

Halifax and West Community Council
August 7, 2013

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: _____
Brad Anguish, Director, Community & Recreation Services

DATE: July 25, 2013

SUBJECT: **Case 18229: Development Agreement for a Day Care Center - 60
Scotch Pine Terrace, Halifax**

ORIGIN

Application by Linda Liao

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider the proposed rezoning of 60 Scotch Pine Terrace, Halifax, from Schedule 'K' to the R-1 (Single Family Dwelling) Zone, as contained in Attachment A of this report, and schedule a Public Hearing;
2. Approve the proposed rezoning of 60 Scotch Pine Terrace, Halifax, from Schedule K to the R-1 (Single Family Dwelling) Zone, as described in Attachment A of this report;
3. By resolution, approve the proposed discharging Stage I and Stage II agreements, presented as Attachments B and C of this report, for the lands located at 60 Scotch Pine Terrace, Halifax, upon the approved rezoning coming into effect;
4. Require both agreements be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner(s), from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, which is later, otherwise this approval will be void and obligations arising hereunder shall be at an end;

RECOMMENDATIONS CONTINUED ON PAGE 2

Contingent upon the discharging Stage I and Stage II agreements being approved by Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:

5. Move Notice of Motion to consider the proposed development agreement, as described in Attachment D, to permit for the expansion of the existing day care facility at 60 Scotch Pine Terrace, Halifax, to accommodate a total of 18 children in conjunction with a single unit dwelling on the subject property;
6. Approve the proposed development agreement as described in Attachment D; and
7. Require that the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner(s), 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 property owner, Linda Liao, is the owner of the Future Stars Learning Centre, which provides care services for children in various age groups. Due to the rapidly growing demand for day care facilities in the area, the applicant is proposing to expand the facility located at 60 Scotch Pine Terrace within the Glenbourne Subdivision, in Halifax (Map 1). The expansion will provide day care services that include a 2-hour after school program for up to a maximum of 18 children from different age groups in conjunction with a single unit dwelling.

The subject area is zoned Schedule 'K' and is governed by Stage I and Stage II development agreements for the Glenbourne Subdivision. The Clayton Park West and Glenbourne Subdivisions were planned through a comprehensive site planning process that required a two-stage development agreement approval process. The Stage I development agreement focused on the conceptual design while the Stage II agreement contained detailed land use and development requirements. As part of the Stage II development agreement, the subject property, along with adjacent lands, were allocated for low density residential uses in the form of single unit dwellings under the R-1 (Single Family Dwelling) Zone (Attachment F).

The R-1 Zone provisions place restrictions on the number of children in any day care facility in conjunction with a single unit dwelling to a maximum of 8 children. The Halifax Municipal Planning Strategy (MPS) contains Implementation Policies 3.20 and 3.20.1 that enables Council to consider the expansion of existing day care facility and the increase in the number of children through the development agreement process. As a result, the applicant has requested that Council give consideration to:

1. rezoning the subject property to the R-1 Zone;
2. discharging the subject property from the existing Stage I and Stage II development agreements for Clayton Park West and Glenbourne Subdivision, once the R-1 Zone is in effect; and

3. entering into a new development agreement to expand the existing day care facility.

Staff has reviewed the proposal in accordance with applicable MPS policies. In staff's opinion, the proposal meets the intent of the Halifax MPS with regards to matters such as land use compatibility, servicing capacity, mitigation measures, setbacks, traffic and site access. Further, the proposed development agreement complies with the intent of the proposed MPS policies through controls on the design and use of the building. A review of planning policies is included in Attachment E of this report.

BACKGROUND

The property owner, Linda Liao, currently operates the Future Stars Learning Centre, which consists of three day care facilities located in the Glenbourne Subdivision (Map 3). These facilities were established between 2009 and 2011 to provide day care services for children in various age groups. Currently, provincially-licensed day care facilities are provided for 8 children through the regulations and provisions in the Halifax Mainland Land Use By-law (LUB) (Attachment F). Due to the rapidly growing demand for day care centers in the area, the applicant has submitted a request for:

1. rezoning the property to the most appropriate zone;
2. discharging the subject property from the Stage I and Stage II development agreements; and
3. entering into a new development agreement to expand the existing day care centre at 60 Scotch Pine Terrace to provide day care services for up to 18 children from different age.

Location, Designation, Zoning and Surrounding Land Uses

The subject property:

- is located within the Glenbourne Subdivision in Halifax, on the north eastern corner of Farnham Gate Road and Scotch Pine Terrace, with primary access from Farnham Gate Road, and a secondary driveway access on Scotch Pine Terrace (Map 2);
- comprises a single unit dwelling and total area of 553 square meters (5,952 square feet) in area;
- surrounded by residential uses that include single unit dwellings, townhouses, duplexes and semi-detached dwellings, and multi-unit buildings (Maps 1 and 2);
- is designated 'Residential Environments' under the Halifax Municipal Planning Strategy (MPS) (Map 1); and
- is zoned Schedule 'K' and governed by Stage I and Stage II development agreements for the Glenbourne Development (Map 2).

Proposal

The applicant is proposing to expand the day care centre located on the subject property to provide day care services that include a 2-hour after school program for a maximum of 18 children from different age groups in conjunction with a single unit dwelling. As the proposed expansion cannot be enabled through the as-of-right process, the applicant has requested that the subject property be zoned R-1 (Single Unit Dwelling) to reflect its existing use. The applicant has also requested to discharge the subject property from the existing Stage I and Stage II

development agreements for the Glenbourne Subdivision and enable the expansion of the day care centre through development agreement in accordance with the Halifax Municipal Planning Strategy (MPS). No changes to the exterior of the existing building are proposed.

Enabling Policy

The subject site is governed by the Residential Environments Designation under the Halifax MPS, which consists of planning policies that enable Community Council to consider the proposed rezoning of the subject property to reflect its existing use, which is low-density in nature. Policies 2.1, 2.2, 2.4 and 2.4.1 of the Residential Environments section encourage maintaining the integrity and stability of existing neighbourhoods and preserving the scale and character of surrounding residential uses.

The Halifax MPS also contains of Implementation Policies 3.20 and 3.20.1 that allow for the consideration of establishing or expanding new day care. These policies list criteria and guidelines that provide Council and Staff with guidance when evaluating development agreements for day care centers. Further, the development agreement processes offer a mechanism to address issues such as landscaping and the design of outdoor play spaces, architectural appearance of the building, vehicle access and parking, compatibility with adjacent residential uses, signs and hours of operation.

In the case of the Halifax MPS, City-wide policy 2.4.2 allows for the creation of day care centres through the development agreement process in all residential neighbourhoods. This policy is implemented through Policy 3.20, which includes criteria and issues in which Council is required to consider when assessing a proposal of such a nature. All relevant policies are included in Attachment E of this report.

Land Use Provision - Glenbourne Development

The subject property is within Schedule 'K' and governed by Stage I and Stage II Development Agreements for the Glenbourne Development, which is located to the west of Dunbrack Street, between Clayton Park West and Rockingham Ridge development, north and west of the Wedgewood subdivision and east of the Bicentennial Highway in Halifax.

Land developments under the Schedule 'K' require a two-stage approval process by Community Council, which was achieved for the Clayton Park West and Glenbourne Subvision developments in 1993. A Stage I development agreement for the conceptual design of this project was originally approved by the City of Halifax in 1993 and was amended in 1996. The Stage I agreement involved Council's approval of a concept plan and development agreement and a public hearing. The Stage II agreements required detailed plans and development agreements for individual phases of the development and were approved by resolution of Community Council without a public hearing. The subject property falls within Phase IA, which was approved in February 1994 and received subdivision approval in August of 1994.

Community Council should note that the existing Stage I and Stage II development agreements require that residential developments in the form of single unit dwellings shall conform with land use provisions and regulations of the R-1 Zone under the Halifax Mainland LUB. Under the

Halifax Mainland LUB, the R-1 Zone allows for various residential uses that include single unit dwellings, and some institutional and recreational uses. Permitted land uses and zone provisions are detailed in Attachment F.

Day Care Centres in Residential Zones – Halifax Mainland LUB

Centres for up to 8 children

Most planning areas within HRM allow day care centres to be permitted as-of-right in residential zones. Although there are some exceptions, most of these residential zones allow day care centers for up to 14 children as-of-right. In the case of Halifax, both the Peninsula and Mainland LUBs currently allow day care centers for up to 8 children in residential zones. In the past, centers in R-1 zones were permitted up to 25 children. These numbers were subsequently reduced over the years through amendments to the Halifax MPS and Land Use By-laws.

In 2009, Council approved amendments to the Halifax Mainland LUB to reduce the number of children allowed in day care facilities, through the as-of-right process, from 14 children to 8 children. Concerns were raised in various neighbourhoods in Halifax Mainland that the as-of-right allowances for day care facilities were not restrictive enough and in many instances resulted in land use conflicts. Issues such as noise and traffic have been raised with regards to some existing facilities, especially those which have a larger number of children than are currently permitted under the LUB and are, therefore, “grandfathered”. However, the ability to have a day care facility with up to 14 children within residential neighbourhoods without any requirements for public input was felt by some to be excessive. As a result, Council approved the LUB amendments to reduce the number of children to 8. This enabled Council to entertain proposals for larger centres in residential areas through the development agreement process on a case-by-case basis.

Centers for more than 8 children

Child care centers for more than 8 children in HRM are generally accommodated through either the development agreement or rezoning processes. The development agreement process, enabled through planning policy, typically requires that day care centres meet certain standards which exceed the standards applied through the LUB. The development agreement process provides Council with a mechanism to control certain aspects of these centres. That cannot be achieved through the authority of the LUB.

Separation Distances between Day Care Centres

The issue of separation distances between day care centres, as well as other land uses, has been explored in previous staff reports to Council over the years. Staff consulted, on numerous occasions, with officials from Service Nova Scotia and Municipal Relations on this matter. It was indicated that policies which stipulate separation distances between similar uses can be considered to interfere with business enterprise and be beyond HRM’s authority to regulate through planning processes. One principle of zoning is that properties which are zoned similarly are subject to the same regulations. However, with a separation distance in effect, two similarly zoned, abutting properties would not be afforded the same rights as the other. For this reason, Council did not implement a separation distance provision in the MPS or LUB.

