

Halifax and West Community Council
September 23, 2013

TO: Chair and Members of Halifax and West Community Council

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

DATE: September 5, 2013

SUBJECT: Case 18149 – LUB Amendment and Development Agreement – corner
of Gottingen Street and Bilby Street, Halifax

ORIGIN

Application by Michael Napier Architecture

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law to include PIDs 00127530, 0012548 and 00127555 located at the north-west corner of Gottingen Street and Bilby Street, Halifax, in Schedule Q, as presented on Attachment A and Maps 1, 2 and 3 of this report, and schedule a public hearing.
2. Move Notice of Motion to consider the proposed development agreement as contained in Attachment B to allow for a mixed-use development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.
3. Adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented on Attachment A and Maps 1, 2 and 3 of this report.

Contingent upon the amendment to the Halifax Peninsula Land Use By-law being approved by Community Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:

1. Approve the proposed development agreement as contained in Attachment B.
2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

An application has been submitted by Michael Napier Architecture, on behalf of the property owner, Nick I. Holdings Ltd, to enable the development of a 7-storey, mixed-use building, containing multi-unit residential uses in conjunction with ground-level commercial space, at the corner of Gottingen Street and Bilby Street in the north end of the Halifax peninsula. The subject area was most recently developed as convenience store and residential dwellings, however in 2011 the buildings were destroyed by fire and the properties have remained vacant since then. As the proposal cannot be enabled through the existing zoning, the applicant has requested that the subject site be included within Schedule "Q" of the Halifax Peninsula Land Use By-law (LUB), which would then allow the proposed mixed use building to proceed by development agreement.

Location, Subject Area and Surrounding Area

The subject area;

- is comprised of three properties and is located at the corner of Gottingen Street and Bilby Street in Halifax (Maps 1 and 2); and
- totals approximately 956.90 square metres (10,300 square feet) in area and has approximately 22.86 metres (75 feet) of street frontage on Gottingen Street and 39.17 metres (128.5 feet) on Bilby Street.

The surrounding area is comprised of commercial, residential, and institutional uses. Surrounding land uses include:

- Canadian Forces Base Stadacona;
- a 2 storey commercial building containing a locksmith shop;
- low and medium density residential uses;
- an Ultramar service station; and
- an auto repair use.

Designation and Zoning:

The subject property;

- lies within Area 5 of the Peninsula North Secondary Planning Strategy (Section XI of the Halifax Municipal Planning Strategy [MPS]), is designated for Major Commercial

development (Map 1), and falls within the Regional Centre designation of the Regional MPS; and

- is zoned C-2 (General Business) by the Halifax Peninsula Land Use By-law (Map 2).

Enabling Policy and Zoning Context

The subject application is made pursuant to Policy 2.3.1 of Section XI of the MPS which allows Council to identify areas designated Major Commercial for comprehensive site planning through the development agreement process. This process is achieved through the application of Schedule “Q” of the Halifax Peninsula Land Use By-law. Schedule “Q” was established to address the challenge of introducing new residential uses into existing commercial and industrial areas by negotiating, on a site by site basis, the conditions of a development agreement including;

- the creation of an adequate environment for residential living on sites which may be surrounded by commercial and industrial uses; and
- providing for the continued operation of adjacent commercial and industrial uses without being encumbered by new residential uses.

The majority of Schedule “Q” is currently applied to lands on the west side of Robie Street between Young Street and North Street, and has also been applied more recently to select lands in general proximity to the subject property (Map 3).

The C-2 Zone permits commercial buildings with no restrictions on front, side or rear yards but limits the height to 21.34 metres (80 feet), with an allowance for additional height if the building is set back from the property line. Residential uses are also permitted within the C-2 Zone subject to the requirements of the R-3 (Multiple Dwelling) Zone. The application of Schedule “Q” to a property supersedes the requirements of the C-2 Zone by requiring projects of greater than four dwelling units to be considered through the development agreement process. This provides flexibility by enabling the modification of the standard land use by-law requirements for development on a site-by-site basis through the negotiation of a development agreement.

Proposal

The applicant has proposed a 7-storey mixed-use building containing multi-unit residential uses in conjunction with ground-level commercial space. The applicant has requested that the subject property be included within Schedule “Q” of the LUB to allow for the proposed development to proceed by development agreement. This process will allow the site to be developed comprehensively with care taken to minimize land use conflicts.

General details of the proposal are as follows:

- Ground-level minor commercial uses;
- a maximum of 41 residential units;
- enclosed vehicle parking; and
- amenity space in the form of indoor and outdoor podium space.

Approval Process

The approval process for this application involves two steps:

- i) First, Community Council must consider and, if deemed appropriate, approve the proposed amendment to the Land Use By-law (Map ZM-2) to include the subject land within “Schedule Q”; and
- ii) secondly, Community Council shall consider and, if deemed appropriate, approve the proposed development agreement.

A single public hearing can be held by Community Council to consider both the LUB amendment and the development agreement. However, Council can only render a decision on the development agreement following the approval of the LUB amendment. Community Council will be provided with a supplementary report once the LUB amendment is in effect, at which time it can consider approval of the development agreement. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Council.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and has determined that the proposed development is consistent with the MPS. Attachment C provides an evaluation of the proposed LUB amendment and development agreement in relation to the relevant MPS policies. The following issues have been identified for more detailed discussion.

LUB Amendment (Schedule “Q”)

Considering the mixed nature of land uses located on and around the subject site, which include residential, commercial and industrial type uses, the proposed development presents an appropriate and beneficial opportunity for comprehensive site planning. As Schedule ‘Q’ is currently applied to a large area of Peninsula North that is designated Major Commercial, the proposed development represents a small expansion of the area under the Schedule (Map 3). The proposal will benefit from the controls and flexibility that the development agreement process provides to reduce future land use conflicts.

Development Agreement

Attachment B contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed agreement addresses the following matters:

- permitted land uses (minor commercial uses are to be located ground-level);
- residential use (maximum of 41 units; minimum of 15 two-bedroom units); architectural, signage, lighting and maximum building height requirements;
- parking (bicycle and vehicular), circulation and site access;
- detailed landscaping requirements and plan for terrace/rooftop landscaped areas;
- building services, maintenance and waste facilities; and
- options for various non-substantive amendments by resolution of Council, including: types of commercial uses, building architecture, landscaping details, amenity space details; signage, functional elements and changes to timeframes for development.

In staff’s opinion, the attached development will permit a mixed-use development that is compatible and appropriate with the neighbourhood. Of the matters addressed by the proposed development agreement, the following have been identified for more detailed discussion.

Building Height, Design and Neighbourhood Compatibility

In order to achieve investment in commercial and residential redevelopment, the MPS requires that Council consider “*the relationship of new development to adjacent properties and uses*” and “*the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment*”. The subject block, and those immediately abutting it, are designated Major Commercial and are zoned C-2 (General Business). Substantial building heights and massing are achievable through the as-of-right permitting process in this area. However, through the development agreement process, staff was able to negotiate with the applicant to address compatibility and design issues. As a result, a building of greater density with a massing and height less than that which could be achieved in an as-of-right situation has been accommodated.

The MPS encourages effective urban design treatments and the use of high quality exterior building materials. Effective urban design treatment is established by a two storey streetwall along Gottingen Street which is consistent with height of the neighbouring properties. The building incorporates high quality materials such as stone masonry, cement siding, glass and metal rails. Signs are limited to awnings, fascia and projecting signs. The back lighting is limited to the lettering of each sign.

To minimize potential land use conflicts, commercial land uses have been limited to those permitted in the C-2A (Minor Commercial) Zone, with the exception of service stations and billboards. Commercial uses permitted in the C-2 Zone, which are not permitted in the C-2A Zone, can only be considered through a non-substantial amendment to the Land Use By-law and shall include measures to address issues related to compatibility with neighbouring uses. Further, the proposed development agreement regulates hours for commercial delivery and commercial solid waste collection.

The design of the proposed building also includes measure to reduce land use conflict, such as including larger setbacks from neighbouring property line for the upper stories of the building and through the nature of the building’s non-combustible construction materials which will assist with noise attenuation. These design aspects not only help mitigate the impact of the development from existing uses, but also intend to lessen the potential impact for the future development of adjacent sites.

