



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

**Item No. 10.1.4**  
**Halifax and West Community Council**  
**November 25, 2014**

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

**SUBMITTED BY:** Original Signed

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Bob Bjerke, Director, Planning and Development

**DATE:** November 10, 2014

**SUBJECT:** **Case 19316: Non-Substantive Amendment to the existing Development Agreement at 3471/3481 Dutch Village Rd. and 3480 Joseph Howe Dr. (Saint Lawrence Place), Halifax**

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**ORIGIN**

Application by W. M. Fares Group

**LEGISLATIVE AUTHORITY**

*HRM Charter, Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Approve the proposed Amending Development Agreement, as contained in Attachment A of this report, to permit the relocation of the Regional Trail Connector walkway on St. Lawrence Place, Halifax; and
2. Require the Amending Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

An application has been submitted by W.M. Fares Group for a non-substantive amendment to the existing development agreement at 3471/3481 Dutch Village Road and 3480 Joseph Howe Drive. The applicant is requesting a change in the location of the Regional Trail Connector walkway through the development.

### **Location, Surrounding Area, Designation, and Zoning**

The subject property:

- is comprised of two parcels of land with frontage on Dutch Village Road and Joseph Howe Drive in the Fairview area of Halifax;
- includes a mixed use building with 133 residential units and ground floor commercial space, and a five-storey commercial building which is known as “St.Lawrence Place”; and
- abuts the HRM Regional Trail (“Chain of Lakes Trail”) on the Joseph Howe frontage;
- is surrounded by a mix of commercial and low to mid rise residential uses;
- is designated Minor Commercial under the Fairview Secondary Plan of the Halifax Municipal Planning Strategy (Map 1); and
- is zoned C-2A (Minor Commercial) Zone under the Halifax Peninsula Land Use Bylaw (Map 2).

### **Existing Development Agreement**

The existing development agreement permitted the development of the existing commercial and residential development on the subject property. The Agreement also requires, under Section 2.6 “Landscaping”, a public walkway (identified as a Regional Trail Connector walkway) to be constructed on the north side of the subject property to provide a connection between Dutch Village Road and Joseph Howe Drive and HRM’s Chain of Lakes Trail. The Agreement permits Council to consider non-substantive amendments for certain aspects of the development, including the walkway as per Section 3.2(b) which states:

“3.2     *The following items are considered by both parties to be not substantive and may be amended by Resolution of Council:*  
          ***(b) Changes in the landscaping measures as detailed in Section 2.6”***

### **Proposal**

The applicant has requested a non-substantive amendment to recognize and allow for the relocation of the Regional Trail Connector walkway to the south side of the property. The walkway connects to the Regional Trail (“Chain of Lakes Trail”) which abuts the subject property on the Joseph Howe Drive frontage. Schedule B of the existing development agreement (Attachment B) showed the location of the Regional Trail Connector walkway as an active transportation pathway through the development on the north side of the property. This provides a mid-block connection between Joseph Howe Drive and Dutch Village Road. During construction, challenges with topography and building design resulted in relocation of the walkway to the south side of the property (Attachment C). As per Section 2.6.15 of the existing development agreement, the Developer supplied a security deposit which is required to be returned upon completion of the landscaping work. Therefore, to fulfill the landscaping requirements of the development agreement, the applicant is requesting that Council consider the proposed change as a non-substantive amendment to landscaping measures as per Section 3.2(b) of the existing development agreement.

## **DISCUSSION**

Staff has reviewed the proposal relative to the provisions of the existing development agreement and has determined that the proposed amendments maintain the intent of the existing development agreement. The proposed change continues to provide an important mid-block connection for pedestrians, cyclists, and other active transportation between Dutch Village Road and the Regional Trail on Joseph Howe Drive. To permit the change in location of the walkway, the proposed amending development agreement

adopts a new site plan which reflects the as-built location and design of the Regional Trail Connector walkway from the north side to the south side of the properties. Therefore, staff recommends that Council approve the proposed amending development agreement as contained in Attachment A.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The property owner will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Amending Development Agreement. The administration of the Amending Development 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 information sharing, achieved through the HRM website and signage posted on the site. A public information meeting and public hearing are not required for a non-substantive amendment to a development agreement. The decision on the process is made by resolution of Council.

