRM guidelines and the gap guidelines, which is the waiting time for people to turn into traffic, noting that there is room for 2-3 times as much traffic in the intersection. The overall results of the traffic impact study showed no significant impact.

A local resident explained that she needs to go through the Superstore parking lot in order to get out of her home and explained that most other residents need to do the same; therefore this study is missing a lot of the population.

A resident explained that the main entrance from the garage of the building is only about 10 feet from the Robins Donuts building. He addressed concern with the safety of exiting the building.

Mr. O'Brien explained that the developer has relocated the driveway further up the street. They do not anticipate that the vehicles entering and exiting the driveway will affect the queuing of vehicles.

A lady of the residents asked what planning has been done for visitor parking, explaining that the side street parking cannot handle any additional vehicles.

Mr. Maskine, explained that there will be plenty of parking on site approximately 8-10 visitor parking spaces and there is also surplus parking underground.

Mr. Peter Stevenson, Dartmouth, explained that he is not in support of this development. He does not want to see a building from his property. He expressed concern with having no sidewalks and concern with the additional traffic it will create. He doesn't feel that the services in this area will be able to support this. He added that he likes the current scale of the area and doesn't want it to change and that if this application is approved it will open the door to additional developments of this kind.

Mr. Jeff Weatherhead, Dartmouth, explained that he had walked by 5 high rise buildings in order to see the effects of the building. He explained that to stand next to the building rather than to drive by is a much different effect. He asked if there have been any steps taken to designate this development as a seniors residence.

Mr. Maskine explained that they can't do that.

Mr. Weatherhead explained that it is really unknown if the traffic is going to impact the area because it depends on the type of tenants. He expressed concern with this building and the one approved for across from the Superstore and their combined massing.

Councillor Karsten explained that there are ways that developers can market buildings but there can be no guarantee as to who the occupants will be. But, in Portland Estates and Baker Drive areas, there are three buildings and as soon as the ground was broken, there was a list of people over 60 years of age.

Mr. John Ross stated that there are regulations that are in place to control height, massing, scale and the type of developments that are appropriate for this site and what is compatible with the abutting and adjacent residential uses. He explained that he had spoken with a former City Planner who had a major role in putting the planning regulation in place. He explained that the planner stated that this was the reason why regulations are in the Planning Strategy so that when planners receive a proposal from a developer it can be refused. The residents should not have to deal with these issues. He recommended that staff review how this development will fit into the community.

Mr. Jim Fraser, Dartmouth, asked how the passion of the residents affects the final decision of staff/Council.

Councillor Karsten, explained that members of Council are to remain completely neutral until the proposal is addressed in a staff report to Council with a recommendation to be considered at a public hearing. He explained that this is the reason a public information meeting is held first, to listen and to answer any questions of the public. He assured those in attendance that the concerns and comments submitted by the public are absolutely taken into consideration when making any decisions.

Mr. Dickey added that staff have no authority to reject an application for a rezoning or development as only Council may do so.

Mr. Steve Christiansen, Dartmouth, explained that it doesn't make sense to put a building of this height in this location.

Ms. Jessie Hutchinson expressed her concern that staff is driven by the potential taxes resulting from big developments.

Councillor Karsten explained that staff is working within the planning guidelines and that taxes have no bearing on any decisions.

Mr. Dickey explained that there are no projections done for taxes to be generated by a project, and that provincial legislation doesn't allow this to be a factor in the decision of Council. The HRM Charter sets out the matters that Council can consider through the planning strategy. He explained that it is the right of any land owner to submit an application to HRM and to have the opportunity to go through due process.

Mr. Maskine explained that multiple towers next to each other doesn't usually happen and agreed that it although it cannot be guaranteed that the building will be mostly seniors, that is what they anticipate based on the market

Closing Comments

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

Adjournment

The meeting adjourned at approximately 9:05 p.m.