

Attachment 1

Halifax and West Community Council
March 25, 2014

TO: Chair and Members of Halifax and West Community Council
Original Signed

SUBMITTED BY: Brad Anguish, Director of Community and Recreation Services

DATE: February 24, 2014

SUBJECT: **Case 16367: Herring Cove Road MPS and LUB Amendments and Development Agreement for 286/290 Herring Cove Road, Halifax**

ORIGIN

- Application by W.M. Fares Group
- November 2, 2010 Regional Council initiation of MPS and LUB amendment process

LEGISLATIVE AUTHORITY

- *HRM Charter*; Part VIII, Planning & Development

RECOMMENDATION

It is recommended the Halifax and West Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax (MPS) and the Land Use By-law for Halifax Mainland (LUB) as set out in Attachments A and B of this report and schedule a joint Public Hearing with Halifax and West Community Council; and
2. Approve the proposed amendments to the Halifax MPS and the Halifax Mainland LUB, as contained in Attachments A and B of this report.

It is recommended that Halifax and West Community Council:

3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report to permit an apartment house development at 286 and 290 Herring Cove Road, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

RECOMMENDATIONS CONTINUED ON PAGE 2

Contingent upon the adoption by Regional Council of the above MPS and LUB amendments which are applicable to the proposed development agreement as set out in Attachment C of this report, and those amendments becoming effective under the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:

1. Approve the proposed development agreement as set out in Attachment C of this report; and
2. Require the development agreement to be signed by the property owner within 120 days, or any extension thereof granted 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

W.M. Fares Group, on behalf of the property owners, 3156293 Nova Scotia Ltd. and Raymond A. Toulany has proposed to develop an apartment house (multi-unit residential building) at 286 and 290 Herring Cove Road, Halifax. As existing municipal planning policy and zoning controls do not permit a multi-unit residential building at this location, the applicant has submitted an application to amend the MPS and LUB.

Prior to conducting public consultation in relation to the application, staff prepared a report outlining the merits of initiating a process designed to consider exploring appropriate MPS and LUB amendments for not only 286 and 290 Herring Cove Road, but for a specific study area as shown on Map 1. On November of 2010, Regional Council authorized staff to embark on this process.

Initially, a public workshop/information meeting was held to receive feedback regarding future development options for the study area as well as the applicant's proposal. Following initial public consultation and staff feedback, the applicant revised their proposal by including an abutting property (292 Herring Cove Road) and redesigning the building. A second public meeting was held to review the new proposal and proposed amendments for the study area. Following additional public consultation and staff feedback, the applicant again revised the proposal by then excluding the property at 292 Herring Cove Road and undertaking another redesign. The final redesign is smaller in scale compared with the previous two proposals and incorporates 42 residential units within a terraced building design (3-4 storeys).

Following a detailed review of the study area and the proposed development at 286/290 Herring Cove Road, staff has prepared amendments designed to protect neighbouring low density residential uses while also giving consideration to appropriately scaled and carefully designed multi-unit residential developments in the study area. In keeping with these objectives, a development agreement has also been prepared for 286 and 290 Herring Cove Road. Therefore, staff recommends approval of the MPS and LUB amendments outlined in Attachments A and B, and the development agreement outlined in Attachment C.

BACKGROUND

W.M. Fares Group is requesting amendments to the Halifax MPS and Mainland LUB to enable a multi-unit residential development at 286/290 Herring Cove Road. At the time of initiation of the application by Regional Council, staff was directed to explore appropriate MPS and LUB amendments for the applicant's location plus a broader area as shown on Map 1. This approach enables the study area to be comprehensively reviewed. This report reviews the requested MPS and LUB amendments and a proposed development agreement for 286/290 Herring Cove Road.

Study Area and Surrounding Land Uses

The Study area for the MPS and LUB amendments includes those properties on the eastern side of Herring Cove Road between Williams Lake Road and Circle Drive and a few properties on Clovis Avenue (Map 1). The study area, and land on the opposite side of Herring Cove Road, includes a mixture of residential and commercial land uses as shown on Map 1. Lands immediately east of the study area are primarily comprised of single detached dwellings.

Designation and Zoning

The study area is governed by the Halifax MPS, and specifically by the Mainland South Secondary Planning Strategy (MSSPS). The MSSPS designates the majority of properties within the study area as Low Density Residential (LDR), with the exception of three properties in the northern portion of the study area, which are designated Minor Commercial (MC) (Map 2). The LUB applies the Two Family Dwelling (R-2), Minor Commercial (C-2A), and the Park and Institutional (P) zones within the study area (Map 3).

Proposals

Initially, the applicant proposed a 4 storey building containing 52 residential units on 2.09 acres (90,882 square feet) of land located at 286 and 290 Herring Cove Road. The subject site has 196.75 feet of road frontage along Herring Cove Road. As the designation and zone do not permit multi-unit residential development, the applicant has requested consideration be given to MPS and LUB amendments that enable such a project by development agreement.

The applicant presented their initial proposal at a public meeting, and following public consultation and staff feedback, the applicant amended the proposal by including 292 Herring Cove Road and coming forward with a new design which included a 3,000 square foot commercial daycare and 61 residential units in a terraced building design (4 to 7 storeys). This proposal was presented at a second public meeting, and following additional public and staff feedback, the applicant again amended the proposal by removing the property at 292 Herring Cove Road from the proposal and coming forward with a smaller building which includes a terraced design (3 to 4 storeys) and 42 residential units.

Community Planning Initiatives

Since the MSSPS was adopted in 1987, a number of community planning initiatives have been undertaken within the community of Spryfield. These initiatives are briefly described as follows:

MPS policy changes - The MSSPS was adopted by the former Halifax City Council on May 28, 1987. Since 1987, policies applied to the study area have remained unchanged. However, several significant changes in planning policy and land use have taken place in the vicinity of the study area. In 1990, the MSSPS and LUB was amended to allow for commercial development along Herring Cove Road immediately west of the study area, which was previously set aside for medium density residential uses. These amendments resulted in a change in land use pattern within the community, including construction of the Sobey's grocery store and other commercial buildings (see Map 1).

Community Development & Streetscape Study – The Herring Cove Road Community Development & Streetscape Planning Project was commissioned by HRM and completed in 2005. This study is the culmination of research and extensive public input that examined how Herring Cove Road and its surroundings might be improved to strengthen its identity and function within the local community and surrounding region. Included within the report are recommendations for the establishment of commercial nodes to serve the local needs and surrounding neighbourhoods along the length of Herring Cove Road. The report calls for significant portions of the study area to be included within a commercial node, and places an emphasis on the importance of mixed use developments through the encouragement of a significant residential component in commercial developments.

Regional Plan – When the Halifax Regional Municipal Planning Strategy (Regional Plan) was adopted in 2006, the community of Spryfield was identified as a Suburban District Centre within the Urban Settlement Designation. The 2006 Regional Plan envisions Centres within the Urban Settlement Designation will be designed through Community Visioning and secondary plan reviews as mixed-use transit-oriented communities, and anticipates a mix of medium and high density residential and commercial uses will be situated around key focal points within the centre.

Spryfield Community Visioning – Based on direction in the 2006 Regional Plan, HRM carried out Community Visioning for Spryfield in 2008/09. This process culminated in a Vision and Action Strategy for Spryfield, which includes an Action Strategy for 'Places'. The 'Places' portion of the Action Summary identifies a need for a review of the MPS to implement the vision embodied in the Herring Cove Road Streetscape Study as opportunities arise, and also calls for neighbourhoods that include well-designed, walkable, mixed-use developments that increase housing density in appropriate areas.

Regional Plan 5 Year Review (RP+5) – RP+5 draft provisions continue to envision Spryfield as a Suburban District Growth Centre, and support a range of associated land use and design characteristics which are to be supported when preparing secondary planning strategies. These include a mix of low, medium and high density residential (low and medium density in established residential neighbourhoods), and pedestrian oriented facades.

Transit Service – Metro Transit provides a significant level of bus service within the study area (Routes 14, 19, 20, and 32), including 2 inbound bus stops, with associated slip lanes, on the eastern side of Herring Cove Road (at Circle Drive and at Williams Lake Road), and 2 outbound

bus stops, with associated slip lanes, on the western side of Herring Cove Road. The eastern bus stops have great ridership numbers and are wheel chair accessible. The western bus stops are also wheel chair accessible and are located at either a signalized intersection or a signalized crosswalk.

Acquisition/Development of Public Park – When the MSSPS was adopted, the study area was without public open space. In 1988, the former City of Halifax acquired land at the intersection of Herring Cove Road and Williams Lake Road. Following the acquisition, a public park has been carefully developed and integrated with an inbound bus stop.

Streetscape Improvements – The Herring Cove Road Community Development & Streetscape Planning Project (2005) included several streetscape improvement recommendations, including planted street medians (along the section of Herring Cove Road facing the study area) and sidewalk benches and landscaping (along the Herring Cove Road opposite the study area). These improvements have since been carried out.

Approval Process

As the proposed approach for the study area includes MPS and LUB amendments and a development agreement, the approval process will require both Regional Council and Community Council involvement. MPS and LUB documents are under the jurisdiction of Regional Council. The proposed development agreement is under the jurisdiction of the Halifax and West Community Council. A public hearing, which is required prior to a decision on both matters, may be held at the same time for both the MPS and the LUB amendments and the development agreement. In the event Regional Council approves the MPS and LUB amendments, Halifax and West Community Council may only make a decision on the development agreement following the amendments to the MPS and LUB coming into effect.

DISCUSSION

Municipal Planning Strategy Amendments

An MPS lays out Council's intent regarding appropriate land use and future patterns for development. Amendments to an MPS are not routine undertakings and Council is under no obligations to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change to the circumstances since the MPS was adopted or last reviewed, or in cases where circumstances are significantly different from the situations that the Plan anticipated.

Proposed Amendments to the MPS & LUB

As outlined in the Background section of this report, there have been a number of initiatives undertaken for this area in response to changing circumstances and context since the MSSPS was adopted in 1987. The initiatives indicate an objective to create a vibrant, mixed use (residential and commercial) node along this stretch of Herring Cove Road. In order to build on this objective and streetscape improvements carried out to date, changes to the current planning policy and land use by-law are warranted. This is achieved through the proposed amendments to the MPS and LUB. The proposed amendments acknowledge the study area's important role in

contributing to an emerging mixed use node within the community of Spryfield, while also acknowledging the need for development that is sensitive to nearby low density residential areas.

Attachments A and B contain the necessary amendments to MPS policy and LUB requirements to achieve the above noted objectives and enable development compatible with the surroundings. Of the proposed amendments, the following are highlighted for more detailed discussion:

Applying Residential Zoning on Clovis Avenue – Staff’s initial report to Regional Council identified the Minor Commercial designation and zoning of 9 and 15 Clovis Avenue should be amended to reflect the residential character of the street. Public consultation held in association with the study area also reflects the need to appropriately zone these properties.

Since Regional Council’s direction to review the study area, a 14 unit residential building has been constructed at 9 Clovis Avenue, which is permitted under the current commercial zoning. In keeping with the low density residential character of Clovis Avenue, the proposed amendments call for 9 and 15 Clovis Avenue to be rezoned to R-2. If the R-2 zone is applied, the existing development at 9 Clovis Avenue will be subject to the non-conforming provisions of the *Halifax Regional Municipality Charter*. 15 Clovis Avenue is developed with a two unit dwelling. If the R-2 zone is applied, existing development at 15 Clovis Avenue will conform to the lot area and frontage requirements of the R-2 zone.

Encouraging Compatible Commercial Uses – The former Canadian Tire site at the corner of Herring Cove Road and Circle Drive carries the C-2A Zone to reflect its use at the time the MSSPS was adopted. The C-2A Zone permits a wide range of commercial uses, and includes certain uses that are not compatible with the character of this area. The proposed amendments to the MPS and LUB maintain the C-2A Zone, but remove services stations, recycling depots, motor vehicle repair, and billboards as permitted uses on this site.

Removing As-of-Right Multi Unit Residential – As the former Canadian Tire site is zoned C-2A, as-of-right multi-unit residential development is currently permitted. The C-2A Zone permits a 4 storey residential building, which could be placed above commercial, potentially resulting in a building containing up to 5 storeys. As the C-2A Zone restricts commercial buildings to 35 feet in height, and requires setbacks from residential zones, removing the as-of-right ability to construct a multi-unit residential building provides for predictable building massing on this site. Moving forward, multi-unit residential development would be considered on this site subject to the development agreement process.

Multi-Unit Residential Developments by Development Agreement – The introduction of significant commercial uses, substantial transit service, streetscape improvements, and public open space serve as the catalyst for this emerging node; however, the absence of multi-unit residential development will constrain this node’s ability to fully emerge as a vibrant and well-balanced place. The proposed amendments to the MPS enable a maximum of 3 appropriately scaled and well-designed multi-unit residential developments to be considered along Herring Cove Road between Circle Drive and Williams Lake Road by development agreement. The proposed policy requires a number of factors to be considered under the development agreement

process such as height (3 to 4 storeys), number of units (restricted to 42), underground parking (majority), architectural detailing, and compatibility issues (appropriate separation).

3 Unit Residential Development – 292 Herring Cove Road is currently developed with a single unit dwelling. Redevelopment of this property was envisioned through the applicant's second proposal; however, is not included in the current proposal for a smaller building. Proposed amendments to the MPS and LUB retain R-2 zoning, but also allow for a 3 unit dwelling to be developed on this property, provided specific requirements are met, which include:

- Height – restricted to 30 feet and 2 storeys;
- Setbacks – restricted to 15 feet (front), 15 feet (sides), and 20 feet (rear); and
- Location – restricted to the existing property.

Protecting the Public Park – To acknowledge and protect the public park at the intersection of Herring Cove Road and Williams Lake Road, the proposed amendments call for the park to be rezoned P and used only as a public park.

Proposed Development Agreement (286/290 Herring Cove Road)

It is the opinion of staff that the proposed development agreement provided as Attachment C to this report is consistent with the proposed MPS and LUB amendments (see Attachment D). While the proposed development agreement is consistent with the intent of the proposed amendments, staff has identified the following matters for specific discussion:

Compatibility with Adjacent Development

The proposed development agreement limits the multi-unit residential building to 4 storeys facing Herring Cove Road, and requires the building to be stepped down to 3 storeys at the rear (the side of the building facing existing low density residential). Setbacks, significant landscaping, and decorative fencing also create a reasonable transition zone between the proposed development and adjacent low density residential uses.

Streetscape Focus / Architectural Detailing

To create a high quality design detail at street level, the proposed development agreement requires the accentuation of building entrances and substantial landscaping between the building and the sidewalk. To ensure high quality building materials and architectural detailing, all four sides of the building must include significant articulation, including fine detailing and trim. Building materials are also limited to stone, glass, and fibre cement siding (or premium vinyl shakes). The siding is also required to vary in colour (taupe, white, and gray) in order to accent certain building elements.

Traffic Analysis

The proposed MPS policy requires consideration be given to vehicular and pedestrian access and egress patterns from the surrounding area. As part of the development agreement process, the applicant submitted a traffic impact statement (TIS), which states the proposed development is not expected to have any noticeable impact to the level of performance of Herring Cove Road. The TIS was reviewed by HRM's Development Engineer and was found to be acceptable.

Conclusion

Changes in circumstances since the adoption of the MSSPS point toward creating a vibrant and compatible mixed use node along this stretch of Herring Cove Road. To achieve this objective, changes to the current planning policy and land use by-law are necessary. Attachments A and B outline proposed amendments the MPS and LUB which achieve this goal. The proposed amendments acknowledge the study area's important role in contributing to an emerging mixed use node within the community of Spryfield, while also acknowledging the need for development that is sensitive to nearby low density residential areas.

The proposed development agreement contained in Attachment C is consistent with proposed MPS and LUB amendments and will enable appropriately scaled and well-designed multi-unit residential development within the study area. Therefore, staff recommends approval of the MPS and LUB amendments outlined in Attachments A and B, and the development agreement outlined in Attachment C.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

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 public workshop/information meetings held on February 3, 2011 and November 29, 2012. The initial public workshop/information meeting was designed to receive feedback from the public regarding future development options for land within the study area, while also allowing for discussion around the applicant's first proposal. At the second public meeting, the applicant presented a revised proposal and staff also presented proposed amendments for the study area. Attachments E and H contains a copy of the minutes from the February 3, 2011 and the November 29, 2012 meeting respectively. Attachments F and G contain a summary of completed public surveys associated with this meeting. Additional public correspondence is provided as Attachment I.

For the public meetings, notices were posted on the HRM website, in the newspaper, and mailed to property owners with the notification area shown on Map 4.

Prior to considering the approval of any MPS amendments, Regional Council must hold a public hearing. Likewise, Halifax and West Community Council must hold a public hearing before it can consider approving a development agreement. Under these circumstances, and because of the relationship of the proposed amendments to the proposed development agreement, it is recommended that both Councils proceed with a joint public hearing.

Should Regional Council and Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements,

individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed amendments will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

The proposed amendments to the MPS and LUB, and the proposed development agreement, are consistent with applicable environmental policies contained in the MSSPS. In this case, policy protects a wetland at the rear of 286/290 Herring Cove Road and the proposed MPS amendments require this policy to be considered as part of any development agreement. The proposed development agreement for 286/290 Herring Cove Road carries forward this intent by requiring a significant non-disturbance buffer to protect the wetland.