### **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all applicable environmental policies as contained in the Halifax MPS.

### **ALTERNATIVES**

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

### **ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning
Attachment A	Proposed Amending Development Agreement with Revised Schedule B
Attachment B	Schedule B (Site Plan) from Existing Development Agreement
Attachment C	Site Photographs

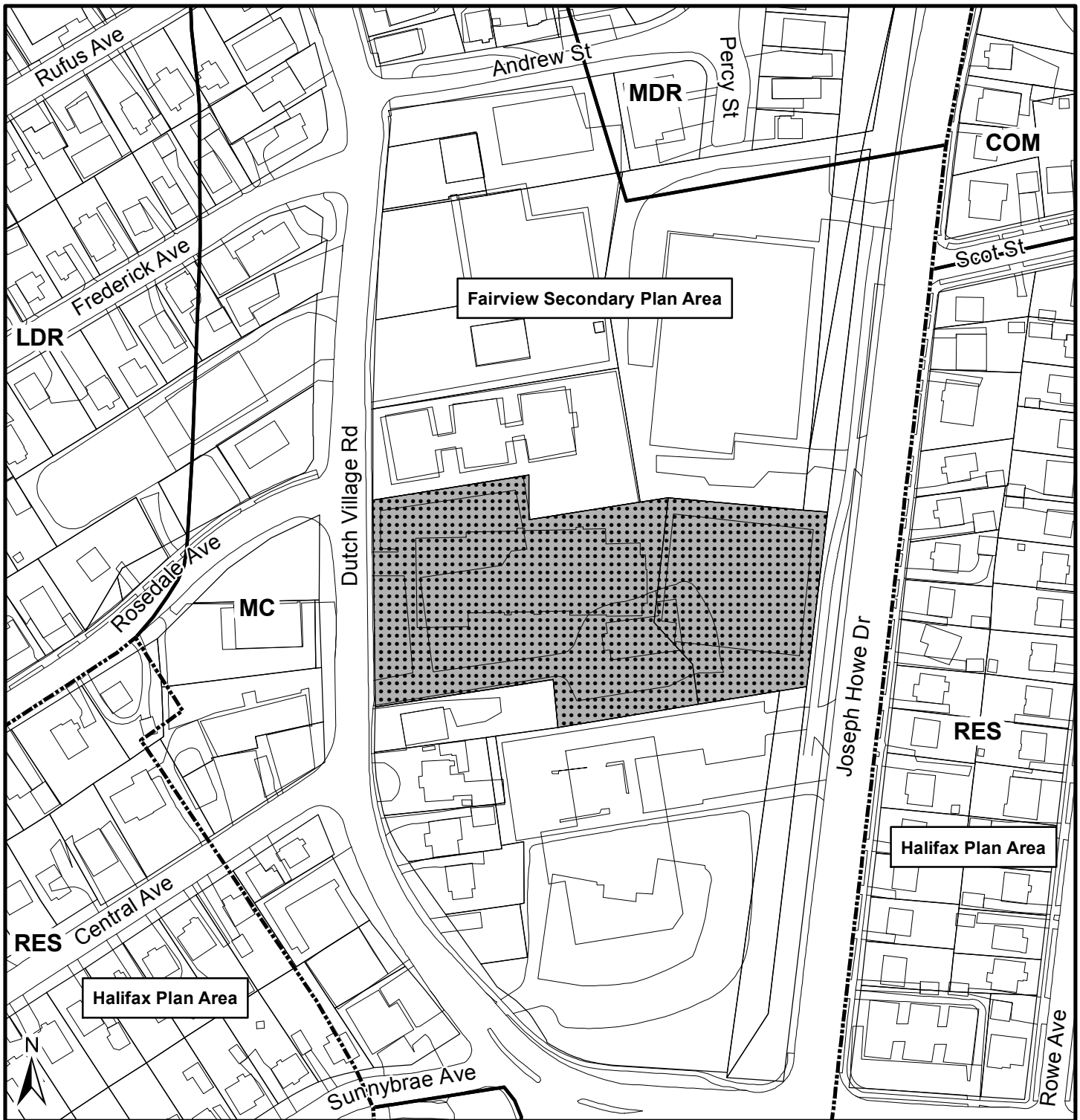
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Leah Perrin, Planning Intern, 902-490-4398

