

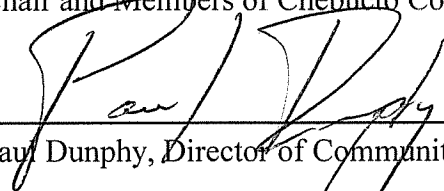
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HALIFAX
REGIONAL MUNICIPALITY
PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council
June 18, 2007

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: June 5, 2007

SUBJECT: **Case 00956: Amending Development Agreement, Site "C", 60
Walter Havill Drive , Halifax**

ORIGIN

Application by United Gulf Developments Limited for an amending development agreement to allow for a building with two 12 storey towers upon Site "C", 60 Walter Havill Drive, Stoneridge on the Park Subdivision, Halifax.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Give Notice of Motion to consider the proposed amending development agreement (Attachment A), and schedule a public hearing;
2. Approve entering into the proposed amending development agreement to allow for the apartment building upon Site "C" (60 Walter Havill Drive) of the Stoneridge on the Park subdivision development described within the proposed agreement; and
3. Require that the agreement be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Stoneridge on the Park (formerly Stanley Park Subdivision) is a planned subdivision development of just over 107 acres. It has a mixture of residential uses, with commercial uses located at the intersection of North West Arm Drive and Osborne Street. Stoneridge on the Park is enabled by a development agreement that was approved in 1990, but which has subsequently been amended six times.

Most of the subdivision has been built, with Site "C" being one of the last remaining areas to be completed. Upon this site, the development agreement and its subsequent amendments allow for a maximum of three apartment buildings with:

- one building, closest to Northwest Arm Drive, which can be up to twelve storeys in height;
- the other two, closer to Walter Havill Drive, which can each be up to four storeys in height;
- a maximum of 276 dwelling units for the site, provided that the population density for all of Stoneridge on the Park is not exceeded; and
- direct driveway access off Walter Havill Drive.

Residential population density is calculated based upon standards in the development agreement and its subsequent amendments that equate dwelling types with a number of occupants (e.g. a single detached dwelling equates to 3.35 persons). There are a maximum of 2,793 persons that are permitted for the entire Stoneridge on the Park development.

United Gulf Developments Limited owns Site "C." They have permits from HRM that allow for a building with one four storey section and one twelve storey section. They are joined by an underground parking garage that is accessed off Osborne Street. United Gulf wants to replace the four storey section of the building with a second twelve storey tower. It is also seeking amendments to permit an increase in the permitted number of dwelling units to a maximum of 299.

DISCUSSION

In considering this application, Council is to be guided by the policies of the Mainland South Secondary Planning Strategy (MSSPS), which is part of the Halifax Municipal Planning Strategy. The policies that apply to this application are found in Attachment "A." From these, there are four matters that warrant particular attention as follows.

Stoneridge on the Park Development Plan

Within the MSSPS, Stoneridge on the Park is identified as being within the Residential Development District (RDD) designation. In this designation, MSSPS policy 1.5 calls for,

“residential development areas planned and developed as a whole or in phases under a unified site design.”

With this, it is appropriate to consider whether the second twelve storey tower is such a significant departure from the original development plan that it should not be supported. Although the second tower will change the skyline in the area, it is relevant to note that Site “C” has always been slated for apartment building development. Furthermore, the actual size placement of apartment buildings in Stoneridge on the Park is largely dictated by a development agreement stipulation that apartment buildings meet the requirements of the Multiple Dwelling (R-4) Zone, with regard to matters such as setbacks and height. The proposed two towers satisfy these requirements. Based upon these factors, the current application is not such a significant departure from the original Stoneridge on the Park development plan.

Impact of the Second Twelve Storey Tower

It is appropriate to consider the impact of the taller building on any existing lower density uses, on the basis that policy 5 (Guidelines for Residential Development District, MSSPS) calls for:

“the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.”

With regard to direct impact, it is concluded that:

- The R-4 Zone requirements serve to mitigate the impact of a development upon adjacent uses through its setback and height requirements.
- There is a landscaping plan that forms part of the proposed amending development agreement. It requires vegetation between the proposed twelve storey tower in question and Walter Havill Drive that will serve to soften the impact of the building upon its immediate surroundings.

There are both existing and proposed lower density uses in the vicinity of Site “C”, but many of those that are closest to it, are only now being built. It is also useful to note that the relationship between the proposal and adjacent houses, with respect to separation distances and building heights, is similar to that which exists with the Roxbury, another apartment building in Stoneridge on the Park with houses located next to it.

Dwelling Unit and Population Density

The MSSPS establishes a maximum population of 22 persons per acre, with an allowance for higher densities to be considered based upon sewage capacity, pursuant to policy 5 (Guidelines for Residential Development District). The Stoneridge on the Park development agreement allows a population of 2,793 people.¹ Population is determined by equating persons to dwelling types that are specified in the original development agreement, as follows:

| <u>Dwelling Unit Type</u> | <u>Number of Persons</u> |
|-----------------------------|--------------------------|
| Apartment Units | |
| • Bachelor Unit | 1.00 |
| • 1 Bedroom Unit | 2.00 |
| • 2 Bedroom Unit | 2.25 |
| • 3 Bedroom Unit | 3.00 |
| Single Detached Dwelling | 3.25 |
| Semi-detached Dwelling Unit | 3.35 |
| Townhouse Dwelling Unit | 3.35 |

The original development agreement specified a maximum of 221 two bedroom dwelling units for Site “C,” resulting in a population of 497. Subsequent amendments allow for a 25% increase in the number of dwelling units upon Site “C”, with no stipulation on the type of units. A 25% increase from 221 dwelling units results in an allowance for 276 dwelling units which, if they are all two bedroom units, equates to 621 persons.

The proposed 299 dwelling units are to be comprised of 260 two bedroom units and 39 bachelor units, which equates to 624 persons; only three persons above the current population allowance for the site. There is an additional stipulation that the overall population of 2,793 for all of Stoneridge on the Park not be exceeded. The proposed 299 dwelling units will bring the total Stoneridge on the Park population to 2,784; eight persons below the threshold.

The proposed increase in the number of dwelling units is reasonable on the basis that the

¹ The 21 townhouse units in the vicinity of North West Arm Drive and Osborne streets that were recently approved through Case 00871 are not included as part of the overall Stoneridge on the Park population calculations. The amending development agreement for Case 00871 contains a specific clause that this development is not to impact upon the overall Stoneridge on the Park population specifications.

population for the site will only increase by three persons and that the overall Stoneridge on the Park population specification continues to be met.

Traffic

Policy 11 of the Guidelines for Residential Development District states that, "Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized."

