



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 10.1.1**  
**Halifax and West Community Council**  
**November 25, 2014**

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

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Bob Bjerke, Director of Planning and Development

**DATE:** October 30, 2014

**SUBJECT:** **Case 19450 – Non-Substantive Amendments to an Existing Development Agreement for 372 Washmill Lake Drive, Halifax**

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**ORIGIN**

Application by Arbor Vitalia Courtyard Properties Limited

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Approve, by resolution, the proposed amendments to the Stage II Development Agreement as presented in Attachment A of this report, to allow for the expansion of a private club house and the re-location of an associated parking area at 372 Washmill Lake Drive, Halifax.
2. Require the amending agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

In 2010, the former Chebucto Community Council approved a Stage I Development Agreement for Phase 5 in Clayton Park West Subdivision. The Agreement divides the phase into eight large blocks, allowing for a mixed use development that includes residential, commercial, institutional, and park uses. In 2012, a Stage II Development Agreement was approved to enable a condominium townhouse-style development on Block C of Phase 5 consisting of 35 dwelling units within six buildings. The Agreement also included provisions for the establishment of a club house with an associated parking area consisting of 18 spaces on the lands for the private use of the townhouse-development residents (Maps 3 and 4).

A request by Arbor Vitalia Courtyard Properties Limited was submitted for non-substantive amendments to the existing Stage II Development Agreement to expand the footprint and volume of the private club house and reduce the number of parking spaces to 8 stalls. In accordance with Section 6.2 of the Stage I Development Agreement and Section 6.1.1 of the Stage II Development Agreement, the proposal can only be considered through the non-substantive amendment process, which can be approved through a resolution of Community Council without a Public Hearing.

### **Site Description and Surrounding Land Uses:**

The subject site is:

- located to the north of Washmill Lake Drive (Map 1);
- accessed via Vitalia Court, a shared, private driveway off Washmill Lake Drive (Map 1);
- approximately 35,369 square metres (380,708.7 square feet) in area; and
- surrounded by multiple unit residential buildings and a condo townhouse-development on Vitalia Court to the north (Map 1).

### **Designation and Zoning:**

The subject site is:

- designated Residential Environments by the Halifax Municipal Planning Strategy (MPS) (Map 1); and
- identified as Schedule 'K' by the Land Use By-law for Halifax Mainland (LUB) (Map 2).

### **Proposal:**

Under the Stage II Development Agreement, provisions were created for establishing a club house with an 18-stall parking area on the site to provide recreation and amenity space for the private use of the townhouse development residents and their guests. The building was designed to include an indoor recreation/common area, gym, library, a small office space, storage, kitchen and washrooms (Attachment B).

The applicant has requested an amendment to the existing Development Agreement in order to expand the volume, layout and design of the approved club house by a total of 464.5 square metres (5,000 square feet) to provide additional amenities that include a swimming pool area and two large office spaces for club house administration within a second level (Attachment C). Council should note that the total height of the building is 9.14 metres (~30 feet), measured from grade level to the highest point of the roof.

Further, as part of the proposed amendments, the applicant wishes to re-configure the layout of the associated parking area located on the west side of the building, and reduce the number of parking spaces to 8 (Schedule B-1 in Attachment A).

## **DISCUSSION**

Staff have reviewed the proposed non-substantive amendment to the Stage II Development Agreement, and determined that it is consistent with the Stage I Development Agreement and relevant MPS policies. The following issues have been identified for more detailed discussion:

**Building Design:**

The Stage I Development Agreement provides design guidelines for buildings on each of the blocks, restricts the type of uses in each building, and speaks to appropriate architectural treatments and finishing materials of the building. Further, the Stage II Development Agreement includes design and development provisions for the townhouse units, the club house and associated parking area, and prohibits the building from containing a residential unit.

The proposed amendments to the Stage II Development Agreement require the club house and parking area to be designed and constructed to comply with a series of new building elevations and a site plan appended to the agreement. In Staff's opinion, the new elevations are consistent with the design guidelines of the Stage I Development Agreement (Schedule L-1 and M-1 of Attachment A).

**Parking:**

As stated previously, the proposed amendments to the Stage II Development Agreement involve increasing the massing and the overall floor area of the club house and reducing the number of required parking spaces. Parking provisions under the existing Development Agreement were provided at a rate that exceeded the minimum requirements of the LUB. As part of the Planning Process, discussions with the applicant took place, where a rationale for the requested decrease in parking spaces was provided. The rationale indicated that the club house is established to provide a private and exclusive amenity space for the residents of the townhouse development resulting in a limited demand for parking. Further, residents and their guests can make use of other available parking spaces within the townhouse development, as shown in Schedule B-1 of Attachment A.

**Conclusion:**

The proposed amendments to the Stage II Development Agreement to increase the volume of the private club house and reduce the number of parking spaces are consistent with the Stage I Development Agreement and MPS. Therefore, Staff recommends the Halifax and West Community Council approves the proposed amending agreement, as contained in Attachment A.

**FINANCIAL IMPLICATIONS**

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

**COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. As the process requires approval by resolution of council, neither a public information meeting nor a public hearing is required. In keeping with standard practices, information concerning the application has been made available on the HRM website.

**ENVIRONMENTAL IMPLICATIONS**

No environmental implications have been identified.

**ALTERNATIVES**

1. Community Council may choose to refuse to approve the amending agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. A decision of Community Council to refuse this amending agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Community Council may choose to approve the proposed amending agreement subject to modifications. This may necessitate further negotiation with the applicant, a supplementary staff report and an additional public hearing. A decision of Community Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

**ATTACHMENTS**

Map 1	Generalized Future Land Use Map (GFLUM) Map
Map 2	Zoning Map
Map 3	Clayton Park West Phase 5 Stage I Concept Plan
Map 4	Extent of Stage I DA – Block C
Attachment A	Proposed Amending Agreement
Attachment B	Floor & Elevation Plan – Original Design and Layout
Attachment C	Floor Plan – Proposed Design and Layout

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

Report Prepared by: Dali Salih, Planner, Development Approvals, 902- 490-1948

Original Signed

Report Approved by: \_\_\_\_\_  
Kelly Denty, Manager of Development Approvals, 902-490-4800

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## Map 1 - Generalized Future Land Use