ALTERNATIVES

The Halifax and West Community Council could recommend that Regional Council:

1. Approve the proposed amendments to the Municipal Planning Strategy for Halifax (MPS) and the Land Use By-law for Halifax Mainland (LUB), as contained in Attachments A and B of this report. This is staff's recommendation. A decision of Regional Council to approve the proposed amendments is not appealable.
2. Modify the proposed amendments to the MPS and LUB, as presented in Attachments A and B. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing to be held before approval is granted.
3. Refuse the proposed amendments to the MPS and LUB, as contained in Attachments A and B of this report. This is not the recommended course of action. A decision of Regional Council to refuse the proposed amendments is not appealable.

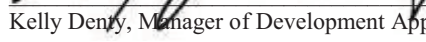
ATTACHMENTS

Map 1	Study Area
Map 2	Current Generalized Future Land Use
Map 3	Current Zoning
Map 4	Area of Notification
Attachment A	Proposed Amendments to the Halifax MPS (including Schedules A and B)
Attachment B	Proposed Amendments to the Halifax Mainland LUB (including Schedules C, D, and E)

Attachment C	Proposed Development Agreement
Attachment D	Proposed Development Agreement Policy Review
Attachment E	Minutes from the February 3, 2011 Public Meeting/Workshop
Attachment F	Public Survey Results – Development Function and Form in the Study Area
Attachment G	Public Survey Results – Preferred Land Uses in the Study Area
Attachment H	Minutes from the November 29, 2012 Public Meeting
Attachment I	Additional Public Correspondence

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: Miles Agar, LPP, Planner 1, Development Approvals, 490-4495
Original Signed

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

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



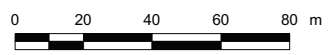
Map 1 - Study Area

Herring Cove Road
Halifax

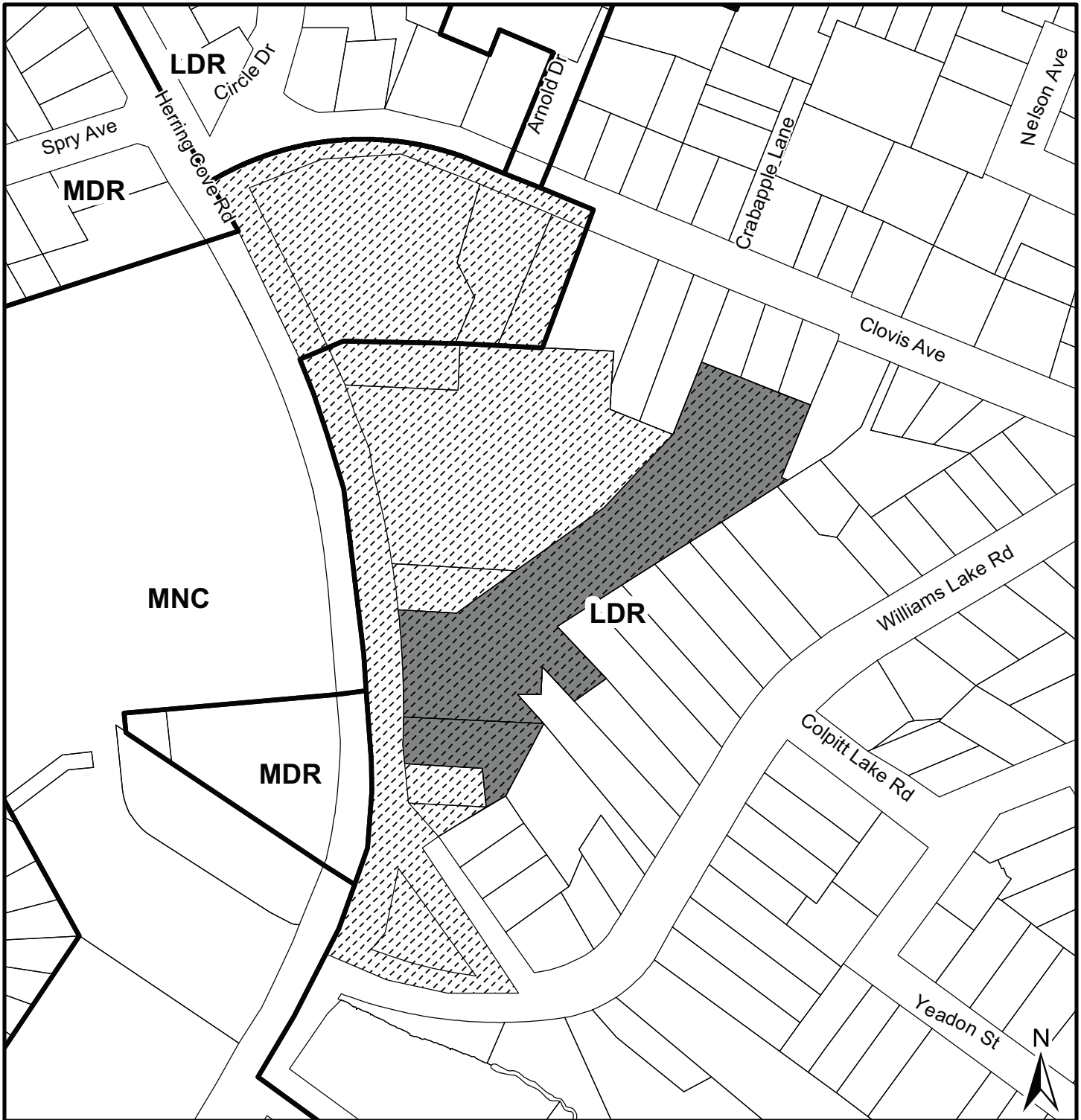
286/290 Herring Cove Road

Study area

Halifax Plan Area
Mainland South Secondary Plan Area





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



Map 2 - Current Generalized Future Land Use

Herring Cove Road
Halifax

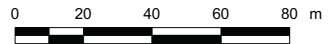


-  286/290 Herring Cove Road
-  Study area

Designation

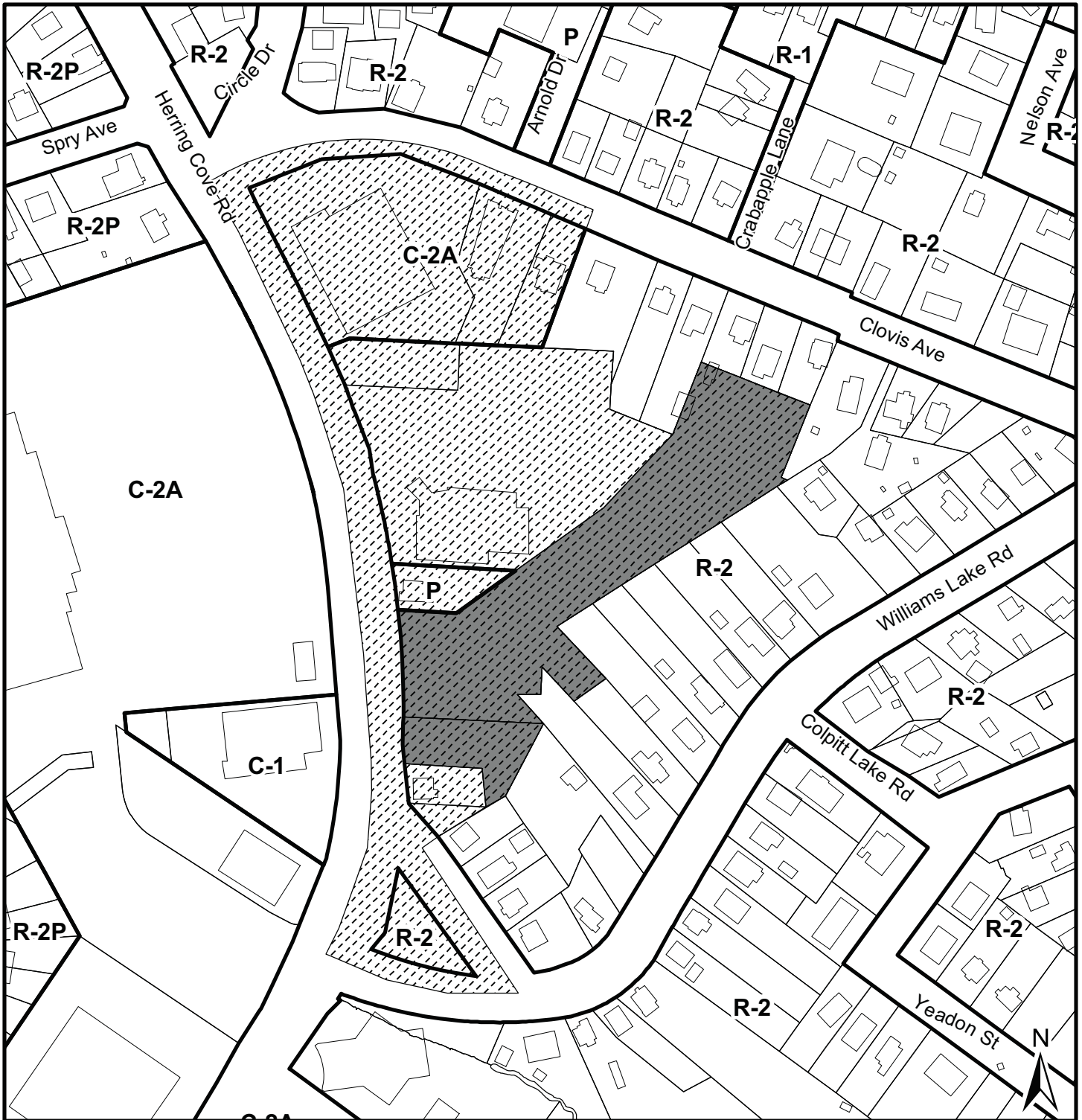
- LDR Low Density Residential
- MDR Medium Density Residential
- MNC Minor Commercial
- IN Institutional

Halifax Plan Area
Mainland South Secondary Plan Area



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


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Map 3 - Current Zoning

Herring Cove Road
Halifax

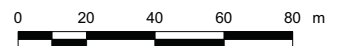
 286/290 Herring Cove Road

 Study area

Halifax Mainland
Land Use By-Law Area

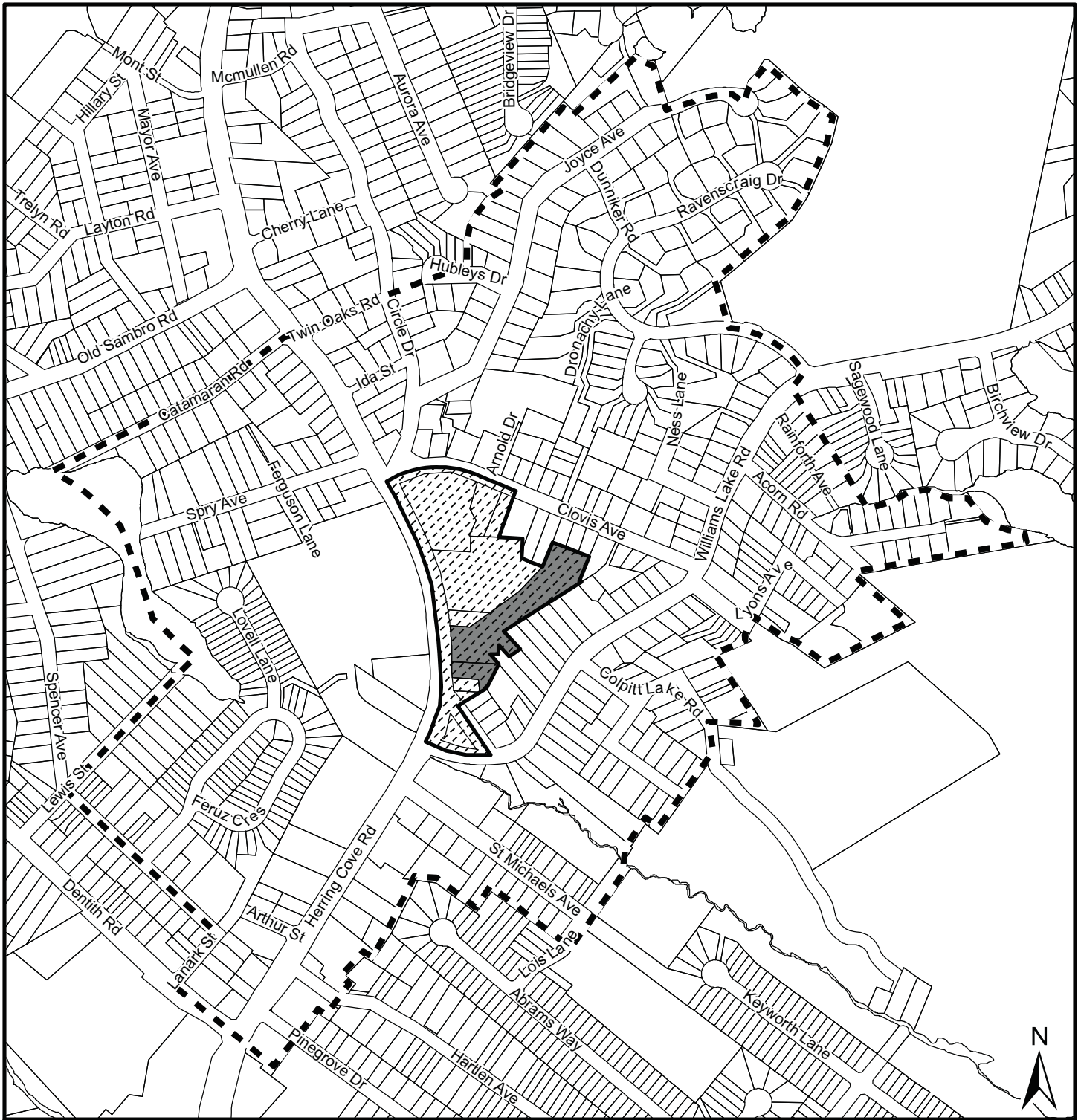
Zone

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



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


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Map 4 - Area of Notification

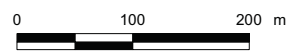
Herring Cove Road
Halifax

 286/290 Herring Cove Road

 Study area

 Area of notification

Halifax Plan Area
Mainland South Secondary Plan Area



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

Attachment A

Proposed Amendments to the Municipal Planning Strategy for Halifax

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. In Section X, Part 1 Residential Environments, of the Municipal Planning Strategy for Halifax add the following policies immediately after policy 1.2.4:
 - 1.2.5 In order to promote the integration of appropriately scaled and well-designed apartment house uses within a specific node along Herring Cove Road, that being the stretch of Herring Cove Road between Circle Drive and Williams Lake Road, and to prevent conflict between new and existing uses, the Municipality shall identify properties fronting on the eastern side of Herring Cove Road between Circle Drive and Williams Lake Road as shown on Map 4 Schedule I.
 - 1.2.6 A Schedule shall be applied through the land use by-law to private properties within the area identified in policy 1.2.5, provided the properties have frontage on Herring Cove Road. Apartment house developments may be considered in the area identified by this Schedule by development agreement in accordance with the Halifax Regional Municipality Charter.
 - 1.2.7 Within the area identified by policy 1.2.6, no more than three apartment house developments shall be permitted. Each apartment house development may incorporate non-residential uses permitted by the zoning on the property and shall:
 - (a) contain no less than 190 feet of frontage on Herring Cove Road;
 - (b) contain no less than 60,000 square feet of lot area;
 - (c) contain no more than 42 dwelling units, a minimum of 50 percent of which must contain 2 or more bedrooms;
 - (d) be limited to a maximum of height of 55 feet;
 - (e) be contained within a single building, which contains no more than 4 storeys; and
 - (f) be limited to no more than 3 storeys at the rear (eastern) portion of the building.
 - 1.2.8 In considering development agreements pursuant to policies 1.2.6 and 1.2.7., Council shall consider the following:
 - (a) the architectural design of the building includes high quality building materials, articulation of and variation to the building facades, and fine-grained architectural detailing;

- (b) the creation of high quality design detail at street level through attention to such matters as site landscaping, conspicuous building entrances, appropriate lighting and co-ordinated signage, and no surface parking between the building and the street;
- (c) the relationship of the building to the street, adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development of adjacent properties through effective urban design and landscape treatment;
- (d) appropriate separation of residential and commercial uses;
- (e) provision for vehicular and pedestrian access and egress patterns;
- (f) the adequacy of the servicing capacity of the site;
- (g) the majority of vehicular parking is provided underground;
- (h) the development provides adequate indoor and outdoor amenity space for residents on site;
- (i) the development provides a lighting plan;
- (j) where the development is located at an intersection, architectural treatments are incorporated to emphasize the building's relationship to the corner;
- (k) where a cemetery is present on the development site, the provision of appropriate protection and access; and
- (l) the provisions contained in policy 7.3 of this Section.

1.2.9 Within the area identified by policy 1.2.6, the land use by-law shall permit one 3 unit dwelling, provided the 3 unit dwelling is located at 292 Herring Cove Road. The land use by-law shall identify the site where the 3 unit dwelling is permitted and shall limit the 3 unit dwelling to 2 storeys and include provisions to ensure the building is appropriately positioned in relation to adjacent development.

1.2.10 Notwithstanding the Low-Density Residential designation of the HRM park located at the intersection of Herring Cove Road and Williams Lake Road, identified as 'Pocket park' on Map 4 Schedule I, the Park and Institutional Zone shall be applied to this property.

