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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council
September 10, 2007

TO: Chebucto Community Council

SUBMITTED BY: *Denise Schofield for*
Paul Dunphy, Director of Community Development

DATE: August 15, 2007

SUBJECT: **Case 00977: Stage II, Phase 1, Amending Agreement, Main Avenue, Halifax.**

SUPPLEMENTARY REPORT

ORIGIN

- Approval of the Stage I agreement on June 18, 2007, and conclusion of the appeal period on July 9, 2007, allowing the Stage II to proceed.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Approve the proposed amending Stage II Development Agreement for Mount Royale, Phase 1, as provided in Attachment A to this report, to allow a 92 unit multiple residential building, and a church on Lot MU-10 and generally update the 133 unit multiple residential building on Lot MU-9 to reflect the most current information; and
2. Require the Stage II amending agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

The subject lands comprise a total of 67.55 acres which abut the north and south sides of Main Avenue to the west of North West Arm Drive. The lands are designated Residential Environments in the Halifax Municipal Planning Strategy and are zoned Schedule "K" in the Mainland Halifax Land Use By-law (see Map 1). Schedule "K" requires a two stage approval by Council. The first stage (Stage I) involves Council approval for a concept plan and development agreement and a Public Hearing is required. The second stage requires more detailed plans and development agreements for individual phases of the development. Stage II development agreements are to be consistent with the Stage I agreement. Council approval is required for the Stage II agreement but no Public Hearing is necessary.

The Stage I Development Agreement was approved by Chebucto Community Council on April 4, 2005 and subsequently amended on February 6, 2006. The Stage II, Phase 1, Development Agreement was approved by Chebucto Community Council on June 12, 2006.

DISCUSSION

On June 18, 2007, Chebucto Community Council approved a second Stage I amendment to the Development Agreement for Phase 1 of the Mount Royale Subdivision to allow the addition of an institutional use and generally update the masterplan to reflect the most current information. The expiration on July 9, 2007, of the 14 day appeal period allows the Stage I amending agreement to come into effect and the Stage II amendment to be considered for approval. The proposed Stage II amendment to the Development Agreement for Phase 1 of the Mount Royale Subdivision is to allow a 92 unit multiple residential building, and a church on Lot MU-10 as well as generally update the 133 unit multiple residential building on Lot MU-9 to reflect the most current information.

The changes to the Stage II, Phase 1 agreement are:

- Inclusion of revised Schedules including Updated Legal Descriptions for Phase 1, a Site Plan for lot MU-10 and the Church, Site Services Plan for Building 9, Elevations for Building 9, a Site Plan for Building 10, Elevations for Building 10, List of Materials, a Site Plan for the Church, Elevations for the Church, Planting Plans for Buildings 9, 10 and for the Church and a Density Calculation Sheet;
- Change references to Schedules to correspond with new Schedules;
- A revised description of the multiple residential building on Lot MU-10;
- The inclusion of the Institutional use to allow the Church with an associated description;
- An increase in the number of bicycle parking spaces provided for the multiple residential building on Lot MU-10 from 18 spaces to 46 spaces;
- The inclusion of requirements for the proposed materials of the church;
- The recognition that a minimum of a 0.6 meter (2 feet) setback from the property boundaries to the parking areas has been provided for the multiple residential building on Lot MU-9 but not for the Church and the multiple residential building on Lot MU-10;

- A requirement for an access easement over Lots MU-8 and MU-9 for access to the multiple residential building on Lot MU-9;
- An allowance for signage for the church; and
- Referring security provisions to the Subdivision By-law, as amended.

Staff is satisfied that the proposal and terms of the proposed amending agreement for this development is consistent with the Stage I development agreement. The changes reflected in the amending agreement for the Stage II, Phase 1 development agreement (Attachment A) have been prepared to reflect adjustments related to site conditions and to allow a new use that will be beneficial to the community.

BUDGET IMPLICATIONS

None

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 choose to approve the draft Stage II amending agreement. This is the recommended course of action.
2. Council may choose to refuse the draft Stage II amending agreement. This is not recommended, because the Stage II amending agreement is consistent with the Stage I development agreement.

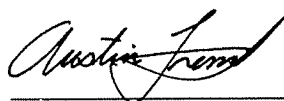
ATTACHMENTS

Map 1: Location and Zoning map
Attachment A: Proposed Stage II Amending Agreement for Phase 1

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 : Randa Wheaton, Senior Planner 490-4499

Report Approved by:






Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

Mount Royale Subdivision

-  Area of Stage I development agreement
-  Area of notification
-  Area of notification

Halifax Mainland By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-4 Multiple Dwelling
- RDD Residential Development District
- K Schedule K
- C-1 Local Business
- I-2 Radio Transmitter
- I-3 General Industrial

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

0 100
metres

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

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

THIS AMENDING AGREEMENT made this day of , 2007,

BETWEEN:

a body corporate, in the Halifax Regional Municipality,
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain undeveloped lands off Main Avenue, Halifax, (PID # 00271924 and 40541682) formerly known as the Butler Brothers Limited lands and which said lands are more particularly described in Schedule "A" hereto (hereinafter called the "Lands");

AND WHEREAS, the Chebucto Community Council of Halifax Regional Municipality granted approval of an application (Case 00791) by the Developer to enter into a Stage II Development Agreement for Phase 1 of the Mount Royale subdivision to allow two multiple unit residential buildings, public open space and public streets on the Lands, which said agreement was recorded on October 12, 2006, at the Registry of Deeds at Halifax as Document Number 86350528 (hereinafter is called “the Existing Stage II, Phase 1 Agreement”);

AND WHEREAS the Developer has requested an amendment to the provisions of the Stage II, Phase 1, Agreement to allow the addition of a church and revisions to the plans for the multiple unit residential building on Lot MU-10;

AND WHEREAS the Chebucto Community Council for the Halifax Regional Municipality approved this request at a meeting held on the day of , 2007, subject to the registered owner of the Lands entering into this agreement referenced as Municipal Case Number 00977;

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

The existing Stage II, Phase 1, agreement shall be amended as follows:

- a) Section 2.1.1 shall be deleted and replaced as follows:

“The Developer shall develop the Lands known as Mount Royale (PID’s 00271924 and 40541682), in a manner, which, in the opinion of the Development Officer, is generally in conformance with Schedules B1, C1, D1, E1, F1, G1, H1, I1, J, K1, L, M, N and O attached to this agreement and the existing Stage II, Phase 1, agreement (Plans No. 00977-0018 to 00977-0022 inclusive, 00977-0025, 00977-0028, 00977-0030, 00977-0031, 00977-0032, 00977-0033, 00791-0085, 00977-0037 and 00977-0038) filed in the Halifax Regional Municipality Community Development Planning and Development Services Department as Cases 00791 and 00977).”