The proposed change to the number of dwelling units from 276 to 299 is relatively minor with respect to traffic impact. A traffic study has been prepared that concludes that there is sufficient capacity upon adjacent streets to accommodate the proposal. Most importantly, however, with regard to Policy 11 is that the traffic impacts upon adjacent low density land uses will be lessened from what was envisioned in the original development agreement. This is achieved through the proposed relocation of the main access to the development from Walter Havill Drive to Osborne Street, near to its intersection with North West Arm Drive. This also addresses a local concern with traffic being directed towards the intersection of Walter Havill Drive and North West Arm Drive, which has been cited as a dangerous intersection by some members of the public.

It should be noted that the traffic study was commissioned while the developer was refining the project's total number of dwelling units. The study cites a total of 287 dwelling units rather than the currently proposed 299 dwelling units. This slight increase does not materially change any of its conclusions.

Conclusion

While the proposal will result in a change to the skyline in the area, it complies with the overall intent and the policies of the Municipal Planning Strategy.

Public Information Meeting/Notification

A public information meeting was held on November 8, 2006 (Attachment D - Public Information Meeting Minutes). At the meeting, the developer stated that there would be a maximum of 276 dwellings units. Staff indicated to the public that the density of the project would be reviewed in greater detail. The consequence of this has been the amendment to the original application for the increase to 299 dwelling units.

Should Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council may approve the entire amending development agreement. This is the recommended course of action.
2. Council may choose to alter the terms of the amending development agreement. This may necessitate further negotiations with the applicant, and may require an additional public hearing.
3. Council may refuse the entire amending development agreement. Pursuant to Section 230(6) of the *Municipal Government Act*, Council must provide reasons for this refusal, based on the policies of the MPS. This alternative is not recommended, based on staff's finding that the proposed amending development agreement is consistent with policies of the MPS.


ATTACHMENTS

| | |
|--------------|---|
| Map 1 | Location and Zoning Map |
| Attachment A | Relevant Residential District Policies from the MSSPS |
| Attachment B | Proposed Amending Development Agreement |
| Attachment C | "View down Walter Havill Drive beside Hail Pond" "View down Walter Havill Drive from Ridgestone Court" |
| Attachment D | Public Information Meeting Minutes |

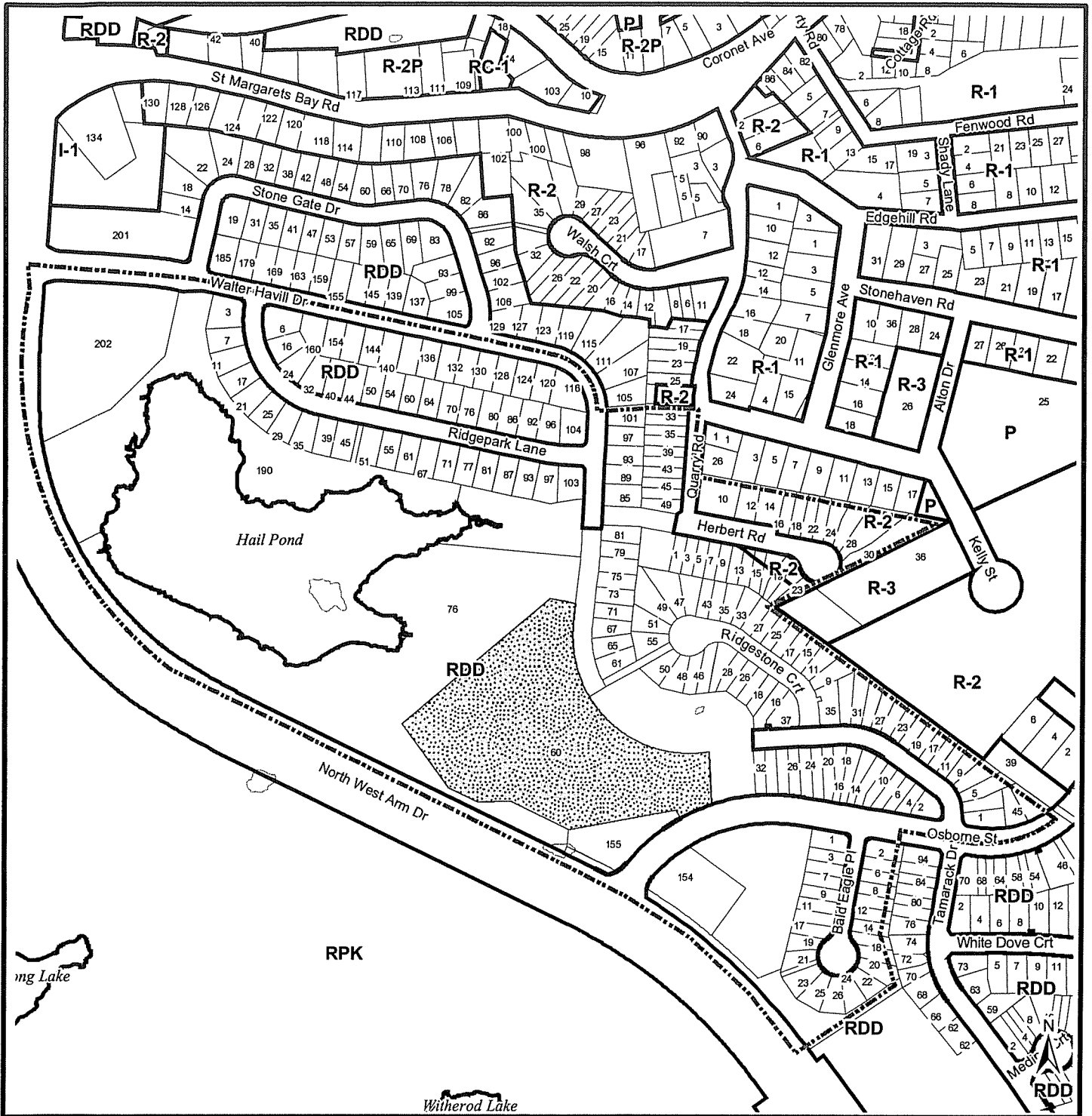
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard Harvey, Senior Planner, 490-3691

Report Approved by:





Austin French, Manager of Planning Services 490-6717



Map 1 - Location and Zoning

Walter Havill Drive
Halifax

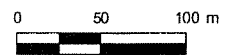
-  Subject area
-  Area of notification

Halifax Mainland By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-3 Low Rise Apartment
- RC-1 Neighbourhood Commercial
- RDD Residential Development District
- I-1 General Industrial
- P Park and Institutional
- RPK Regional Park

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PLANNING AND
DEVELOPMENT SERVICES



This is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland By-Law area.