Traffic/Site Access:

MPS policy encourages vehicular traffic to use principal streets and discourages it within existing neighbourhoods. A traffic impact statement, prepared by the applicant’s consultant, was reviewed by HRM and was deemed acceptable. While the driveway is proposed to be located on Bilby Street, vehicles accessing the site will also utilize Gottingen Street, which is identified in the MPS as a principal street. From a public transit perspective, Metro Transit has reviewed the proposal and has advised there are no issues with bus service in the area. Metro Transit has recently increased the frequency of Route 7 which provides service to the area.

Landscaped Open Space and Amenity Areas:

MPS policy calls for the provision of on-site open space and leisure areas which are adequate for the building residents. The proposed development agreement requires at least 153.67 square

metres (1,654 square feet) of indoor and outdoor amenity space. The outdoor amenity is required to be located at a podium located on the 2nd level of the development and additional roof top amenity space is permitted on the upper levels. The development agreement requires a detailed landscaping plan prepared by a landscape architect to be provided prior to the issuance of the development permit.

Environmental Issues and Concerns

The subject area is known to contain sulphide (acid) bearing slates. Any disturbance to these slates during construction must be undertaken in accordance with the requirements of Nova Scotia Environment.

Conclusion:

In the opinion of staff, the proposed LUB amendment and development agreement are in keeping with the objectives and policies of the Halifax MPS to develop the lands in a comprehensive manner and to address potential compatibility issues with the surrounding uses. Therefore, staff recommends approval of the proposed LUB amendment (Attachment A) and development agreement (Attachment B).

FINANCIAL IMPLICATIONS

There are no financial implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2013/14 budget with existing resources.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting (PIM) held on December 5, 2012. Attachment D contains a copy of the minutes from the meeting. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

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

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

ENVIRONMENTAL IMPLICATIONS

No additional concerns have been identified beyond those raised in this report.

ALTERNATIVES

1. Council may choose to approve the proposed LUB amendment and development agreement as set out in Attachments A and B of this report. This is the recommended course of action. A decision of Council to approve the proposed LUB amendment and/or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Council may choose to approve the proposed LUB amendment and development agreement subject to modifications. This may necessitate further negotiation with the applicant and the need to hold a second public hearing.
3. Council may choose to refuse the proposed LUB amendment and development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended, as the proposal is consistent with the MPS. A decision of Council to refuse the proposed LUB amendment and/or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Schedule Q
Attachment A	Proposed Amendment to the Halifax Peninsula LUB Schedule A
Attachment B	Proposed Development Agreement
Attachment C	Review of Relevant Sections of the Halifax MPS
Attachment D	Minutes of Public Information Meeting

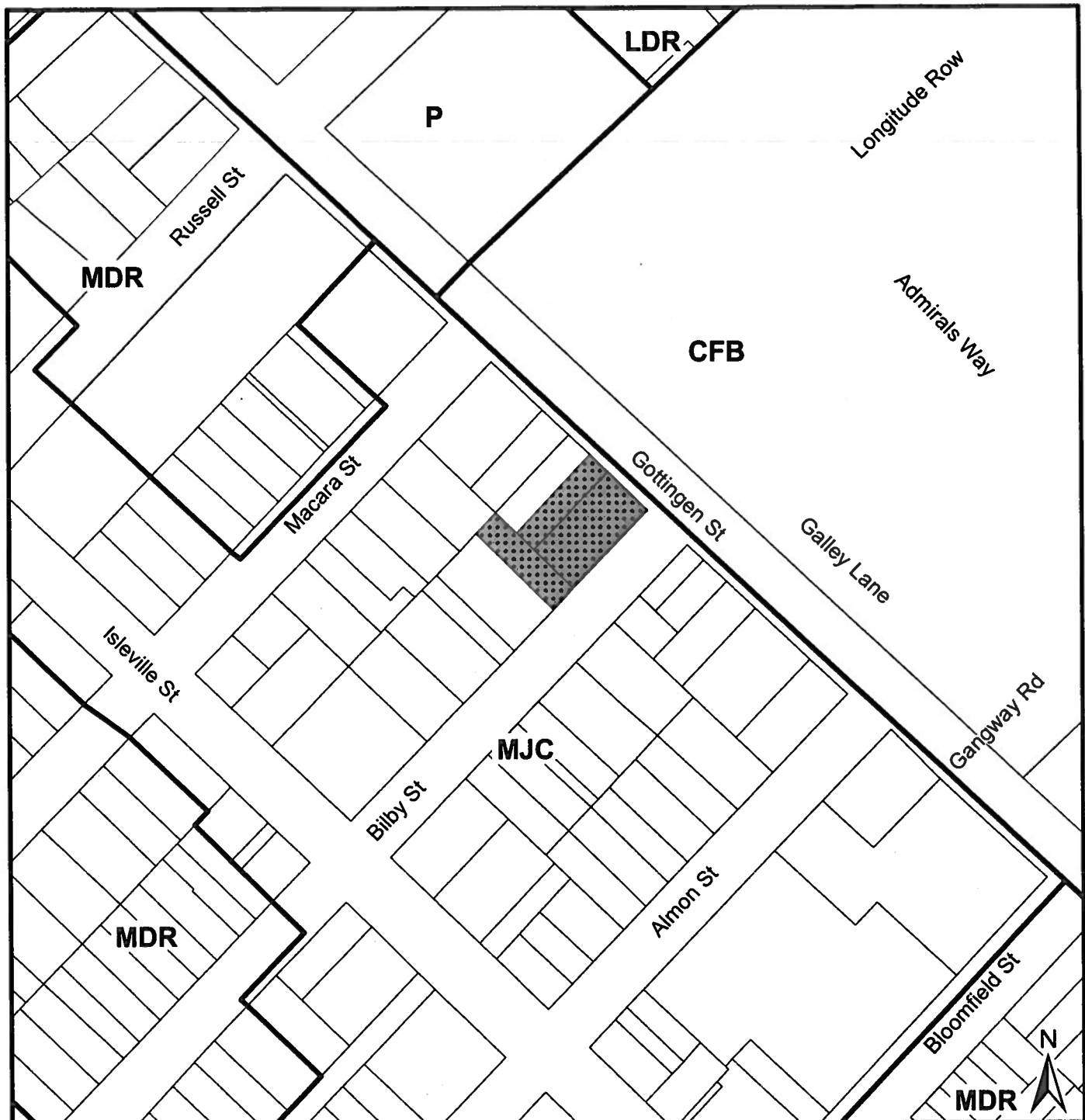
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jillian MacLellan, Planner, 490-4423

Report Approved by:

Original signed by

Kelly Denny
Kelly Denny, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

Gottingen Street at Bilby Street
Halifax

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS



Area proposed to be
added to Schedule Q

Designation

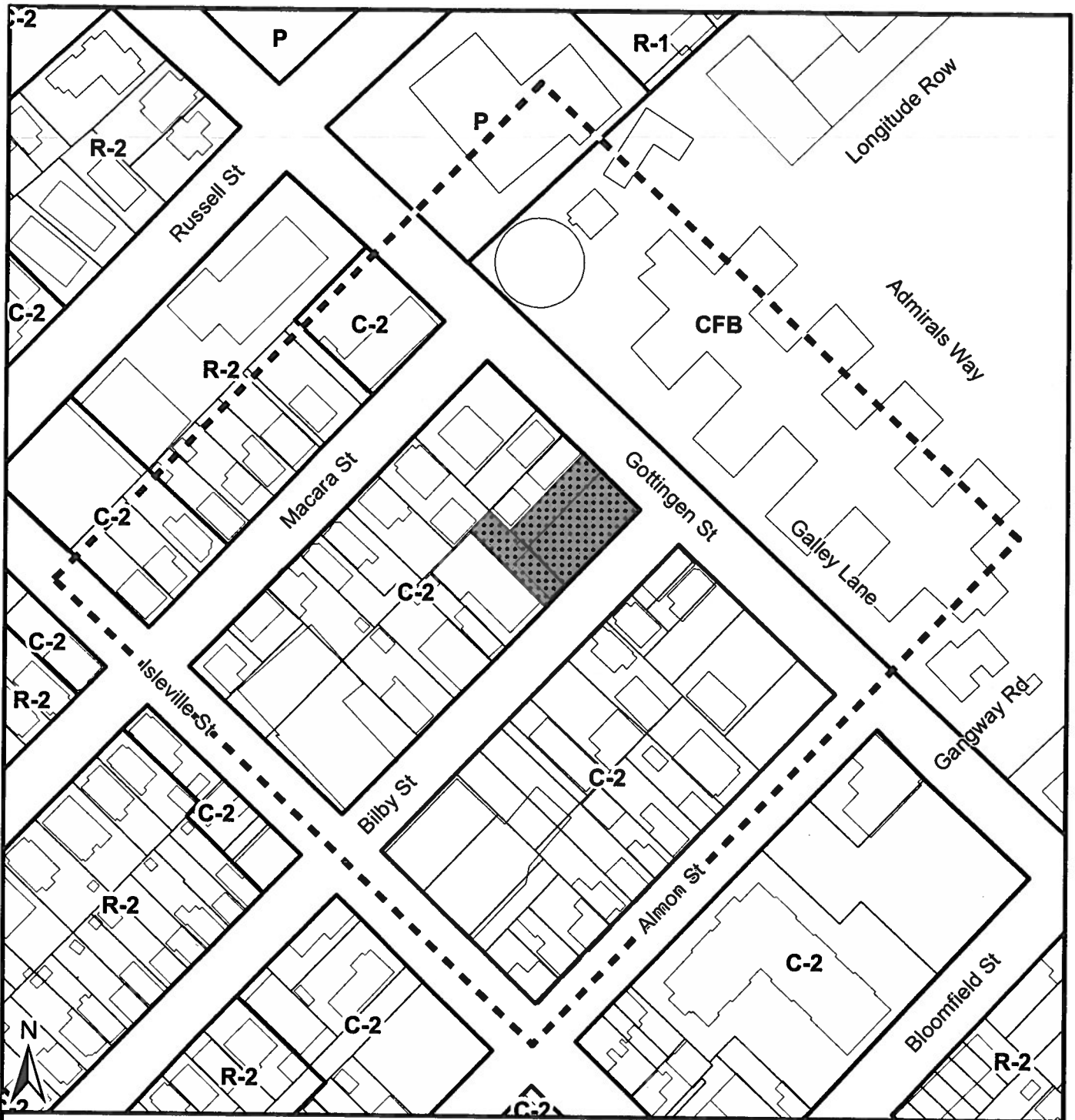
LDR Low Density Residential
MDR Medium Density Residential
MJC Major Commercial
P Park and Institutional
CFB Canadian Forces Base

0 20 40 m

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.


Halifax Plan Area
Peninsula North Secondary Plan Area



Map 2 - Zoning and Notification

Gottingen Street at Bilby Street
Halifax

 Area proposed to be added to Schedule Q

 Area of notification

Halifax Peninsula
Land Use By-Law Area

Zone

R-2 General Residential
C-2 General Business
P Park and Institutional
CFB Canadian Forces Base

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 m


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

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



Map 3 - Schedule Q

Gottingen Street at Bilby Street
Halifax

 Area proposed to be added to Schedule Q

 Schedule Q

Halifax Plan Area
Peninsula North Secondary Plan Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 60 80 100 m

This map is an unofficial reproduction of a portion of the Schedules and Secondary Plan Areas Map (ZM-2) for the plan area indicated.

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

ATTACHMENT A

Proposed Amendments to the Halifax Peninsula Land Use By-law

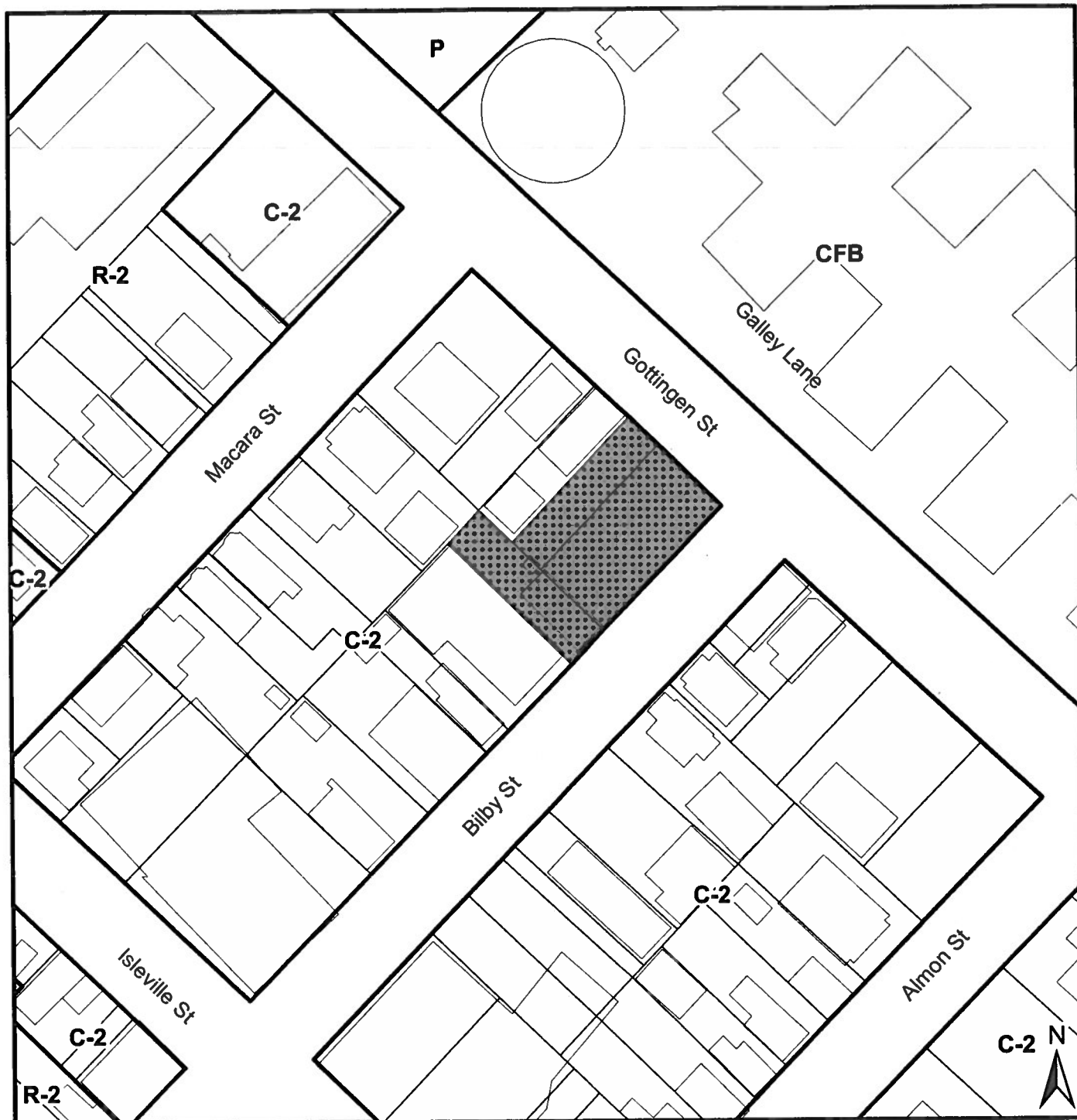
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula as adopted by the former City of Halifax on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which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

1. Amend Zoning Map ZM-2 by including PIDs 00127530, 0012548 and 00127555 located at the north-west corner of Gottingen Street and Bilby Street, Halifax in Schedule Q, as presented on Schedule A.

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax and West Community Council at a meeting held on the day of , 2013.

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

Municipal Clerk



Schedule A

Gottingen Street at Bilby Street
Halifax



Area to be included
within Schedule Q

Halifax Peninsula
Land Use By-Law Area

Zone

R-2	General Residential
C-2	General Business
P	Park and Institutional
CFB	Canadian Forces Base

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 10 20 30 m

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

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

ATTACHMENT B

Proposed Development Agreement

THIS AGREEMENT made this day of , 2013,

BETWEEN:

[Insert Name of Corporation/Business LTD.],
a body corporate, in the Province of Nova Scotia,
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located on the north western corner of Gottingen Street and Bilby Street, identified as PIDs (PIDs 00127548, 00127530 and 00127555), and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a mixed-use development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.3.1, 2.3.2 and 2.3.3 of Section XI of the Halifax Municipal Planning Strategy and Section 92 of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on , 2013, referenced as Municipal Case Number 18149;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18149:

Schedule A	Legal Description of the Lands
Schedule B	Subdivision Plan
Schedule C	Site Plan
Schedule D	East (Gottingen Street) Elevation
Schedule E	South (Bilby Street) Elevation
Schedule F	West Elevation
Schedule G	North Elevation

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of a Development Permit, the Developer shall:

- (a) Provide to the Development Officer a detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 of this Agreement;
- (b) Provide to the Development Officer an outdoor lighting plan in accordance with Section 3.8 of this Agreement;
- (c) Obtain subdivision approval from the Municipality in accordance with Section 3.7 of this Agreement; and

- (d) Provide to the Development Officer a Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.