Municipal Planning Approval Process

To enable the existing day care centre on the property to expand, beyond that permitted by the existing Stage I and Stage II agreements, the property needs to be rezoned and the existing agreements discharged. Upon the discharge of the agreements, the subject property is eligible to be considered, under policy 2.4.2, for a new development agreement for the proposed expansion to the existing day care centre. Therefore, the approval process for this application consists of the following steps:

1. rezoning of the subject property from Schedule 'K' to the R-1 Zone;
2. discharging the Stage I and Stage II development agreement for the subject property once the approved R-1 zoning is in effect; and
3. considering approval of the development agreement for the proposed expansion of the existing day care center.

A single Public Hearing can be held by Halifax and West Community Council for steps 1 and 3 of the process. With regard to Step 2, the development agreement discharge process requires Community Council's approval by resolution but without a public hearing. However, Community Council can only render a decision on the discharge agreement and development agreement following the approval of the rezoning. Community Council will be provided with a supplementary report once the LUB amendment (rezoning) is in effect, at which time it can consider approval of the agreements.

DISCUSSION

Staff has reviewed the proposal in accordance with relevant policies contained in the City-wide Objectives and Policies Section of the Residential Environments Designation and Implementation Policies 3.20 and 3.20.1 under the Halifax MPS (Attachment E). These policies contain criteria for Council to consider when evaluating a proposal of this nature. Attachment E contains staff's evaluation of against these applicable policies. The following issues have been identified for more detailed discussion:

1. Rezoning 60 Scotch Pine Terrace, Halifax

The subject property is located within a predominantly residential area. The majority of properties within the Glenbourne Subdivision, including the subject property, meet the requirements of the R-1 Zone, which limits uses to single unit dwellings, and institutional and recreational uses. The existing residential dwelling complies with the requirements of R-1 Zone as outlined in the Halifax Mainland LUB (Attachment F). Staff are of the opinion that the proposed rezoning to the R-1 Zone is consistent with the relevant policies and the intent of the Halifax MPS as described above and considered appropriate and compatible with the surrounding residential neighbourhood. Therefore, staff recommends that Halifax and West Community Council approve the proposed rezoning following discharging the property from the existing Stage I and Stage II agreements, as provided in Attachments C of this report.

Discharging Stage I and Stage II Agreements – Glenbourne Subdivision

Before Council can consider the proposed development agreement for the expansion of the day care centre on the subject property, the existing Stage I and Stage II development agreements have to be discharged.

Under the Stage I development agreement, the subject property was developed for low density residential uses and, specifically, the provisions of the R-1 Zone under the Halifax Mainland LUB as specified in the Stage II development agreement for the Glenbourne Subdivision. The proposed rezoning to the R-1 Zone is consistent with current development provisions. The underlying R-1 zoning permits limited residential uses such as single unit dwellings, home occupations, and recreational and institutional uses that include day care facilities for not more than 8 children in conjunction with a single unit dwelling. These uses are to be developed subject to meeting the applicable requirements of the LUB.

Discharging the property from the existing development agreements does not pose a conflict with the MPS as it enables both as-of-right and discretionary development approvals. Therefore, it is recommended that Halifax and West Community Council approve, by resolution, the proposed discharging agreements to Stage I and Stage II development agreements for the subject property as provided in Attachments A and B of this report.

2. Proposed Development Agreement

To enable and ensure the proposed expansion of the existing day care facility is properly integrated with existing land uses, Policies 3.20 and 3.20.1 include criteria for Council to consider when evaluating proposals prior to the Municipality entering into development agreements. The proposed development agreement, contained in Attachment D of this report, includes site-specific controls and specifications that address the following matters:

- Land use, building and site requirements;
- Architectural, signage and lighting requirements;
- Vehicular parking, circulation and site access;
- Building services, maintenance and waste facilities; and
- Options for various non-substantive amendments by resolution of Council, such as changes to timeframes for development.

In Staff's opinion, the attached development agreement will allow for the expansion of the existing day care facility in a compatible and appropriate manner.

Of the matters addressed by the proposed development agreement, the following elements have been identified for more detailed discussion.

Siting, Building Design and Neighbourhood Compatibility

The subject property is located within a residential neighbourhood that consists of low density residential dwellings such as single unit dwellings, duplexes and semi-detached dwellings and townhouses. The proposed development agreement will ensure the consistency in building design with other low density residential dwelling in the existing neighbourhood. The proposed

development agreement requires that any modifications to the design of the building are subject to the provisions of the R-1 Zone. Also, any accessory uses to the existing building must comply with the regulations of LUB.

Hours of Operation

The applicant is proposing to increase the number of children from 8 to 18 to accommodate both young children (toddlers) all day and older children after school. The development agreement requires that the hours of operation for the toddlers be from 7:30 am to 5:30 pm, and hours of operation for the after-school program be 3:30 pm to 5:30 pm.

Outdoor Play Area

In order to mitigate against any potential impacts and sufficient buffer between the subject property and the adjacent property, the proposed development agreement requires the outdoor play area to be limited to a specific area at the rear of the subject property, as shown on Schedule B of Attachment D. The agreement also requires the outdoor play area to be screened with view-obstructing materials such as wooden fence or a stone wall. Further, the proposed development agreement requires the outdoor play area to not include any gateways or pathways to the adjacent day care facility at 58 Scotch Pine Terrace. Also, materials used by children in the outdoor play area are required to be limited to the subject property, where sharing of materials between the one located on the subject property and the other two day cares owned and operated by the applicant are not permitted.

Traffic/Site Access/Parking

The applicant has indicated that most children enrolled in the Future Stars Learning Centre live in nearby areas such as Aster Court or Red Fern Terrace. The children are walked and escorted by the Centre's staff to the day care. As for children enrolled in the after-school program, those children are escorted and walked by the Centre's staff from Park West School along the linear park/trail to the day care on the subject property. As a result, it is determined that the majority of traffic movement is during drop-off times at 7:30 a.m. and pick-up times from 4:30 p.m. to 5:30 p.m.

Farnham Gate Road is a higher-classed street categorized as a two-lane minor collector street with sidewalks on both sides that consists of predominantly residential uses. Scotch Pine Terrace, on the other hand, is a residential two-lane local street with sidewalks on both sides that consists of low density residential uses. The Development Engineer and Traffic Services staff have reviewed the proposal and are satisfied that it meets municipal requirements. Staff also determined that a Traffic Impact Statement was deemed not required due to the sufficient capacity of both of Farnham Gate Road and Scotch Pine Terrace. Currently, no traffic signals are warranted at the Farnham Gate Road and Scotch Pine Terrace intersection; traffic is controlled by two way stop signs at Scotch Pine Terrace Street to the west (Map 2).

Based on community concerns expressed at the PIM and through correspondence relative to traffic in the area, which are included in Attachments G and H of this report, the proposed development agreement requires that on-site parking be limited to two parking spaces; one (1) parking space for the dwelling and one (1) parking space for the day care facility. Off-site

parking in the area is available on one side of Scotch Pine Terrace and certain sections of Farnham Gate Road, which are located in close proximity to the subject property. Council should note that staff have reviewed the proposal in accordance with applicable policies of the MPS and from an operational perspective, and determined that the proposed expansion will not adversely impact the surrounding residential neighbourhood or the existing road network due to sufficient off-site parking within the immediate vicinity.

Nova Scotia Department of Community Services

Day care facilities for more than 8 children are subject to the licensing requirements of the Nova Scotia Department of Community Services. If the development agreement is approved, the province will consider the applicant's proposal to establish the day care facility subject to meeting their requirements. Both the requirements of the development agreement and the provincial regulations will apply to the day care facility.

Conclusion

In staff's opinion, discharging the subject property from the Stage I and Stage II development agreements and rezoning the property to the R-1 Zone is consistent with the intent, objectives and policies of the Residential Environments Designation of Halifax MPS. Staff also believes that the proposed development agreement meets the guidelines and criteria listed under Implementation Policies 3.20 and 3.20.1 and addresses compatibility issues with the surrounding uses. Therefore, staff recommends that Halifax and West Community Council approve the proposed the discharging agreements, the proposed rezoning and the proposed development agreement, as presented in Attachments A through D respectively.

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting, which was held on March 21, 2013. Attachment G contains the minutes from the public meeting. Attachment H contains a copy of the written comments submitted by the public.

A Public Hearing has to be held by Halifax and West Community Council before they can consider approval of the proposed rezoning and 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, as shown on Map 2, will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed rezoning and development agreement will potentially impact the following stakeholders: local residents, property owners, and community or neighbourhood organizations.

ENVIRONMENTAL IMPLICATIONS

No environmental issues have been identified.