- b) Section 2.1.2 shall be amended to delete the following:

“Schedule A	Legal Descriptions for Phase 1, Mount Royale Residential Development, Main Avenue, Halifax
Schedule B	Site Services Plan Phase 1 numbered 00791-0064
Schedule C	Site Plan Building 9 numbered 00791-0083
Schedule D	Building 9 - Front and Side Elevations numbered 00791-0055
Schedule E	Building 9 - Rear and Side Elevations numbered 00791-0056
Schedule F	Site Plan Building 10 numbered 00791-0073
Schedule G	Building 10 - Elevations numbered 00791-0082
Schedule H	Density Calculation Sheet numbered 00791-0067
Schedule I	List of Materials numbered 00791-0046”;

and

“Schedule K Planting Plan numbered 00791-0084”

and replaced with the following:

“Schedule A1	Updated Legal Descriptions for Phase 1, Mount Royale Residential Development, Main Avenue, Halifax
Schedule B1	MU-10 and Church Site Plan numbered 00977-0020
Schedule C1	Site Services Plan Building 9 numbered 00977-0030
Schedule D1	Building 9 - Front Elevations numbered 00977-0031
Schedule E1	Building 9 - Rear Elevations numbered 00977-0032
Schedule F1	Site Plan Building 10 numbered 00977-0021
Schedule G1	Building 10 Front and Rear Elevations numbered 00977-0018
Schedule H1	Building 10 Right and Left Elevations numbered 00977-0019
Schedule I1	List of Materials numbered 00977-0038”;

and

“Schedule K1	Site Plan Church numbered 00977-0022
Schedule L	Church Building Elevations numbered 00977-0025
Schedule M	Planting Plan for Building 9 numbered 00977-0033
Schedule N	Planting Plan for Church and Building 10 numbered 00977-0028
Schedule O	Density Calculation Sheet numbered 00977-0037”

- c) Section 2.2.1 (a) shall be deleted and replaced with the following:
“Building 10 - a seven storey 92 unit multiple residential apartment building with a single level of enclosed parking which generally complies with the R-4 Zone requirements for Mainland Halifax with the exception of density, angle controls, landscape open space and open space;”
- d) Renumber Section 2.2.1 (d) to become 2.2.1 (h) and renumber Section 2.2.1 (h) to become 2.2.1 (i).
- e) Add a new Section 2.2.1.(d) which shall read as follows:
“Institutional - a Church with seating in the nave for a maximum of 200 persons, a fellowship hall with tables and chairs to seat a maximum of 150 persons and an associated kitchen, classrooms, offices and uses accessory thereto;”
- f) Section 2.3.1 shall be amended to delete “. . . Schedules B to K inclusive, attached hereto, . . .” and replace with “. . . Schedules B1, C1, D1, E1, F1, G1, H1, I1, J, K1, L, M, N and O attached to this agreement and the existing Stage II, Phase 1, agreement, . . .”.
- g) Section 2.3.2 shall be amended to delete “. . . Schedules D, E, G and I . . .” and replace with “. . . Schedules D1, E1, G1, H1, I1 and L . . .”.
- h) Section 2.3.3 shall be amended to delete “. . . Schedules B, C, F and K . . .” and replace with “. . . Schedules B1, C1, F1, K1, M and N . . .”.
- i) Section 2.3.11 shall be deleted and replaced with “For Building 10, the multiple unit building on Lot MU-10, a minimum of 10 interior bicycle parking spaces shall be provided within the underground parking level and 36 exterior bicycle parking spaces shall be provided. For Building 9 a minimum of 120 interior bicycle parking spaces shall be provided within the two levels of underground parking.”
- j) Add a new Section 2.3.12 which shall read as follows:
“The Church shall be clapboard with a 12.7 cm (5 inch) exposure and asphalt roofing, or approved equivalents. The front entry shall be treated with Stonetile veneer or equivalent.”
- k) Section 2.4.1 shall be amended to delete “. . . Schedules B, C, F and K . . .” and replace with “. . . Schedules B1, C1, F1, K1, M and N . . .”.
- l) Section 2.4.1 shall be further amended to delete the following:
“The parking areas shall maintain a minimum setback from all property lines of 0.6 metres (2 feet) and as generally shown on the plan.”
and replaced with the following:
“The parking areas for Building 9 shall maintain a minimum setback from all property lines of 0.6 metres (2 feet) and as generally shown on the plan. The parking areas for Building 10 and the Church shall be as generally shown on the plan.”

- m) Add a new Section 2.4.5 which shall read as follows:
“An access easement shall be created and registered on title for both Lot MU-8 and Lot MU-9 to allow for access over lot MU-8 to and from Building 9.”
- n) Section 2.5.1 shall be amended to delete “. . . Schedules J and K . . .” and replace with “. . . Schedules J, M and N . . .”.
- o) Section 2.5.5 shall be amended to delete “. . . Schedules C and F . . .” and replace with “. . . Schedules C1, F1 and K1 . . .”.
- p) Section 2.5.8 shall be amended to delete “. . . Schedules V and W . . .” and replace with “. . . Schedules J, M and N . . .”.
- q) Renumber Section 2.8.5 to become 2.8.6.
- r) Add a new Section 2.8.5 which shall read as follows:
“The Church shall be allowed one bulletin board ground sign not to exceed 4 feet (1.2 m) by 8 feet (2.4 m) in size.”
- s) Sections 2.10.6 and 2.10.7 both shall be amended to delete “. . . Schedule B . . .” and replace with “. . . Schedules B1 and C1 . . .”.
- t) Section 2.10.17 shall be deleted and replaced with the following:
“Any security provisions shall be in accordance with the security provisions of the Subdivision By-law, as amended, unless otherwise varied by this agreement.”.
- u) Section 3.2 (b) shall be amended to delete “. . . Schedules J and K . . .” and replace with “. . . Schedules J, M and N . . .”.

All other terms and conditions of the Existing Stage II, Phase 1, Agreement shall remain in full force and effect.

Time shall be of the essence of this First Stage II , Phase 1 Amending Agreement.

This First Stage II, Phase 1, Amending Agreement shall be binding upon the parties hereto and their heirs, successors and assigns.