3.2.2 At the time of issuance of the Occupancy Permit, a letter prepared by a member in good standing of the Canadian Society of Landscape Architects shall be provided to the Development Officer certifying that all landscaping has been completed according to Section 3.6 of this Agreement.

3.2.3 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

The use(s) of the Lands permitted by this Agreement are the following:

- (a) Non-residential uses permitted by C-2A (Minor Commercial) Zone, except for billboards and service stations;
- (b) An apartment house (multiple-unit residential uses); and
- (c) Uses accessory to any of the foregoing uses.

3.4 Detailed Provisions for Land Use

3.4.1 Ground-floor land uses shall be limited to uses permitted by Section 3.3(a) and lobby and residential amenity space.

3.4.2 A maximum of 39 residential dwelling units shall be permitted within the multiple-unit residential portion of the building. Notwithstanding Section 3.4.1, two additional residential units may be permitted if located on the ground-floor.

3.4.3 A minimum of 15 of the residential dwelling units shall consist of 2 or more bedrooms.

3.5 Architectural Requirements

3.5.1 The development shall be exempted from the detailed requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law. Instead, the Schedules and written provisions of this Agreement shall apply.

3.5.2 The building's height, massing, exterior design and materials shall be as shown on the Schedules. The ground floor of the south elevation, as shown on Schedule E, may be

altered to accommodate residential uses, commercial uses or amenity area.

- 3.5.3 The maximum height of the building shall not exceed 22.86 metres (75 feet). Height shall be defined as the vertical distance of the highest point of the roof, excluding any mechanical rooftop equipment, above the mean grade of the finished ground adjoining the building along the principle street.
- 3.5.4 The building's exterior design shall be as shown on Schedules D to G. A minimum of three major exterior cladding materials, excluding fenestration, are required for any publicly-viewed façade as generally shown on the Schedules. The use of two discernible colours or two discernible textures of the same material are acceptable as meeting this requirement.
- 3.5.5 Further to Section 3.5.4, acceptable cladding materials include brick, stone masonry, cement siding, metal paneling, wooden shingles, wooden railings and high quality pre-cast paneling containing fine grained detail to resemble one of the other permitted cladding materials or an acceptable equivalent as determined by the Development Officer of the Municipality.
- 3.5.6 All window and door frames shall be aluminum or vinyl in material and complementary in colour to the surrounding material.
- 3.5.7 All balcony guardrails shown on the Schedules shall be made of metal or non-combustible wood material framing with insert glass. The aluminum framing shall be complementary in colour to the surrounding building material
- 3.5.8 All guardrails associated with outdoor common open space shall be made of metal framing with insert glass. The metal framing shall be complementary in colour to the surrounding building material.
- 3.5.9 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork (murals), textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.).
- 3.5.10 Any exposed foundation in excess of 0.61 metres (2 feet) in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.11 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law, statute or regulation.

3.6 Amenity Space and Landscaping

- 3.6.1 A minimum of 153.66 square metres (1,654 square feet) of a combination of indoor and outdoor common amenity space shall be provided. A minimum of 112.41 square metres (1,210 square feet) shall be provided as outdoor amenity space as shown on Schedule B. Additional outdoor landscaped open space may be provided on the upper levels of the building.
- 3.6.2 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan, for the outdoor landscaped open space, which complies with the provisions of this section. 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.
- 3.6.3 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.
- 3.6.4 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.
- 3.6.5 At the time of issuance of the 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.
- 3.6.6 Notwithstanding Section 3.6.5, where the weather and time of year does not allow the completion of the outstanding landscape works at the time of issuance of the Occupancy Permit the Developer shall supply 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.

3.7 Subdivision of the Lands

- 3.7.1 A subdivision application to consolidate the properties shown on Schedule B shall be submitted to the Development Officer in accordance with the Regional Subdivision By-law. No Development Permit shall be issued until subdivision plan is approved.

3.8 Signs

- 3.8.1 All signage shall comply with requirements for signage in the C-2 Zone of the Land Use By-law for Halifax Peninsula and shall further comply with the following:

- (a) No ground sign shall be permitted on the Lands;
- (b) One fascia signage shall be permitted for each commercial occupancy;
- (c) One fascia signage shall be permitted for the multiple unit dwelling;
- (d) Block fascia signs shall not be internally illuminated or backlit however, individual lettering may be internally illuminated; and
- (e) 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 residential occupancy permit.

3.9 Building and Site Lighting

- 3.9.1 An outdoor lighting plan shall be submitted to the development officer, prior to the issuance of a Development Permit.
- 3.9.2 All lighting shall be directed away from adjacent lots and buildings and shall use a full cut-off design. Lighting required for each multiple unit dwelling shall be shown on the site plan and building drawings prior to the issuance of a Construction Permit. Lighting required for each multiple unit dwelling shall be installed prior to the issuance of an Occupancy Permit.
- 3.9.3 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.
- 3.9.4 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.

3.10 Functional Elements

- 3.10.1 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 or complement the colour of the adjacent surface, except where used expressly as an accent.
- 3.10.2 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.

3.11 Maintenance

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

3.12 Solid Waste Facilities

All refuse and recycling materials shall be contained within the building.

3.13 Outdoor Storage

- 3.13 No outdoor storage shall be permitted on the Lands.

3.14 Deliveries and Solid Waste Collection

- 3.14.1 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 8:00 a.m. and 7:00 p.m.
- 3.14.3 Commercial delivery vehicles on the Lands shall only be permitted between the hours of 8:00 a.m. and 7:00 p.m.
- 3.14.4 The hours specified under this section shall apply seven (7) days a week.

3.15 Parking and Bicycle Facilities

- 3.15.1 Vehicular parking shall be fully enclosed and shall accommodate a minimum of 25 vehicular parking spaces. Up to 80 percent of the parking spaces may be reduced in size to 2.44 metres (8 feet) by 5.18 metres (17 feet).
- 3.15.2 The Developer shall provide bicycle parking pursuant to the Land Use By-law for Halifax Peninsula.

3.16 Construction/Sales Structure

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 upon 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 Archaeological Monitoring and Protection

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.

5.2 Sulphide Bearing Materials

The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Substantive Amendments

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

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 plans attached as Schedules B-G):

- (a) Changes to the land uses and provisions of Sections 3.3 and 3.4 to include uses permitted in the C-2 Zone of the Land Use By-law for Halifax Peninsula, provided that issues relating to compatibility with other uses on the site and neighboring uses are appropriately addressed;
- (b) Minor changes to the architectural requirements and exterior architectural appearance or materials as detailed in Section 3.5 and corresponding Schedules;
- (c) Changes to the amenity space and landscaping requirements as detailed in Section 3.6 which are beyond the authority of the Development Officer under Section 3.1;
- (d) Changes to the sign requirements of Section 3.8;
- (e) Changes to the functional elements as detailed in Section 3.10;
- (f) Changes to the date of commencement of development specified in Section 7.3; and
- (g) Changes to the date of completion of development specified in Sections 7.4 and 7.5.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

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 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

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

If the Developer fails to complete the development after six 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