1.2.11 Notwithstanding policy 3.1, the land use by-law shall identify the HRM park located at the intersection of Herring Cove Road and Williams Lake Road, identified as 'Pocket park' on Map 4 Schedule I, and shall limit the use of the site to public park uses.

2. In Section X, Part 2 Commercial, of the Municipal Planning Strategy for Halifax add the following policies immediately after policy 2.3:

2.3.1 Minor Commercial uses, excluding service stations, recycling depots, motor vehicle repair, and billboards, shall be permitted on Minor Commercial designated properties within the area identified on Map 4 Schedule I. These properties shall be identified by the land use by-law.

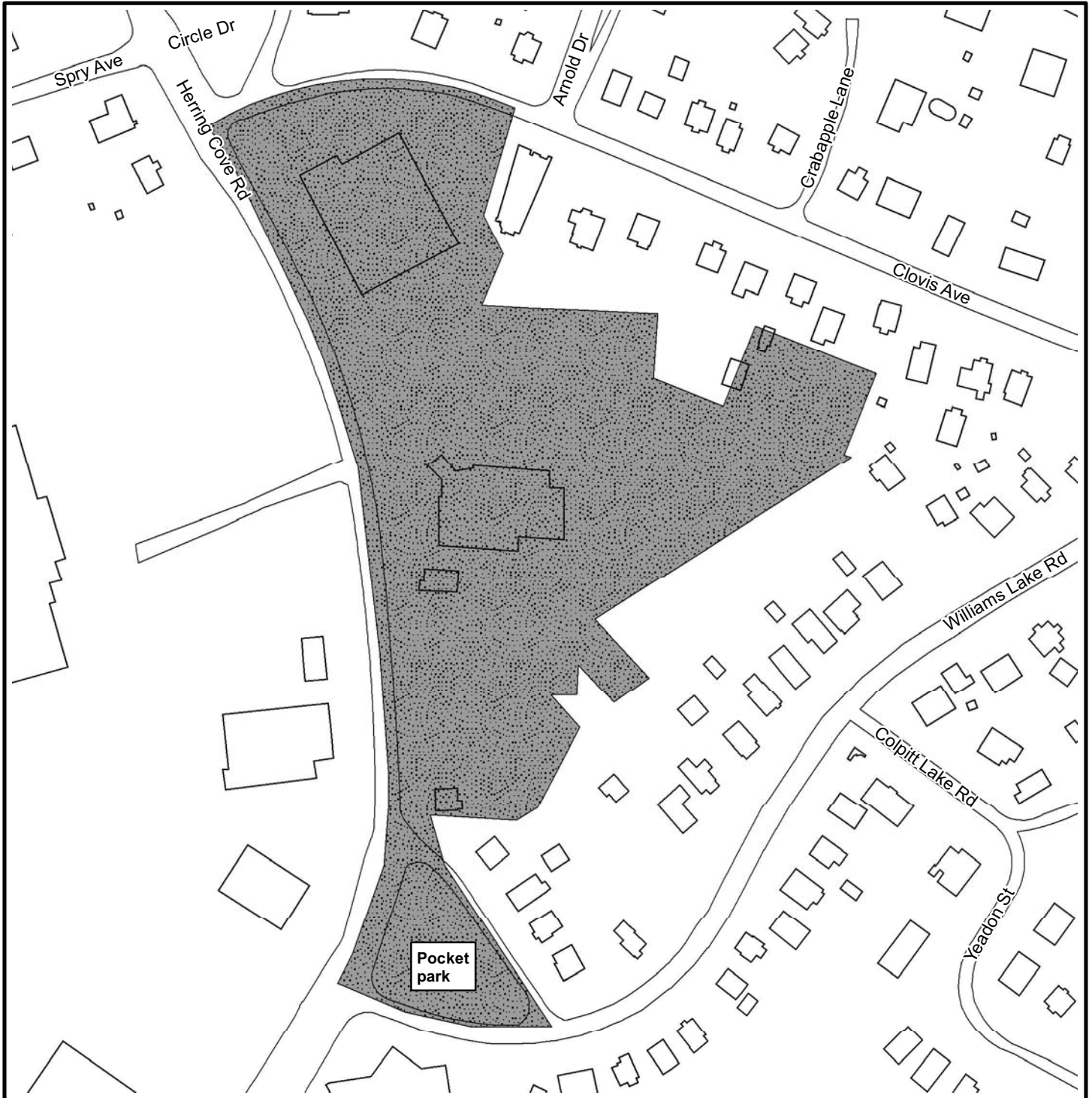
2.3.2 Notwithstanding policy 2.3.1, Council may consider apartment house developments pursuant to policies 1.2.5, 1.2.6, 1.2.7 and 1.2.8 of this Section.

3. In Section X, Part 2 Residential Environments, of the Municipal Planning Strategy for Halifax, add Map 4 Schedule I immediately after Map 3 Schedule I as illustrated in Schedule A.
4. By amending Map 9F of Section X, Part 8 Generalized Future Land Use Map, of the Municipal Planning Strategy for Halifax as illustrated in Schedule B.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Halifax, 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 _____, 2014.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2014.

Municipal Clerk

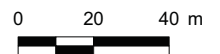


Mainland South Area Plan

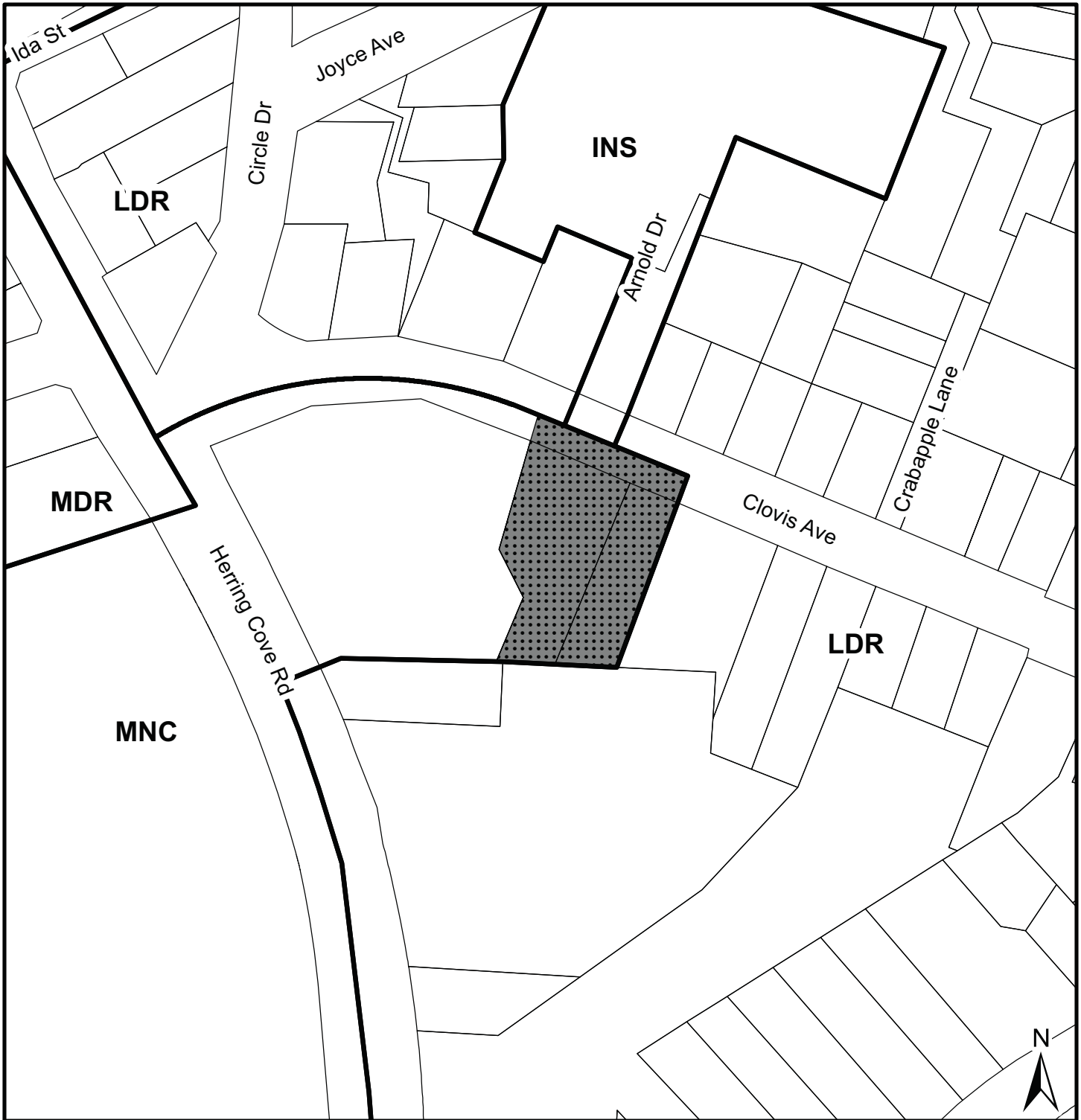
Policy 1.2.5 Area

 Policy 1.2.5 Area

**Map 4
Schedule I**




Effective:



Schedule B

9 and 15 Clovis Avenue
Halifax

 Area to be redesignated from MNC (Minor Commercial) to LDR (Low Density Residential)

Halifax Plan Area
Mainland South Secondary Plan Area

Designation

- LDR Low Density Residential
- MDR Medium Density Residential
- MNC Minor Commercial
- INS Institutional



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 B

Proposed Amendments to the Land Use By-law for Halifax Mainland

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby amended as follows:

1. Add subsection 72(3) to the Land Use By-law for Halifax Mainland immediately after subsection 72(2) to read as follows:

72(3) The Municipality may, by development agreement, allow for apartment house developments in accordance with policies 1.2.5, 1.2.6, 1.2.7, 1.2.8, and 2.3.2 of Section X (Mainland South Secondary Planning Strategy, Residential Environments and Commercial) of the Municipal Planning Strategy for Halifax.

2. Add clause 24(1)(ca) to the Land Use By-law for Halifax Mainland immediately after clause 24(1)(c) to read as follows:

(ca) a building containing not more than 3 apartments on the 3-unit Dwelling Site identified on ZM-26, subject to the requirements of Section 28C.

3. Add subsection 28C to the Land Use By-law for Halifax Mainland immediately after the deleted subsection 28B to read as follows:

28C Notwithstanding Section 26, any building permitted by clause 24(1)(ca) shall comply with the following requirements:

- (a) Lot frontage minimum of 45 feet;
- (b) Lot area minimum of 4,500 square feet;
- (c) Lot coverage maximum of 35 percent;
- (d) The maximum height shall be 30 feet;
- (e) The maximum number of storeys shall be 2;
- (f) The minimum front yard setback shall be 15 feet;
- (g) The minimum side yard setback shall be 10 feet; and
- (h) The minimum rear yard setback shall be 20 feet.

4. Add subsection 38K to the Land Use By-law for Halifax Mainland immediately after subsection 38J to read as follows:

264 HERRING COVE ROAD

38K Notwithstanding subsection 38A(1), service stations, recycling depots, motor vehicle repair, billboards, and residential uses shall not be permitted at the site identified as 264 Herring Cove Road on ZM-26.

5. Add subsection 53A(3) to the Land Use By-law for Halifax Mainland immediately after subsection 53A(2) to read as follows:

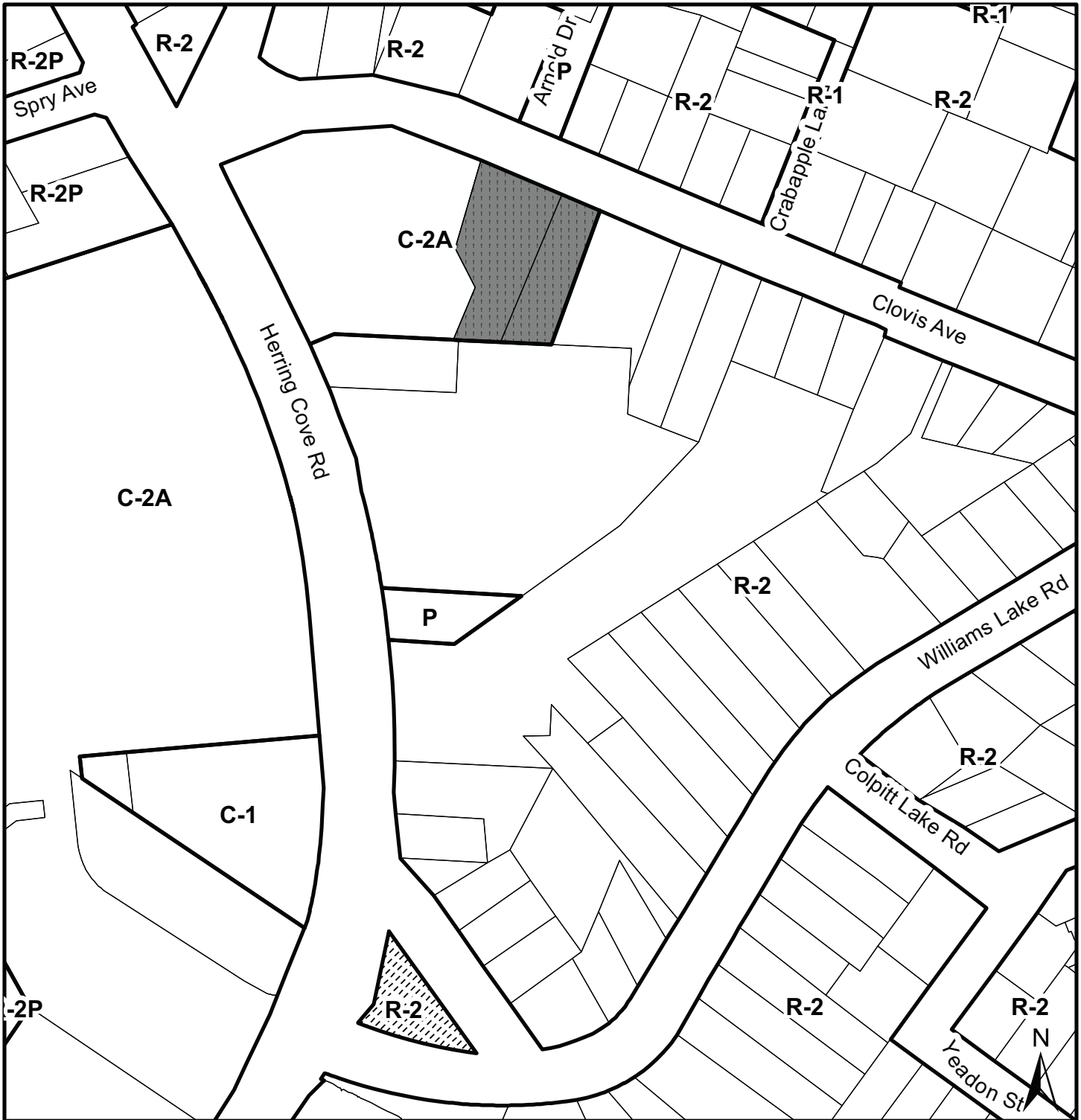
HRM PARK AT HERRING COVE ROAD AND WILLIAMS LAKE ROAD

- 53A(3) Notwithstanding subsection 51(1), uses permitted by clauses 51(1)(b), 51(1)(c), 51(1)(d), 51(1)(e), and 51(1)(g) shall not be permitted at the site identified as Pocket Park on ZM-26.
6. By amending Zoning Map “ZM-1” of the Land Use By-law for Halifax Mainland as shown on the attached Schedule C.
 7. By amending Planning Areas Map “ZM-2” of the Land Use By-law for Halifax Mainland to include Schedule “S” lands as illustrated in Schedule D.
 8. By adding Map “ZM-26” as illustrated on Schedule E.

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 , 2014.


GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2014.