SIGNED, SEALED AND DELIVERED
in the presence of:

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

) **BYBLOS DEVELOPMENT GROUP**

)

)

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) Per: _____

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) **HALIFAX REGIONAL MUNICIPALITY**

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) Per: _____

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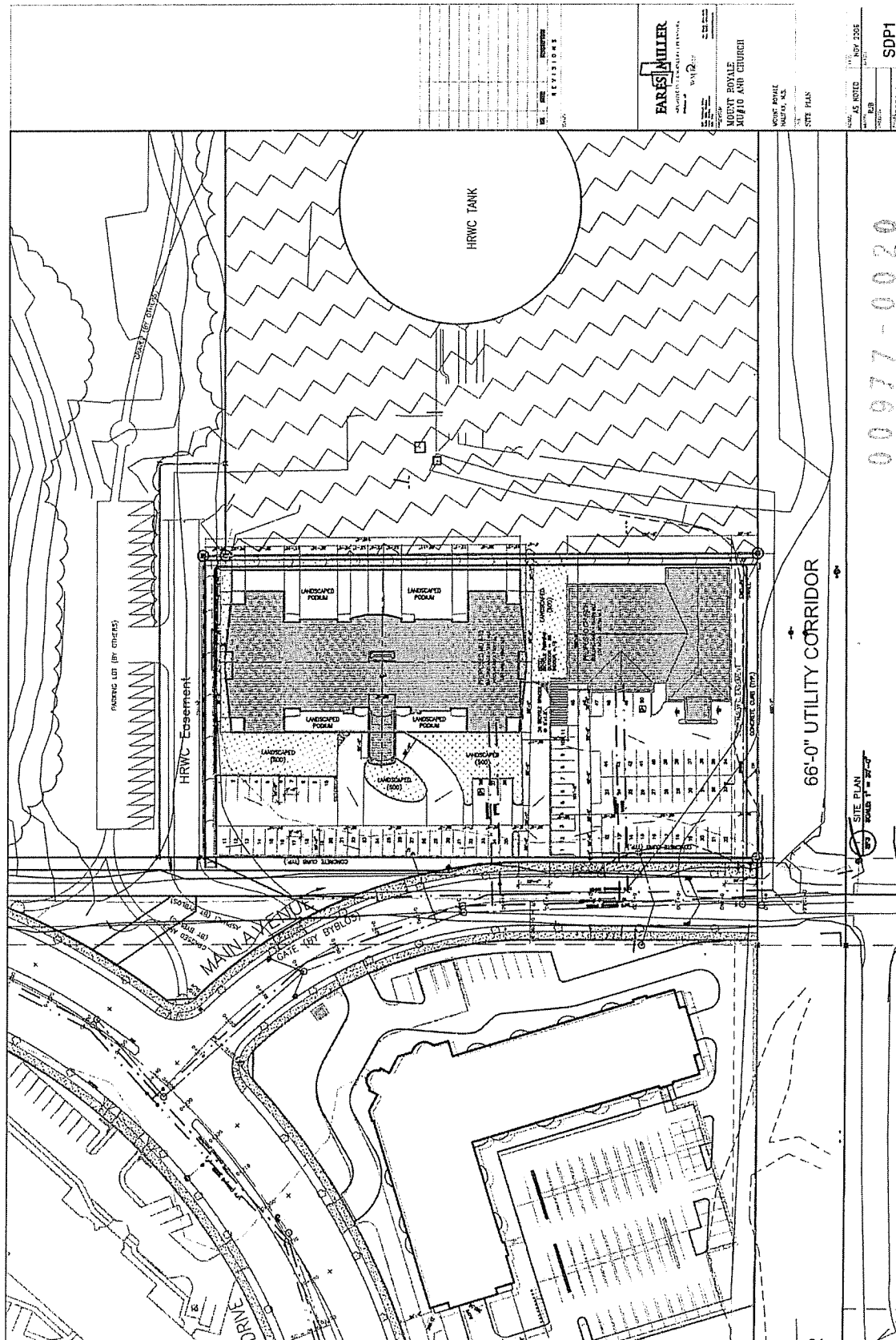
MAYOR