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

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

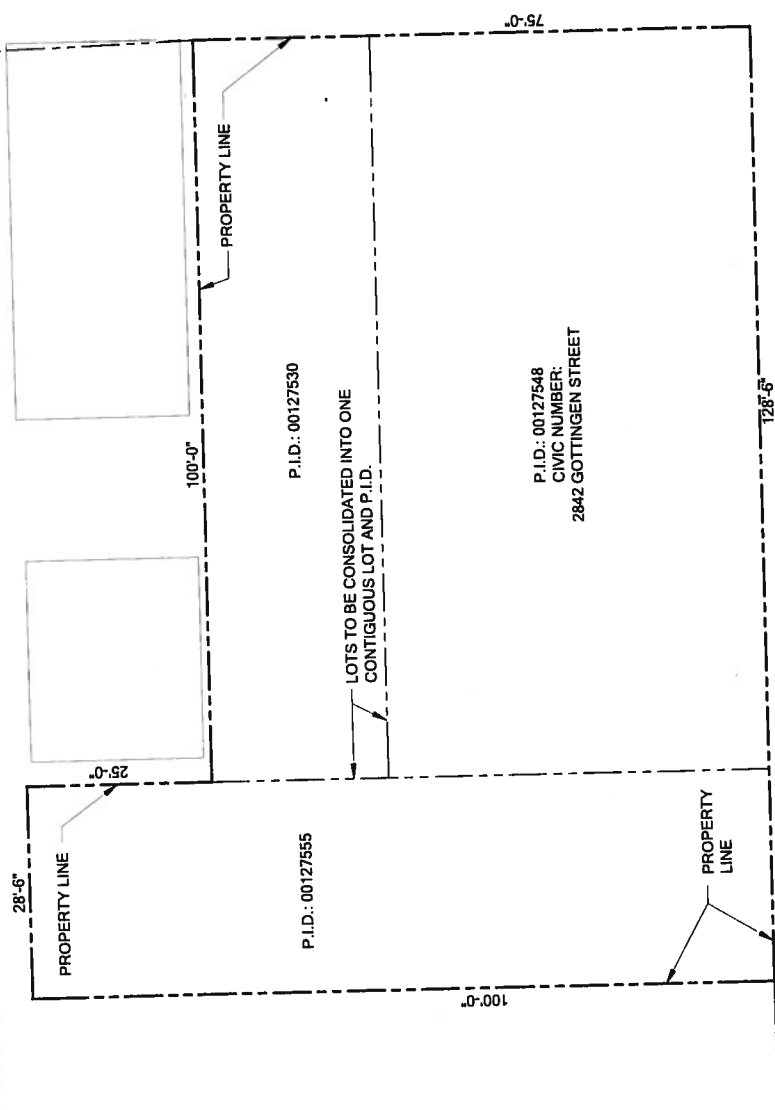
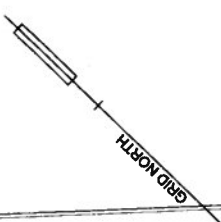
SIGNED, DELIVERED AND ATTESTED
to by the proper signing officers of Halifax
Regional Municipality, duly authorized in that
behalf, in the presence of:

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK



GOTTINGEN STREET
60'-0" (APPROX)

BILBY STREET
55'-0" (APPROX.)