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

| Attachment "A" | |
|---|--|
| Review of Schedule I, Guidelines for Residential Development District | |
| Policy | Comment |
| Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines: | |
| <u>Uses Which May be Permitted</u> | |
| <ol style="list-style-type: none"> 1. Residential Uses 2. Community Facilities 3. Institutional Uses 4. Neighbourhood Commercial Uses 5. Commercial Convenience Centres | The proposal is comprised of residential uses. |
| <u>Site Development Guidelines</u> | |
| <ol style="list-style-type: none"> 5. Residential <ul style="list-style-type: none"> • a density of twenty-two persons per gross acre shall be permitted. Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers. In calculating the permissible density of any project, the capacities available to the drainage area shall be considered. • no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping. • the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities. | <p>The proposed increase in dwelling units will only result in an additional three persons beyond what is currently allowed upon Site "C." The proposed increase will continue to be below the overall Stoneridge on the Park population specification of 2,793 persons.</p> <p>No change with this proposal.</p> <p>Along with meeting the requirements of the R-4 Zone respecting matters such as setbacks and height, landscaping between the proposal and Walter Havill Drive will soften the impact upon adjacent uses.</p> |

| | |
|---|--|
| 6. Commercial | |
| <ul style="list-style-type: none"> neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II. | No commercial uses are proposed, nor are they permitted in the amending development agreement. |
| <u>Landscaping and Open Space</u> | |
| 7. At least 5 percent of the area of the district development must be useable, landscaped, open space. | Already achieved. |
| 8. No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body. | The proposal meets these requirements. |
| 9. Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction. | Not applicable. |
| 10. A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, | Such matters would of been a relevant consideration in review of the original development plan proposal. |

| | |
|--|--|
| ponds, streams, shores, and wetlands should be preserved whenever possible. | |
| <u>Circulation</u> | |
| 11. Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized. | The proposal will lessen the impact of traffic upon local streets with a driveway that provides direct access onto Osborne Street. |
| 12. Where common parking areas are provided, they should be so aligned as to restrict through traffic. | No through traffic is established. |
| <u>General</u> | |
| 13. The minimum required site size for a contract within this area shall be three acres. | No issue. |
| 14. Municipal infrastructure must be adequate to service any proposed development. | No issue as the proposal continues to result in an overall population that is less than the threshold established in the original development agreement and its subsequent amendments. |

AND WHEREAS an amendment to the Existing Agreement was subsequently approved by Chebucto Community Council on August 25, 2003 (Municipal Case #00582), the said agreement being recorded at the Registry of Deeds at Halifax in Book 7475 at pages 395 - 397 (hereinafter called the "Fourth Amending Agreement");

AND WHEREAS amendments to the First Amending Agreement and the Existing Agreement were approved by the Chebucto Community Council on April 10, 2006, and subsequently upheld by the Nova Scotia Utility and Review Board, referenced as Municipal Case Number 00852 (hereinafter called the "Fifth Amending Agreement");

AND WHEREAS amendments to the First Amending Agreement and the Existing Agreement were approved by the Chebucto Community Council on November 6, 2006, referenced as Municipal Case Number 00871 (hereinafter called the "Sixth Amending Agreement");

AND WHEREAS the Developer has requested a further amendment to the First Amending Agreement and any subsequent amending agreements that relate to Site "C";

AND WHEREAS the Chebucto Community Council for the Municipality approved this request at a meeting on the day of , 2007, referenced as Municipal Case Number 00956 (hereinafter called the "Seventh Amending Agreement");

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

1. Notwithstanding plans P200/20332, 20333 and 20334 of the Existing Agreement and the plans of all other amending agreements, Site "C" shall be developed substantially in conformance with plans nos. 00956-001 and 00956-002 attached hereto. The south elevation of the building shall be in substantially the same as the north elevation shown on plan no. 00956-002.
2. Notwithstanding any requirements of the Existing Agreement and all other amending agreements, the permitted land use for Site "C" shall be an apartment building and accessory uses with a maximum of 299 dwelling units and a maximum population of 624 persons.
3. Upon Site "C" there shall be:
 - (a) a minimum of 270 underground parking spaces for vehicles;
 - (a) surface parking pursuant to plan no. 00956-001; and
 - (b) bicycle parking pursuant to the requirements of the Halifax Land Use Bylaw.

4. For the development of Site "C", the Developer shall submit to the Development Officer, construction and landscaping plans for the parking lot, landscaping, and other similar features pursuant to plan no. 00956-001 and provide detailed cost estimates for this work prior to the issuance of a Development Permit pursuant to this Seventh Amending Agreement. Such construction and landscaping shall be complete prior to the issuance of a occupancy permit unless, due to weather conditions, such construction and landscaping cannot be complete, in which case the Developer shall supply performance security in the amount of 110% of the detailed cost estimates to complete said construction and landscaping. The security shall be in the form of a certified cheque or letter of credit issued by a chartered bank to the Municipality. Should the Developer not complete the improvements within twelve months of issuance of the occupancy permit, the Municipality may use the security to complete the work as set out above. The security or unused portion of same shall be returned to the Developer upon completion of the work and its certification. The Developer shall compensate the Municipality for the cost of any work that exceeds the amount of the security.

4. If the Developer fails to complete the development of Site "C", or after four years from the date of the registration of this Seventh Amending Agreement with the Registry of Deeds, whichever time period is less, Council may review this Seventh Amending Agreement or any previous agreement, in whole or in part, as it relates to Site "C" and may:
 - (a) retain the Agreement, in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use Bylaw for Halifax Mainland, as may be amended from time to time.

All other terms and conditions of the Existing Agreement and all amending agreements shall remain in full force and effect. This Seventh Amending Agreement shall be binding upon the Parties hereto and their heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED) UNITED GULF DEVELOPMENT LIMITED

in the presence of:)

per: _____)

per: _____)

per: _____)

per: _____)

Sealed, Delivered and Attested
by the proper signing officers of)
Halifax Regional Municipality)
duly authorized on that behalf)
in the presence of)

HALIFAX REGIONAL MUNICIPALITY

per: _____)