ALTERNATIVES

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

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Day Care Centres in the Area
Attachment A	Proposed Amendments to the Halifax Mainland Land Use By-law
Attachment B	Proposed Stage II Discharging Agreement
Attachment C	Proposed Stage I Discharging Agreement
Attachment D	Proposed Development Agreement
Attachment E	Review of Relevant Policies of the Halifax Municipal Planning Strategy
Attachment F	Excerpt from the Halifax Mainland Land Use By-law
Attachment G	Public Information Meeting Minutes
Attachment H	Correspondence from Neighbouring Residents

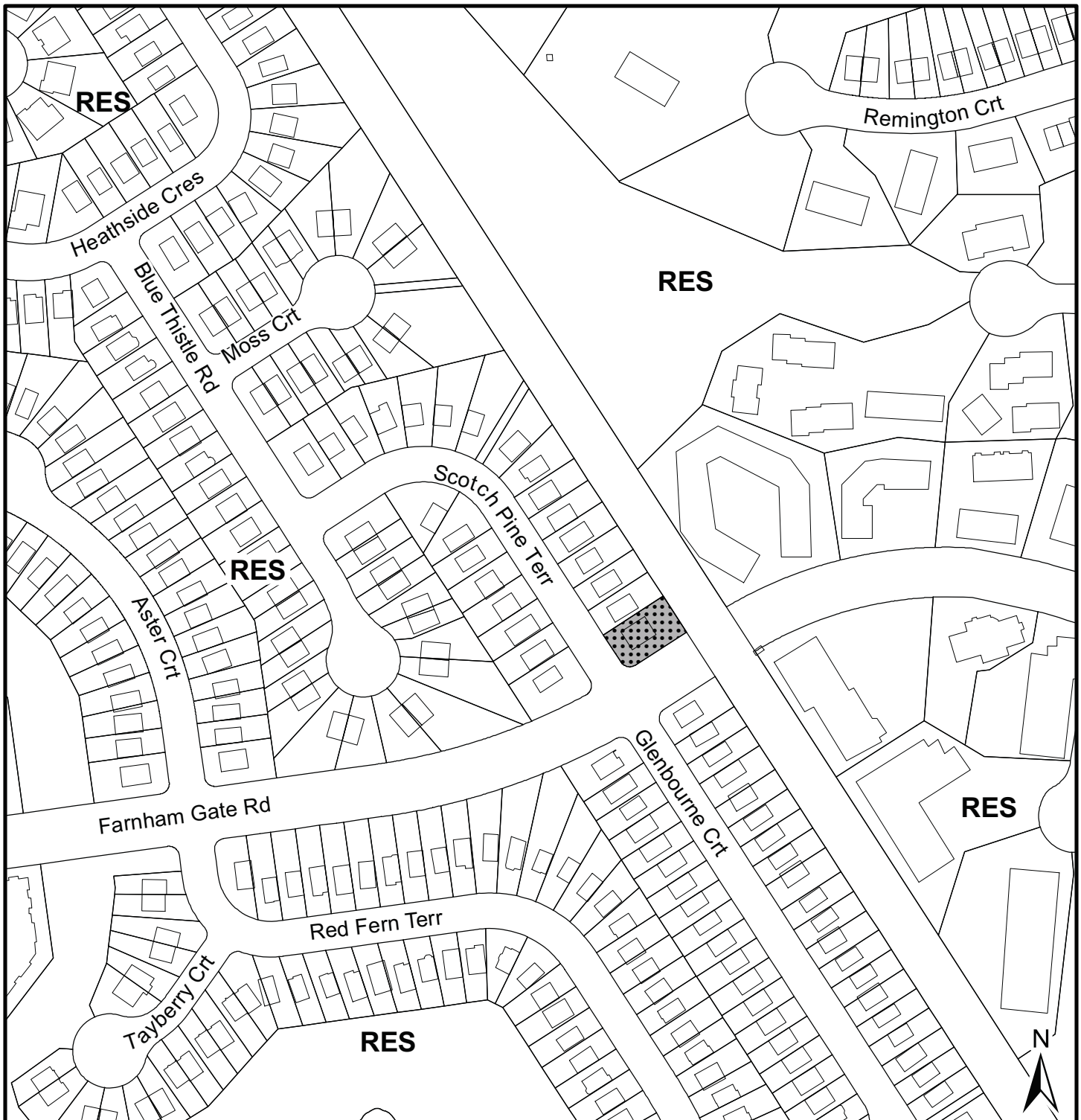
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Dali H. Salih, Planner, Development Approvals, 490-1948

Original Signed

Report Approved by:


Kelly Denty, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

60 Scotch Pine Terrace
Halifax

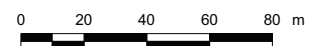


Area of proposed
development agreement

Designations

RES Residential Environments

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



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 Plan Area



Map 2 - Zoning and Notification

60 Scotch Pine Terrace
Halifax

 Area proposed to be Rezoned
from K (Schedule K)
to R-1 (Single Family Dwelling)

 Area of notification

Halifax Mainland
Land Use By-Law Area

Zones

K Schedule K

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 60 80 m

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a portion of the Zoning Map for the plan
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Map 3 - Day Care Centres in the Area

60 Scotch Pine Terrace
Halifax



Future Stars Learning
Centres Locations

Halifax Mainland
Land Use By-Law Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



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a portion of the plan area indicated.

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ATTACHMENT A:
Proposed Amendments to the Halifax Mainland Land Use By-law

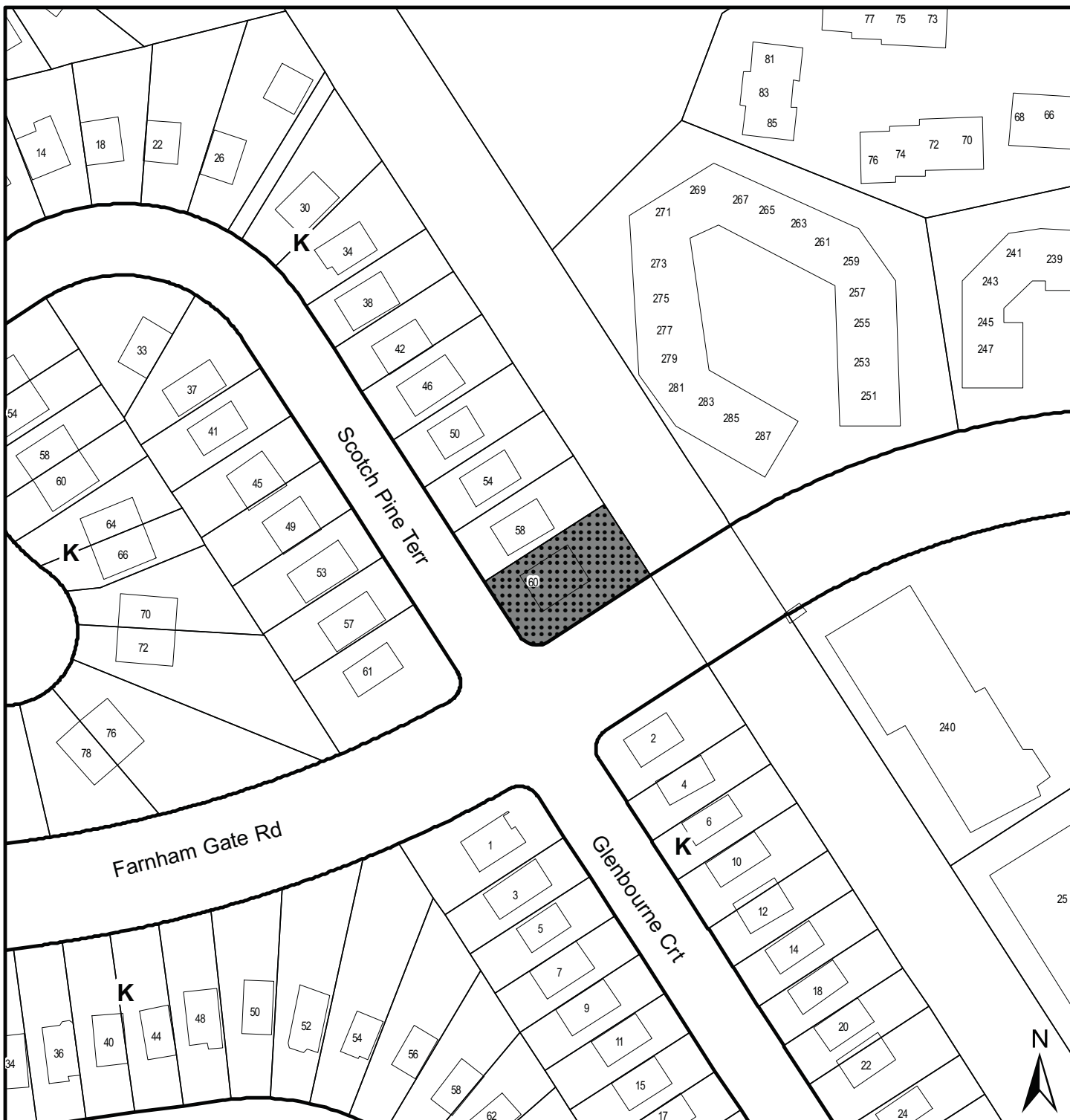
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland as adopted by Regional Council on the 30th day of March, 1978, and 11th of May, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August,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

1. Amend zoning map, **ZM-1**, by applying the R-1 (Single Family Dwelling) Zone on 60 Scotch Pine Terrace, Halifax, as shown on **Schedule A** attached to this report.

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

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

Municipal Clerk



Schedule A

60 Scotch Pine Terrace
Halifax



Area to be rezoned
from K (Schedule K)
to R-1 (Single Family Dwelling)

Halifax Mainland
Land Use By-Law Area

Zone

K Schedule K

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 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.

ATTACHMENT B:
Proposed Stage II Discharging Agreement

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

BETWEEN:

[Insert Individual's name]

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 60 Scotch Pine Terrace, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

ANDWHEREAS the former City of Halifax, at its meeting on July 29, 1993, approved an application by Annapolis Basin Pulp & Power Company Limited (Annapolis Group Incorporated) to enter into a Stage I Development Agreement (Municipal Case No. 6511) for the concept approval for a residential development on the lands west of the Rockingham Ridge Subdivision, north and west of the Wedgewood Subdivision and east of the Bicentennial Highway in Halifax, pursuant to the Halifax Municipal Planning Strategy and Sections 68(6) and 68(8) of Land Use By-law for Halifax Mainland, which said agreement was entered into on December 6, 1993, and then registered at the Registry of Deeds in Halifax as Document No. 52141, Book No. 5505, Pages 462-479, and entered into an amending agreement to the Stage I Development Agreement on March 29, 1996, and the said amending agreement was then registered at the Registry of Deeds as Document No. 12550, Book 5856, Page 429-434, collectively called the Stage I Development Agreement (hereinafter called the "Existing Stage I Agreement");

AND WHEREAS, pursuant to the procedures and requirements contained in the Halifax Regional Municipality Charter, the Halifax and West Community Council of the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18229;

ANDWHEREAS the former City of Halifax, previously approved an application by Annapolis Basin Pulp & Power Company Limited (Annapolis Group Incorporated) to enter into a Stage II Development Agreement (Municipal Case No. 6819) for the development of Phase 1A of the Glenbourne Subdivision, which said agreement was entered into on February 2, 1994, pursuant to the provisions of the Halifax Municipal Planning Strategy and Subsections 68(7) and 68(8) of the Land Use By-law for Halifax Mainland, and the said agreement was filed in the Registry of Deeds as Document No. 5687 in Book 5527, at Pages 93-100 (hereinafter called the “Existing Stage II Agreement”);

AND WHEREAS the Developer has requested that the Existing Stage II Agreement be discharged from the Lands;

AND WHEREAS, pursuant to the procedures and requirements contained in the Halifax Regional Municipality Charter, the Halifax and West Community Council of the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18229;

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

1. The Lands are hereby discharged from the Existing Stage II Agreement, which shall no longer have any force or effect on the Lands.
2. Any future development of the Lands shall conform with all applicable provisions and requirements of the Land Use By-law for Halifax Mainland, as amended from time to time.

