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Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.2
Halifax and West Community Council
March 1, 2016

TO: Chair and Members of the Halifax and West Community Council

SUBMITTED BY: Original signed

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: February 16, 2016

SUBJECT: **Case 19989: Amendment to Rockingham Ridge Stage I Development Agreement, 30 Farnham Gate Road, Halifax**

ORIGIN

Application by FS Industries

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed Amending Development Agreement for Rockingham Ridge, as contained in Attachment A, to permit an increase in the allowable commercial gross floor area, and schedule a public hearing;
2. Approve the Amending Development Agreement, which shall be substantially of the same form as set out in Attachment A, to permit an increase in the allowable commercial gross floor area; and
3. 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.

BACKGROUND

An application has been submitted by FS Industries to allow the development of an additional commercial building within an existing commercial development located at the corner of Dunbrack Street and Farnham Gate Drive, Halifax. The subject property is currently subject to a Stage I and Stage II Development Agreement (Rockingham Ridge), and amendments to each agreement are required in order to enable the development.

Subject Property	30 Farnham Gate Road
Location	South-western corner of Dunbrack Street and Farnham Gate Road
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Residential Environments under the Halifax Municipal Planning Strategy (MPS)
Zoning (Map 2)	Schedule K under the Halifax Mainland Land Use By-law (LUB)
Size of Property	1.61 hectares (3.98 acres)
Street Frontage	145 metres (475.7 feet) along Farnham Gate Road 55 metres (180.4 feet) along Dunbrack Street
Property Conditions	Fully developed and generally flat, except where adjacent to the street frontages, where the property slopes down towards the sidewalks.
Current Land Uses	Contains 2 buildings: a large single storey strip mall containing a mix of general retail, personal service, restaurants and general commercial uses, and a standalone gas station. The property also contains an existing 15 metre telecommunication tower located along the eastern boundary of the subject property.
Surrounding Land Uses	The surrounding area is comprised of a mix of residential uses with some institutional and commercial uses. Surrounding land uses include: <ul style="list-style-type: none"> • multiple unit dwellings and low density residential uses to the south and west; • low density residential uses and a place of worship located to the north on the opposite side of Farnham Gate Road; • future commercial buildings in the Rockingham South development to the east on the opposite side of Dunbrack Street; and • a Metro Transit stop is located at the north-east corner of the site.

Enabling Policy and Zoning Context

Implementation Policy 3.3 of the MPS discusses the application of the Schedule K Zone, which allows for the consideration of mixed use development on vacant lands located in Mainland North through comprehensive development in the form of a Stage I and Stage II Development Agreements.

Stage I and Stage II Development Agreements

The Stage I Development Agreement sets the concept for the overall development such as the road/street layout, the types of uses to be permitted, general building locations, the land use density and the phasing for the development of the properties. The Stage I Development Agreement also sets out the criteria for consideration under the Stage II Development Agreement, such as architectural requirements and building heights. The Stage I Development Agreement and any subsequent amendments require a public hearing before Council can consider approval of a detailed development concept.

A Stage II Development Agreement establishes the detailed site plan and elevations for particular phases of the development. Through the guidance of the Stage I Development Agreement, the Stage II Development Agreements provide the detailed drawings on the elevations for proposed buildings and includes specific landscaping and setback requirements. A Stage II Development Agreement does not require a public hearing and can be approved by Council through a resolution of Council.

Existing Development Agreement

Under Policy 3.3, a Stage I Development Agreement was approved for the subject property in 1984 which permits a mix of residential uses, such as single unit dwellings, townhouses and small multiple unit residential buildings. Other uses permitted under the Stage I Development Agreement include a church and up to 4,645.2 square metres (50,000 square feet) for commercial uses which are limited to be estimated at the corner of Dunbrack Street and Farnham Gate Road.

The Stage II Development Agreement for Phase I of the development was also approved in 1984 and establishes the detailed design for one phase of the residential development and for the commercial site that is the subject of this application. The Stage II Development Agreement has been amended five times, most recently in 1993 to permit the development of a gas station on the commercial property.

Proposal

The subject property currently contains 4,488.2 square metres (48,311 square feet) of commercial development. The applicant is seeking a substantive amendment to the Stage I Development Agreement to increase the allowable commercial floor area from 4,645.2 square metres (50,000 square feet) to 6,225 square metres (67,005 square feet), to allow for the development of an additional commercial building.

The proposed commercial building is two storeys and includes 1,566 square metres (16,856.3 square feet) of floor area for general office and retail uses at the corner of Dunbrack Street and Farnham Gate Road. The building development will result in the removal of approximately 35 parking spaces. A site plan showing the existing and proposed buildings is provided as Attachment B of this report.