Original Signed

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

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## Map 1 - Generalized Future Land Use

3471/3481 Dutch Village Road  
and 3480 Joseph Howe Drive  
Halifax

**HALIFAX**

 Subject Properties

### Designations - Fairview Secondary Plan

MDR Medium Density Residential  
MC Minor Commercial

### Designations - Halifax Plan

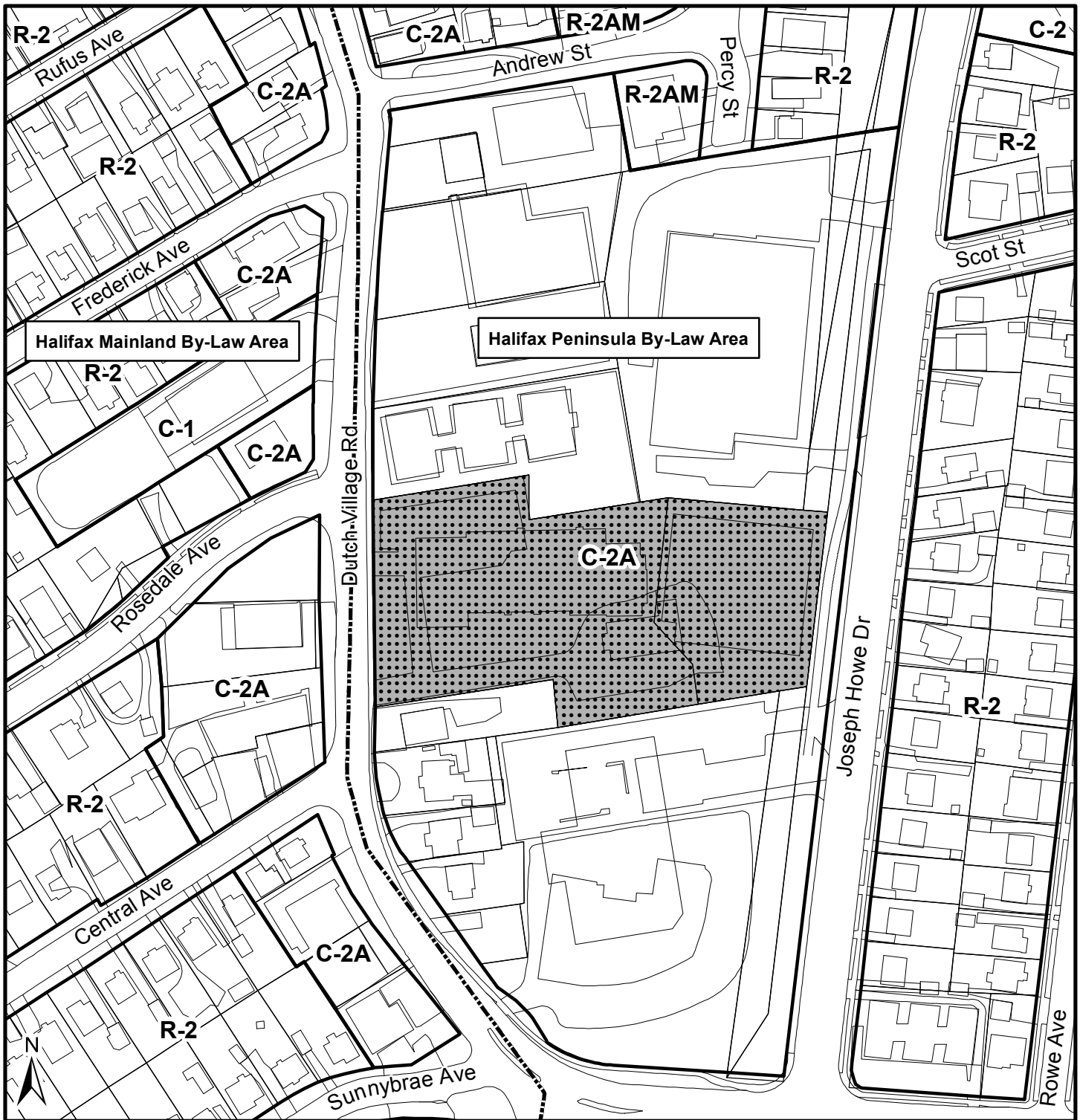
RES Residential Environments  
COM Commercial