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

SIGNED, SEALED AND DELIVERED in
the presence of:

Witness

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

Witness

Witness

(Insert Registered Owner Name)

Per: _____

HALIFAX REGIONAL MUNICIPALITY

Per: _____
MAYOR

Per: _____
MUNICIPAL CLERK

ATTACHMENT C:
Proposed Stage I Discharging Agreement

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

BETWEEN:

[Insert Individual's name]

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 60 Scotch Pine Terrace, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

ANDWHEREAS the former City of Halifax, at its meeting on July 29, 1993, approved an application by Annapolis Basin Pulp & Power Company Limited (Annapolis Group Incorporated) to enter into a Stage I Development Agreement (Municipal Case No. 6511) for the concept approval for a residential development on the lands west of the Rockingham Ridge Subdivision, north and west of the Wedgewood Subdivision and east of the Bicentennial Highway in Halifax, pursuant to the Halifax Municipal Planning Strategy and Sections 68(6) and 68(8) of Land Use By-law for Halifax Mainland, which said agreement was entered into on December 6, 1993, and then registered at the Registry of Deeds in Halifax as Document No. 52141, Book No. 5505, Pages 462-479, and entered into an amending agreement to the Stage I Development Agreement on March 29, 1996, and the said amending agreement was then registered at the Registry of Deeds as Document No. 12550, Book 5856, Page 429-434, collectively called the Stage I Development Agreement (hereinafter called the "Existing Stage I Agreement");

AND WHEREAS the Developer has requested that the Existing Stage I Agreement be discharged from the Lands;

AND WHEREAS, pursuant to the procedures and requirements contained in the Halifax Regional Municipality Charter, the Halifax and West Community Council of the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18229;

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

1. The Lands are hereby discharged from the Existing Stage I Agreement, which shall no longer have any force or effect on the Lands.
2. Any future development of the Lands shall conform with all applicable provisions and requirements of the Land Use By-law for Halifax Mainland, as amended from time to time.

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

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

ATTACHMENT D:
Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 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 located at 60 Scotch Pine Terrace, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a day care facility for up to 18 children in conjunction with a single unit dwelling on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 3.20 and 3.20.1 of the Municipal Planning Strategy for Halifax and Section 71(8) of the Land Use By-law for Halifax Mainland;

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 18229;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

1.2 Applicability of Land Use By-law and Subdivision By-law

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable 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 18229:**

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan

3.2 Requirements Prior to Approval

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

3.3 General Description of Land Use

3.3.1 The uses of the Lands permitted by this Agreement are the following:

- (a) a day care facility for not more than 18 children in conjunction with a single unit dwelling, subject to the provisions of this Agreement; and
- (b) Accessory uses permitted in the R-1 (Single Family Dwelling) Zone, subject to the provisions contained within the Land Use By-law for Halifax Mainland.

3.4 Siting and Architectural Requirements

3.4.1 The day care centre shall be located in the basement level of the existing building.

3.4.2 Any alterations to the exterior of the building shall retain the residential character of the building and shall be subject to the requirements of the R-1 (Single Family Dwelling) Zone.

3.5 Parking, Circulation and Access

3.5.1 Two parking spaces shall be provided, as shown on Schedule B. One (1) parking space for the dwelling and One (1) parking space for the day care facility shall be provided.

3.6 Outdoor Play Area

3.6.1 The outdoor play area shall:

- (a) be located in the area identified as Play Area Back Yard, as shown on Schedule B;
- (b) be screened with view-obstructing materials, such as but not limited to a stone wall or wood fence; and
- (c) not be connected through gateways or pathways to any adjacent property, as shown on Schedule B.

3.6.2 Materials used by children in the outdoor play area shall be limited to the Lands.

3.7 Signage

Signage for the day care facility shall be accordance with the R-1 (Single Family Dwelling) Zone of the Land Use By-law for Halifax Mainland, as amended from time to time.

3.8 Hours of Operation

3.8.1 The hours of operation shall be Monday through Friday, from 7:30 am to 5:30 pm.

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.

PART 4: AMENDMENTS

4.1 Non-Substantive Amendments

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

- (a) The granting of an extension to the date of commencement of construction as identified in Section **5.3.1** of this Agreement;
- (b) The length of time for the completion of the development as identified in Section **5.5.1** of this Agreement;

4.2 Substantive Amendments

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

PART 5: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

5.1 Registration

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

5.2 Subsequent Owners

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

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

5.3 Commencement of Development

- 5.3.1 In the event that development on the Lands has not commenced within three (3) year from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 5.3.2 For the purpose of this section, commencement of development shall mean issuance of an Occupancy Permit for a day care facility for not more than 18 children in conjunction with a single unit dwelling.
- 5.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 3.1, 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.

5.4 Completion of Development

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

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

5.5 Discharge of Agreement

- 5.5.1 If the Developer fails to complete the development after five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

6.1 Enforcement

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

6.2 Failure to Comply

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

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

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

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

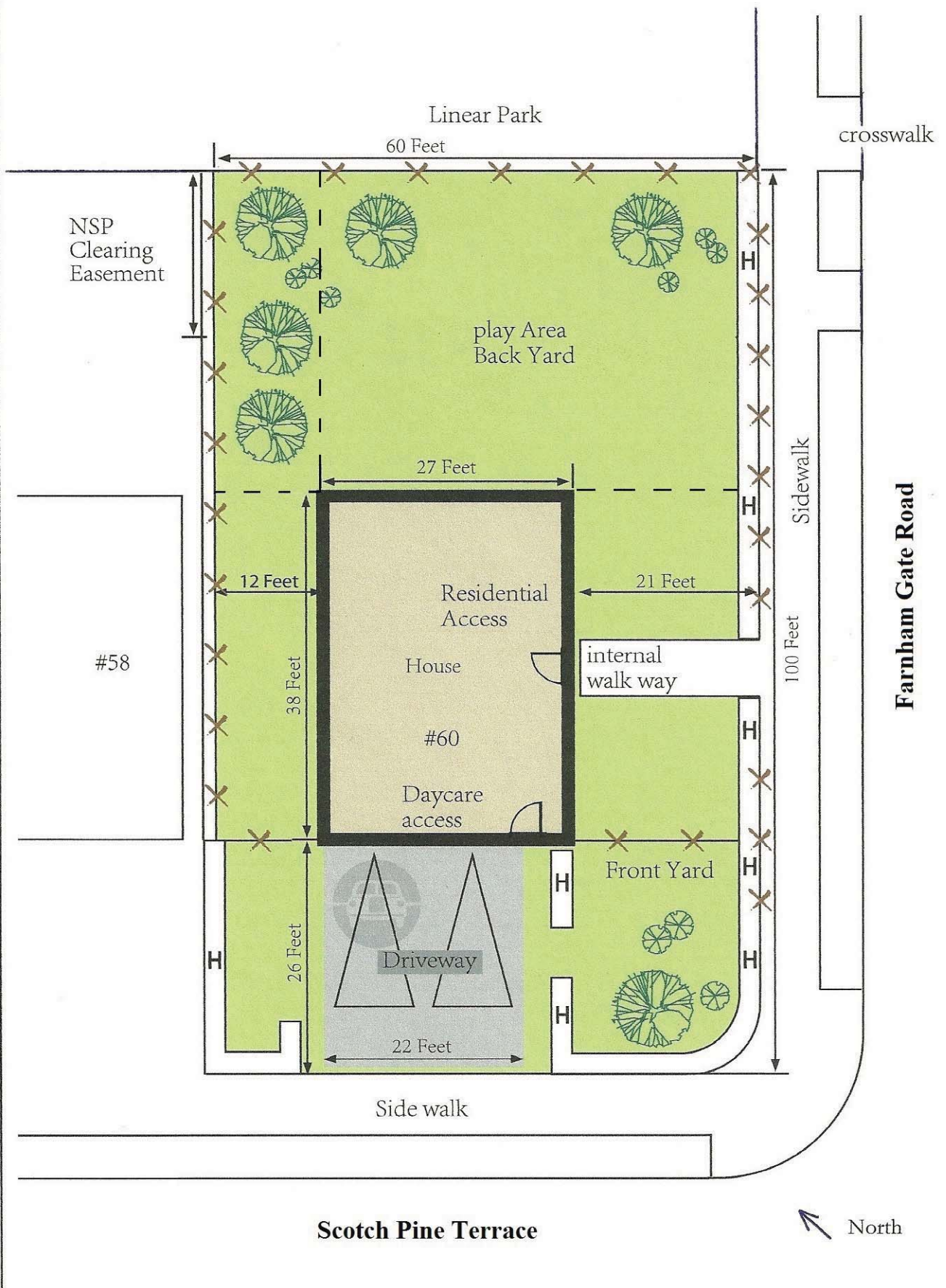
Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

Case 18229 - Schedule B
Site Plan - 60 Scotch Pine Terrace, Halifax



ATTACHMENT E:
Review of Relevant Policies of the Halifax Municipal Planning Strategy