372 Washmill Lake Drive  
Halifax


 Subject Property

Halifax Mainland  
Plan Area

### Zone - Halifax Mainland

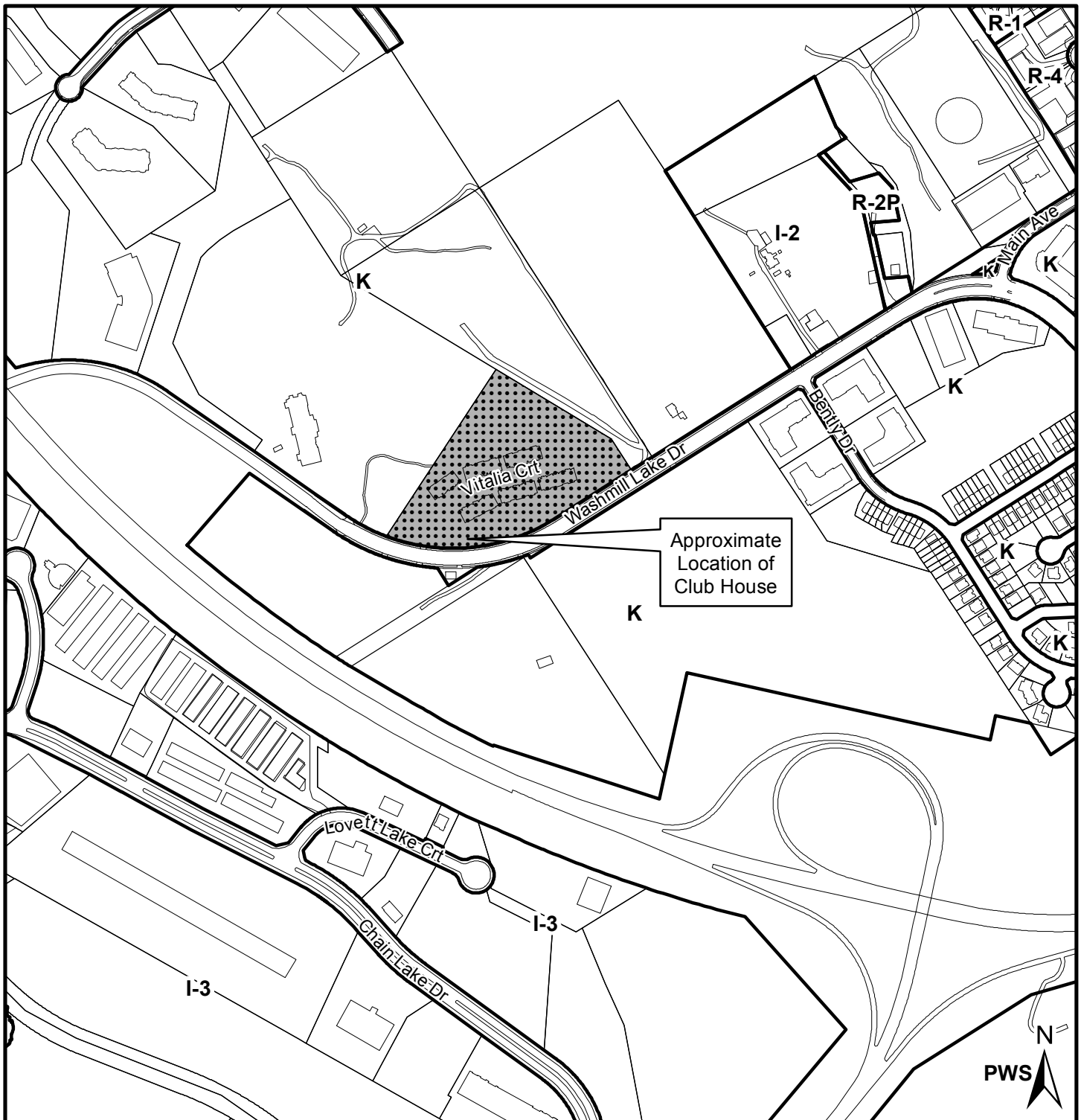
R-1	Single Family Dwelling
R-2	Two Family Dwelling
R-2P	General Residential
R-2AM	General Residential Conversion
RC-1	Neighbourhood Commercial
C-1	Local Business
C-2A	Minor Commercial
P	Park and Institutional

0 40 80 120 160 200 m





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

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



## Map 2 - Zoning

372 Washmill Lake Drive  
Halifax

-  Subject Property
-  Area of notification

Halifax Mainland  
Land Use By-Law Area

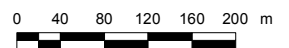
### Zone - Halifax Mainland

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-2AM General Residential Conversion
- RC-1 Neighbourhood Commercial
- C-1 Local Business
- C-2A Minor Commercial
- P Park and Institutional

### Zone - Halifax Peninsula

- R-2 General Residential
- R-2AM General Residential Conversion
- C-2A Minor Commercial