0 20 40 60 m

Halifax Plan Area  
Fairview Secondary Plan Area

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

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



## Map 2 - Zoning

3471/3481 Dutch Village Road  
and 3480 Joseph Howe Drive  
Halifax

**HALIFAX**



Subject Properties

### Zones - Halifax Peninsula

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

### Zones - Halifax Peninsula

R-2	General Residential
C-1	Local Business
C-2	General Business
C-2A	Minor Commercial

0 20 40 60 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.

Halifax Peninsula  
By-Law Area

## ATTACHMENT A

### PROPOSED AMENDING DEVELOPMENT AGREEMENT

THIS AGREEMENT made this      day of **[Insert Month]**, 20\_\_,

BETWEEN:

**3245544 NOVA SCOTIA LIMITED**

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 3471/3481 Dutch Village Road and 3480 Joseph Howe Drive, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Chebucto Community Council of the Municipality approved an application to enter into a development agreement to allow for the construction of a mixed use building and a commercial building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.5 and 2.5.1 of the Fairview Secondary Plan of the Halifax Municipal Planning Strategy and Section 96(d) of the Halifax Peninsula Land Use By-law, which said development agreement was registered at the Halifax County Land Registration Office on December 16, 2010 as Document Number 97431044 (hereinafter called the "Existing Agreement");

AND WHEREAS the developer has requested a non-substantive amendment to the Existing Agreement to alter the location of the Regional Trail Connector walkway;

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 19316;

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

1. Section 2.1 and corresponding Schedules shall be amended by replacing Schedule B with the following Schedule attached to this amending agreement:

**Schedule B-1 – Site Plan**

2. Section 2.6.12 of the Existing Agreement is amended by inserting the text shown in **bold** as follows:

“The pedestrian walkways (**other than the Regional Trail Connector walkway**), Plaza and exterior bicycle parking areas shall be located as shown on Schedule B and constructed of a decorative hard surface in accordance with applicable HRM specifications unless otherwise specified in the Schedules.”