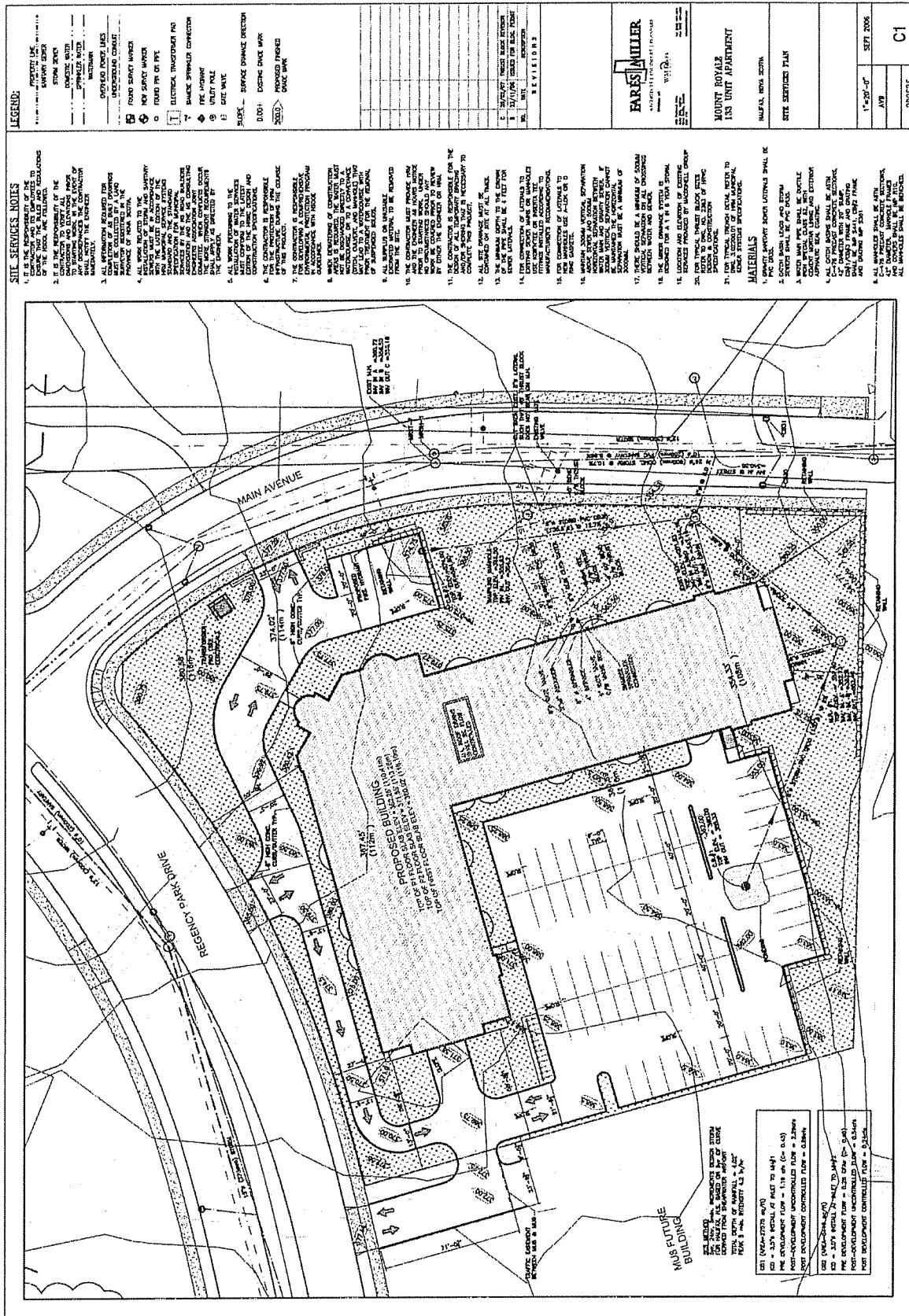
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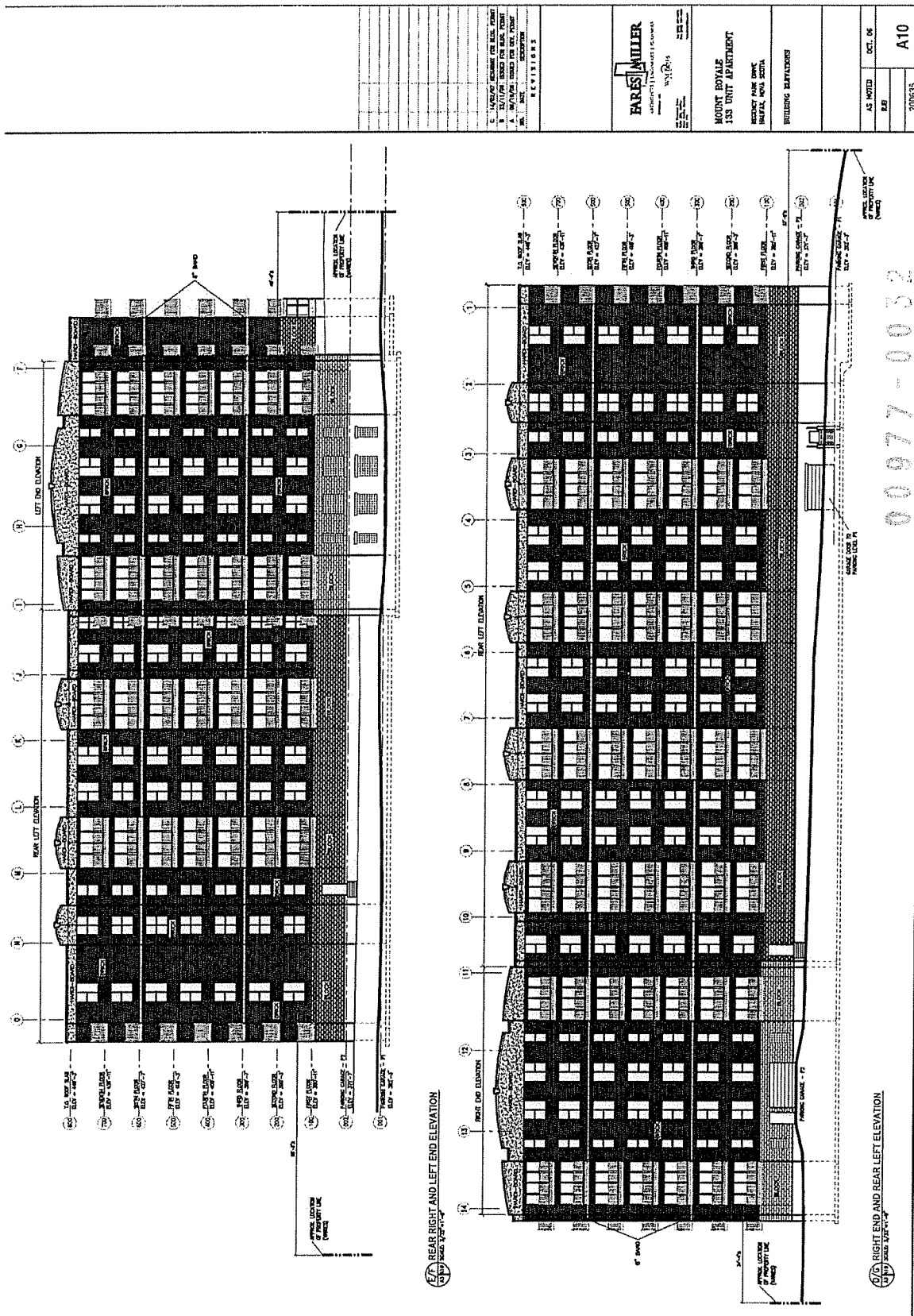
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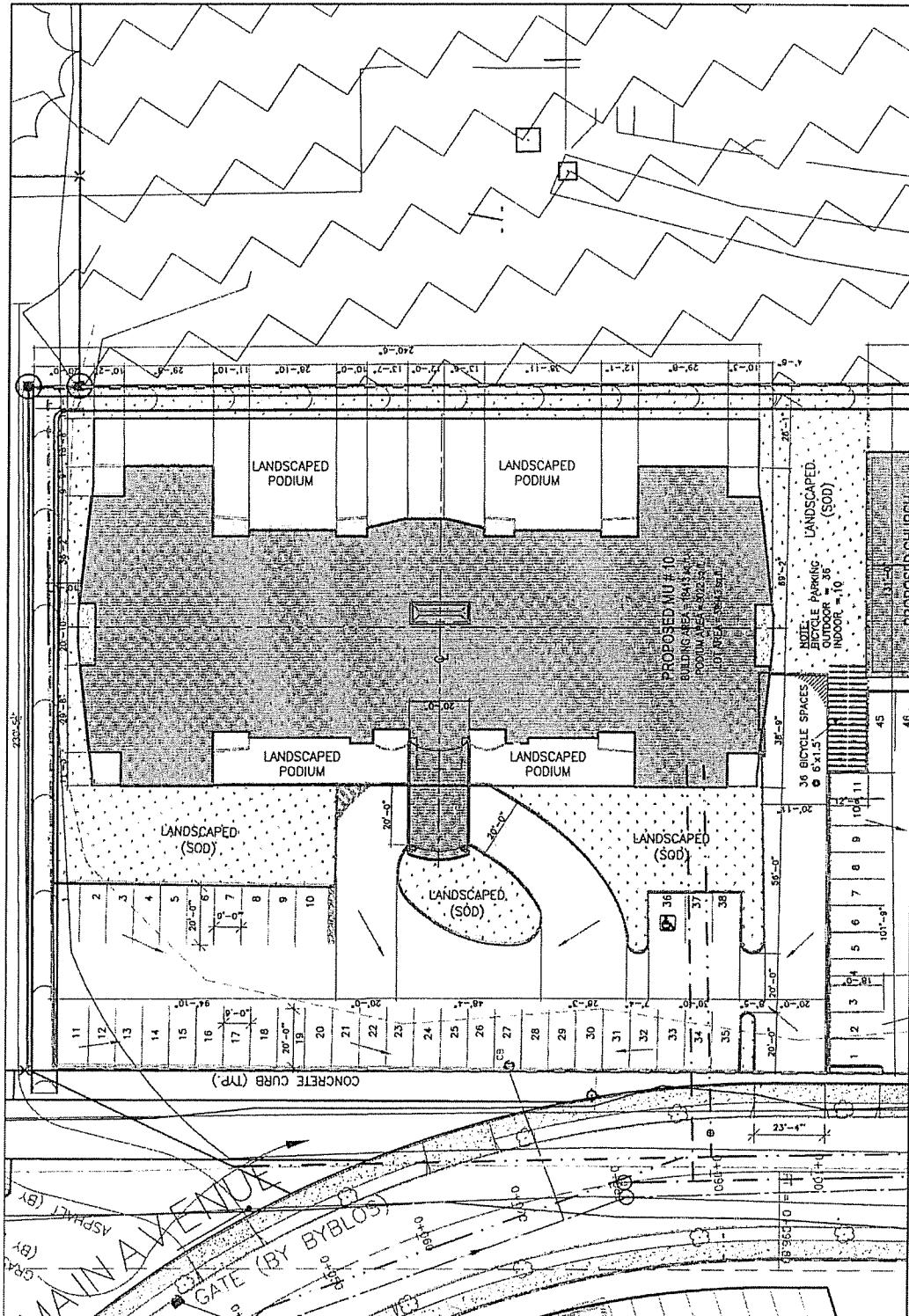
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MUNICIPAL CLERK