MAYOR

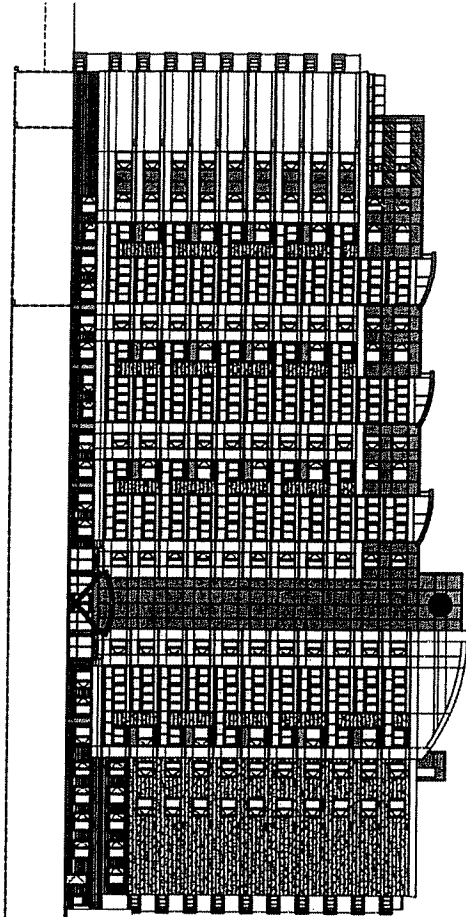
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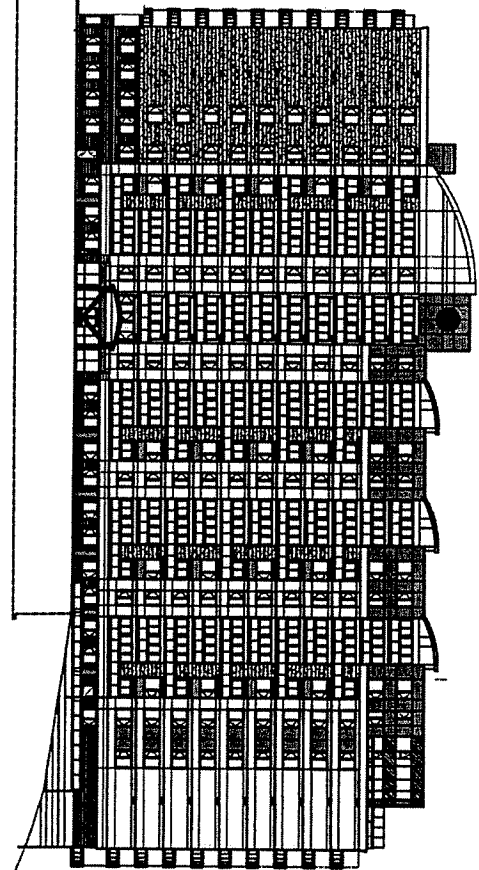
MUNICIPAL CLERK