Policy Criteria	Staff Comment
2. RESIDENTIAL ENVIRONMENTS Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.	
2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.	There are existing services to the subject property which have adequate capacity to service the proposed development should Council entertain the proposal.
2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.	<p>The subject property is located in a predominantly residential neighbourhood that comprises of low and medium residential uses and a few of commercial uses. The proposal is <u>consistent</u> with these policies and the intent of the Residential Environments Designation as the proposed development maintains the present neighbourhood development pattern or characteristics of the neighbourhood. The proposal meets this policy.</p> <p>Policy 3.1 was repealed in June 1990; however, Policy 3.1.1 (see below) requires proposed developments to conform with the policies of the plan with particular regard to Policy 2.4 of Section II (see below).</p> <p>Policy 3.2 discusses the creation of secondary plans in certain areas of the Halifax Planning Area. The subject property is not included within a secondary plan.</p>
2.3 The City shall investigate alternative means for encouraging well-planned, integrated development.	N/A
2.3.1 The City should restrict ribbon development which does not conform to the policies of this document and should seek ways to remove any such development which may become obsolete.	N/A

Policy Criteria	Staff Comment
<p>2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	<p>The subject property, 60 Scotch Pine Terrace, Halifax, is located on the north eastern corner of the intersection of Farnham Gate Road and Scotch Pine Terrace. Current land use arrangements surrounding the subject property and in the Farnham Gate area consist of a mixture of medium density residential uses such as single family dwellings duplexes to the east and mid-rise apartment buildings.</p> <p>The proposal is to utilize the basement level of the existing residential building for a day care facility for 18 children. It should be noted that no changes are proposed to the exterior of the building.</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>Under the R-1 Zone, the subject property could only be developed as a single unit dwelling, which allows for a day care facility for 8 children in conjunction with the single unit dwelling.</p> <p>The proposed development agreement to allow for the proposed increase in the number of children from 8 to 18 ensures the consistency in building design with other low density residential dwelling in the existing neighbourhood. The proposed development agreement requires that any modifications to the design of the building are subject to the provisions of the R-1 Zone. Therefore, the proposal will not contribute to any potential incompatibility issues between existing land uses.</p> <p>No new streets or commercial uses are included as part of this planning application.</p>

Policy Criteria	Staff Comment
2.4.2 In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.	The existing zoning permits the uses listed.
2.4.2.1 Pursuant to 2.4.2 the land use by-law may regulate the number, size, height, illumination and location of signs.	N/A
2.10 For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.	Provisions have already been established in the LUB to control these aspects.
2.11 For all residential uses the parking and storage of vehicles such as trailers, boats and mobile campers, shall be restricted to locations on the lot which create minimal visual impact from the street.	Provisions have already been established in the LUB to regulate these matters.
IMPLEMENTATION POLICIES:	
3.20 In order to encourage the establishment of child care centres in a variety of locations to meet the varied needs of families, and to allow the consideration of the specific circumstances of an individual location, a child care centre which does not meet applicable land use by-law regulations may be permitted by development agreement.	A day care facility for a total of 8 children currently exists in conjunction with the single unit dwelling on the subject property. This use meets the regulations of the Halifax Mainland Land Use By-law (LUB) as per the terms and conditions of the Stage I and Stage II Development Agreements for Glenbourne Subdivision. As the proposed increase to 18 children cannot be permitted under LUB provisions, it can be considered through the development agreement process.
3.20.1 In considering approval of such development agreements, Council shall consider the following:	

Policy Criteria	Staff Comment
a. for a child care centre located within a dwelling, alterations to the exterior of the building shall not be such that the building no longer appears to be residential in nature. This shall not prevent facilities for physically challenged children, or playground equipment to be erected on the property.	No changes to the exterior of the existing house are proposed. While the basement level was designed to accommodate a day care facility, the building has a typical design of a single unit dwelling from the front (Fanham Gate Road) and the driveway side (Scotch Pine Terrace). The entrance to the day care center is on the lower level and is accessed from Scotch Pine Terrace. The entrance to the dwelling is on the middle level and is acceded from Farham Gate Road. The property will have a fenced yard and child play equipment in the rear yard, both of which are residential in nature.
b. the hours of operation shall be such that adverse impacts of noise and traffic movements on adjacent residential uses are reduced.	<p>Hours of operation are no expected to adversely impact any neighbours. The development agreement limits child care to weekdays from 7:30 to 5:30 pm, though meetings with parents may also occur during the evening.</p> <p>The day care will accommodate both young children (toddlers) all day and older children after school. The hours of operation for the toddlers will be from 7:30am to 5:30 pm. The hours of operation for the after-school children will be from 3:30pm to 5:30pm.</p>
c. parking shall be required on the site of the child care centre to accommodate the employees of the centre. Parking areas should, where necessary, be visually buffered from any adjacent residential uses by the use of fences, screening and/or landscaping as appropriate.	The development agreement requires one parking space for the residential use (equivalent to the LUB requirement) and another (only one) parking space for the day care facility. On-street parking on Scotch Pine Terrance is only permitted on one side. Buffering concerns did not arise during the public consultation, and the rear yard is screened with landscaping treatment and a fence.
d. site design features, including landscaping, outdoor play space, parking areas and driveways shall be designed, sized and located to provide for the needs of the users of the facility, as well as to address potential impacts on adjacent residential uses.	The existing outdoor play area has been designed to meet the requirements of the Department of Community Services for a licensed day care facility. No issues were brought forward during the public consultation, and no changes to the existing site design are proposed.

Policy Criteria	Staff Comment
e. vehicular access to and egress from the child care centre and pedestrian movement shall be accommodated in a manner which encourages safety.	Though the civic address and residential access are on Scotch Pine Terrace, access to the day care is from Farnham Gate Road.
f. signs for the child care centre shall be of a size, design and placement on the lot which reduces impacts on adjacent residential uses.	The existing signs are relatively small and inconspicuous. The signage meets the requirements of the LUB, and no changes are proposed.
g. centres shall not be located so as to produce a concentration within a particular neighbourhood. In addition, only one centre with a licensed capacity of more than 14 children shall be permitted on any cul-de-sac.	<p>The Department of Community Services lists a total of four day care centres in neighbourhood; three are in conjunction with single unit dwellings and the fourth one is a commercial day care for 39 children is located at 480 Parkland Drive.</p> <p>The neighbourhoods within the Clayton Park West and the Glenbourne Subdivision are predominantly residential and consists of a large mix of low and medium density housing. Although the applicant owns and operates another day care facility for 8 children located on the adjacent property, 58 Scotch Pine Terrace, and another facility for 14 children on 6 Aster Court, staff believe the proposal does not produce or create a concentration of day cares. Those facilities are permitted as-of-right as home occupations in conjunction with single unit dwellings. This proposal has merits for consideration due to the growing demand for day care facilities in the area.</p> <p>The proposed development agreement places controls over the proposed land use to mitigate against potential impacts such as noise. The proposed development agreement requires the applicant to screen the outdoor play area and restrict gateways and pathways between the subject property and the day care in the adjacent property, 58 Scotch Pine Terrace. Also, the proposed agreement requires two off-street parking spaces to be provided. As for potential traffic impacts, the proposal was reviewed by Development Engineering and Traffic Services staff and was deemed acceptable.</p>

Policy Criteria	Staff Comment
	Furthermore, neither Farnham Gate Road nor Scotch Pine Terrace is a cul-de-sac.
h. all other relevant policies of the municipal planning strategy with particular reference to the Residential Environments section.	The subject property is designated Residential Environments under the Halifax MPS. Policies 2.1 through 2.11 (mentioned above) generally speak about day care facilities; however, guidelines and criteria listed under Implementation Policies 3.20 and 3.20.1 are more specific.

ATTACHMENT F:
Excerpt from the Halifax Mainland Land Use By-law

Definition

“Day Care Facility” means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name (and known as a ‘child care centre’ in the Municipal Planning Strategy), with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, seven (7) or more children not of common parentage, or nine (9) or more children not of common parentage who are all school-aged up to and including twelve (12) years of age; but does not include a place such as a hospital or school, does not include organized religious or recreational activities, and does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (RC-Mar 3/09;E-Mar 21/09)

R-1 (Single Family Dwelling) Zone

20(1) The following uses shall be permitted in any R-1 Zone:

- (a) a detached one-family dwelling;
- (b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
- (ba) a home occupation;
- (c) a public park or playground;
- (d) a church and church hall;
- (e) a golf course;
- (f) a tennis court;
- (g) a yacht or boat club;
- (h) a public recreational centre;
- (i) **a day care facility for not more than 8 children in conjunction with a dwelling (CCC-Apr 6/09;E-Oct 8/09)**
- (j) a special care home containing not more than ten persons including resident staff members;
- (k) uses accessory to any of the foregoing uses.

20(2) No person shall in any R-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

20(3) No person shall in any R-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

21 Buildings erected, altered or used for R-1 uses in an R-1 Zone shall comply with the following requirements:

- (a) lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the min. frontage may be reduced to 30 feet
- (b) lot area minimum 5,000 square feet
- (ba) Notwithstanding clause (b), the minimum lot area, for lots abutting an inland watercourse in the "**Mainland South Area**", shall be 6,000 square feet;
- (c) lot coverage maximum 35 percent
- (ca) height maximum 35 feet
- (d) floor coverage of living 950 square feet space, minimum
- (e) every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building

ACCESSORY BUILDINGS

- (f) notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building
- (g) notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

BUILDINGS ON CORNER LOTS

- (h) where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.

BOSCOBEL ROAD LOT SIZES

- (i) Notwithstanding the minimum lot area requirements specified in Section 21(b) and 21(ba), the minimum lot area requirement for lots abutting or including the wetland area between Boscobel Road and Purcell's Cove Road as specified on Schedule A, shall be one acre, excepting those lots existing on the date of adoption of this Section, and excepting civic number 290 Purcell's Cove Road.