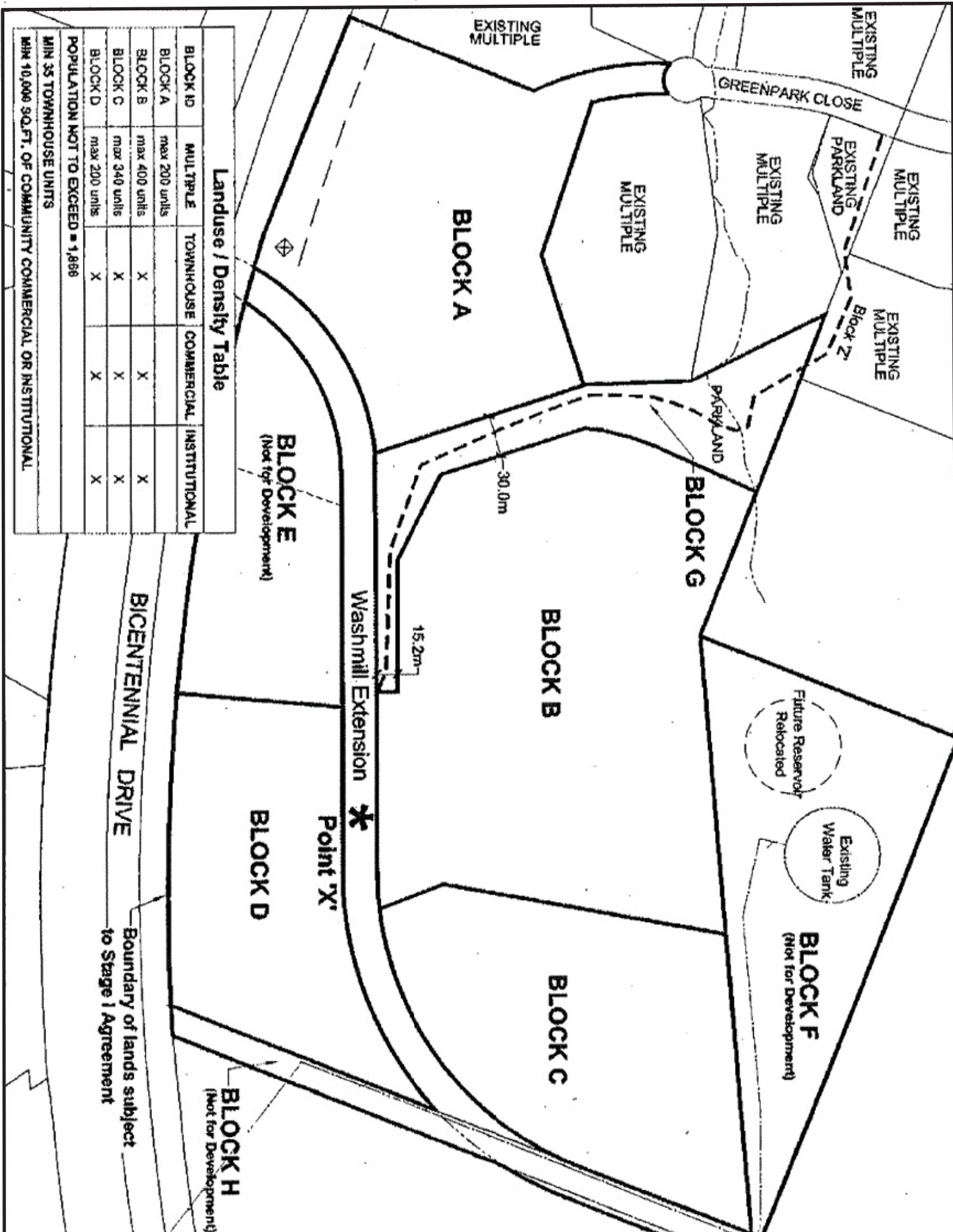
**HALIFAX**

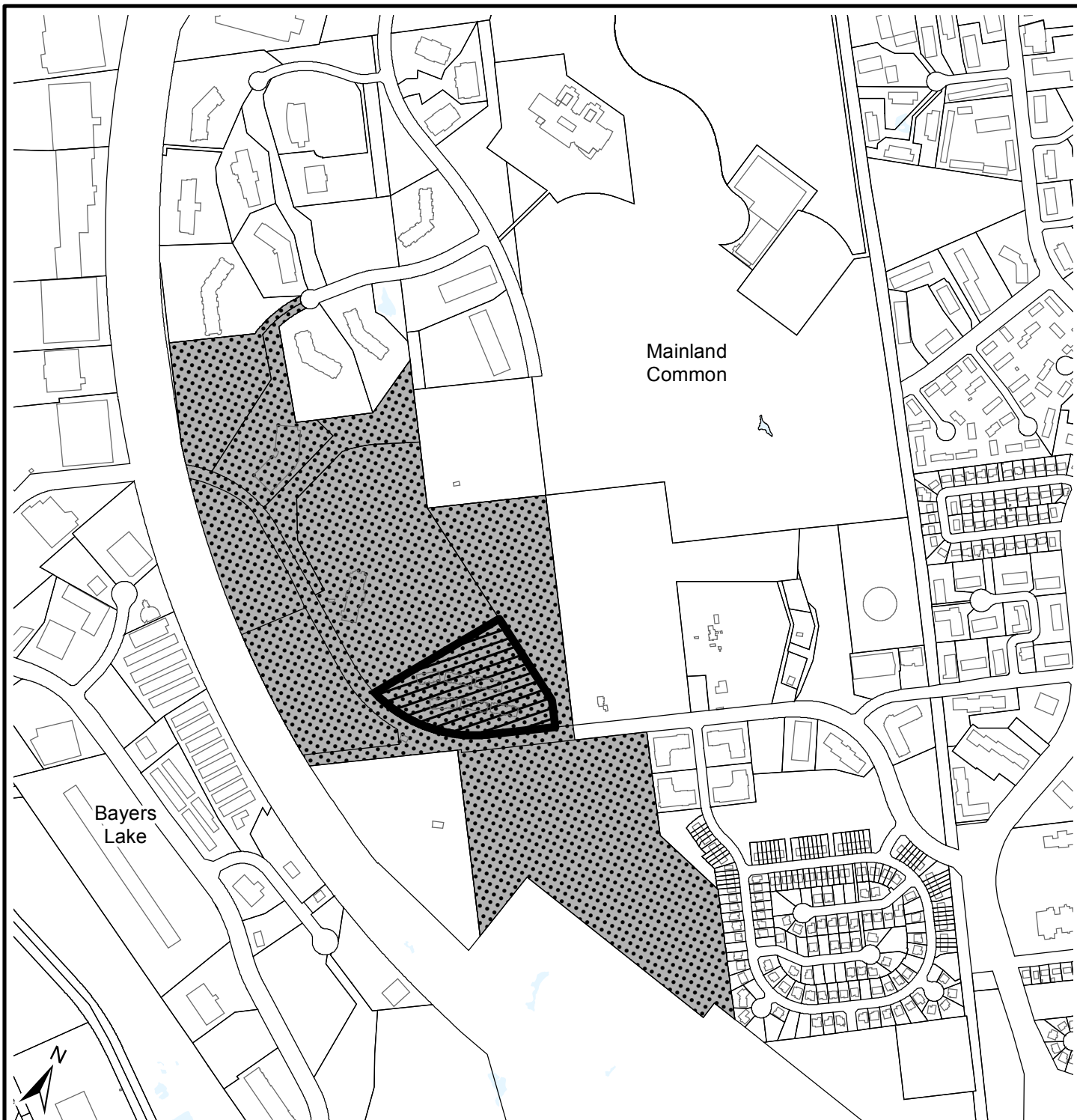


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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








## Map 4 - Extent of Stage I DA – Block C

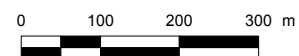
Washmill Lake Drive  
Halifax

 Extent of Existing Stage I Agreement

 Block C

Halifax Plan Area

**HALIFAX**



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

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



**ATTACHMENT A:**  
**Proposed Amending Agreement**

THIS AMENDING 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 372 Washmill Lake Drive, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the former Chebucto Community Council of the Halifax Regional Municipality approved a Stage I Development Agreement with Clayton Developments Limited and The Shaw Group Limited and Halifax Regional Water Commission to allow for the primary design and planning of a mixed commercial and residential development (Clayton Park West Phase 5) on January 4, 2010 (Municipal Case No. 01304), which said Development Agreement was registered at the Halifax County Land Registration Office as Document No. 95611076 (hereinafter called the "Existing Stage I Agreement");

AND WHEREAS the former Chebucto Community Council of the Halifax Regional Municipality approved amendments to the Stage I Agreement to address density distribution, the maximum number of multiple units per development block, and the clarification of the Stage II approval process on February 6, 2012 (Municipal Case No. 17123), which said Amending Development Agreement was registered at the Halifax County Land Registration Office as Document No. 100476598 (hereinafter called the "First Amending Stage I Agreement");

AND WHEREAS the former Chebucto Community Council of the Halifax Regional Municipality approved a Stage II Development Agreement to allow for the development of Block C with a townhouse style residential development containing 35 dwelling units within six buildings and a private club house pursuant to the Existing Stage I Agreement, on May 7, 2012 (Municipal Case 17330), which said Stage II Development Agreement was registered at the Halifax County Land Registration Office as Document No. 101079938 (hereinafter called "Existing Stage II Agreement");

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Stage II Agreement to expand the layout of the private club house pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to the Existing Stage I Agreement;

AND WHEREAS the Halifax and West Community Council of the Halifax Regional Municipality approved this request at a meeting held on [Insert-Date], referenced as Municipal Case No. 19450;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree that the Existing Stage II Agreement as amended be further amended as follows:

**1. Section 3.1 of the Existing Stage II Agreement is amended by:**

- a. deleting "Schedule B: Site Plan" and replacing it with "Schedule B-1: Site Plan";
- b. deleting "Schedule L: Front & Right Elevations, Club House" and replacing it with "Schedule L-1: Front & Right Elevation Plans – Club House"; and
- c. deleting "Schedule M: Left & Rear Elevations, Club House" and replacing it with "Schedule M-1: Left & Rear Elevation Plans – Club House".