Elevation of Waterton from the North

Tower 2

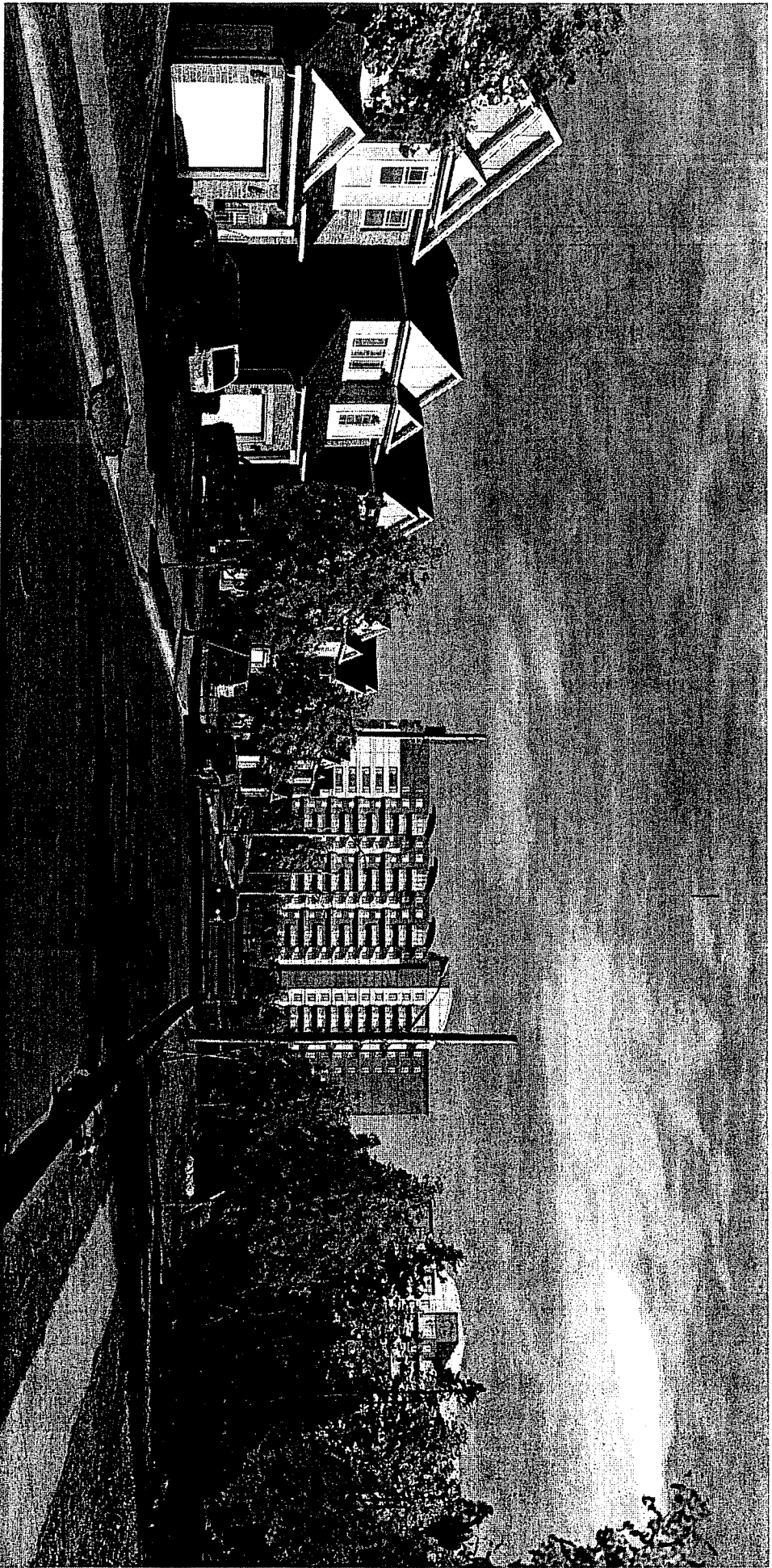


Tower 1

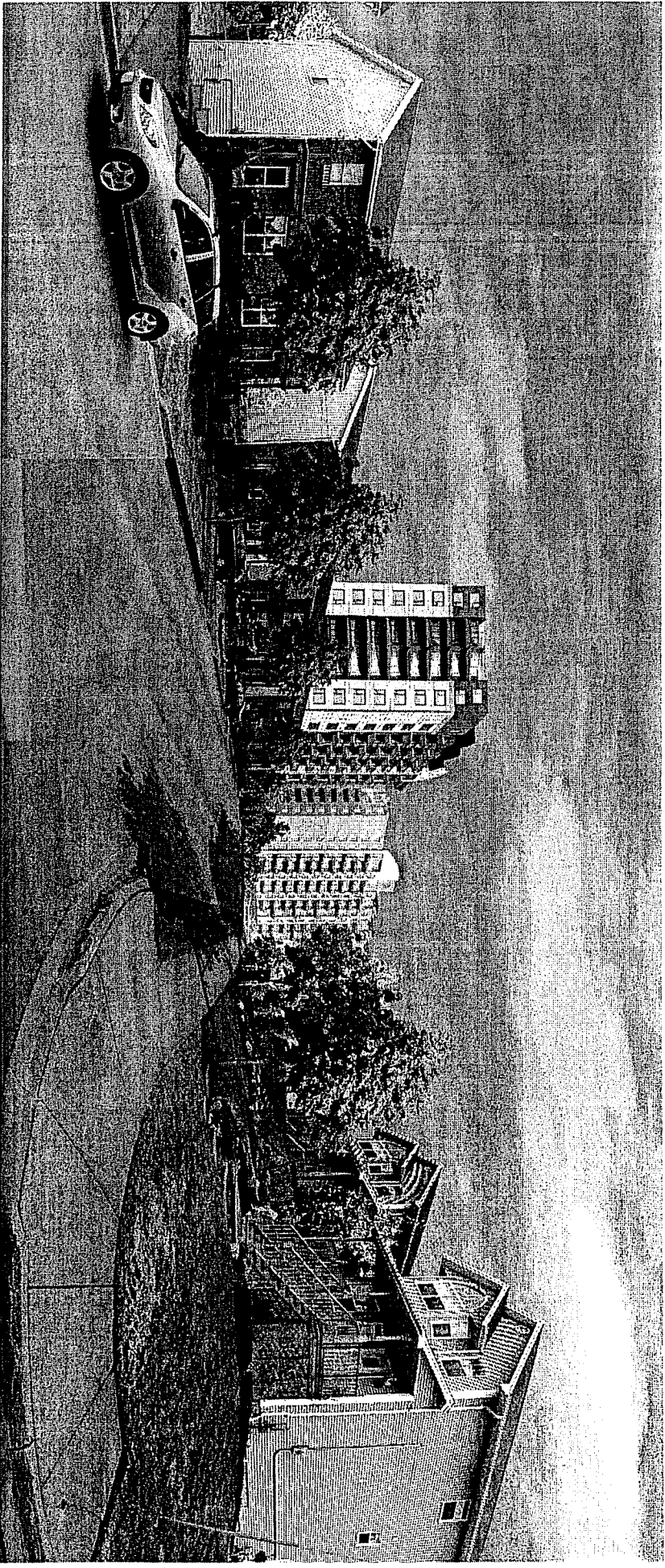


00659 002

View down Walter Havill Drive beside Hail Pond



View down Walter Havill Drive from Ridgestone Court



ATTACHMENT C

Attachment "D" - Public Information Minutes

Public Information Meeting

Case 00956

November 8, 2006

In attendance: Councillor Mosher

Richard Harvey, Planner, Planning Applications

Gail Harnish, Planning Services

Louie LeMontbrun, Vice-President, United Gulf Developments Limited

Anne Muecke, Planner, United Gulf Developments Limited

Mr. Richard Harvey called the public information meeting (PIM) to order at approximately 7:05 p.m. at the Captain William Spry Centre. We are here to discuss a proposal to amend a development agreement for what is known as Stoneridge on the Park and in the past Stanley Park. The purpose of the meeting is to provide an overview of the proposal and give the public an opportunity to provide comments and ask questions.

Mr. Harvey provided an overview of the process:

- we are at the initial stage of reviewing this application
- tonight is the PIM
- following this meeting, staff will draft a staff report on the application and will make a recommendation to Chebucto Community Council
- Community Council will review it and may decide it wants to consider the application and hold a public hearing, or it can reject the application
- Council will make a decision following the public hearing (if one is held)
- there is an appeal period.

Mr. Harvey advised this meeting is quite essential for the planning department in formulating a staff report and making a recommendation.

Mr. Harvey, using an overhead, pointed out North West Arm Drive, the site, and Walter Havill Drive which is in the process of being connected.

Mr. Harvey advised this particular site, and in fact all this particular area, has been the subject of an existing development agreement. When all this land was vacant, we had planning policy in place which identified this as a residential district. There are planning policies in place that we review the development against. We looked at a comprehensive development proposal, ie., lay out of streets, parkland, single unit dwellings, townhouses, duplexes, and multiple unit dwellings.

For this particular site, what has been called for in the development agreement is a twelve storey building and two four storey buildings (all pointed out on the overhead).

Mr. Harvey indicated they may have received from HRM a mailout indicating we have approved a development permit for this site. What we approved, rather than a twelve storey building and two four storey buildings, was a twelve storey building located here (pointed out) which was originally called for and a four storey building. This is being constructed on a single podium. All of this particular area (pointed out) is the parking garage and these two buildings are joined by this portion.

Mr. Harvey advised what the company has approval for, in keeping with the original development agreement, is a twelve storey building and a four storey building. The proposal is to change the four storey building on top of the parking podium to a twelve storey building.

Mr. Harvey noted when the Municipality reviews any proposal such as this, we review it against our municipal planning strategy (MPS) policies. Some of them are included in the handout.

Ms. Anne Muecke advised the original subdivision in this area was called Stanley Park. She displayed a plan showing its relative location in terms of the general area and Long Lake Park. In 1995, the plan was slightly amended and it was basically transformed into a development with different types of single family houses in here (pointed out) and multiple family houses here and here (pointed out).

Ms. Muecke pointed out the portions of land purchased by United Gulf in 1998. The rest of the property has been developed. The concept that United Gulf brought to this subdivision was to transfer its style and quality. It was renamed to "Stoneridge". The idea was to have housing with more style and a higher quality. They introduced stone facing on the houses, put in larger and more single family homes, and reduced the number of semis and townhouses. The idea was to have higher quality condos with concrete construction and parking underneath to make best use of the land.

Ms. Muecke advised the density is fixed at 26 persons per acre (ppa) but they are allowed to shift population from one area to another if it is required by the concept you work with. However, within the higher density area, you can only increase the number of higher density for up to 25%. United Gulf has done its best to take the population out of Area D and move it into Areas A and C. It becomes a quieter family area with less traffic and the traffic is focused on Areas A and C which is next to North West Arm Drive and easier to access.