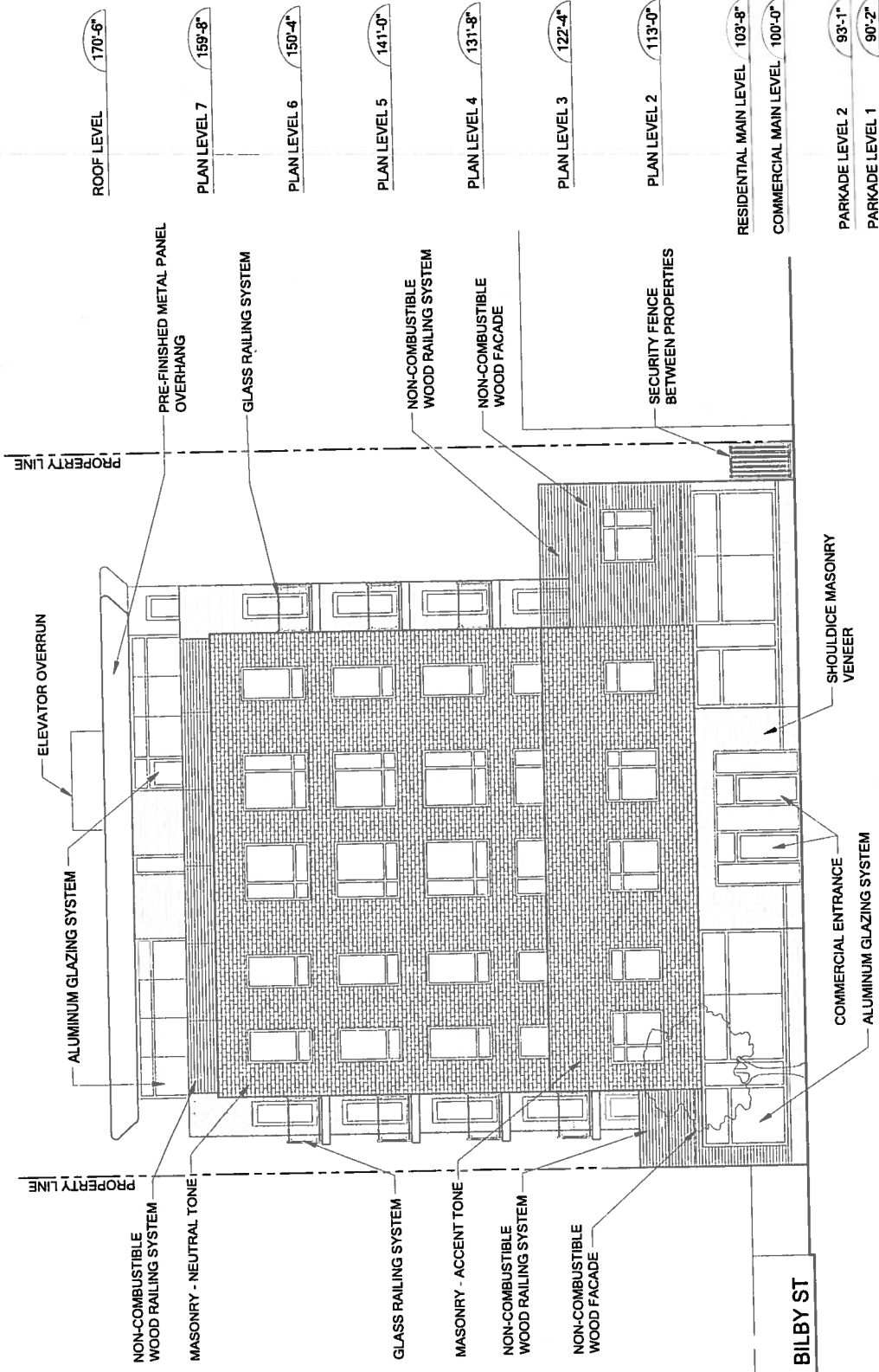
DATE		AUG 27 2013
SUBDIVISION PLAN		
SCALE		NTS
DRAWING NO.		A-100B

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES

PROPOSED MIXED-USE DEVELOPMENT

2842 GOTTINGEN STREET
P.I.D.: 00127548
HALIFAX, NOVA SCOTIA

Case 18149 - Schedule B
Subdivision Plan

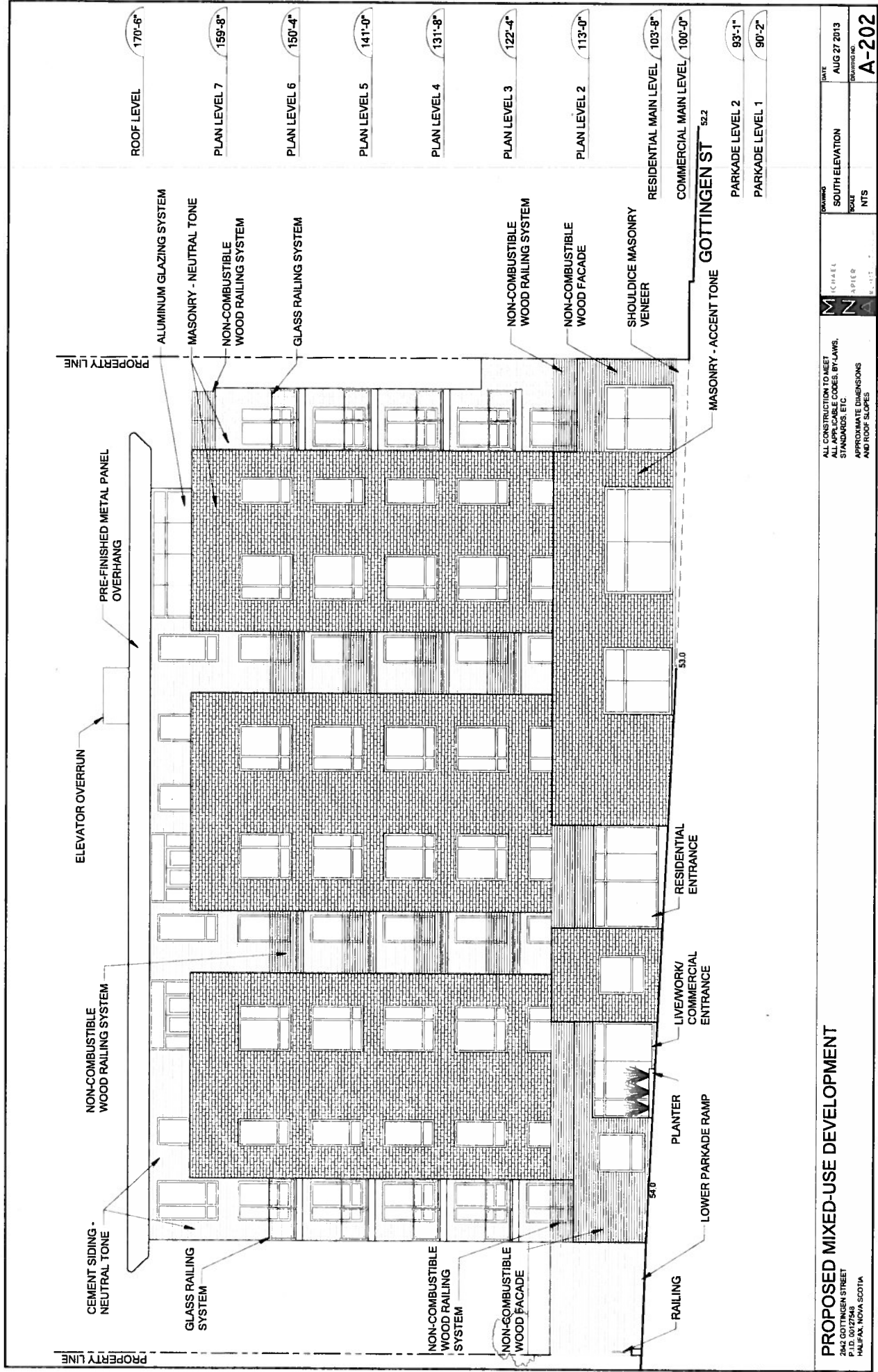


ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, BYLAWS, STANDARDS, ETC. APPROXIMATE DIMENSIONS AND ROOF SLOPES			DRAWING NO. EAST ELEVATION	DATE AUG 27 2013
PROJECT NO. A-201			SCALE NTS	DRAWING NO. A-201

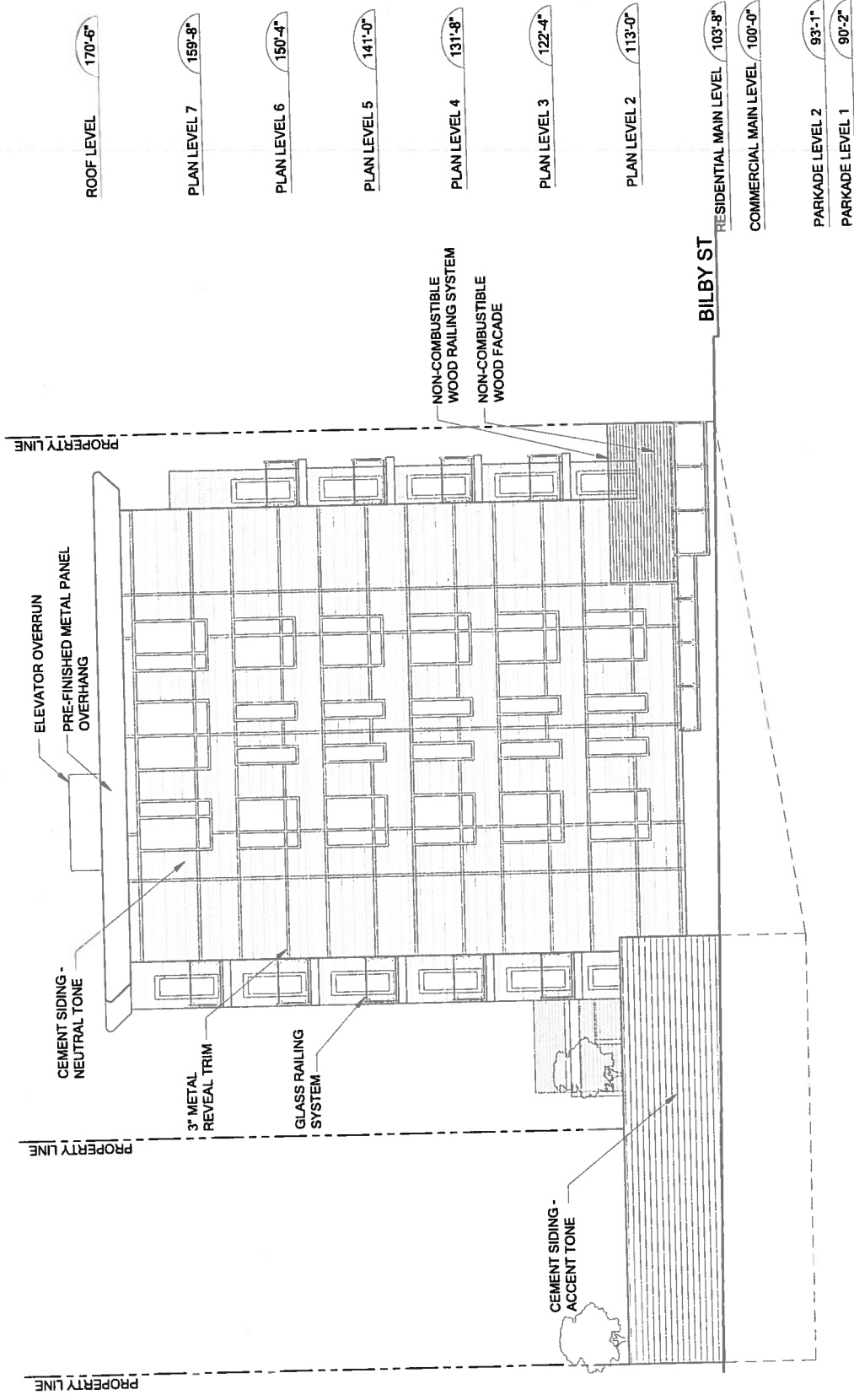
PROPOSED MIXED-USE DEVELOPMENT

2942 GOTTINGEN STREET
 P.I.D. 00127546
 HALIFAX, NOVA SCOTIA

Case 18149 - Schedule D
 East (Gottingen St) Elevation



Case 18149 - Schedule E
South (Bilby St) Elevation



- ROOF LEVEL 170'-5"
- PLAN LEVEL 7 159'-8"
- PLAN LEVEL 6 150'-4"
- PLAN LEVEL 5 141'-0"
- PLAN LEVEL 4 131'-8"
- PLAN LEVEL 3 122'-4"
- PLAN LEVEL 2 113'-0"
- RESIDENTIAL MAIN LEVEL 103'-8"
- COMMERCIAL MAIN LEVEL 100'-0"
- PARKADE LEVEL 2 93'-1"
- PARKADE LEVEL 1 90'-2"