**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**



DUTCH VILLAGE ROAD



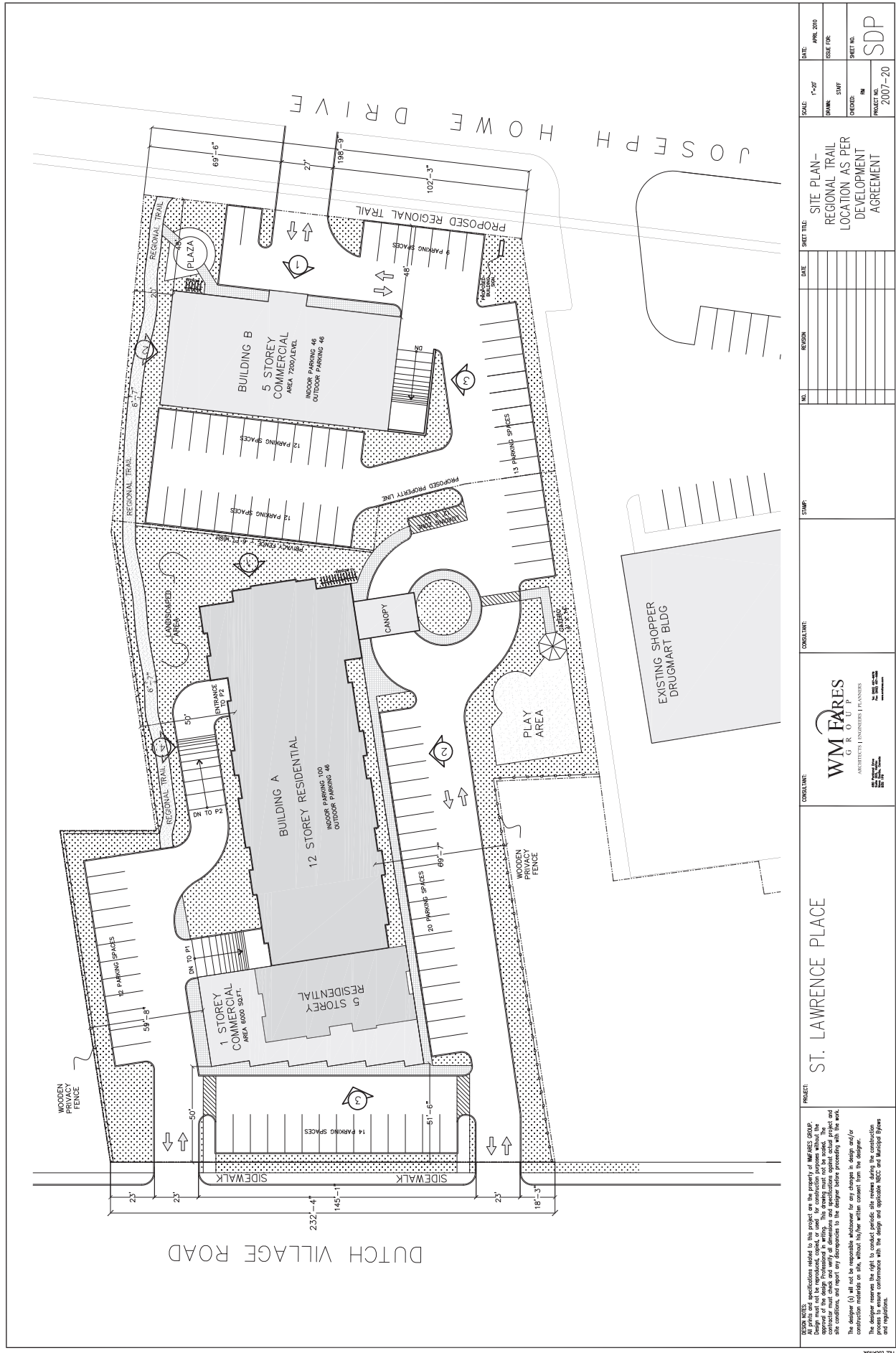
ST. LAWRENCE PLACE  
DUTCH VILLAGE RD. & JOSEPH HOWE DR.  
MIXED USE COMMERCIAL & RESIDENTIAL  
HALIFAX, NOVA SCOTIA

**MM FARES**  
 G R O U P  
 ARCHITECTS | ENGINEERS | PLANNERS  
 14000 E. 15th Avenue  
 Suite 1000  
 Denver, CO 80231  
 Tel: 303.755.4000  
 Fax: 303.755.4001  
 www.mmfares.com