Municipal Clerk



Schedule C

Clovis Avenue and Herring Cove Road
Halifax

 Area to be rezoned
from C-2A (Minor Commercial)
to R-2 (Two Family Dwelling)

 Area to be rezoned
from R-2 (Two Family Dwelling)
to P (Park and Institutional)

Halifax Mainland Land Use By-Law Area

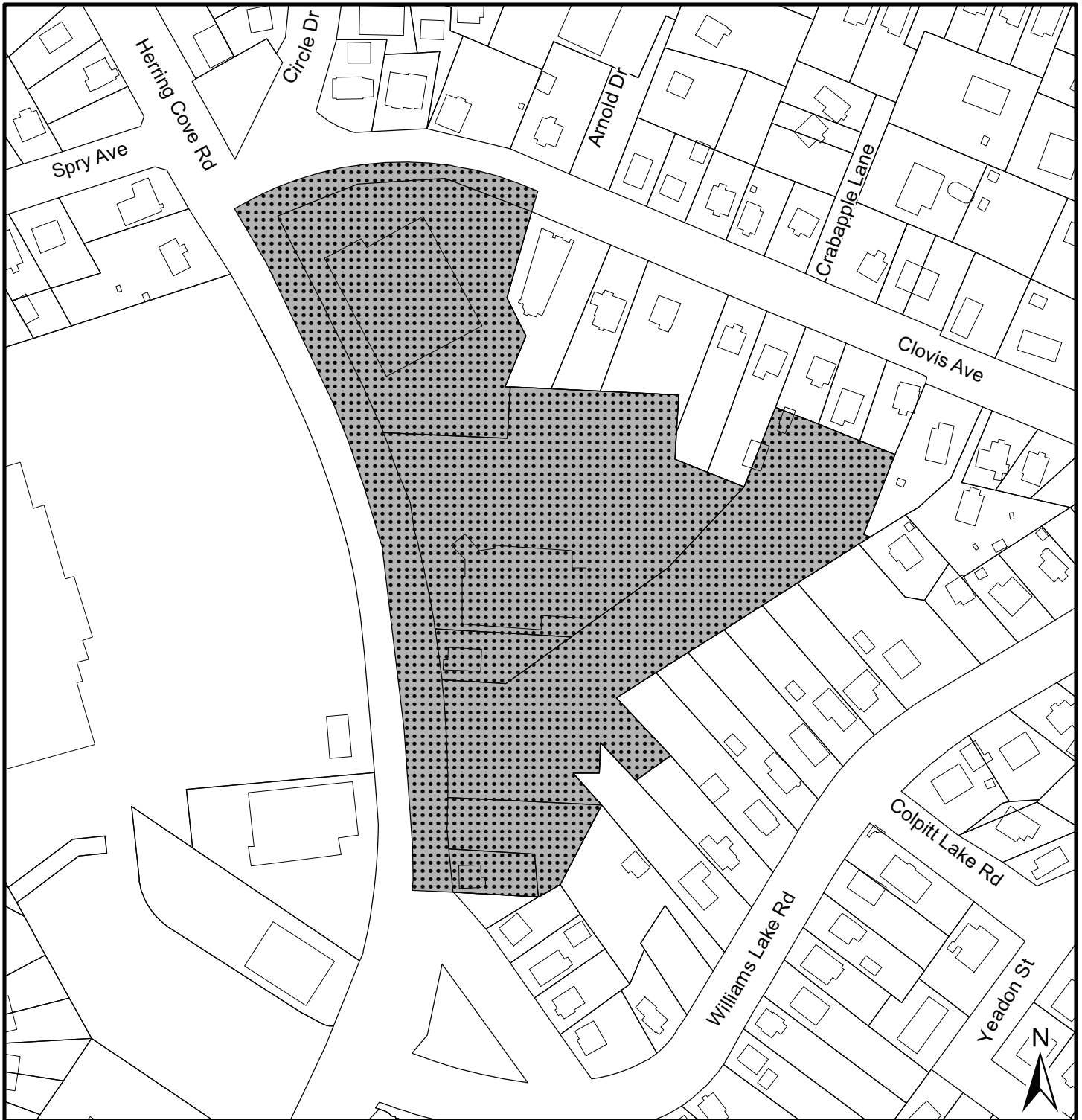
Zone

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




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.

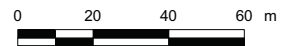


Schedule D

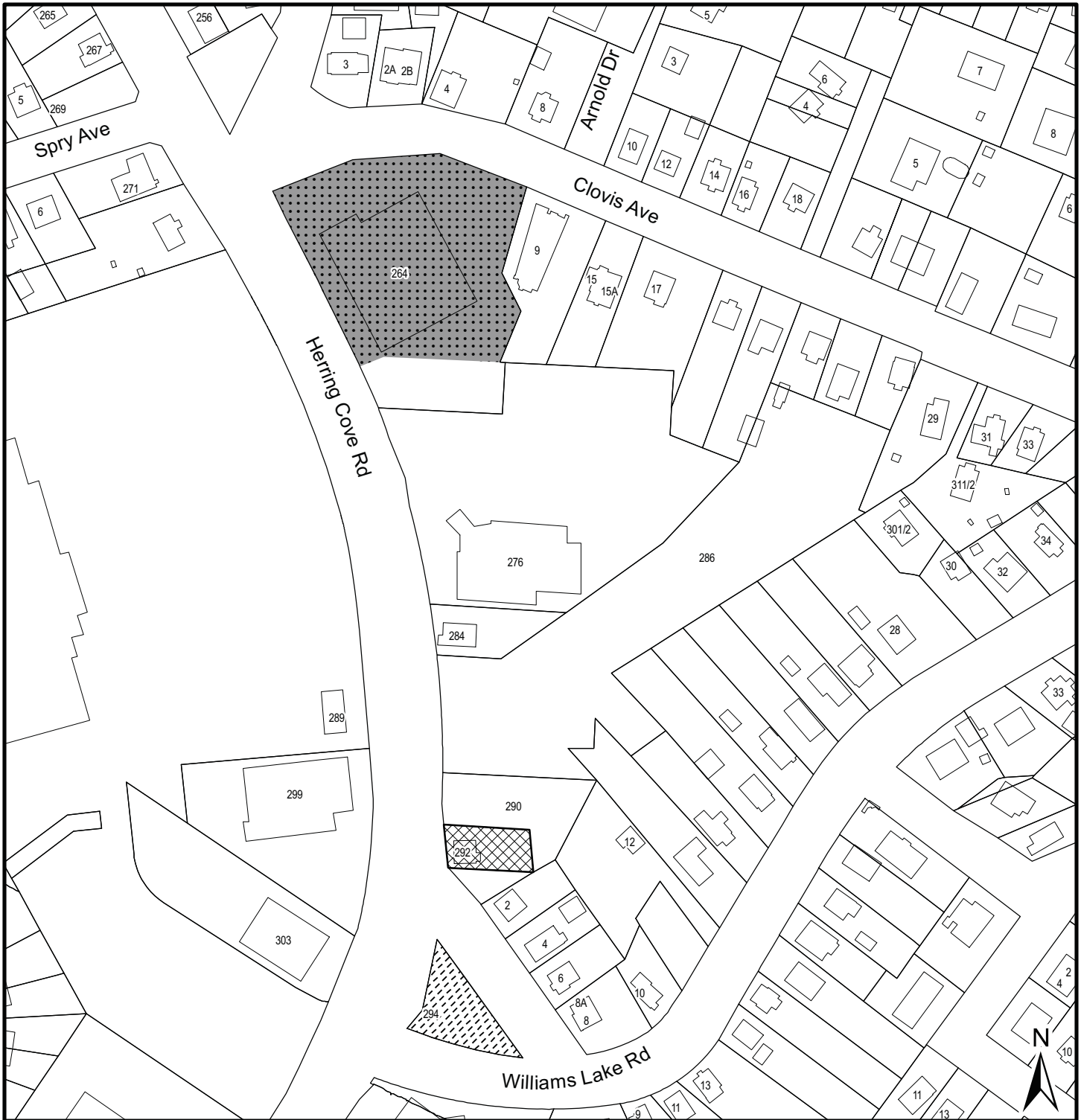
Herring Cove Road
Halifax

 Area of Schedule S

Halifax Mainland
Land Use By-Law Area






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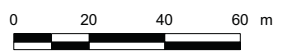


Schedule E - ZM-26

Herring Cove Road
Halifax

-  264 Herring Cove Road
-  3-unit Dwelling Site
-  Pocket Park

Halifax Mainland Land Use By-Law



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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

- 1.1.1 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

- 1.2.1 Except as otherwise provided for herein, the development, subdivision and use of the Lands shall comply with the requirements of the Land Use By-law for Halifax Mainland and the Halifax 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 and/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

- 1.5.1 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

- 1.6.1 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

- 2.1.1 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.

2.2 Definitions Specific to this Agreement

- 2.2.1 The following word used in this Agreement shall be defined as follows:

- (a) **“Indoor Amenity Space”** means common amenity areas located within an apartment house, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 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 16367:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Landscape Plan
Schedule D	Outdoor Amenity Space
Schedule E	West Elevation
Schedule F	East Elevation
Schedule G	North Elevation
Schedule H	South Elevation

Schedule I Exterior Lighting Plan

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the commencement of any site work on the Lands, the Developer shall provide four (4) copies of the following to the Development Officer:
- (a) A detailed Site Disturbance plan prepared by a Professional Engineer in accordance with Section 5.1.1 (a) and Section 3.5.2 of this Agreement;
 - (b) A detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 5.1.1 (b) and Section 3.5.2 of this Agreement; and
 - (c) A detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Section 5.1.1 (c) and Section 3.5.2 of this Agreement.
- 3.2.2 Site work on the Lands shall not commence unless the Development Officer has issued a letter confirming the plans required pursuant to Section 3.2.1 of this Agreement have been submitted and are in conformance with Section 3.5.2 of this Agreement.
- 3.2.3 Prior to the issuance of a Development Permit, the Developer shall provide to the Development Officer:
- (a) An approved subdivision plan in accordance with Subsection 3.7.1 of this Agreement. This subdivision plan shall demonstrate the Lands have been consolidated into one lot;
 - (b) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.8 of this Agreement; and
 - (c) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.
- 3.2.4 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the Development Officer with certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement, or the posting of security in accordance with Sections 3.8.5 and 3.8.6 respectively.
- 3.2.5 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any use 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 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 use(s) of the Lands permitted by this Agreement are the following:

- (a) An apartment house; and
- (b) Uses accessory to the foregoing use.

3.4 Detailed Provisions for Land Use

3.4.1 A maximum of 42 residential dwelling units shall be permitted within the apartment house.

3.4.2 A minimum of 21 of the residential dwelling units shall consist of 2 or more bedrooms.

3.5 Siting and Architectural Requirements

3.5.1 The location, size, exterior design and materials of the apartment house shall conform with the Schedules of this Agreement.

3.5.2 No development or disturbance of any kind shall be permitted within the Limit of Disturbance Area as shown on Schedule C of this Agreement.

3.5.3 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.) as identified on the Schedules.

3.5.4 Any exposed foundation in excess of one (1) foot in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.

3.6 Access, Circulation and Parking (Vehicle and Bicycle)

3.6.1 Vehicular parking shall include a combination of underground parking and exterior surface parking to accommodate a minimum of 47 vehicular parking spaces. Exterior surface parking shall be limited to a maximum of 17 spaces. Up to 25 percent of the parking spaces may be reduced in size to 8 feet by 17 feet.

3.6.2 Vehicular access and exterior surface parking area for the apartment house shall be provided as shown on the Schedules, and shall have a hard finished surface such as asphalt, concrete, interlocking precast paver stones, or an acceptable equivalent in the

opinion of the Development Officer. No portion of the vehicular surface parking area shall be less than 100 feet from the wetland shown on Schedule B of this Agreement.

- 3.6.3 The limits of the vehicular access and exterior surface parking area for the apartment house shall be defined by continuous concrete curbing.
- 3.6.4 Bicycle parking for the apartment house shall be provided as required by the Halifax Mainland Land Use By-law, as amended from time to time. A hard finished surface such as concrete, interlocking precast paver stones, or an acceptable equivalent in the opinion of the Development Officer, shall be provided between the outside bicycle parking areas shown on the Schedules and the main pedestrian walkway at the front of the building.

3.7 Lot Consolidation

- 3.7.1 The Lands shall be consolidated into one lot. No Development Permit shall be issued until subdivision approval is provided by the Municipality, and the approved subdivision has been recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia.
- 3.7.2 Provided the terms of this Agreement have been fulfilled, the Municipality shall consent to the registration of a condominium on the Lands through the Condominium Act.

3.8 Amenity Space, Landscaping, and Fencing

- 3.8.1 The apartment house shall include outdoor amenity space for the residents of the building. Outdoor amenity space shall be provided on the podium at the rear of the apartment house as shown on the Schedules.
- 3.8.2 The apartment house shall include Indoor Amenity Space for the residents of the building. Indoor Amenity Space shall adjoin the outdoor amenity space required by Section 3.8.1 of this Agreement, and shall allow for common access to the required outdoor amenity space. Indoor Amenity Space shall be a minimum of 400 square feet.
- 3.8.3 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms with, in the opinion of the Development Officer, the overall intentions of the Landscape Plan shown on Schedule C of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.8.4 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

- 3.8.5 Prior to the issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.8.6 Notwithstanding Section 3.8.5, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.
- 3.8.7 The outdoor amenity space on the podium at the rear of the apartment house, as shown on the Schedules, shall include decorative pavers and landscaping.
- 3.8.8 Planting on the podium shall be carefully selected for their ability to survive in a podium environment. Rooftop trees shall be located in planting beds or containers. Approximately 50 percent of the plant material shall be evergreen or material with winter colour and form. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm. (2 ft.). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 3.8.9 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as pergolas, benches, etc. shall be provided to the Development Officer or shall be noted on the Landscape Plan as required by Section 3.8.3, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the character of the surrounding area.
- 3.8.10 A fence shall be constructed to the south and to the north of the apartment house as shown on Schedule C of this Agreement. Fencing shall be five (5) feet in height and be

constructed of black aluminium posts, post caps, and pickets. Each black aluminium picket shall be spaced a minimum of four (4) inches on centre, and each fence post shall be anchored into a concrete footing.

3.9 Signs

3.9.1 Signage shall be limited to the following:

- (a) No ground sign shall be permitted on the Lands;
- (b) One fascia sign shall be permitted on the trim board immediately above the main entrance to the building for the purposes of identifying the development;
- (c) The fascia sign shall be constructed of individual letters, which may be internally illuminated or backlit. All individual letters used to create this fascia sign shall not occupy a surface area greater than 20 feet in width and 3 feet in height; and
- (d) One (1) temporary ground sign depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to the issuance of the first Occupancy Permit. The temporary ground sign shall be removed prior to the issuance of the last occupancy permit.

3.10 Building and Site Lighting

3.10.1 The Lands and apartment house shall be illuminated as shown on Schedule I of this Agreement.

3.10.2 Lighting required pursuant to Section 3.10.1 shall be directed away from adjacent lots and buildings and shall use a full cut-off design. Lighting shall be shown on the Schedules B, E, F, G and H prior to the issuance of a Construction Permit. Prior to the issuance of the first Occupancy Permit, lighting required pursuant to Section 3.10.1 shall be installed.

3.10.3 Any additional outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.

3.10.4 The building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

3.11 Functional Elements

3.11.1 All vents, down spouts, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.11.2 All mechanical equipment, including rooftop mechanical, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.

3.12 Maintenance, Outdoor Storage, and Refuse Collection

3.12.1 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 removal/salting of walkways and driveways.

3.12.2 All refuse and recycling materials shall be contained within the apartment house.

3.12.3 No outdoor storage shall be permitted on the Lands.

3.12.4 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 9:00 a.m. and 7:00 p.m. The hours specified under this section shall apply seven (7) days a week.

3.13 Construction/Sales Structure

3.13.1 A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The structure shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

4.1.1 All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.

4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plans

5.1.1 Prior to the commencement of any site work on the Lands, including grade alteration or tree removal other than that required for preliminary survey purposes or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer four (4) copies of a detailed Site Disturbance Plan, prepared, stamped and certified by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer four (4) copies of a detailed Erosion and Sedimentation Control Plan prepared, stamped and certified by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
- (c) Submit to the Development Officer four (4) copies of a detailed Site Grading and Stormwater Management Plan prepared, stamped and certified by a Professional Engineer, which shall include an appropriate Stormwater Management System. The Site Grading and Stormwater Management Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips, and buffers that will minimize adverse impacts on receiving watercourses during and after construction.

5.2 Stormwater Management System

5.2.1 The Developer agrees to construct at its own expense the Stormwater Management System pursuant to Subsection 5.1.1(c). The Developer shall provide certification from a Professional Engineer that the system, or any phase thereof, has been constructed in accordance with the approved design.