Approval Process

This report only addresses the amendments to the Stage I Development Agreement that are required in order to allow Council to consider an amendment to the existing Stage II Development Agreement. The approval process for this application involves two steps:

- i) First, Halifax and West Community Council must consider and, if deemed appropriate, approve the proposed Amending Stage I Development Agreement as outlined in this report; and
- ii) Second, Halifax and West Community Council must consider and, if deemed appropriate, approve amendments to the existing Stage II development agreement once the Amending Stage I Development Agreement is in effect. These amendments would include details of the proposed building.

A public hearing is only required for the consideration of the Amending Stage I Development Agreement. An Amending Stage II Development Agreement can be considered once the amendment for the Stage I agreement is approved and registered. A supplementary report will then be provided that will include the proposed Amending Stage II Development Agreement. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Council.

Proposed Extension to Existing Telecommunication Tower (Case 20034)

A separate application has been made by Eastlink to extend an existing telecommunication tower on the subject property from 15 metres (49.2 feet) to 30 metres (98.4 feet) in height. While telecommunication towers are under the jurisdiction of the Federal Government it is recognized that municipal authorities may have an interest in their siting. As such, an application has been made to the Municipality regarding the proposed height extension and re-location for which the Municipality will provide a recommendation to the Federal Government to aid in their review process. This case is still under consideration, but has no bearing on the application to amend the Stage 1 development agreement.

DISCUSSION

The proposal has been reviewed relative to all relevant policies and it has been determined to be consistent with the intent of the MPS. Attachment C provides an evaluation of the proposed Amending Stage I Development Agreement in relation to the relevant MPS policies.

Proposed Amending Stage I Development Agreement

Attachment A contains the proposed amending Stage I Development Agreement for the property and permits the increase of the permitted commercial floor area from 4,645.2 square metres (50,000 square feet) to 6,225 square metres (67,005 square feet). Commercial uses are to be limited to those allowed in the C-2A (Minor Commercial) Zone of the Halifax Mainland Land Use By-law. The amending development agreement will allow Council to consider the development of an additional commercial building through a subsequent amendment to the existing Stage II Development Agreement. Of the matters addressed by the proposed Amending Stage I Development Agreement, the following have been identified for detailed discussion.

Increase to Permitted Commercial Floor Area

Policy 3.3 of the Halifax MPS allows for minor commercial development that supports the total residential area. The proposed additional commercial development will continue to support the residential portion of the Rockingham Ridge development though the provision of additional retail uses and office uses. Commercial uses will be limited to those uses that are permitted in the C-2A Zone of the LUB.

Although the Stage I Development Agreement does not specifically address parking requirements it is important to note that the proposed additional commercial building will result in the removal of 35 parking spaces and as a whole the development will not meet the minimum parking requirements of the Halifax Mainland Land Use Bylaw. The applicant has noted that the current parking lot is under-utilized and that due to the mix in uses there are different peaks for parking needs.

Further, the 2008 Regional Parking Strategy Functional Plan suggests that the parking requirements in the Land Use By-laws need to be updated and that reductions to the parking requirements should be considered. The plan highlights that further reductions to the parking requirements can be considered in cases where several uses share a site, creating the opportunity for shared parking, and where a site is in close proximity to public transit. The site is occupied by a variety of commercial uses and abuts a transit stop. At this time, staff do not have concerns regarding the reduction in parking spaces however parking will be further discussed as part of the report for the Stage II Amending Development Agreement.

Clarification of the Approval Process

The approval process for Stage II Development Agreements is the same as that which applies to non-substantive amendments and that public hearings are not required. This approach is consistent with the MPS, which requires development details be approved by resolution of Council, and pursuant to an agreement with Council, prior to a permit being issued. The *HRM Charter* sets forth the conditions by which Council may enter into or amend a development agreement. It provides that development agreements are to be considered by Council after holding a public hearing and that only non-substantive amendments to an existing development agreement may be considered without a public hearing. In order to ensure the Municipality's approval process for this project is consistent with the Charter, an amendment to the Stage I Development Agreement is therefore recommended in order to identify the pending Stage II Development Agreement that would allow the new commercial building as a non-substantive matter.

Conclusion

The proposal satisfies all relevant policy criteria and is consistent with the intent of the MPS. The proposal meets the intent of policy 3.3 by consolidating commercial uses to a single site and ensuring that only minor commercial uses are permitted. Therefore, it is recommended that the proposed Amending Stage I Development Agreement (Attachment A) be approved. Once the amendment is approved and

registered, a supplementary staff report will be submitted to allow consideration of the proposed new commercial building through an amending Stage II Development Agreement.