SITE PLAN

SCALE	DATE
1"=30'	Sept 11, 2012
DESIGN	694,1706
SHEET	
CHECKED:	SHEET NO.
RM	
PROJECT NO.	SDP
2010-24	



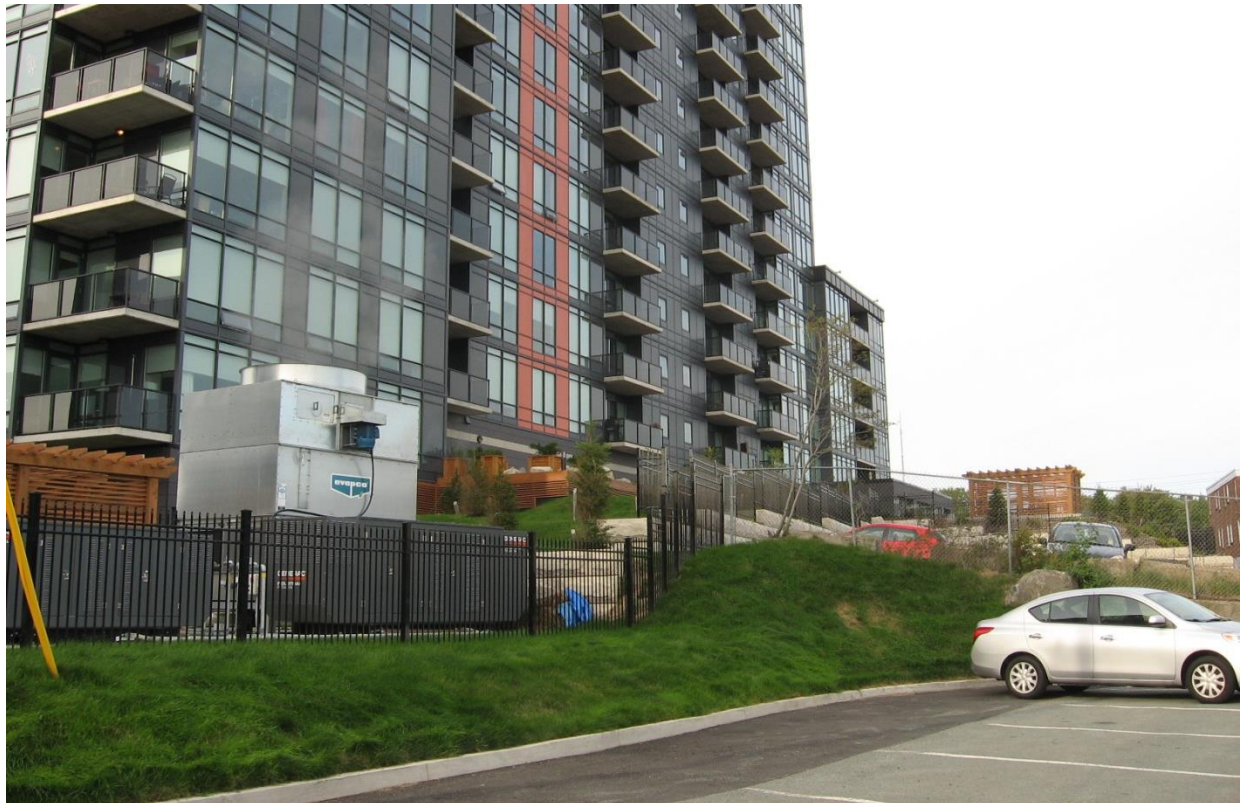
DESIGN NOTES: All plans and specifications related to this project are the property of WM FARES GROUP. The design is provided for the client's use only. The client is responsible for obtaining all necessary permits and approvals. The design is provided for the client's use only. The client is responsible for obtaining all necessary permits and approvals. The design is provided for the client's use only. The client is responsible for obtaining all necessary permits and approvals.	PROJECT: ST. LAWRENCE PLACE	CONSULTANT: WM FARES GROUP ARCHITECTS & ENGINEERS PLANNERS 2500 SHEPPARD AVENUE EAST SUITE 100 SCARBOROUGH, ONTARIO M1S 4T6 TEL: (416) 291-1111 WWW.WMFARES.COM	CONSULTANT: WM FARES GROUP ARCHITECTS & ENGINEERS PLANNERS 2500 SHEPPARD AVENUE EAST SUITE 100 SCARBOROUGH, ONTARIO M1S 4T6 TEL: (416) 291-1111 WWW.WMFARES.COM	STAMP:	NO.	REVISION	DATE	SHEET TITLE: SITE PLAN - REGIONAL TRAIL LOCATION AS PER DEVELOPMENT AGREEMENT	SCALE: 1"=20'	DATE: APR. 2010	SHEET NO. 20



## Attachment C

### Site Photographs

Proposed location of the Regional Trail Connector walkway under the existing Development Agreement (north side of site, facing east)





As-built location of the Regional Trail Connector walkway (south side of site, facing east)