5.2.2 The Developer agrees, at its own expense, to maintain in good order all stormwater facilities on the Lands.

5.3 Failure to Conform to Plans

- 5.3.1 If the Developer fails at any time during any site work or construction to fully conform to the approved Schedules as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

5.4 Archaeological Monitoring and Protection

- 5.4.1 The Developer shall contact the Coordinator of Special Places, of Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

PART 6: AMENDMENTS

6.1 Substantive Amendments

- 6.1. Amendments to any matters not identified under Section 6.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

6.2 Non-Substantive Amendments

- 6.2.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the Schedules):
- (a) minor changes to the architectural requirements and exterior architectural appearance or materials as detailed in Section 3.5 which, in the opinion of the Development Officer, do not conform with the corresponding Schedules;
 - (b) minor changes to the landscaping requirements as detailed in Section 3.8 which, in the opinion of the Development Officer, do not conform with the corresponding Schedules;
 - (c) changes to the date of commencement of development specified in Section 7.3; and
 - (d) changes to the date of completion of development specified in Section 7.5.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within four (4) years 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.
- 7.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.2, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

- 7.4.1 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 Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, as may be amended from time to time.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after six (6) 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 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
 - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
 - (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or

- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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:

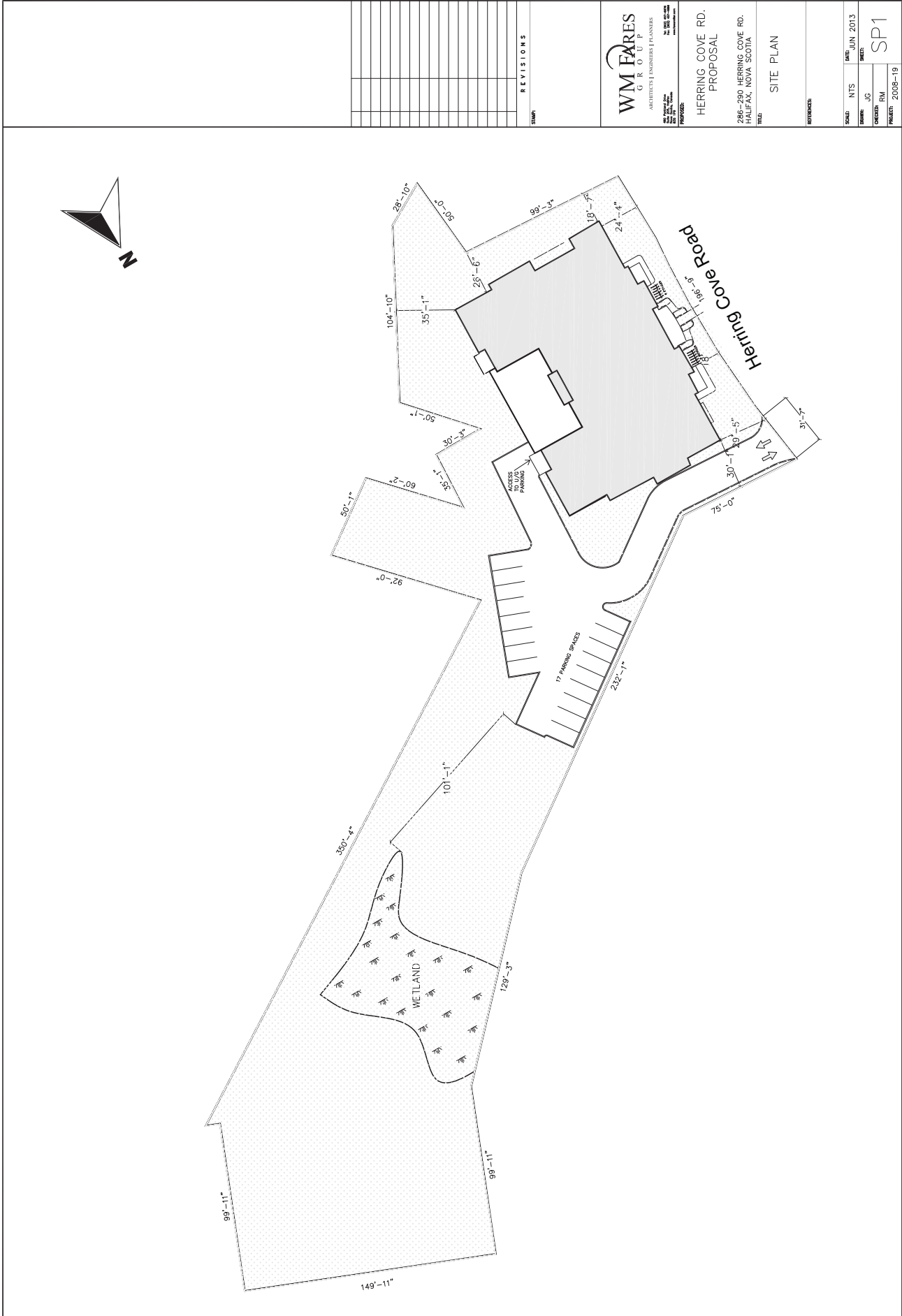
Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

Case 16367: Schedule B - Site Plan



REVISIONS

NO.	DATE	BY	DESCRIPTION

WM FARES GROUP
ARCHITECTS | ENGINEERS | PLANNERS
2000 University Ave. West
Halifax, NS B3H 2R9
Tel: (902) 421-4400
Fax: (902) 421-4401
www.wmfares.com

HERRING COVE RD.
PROPOSAL
286-290 HERRING COVE RD.
HALIFAX, NOVA SCOTIA

TITLE:
SITE PLAN

REFERENCES:

SCALE:	NTS	DATE:	JUN 2013
DRAWN:	JG	SHEET:	SP1
CHECKED:	RM	PROJECT:	2008-19
PROJECT:	2008-19		

Case 16367: Schedule C - Landscape Plan

LEGEND

- DECIDUOUS TREE
- CONIFEROUS TREE
- SHRUB AND ORNAMENTAL GRASSES
- PERENNIALS
- AREAS TO BE SEED OR SEED AND RETAINED
- AREAS OF ABANDONMENT AND RETENTION
- LIMIT OF DISTURBANCE

WM FARES GROUP
ARCHITECTS ENGINEERS PLANNERS

HERRING COVE RD. PROPOSAL
LANDSCAPE PLAN

286, 290 HERRING COVE RD.
RALEIGH, NORTH CAROLINA

REVISIONS

NO.	DATE	DESCRIPTION
1	11.05.17	ISSUE FOR REVIEW

Scale: AS NOTED

Date: MAY 2013

Sheet: L101

Project: 2008-119

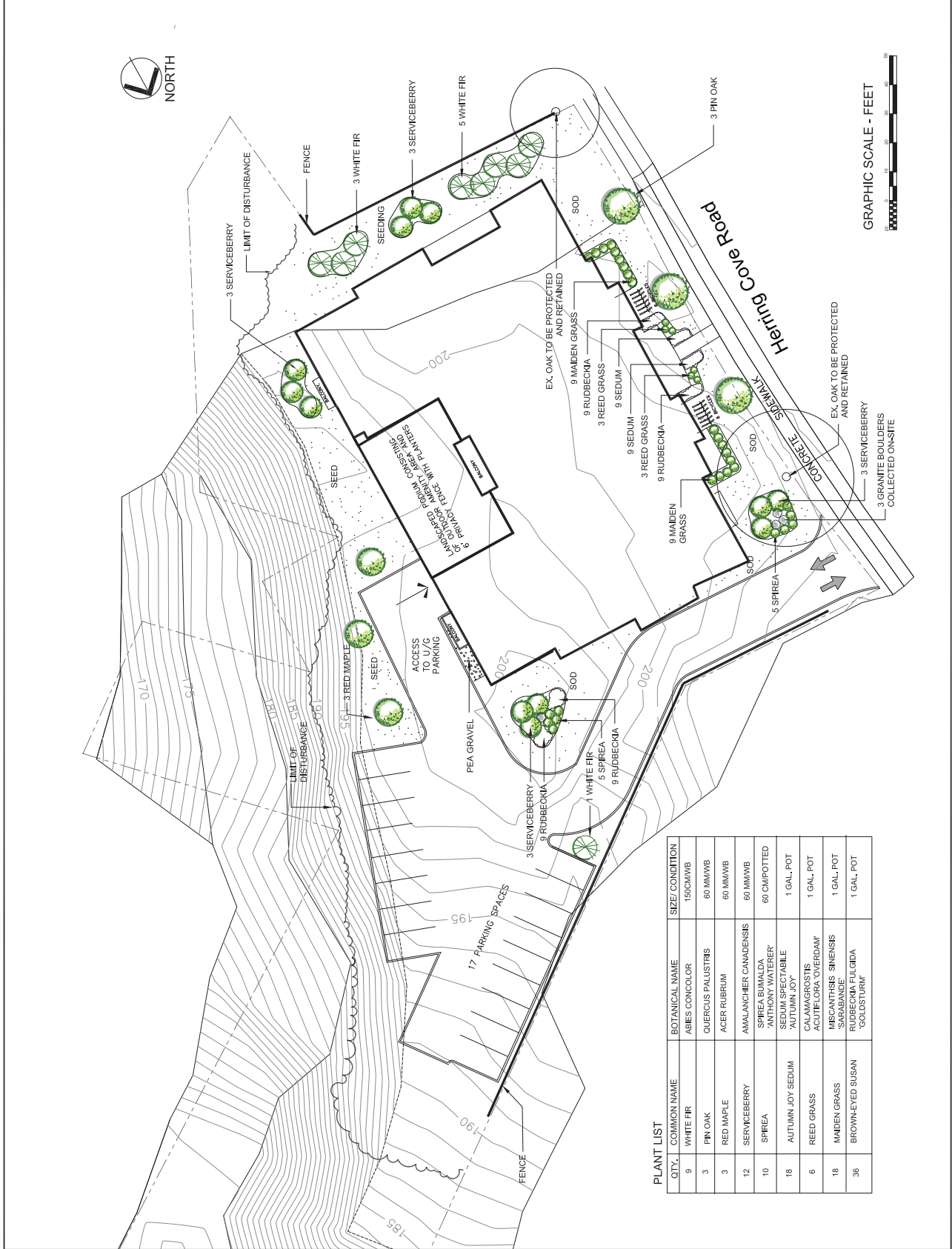
WM FARES GROUP
ARCHITECTS ENGINEERS PLANNERS

HERRING COVE RD. PROPOSAL
LANDSCAPE PLAN

286, 290 HERRING COVE RD.
RALEIGH, NORTH CAROLINA

REVISIONS

NO.	DATE	DESCRIPTION
1	11.05.17	ISSUE FOR REVIEW



PLANT LIST

QTY.	COMMON NAME	BOTANICAL NAME	SIZE/ CONDITION
9	WHITE FIR	ABIES CONCOLOR	150CMWB
3	PIN OAK	QUERCUS PALAISTRIS	60 MMWB
3	RED MAPLE	ACER RUBRUM	60 MMWB
12	SERVICEBERRY	AMALANCHIER CANADENSIS	60 MMWB
10	SPIREA	SPIREA BUMALDA 'ANTHONY WATERER'	60 CM POTTED
18	AUTUMN JOY SEDUM	SEDUM SPECTABILE 'AUTUMN JOY'	1 GAL. POT
6	REED GRASS	CALAMAGROSTIS ACUTIFLORA 'OVERDAM'	1 GAL. POT
18	MAIDEN GRASS	MISCANTHUS SINENSIS 'SARABANDE'	1 GAL. POT
38	BROWN-EYED SUSAN	RUDEBECKIA FULGIDA 'GOLDSTURM'	1 GAL. POT