BOARDERS AND LODGERS - BED AND BREAKFAST

- 22(a) The keeping of not more than three boarders or lodgers in a one family dwelling house shall be permitted, but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.
- 22(b) The provision of the bed and breakfast accommodation shall not be permitted simultaneously with the keeping of boarders and lodgers.

SIGNS

- 23 The exterior of any building in an R-1 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
- (a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;
 - (b) one non-illuminated no-trespassing, safety, or caution sign not exceeding 1 square foot in size;
 - (c) one non-illuminated sign not exceeding 1 square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;
 - (d) one bulletin board for a church;
 - (e) a sign not exceeding 2 square feet in size for a **day care facility (RC-Mar 3/09;E-Mar 21/09)**;
 - (f) a non-illuminated sign not to exceed 6 square feet in size for a non-residential building.
 - (g) One sign not exceeding two square feet in size which can be illuminated only by reflected light, for any bed and breakfast establishment.

DAY CARE FACILITIES

- 23A Buildings erected, altered or used for a **day care facility** shall comply with the following requirements:
- (a) Except for outdoor play space, any **day care facility** shall be wholly contained within a dwelling which is the principle residence of the operator of the facility;
 - (b) One off street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be eight feet wide by sixteen feet long, and be exclusive of the front yard.
 - (c) The **day care facility** shall be limited to a maximum of one full storey of the dwelling; this storey may be the basement.
 - (d) Only one **day care facility** shall be permitted to be located on any lot.

(RC-Mar 3/09;E-Mar 21/09)

23B Notwithstanding the provisions of Sections 20(1)(i) and 23A (a-c) a **day care facility** may be operated as an accessory use to a church, church hall, or public recreation centre. The parking provisions contained in Sections 11(1) and 11 (2) would apply.(RC-Mar 3/09;E-Mar 21/09)

23C (Deleted)

SPECIAL CARE HOME

23D Where any building is altered or used as a special care home in an R-1 Zone, such building, in addition to the requirements hereinbefore set out, shall comply with the following requirements:

- (i) 100 square feet of landscaped open space shall be provided for each person occupying such home;
- (ii) recreational indoor space may account for 25% of the landscaped open space;
- (iii) the building is a minimum of 1,000 feet distant from any other building used for or as a special care home;
- (iv) parking requirements as contained in subsections (1)and (2) of Section 11.

ATTACHMENT G:
Public Information Meeting Minutes

7:00 p.m.
Thursday, March 21, 2013
Bayers Road Office, Halifax

STAFF IN

IN ATTENDANCE: Dali Salih, Planner, HRM Planning Services
Rowena Dill, Planning Controller, HRM Planning Services
Jennifer Purdy, Planning Controller, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Councillor Reg Rankin

ALSO IN

ATTENDANCE: Linda Liao, Applicant and Property Owner
Bill Campbell, Consultant

PUBLIC IN

ATTENDANCE: Approximately 14

1. Opening remarks / Introduction / Purpose of meeting – Dali Salih

Dali Salih introduced herself and Halifax Regional Municipality (HRM) staff. She welcomed everyone to the meeting and stated that the purpose of this meeting was to provide feedback on Case 18229, which is for an application by the property owner, Linda Liao, for a day care facility for 18 children by the development agreement process.

She advised that the property owner and applicant Linda Liao, and consultant, Bill Campbell were present along with Councillor Reg Rankin.

Ms. Salih noted the purpose of the meeting was to inform the citizens of the proposal, explain the planning policy and its stages and for the applicant to present the proposal and to hear feedback from the public. She noted that no decisions have been made yet and no decisions would be made at this meeting.

Ms. Salih gave the overall agenda of the meeting and proceeded with presenting the description of the proposal.

She stated that HRM Planning services received an application from Linda Liao, the owner of Future Stars Learning Centre, to consider an after-school day care program for additional 10 children for a total of 18 children at 60 Scotch Pine Terrace through development agreement process. Ms. Salih provided a map of the general area. She stated that 60 Scotch Pine Terrace, is within the Glenbourne Subdivision in the Clayton Park West area. She also provided an aerial view of the property. Ms. Salih provided a view of the house and noted it was on the corner of Farnham Gate and Scotch Pine Terrace. She stated that you can see that there is parking for the residence on the side.

Ms. Salih explained that the planning application came in from Future Stars Learning Centre, which is operated by Linda Liao who is the applicant. The building on the property is currently used as a single unit dwelling and a daycare facility for 8 children. The applicant is proposing an after-school day care for additional 10 children for a total of 18 children.

Ms. Salih clarified what a Development Agreement was by stating that it is essentially a contract between the Municipality and the property owner about a proposed land use. This agreement would contain guidelines and criteria that restricts and regulates the proposed land use such as number of children, hours of operation, parking, etc.

Ms. Salih discussed other daycares in the area. She advised the facility located at 6 Aster Crt. was created in 2009 and it had 14 children. 60 Scotch Pine Terrace was established in 2010 for 8 children between the ages of 18 months to 12 years, and 58 Scotch Pine Terrace was created in 2011 and is for 8 children between the ages of 3 and 12.

The zoning was explained along with a map outlining the zoning in the area was shown. It is covered under the Halifax Mainland Land Use By-law. All properties fall under Schedule K, which indicates that those properties are under a Development Agreement (the Glenbourne Subdivision, also known as Clayton Park West). This schedule assigns the R-1 (Single Family Dwelling) zone to the properties highlighted in purple. The surrounding buildings are assigned the Multiple Dwelling zone (R-4).

Ms. Salih provided a list of the permitted uses under the R-1 zone. Ms. Salih explained that in the R-1 Zone within the Mainland LUB, you can have a daycare for up to 8 kids in your home. This is what currently exists on the property – Linda lives in the house, and has a daycare for up to 8 children. She stated that there are also provincial licensing requirements, but those are separate from the city's limit of 8 children. It should be noted that in 2009, the Mainland Land Use By-law allowed a total of 14 children day care facilities as of right until it got amended to lower the number to 8 children. She explained that the details of the zone are included in the handout that has been distributed tonight.

2. Overview of Policy – Dali Salih

Ms. Salih explained that Halifax Mainland falls under the Halifax Municipal Planning Strategy. The plan has different policies, which will permit property owners to propose a

use that is not included in the land use by-law, whether through rezoning or a development agreement. In this case the following policies can be considered:

- **Policy 3.20:** This policy encourages day cares to be established in a variety of neighbourhoods, to meet the needs of families. If a proposed day care doesn't meet the requirements of the Land Use By-law – in this case, because of 18 children is more than the limit of 8 – then it goes through a development agreement.
- **Policy 3.20.1:** This policy outlines the criteria that staff and Council has to consider when they're looking at a daycare development agreement. Since the building will still be a house, as well as a daycare, we'll make sure the residential character is maintained. There are controls for hours of operations, landscaping, signage, and others. For example, the development agreement could require extra plants or fencing.

Ms. Salih passed the floor to the Consultant, Bill Campbell, for presentation of the proposal.

3. Presentation of Proposal – Bill Campbell, Consultant

Bill Campbell introduced himself then proceeded to explain that when Linda first embarked on this proposal she went through a preliminary planning process. She submitted a preliminary application and that was circulated and reviewed with Dali's colleagues. He stated that generally positive comments came back from HRM on that application and so that gave her reiteration to go forward with this application. When those preliminary comments came back from HRM, they suggest we look at all the policies of the plan that Dali had just mentioned and respond to them. This gives HRM staff and councillors something to guide their decision.

Mr. Campbell proceeded to go through the policies briefly. He explained he would cover off some of the interest and policy concerns that would be in this type of application.

He explained the first one deals with the building. Making sure that the house looks and appears just like a residential building and in this case there will be no change to the building or the grounds. It will look like a residential building that would be on any street in Glenbourne.

He stated that in particular the entrance is on Scotch Pine as well there is an entrance on Farnham Gate Road.

He explained that the hours of operation will be daycare operation hours which are approximately 7:30 in the morning until 5:30 in the afternoon with drop offs and pick ups around those hours.

He stated one unique feature of this property is the fact that it borders on the linear park. The children can walk from Park West School and get to the site by only having to cross one street. He stated this is a very safe route.

Mr. Campbell explained that another policy the plan deals with is parking. There is parking on site for the two daycare employees. And for the short term pick up of kids is on the street. The parking in front of the building, Mr. Campbell refers to the picture Ms. Salih showed of the property, is well screened by hedging around the property.

Mr. Campbell said landscaping is also a concern. He said the property is well landscaped with hedges around the property and has play equipment in the rear yard.

He states another point of concern was signage. The sign that Linda has on there is almost invisible. It is served for those who use the daycare who already know where it is, so there is really no need for that signage.

Mr. Campbell explains one other issue with the daycare is the concentration of daycares in the area. He mentioned that Dali showed there are three daycares in the general area and he stated there is one more up on Parkland which is more of a commercial daycare. But with this kind of area and the number of families in the area we do not believe this closes the concentration on the number of daycares. Linda also receives a number of inquiries on taking in more children in her daycare.

Mr. Campbell says that the other policies in the plan are more general but mostly relate to the needs and characteristics of the existing neighborhood. In this case the need is to provide more daycare spaces, so Linda is doing what she can to do that in a controlled way by limiting the number of children to 18. The other thing is to match up with the characteristics of the neighborhood and that will be kept by having the appearance of a single family dwelling and not overly taxing the road or other systems.

Mr. Campbell wanted to reiterate her request to limiting the number of children to 18 and the fact that she has already a permit from the province to have this maximum number of children as well as with the Department of Community Services, so this eliminates the intent for any further development.

Ms. Salih explained that before she opens the floor to questions and comments, she would first like to speak on the planning process.

4. Overview of Planning Process – Dali Salih

Ms. Salih explained that all planning processes, including the Development Agreement planning process or rezonings start with an application. Staff does an initial review of the proposal against the policies of the Municipal Planning Strategy, then, we proceed with a public information meeting.

Staff will gather the feedback from the public, comments from other HRM departments and compare that information with what the Planning Strategy says. Along with the minutes from tonight's meeting, there will be a staff report along with a draft Development Agreement which will be given to Halifax and West Community Council with a recommendation.