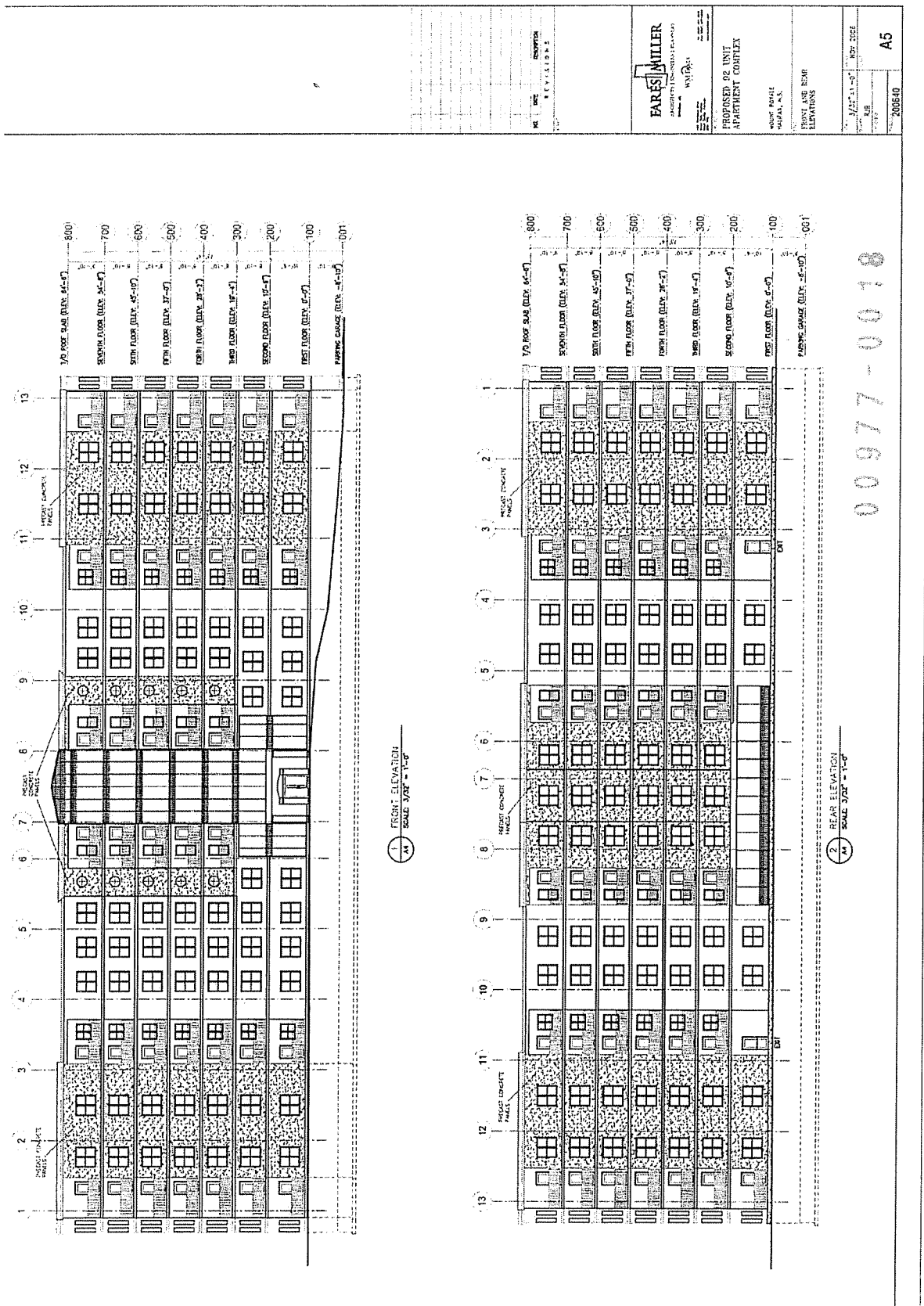


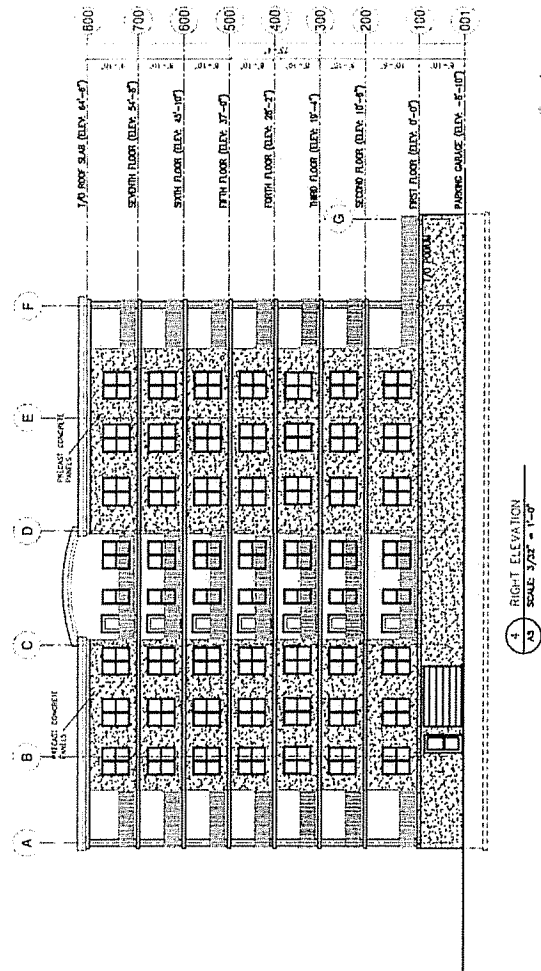
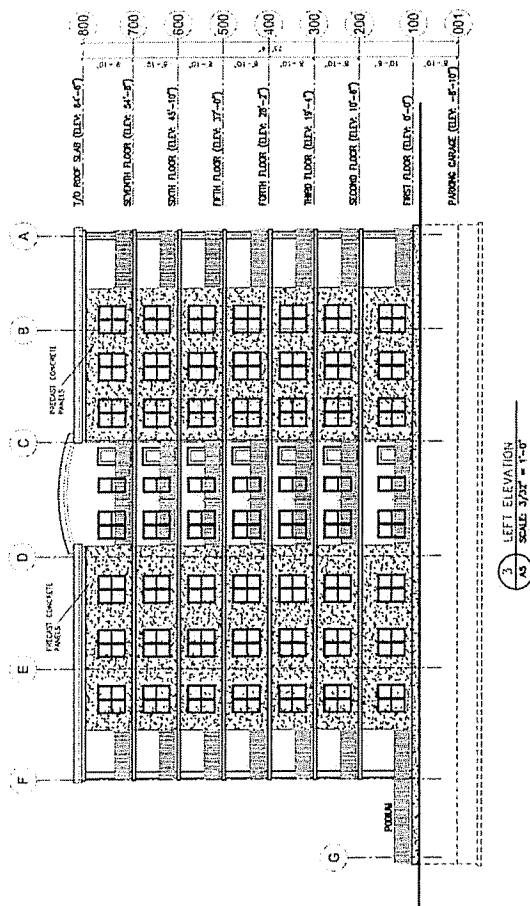






1 SITE PLAN
SCALE: 1" = 10'-0"





FARSELMULLER	REPRESENTATIVE NORTH CAROLINA	DATE	3/22/87	TIME	NOV 2006	A6
PROPOSED 92 UNIT APARTMENT COMPLEX	WATKINS	PROJECT NAME	RIGHT AND LEFT ELEVATIONS	FILE NO.	200640	
MOORE REALTY HAULPAT, N.C.						

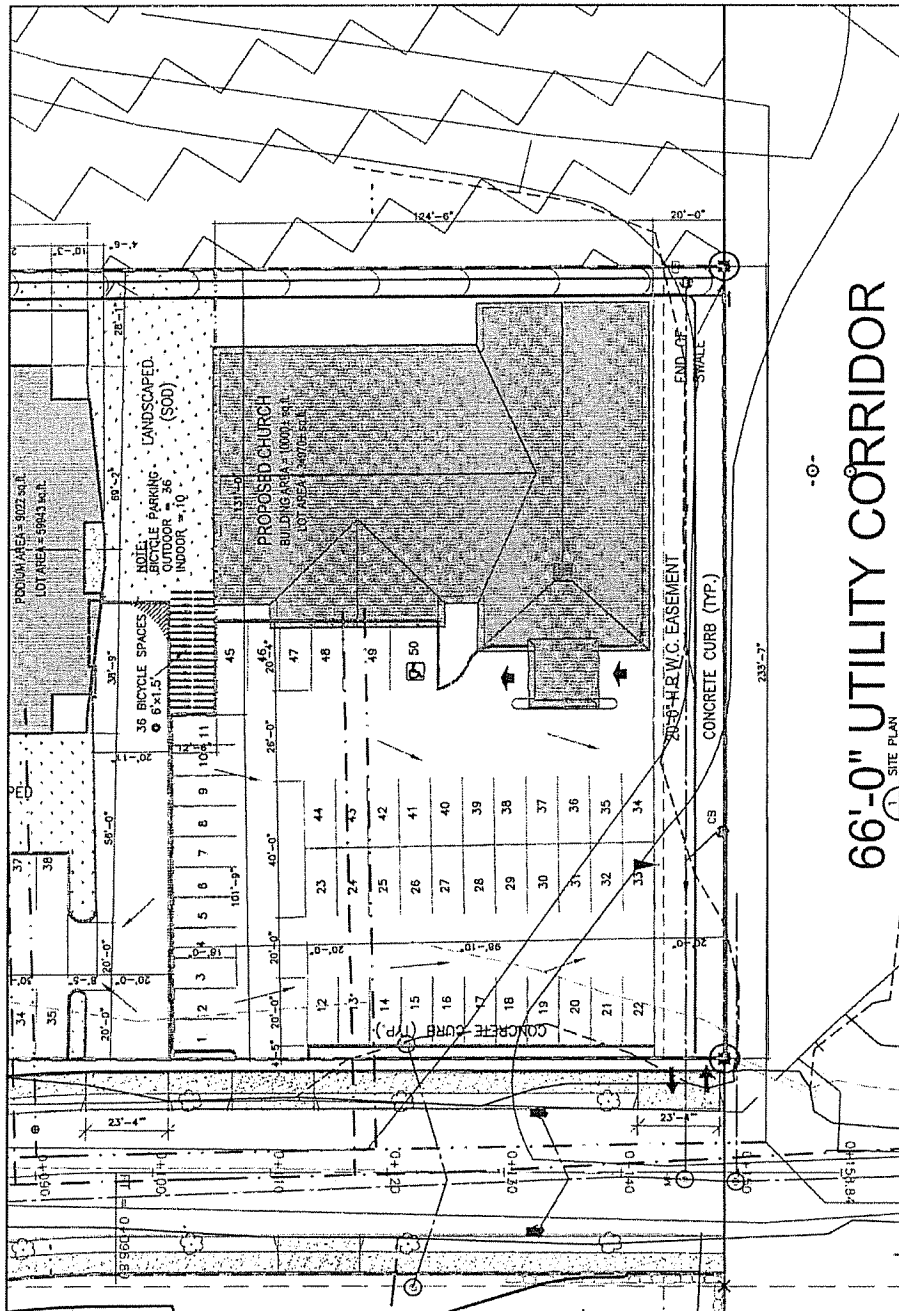
MOUNT ROYAL
LIST OF MATERIALS FOR BUILDING 9

WALLS	MATERIAL		Location	Reflecting Material
	Brick Running bond		Elevations	Foil Faced Cavity Rock Cavity Wall Insulation or equivalent product as per section 2.8.3 of the stage I development agreement.
	Brick soldier course			
	Brick Herring bond			
	Hardy Plank Siding		Balcony Walls	
	Stone		Basement and towers	
	Sand stone		Horizontal Band and window lintels and sills	
WINDOWS	Vinyl			
DOORS	Vinyl			
RAILINGS	Aluminum			