FINANCIAL IMPLICATIONS

There are no financial implications. The Applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Development Agreement. The administration of the Development Agreement can be carried out within the approved 2015/16 budget with existing resources.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting (PIM) held on September 2, 2015 and a sign posted on the property. Attachment D contains a copy of the minutes from the PIM. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

A public hearing must be held by Halifax and West Community Council before it can consider the approval of the proposed amending development agreement. Should Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed Amending Development Agreement will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, and business.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed Amending Stage I Development Agreement subject to modifications. This may necessitate further negotiation with the applicant, the preparation of a supplementary staff report and an additional public hearing. A decision of Community Council to approve this development agreement amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed Amending Stage I Development Agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or Development Agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

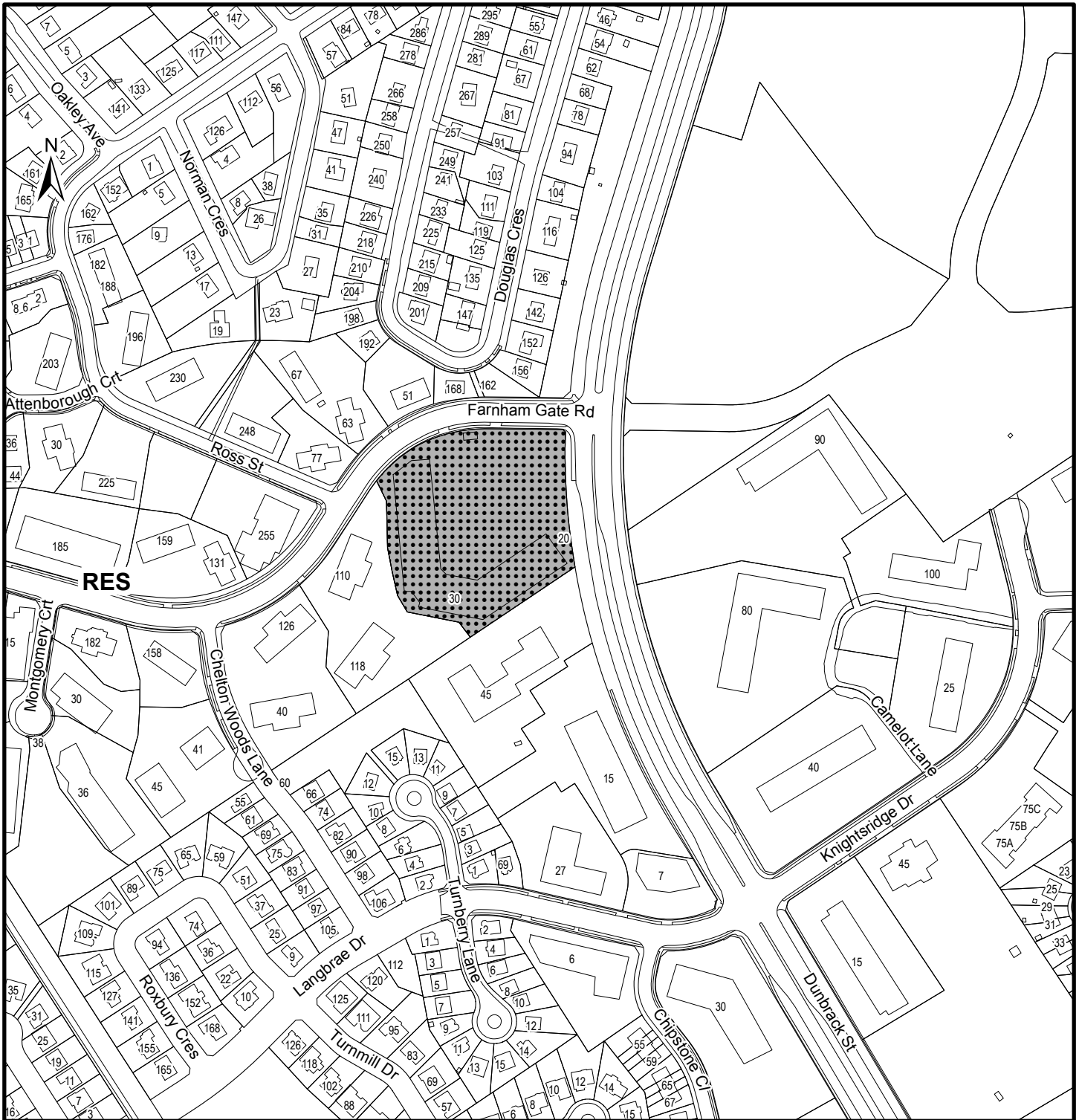
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Amending Development Agreement
Attachment B	Proposed Site Plan
Attachment C	Review of Relevant Municipal Planning Strategy Policies for Halifax
Attachment D	Minutes from the Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jillian MacLellan, Planner, Development Approvals, 902.490.4423

