

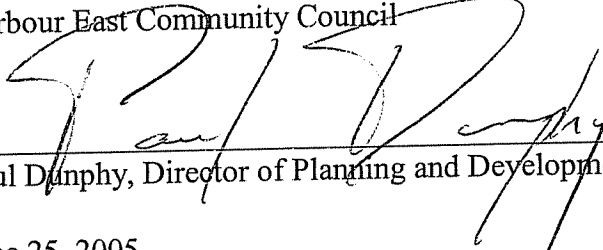
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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
July 7, 2005

TO: Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services

DATE: June 25, 2005

SUBJECT: **Case 00759: Development Agreement application for Parcel 1 of the Morris-Russell Lake Master Plan Area, Dartmouth.**

ORIGIN:

1. February 1, 2005 application by Baker Drive Developments Limited to enter into a development agreement for Parcel 1 of the Morris-Russell Lake Master Plan area.
2. March 22, 2005 approval by Regional Council of Morris-Russell Lake Master Plan Secondary Planning Strategy policies.
3. March 30, 2005, review and recommendation from Dartmouth Lakes Advisory Board
4. April 14, 2005 Public Information Meeting held on Baker Drive Development's application.

RECOMMENDATION:

It is recommended that Harbour East Community Council:

- (a) Give Notice of Motion for the proposed development agreement, attached as Attachment A of this report, to construct an 84 multiple unit residential building and neighbourhood commercial/office building on Parcel 1 of the Morris-Russell Lake Master Plan and to schedule a public hearing;
- (b) Approve the development agreement as detailed in Attachment A of this report;
- (c) Require the development 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 Proposal**

Baker Drive Developments Limited has made application to construct an 84 unit apartment building and a 14,000 square foot commercial/office plaza on the subject property known as Parcel 1 of the Morris Russell Lake Master Plan area. The site is approximately 4.8 acres in size and is located on the north side of Baker Drive within close proximity to the intersection of Baker Drive and Norm Newman Drive in Dartmouth. The property is bounded by a proposed community park and Russell Lake to the north and the Home Depot to the South (Map 1). The site which is tree covered, grades towards Russell Lake.

MPS Policy and Zoning

The subject property is designated Comprehensive Development District in the Morris-Russell Lake Secondary Planning Strategy and zoned Comprehensive Development District (CCD) under the Dartmouth Land Use Bylaw (LUB) (*Maps 1 & 2*). At the March 22nd session of Regional Council, a revised secondary planning strategy for Morris-Russell Lake was adopted under the Municipal Planning Strategies for Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay.

In accordance with the Policy H-3A of the Dartmouth MPS (Attachment D), a development within a CDD requires approval by way of a development agreement. The Community Council must be satisfied that the proposal conforms with the planning policies before granting approval.

Public Information Meeting

A Public Information Meeting was held on September 23, 2002 at Bel Ayr Elementary School at 4 Bell Street, Dartmouth. Approximately 23 members of the public were in attendance. The main areas of discussion were building and site design, with a brief exchange on traffic issues. The minutes of the meeting are provided in Attachment "C".

DISCUSSION:**Policy Analysis**

In considering a development agreement for the subject property, Council is directed to address all relevant policies of the Morris Russell Lake Secondary Planning Strategy and any other applicable policies set out in the Dartmouth MPS. The following is staff's assessment of these policies.

Proposed Development Agreement

An evaluation of a proposed development agreement, based on the applicable policies is presented in this section. The evaluation is based on Policies ML-1, ML-2, ML-4, ML-8, ML-16, ML-18(a), ML-23, ML-24, ML-25, ML-27, ML-28, ML-30, H-3(AA), H-3A, H-3B, and Implementation Policies IP-5, and 1P-1c, which are included in Attachment D of this report. Some criteria is not applicable, however, criteria most relevant to this proposal is addressed in the general categories as follows:

Site & Building Design

The Morris Russell Lake Secondary Planning process established that the site would suitably accommodate an 84 dwelling unit four storey apartment building and a 14,000 square foot single storey local commercial/office building in accordance with Policy ML-18(a) (Attachment D).

The site for the proposed buildings has been configured to provide adequate parking for the number and function of the units. This includes 128 underground and surface parking spaces in Phase 1 for the apartment building which meets the standard land use by-law requirement of 1.25 spaces per unit. A parking allocation of 44 units for the commercial/office portion is also sufficient to meet the Dartmouth Land Use By-law regulations.

With reference to building design, similar facades and roof lines will be used for both the apartment building and the commercial/office building. This is intended to achieve a level of visual continuity that will enhance the streetscape at this location.

The site lies adjacent to community parkland to the west and to the north. Low density residential is proposed for the Clayton lands to the east. This area is separated from the site by an easement that provides access to a pumping station to Russell Lake. As a result concerns over negative impacts such as noise and privacy to adjacent properties are considered minimal.