Ms. Muecke displayed a close up view of Area D. The lots became larger so this part of the subdivision became much more consistent with this part of the subdivision. In other words,

population was shifted out of that part of the subdivision. She displayed illustrations of the type of houses.

Ms. Muecke displayed a concept for Area A. Generally speaking there was going to be a twelve storey structure here (pointed out) with mostly surface parking and a four storey structure here (pointed out) with mostly surface parking. The concept that United Gulf put in place is actually a wider ten storey building that incorporates some of the density from Area D. It is wider but has a lot less parking out front because it was put underneath. In front, it is mostly for guest parking and parking for people with a second car. The requirement throughout the area for multiples is one parking space per unit.

Ms. Muecke pointed out a four storey wood frame structure which was pretty much as conceived in the initial concept. The four storey structure turned into the "Stonebury" and the ten storey structure is the "Roxbury", which are completed.

Ms. Muecke displayed a concept for Area C as originally conceived. The intention was to have a twelve storey structure in this part of the property (pointed out), a four storey structure here (pointed out), and a four storey structure here (pointed out) on the Osborne side of the property.

Mr. Muecke noted there was approval at the time (1995) for 221 units with an allowance for an additional 25%, two four storey buildings, one parking space per unit, one-third of the parking was to be underneath, and all vehicle access was to be from Walter Havill Drive because there was no opportunity to provide an entranceway. All of the parking from the original concept was going to go on Walter Havill Drive from two points which has meant a lot of traffic on Walter Havill Drive with the cars from 220+ units. When United Gulf did a redesign for this site, one of the objectives was to try and get the traffic off Walter Havill and, if possible, have an access from Osborne Street. Another part of the concept was to focus the development on the south points of the site rather than spreading throughout the site.

Mr. Muecke advised with the new proposal, the number of units is proposed to be 276, one parking space per unit plus adequate guest parking to avoid problems with parking on the street, three quarters of the parking is going underground, and the main entrance to the parkade is off Osborne Street.

Ms. Muecke commented with those new components of the concept, the 1995 site plan is unworkable from United Gulf's point of view so they came up with the plan that you see in the handout. This includes the single podium, two twelve storey buildings, underground parking, an entrance to the underground parking from Osborne Street, and parking for guests on Walter Havill Drive.

Ms. Muecke displayed an overview of the full development. She pointed out how the proposed building sits on the site. It is pushed back as far as possible to North West Arm Drive. She also pointed out the parking access entrance from Osborne Street and the exit onto Walter Havill Drive for surface parking for guests.

Ms. Muecke then displayed a close up view of the site, pointing out the entrance and exit to the parking, as well as the two entrances for surface parking that exit onto Walter Havill Drive.

Ms. Muecke showed an elevation rendering of the building. She pointed out the building that was approved and the one they would like to have approved as a twelve storey structure rather than a four storey structure. She went on to show elevations with both of them as twelve storeys and with one of them being a four storey building.

Ms. Muecke indicated we are here to talk about the merits of this development as conceived by United Gulf and the merits of having the development focused in one building rather than three buildings, and focused on the first part of this site rather than spread throughout the site, and having the traffic taken off Walter Havill Drive as much as possible and instead on Osborne Street.

Ms. Linda Loiselle asked for confirmation that it was originally to be one twelve and two four storey buildings. It was responded yes.

Mr. Harvey noted we are now down to one twelve storey and one four storey building.

Ms. Loiselle questioned who abandoned the intent to proceed with the two four storey buildings.

Mr. Harvey responded they have sought approval for a twelve storey and a four storey building. What they are hoping to do with the same building layout is to replace the four storey building with a twelve storey building.

Mr. LeMontbrun indicated when they looked at the site, they did not think it would work with the twelve and two four storey buildings and the amount of site that had to be covered with parking, so they came up with the concept of two twelve storey buildings. He confirmed it was their idea to change the concept.

Ms. Loiselle commented it's now redundant to be talking about building two four storey buildings. If they go from four to twelve storeys in the second building, how does that fit with not exceeding the 25% increase in terms of population transfer?

Mr. Harvey responded they have done the density calculations and there is the ability to do this transfer. Our preliminary review to-date indicates there is still sufficient density to allow what they are proposing.

Ms. Loiselle commented it appears to be a 300% increase.

Mr. Harvey responded it is an increase of four additional floors from a density perspective. Other places in the site have not been developed to their full potential. It looks like this is something that can be considered. We will have to review that in greater detail as we go through to make sure.

Mr. LeMontbrun indicated it is based on the number of units. It is 221 units and they can increase it by 25%.

Mr. Ron Wash questioned whether the "Waterton" has been approved.

Mr. Harvey responded no. What has been approved is a twelve storey and a four storey building.

Mr. Wash indicated it was his understanding that eighty-five units have been pre-sold for the "Waterton".

Mr. LeMontbrun responded the eighty units have been sold in the tower that has been approved.

Mr. Wash questioned where all the traffic is going to and how will they get around the rotary. They have a problem with the existing traffic.

Mr. Harvey responded that when the development agreement was originally approved, infrastructure capability such as sewer and traffic, was looked at. Provided we are not looking at an increase in the overall density on the site, then the traffic has been looked after.

Mr. Wash stated that was then. He was talking about now.

Mr. Harvey advised that when we look at the new proposal, we would look at everything new and approved to-date.

Mr. Wash noted there is another housing subdivision going in off North West Arm Drive. The traffic will again increase on the rotary.

Mr. Harvey indicated the density being spoken about tonight is something they will have to look at in terms of transfer but the overall amount of density approved on the site is not increasing.

Ms. Esther Enns commented there is approval for United Gulf to have a certain density. She questioned whether there is a requirement for them to achieve the maximum density.

Mr. Harvey responded no, it is okay to have less density.

Ms. Enns noted there is the ability right now to have a twelve storey and a four storey building. They have heard what some of the benefits might be to the neighbourhood for changing from the original twelve and two four storey buildings. They have heard the benefits to United Gulf building two twelve storey buildings but they have not heard any benefits to the community to agreeing to the second twelve storey building.

Mr. LeMontbrun indicated that from their perspective a lot of the benefits have already been put in the community in terms of the type and size of housing and the level of quality in the houses. For the most part, a lot of the changes made the community a nice community. Instead of having a lot of traffic on those streets, they see this concept making more sense as a lot of the traffic goes off Osborne Street rather than Walter Havill Drive which is designed to handle more traffic.

Mr. Ross Miller commented he's been at twelve of these meetings and they've changed the concept many times. They can proceed with two twelve storey buildings which are already approved. They are already committed to doing it off Osborne Street, so why do they have to give them the other eight storeys? They wanted to give away some of the parkland as well to develop three houses. They are fighting for the neighbourhood they were sold four years ago. The current representatives were not there then and do not know what was promised. They are not happy with the way things have gone and how they have had to keep fighting. They have been here too many times.