Original signed


Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 902.490.4800



Map 1 - Generalized Future Land Use

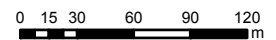
30 Farnham Gate Road, Halifax

HALIFAX

 Area of Development Agreement Amendment

Designation

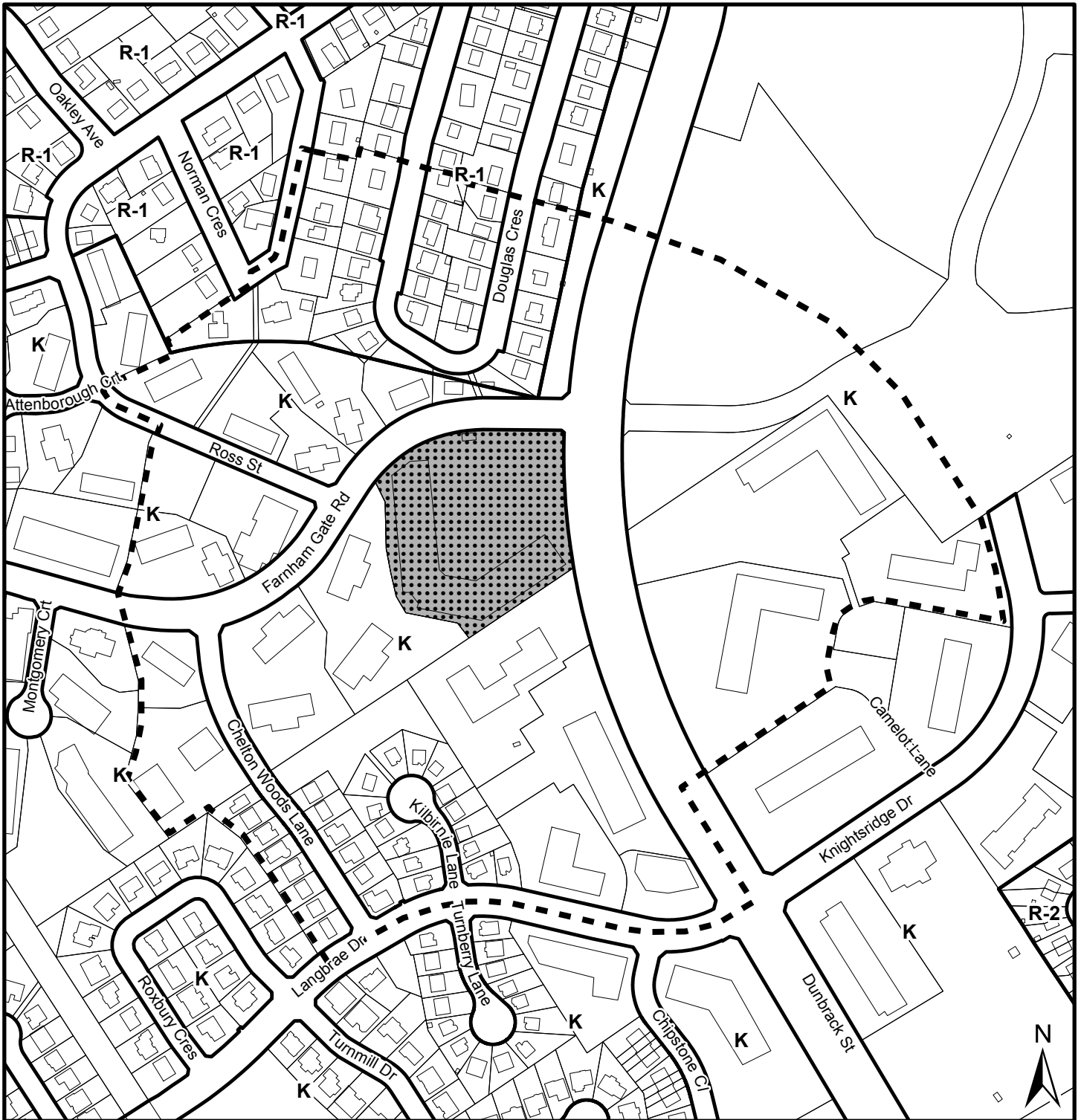
RES Residential Environment



Halifax
Plan Area

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


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



Map 2 - Zoning and Notification Area

30 Farnham Gate Road, Halifax


HALIFAX

 Area of Development Agreement Ammendment

 Notification Area

Zone

R-1 Single Family Dwelling
 R-2 Two Family Dwelling I
 K Schedule K

0 15 30 60 90 120
 m

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

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

Halifax Mainland
 Land Use By-Law Area

**Attachment A
Amending Development Agreement**

THIS 2nd AMENDING AGREEMENT made this day of , 20___,

BETWEEN:

[INSERT Name of Corporation/Business LTD.]
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 within Rockingham which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the former Halifax City Council of the Municipality approved an application to enter into a Stage I development agreement to allow for a mixed use development on the Lands (municipal reference number 4341), which said Development Agreement was registered at the Halifax County Land Registration Office on February 2, 1984 as Document Number 7268 (hereinafter called the "Existing Stage I Agreement");

AND WHEREAS the former Halifax City Council of the Municipality approved an application to amend the Existing Stage I Agreement regarding lots K-17 and K-22 (municipal reference number 6489), which said Development Agreement was registered at the Halifax County Land Registration Office on August 14, 1984 as Document Number 48399 (hereinafter called the "First Amending Stage I Agreement");

AND WHEREAS the Developer has requested further amendments to the Existing Stage I Agreement and First Amending Stage I Agreement to allow for additional commercial gross floor area;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on [**INSERT-Date**], referenced as Municipal Case Number 19989;

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

1. Amend Section 6 of the Existing Stage I Agreement by inserting the following text as shown in bold and deleting text as shown in strikethrough as follows:

"The total area of commercial buildings on the Lands will not exceed a gross floor area of 6,225 square metres (67,005.3 square feet) ~~50,000 sq.ft.~~ Further, commercial uses shall be limited to those uses in the C-2A (Minor Commercial) Zone of the Halifax Mainland Land Use By-law, as amended from time to time"

2. Add the following Section after Section 22 of the Existing Stage I Agreement:

"23. Stage II Development Agreements consistent with this Agreement are considered by

both parties to be non-substantive and may be amended by resolution of Council.”

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:

Witness

Witness

=====

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

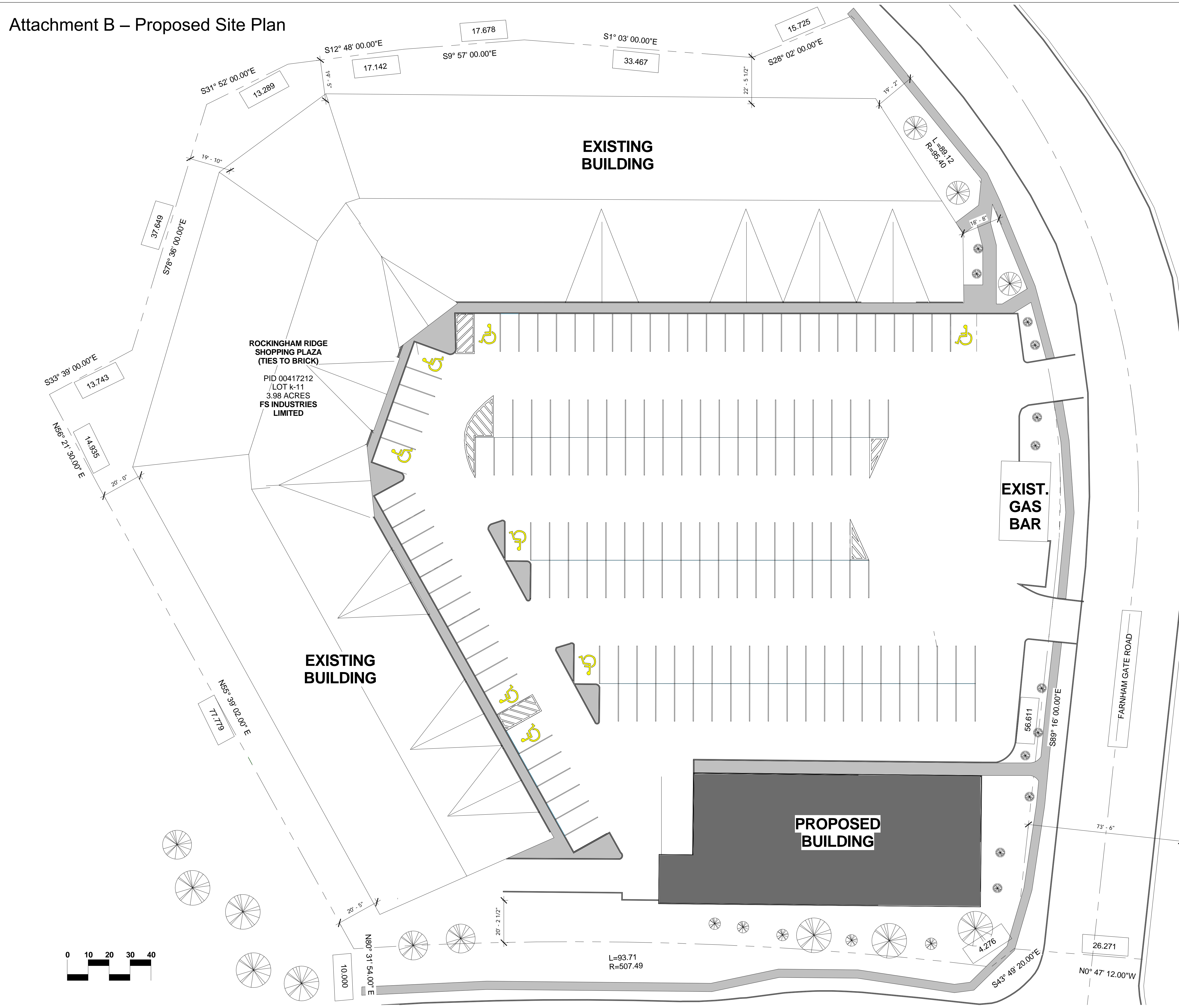
Per: _____

Mayor

Per: _____

Municipal Clerk

Attachment B – Proposed Site Plan



ROCKINGHAM RIDGE SHOPPING PLAZA (TIES TO BRICK)
 PID 00417212
 LOT k-11
 3.98 ACRES
 FS INDUSTRIES LIMITED

EXIST. GAS BAR

PROPOSED BUILDING

FARNHAM GATE ROAD

No.	Description	Date
3	HRM COMMENTS	2016.02.08
2	MATERIAL	2015.06.26.
1	HRM PLANNING COMMENTS	Date 1

Rockingham Ridge Plaza
 Nova Scotia
 Site

Project Number	14060
Date	2014.10.31
Drawn By	SNF
Checked By	MAH

A103

Scale

NSCM #28385
 N 4948490.447
 E 5566256.295

**Attachment C: Review of Relevant Municipal Planning Strategy
Policies for Halifax**

Policy Criteria	Staff Comment
IMPLEMENTATION POLICIES	
<p>3.3 For the residentially designated undeveloped areas of Mainland North, the City shall, pursuant to Section 38(2)(p) of the Planning Act, establish such development regulations as are necessary to implement the policies of this Plan.</p>	<p>The subject property is designated residential environments and is located in Mainland North.</p>
<p>3.3.1 Further to Policy 3.3 above, these areas shall be identified on the zoning map and within such areas no development permit shall be issued unless the proposed development has been approved by a resolution of Council, and further, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.</p>	<p>The subject property is zoned Schedule K Zone which identifies areas on the Zoning Map where a Stage I and Stage II Development Agreement require approval from Council before any development permits can be issued.</p>
<p>3.3.2 Further to Policy 3.3.1 above, the purpose for which land within these areas is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types, shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and shall include provision for automobile, transit and pedestrian circulation and an emphasis on conservation of natural environment features including lakes and waterways, mature trees and natural topographic features. In addition to the above, City Council may consider provision for minor commercial uses in accordance with Policy 3.1.2 in Section II, provided that such uses are consistent with the policies of this Plan, are compatible in design form and function with comprehensively planned development and with development adjacent to a comprehensively planned development, and that such uses are located in such manner as to be in accord with Policy 2.4.1 of Section II, as the principles of said policy may apply to areas of vacant land.</p>	<p>The existing Stage I and Stage II development agreements permit the development of a primarily residential development in form of a variety of housing types.</p> <p>The existing Stage I and Stage II development agreements permit the development of a commercial node at the corner of Dunbrack Street and Farnham Gate Road.</p> <p>The proposed amendment to the Stage I development agreement will allow for an additional commercial building within the commercial node. The proposed uses include local retail uses and office uses.</p>
<p>3.3.3 The City shall prepare and adopt plans for major public facilities including the location of collector roadways, schools and major community open space in the residentially designated undeveloped areas of the City.</p>	<p>N/A</p>
<p>3.3.4 In entering into agreements pursuant to Policy 3.3.1 above, Council shall be guided by the policies contained in Section II of this Plan, and shall not enter into agreements which are inconsistent with the policies of this Plan.</p>	<p>The majority of the policies within Section II of the Municipal Planning Strategy for Halifax, address residential development and encourages the retention of stable neighbourhoods. The proposed development is an expansion to an existing commercial property that will continue to serve the surrounding neighbourhoods.</p>