BILBY ST

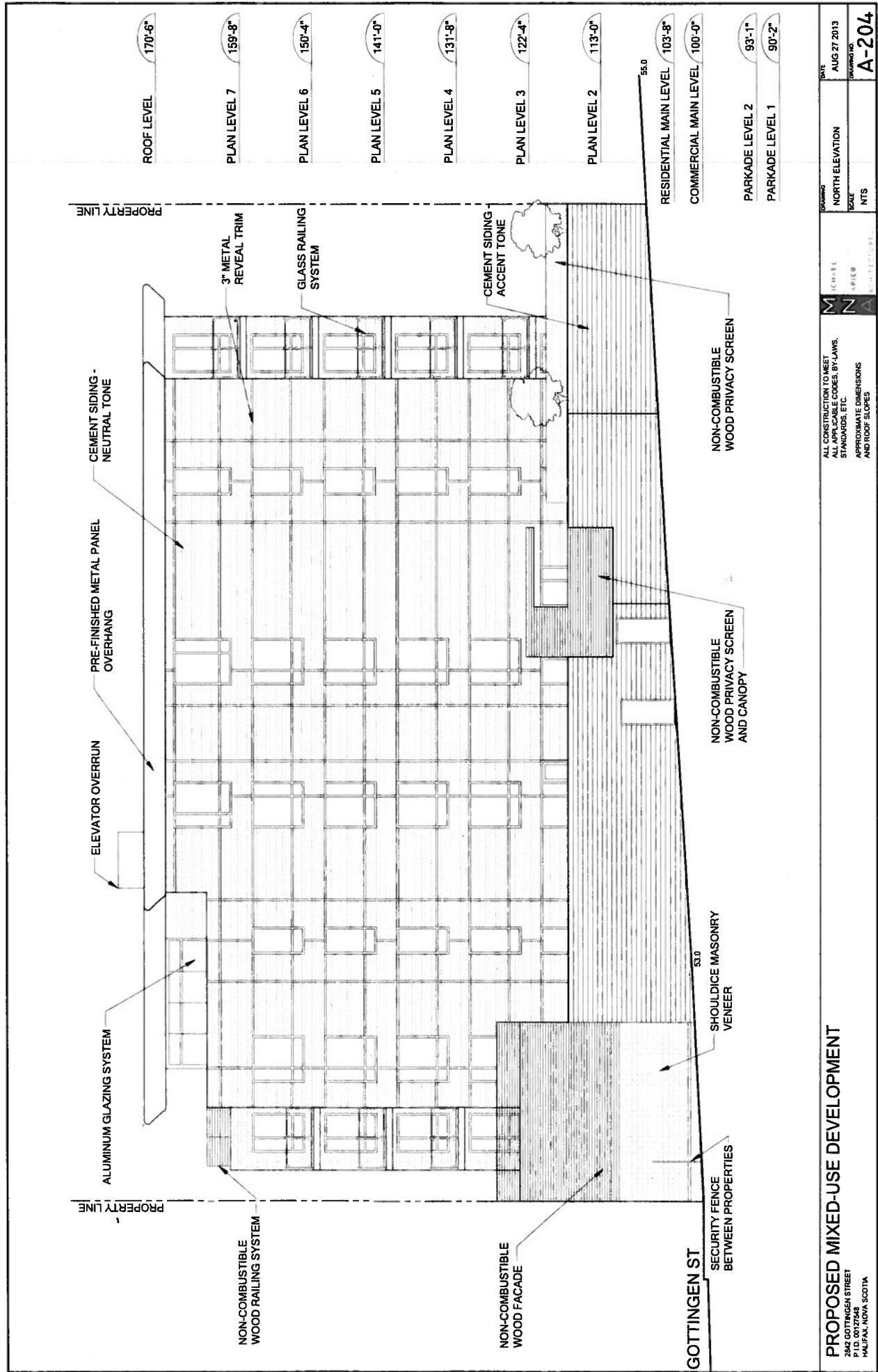
NON-COMBUSTIBLE
WOOD RAILING SYSTEM
NON-COMBUSTIBLE
WOOD FACADE

ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, BY-LAWS, STANDARDS, ETC. APPROXIMATE DIMENSIONS AND ROOF SLOPES		DRAWING NO. A-203	DATE AUG 27 2013
SHEET NO. 1	SCALE NTS	WEST ELEVATION	DRAWING NO. A-203

PROPOSED MIXED-USE DEVELOPMENT

2840 GOTTINGEN STREET
 P.I.D. 00127648
 HALIFAX, NOVA SCOTIA

Case 18149 - Schedule F
 West Elevation



PROPOSED MIXED-USE DEVELOPMENT

2842 GOTTINGEN STREET
P.I.D. 0017548
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES

DATE: AUG 27 2013
DRAWING NO: A-204
SCALE: NTS

Case 18149 - Schedule G
North Elevation

ATTACHMENT C

Review of Relevant Sections of the Halifax Municipal Planning Strategy

Halifax MPS – Section XI (Peninsula North Secondary Planning Strategy) <u>Commercial Facilities – Policies 2.3.1, 2.3.2 & 2.3.3</u>	
<i>Objective: A variety of appropriately located commercial facilities to serve the needs of both the resident and working populations of Peninsula North and the City as a whole.</i>	
Policy Criteria:	Staff Comment:
<p>2.3 In areas designated major commercial, uses consistent with Section II, Policy 3.1.3 shall be permitted.</p> <p>[Section II, 3.1.3: Major commercial centres should service a market area comprising most or all of the City. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 3.1.2.]</p>	<p>In the Peninsula North Secondary Planning Strategy (Section XI of the Halifax MPS), the site is designated for Major Commercial land uses. The site is zoned C-2 (General Business), which permits major and minor commercial land uses as well as residential uses.</p>
<p>2.3.1 In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.;</p>	<p>The site is appropriate for and will benefit from comprehensive site planning. The site is located within a major commercial area and is adjacent to a variety of land uses. The development agreement process can help alleviate and minimize potential land use conflicts.</p>
<p>2.3.2 In those areas identified in the land use by-law pursuant to Policy 2.3.1 all residential and mixed residential-commercial development over four units shall be by agreement.</p>	<p>The proposal is for a mixed residential-commercial development. The proposed development agreement is included as Attachment B.</p>

<p>2.3.3 <i>In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</i></p> <p><i>(i) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i></p>	<p>The street wall height along Gottingen Street is consistent with the heights of the neighbouring buildings along Gottingen Street. Although the property is C-2 (Major Commercial), uses are limited to those uses permitted in the C-2A (Minor Commercial) Zone, with the exception of service stations and bill boards, to lessen the impact of commercial uses on the residential component of the building. C-2 uses not permitted in the C-2A Zone can be considered through a non-substantial amendment.</p> <p>The design of the proposed building also includes measures to reduce land use conflict such as including larger setback from neighbouring property line for the upper stories of the building and through the nature of the building's non-combustible construction materials which will assist with noise attenuation. These design aspects not only help mitigate the impact of the development from existing uses, but also intend to lessen the potential impact for the future development of adjacent sites.</p> <p>The proposed development agreement requires at least 1,654 square feet of indoor and outdoor amenity space. The outdoor amenity is required to be located at a podium located on the 2nd level of the development and additional roof top amenity space is permitted on the upper levels and along the roof top.</p> <p>Please see the body of the staff report for further discussion.</p>
<p><i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i></p>	<p>The site abuts Gottingen and Bilby Streets. The proposed development integrates with the existing street grid.</p>
<p><i>(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from infiltrating through existing neighbourhoods;</i></p>	<p>Gottingen Street is identified in the MPS as principal street. While the driveway is to be on Bilby Street, vehicles will utilize Gottingen Street, which minimizes infiltration through neighbourhoods. A traffic impact study, prepared by the developer's consultant, was reviewed by HRM and deemed acceptable. Metro Transit recently increased the frequency of Route 7 to provide additional service to the area.</p>

<p><i>(iv) the creation of high quality design detail at street level through attention to such matters as landscaping, signs, building entrances, and vehicle layby areas;</i></p>	<p>Commercial uses are to be located at the ground level along the street.</p> <p>Signs are limited fascia type and are not permitted to be back-lit, with the exception of individual lettering which may be internally illuminated.</p> <p>All parking is to be enclosed.</p>
<p><i>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</i></p>	<p>Open space and leisure areas will consist primarily of a second floor landscaped terrace. The proposed agreement would permit additional landscaped area along the roof. The design of the building also includes individual private balconies. These spaces/areas will be adequate for the resident population.</p>
<p><i>(vi) residential and commercial densities consistent with municipal services;</i></p>	<p>The application was reviewed by Halifax Water. A sewer capacity analysis is required at the building permit stage.</p>
<p><i>(vii) encouraging high quality exterior construction materials such as masonry; and</i></p>	<p>Proposed exterior materials are of high quality and include stone masonry, cement siding, glass and metal rails.</p>
<p><i>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</i></p>	<p>Staff is of the opinion that the proposed height and mass of the building does not necessitate a wind or shadow impact study. No other relevant land use issues were identified.</p>

ATTACHMENT D

Minutes of Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY PUBLIC INFORMATION MEETING CASE # 18149

**7:00 p.m.
Wednesday December 5, 2012
St. Joseph's Alexander McKay Elementary**

IN ATTENDANCE: Jillian MacLellan, Planner, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Applicant, Michael Napier, Michael Napier Architecture
Applicant, Marc Guillemette, Michael Napier Architecture
Councillor Jennifer Watts

**PUBLIC IN
ATTENDANCE:** Approximately 26

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

1. Opening remarks/Introductions/Purpose of meeting – Jillian MacLellan

Jillian MacLellan opened the meeting by introducing herself as a planner for the Western Region with Halifax Regional Municipality (HRM). She introduced HRM staff, the applicant, and the Councillor present.