Mr. Mike Shacklock indicated the number of units changed from one twelve storey and two four storey buildings, then a twelve storey and four storey building, and now two twelve storey buildings.

Mr. LeMontbrun stated in the agreement they are allowed 220 units in whatever configuration. They had the flexibility in the original agreement in 1990 to increase the number of units to 276. It was always envisioned that there would be some change to the size. It made more sense to do the two twelve storey buildings.

It was questioned whether they originally submitted an application for the two twelve storey buildings and it was turned down.

Mr. LeMontbrun responded no. Their hope has always been to do two twelve storey buildings.

Mr. Harvey confirmed the application was initiated by the applicant.

It was questioned what they applied for when they dumped the one twelve and two four storey buildings.

Mr. LeMontbrun stated they started discussions with staff in 2003 and they thought this particular proposal would be approved as-of-right. They were subsequently told they would only approve the twelve and four storey buildings and if they wanted to go with two twelve storey buildings they had to go through this process.

It was questioned whether staff agreed.

Mr. Harvey concurred. They have approval for a twelve and four storey building. They have been very clear they want to amend the development agreement to do two twelve storey buildings.

It was questioned whether staff was aware of anything in the MPS that would prevent this from ultimately being approved.

Mr. Harvey responded he was not aware of anything that would be an absolute no. There are policies that allow for consideration of how buildings are compatible with one another and an overall concept that is to be developed. It is those subjective policies that staff and Council will review the proposal against. There are some direct policies such as density which is a hard and fixed number.

Mr. Bill Brown questioned whether it has any impact if the majority of the people here tonight vote against the proposal.

Mr. Harvey responded that if they get a bunch of people saying they do not like this because they do not like the company, then it does not really matter. The comments that respond to the specific proposal mean quite a bit. We do not do straw votes.

Mr. Brown stated he has been in the sales business for a long time. What he heard tonight is a salesman. To talk about the larger homes and how they are benefitting the neighbourhood are all based on larger profits. When he heard 73% parking being underground he heard larger sales prices. He was the president of the Roxbury Condominium and from his dealings with Greater Homes he did not think they care about people parking on Walter Havill Drive. Everything is profit driven.

Mr. Dick Loiselle indicated their accommodation overlooked the intersection of Walter Havill Drive and North West Arm Drive and it is dangerous. To add more cars to that intersection will mean more accidents on a daily basis. As the MLA for the area, his professional interest is with

Northwest Arm Drive which is a provincial highway. The gentleman was talking about the intersection just up here which has been identified by the Department of Transportation (DOT) as one of the most dangerous intersections in the western part of HRM. They have been trying for two years to get that fixed. He questioned whether there was any contact with DOT about the impact of traffic from this new development, especially if they get approval for the two twelve storey buildings which would put more cars on the road.

Mr. Harvey responded we can request a traffic study and likely will. What they are looking at here is not the overall impact of this development. That has already been looked at in respect to the overall density. They would be looking at the isolated impact of having some of the density transferred onto this site from other areas on the local street system. A good point was made about the interface with Tim Hortons. They will focus on where there is potential for new egress and access.

It was questioned whether there was a traffic study done.

Mr. Harvey responded there would have been an older one which spoke about the older development. There is not one to support the change. How that gets relayed to the public is something they will have to look into.

It was questioned whether there was any direct conversation with DOT about the traffic impact on Northwest Arm Drive.

Mr. Harvey responded that would have been done for the whole development. They have already approved the overall density. If there is to be a change in traffic at certain intersections that will come out in the study.

Mr. LeMontbrun stated the proposal would keep a lot of the traffic off Walter Havill Drive. It moves a lot of it off that intersection to Osborne Street. He understood the concern about Tim Hortons.

Councillor Mosher noted she was one of the five councillors who would vote on the proposal and thought there was only one comment made so far that is germane to this application. They have to look at what was approved as-of-right. They can go in now and put in a twelve storey and two four storey buildings without going to a public hearing. What they are here to talk about tonight is whether to go with one twelve storey and two four storey buildings or two twelve storey buildings. There is a lot of history with this application. There were different owners. She encouraged they express their views. There are homes popping up through this district everyday. Traffic and the speed of traffic are issues with this development. They are still having a speeding problem which they will try to address. The traffic study and short-cutting study she initiated showed there was no problem. A residential street is designed to handle 5000 cars per day.

Osborne Street which is a collector road can handle between 10,000 and 12,000 cars per day. They are looking at the Mainland South MPS and Mainland LUB. When this was first looked at, there was no development in the area to speak against it.

It was questioned whether one of the twelve storey buildings would be condominium and the other an apartment building.

Mr. Harvey responded that is irrelevant from a planning perspective.

Mr. LeMontbrun stated they have never built apartments; they have always built condominiums.

Ms. Enns commented Ross eluded to the impact on the community. The community has unified and is consistently speaking about various development issues. Hail Pond is one of the jewels that Halifax has in terms of a pond, and there are policies encouraging low rise development. The fact that they have to look at the tall buildings is a historical relic they are saddled with. They know that and live with that, however, it ruins the landscape and it ruins the overall look of the place. They are living with the tall buildings they now have because they were pre-approved but why do they now need additional ones? She thought there are all kinds of matters on record from previous meetings where residents described in great deal why these tall buildings are not appealing to them. There is a strong sentiment in the community that something has to be done to protect the environment and the quality of Hail Pond. There were provisions in the original development agreement for protecting that but it would seem they were not rigorously carried out and any lay person can see silt and lily pads and you cannot swim and osprey are not fishing any more. There are all kinds of indication that there is a serious problem with that environmental amenity.

Mr. Harvey questioned if she would be okay with the twelve storey building if the environment could be improved.

Ms. Enns responded no. She was accepting that there is approval for a twelve and a four storey building. She heard them saying it was not conceivable to do a second four storey building but did not know why they have to worry about that as a community. They accept what is approved now but they do not want two twelve storey buildings. There are policies and quality of life reasons for that.

Ms. Linda Loiselle asked if she was correct in her recollection that when the original proposal was put forth to the City it was for two twelve storey buildings and they approved a twelve and four storey building and told United Gulf if you want another twelve storey building they had to come through this process. It was responded yes. She suggested that when Community Council considered this that they say ditto to whatever factors they considered in denying it in the first place.

Councillor Mosher clarified Council did not deny it.