<p>3.3.5 Prior to entering into any agreements pursuant to Policy 3.3.1, Council shall advertise its intention to do so and shall hold a public hearing at which time any objections shall be heard</p>	<p>A public hearing is required before Council can consider approval of the proposed Amending Stage I Agreement.</p>
<p>SECTION II</p> <p>2. RESIDENTIAL ENVIRONMENTS Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.</p>	
<p>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposed commercial building is located on a property that is already developed for commercial uses. Further the opposite side of the street is to be developed for commercial uses creating a small commercial node for this area.</p>
<p>SECTION II</p> <p>3. COMMERCIAL FACILITIES Objective: The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.</p>	
<p>3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposed Amending Stage I Development Agreement clarifies that the commercial uses permitted on the Lands are limited to those uses in the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland.</p> <p>The subject property is located along Dunbrack Street which is considered a principle street. The subject property is already developed for commercial uses. Access to the property and surface parking is from Farnham Gate Road.</p>

Attachment D: Minutes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY Public Information Meeting Case 19989

Wednesday, September 2, 2015
7:00 p.m.

Keshen Goodman Library (Thomas Raddall Room)

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, HRM Development Approvals
Alden Thurston, Development Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Reg Rankin, District 12
Councillor Russell Walker, District 10
Rick Cecchetto, FS Industries, Applicant
Mike Harvey, Architect

PUBLIC IN

ATTENDANCE: 9

The meeting commenced at approximately 7:00 p.m.

1. Call to order, purpose of meeting – Jillian MacLellan

Ms. MacLellan introduced herself as the Planner facilitating this application through the planning process; Alden Thurston and Cara McFarlane, HRM Development Approvals; Councillor Reg Rankin, District 12; Councillor Russell Walker, District 10; Rick Cecchetto, FS Industries; and Mike Harvey, Architect.

The Public Information Meeting (PIM) Agenda was reviewed.

The purpose of the PIM is to identify that an application has been received, give some background on the proposal and receive feedback from the public. This is purely for information exchange and no decisions are made at the PIM.

A development agreement was defined to the public. Larger developments within the Mainland North area require a Stage I and Stage II development agreement. The Stage I development agreement applies to an overall concept to the development whereas the Stage II development agreement is more site specific.

2. Overview of planning process – Jillian MacLellan

The planning process: HRM receives an application; A PIM is held; HRM Staff performs a detailed review (Halifax Water, Development Services and Development Engineering); After comments have been received from the public and the different review agencies, negotiations

will begin on the development agreement for the property; Staff will draft a report along with a recommendation advising Halifax and West Community Council (HWCC); HWCC will schedule a public hearing where they would render a decision to approve or reject the proposal; HWCC will first render a decision on the Stage I Development Agreement and if approved, a two-week appeal period would follow; Following the appeal period, HWCC will make their decision on the Stage II Development Agreement (no public hearing is required for the Stage II decision); this is followed by another two-week appeal period; and if no appeals are filed, permits can be issued.

3. Presentation of Proposal – Jillian MacLellan

Tonight's PIM is to discuss Case 19989 which is a proposal by FS Industries to amend the Stage I and Stage II development agreement for Rockingham Ridge to develop an additional commercial building on the property located at 30 Farnham Gate Road.

The location and orientation of the subject property were shown.

The site is currently developed as a commercial plaza and a Wilsons Gas Station. The proposed new commercial building would be located just at the corner of the site.

A couple of photos of the existing commercial plaza and gas station were shown.

The existing Rockingham Ridge Stage I and Stage II development agreement permits mainly residential development with some commercial. The Stage I development agreement concentrated the commercial development at the corner of Farnham Gate Road and Dunbrack Street and limits the floor area to 50,000 square feet. This development agreement was approved in October 1983. The Stage II development agreement (more site specific) was approved in June 1984. A couple of amendments to the development agreement have been approved since then: a) In February 1986 (regarding buffer and commencement date); b) July 1991 (to allow a donut shop – never completed); and c) in 1993 (to allow the Wilsons Gas Station).

FS Industries is proposing a 16,000 square foot (8,000 square feet on each floor), two storey, commercial building addition to the existing commercial plaza and Gas Station. The proposal would consist mainly of general retail on the bottom floor and offices on the second floor. The entire site would be a total of 64,311 square feet. The Stage I development agreement set a limit of 50,000 square feet; therefore, an amendment would have to be made to allow the additional square footage, and further amendments to the Stage II development agreement would have to be made to change the overall site plan to include that additional building. The building would have wood siding with some masonry work and a pitched roof.

The proposed site plan, elevations and a rendering (provided by the architect) were shown.