No.	Description	Date
1.	ISSUED FOR PERMIT	2/28/13

Stamp

Proposed

HERRING COVE ROAD

Title

ELEVATION - WEST

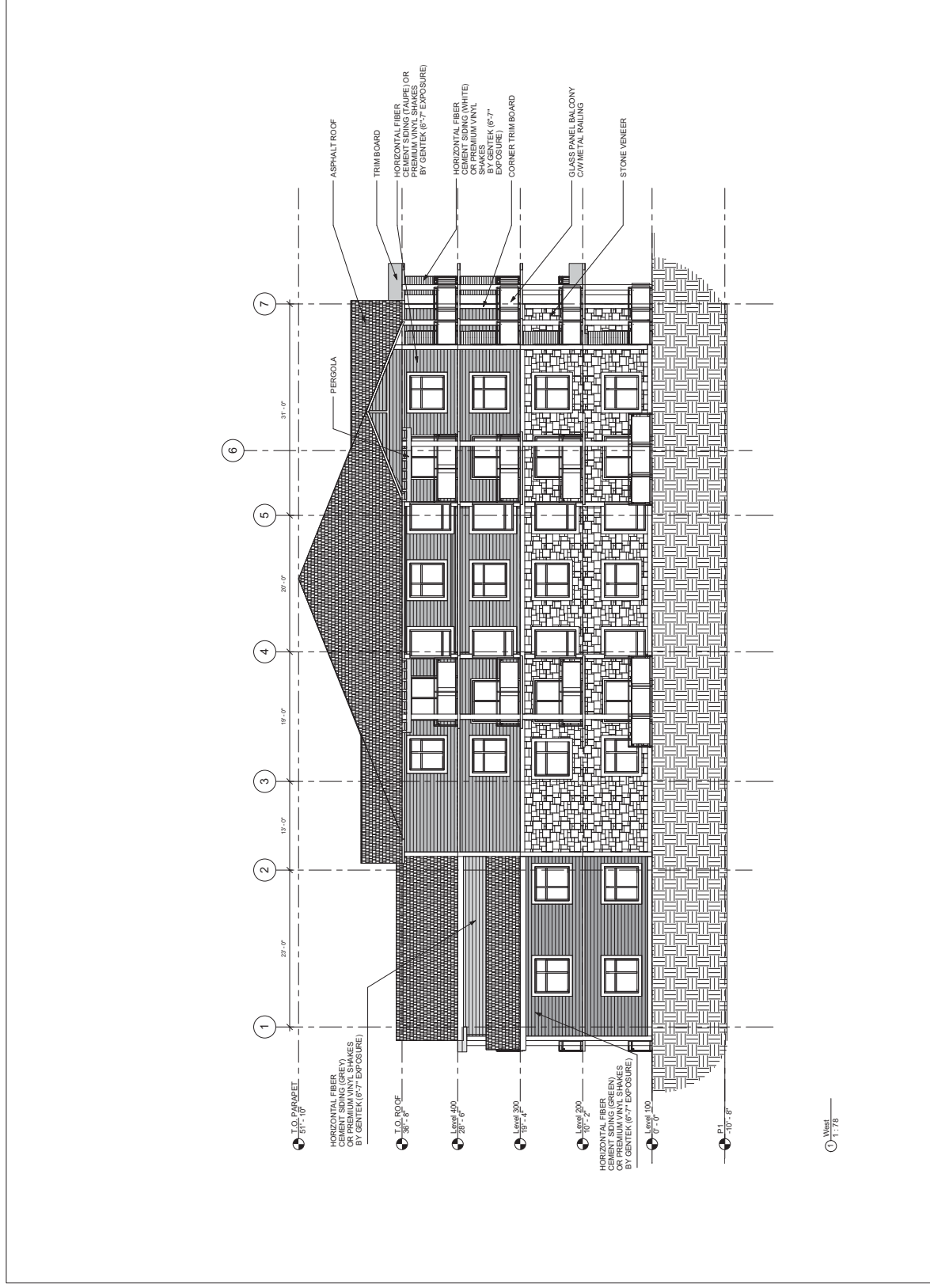
References

Scale 1:7.8 Date JUNE 2013

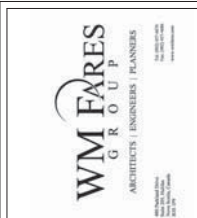
Drawn by JG Sheet

Checked by RM

Project number 2008-19 **A12**



Case 16367: Schedule F - East Elevation



No.	Description	Date
1	DESIGNED/REVISED	2009-11

Stamp

Proposed

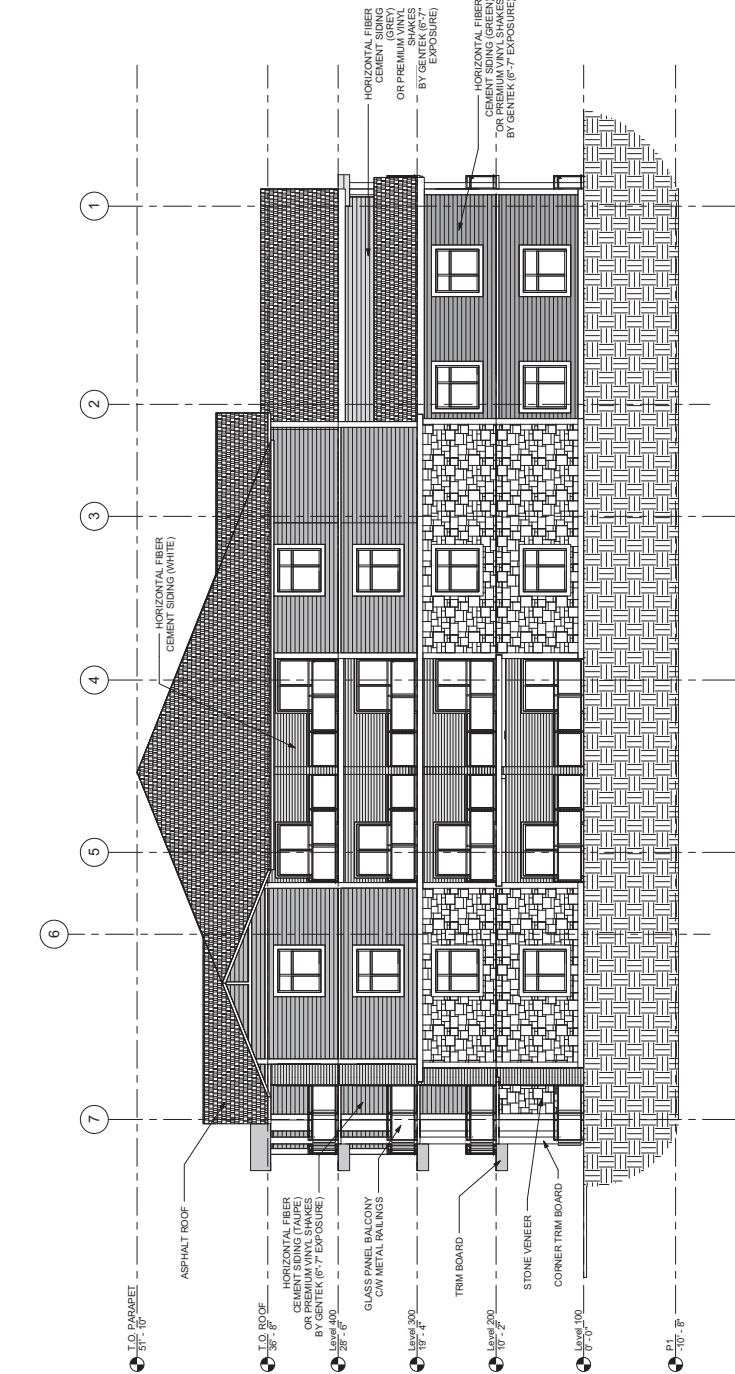
HERRING COVE ROAD

ELEVATION - EAST

Title

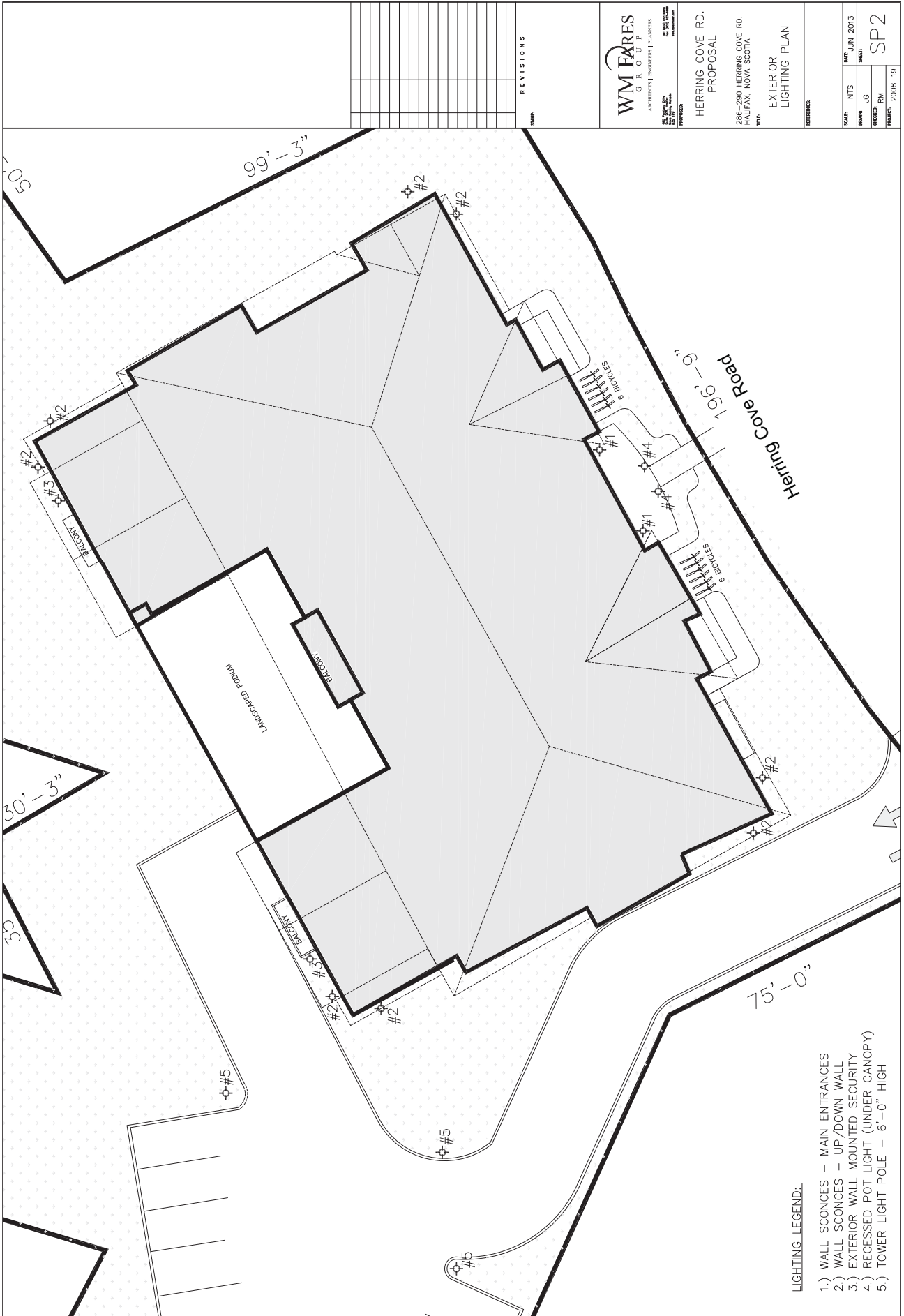
References

Scale	1:78	Date	JUNE 2013
Drawn by	JG	Sheet	
Checked by	RM	Project number	2009-19
		A13	



Scale 1:78

Case 16367: Schedule I - Exterior Lighting Plan



NO.	DATE	DESCRIPTION

WM FAHRES GROUP ARCHITECTS ENGINEERS PLANNERS <small>2680 SHEPPARD AVENUE EAST SUITE 200 SCARBOROUGH, ONTARIO M1T 3N5</small>	PROPOSAL HERRING COVE RD. 286-290 HERRING COVE RD. HALIFAX, NOVA SCOTIA
EXTERIOR LIGHTING PLAN	
REFERENCES:	
SCALE: NTS	DATE: JUN 2013
DRAWN: JG	SHEET:
CHECKED: RM	PROJECT: 2008-19
SP2	

- LIGHTING LEGEND:**
- 1.) WALL SCONCES - MAIN ENTRANCES
 - 2.) WALL SCONCES - UP/DOWN WALL
 - 3.) EXTERIOR WALL MOUNTED SECURITY
 - 4.) RECESSED POT LIGHT (UNDER CANOPY)
 - 5.) TOWER LIGHT POLE - 6'-0" HIGH

Attachment D

**Proposed Development Agreement Policy Review
(Based upon Proposed Amendments to the Municipal Planning Strategy)**

Policy Criteria:	Staff Comment:
<p><i>Section X (Mainland South Secondary Planning Strategy)</i></p> <p><i>1.2.5 In order to promote the integration of appropriately scaled and well-designed apartment house uses within a specific node along Herring Cove Road, that being the stretch of Herring Cove Road between Circle Drive and Williams Lake Road, and to prevent conflict between new and existing uses, the Municipality shall identify properties fronting on the eastern side of Herring Cove Road between Circle Drive and Williams Lake Road as shown on Map 4 Schedule I.</i></p>	<p>The subject site is located within the area shown on Map 4 Schedule I.</p>
<p><i>1.2.6 A Schedule shall be applied through the land use by-law to private properties within the area identified in policy 1.2.5, provided the properties have frontage on Herring Cove Road. Apartment house developments may be considered in the area identified by this Schedule by development agreement in accordance with the Halifax Regional Municipality Charter.</i></p>	<p>The subject site is located within the applicable Schedule area (Schedule S in the Halifax Mainland Land Use By-law).</p>
<p><i>1.2.7 Within the area identified by policy 1.2.6, no more than three apartment house developments shall be permitted. Each apartment house development may incorporate non-residential uses permitted by the zoning on the property and shall:</i></p>	<p>This is the first apartment house proposed in the Schedule area.</p>

Policy Criteria:	Staff Comment:
<i>(a) contain no less than 190 feet of frontage on Herring Cove Road;</i>	The subject site has 196.75 feet of frontage on Herring Cove Road.
<i>(b) contain no less than 60,000 square feet of lot area;</i>	The subject site contains 2.09 acres (90,882 square feet).
<i>(c) contain no more than 42 dwelling units, 50 percent of which must contain 2 or more bedrooms;</i>	The proposed development agreement permits a maximum of 42 units, and requires a minimum of 21 units to contain 2 or more bedrooms.
<i>(d) be limited to a maximum of height of 55 feet;</i>	The proposed building is less than 55 feet in height.
<i>(e) be contained within a single building, which contains no more than 4 storeys; and</i>	The proposed building is contained within a single building, and is 4 storeys.
<i>(f) be limited to no more than 3 storeys at the rear (eastern) portion of the building.</i>	The proposed building is 3 storeys at the rear (eastern) portion.
<i>1.2.8 In considering development agreements pursuant to policies 1.2.6 and 1.2.7. Council shall consider the following:</i>	See below.
<i>(a) the architectural design of the building includes high quality building materials, articulation of and variation to the building facades, and fine-grained architectural detailing;</i>	The proposed development agreement requires all four sides of the building to include significant articulation, including fine detailing and trim. Building materials are also limited to stone, glass, and fibre cement siding (or premium vinyl shakes). The siding is also required to vary in colour (taupe, white, and gray) in order to accent certain building elements.
<i>(b) the creation of high quality design detail at street level through attention to such matters as site landscaping, conspicuous building entrances, appropriate lighting and co-ordinated signage, and no surface parking between the building and the street;</i>	The proposed development agreement requires a substantial amount of landscaping between the building and the sidewalk. Further, the proposed development agreement calls for the accentuation of entrances, while also requiring illumination along the front of the building. Signage is limited to 1 fascia sign (for the purposes of identifying the residential development), which must be integrated with the trim board immediately above the main entrance. No parking is permitted between the building and the street.

Policy Criteria:	Staff Comment:
<i>(c) the relationship of the building to the street, adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development of adjacent properties through effective urban design and landscape treatment;</i>	The proposed development agreement requires the building to be located close to the street, and also requires side and rear yard setbacks (see Schedule B of proposed development agreement). The building also steps down to 3 storeys at the rear, which faces the rear yards of an existing low density residential area. A significant amount of landscaping, including new coniferous trees is also required between the building and the single unit dwelling located on the abutting property to the south. Decorative fencing is also required along the northern and southern property lines.
<i>(d) appropriate separation of residential and commercial uses;</i>	No commercial uses are proposed, and no commercial uses about the subject site.
<i>(e) provision for vehicular and pedestrian access and egress patterns from the surrounding area;</i>	As part of the development agreement process, the applicant submitted a traffic impact statement (TIS), which states the proposed development is not expected to have any noticeable impact to the level of performance of Herring Cove Road. The TIS was reviewed by HRM's Development Engineer and was found to be acceptable.
<i>(f) the adequacy of the servicing capacity of the site;</i>	Halifax Water has reviewed the proposal for a building containing a maximum of 42 units (with a minimum of 21 units having 2 bedrooms or more) and raised no concerns.
<i>(g) the majority of vehicular parking is provided underground;</i>	The proposed development agreement requires a minimum of 47 parking spaces, and limits exterior parking spaces to a maximum of 17 spaces.
<i>(h) the development provides adequate indoor and outdoor amenity space for residents on site;</i>	The proposed development agreement requires a minimum of 400 square feet of interior amenity space, as well as outdoor amenity space on the podium at the rear of the building (see Schedules C and D of the proposed development agreement). Outdoor amenity space is also required to be accessed via the interior amenity space.
<i>(i) the development provides a lighting plan;</i>	The proposed development agreement includes a lighting plan (see Schedule I of the proposed development agreement).
<i>(j) where the development is located at an intersection, architectural treatments are incorporated to emphasize the building's relationship to the corner;</i>	The subject site is not located at an intersection.

Policy Criteria:	Staff Comment:
<i>(k) where a cemetery is present on the development site, the provision of appropriate protection and access; and</i>	The subject site does not include a cemetery.
<i>(l) the provisions contained in policy 7.3 of this Section.</i>	See below.
<i>7.3 Where development proposals are being considered through rezoning or development agreement, the City shall protect environmentally sensitive areas.</i>	The MSSPS includes an Environmental Sensitivity Map (Map 3a). This Map identifies a wetland in the study area at the rear of the subject site. The proposed development agreement requires a significant non-disturbance buffer to protect the wetland (see Schedule C of the proposed development agreement). The proposed development agreement also requires a site disturbance plan, an erosion and sedimentation control plan, and a site grading and stormwater management plan prior to the commencement of any site work.

Attachment E

Minutes from the February 3, 2011 Public Meeting/Workshop

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING/WORKSHOP
CASE NO. 16367 – 268/290 HERRING COVE ROAD, HALIFAX AND SURROUNDING STUDY
AREA**

**7:00 p.m.
Thursday, February 3, 2011
Captain Williams Spry Centre
10 Kidston Road Halifax**

STAFF IN

ATTENDANCE: Miles Agar, Planner, Planning Applications
Jillian MacLellan, Planner, Planning Applications
Jacqueline Belisle, Planner, Planning Applications
Paul Sampson, Planner, Planning Applications
Luc Ouellett, Planner, Planning Applications
Dali Salih, Planner, Planning Applications
Hilary Campbell, Planning Technician
Jennifer Little, Planning Controller

ALSO IN Councillor Stephen Adams, District 18
ATTENDANCE:

APPLICANT: Cesar Saleh

PUBLIC IN
ATTENDANCE: 55

The meeting commenced at approximately 7:15 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Miles Agar introduced himself as the planner guiding this application through the process; he introduced Jillian MacLellan, Planner, Jacqueline Belisle, Planner, Paul Sampson, Planner, Luc Ouellett, Planner, Dali Salih, Planner, Hilary Campbell, Planning Technician, Jennifer Little, Planning Controller and Councillor Stephen Adams, District 18.

The purpose of the meeting is that HRM has received an application by WM Fares Group to permit a four story multi unit residential development at 286/290 Herring Cove Road.

Process and Overview of Application

Properties 286 and 290 are currently zoned R2 and designated Low Density Residential (LDR). Mr. Agar explained that the multi – unit residential is not currently permitted within the Land Use By-Law or the Municipal Planning Strategy. He reviewed the mix of zoning and designations in the surrounding area, pointing out that in 1987 the Mainland South Secondary Planning Strategy was adopted and in 1990 amendments to the

Mainland South Secondary Planning Strategy (MSSPS) were approved to enable commercial development across the street.

Mr. Agar explained that in 2005 a streetscapes study recommended streetscape improvements, Spry Centre improvements; upgrades to medians; upgrades to park in study area; amendments to planning documents (not carried out); street scale study recommended minor commercial land uses in the area and minor commercial land uses including multi-unit residential (4 stories or less). Regional Council has requested to initiate a process to consider permitting a multi unit residential development at 286-290 Herrings Cove Road; and to consider other amendments, as appropriate, to the Municipality Planning Strategy and Land Use By-Law for this study area.

Following this meeting staff will review the comments from the workshop, prepare a report with a recommendation to Regional Council, and that Regional Council is required to hold prior to making any decisions.

Public Workshop Format

Mr. Agar explained that each table will have a facilitator, there will be four exercises which will be timed, at the end of all four exercises the applicant will give a brief presentation and there will be an opportunity for questions and answers for public input.

The four exercises consisted of:

- 1) Study Area: Review of General Area; Review Study Area; Existing Regulations
- 2) Land Use: Focus on Study Area; Desired Land Uses; Questionnaire
- 3) Function and Form: Review of Study Area; Scale and Design; Questionnaire
- 4) Applicant's Proposal: Presentation; Review of Proposal; Comment Sheet

Presentation by WM Fares Group, Cesar Saleh,

Mr. Cesar Saleh, WM Fares Group, gave a brief explanation on commercial, hospitality and residential projects WM Fares Group had previously worked on. He reviewed the proposed project, viewing the site location and the surrounding area explaining that the lot size is 2.1 acres, the building footprint is 16,500 sq.ft. He explained that the total building coverage is 18% of the land, leaving 70% of it green space. There will be 4 floors with 52 units with an underground parking area. Mr. Saleh explained that the proposed residential use provides a good planning option for the streetscape of Herring Cove Road and is an investment in both the residential and commercial communities. The building materials used will be stone, siding, certain teed trim, and the balconies will be aluminum and glass.

Questions and Answers

A gentleman asked how many levels the underground parking lot will be.

Mr. Saleh explained that it is just one level.

Ms. Norman Schnuderman asked if there will be an elevator.

Mr. Saleh confirmed that there will be an elevator.

Mr. Schnuderman asked if these will be just rentals.

Mr. Saleh explained that as of right now they only plan on having rentals.

Mr. Schnuderman asked how many bedrooms per unit.

Mr. Saleh explained that all units will have two bedrooms each.

Mr. Schnuderman asked if there is any future development planned for the lands behind the building.

Mr. Saleh explained that no there are no plans to the development the land behind the building.

Mr. Schnurderman asked if there are any plans to protect the stream from debris and runoffs throughout construction.

Mr. Saleh explained that an environmental consultant has been hired who has hired and has completed an assessment on the wetland. They are following their direction. Mr. Saleh explained that the development is 170 feet from the wetland and assured that they will not have any drainage that will run towards the wetland.

A gentleman explained that on line it shows a disbursal pipe at the back of the property which leads to a swamp.

Mr. Saleh explained that it does not disburse however, assured that they will not be sending any runoff towards the wetland. This is also a requirement by HRM and the environmental consultant.

He explained that the servicing for the site is connected on Herring Cove Road.

A gentleman asked if there is a comprehensive plan in place for development in the neighbourhood that would allow this proposal to be linked to a comprehensive plan that would start from Old Sambro Road and that way all developments have some coherency in terms of use, scale, form, style etc. He recommended this be put in place.

Mr. Agar explained that the most recent plan in place would be the 1987 Secondary Planning Strategy for Mainland South. He added that there is a 2005 streetscape plan that does exist that speaks to minor commercial land uses in this area which would include multi-unit residential.

A lady asked why they decided to change to a mansard roof.

Mr. Saleh explained that it is a better suited design but, are open to discussion.

A gentleman asked if this application does not get approved, is there an alternative plan.

Mr. Saleh explained that there is no alternative plan, they feel that this proposal would be the best possible development for this site.

A gentleman explained that they cannot build on wetland.

A lady expressed concern with the original 18 unit town house plan being changed.

Mr. Saleh explained that they reviewed this option but, felt that it was not a good option.

Ms. Richardson asked if these units will be owned or rented and expressed concern with the shadowing this development will cause. She asked what the setbacks are.

Mr. Saleh explained that the setbacks from the property at question is 25ft.

Mr. William Hardwick expressed concern with Williams Lake Road not being considered and asked if they had a rendering of that view.

Mr. Saleh explained that he doesn't have one with him however, could provide it.

Mr. Hardwick expressed concern with one of the slides showing the area as flat when it is actually drops off approximately 50 feet. He asked if they plan on leveling it out.

Mr. Saleh explained that there will be a retaining wall which will not damage any surrounding properties.

Mr. Hardwick expressed concern with noise and added that there are no sound barriers. He expressed concern with this building is too big and will also take away from the residents privacy.