Mr. LeMontbrun advised it is the development officer who reviews the development agreement. Based on that review, he said the two twelve storey buildings did not fit but what did fit was a twelve storey and a four storey building, and if they wanted to turn the four storey building into a twelve storey building they would have to come back through this process.

Mr. Harvey indicated that at the permit stage they look at the development agreement and the set of plans and see if the two match. The response from the development officer was that the proposal for the two twelve storey buildings did not meet the terms of the agreement. That is why United Gulf is seeking a change to that agreement for the twelve storey building. The refusal by the development officer was a technical exercise. It has nothing to do with community input.

Ms. Loiselle commented she could tell them from her heart what is important but now they hear about agreements and technical questions. If there is a blueprint which says what they can address, then someone has to tell them.

Mr. Harvey indicated we have an existing agreement that allows for a twelve storey and a four storey building which can be built now. What they cannot do is build two twelve storey buildings because the agreement does not allow it, so they are seeking to change the agreement. When we look at changing an agreement, we look at how suitable the proposal is. The amendment is subject to approval by Community Council. If you feel the twelve storey building is fine given the site and surroundings, that is fine. If you feel that two twelve storey buildings has an impact on the surroundings, that is what we are looking for.

Ms. Muecke commented there are different ways of putting people on a property. The original way took the property on Walter Havill Drive and spread the people on the site except for the twelve storey building. This is looking at a different perspective and saying the better way is to take the traffic out on Osborne Street and focus the concentration of the buildings so that people are on one side of the site rather than spread out. It is to get people in and out in a safe manner.

It was questioned whether HRM approved the connection of Walter Havill Drive onto Osborne Street. Mr. Harvey responded yes.

Councillor Mosher stated there is no blueprint. There is not even any requirement for them to be here. There is a public participation guide approved in 1997 which says you must put an ad in the paper and invite people within a certain distance to a meeting to provide feedback. Staff goes back and assesses the feedback based on policy and brings a recommendation to Community Council. Community Council can make decisions on issues of a local nature such as variances and zoning. The councillors will look at the report to see what the staff recommendation is and

will look at the policies and the minutes. At the public hearing, members of the public have five minutes to speak. The other councillors will say the concerns relative to the rotary are not salient. Staff is working on an as-of-right pamphlet which is forthcoming. At the end of the day the goal is to have in theory the best development/community you can have. If they asked for legislation to never change development agreements, that may not be good. There are things they can improve. The ultimate goal is to obtain as much feedback from the residents as they can.

Mr. Harvey suggested they focus on whether they feel this building being proposed as twelve storeys is appropriate given the site and surroundings.

Mr. Jean-Michel Sylvain commented when they bought their house there was supposed to be a park built there. From what he saw there is no park. During the meeting one person said there is approval for a four storey building and he was seeing two.

Mr. Harvey responded the original agreement allowed for one twelve storey building and two four storey buildings. United Gulf wanted to develop a large parking garage and put up a twelve storey and four storey building, which has been approved by the Municipality. If they decide not to proceed with this application, that is what can be built. Now what they are saying is they would like to replace the four storey building with a twelve storey building. They are trying to understand the impact of that increase in height on this particular area.

Mr. Sylvain indicated he would not be able to see more than the back yard if the twelve storey building was approved.

Mr. Shawn Foote indicated he purchased one of the units in the first tower of the Waterton. He questioned if the development would still proceed if the second tower does not get approved.

Mr. LeMontbrun stated the twelve storey tower would definitely go ahead. If the second tower is not approved, they will have to look at how to increase the number of units on the site. What is approved for that site is one twelve storey and two four storey buildings. It is different for what they have a building permit for which is one twelve storey and one four storey building. If the second twelve storey building is not approved, they have an internal decision to make. The first one has eighty units sold already.

It was indicated that when people bought houses in the first part of this development they were given an overall scope of the entire area in relation to the full development.

Mr. Harvey commented the concept plan would have shown one twelve storey and two four storey buildings.

An individual stated she would rather see a twelve storey and a four storey building. The transition from the single family homes would be much easier to appreciate.

Another individual indicated he felt it would be less of a visual impact if the second tower was four storeys rather than twelve. You can see it almost looks like a continuous cement wall. If the left one was only four storeys, then the lake and the environment would be much more attractive. To approve an additional eight storeys would be a backward step.

An individual stated that she felt two tall buildings side by side like that would give a different character to the community.

An individual indicated when he bought his condominium there was nothing mentioned about a four storey building. There was two towers mentioned. He was going to buy a condominium on the left side and was told he probably would not have a very good view if he bought on that side. He had a few friends who bought in there and there was nothing mentioned about a four storey building. It was always about two twelve storey buildings.

It was commented people were told by and large their concerns are not relevant and questioned what kind of things would be considered relevant.

Mr. Harvey responded the most substantial concern is whether that increase in building size has an impact on the community. Does it have an impact on the houses that are constructed right next to it or very little impact? He referenced the policies on the last three pages of the handout. The heart of the matter is whether the increase in building size is appropriate.

An individual commented it is obvious the intent all along was for two twelve storey buildings and she was feeling a bit bruised. It was approved for one twelve storey and two four storey buildings but the marketing appears to have been for two twelve storey buildings. She recognized it is an artist's rendering but it indicates to her that United Gulf intended to do this all along.

Ms. Muecke noted there is a development agreement which allows you to develop this project in pieces. In this case, you go back to staff and tell them what the proposal is and why. This proposal was always for two twelve storey buildings on a podium. Discussions about this started in 2003. There were discussions between municipal staff and the architect. The developer understood this was an acceptable concept for that site but when it came to getting the permit the development officer said no and they could only approve one twelve storey and one four storey building, and would have to go through this process to amend the agreement.

It was questioned when that approval was acquired.

Mr. LeMontbrun responded very lately. When they started this process in 2003 with conversations with HRM, their understanding from informal discussions was that it could be approved as-of-right based on the original staff interpretation of the development agreement. They went along for close to three years and did the detailed design and renderings and got to the building permit stage and the decision that came back was no and they would need an amendment to the development agreement. That has been their intent for the past three years. They modified all their drawings after the fact for a twelve storey and four storey building and said here's our formal application that allows them to continue selling for the first tower and start construction on the podium.

Councillor Mosher indicated there are different parties here wanted it on the record that HRM's position is different. There is a difference in opinion.

Mr. Harvey advised the next step is for planning staff to go off and research some of the questions, ie., density, planning policies, and appropriateness of this particular development and the comments from tonight. A report with a recommendation will be tabled with Community Council. If there is a desire for Community Council to consider this, they will hold a public hearing. He encouraged that members of the public make submissions if they have further comments following tonight's meeting. If there is a public hearing, there will be formal notices.

The meeting adjourned at approximately 8:45 p.m.