Ms. Salih informed the public that Councillor Reg Rankin was with us tonight and is aware of the application along with all general comments about it.

Ms. Salih explained that Community Council will then schedule a Public Hearing, which is another opportunity for the public to speak, or any written submissions can be sent to the Municipal Clerk's office before the hearing. After the public hearing, council will make their decision, based on the staff recommendation, and the public hearing. Whether they approve it or refuse it, there is an appeal period of 14 days, during which time the decision can be appealed to the Nova Scotia Utility and Review Board.

Ms. Salih explained the ground rules before opening the floor to questions and comments. She also explained she had her contact information available as well as Councillor Rankin's contact information.

5. Questions / Comments

Mr. Maurice Cornet, Clayton Park West, commented that he thought this was a very positive project. He stated that Clayton Park is heavily concentrated with young families and a large demand for daycare in the area. He would like to see this available in the community to have a safe place for the children to go after school.

Rasha Alassud, Rockingham, explained her daughter attends a French school out of the area and is happy that Linda has the ability for her daughter to take the bus after school to the daycare for her after school program. This gives her the ability to pick up both of her children after work at the same place. She stated that her niece goes to Park West School and also attends the same after school program, which gives her daughter the ability to spend time with her cousin after school. She stated that she appreciates all the help she has received from Linda and that her children have attended the daycare for two years.

Bill Michelos, Scotch Pine Terrace, explained that he was there to discuss some of the situations that have been occurring on Scotch Pine Terrace. He stated he is also representing four houses. He was there to represent 57, 49, 53 & 45 Scotch Pine. He stated the houses he represents are across the street from the daycare and since the daycare has opened the neighbourhood has changed. They do recognize there is a need for daycares in the area, but are concerned with the expansion proposed here. There is an increase in traffic on the street.

He spoke to Mr. Campbell's comments on the parking issue. He stated that Mr. Campbell said there was parking on site for staff, but explained that the staff was not using those parking spots and instead were parking on the street. The location of the

house, 60 Scotch Pine is located on the corner of Farnham Gate and Scotch Pine. One side of the street that the house is located on, the side on Farnham Gate there is no parking. The other side of the house on Scotch Pine there is no parking on the side of the road of the house, so the only available parking is on his side of the street, and is in front of the four houses he is representing.

Mr. Michelos stated that there is an issue every morning and every afternoon during drop off and pick up times for the safety of our children for the increased traffic that this daycare has along with the inconvenience that it has caused their community. He explained they are not interested in supporting an expansion. They are ok with the way the development is right now, but they do have concerns that they hope will be addressed as well. Parking is a major factor. Their children that play in front of their houses have had to be closely monitored because they have issues with people turning in their driveways. The people who are dropping off and picking up kids are not able to stop in front of 60 Scotch Pine, so they either stop on their side of the street or they stop in front of their driveways, block driveways.

Mr. Michelos explained there was one incident last year where the children were playing in one driveway doing chalk drawings and one of the cars turned into the driveway, barely missing the kids. So it is their concern that there will be increased traffic and the amount of people that will be coming and going from that area if this expansion was to happen.

Ms. Salih explained that with this type of application it is for a Development Agreement, which is a legal contract between the Municipality and the property owner. This is different then a rezoning because with a contract you can make it as flexible as needed or as strict as needed, so any of the controls included in the Development Agreement will regulate things like hours of operation, drop off and pick up times and parking requirements. All of those issues will be targeted and addressed in the Development Agreement process.

6. Closing Comments

Ms. Salih stated that we would still be accepting additional comments if anyone would like to submit one. She then asked if there were any other questions or comments. She provided her contact information and thanked everyone for attending.

7. Adjournment

The meeting adjourned at approximately 7:30 p.m.

ATTACHMENT H:
Correspondence from Neighbouring Residents

From: Theoharopoulos, Joanna
Sent: February-11-13 4:40 PM
To: Salih, Dali
Subject: Case # 18229

Hello,

Thank you for the opportunity to express our opinion.

Joanna & Dimitri Iatrou

>>>Below message was attached to email<<<

Mr. & Mrs. D. Iatrou

February 11, 2013

To Whom It May Concern:

This letter is in regards to application 18229, the granting of a larger number of children at the in-home daycare located at 60 Scotch Pine Terrace, Halifax.

We would like to state our displeasure with this application. We were surprised and concerned when the daycare first opened. However, enlarging its capacity is cause for further worry. While in-home daycare centers are useful and important businesses, the location of the daycare, the safety of the children and the disruption to the neighbourhood present concerns that cannot be ignored.

Firstly, the location of the daycare is less than ideal. The daycare is located on the corner of Farnham Gate Road and Scotch Pine Terrace. This location has had many accidents in the recent past, at times involving pedestrians. Not only is this a high-traffic street as it links to two main roads (Farnham Gate Rd. and Parkland Dr.), but the home is built on a blind-turn from Farnham Gate Road that has been prone to accidents. For example, two years ago a car turned the corner from Farnham Gate Road onto Scotch Pine Terrace, lost control and landed on the front yard of 59 Scotch Pine Terrace, knocking down the tree in the front yard. Also, last winter another car took the same turn and finally stopped on the front lawn of 58 Scotch Pine Terrace (the location of the second in-home daycare), knocking down the tree lining that yard. Luckily, no children were in the yard at that time (approximately 3:00 pm). Though it is the duty of a driver to respect the speed signs posted, we have witnessed, on many occasions, cars speeding around the turn. To add to the danger, the unmarked crosswalk for this turn is also on Scotch Pine Terrace and, therefore, not visible before taking the turn. Though members of the neighbourhood have also requested that street signs be posted to promote drivers' awareness of children playing in the

neighbourhood, this request has not been-and is unlikely to be- granted, leaving a large number of children in greater danger.

While children's safety has already been somewhat addressed above, there are further dangers to the children. It has been on more than one occasion that we have witnessed children from the daycare run towards the street while playing in the driveway or on the side of the house. This is not to say that the instructors are to blame, but children are curious and active and it is easy for one to chase a toy or wander away. With a greater number of children to look after, the task of ensuring their safety becomes increasingly difficult, especially in such a dangerous area. Safety of the children is also a concern to parents. We have witnessed on several occasions that parents arrive to pick up their child only to find that the child is no longer there! Because the owner of the daycare located at 60 Scotch Pine Terrace runs/seems to have an agreement with the daycare at 58 Scotch Pine Terrace and another on Aster Court, children have been relocated without the parent's knowledge. One day, for example, a parent arrived at 60 Scotch Pine looking for his daughter. The daycare worker on duty indicated for him to go next door. His confusion was evident. We have witnessed many children being brought from or being taken to another location during the day. If the application is granted to increase the number of children allowed at 60 Scotch Pine Terrace, we see no reason why another license would not later be approved for 58 Scotch Pine Terrace and/or Astor Court, allowing for many more children between the three properties. If child-sharing is already occurring, it seems logical to assume that many more parents will be unaware of their child's location throughout the day.

Lastly, the disruption to the neighbourhood is a consequence that cannot be ignored. To begin, parking is not allowed on the left-hand side of the road approaching Farnham Gate Road. However, due to the limited amount of parking on the street, parents are often parking their car illegally as they drop off or pick up their child. Also, between the hours of 7:00am- 8:00am and 4:00pm-5:00pm, there is now more traffic than had been in the past as parents drop off and pick up their children. This has caused congestion on the road and has caused us, on more than one occasion, to be unable to leave our home because our driveway has been blocked or the exit to our driveway has been too congested. Though we understand that a blocked driveway is cause for us to call and have the vehicle towed, we are not in the habit of causing conflict with our neighbours, nor do we want to cause unnecessary costs to parents who are trying to work and to provide their young children with care. Increasing the number of children permitted will also increase the number of cars utilizing that part of the street- causing further danger for cars pulling onto Scotch Pine Terrace from Farnham Gate Road. Additionally, due to the congestion and the lack of turning space, many of the parents have been accessing our driveway, and the driveways of many of our neighbours, in which to turn their vehicle around. This is causing unnecessary extra wear-and-tear to our driveways- the cost of maintenance and repair comes out of our pocket. Increasing the number of children permitted will further add to this inconvenience.

While daycare's are permitted in R1-zone areas, such as Scotch Pine Terrace, we were initially surprised that the HRM permitted one to run in such a high-traffic and precarious area. Not only does this put the children's safety at risk, it also causes further congestion to the area and, as such, causes inconvenience to the neighbours. Increasing the number of children permitted at this location will only lead to further disruption down the road.

Thank you for taking the time to review our concerns.

Sincerely,

Dimitri & Joanna Iatrou

From: Michalos, Bill
Sent: February-19-13 11:01 AM
To: Salih, Dali
Subject: RE: Case 18229 - Day Care Facility By DA - 60 Scotch Pine Terr

Attached is my letter concerning the daycare and a few photos of the traffic in our area caused by the daycare.

Bill Michalos

>>>**Below message was attached to email**<<<

Bill Michalos

February 18, 2013

To Whom It May Concern:

This letter is in regards to application 18229, the granting of a larger number of children at the in-home daycare located at 60 Scotch Pine Terrace, Halifax.

I would like to state my concerns with this application. I was surprised and concerned when the daycare first opened. However, enlarging its capacity is cause for further concern.

The disruption to the neighbourhood is something that cannot be ignored. Parking is not allowed on the left-hand side of the road approaching Farnham Gate Road. However, due to the limited amount of parking on the street, parents are often parking their car illegally as they drop off or pick up their child. Also, there is now more traffic than had been in the past as parents drop off and pick up their children. This has caused congestion on the road and has caused me, on more than one occasion, to be unable to leave my home because my driveway has been blocked. Staff has been parking illegally all day on the street where it is clearly marked for no parking. Increasing the number of children permitted will also increase the number of cars utilizing that part of the street- causing further danger for cars pulling onto Scotch Pine Terrace from Farnham Gate Road. Additionally, due to the congestion and the lack of turning space, many of the parents have been accessing my driveway, and the driveways of many of our neighbours, in which to turn their vehicle around. This is causing unnecessary extra wear-and-tear to our driveways- the cost of maintenance and repair comes out of our pocket. In addition there have been many occasions where these cars have been turning in my driveway when my children have been playing. This is of great concern to me as my children enjoy playing in my driveway, (hockey chalk drawing, tag and other activities, we now have to tell our children to be careful of the cars turning in our own driveway. This is a residential area with many children, do we not have the right to enjoy our own property. Increasing the number of children permitted will further add to this inconvenience.