**2. The Existing Stage II Agreement is further amended by:**

- a. deleting all references to "Schedule B" and replacing it with "Schedule B-1";
- b. deleting all references to "Schedule L" and replacing it with "Schedule L-1"; and
- c. deleting all references to "Schedule M" and replacing it with "Schedule M-1".

**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: \_\_\_\_\_

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

**HALIFAX REGIONAL MUNICIPALITY**

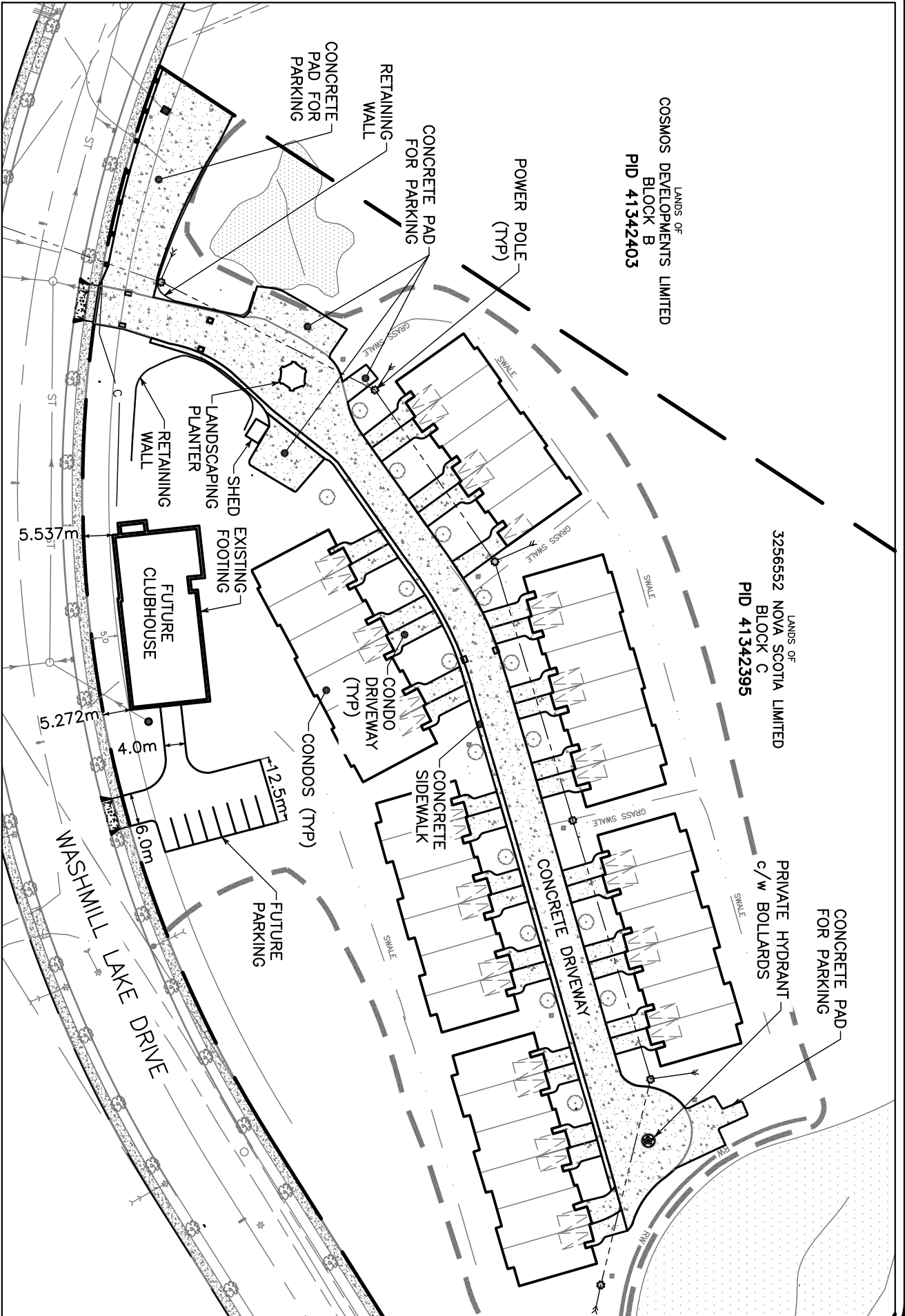
\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

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

# B1 - Site Plan



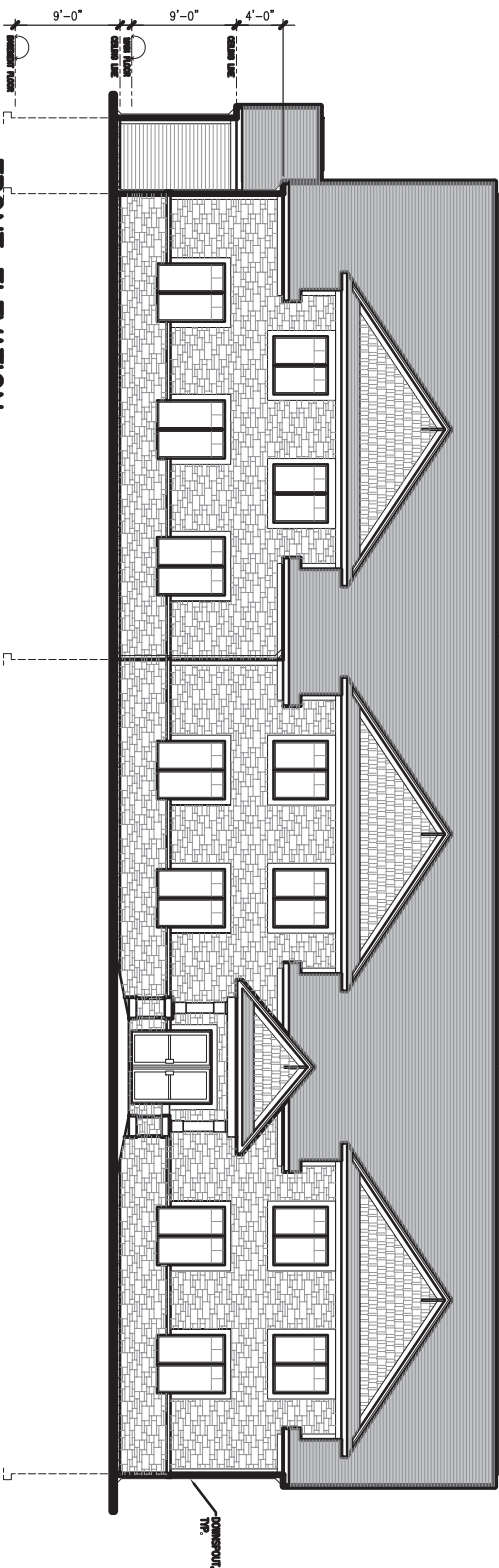
**ABLE**

50 QUEEN ST, CHESTER, N.S.  
BOX 140 P.O. BOX 959  
TEL: 902-273-3050 FAX: 902-273-3072  
www.ableinc.ca

PROJECT: 120705-07 WASHMILL LAKE DRIVE, BLOCK C	DATE: OCTOBER.08.2014	DRAWN: L.SELLERS
TITLE: UPDATED FLATWORKS	SCALE: 1:1000	DWG. NO.: C300A