MOUNT ROYAL
LIST OF MATERIALS FOR BUILDING 10

WALLS	MATERIAL	COLOUR	Location	Reflecting Material
	Brick or Precast Panels		Elevations	Foil Faced Cavity Rock Cavity Wall Insulation or equivalent product as per section 2.8.3 of the stage I development agreement.
	Block		Basement	
	Sand stone		Window lintels and sills	
WINDOWS	Vinyl			
CURTAIN WALL GLASS	Aluminum and glass			
DOORS	Vinyl			
RAILINGS	Aluminum			

00977 - 0038



PROJECT CALCULATIONS (TRINITY ANGLICAN CHURCH):

LOT AREA	34,970 sq.ft.±
BUILDING AREA	10,000 sq.ft.±
LAND COVERAGE:	29%

LANDSCAPED AREA:
PARKING REQUIRED:
PARKING PROVIDED:
SEATING CAPACITY

66'-0" UTILITY CORRIDOR

The image shows a document titled "REVIEWS" at the top. Below the title is a grid with multiple columns and rows. The grid contains handwritten text, which is mostly illegible due to blurring and low resolution. There are some visible markings, possibly dates or initials, in the rightmost column.

FARES MILLER

Address of
W. M. Davis

[illegible]

PROPOSED TRINITY
ANGELICAN CHURCH

REINTEGRATE CHURCH

MOUNT ROYAL
HAIRY N.S.

[illegible]

ENLARGED SITE PLAN

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523</
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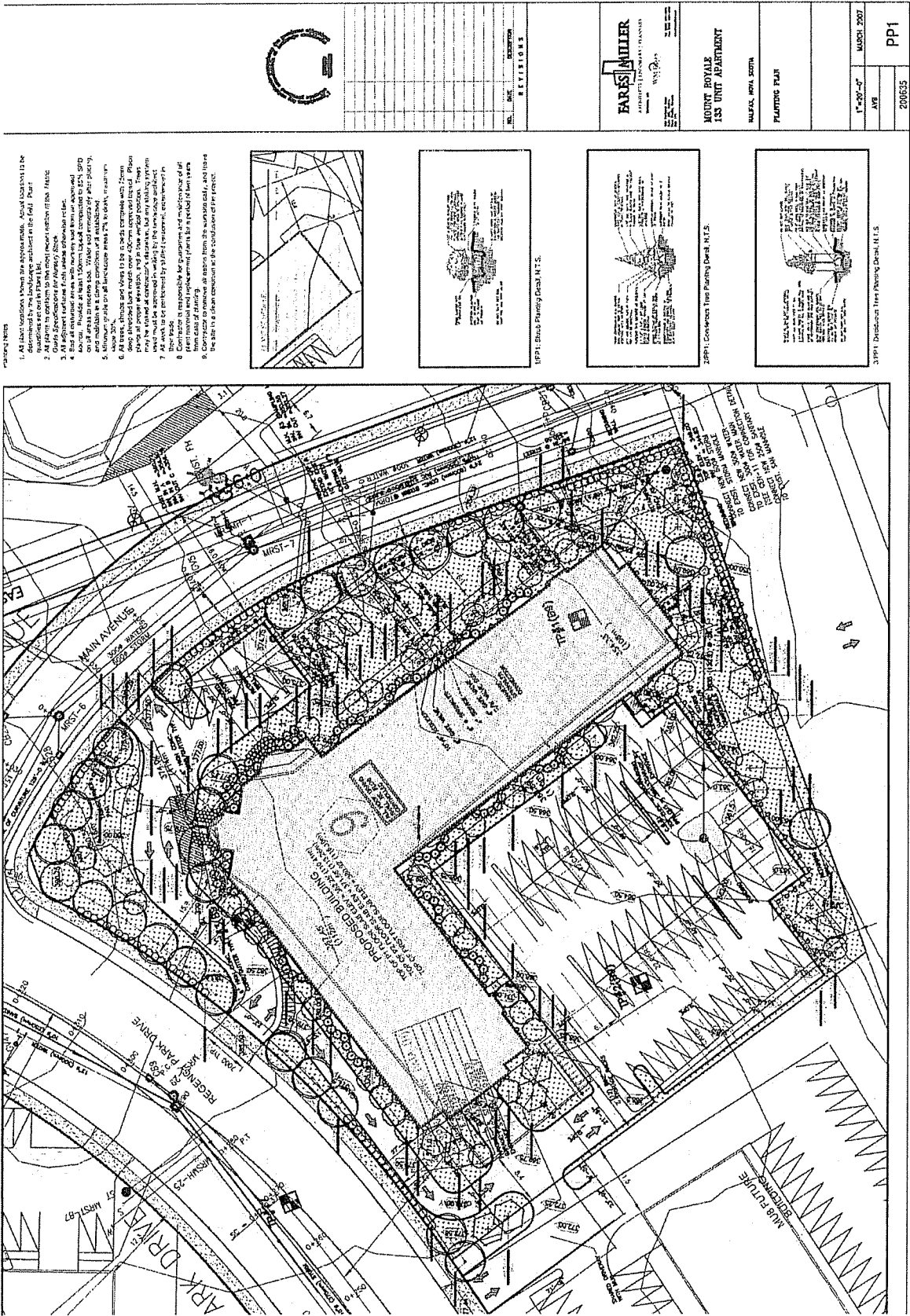
DATE: NOV 20 2005
BY: DJON SY