I am also concerned with the amount of noise that is coming from this area. As we try to enjoy our own backyard and deck we can constantly hear the children playing when they are out for an activity. Increasing the number of children will only add to this.

This daycare also operates another location at 58 Scotch Pine Terrace. In my opinion this is getting out of hand for a residential area. The amount of children being cared for between these two residential homes is already taking away from the enjoyment of my own property giving them permit for additional spaces will only add to this disruption.

I have attached photos for your consideration.

Thank you,

Bill Michalos









From: Patrick Hobeiche (Oceancrest Realty Inc.)

Sent: February-21-13 9:46 AM

To: Salih, Dali

Subject: Case 18229

Hi Dali,

Please add my email and my contact to the neighbors who also object strongly the expansion of the daycare on 60 scotch pine terrace case 18229. Let me know with any new information in regard the public meeting... Please note that the same owner of that house own the next house too 58 scotch pine Terrace with another daycare facility. It's creating a huge issue to us as far a the traffic, parking on the street illegally and the safety of the children's them selfs.

Thanks,

Patrick Hobeiche

From: Patrick Hobeiche (Oceancrest Realty Inc.)

Sent: March-01-13 4:22 PM

To: Salih, Dali

Subject: Re: 60 scotch pine terrace, case#18229 day care expansion

Hi Dali,

Please find attached some of the pictures I took the other day (after 10am) on how the traffic has been affected on our street from the two properties 60 and 58 Scotch Pine terrace from been used as daycare center. These cars showing in the pictures are for some of the teachers, who parked on the street even though there is a NO PARKING sign on that side of the street. So add to this the kids drop off in the morning and through out the day, so you can imagine now the situations we have. I the resident of 53 Scotch Pine terrace object completely the existence of daycare business on this street and i object the expansion as well. keep in mind that the owner of these two houses is looking to purchase a third house on the street for the same purpose. So please, we wants to stop this madness because I as an owner of a residential property on this street lost the enjoyment of been a proud homeowner and my I believe my house value will decrease because of this.

Thanks,

Patrick Hobeiche











From: Joel Buckler
Sent: March-05-13 1:28 PM
To: Salih, Dali
Cc: Kimberly Buckler
Subject: Case 18229, 60 scotch pine terrace halifax

Hi Ms. Salih,

I am writing to find out how to express my opposition to the rezoning of 60 Scotch Pine Terrace Halifax. I am a resident of the Glenbourne neighborhood and frequently drive by this residence. With only 8 children being looked after here it has become dangerous already. The street is often blocked in AM drive time and and at diner time. Parents and children are often crossing the street without looking.

Since there is a corner with an obstructed view it is difficult to see when turning onto Scotch Pine from Farnham Gate Rd. Cars are sometimes stopped and abandoned at the stop sign so parents can run in and drop off.

This is a very dangerous situation at the current volume of children. This residential area is not designed to allow this type of dropping off stopping and parking. There is inadequate room for parking and stopping. It is too close to a stop sign and intersection. Any further increase in volume would be not in the interest of the neighborhood or the safety of the children.

Please advise how I formally oppose this change in zoning to ensure this process does not go forward.

Thank you,

Joel Buckler

From: Sheri Welsh-Grant
Sent: March-08-13 10:31 AM
To: Salih, Dali
Subject: 60 Scotch Pine Terrace -Public Information Meeting- Case 18229

Good morning;

I am a resident of Scotch Pine Terrace and recently received, in the mail, a notice of an upcoming Public Info Meeting for a property on my street that is requesting consideration to allow a Day Care Center for 18 children. It is currently operating a day care facility for up to 8 children. My husband and I will be unable to attend the meeting planned for Thursday, March 21st as we will be out of the country. I am not sure whether we will have another opportunity to pass our concerns along so we hope that you will consider them during the approval process (and/or pass along to the applicable person(s)).

My husband and I have lived on this street for several years and enjoy the area very much. Since 60 Scotch Pine Terrace (and it appears the neighbouring property on Scotch Pine as well) has become a day care facility, the traffic/parking on the street has increased. This is a corner property making the issues worse.

Every morning and every evening there is congestion in that area. When I leave in the morning, you have parents parking on the street illegally as there is no parking allowed on the street from early morning to supper time. They are trying to help their children out of their cars and are often parked very close to a STOP sign that I need to get to in order to pull out onto Farnham Gate. Kids are trying to get out of the car, parents are standing with doors open trying to get out and/or holding the doors closed to protect their children, etc., At night, when I come home from work and turn from Farnham Gate onto Scotch Pine, I immediately am faced with cars parked on the road - again illegally. During this winter, I have encountered cars backing up or pulling out suddenly and have had to slam on my brakes several times. They cannot always see when cars are turning onto Scotch Pine. This is a dangerous situation that will only worsen with approval of this request.

Based on my experiences, I don't see how this approval from 8 to a 18 children daycare could even be considered nor, as a parent, would I want to have to deal with the dangerous situation each morning and evening of dropping off/picking up my children. The location of this property to operate as a daycare is poor because it is a corner property. As well, it is not fair to the residential homeowner on the street who just wants to be able to drive down their street without wondering what they are going to encounter when trying to pull out or turn onto Scotch Pine each morning and evening. To increase the # of children going to this "daycare" would be a very poor decision.

If you wish to discuss further with me and/or have any questions, I would be happy to discuss them with you.

Sheri Welsh-Grant

From: Dave Meagher
Sent: March-21-13 9:48 AM
To: Rankin, Reg
Cc: Salih, Dali
Subject: Case 18229

Hi Reg & Dali,

Regarding **Case 18229** - Application by Linda Liao to consider a day care centre for 18 children at 60 Scotch Pine Terrace, Halifax, by development agreement.

Please note that I am opposed to any change of land use. There are commercial properties located in throughout our neighborhood that are more suited to host this business.

I oppose this land use for 3 reasons:

1. Traffic flow
2. Commercial vs residential
3. Noise

1. Traffic Flow:

Changing the land use impact more than the local residence on Scott Pine Street it also impacts the residents on Aster Court. The owners of Future Stars run 3 daycare facilities in our residential neighborhood with a maximum of 8 children at each one for a total of 24 children. Children are dropped off at 6 Aster Court every day and walked up to the properties at 60 & 58 Scott Pine. It increases traffic flow on our street adding more spots will increase the traffic flow to both Scott Pine and Aster Court.

2. Commercial vs. Residential property use:

The owners of Future Stars run 3 daycare facilities in our residential neighborhood with a maximum of 8 children at each (without the need for any approval from the city of the residence) one for a total of 24 children. At what point do you qualify this from being a day care run in a private home to a commercial property? If you run one facility it is private but running multiple daycares in adjacent facilities, where will the city draw the line. See below

				years (not in school)
Future Stars Learning Centre	6 ASTER CRT. HALIFAX	Halifax County	<ul style="list-style-type: none">• Full Day• School Age	<ul style="list-style-type: none">• Toddler: 18 - 35 months• Preschooler: 36 months - 5 years (not in school)• School Age: 4 - 12 years (in school)
Future Stars Learning Centre - Site 2	60 SCOTCH PINE TERR. HALIFAX	Halifax County	<ul style="list-style-type: none">• Full Day	<ul style="list-style-type: none">• Toddler: 18 - 35 months• Preschooler: 36 months - 5 years (not in school)
Future Stars' Learning Centre - Site 3	58 SCOTCH PINE TERR. HALIFAX	Halifax County	<ul style="list-style-type: none">• Part Day• School Age	<ul style="list-style-type: none">• Preschooler: 36 months - 5 years (not in school)• School Age: 4 - 12 years (in school)

3. Noise:

We all love children, the laughing and playing is enjoyable but they also express undesirable behaviors that makes you wish you could escape the noise. Living next to a daycare is like going to one of your favorite restaurant to have a relaxing meal but your are seated next to a young family with 8 screaming and fighting kids. The restaurant is full and you cannot change your seat. Not a pleasant experience. This is what it is like living next to a day care. You cannot go out to enjoy the quite comfort of your own property without the annoyance of crying and screaming of young children and you cannot change your seat. If it were all laughing and giggles no one would oppose this change of land use.

At this point i wish to remain anonymous but if necessary I will express my view point publically and personally to the owners and neighbors.

Dave Meagher
2 Aster Court

From: Bruce L. MacDonald
Sent: March-21-13 10:35 PM
To: Rankin, Reg
Cc: Salih, Dali
Subject: Case 18229

I oppose this for a couple of reasons. (1) DANGEROUS Location, people don't slow down at the turn as it is. Parents are trying to pickup their child and there is no room on this corner lot to safely do this. they have no space now it a dangerous spot. (2) where is the line drawn for residential and commercial, this is a single family home on the corner of a busy intersection and if it remained this way the house owner would have trouble coming and going. So add all the family cars trying to get that one parking spot in that little driveway and it is a disaster waiting to happen. This should have never been aloud, to start with, its a zoning issue and for sure, should not be able to expand on a disaster waiting to happen. Shame on those who put money ahead of children's safety.

Thanks for your time.

From: kate1741
Sent: March-26-13 12:46 PM
To: Salih, Dali
Subject: future learning star' day care

Hello Dali,

Nice to talk to you.

My name is Kate LI, and I am living in the Clayton Park area, which is close to the day care center.

I found it is very convenient that the day care close to my place.

For your information, my address is Apt#308-80 ChipStone Close, HALIFAX, NS.

If you have any question, feel free to contact me.

Regards,
Kate