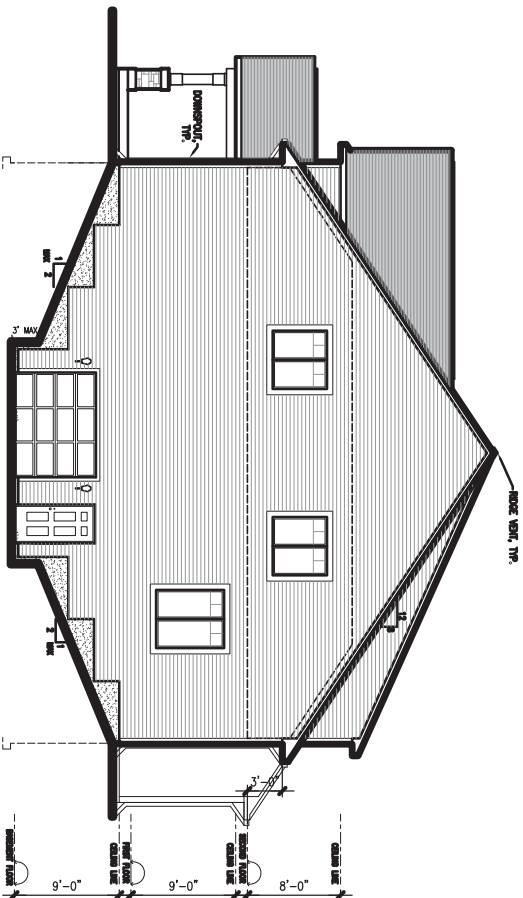
FRONT ELEVATION

SCALE: 3/32" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 3/32" = 1'-0"



**GENERAL NOTES:**

ALL WORK MUST BE IN CONFORMANCE WITH THE N.B.C.C. 2005 & THE LOCAL BUILDING CODE.

CONTRACTORS TO VERIFY ALL DIMENSIONS BEFORE STARTING ANY WORK.

CONTRACTORS ARE RESPONSIBLE FOR CLEANUP OF THE JOB SITE.

ONCE THE PLANS ARE APPROVED BY OWNERS THEY ARE CONSIDERED TO BE THE FINAL ONES. NO CHANGES TO BE DONE AFTER THIS STAGE EXCEPT DUE TO GRADE CONDITIONS.

GRADES SHOWN ON ELEVATIONS ARE FOR PERMIT PURPOSE ONLY.

GRADES TO BE DETERMINED ON SITE BY PROJECT MANAGER & IN COMPLIANCE WITH SITE GRADING PLANS.

2x6 BEARING WALLS IN FOUNDATION ARE SUBJECT TO CHANGE BY PROJECT MANAGERS TO UNMATED OR STEEL BEAMS DUE TO SITE CONDITIONS.

ALL WINDOW AND DOOR SIZES ARE APPROXIMATES

THIS DRAWING IS INVALID FOR CONSTRUCTION UNLESS SIGNED & STAMPED BY THE OFFICE.

**SUBFLOOR DEPRESSURIZATION:**

-PROVIDE A PIPE NOT LESS THAN 4" INSTALLED VERTICALLY THROUGH THE SLAB-ON-GRADE, AT OR NEAR THE CENTRE, SUCH THAT:

A. THE BOTTOM END OF THE PIPE OPENS INTO GRAVEL UNDER MINIMUM 12" OF GRAVEL.

B. THE TOP END OF THE PIPE IS SEALED WITH A REMOVABLE CAP AND LABELLED FOR REMOVAL OF SOIL GAS.

**KIVOTOS**

Developments Ltd.

project name:

Club House

drawing name:

ELEVATIONS

drawn by:

scale:

AS NOTED

date:

OCTOBER 6, 2014

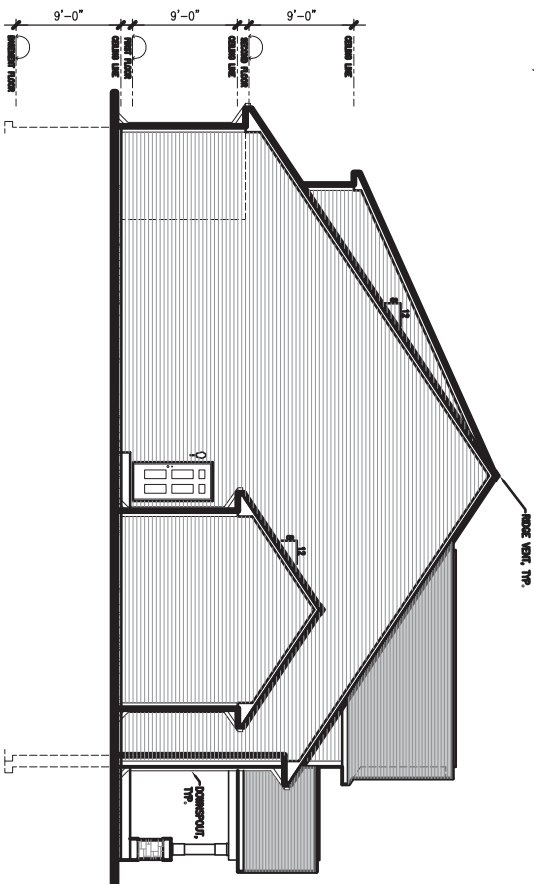
project no.

2011KDL-06

drawing no.