Ms. Gail Fixon, expressed concern with the additional traffic this will bring and that they currently have issues with the traffic and pollution from the vehicles which currently travel this road. She doesn't feel that this development is a good idea.

A lady explained that townhouses may fit better.

A gentleman asked if the wetlands will be left as is or changed.

Mr. Saleh explained that the wetlands will be left untouched and the area will be flagged and fenced.

Closing Comments

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

Adjournment

The meeting adjourned at approximately 9:34 p.m.

Attachment F:

**Public Survey Results – Development Function and Form in the Study Area
(compiled from surveys submitted at and following the February 3, 2011 Public Meeting/Workshop)**

NOTE: number of residents indicating a preference are shown numerically.

FUNCTION OF DEVELOPMENT:

1. Function of area Do you feel that development within the study area should be:
37 Designed to serve local traffic (including pedestrians)
OR
2 Designed to serve general traffic (mainly vehicles)
2. Travelling to the area How would you typically travel to this general area?
27 Walk or bike from home / work / schools
OR
19 Drive car
3. Location of buildings Do you feel buildings in the study area should be:
19 Located close to the street (pedestrian orientation)
OR
20 Setback from the street (highway orientation)
4. Location of parking Do you feel parking should be:
30 Located in back / side of building(s) (pedestrian orientation)
OR
6 Located in front of building(s) (highway orientation)

FORM OF DEVELOPMENT:

5. Height Do you feel buildings should be:
29 Limited to three storeys or less (approx. 35 feet)
OR
6 Limited to four storeys (approx. 50 feet)
OR
0 Permitted to exceed four storeys (over 50 feet)
6. Mass and Scale Do you feel buildings in the study area should be limited to:
24 less than 35 % lot coverage
OR
7 less than 50 % lot coverage
OR
2 be permitted to have more than 50 % lot coverage
7. Architectural details Do you think building designers should be:
28 required to use architectural details to break-up the visual impact of buildings
OR
3 free to design buildings provided they meet massing requirements

Attachment G:

Public Survey Results – Preferred Land Uses in the Study Area

(compiled from surveys submitted at and following the February 3, 2011 Public Meeting/Workshop)

Land Uses	# of Residents (indicating the use is desired)
Single unit dwelling	40
Two unit dwelling	31
Townhouses	19
Four unit dwelling	5
5 – 14 unit dwelling	1
Multi –unit residential (4 stories or less)	3
Multi-unit residential (more than 4 stories)	1
Public park	28
Recreational field, sports club, community facility	14
Cemetery	26
Hospital, public school, university, church, library (or similar)	11
Day care facility	11
Grocery/convenience/drug stores	2
Personal services (e.g. barber shop, hairdresser, dry cleaner, etc.)	4
Retail stores	5
Restaurants (eat in or take out)	7
Restaurants (drive-thru)	1
Office/banks	4
Small repair shops (e.g. appliances)	2
Motel/hotel	0
Movie theatre	4
Lounges/beverage rooms	1
Service stations/gas stations	0
Building supply outlets	1
Motor vehicle sales	0
Industrial use (e.g. fabrication/distribution)	1

March 29, 2011

Attachment H

Minutes from the November 29, 2012 Public Meeting

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 16367**

**7:00 p.m.
Thursday, November 29, 2012
Captain William Spry, Halifax**

IN ATTENDANCE: Miles Agar, Planner, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Sharlene Seaman, Planning Controller, HRM Planning Services
Applicant, Caesar Saleh, WM Fares Group
Councillor Stephen Adams
Councillor Linda Mosher

**PUBLIC IN
ATTENDANCE:** Approximately 40

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

1. Opening remarks/Introductions/Purpose of meeting – Miles Agar

Miles Agar opened the meeting by introducing himself as a planner for the Western Region with Halifax Regional Municipality (HRM). He welcomed everyone to the meeting.

He stated that he would provide a brief presentation, talk about the study area and focus on the proposal.

Unknown Speakers expressed concern about the proposal.

Mr. Agar advised that it was a new proposal and he would provide a presentation and everyone would have an opportunity to ask questions. He provided the ground rules for the meeting and explained that it is a public, open discussion. He stated that there will be a proposal, a discussion on the study area and an opportunity to express all public concern.

Unknown Speaker expressed concern about the meeting structure and public input.

Mr. Agar advised that there is specific structure to the meeting and there will be an opportunity for the public to give feedback.

He noted the meeting agenda, and noted background information would be provided as part of

the meeting for anyone that did not attend the first meeting. He advised the meeting would also provide an opportunity to talk about the process, talk about an approach for the study area, and talk about the proposal for 286/290/292 Herring Cove Road. He also clarified that a question and answer period would be provided to discuss the study area and a separate period to discuss the proposal for 286/290/292 Herring Cove Road. He provided the ground rules.

2. Overview of planning process/Presentation of Proposal - Miles Agar

Mr. Agar advised that in the fall of 2010 there was an application for 286-290 Herring Cove Road for a four story, multi-unit, residential building. The zoning is R-2 and a multi-unit residential development is not allowed. There is a mix of zoning and land-use designations surrounding the site.

He stated that the Municipal Planning Strategy for Halifax contains many secondary planning strategies. One of which is the Mainland South Secondary Strategy, which was adopted in 1987. There was a significant amendment, with respect to the area, in 1990, which amended the land across the street to enable a commercial zone. He noted that a streetscape study was completed in the area. In the fall of 2010, Regional Council directed staff to initiate a process to consider this type of proposal on the subject site. Also to consider any amendments to the Municipal Planning Strategy or Land Use By-law that may be appropriate within the study area. He showed the study area and zoning.

He stated that in February of 2011, staff had a public workshop, which reviewed the study area and looked at the applicant's first proposal. This meeting is to talk about an approach for the study area and the applicant's new proposal. He noted that the pocket park in the study area is currently zoned R-2 and it had be identified, in the last meeting, that it should be zoned to reflect its use, which is the P (Park and Institutional) zone. There are also houses and lots nearby on Clovis Avenue that are currently zoned as C-2A. The last meeting reflected that these lots should be changed to an R-2 zone. The rest of the zoning in the study area would be maintained, with the exception of the former Canadian Tire lot at the corner of Clovis Avenue and Herring Cove Road. It has a C-2A zone that allows for a wide range of minor commercial uses. Some of which are inappropriate for the area as it is a gateway into a residential area. Some of those are service stations, recycling depots, motor vehicle repair or billboards. Staff proposes removing those uses from the C-2A zone for the former Canadian Tire site, which is zoned C-2A and also allows for multi-unit residential development, up to four stories, through an as-of-right process, as long as they meet the requirements of the Land Use By-law. Staff proposes only allowing multi-unit residential development on the former Canadian Tire site to be considered through the development agreement process.

He opened the floor to talk about the five proposed changes to the study area.

3. Questions/Comments

Len Ole, Purcell's Cove Road, noted that there is a low elevation on Clovis, compared to the higher ground for the development. He suggested that the developer dedicate that land to the people on Clovis to add to the back of their lots. It is currently a swamp and they could fill it in to tidy up the neighbourhood. The retaining wall could also tidy up the neighbourhood. This would

improve the residential side of Clovis and the Herring Cove Road side.

William Hardwick, Williams Lake Road, advised that over 90 percent of the public in attendance is at the meeting to only talk about the development and feels that the rezoning should be a separate issue and should be handled separately. He feels that the Land Use By-law is in place for a reason and he would like to see a lower density community, as it is currently. He feels that the proposal is too close to the curb and encroaches on other properties. He also does not feel that the design is right.

Mr. Agar stated that the changes in the zoning are part of the changes to the Municipal Planning Strategy.

Mr. Hardwick feels that the meeting should focus on the Land Use By-law change and not the other political issues. He notes that at the last meeting, the community pointed out what was important to them.

Mr. Agar stated that the changes suggested are changes to the Municipal Planning Strategy. The Municipal Planning Strategy change process requires public consultation. That is why the changes are being presented.

Unknown speaker advised that they did not want a seven story apartment building looking down in her backyard.

Mr. Agar advised that he would move forward to speak to the proposal. The former Canadian Tire lot is zoned currently to allow for a multi-unit residential development, as-of-right. Planning staff is proposing that this ability be removed and only considered through the development agreement process.

Councillor Stephen Adams advised that the application would come to Regional Council either way. He stated that because of the current zoning, someone could put an apartment building on the former Canadian Tire site and there isn't anything anyone could do. He understands that the residents do not want the multi-unit building but if the zoning remains the same, a developer can put up an apartment building and be within their rights to do so. He encouraged the public to listen to the whole proposal as it makes sense to address these issues at the same time. The zoning change would take away the rights to build a multi-unit residential development on that particular site.

Mr. Agar advised that as a part of the application, the inappropriate commercial uses could be removed from the former Canadian Tire site. Right now, service stations, recycling depots and motor vehicle repair could be permitted, as-of-right. The zoning would be the same but the inappropriate land uses would be removed; also to remove the ability to construct a multi-unit residential building on the site by right, without a development agreement.

Unknown speaker asked what businesses could be located there.

Mr. Agar advised that, if the inappropriate uses were removed, an office or general retail commercial use could go there. He clarified the area.

Nancy Wooden, Spryfield, expressed concerned that the C-2A use is being brought forward as a part of the proposal because it is not advertised as that address on Herring Cove Road. It was advertised as 286-292. If you change that, the property owner will come back to say that they are not in agreement with that. She feels that they may have to go through the whole process for one piece of property that isn't included in the current application. She suggested that staff and Council take it under consideration that another public meeting be held to change the property that is left out.

Mr. Agar stated that the advertisement was very detailed and included a map that identified a study area. The text talked about looking at possible MPS and LUB changes within the study area.

Ms. Wooden stated that the advertisement stated that it is to consider amending the strategy to permit a commercial multi-unit residential development at 286-292 Herring Cove Road. She did not think that the public were being invited to the meeting to discuss zoning. She also feels that it is important to do it the right way. She feels that the zoning should be looked at separately, at another meeting.

Mr. Agar talked about mixed use development on specific sites in the study area that front onto Herring Cove Road. He noted that staff could look at changes that would allow the ability to consider these types of development, by development agreement. He explained that a development agreement is a negotiated contract between the municipality and the property owner. It is guided by the Municipal Planning Strategy policy. Provisions can be built into the municipal plan that require these types of developments to be critiqued under specific criteria that deals with things, such as land use itself, building size, height and design, location and site development, environmental protection measures, minimum lots size standards and so on. This means that a public process and a public hearing are included. It is a separate process and must go forth to be a decision of Council.

He passed the floor to Caesar Saleh for presentation of the new proposal at 286/290/292 Herring Cove Road.

4. Presentation of Proposal - Caesar Saleh

Cesar Saleh introduced himself as a professional engineer with WM Fares Group, noting that they are the designers and planners behind the proposal. He stated that the owner, Mr. Raymond Toulany was also present. He gave some background on the company's past and current developments which he felt had some relevance and characteristics to the current proposal.

Mr. Saleh showed the original proposal:

- Lot Size: 2.1 acres
- Building Footprint: 16,500 square feet
- Building Coverage: 18%
- Green Space: 70 %
- # of Units: 52
- Height: 4 Floors
- Underground Parking

He noted that the client is the owner of 286-290 Herring Cove Road and he is in agreement with the owners of 292 Herring Cove Road, who want to sell their property. They are not building on that site but it gives them the option to have a larger set back on Herring Cove Road. The client does not want a mediocre building. He wants a “game-changing” building; one that sets precedence and is a game changer for the area. He believes that a building of this caliber, on Herring cove Road, will be a building that will change the face of Herring Cove Road and will encourage others to do the same.

He showed the new proposal, noting the changes. WM Fares located the building to keep the vegetation intact. They made the footprint smaller, brought it closer to the street, pushed it closer to the church and stepped it back. It ranges between four and seven stories in height. The building is now smaller and the seven story side is closer to the church. The parking in the back has been eliminated and relocated to the side of the building. The underground parking remains.

He showed the building in context of the surrounding area and explained the step-back. He showed other views, explaining that it is now more pedestrian friendly by use of projection, recesses, step-backs, building material articulation and building colours. He showed the building with real colours, explaining that the client wanted a modern, high-quality looking building. Some of the materials used include wood-siding, board siding, composite panels, aluminum and glass railing, a balcony, a well-defined entrance and a “green” between the building and the street.

He noted that the building is made of concrete, has an elevator, one-for-one parking spots and is a different type of building than the last proposed four storey building. He noted that WM Fares went back to look at the proposal, they considered that the City is currently undergoing a corridor study over the next two years. They are taking part in the process and he showed some developments that are coming in other areas, for the sake of comparison. This gives an idea of how the city is changing. He showed the proposed heights encouraged within the new plan. The current proposal fits into that vision. He showed different view of the proposal.

Mr. Saleh gave the merits of the proposal:

- The proposed mixed use urban form presents a good redevelopment approach.
- The site falls within a fully serviced area, has access to main bus routes, and is close to several recreational and amenity areas including shopping centers, schools.
- The building is of high quality design and articulation. The distinct sections of the building facades with the proposed materials, patterns, textures and colors provide a visually interesting building that is inviting to pedestrians.
- The building materials and construction are of high quality.
- The size, location and the orientation of the proposed building provides for maximum setbacks from adjacent dwellings, and ample green space. Mr. Saleh agreed that the property, in the back, could be given to the property owners and believes it would be a good idea. He noted that there is no retaining wall there. The construction is limited to the building.

- Economically, this high quality infill development will increase the tax revenue generated from existing infrastructure; bring more residents within walking distance of existing retail businesses; and encourage new development replacing empty lots and rundown buildings along Herring Cove Road. Mr. Saleh stated that he has seen other property owners come forth to make changes with their building, after a new development moved into the area. He provided examples.

- Social and environmentally, this high quality infill development, will improve community vibrancy, public safety and encourage community pride and civic engagement. In addition, more quality multi-family units will improve the amount of affordable housing stock in the community and broadens the local housing market. He feels that the market place needs a change. It will follow in the area.

- In consultation with the community, the owner has been made aware of the pressing need for child care services in the Herring Cove Road Area; as a result our proposal includes a 3000 square foot child care facility.

Mr. Saleh thanked everyone for coming and welcomed all questions and comments.

Mr. Agar reviewed the ground rules and opened the floor for questions and comments.

5. Questions/Comments

Al Radon, Old Sambro Road, likes the child care component. He asked if there would also be an affordable housing component. If so, what percentage of units and if not, what would be stopping that thought.

Mr. Saleh stated that there would be. The client is looking at an affordable housing component. It will be market value, affordable housing. A percentage of the units are in negotiation to be marketed at lower costs than the other units. This means that it would roughly be 20 percent lower than fair market value.

Heather Whitehead, Whimsical Ave, asked if any impact studies had been completed to determine how the other buildings surrounding it.

Mr. Saleh stated that the technical portion of the proposal is not complete but they will complete all studies that are requested from technical concerns.

Ms. Whitehead advised that there is currently a lot of unoccupied commercial space in Spryfield. She asked what leads them to believe they can fill their space. She asked where people would park, in regards to the commercial space.

Mr. Saleh advised that there is a parking lot to the side which would accommodate a daycare use, which has been identified as a need in the community.

Ms. Whitehead asked where the playground structure would be and if it would be fenced in.

Mr. Saleh showed the outside recreation area on the diagram and advised that it would be fenced in.

Johanna Kristjansson, Williams Lake Road, advised that the proposed daycare entrance is right next to her home. She asked what the distance from the building to her home was.

Mr. Saleh advised that there is seventy feet.

Ms. Kristjansson advised that they are on a four-lane collector road, which was supposed to come through in the 1980's. It did not happen at that time as the people in the area were opposed. She feels that the area is R-2 and should remain that way. She invites the property owner to make an offer for her home because she feels the development will impact her selling abilities, in the future. She noted that the majority of people at the last meeting stated that they did not want anything but R-2 for the area.

Dot Roberts, Williams Lake Road, expressed concern about her garden. She feels that it is well-maintained and does not want anything, from the hill above, altering it. She is worried about the after effect of snow being pushed over the hill and down onto her, and other people's properties. She stated that the developer promised, previously, that they would put up a wall and she is holding them to that.

Faith Lohnes, Williams Lake Road, feels that seven stories are not unreasonable. She advised that the city put a moratorium on development of urban sprawl and this is a great way to infill the city. She feels that you may even see twenty story buildings on Robie Street, in five years. She asked if the property taxes would increase in the area.

Mr. Saleh advised that he does not know that information.

Mr. Agar advised that taxes are not reviewed as part of a planning application.

Ms. Lohnes encourages the project and stated that she lives 30 feet away from an apartment building and feels that there is nothing wrong with it.

Ms. Kristjansson advised that she did not purchase a home, in the area, to have a five story apartment building look down on her.

Sandra Pike is a realtor and states that her biggest challenge is to get people to purchase in the area. She is happy to be able to have the sense of community and is happy with the project. She feels that it is good to bring new types of people into the community. She understands why the neighbors are upset but feels the project will be very beneficial, in the long run.

Paul Tyson, William Lake Road, feels that both proposals are inappropriate for the area. He feels that residential homes in the area are in a horrible situation. People want to change the face and image of Spryfield but he feels that this would be harder to overcome. A new building will only change the face of Spryfield in a negative way.

Richard Cassie, Williams Lake Road, advised that there is a specific piece of land that is touching his boundary line. He expressed dismay concerning this.

Mr. Saleh advised that the piece of land has no development rights and the applicant does not own the land.