She noted that the meeting was to discuss the application by Michael Napier Architecture to allow for a mixed-use development by development agreement at 2842 Gottingen Street, Halifax. She provided the agenda for the meeting and reviewed the ground rules.

2. Overview of planning process/Presentation of Proposal - Jillian MacLellan

Ms. MacLellan stated that the purpose of the meeting was to identify the scope of the application, what the applicant is proposing, and explain the planning process.

She stated that staff will look for feedback from the public on any issues and concerns. The application is still in the early stages and staff is looking for feedback, especially regarding aspects of the neighbourhood that staff we should be aware of.

Ms. MacLellan advised that it's also very important to note that no decision would be made at the meeting. It is also important to note that this is not the only chance for public input. A public

hearing is required before council can make their decision on the application. She provided her contact information and welcomed people to provide feedback anytime.

Ms. MacLellan advised that the site is located off the corner of Gottingen and Bilby Streets. She noted that there are various commercial and residential uses in the area. She stated that the property is located in the Halifax Plan Area and is designated Major Commercial under the Peninsula North Secondary Plan. It is zoned C-2, General Business zone, under the Halifax Peninsula Land Use By-law.

She stated that the proposal consists of two parts. One is to apply the schedule Q to the subject properties and the second is to allow a mixed-use building through development agreement. She explained that a development agreement was a contract between the property owner and the municipality, concerning land use. This includes what type of uses would be permitted and what the building would look like. She advised that schedule Q allows Residential / Mixed Commercial and Residential Developments over four units, to be considered by development agreement. She noted that Residential / Mixed Commercial and Residential Developments are already allowed on the land but a development agreement gives more flexibility to ensure that the building is compatible with surrounding uses. Schedule Q should be applied to areas that would benefit from comprehensive planning and must be designated Major Commercial.

Ms. MacLellan showed a view of the site and gave details of the proposal. She advised that the application could be considered under policy 2.3; this enables the application and outlines criteria to be considered through development agreement. It looks at the relationship to adjacent properties and uses, high quality design (especially at street level), high quality open space, and encourages traffic on major streets.

Ms. MacLellan noted that staff was still in the beginning stages of the process. The application was submitted and is under review. After the public meeting held, there will be further staff review and a development agreement will be drafted. A staff report will be prepared to provide a recommendation to Council to approve or reject the proposal. Council must have a public hearing prior to making a decision. There will be a two week appeal period, following Council's decision.

She turned the floor over to Michael Napier to present the proposal.

3. Presentation of Proposal – Michael Napier

Michael Napier introduced himself and provided information on the proposal. He noted that the current owner is looking to put something on the site that is of good quality and will last for many years to come. He stated that they concentrated the commercial side on Gottingen Street to have a nice street presence. They are hoping to get enough people in the neighbourhood to support the local businesses and noted that the Needs convenience store had recently closed. They would like to create more space to increase the neighbourhood population.

He stated that the site is a C-2 property and they could, as-of-right, place an eighty foot tall building on the site. There are other factors included, as there is a residential component. The

development agreement process is necessary for the process.

He gave some background and the details of the site, including; location, the traffic impact, parking, overhead and street views, step backs and elevations, and the lay out of the internal structure. They plan on planting street trees and smaller plants to increase the landscaping aspect and hope to compliment the area by using step backs. He advised that some of the space will be commercial and some will be residential. He provided further detail.

Ms. MacLellan gave the ground rules and opened the floor for questions and comments.

4. Questions/Comments

Sylvia Parris, Devonshire Street, asked for clarification on what commercial means, where the parking spaces for commercial are located, and why the houses were represented as white boxes.

Mr. Napier advised that the boxes are provided as house representations so as not to take away from the project itself. The height and size of the boxes are a correct representation of the surrounding buildings. He stated that parking depends on who the commercial tenant will be. There is currently parking set on the ground floor that could be used. There is also limited time street parking available.

He stated that he is not sure who will rent the commercial space, so it could be used as office spaces or for a store. It could be also divided for a commercial multi-use.

Jillian MacLellan advised that the zone currently allows a large variety of commercial uses. This can be limited by development agreement. This can be negotiated.

Jennifer Beamer, Bilby Street, asked what materials were used for siding. She feels that the new buildings going up in the area should not look the same. She quoted another project.

Marc Guillemette stated that they would be using a light and dark shade of brick, cement board siding with metal reveals. Balconies will be constructed with glass railings and fire retardant wood. There would be aluminum and vinyl used for the window areas.

Neila MacDonald, Bilby Street, lives across the street and is impacted by the development. She asked where the underground parking would enter and exit. She feels that the traffic in the area is busy and advised that the traffic will come directly onto the street in front of her driveway. She likes the project but is concerned about the traffic.

Mr. Napier advised that a traffic impact statement has been completed and is available on-line. It did not show a heavy increase at peak times. He feels that a lot of the residents will have an opportunity to walk as opposed to drive.

Ms. MacLellan noted the website was provided through the fact sheet.

Mrs. J Gillespie, Agricola Street, likes three sides of the proposed building and agrees that the

architecture fits into the neighbourhood. She is concerned about the impact of shadows on the fourth side, behind the building. She is happy about the commercial aspect as it is always needed in the community. She suggested that they look at having a daycare. She is concerned about traffic as it is already a concern in the area

Jennifer St. George, Agricola Street, likes the design and feels that it fits into the area and compliments the other recent developments. She is happy with the project.

Lois Randall, Russell Street, is discouraged with the lack of consideration to the neighbourhood. She feels that it looks like the other buildings in the neighbourhood. She feels that the building will be occupied by transitory renters because they will only be available as one and two bedroom apartments. She is not looking forward to the five to six hundred new people who will be moving to the area who will be coming and going. She feels that the area will bring more than two vehicles at peak times. She feels that the traffic will be an issue and notes that this proposal will bring another 12,000 square feet of commercial between Agricola and Hollis Streets. She feels that adequate parking is not provided for patrons and noted that it is impossible to get out of her driveway during a school day, in the current traffic situation.

She asked that the Planning department take a look at the community's future. There are too many high-rise developments replacing houses in the neighbourhood. She would like to see a little more imagination and creation in future development choices. She is frustrated with the property owner and feels that the process is like the Wild West because there are no rules that are sacred and cannot be changed. She feels that the process is a dog and pony show and would like more consideration of the community.

Jerry Blumenthal, Heatherwood Court, advised that he has known the property owner for over twenty years and believes that the property owner has done all he could with the property and in the neighbourhood residents. He understands the design and hopes this will bring people who can walk or use transit. He realizes that there is a ship building contract coming up in a few years. He feels that some people could use apartments. He asked if the development would provide a percentage of affordable housing. He likes the idea of the location and the project.

Mr. Napier feels that affordable living should be citywide. There needs to be some kind of Provincial strategy.

Mike Cuvelier, Columbus Street, noted that there were lots of children in the area and he is concerned about their safety when it comes to construction and development of the site. He would like this monitored, and suggested that the developer have someone speak to the children about safety during construction. He anticipates an increase in traffic as well.

He has known the owners property for his whole life and feels that the property owner has given a tremendous amount to the community. He is happy that the rents proposed are fair and less expensive than other rentals. He noted that he is not big on development, but thinks the building is a decent size which fits and is well-suited for the area.

Patti Bruce, Needham Street, backs the owner 150 percent. She feels that he has been a big

contributor to the neighbourhood and feels that the project is a big improvement. She feels that it will improve the property value in the area. She would like to see more rentals in the area for people who spend time away. She feels that the building is a necessity for the North end. She likes the look of the building and thinks it complements the neighbourhood. She would like to see it approved.

Ashley Morton, Duffus Street, thinks that this is a great project and is supportive. He would like to see co-ordination by HRM's Planning Department and Metro Transit to have an additional bus on route considering the other projects that are happening. This would improve the transit in the area. He would also like to see more people in the area as he feels that the streets are safer when there are more people on them. He would also like the developer to consider a coffee shop or a limited service restaurant for the ground floor. He feels that city parking is sometimes crucial to a commercial business but feels that, in this case, it is not.

Marcel Axoub, 2828 Gottingen Street, advised that the business owner has had a business on the site before and never had any problems with traffic. He would like to see people walking in the area. He asked to see the project go ahead.

Ms. MacLellan provided her contact information and thanked everyone for coming.

5. Adjournment

The meeting adjourned at approximately 7:55 p.m.