A1

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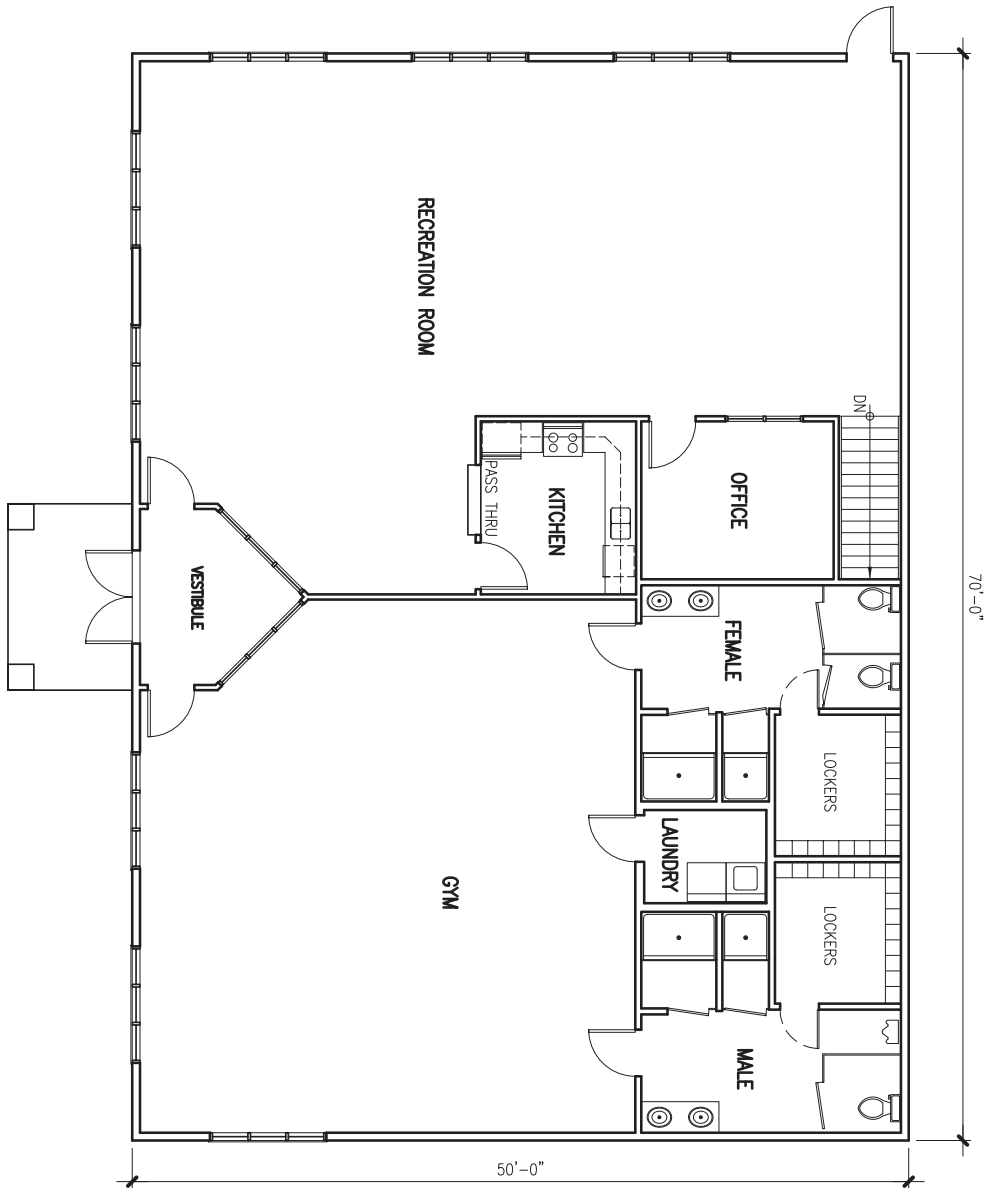


SCALE: 3/32" = 1'-0"

2011KDL--06

FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



70'-0"

50'-0"

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-PROVIDE A PIPE NOT LESS THAN 4" INSTALLED VERTICALLY THROUGH THE SLAB-ON-GRADE, AT OR NEAR THE CENTRE, SUCH THAT:

A. THE BOTTOM END OF THE PIPE OPENS INTO GRADE AT THE MINIMUM

12" ABOVE FINISHED GRADE

B. WITH A REMOVABLE CAP AND LABELLED "FOR REMOVAL OF SOIL GASES"

project no. 2011KDL-06

drawing no. A4

drawn by: CADtech

scale: AS NOTED

date: AUGUST 2, 2011

**KIVOTOS**  
Developments Ltd.

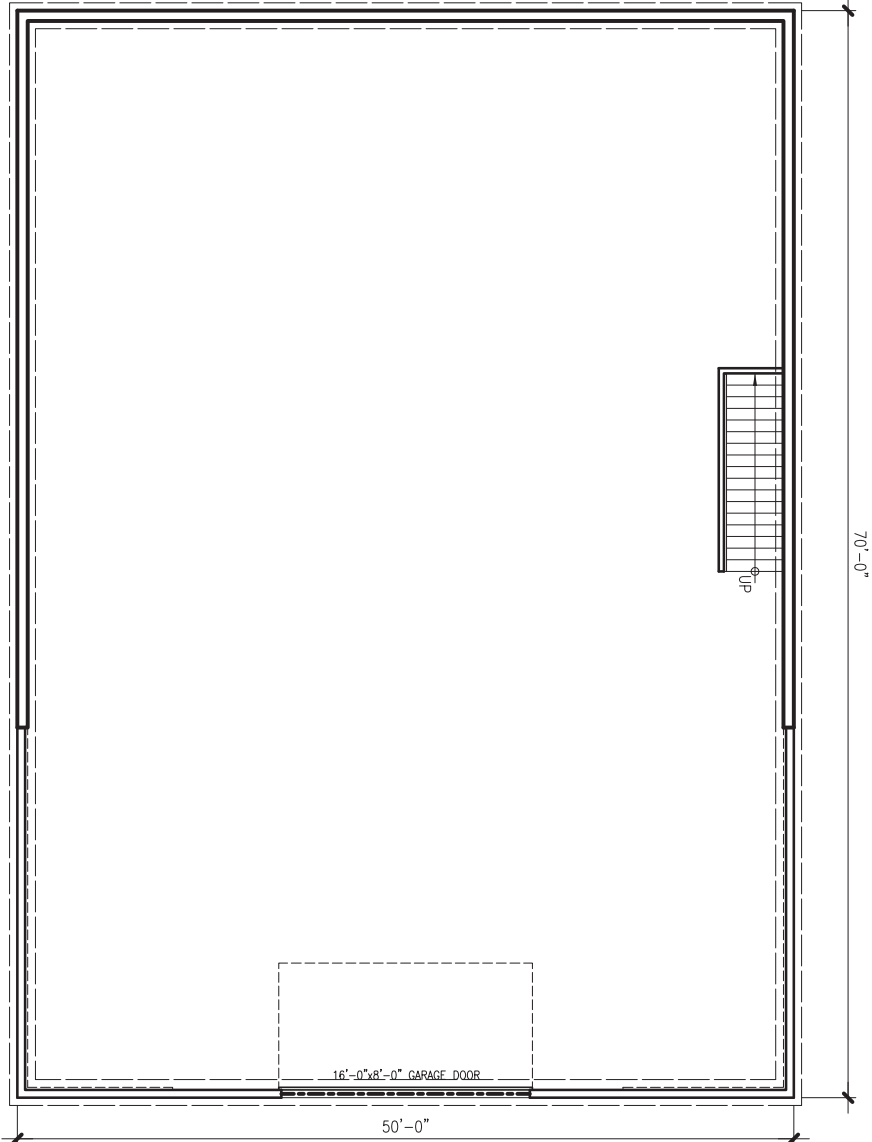
project name: Club House

drawing name: FLOOR PLANS



**BASEMENT FLOOR PLAN**

SCALE: 1/8" = 1'-0"