Presentation of Proposal – Rick Cecchetto, FS Industries

The existing premises will remain the same (gas station would remain). The proposal is to add a two storey stand-alone building, with an 8,000 square foot footprint. The idea is to match the new building with the existing (wood siding, color, asphalt shingles, slope of roof, etc.) There are no tenants in mind but the applicant believes the area can support the growth and it would provide more services for the neighbourhood. Some retailers are looking for space with more square footage than what the existing plaza can offer. One retailer for the entire ground floor would be ideal and offices on the second floor.

There has been some design work done to make sure the building fits into that corner without

impeding on the rest of the site. Also, a Traffic Impact Study (TIS) has been done. There were no red flags raised.

Future renderings will include the existing Wilsons Gas Station on the site.

4. Questions and Comments

Marian Conrad, Douglas Crescent lives across from the proposal. Was the 50,000 square foot limit set by HRM or the developer? **Ms. MacLellan** – This would have been negotiated through the development agreement with the property owner at that time. Density (calculated differently in 1984) could have been a consideration at the time along with other various reasons.

Irene Radmaker, Farnham Gate Road – Traffic there is terrible and that parking lot is full most of the day. Where will people coming to use those services park? There are many empty retail spaces in the neighbourhood; therefore, the proposal for retail is redundant.

Ms. Conrad – The type of retailer occupying that space is very important to her. She doesn't want to see another establishment (similar to Dooley's) move in due to the partying and noise at late/early hours of the night/morning. It would be nice to see a retailer like Pete's Frootique who have regular business hours and would provide a huge service to the community. **Ms. MacLellan** – A clause regarding uses and hours of operation can be negotiated as part of the development agreement.

Barb Nickerson, Kilbirnie Lane – What will be in this new building? **Ms. MacLellan** – There is no proposal at this time for a specific type of use. The applicant is proposing retail on the ground floor and office space on the top. There will be no changes to the existing building. **Ms. Nickerson** – Will there be retail space with the Rockingham South development or all residential? **Ms. MacLellan** – Rockingham South will have some retail (no proposal at this time) but the majority will be residential.

Eric Penney, Farnham Gate Road – Parking there is quite packed at times. With the extra footprint, more parking will be needed especially in the Winter.

Ms. Nickerson agrees with Mr. Penney. There is very little extra space in that parking lot especially with cars consistently coming and going to Wilsons. There really isn't enough parking to keep a two storey business satisfied.

Councillor Reg Rankin, District 12 – Would it be possible to exclude certain (i.e. entertainment) uses within the development agreement? Without additional parking, how does this impact parking on the side streets? **Ms. MacLellan** does not believe that on-street parking is permitted in this neighbourhood. This is something that staff will discuss with the developer and applicant to come up with a parking solution. **Councillor Rankin** – Does that proposed footprint currently accommodate parking? If so, this will be taken away and should be included in the TIS. **Ms. MacLellan** – The TIS does not consider parking specifically but staff will consider parking during the internal review.

Ms. Nickerson – There is a blind curve going up Farnham Gate Road; therefore, making a left-hand turn into Wilsons is very dangerous. In the future, depending on how many buildings and people will be generated from the Rockingham South development, she anticipates more traffic flow and shortcutting through Farnham Gate Road. In her opinion, this is a terrible idea and is against the proposal.

Erika Stokes, Chelton Woods Lane does not see the need for more retail especially with retail available in the Rockingham South development. Maybe more offices would be fine. From an aesthetic viewpoint, she likes the look of the existing low building and is concerned the two

storey building would give the impression of a block. **Mr. Harvey** – The proposed building will look similar to the existing building but will be two storeys with a pitched roof.

Mr. Cecchetto does not see another entertainment type establishment moving into the building (centre wouldn't be able to accommodate it) but would like to see more traditional types of retail uses. There are approximately 20 parking spaces (vacant most of the time) that will be removed due to the proposal. The issue won't be taking parking away but rather making sure the lot can accommodate additional parking that may be required.

Ms. Conrad – What guarantee is there that an entertainment use will not move into the new building? **Ms. MacLellan** – There is no guarantee but a provision regarding types of use and hours of operation can be included in the development agreement.

Ms. Nickerson – Would the approval of this proposal allow for the existing building to increase to two storeys in the future? Can the development agreement be applied to that portion of the site only? **Ms. MacLellan** – That would require another public process due to an amendment to the development agreement. There are other things to consider as well like density, commercial and residential uses, etc. It would be very difficult to apply the development agreement to a portion of the property. **Mr. Cecchetto** – There is no intention of adding a second storey to the existing building.

Ms. Radmaker – She is fine with office space but there is no need for retail in the area. **Mr. Cecchetto** believes there is an appetite in the community based on feedback received from retailers.

5. Closing Comments

Ms. MacLellan thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 7:37 p.m.