Joanna Hinds, Williams Lake Road, grew up and walks her dog in the area and feels that there is a strong sense of community. She would like to see the developer look into the project some more. She appreciates the changes made but look forward to seeing more changes to come. She would like to see more group discussion.

Walter F., works in the community on a regular basis. He feels that the building is beautiful for the area. He understands the residential concerns as they will be impacted the most but feels that this building will bring something to Spryfield. It is a good looking building that provides some economic spin off for the old community. This will be appreciated by businesses. He feels that having a daycare on the main level is providing something for the community as well. He lived in Spryfield twenty-five years ago and feels that it has not always been a very attractive place to live. He believes that this project will help change that image and give benefit to the area. He looks forward to future growth in the area.

Greg Hinds, Williams Lake Road, asked if the developer has considered buying the whole lot, including the wetlands.

Mr. Saleh stated that they never considered that. The developer does not want to impact the heavy vegetation and the small wetlands. They placed the site in such a way to achieve this. It would also be a challenge as the property gets to be quite narrow.

Mr. Hinds understands that the site needs to be economically viable but needs to meet the community needs. He welcomes the project, under difference circumstances. He hopes there is a happy medium.

Heather Whitehead, Whimsical Ave, feels that Spryfield is looking better now than it has in years. This is one of the few lots that have an open space, in the area. She considers Spryfield to be a village. This building does not fit into a village. She would rather see is some low-level row houses, as was proposed at the prior meeting.

Jim Dooley, Clovis Ave, asked why a daycare had been considered. There is a new centre being built nearby. He believes that it may be up and running in six months to a year.

Mr. Saleh advised that the client did a lot of research and believes that there are at least one hundred children currently on waiting lists for daycare and that it is needed in the community.

William Hardwick, Williams Lake Road, is concerned about the project and would like to see a rendering showing the view on Williams Lake Road. He feels that the elevation isn't shown in detail. The neighbors would be looking up at the building. He feels that the project is encroaching on other properties. He asked what the process consists of.

Mr. Agar stated that staff would take all comments into consideration. They would be added to a staff report that will go forth to Regional Council which would also contain a recommendation for or against the project.

Mr. Hardwick asked if a third meeting could be held, prior to the Public Hearing stage. He would like to see the proposal and take part in the changes because there is a fear that their voices would not be heard. He feels that the area will be impacted with increased numbers of people.

He noted that there have been other proposals that were equally as fantastic, that were not good for the community. He noted that the residents are speaking from the other side of Herring Cove Road and there is still no rendering to show elevation. He asked if drainage had been considered.

Mr. Saleh advised that the site would be engineered and will be designed to run off Herring Cove Road. They are still in the designing process.

Mr. Agar stated that after staff comes up with a specific set of recommendations, there will be an opportunity to review that.

Mr. Hardwick thought that the current meeting was going to review that set of recommendations, not to start a completely new process. He feels that the information and work that the community provided in the last session, was not considered.

Mr. Agar outlined the specifics of the process. He noted that for this case, Staff will make a specific set of recommendations, including looking at the Municipal Planning Strategy and whether or not it would be reasonable to change policy to allow for this type of development through a development agreement. The change of the Municipal Planning Strategy would be required before this type of proposal could be considered by development agreement. Right now they are investigating changing the policy to allow for this type of development through the development agreement process, which is a specific set of conditions which can define the rules for building design and land use. He noted that the recommendation will be given by staff. When ready, the recommendations would be tabled at Council. Once tabled, they become public documents and are available to the public. He noted the staff report will be available, typically, about a month prior to a public hearing date. During that one month window, the public has an opportunity to understand what staff is presenting to Council.

Mr. Hardwick asked if there could be a third meeting prior to going to Council.

Mr. Agar advised that it would be a separate item which would be added to the process. It would be an additional meeting.

Mr. Hardwick would like to have a meeting without the developer. He thinks it would be fair to have public involvement upon reviewing and creating the set of conditions for the development agreement. This would make the public more understanding of the process.

Al Radon would like the developer to consider having affordable housing that people can afford. He feels that it is important to the area.

Johanna Kristjansson noted that the property is currently zoned R-2 and she would like it to stay that way.

Mary Wilkie, Punch Bowl Drive, stated that she had been in a similar situation in the past. She was promised a green belt and good drainage. It did not happen. She would like people to be aware and get something on paper that guards the green belts and water ways.

Nancy Woodman reminded everyone that the land was purchased as an R-2 and is trying to develop it at a much higher use. Townhouses were proposed at the first meeting and the people

gave their approval, in principle. She feels that this is a one sided argument and the public are just a part of the debate. The zoning was decided years ago by the citizens who took much thought and time to make a decision. Now they are asked to change that zoning. She feels that the building is beautiful but is too big for the area. She doesn't not like that it is set so close to the road with no driving access to the front door of the building. She asked when the meetings and the proposed changes would end.

Raymond Wilkie, Punch Bowl Drive, noted that a lot of the surrounding communities are becoming high-rise communities and he does not want to see that happen in Spryfield. He feels that this building will set precedence for others to rezone their properties.

Sam Theriault, Williams Lake Road, lives directly behind the parking lot of the proposed building. He asked if the driveway to the underground parking would be on a slope.

Mr. Saleh advised that it would on a grade.

Mr. Theriault advised that the property line is below the hill and not above the hill. He is concerned as the whole grade of the hill would have to be dug up. This means there should be a retaining wall. He asked if it would be made of concrete.

Mr. Saleh advised that would have to be a retaining wall.

Mr. Theriault stated that he is on a well water system. He is concerned that it may be disturbed in construction.

William Hardwick asked when the process would be finalized.

Mr. Agar advised that it would end with Council and they will make the final decision. Each plan amendment process has to go through the same process.

Verlie Tyson, Williams Lake Drive, advised that the residents care about the area and they are starting to lose trust in the process. She feels that the proposal is not good for the area.

Herald Briand, Ferguson's Lane, feels that no proposals will be turned down, unreasonably, because of the new Herring Cove Road sewage treatment plant. He asked if the people's voices count.

Mr. Agar advised that the people's opinion do matter. This is for an amendment to the Municipal Planning strategy. The process includes public consultation. It is taken into consideration.

Mr. Briand asked if ecological studies for impact were done on the surrounding properties. He feels that if this development goes through, the people's voices mean nothing.

Mr. Agar advised that this is a public process and there is nothing that would require Council to approve the project. Staff gives recommendation. Council is not bound to approve anything.

Wayne Haggard, Clovis Ave, advised that Council does listen to what residents have to say. He has had firsthand experience with them rejecting a project. It doesn't mean that the project will

get built, just because the zoning has changed.

Mr. Agar explained the process for both the rezoning and development agreement applications.

William Hardwick feels that the development agreement is changing the rules and feels that it is unreasonable. He would like to stick to the current zoning as it has worked for a long time. He believes it should be a low density area, with a green space. Townhouses are acceptable but a large building is not wanted.

6. Closing comments

Mr. Agar gave thanked everyone for attending and provided his contact information.

7. Adjournment

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

From: William Hardwick <[REDACTED]>
To: <agarm@halifax.ca>
Date: 13/01/2011 8:29 pm
Subject: re Case 16367

Miles Agar,
Planner 1, Community Development,
Planning Services

Dear Mr Agar,

I am writing you to inquire about the proposed request to change zoning Land use designations on 286 - 290 Herring Cove Road.

The information provided shows the study area of what I assume is to be the effected area of this zone change. I am wondering why the residential properties behind the proposed changed zoning is not included in the study area.

There are at least 4 residences in the proposed study area (the one noted beside the church is actually listed as parking but is really a residence). However, most of the people who are affected by this change are on Williams Lake Road and Clovis Street.

I am wondering why this area is not included in the study area. Empty properties adjacent to the proposed changed area are included, but actual adjacent properties, with actual residences are excluded from the study area.

Does this mean that anyone not in the study area will not be considered officially in this process?

Kind Regards,

William Hardwick
[REDACTED]

Agar, Miles

From: William Hardwick <[REDACTED]>
Sent: November-19-12 6:15 PM
To: Agar, Miles
Subject: Proposed development on Herring Cove Road

Dear Mr Agar, I have heard that there is going to be another public hearing on the proposed development on Herring Cove Road and am wondering why the residents who will be Directly impacted have not been contacted about this meeting?

Also upon reviewing the proposal in the HRM website I am wondering if there were any changes in the LUB that would warrant the developer into believing that this proposal will go through without a legal change?

Mr Agar, I have viewed the elevation and would like to know where 18 Williams Lake Road is located on plan.

Thank you
William Hardwick

>>> "Charles Lienaux Sr." [REDACTED] 03/02/2011 11:18 am

>>>

BlankDear Linda,

I am writing to ask that you direct this e-mail to the person who is handling the above development proposal case. I would like to speak in support of the proposed development but because of the snow storm last night I will not be able to attend the meeting that is scheduled for tonight at the Spry Center.

(17/02/2011) Miles Agar - Re: Development Proposal Case 16367; 286 - 290 Herring Cove Road

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If the meeting is rescheduled I will attend and speak.

In my view the proposed development would make a positive contribution to the community for the following reasons:

The project will be an improvement over the existing use of the site which is unsightly and not maintained;

Neighborhood impact is minimal on adjoining properties because the property is on higher ground than surrounding properties so its impact will not be noticed much on Clovis Avenue or Williams Lake Road;

Project has direct street access to main thoroughfare (Herring Cove Road) so it will not clog small secondary streets;

Occupants of the completed project will provide economic support for the community businesses;

Security at the rear of properties along Williams Lake Road and Clovis Avenue will be improved by having a lighted, occupied site behind them rather than a large unlit vacant lot;

Property tax revenue from the site will increase over the property tax presently being earned from the property.

In addition to the following reasons why the project would make a positive contribution to the area it would also provide an opportunity for HRM to require the developer to rationalize the rear of the site with the surrounding lands.

The site plan shows the rear of the proposed parking lot to be retained by a 15' high retaining wall.

The land below that retaining wall is proposed to be a wetland feature. Completing the project as proposed would just create an unsightly untended lot behind the Clovis Avenue properties which would just be a breeding ground for black flies and mosquitoes.

Instead of leaving the land in its natural state the land could be leveled using the material excavated for construction of the project.

The newly leveled land could be used as a playground if a walkway could be obtained from Clovis Avenue..

As an alternative the land could be subdivided and annexed to the several properties along Clovis Avenue. This would increase the backyard of each of the Clovis Avenue properties with the result that each property owner would presumably landscape and maintain their expanded yards as they do now.

This would eliminate the blight that presently exists behind the proposed project and the Clovis Avenue properties.

For all of the above reasons I feel that the proposed project would substantially improve the block on which it is to be located and the area at large which is being substantially improved by new construction all through the area.

Thanks you for your assistance in this matter.

Yours truly,
Charles D. Lienaux



From: LisaMicheal [REDACTED]
Sent: November 21, 2012 10:03 AM
To: Agar, Miles
Cc: Adams, Steve; Mosher, Linda
Subject: Case #16367 286/290/292 Herring Cove Road

Hello

I am not sure I will make this meeting on Thursday however I wanted to voice my opinion and concern over this application.

I would like to state I am extremely OPPOSED to the developement of the land as recently shown on the news and in the flyer mailed out.

I would be ok with 1 building on the Herring Cove Road to replace the vacant lot however I am extremely apposed to developing the land leading down to Williams Lake and Clovis Roads.

There is enough developement planned around Colpitt Lake and in the Subdivision Abram's Way. We are losing all of what made our community enjoyable to live in. I have lived in this community for 13 years. We do not need to rip down every tree and develope every piece of land.

Besides destroying the land, there is a concern with roads and access. Until the city steps up and creates another exit to Downtown from Purcells Cove Road and Spryfield we have no business developing more homes.

The traffic on the Herring Cove Road is dreadfull during the morning and afternoon commutes. The afternoon has been even more dreadful due to the narrowing of the road near Dentith (which made no sense to the residents of the area).

I sincerely hope that the voice of the people in these communities is heard and is more valuable then the money in the developers pockets.

Lisa Benoit
[REDACTED]

-----Original Message-----

From: Angie Ambrose [REDACTED]
Sent: December 1, 2012 10:21 AM
To: Agar, Miles
Subject: Herring Cove RD development

Sorry that I missed meeting. Love that we are filling the empty ugly eye sores of Spryfield!

Couple of questions - what about parking? Looks like building taking up majority of acreage. Also, would lights be necessary to get in/ out of the complex?

What would be rent range? Don't want another low income housing development out here.

There is a grave site near that site - would that be affected at all?

From: Dagny Punzenberger [REDACTED]
Sent: January 10, 2013 5:28 PM
To: Agar, Miles
Subject: development proposal for 286/290/292 Herring Cove

Dear Miles,

my partner and I own the property at Williams Lake Road and have been to both of the Public Info meetings regarding the Herring Cove proposal.

On the HRM website I see that the proposal is currently being reviewed. Can you tell me if a decision has been reached yet or how long you think it might take?

Furthermore we are curious what the next step would be. Will there be another public hearing or is the decision now out of the public's hands?

In your experience how soon is the turnaround on these processes? Should we expect construction to start as early as spring of this year?

I am looking forward to hearing from you.

Thank you very much for your time.

Regards,

Dagny Punzenberger

From: Dagny Punzenberger [REDACTED]
Sent: January 21, 2013 2:38 PM
To: Agar, Miles
Subject: Re: development proposal for 286/290/292 Herring Cove

Hi Miles,

thanks for taking the time to get back to me. When speaking to Linda Mosher she told me that I should mention to you that we are the only property on the street that is on well water. I am pretty sure that both you and the developer have already taken note of this, if not here it is again. I am assuming that the developer would be obliged to pay for our hookup to city water should the well be contaminated because of his construction?

I will definitely check back with you for updates in a few weeks.
Thanks again for your time.

Regards,

Dagny Punzenberger

Myles Agar Planning and Development HRM Western Region

Re: HRM PLANNING PROPOSAL CASE 16367

(286-292 HERRING COVE ROAD)

I AM CURRENTLY THE PROPERTY OWNER RESIDING AT [REDACTED] HCR and would like to express my interests and concerns to you as per above:

I have decided to offer my property for development to be included in this project for the following reasons:

my house is a very tiny single story bungalow (500 sq. ft.) ground level sitting on approx. 5000sq. ft. property which would allow a total of 2.2 acres for development to allow and accommodate a positive, beautiful site, meaning accommodate a contemporary, clean concrete building (versus wood which would deteriorate more quickly and not visually as appealing) and still allow for generous property clearances and street clearance while still having natural trees /landscaped greenery between current structures (ie: city church, abutting properties along Williams Lake Rd. also properties located 2-6 Williams Lake Rd. Also the site as a whole (without my house) would be facing the HERRING COVE RD. which sits at a totally different angle than the residence at 2-6 WILLIAMS LAKE RD. their views would not be affected.

If my house was to stay I would be affected in the following ways:

Property line at 290 HCR is just to the side of my driveway therefore allowing any structure to be extremely close. It wouldn't matter if the building was 2 stories or 10 stories it would still have the same effect as it would still overpower my tiny house also affecting both any view I had of horizon, trees, sky but also the natural lighting into my home.

Also my house sits at ground level with adjacent property (290 HCR) with a footing type foundation BUILT/FORMED LITERALLY OVER GRANITE ROCK IN MY CRAWL SPACE which would probably be COMPROMISED BY BLASTING as I am sure you are aware there are numerous rock formation in the site area.

In general to sum things up I personally would be greatly affected of any such project underway

from begining to end(IF I WAS TO STAY) IE: proximety and construction(blasting,digging etc.)
THAT IS WHY I MADE MY DECISION TO INCLUDED IN THIS PROJECT.

I believe a new concrete, well built complex would be a perfect fit on 2.2 ACRES facing HCR with beautiful surroundings/natural/man made habitat and would be an assett to thls property and community as this stretch of HCR is mostly commercial(with SOBEYS currently adding 20,000 SQ.FT.)IE: NSLC,SOBEYS,WILSONS,MCDONALDS,RBC,STRIPMALL (MINI) HOP SING, SALVATION ARMY,SHOPPERS DRUG MART, AS WELL AS VARIOUS OTHER SMALL BUSINESSS SUCH AS DIAL A TIRE ETC.

HRM PLANNING PROPOSAL CASE 16367 PAGE 3 CONTD

I also believe the new project structure and site would be close to THE STONE RIDGE SITE - UPSCALE, UPCLASS, VERY RESPECTABLE AND APPEALLING compared to the current apartment complexes in the general SPRYFIELD AREA.

Also its wonderful to have daycare provided in the complex(HOW CONVENIENT FOR TENNANTS)

Im sure it would also boost economic growth in this SMALL BUT POWERFUL COMMERCIAL AREA.

I KNOW IAM OWNLY ONE HOME OWNER IN THIS AREA BUT MY VIEWPOINTS EXPRESSED ARE GENUINE AND JUSTIFIED AND WOULD LIKE YOU TO SERIOUSLY CONSIDER ALL 3 PROPERTIES (286-290-292 HCR) IN THE PROPOSAL FOR DEVELOPMENT CASE # 16367 AS IN MY OPINION THE PROJECT AS A WHOLE WOULD THEN BE A PERFECT FIT.

THANK YOU FOR TAKING YOUR TIME AND CONSIDERTATION IN THIS MATTER

RESPECFULLY,

A solid black rectangular box used to redact the signature of the sender.

Marion Hame