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**SUBFLOOR DEPRESSURIZATION:**

- PROVIDE A PIPE NOT LESS THAN 4"ø INSTALLED VERTICALLY THROUGH THE SLAB-ON-GRADE, AT OR NEAR THE CENTRE, SUCH THAT:
  - A. THE BOTTOM END OF THE PIPE OPENS INTO GRAVELLED TIL MINIMUM 12" x 12" x 12" VENT
  - B. THE TOP END OF THE PIPE IS SEALED WITH A REMOVABLE CAP AND LABELLED "FOR REMOVAL OF SOIL GAS"

**KIVOTOS**  
Developments Ltd.

project name:

Club House

drawing name:

FLOOR PLANS

drawn by:

CADtech

scale:

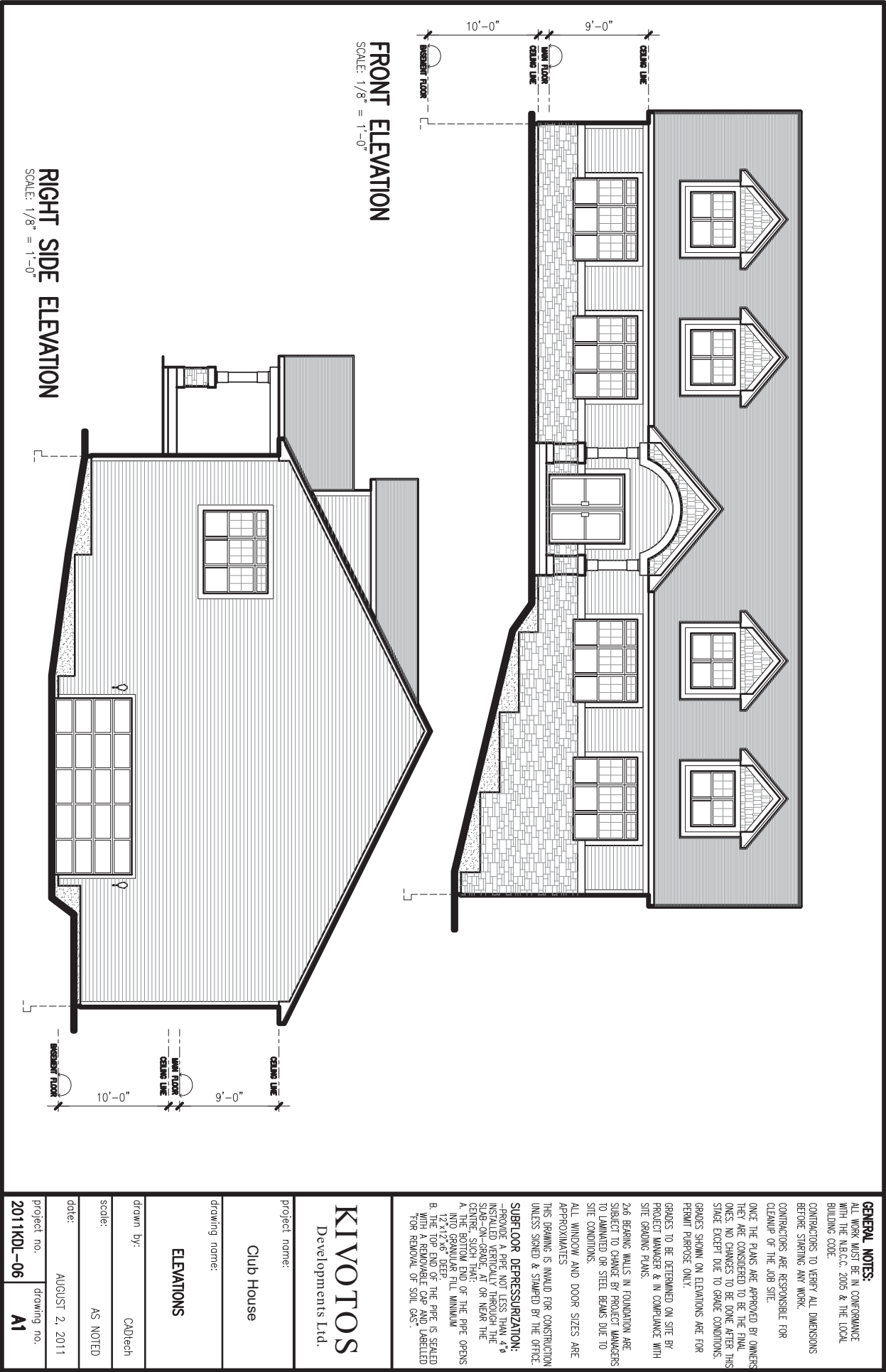
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date:

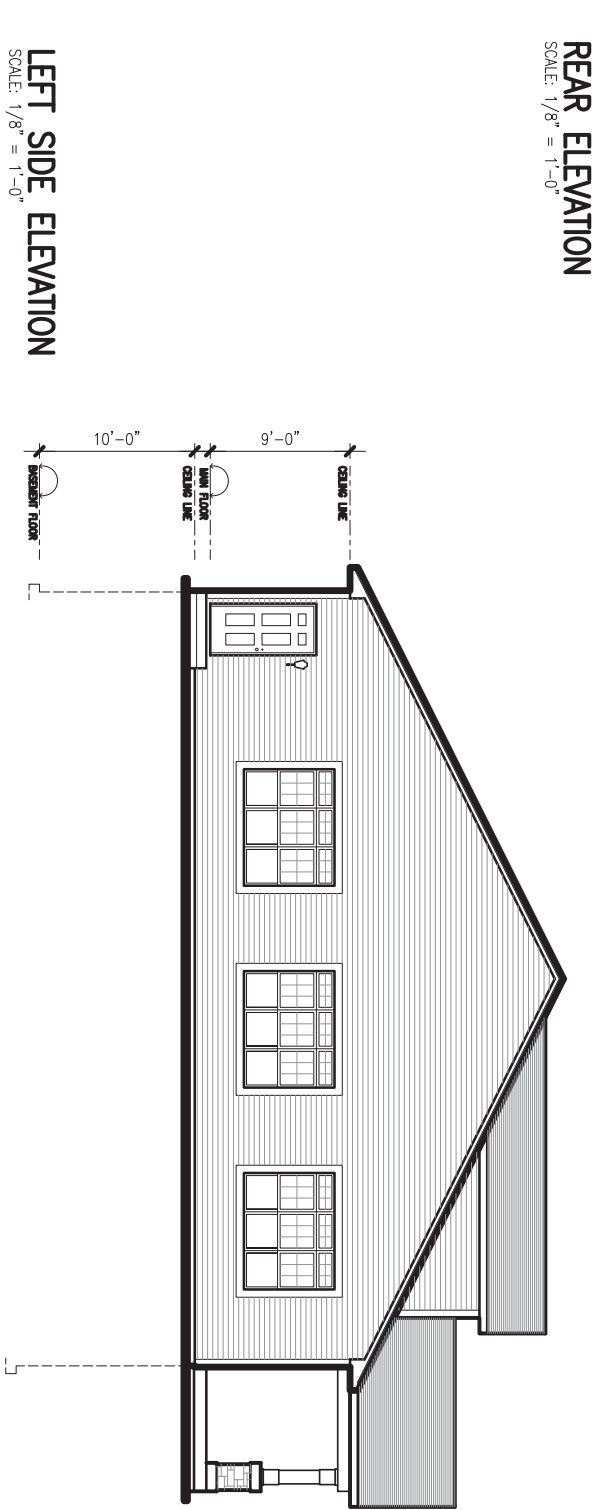
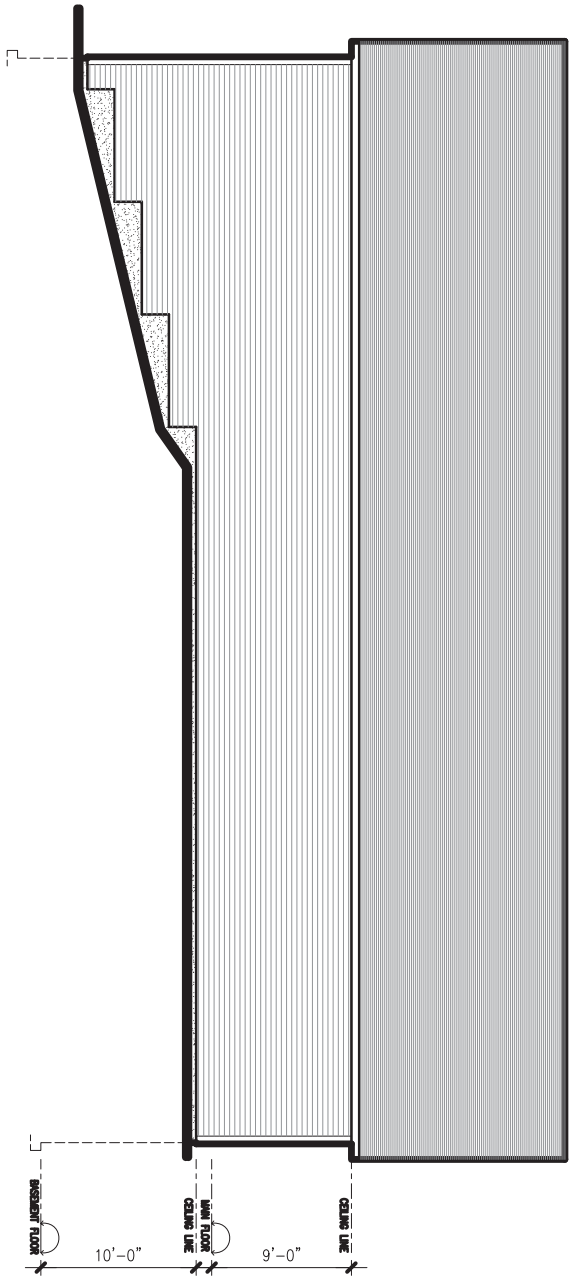
AUGUST 2, 2011

project no. 2011KDL-06

drawing no. A3



**KIVOTOS**  
Developments Ltd.



**GENERAL NOTES:**

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A. THE BOTTOM END OF THE PIPE OPENS INTO GRAVELLED TIL MINIMUM 12" DEEP

B. THE TOP END OF THE PIPE IS SEALED WITH A REMOVABLE CAP AND LABELLED "FOR REMOVAL OF SOIL GAS"

**KIVOTOS**  
Developments Ltd.

project name:

Club House

drawing name:

ELEVATIONS

drawn by:

CADtech

scale:

AS NOTED

date:

AUGUST 2, 2011

project no.

2011KDL-06

drawing no.

A2



SCALE: 3/32" = 1'-0"

## Proposed Expansion

**Approved Footprint  
(Case 17330)**

**GENERAL NOTES:**

ALL WORK MUST BE IN CONFORMANCE WITH THE N.B.C.C. 2005 & THE LOCAL BUILDING CODE.

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CLEANUP OF THE JOB SITE.

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THIS DRAWING IS INVALID FOR CONSTRUCTION  
UNLESS SIGNED & STAMPED BY THE OFFICE.

### SUBFLOOR DEPRESSURIZATION:

—PROVIDE A PIPE NO. LESS THAN INSTALLED VERTICALLY THROUGH THE SLAB-ON-GRADE, AT OR NEAR THE CENTRE, SUCH THAT:

A. THE BOTTOM END OF THE PILE INTO GRANULAR FILL MINIMUM 12"x12"x6" DEEP

B. THE TOP END OF THE PIPE IS SEALED WITH A REMOVABLE CAP AND LABELLED "FOR REMOVAL OF SOIL GAS".

**KIVOTOS**  
**Developments Ltd.**

**Developments Ltd.**

project name:

## Club House

drawing name:

## FLOOR PLANS

drawn by:

CADtech

scale:

AS NOTED

date:

AUGUST 6, 2014

project no.

drawing no.

2011KDL-06

A3



SCALE: 3/32" = 1'-0"

## Proposed Expansion

**Approved Footprint  
(Case 17330)**

**GENERAL NOTES:**

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CONTRACTORS ARE RESPONSIBLE FOR  
CLEANUP OF THE JOB SITE.

ONCE THE PLANS ARE APPROVED BY OWNERS THEY ARE CONSIDERED TO BE THE FINAL

STAGE EXCEPT DUE TO GRADE CONDITION

PERMIT PURPOSE ONLY.

PROJECT MANAGER & IN COMPLIANCE WITH  
SITE GRADING PLANS.

2x6 BEARING WALLS IN FOUNDATION ARE  
SUBJECT TO CHANGE BY PROJECT MANAG

TO LAMINATED OR STEEL BEAMS DUE TO SITE CONDITIONS.

ALL WINDOW AND DOOR SIZES ARE APPROXIMATES

UNLESS SIGNED & STAMPED BY THE OFFICE

–PROVIDE A PIPE NOT LESS THAN 4"Ø  
INSTALLED VERTICALLY THROUGH THE

SLAB-ON-GRADE, AT OR NEAR THE CENTRE, SUCH THAT:

12"x12"x6" DEEP.

WITH A REMOVABLE CAP AND LABEL  
"FOR REMOVAL OF SOIL GAS".

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# KIVOTOS

**Developments Ltd.**

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project name:

Click House

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growing more.

## FLOOR PLANS

drawn by: CAN+sed

scale:

date: \_\_\_\_\_

Project no. drawing no.

2011KDL-06	A4
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