SDP3

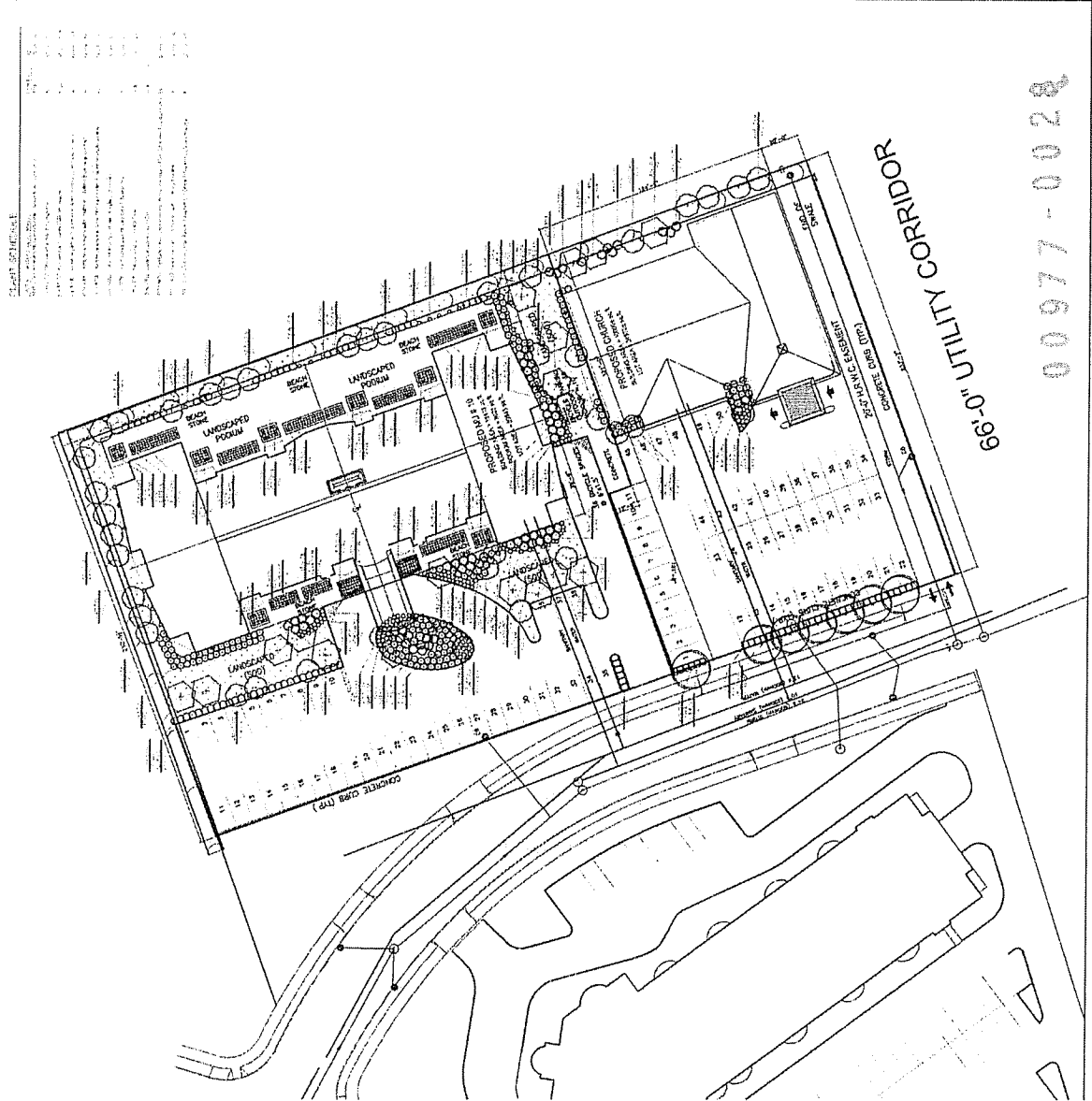
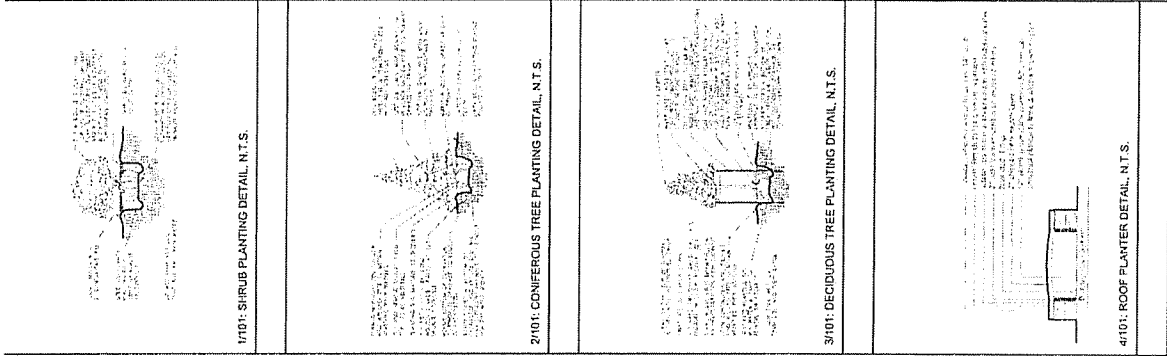
2006:10

The figure contains four architectural elevations of a proposed church building, along with a title block and a scale bar.

- North Elevation:** Shows the front of the church with a central gabled entrance, a small steeple on the left, and a series of windows. Annotations include: "existing stained glass window retained from existing building", "concrete base below 1st fl.", "new stained glass", "6\" core lead roof", "lead", "concrete 1st fl. base", and "1\" water-tight". A scale bar indicates "1/4\" = 1' - 0\"".
- West Elevation:** Shows the side of the church with a series of windows and a small steeple on the left. A scale bar indicates "1/4\" = 1' - 0\"".
- East Elevation:** Shows the side of the church with a series of windows and a small steeple on the left. Annotations include: "existing stained glass window retained from existing building", "concrete base below 1st fl.", "new stained glass", "6\" core lead roof", "lead", "concrete 1st fl. base", and "1\" water-tight". A scale bar indicates "1/4\" = 1' - 0\"".
- South Elevation:** Shows the rear of the church with a series of windows and a small steeple on the left. A scale bar indicates "1/4\" = 1' - 0\"".
- Title Block:** Located at the bottom right, it contains the following information:
 - Project Name: PROPOSED TRINITY ANGLICAN CHURCH
 - Architect: E. J. MILLER
 - Client: THE TRINITY ANGLICAN CHURCH
 - Address: 1000 1st St. N. W. WASHINGTON, D. C. 20004
 - Scale: 1/4\" = 1' - 0"
 - Sheet: A1



00977-0033

[illegible]

March 20, 2007

DENSITY CALCULATION SHEET**MOUNT ROYALE SUBDIVISON Lots MU-9 and MU-10 and Trinity Anglican Church**

- **AREA FOR DENSITY CALCULATION** includes: lot area, frontage with street and permanent open spaces based on 30ft-9.1 m.

Lot # 9

LOT AREA	AREA FOR DENSITY CALCULATION	UNIT TYPES	# UNITS		DENSITY	
9,089 SQ M	11,961 SQ M 2.96 ACRES	1 BEDROOM	23	2.0	46	
		2 BEDROOM	110	2.25	247.5	
		TOTAL	133		293.5	

Lot # 10

LOT AREA	AREA FOR DENSITY CALCULATION	USE	UNIT TYPES	# UNITS		DENSITY
8,506 SQ M	12,345 SQ M 3.05 ACRES	MULTI UNIT RESIDENTIAL	1 BEDROOM	39	2.0	78
			2 BEDROOM	39	2.25	87.75
			3 BEDROOM	14	2.25	31.5
		Church				6.67
		TOTAL		92		203.92

00977-0037