Traffic, Servicing & Infrastructure

As part of the Morris Russell Lake Master Planning process, the Baker Drive Developments lands were evaluated in terms of potential traffic impacts. Proposed driveways to manage traffic for both the residential and commercial portions of the site have been limited to two accesses in anticipation of high traffic volumes and congestion at the intersection of Norm Newman Drive and at Portland Street. Staff notes that actual traffic volumes will most accurately be determined when the 111 interchange and the Baker Drive extension are fully constructed and the Clayton lands utilizing Baker Drive have been substantially built out. In this event, traffic volumes may be established at levels that can justify an additional access to the commercial phase of this site. In this case, subject to the requirement of a traffic study and at the discretion and approval of Traffic Services and the

Development Engineer, an additional access may be permitted by resolution of Council at some later date.

The existing sanitary sewer, stormwater and water services in the area can accommodate the proposed development.

Amenity Space, Parkland & Landscaping

The Dartmouth Land Use By-law requires useable amenity space to ensure that some on-site open air and recreation potential exists for residents and the community. To satisfy the municipality's parkland needs and to meet the intention to comply with the Trail Master Plan for the Morris Russell Lake area, the developer will convey a portion of the site to HRM, design a trail head, and construct a community trail along Russell Lake at the rear of the site on HRM lands. To service the active recreational needs of the apartment residents, a private walkway is proposed to link with the community trail in Phase 1. Further, balcony's constructed for each dwelling unit and ground floor terrace will provide private amenity space. Parkland Planning has agreed that the construction of the trail system and land dedication will satisfy parkland planning contribution requirements for this development.

In addition, a high caliber of landscaping is provided around the building and parking areas, including the retention of existing treed areas providing an attractive setting for the residents of this complex.

Dartmouth Lakes Advisory Board - Environmental Protection

The site drains into Russell Lake. As such, there is the potential for erosion of the site during construction, resulting in siltation of the lake. As a result, the development agreement includes strong provisions for the preparation of appropriate plans to protect the lakes during construction. These provisions are backed up by a security which staff can draw on to address any concerns should the developer not fulfill his obligations.

To manage storm water leaving the site once the project is completed, the rate at which surface runoff from rain and snow melt enters the piped system for discharge towards Russell Lake will be slowed through the use of a privately owned and maintained detention pond which holds water in a large catchment area, and then releases it over time.

This proposal was reviewed by the Dartmouth Lakes Advisory Board (DLAB) on March 30th, 2005 who provided a positive recommendation. The minutes of the DLAB is provided in Attachment C. The Dartmouth Lakes Advisory Board has reviewed the proposal and is satisfied that reasonable lake protection measures will be put in place such as a lake monitoring program that will be undertaken to establish water quality after rain storm events.

Morris Russell Lake Public Participation

A subcommittee of the Morris Russell Lake Public Participation committee was struck to review the development proposal for consistency with the Morris Russell Lake Master Plan policies. Meetings were held on 14 September 2004, 28 September 2004, 14 October 2004, 28 October 2004, 23 November 2004 and 1 February 2005.

The subcommittee determined that the development proposal provided a strong degree of conformity with the policies of the Morris-Russell Lake Secondary Planning Strategy. On June 28th, the subcommittee met with the main PPC which recommended that the application proceed to notice of motion. The report filed on behalf of the PPC is attached to this report as Attachment E.

Capital Cost Contributions

In July 2002 Regional Council adopted a Capital Cost Contribution (CCC) Best Practices Guide as an Administrative Policy and amended all Municipal Planning Strategies, Land Use and Subdivision By-laws to enable Infrastructure Charges to be applied to Charge Areas. Regional Council also adopted the Secondary Planning Strategy for this Master Plan area and identified it as a potential Charge Area.

The MPS policy states that; "infrastructure charges areas shall be established under the Subdivision Bylaw over the area governed by this Secondary Planning Strategy and no development agreement shall be entered until infrastructure charges are in effect". However while the applicant may eventually choose to subdivide these lands for the purposes of financing, the subdivision of this site is not a requirement for development. The subdivision process is the enabling legislation that triggers the CCC requirement. Therefore when no subdivision occurs, the municipality cannot collect a capital cost contribution.

However, the applicant is proposing to upgrade the existing street infrastructure (i.e. sidewalk). This cost when added to the anticipated sewer redevelopment charges (charges that would not apply if CCC's were applied) and the cost of prior upgrades to the intersection at Portland Street through an earlier approval, add up to an amount similar to what the CCC requirement would be. Therefore in this unique instance, by foregoing a capital cost charge, the Municipality ensures it can recover monies regardless of the developer's intention to subdivide this site. Staff considers this course of action to be most prudent and feels that it meets the intent of the CCC policy.

Other Issues of Note

Policy ML-2 of the Morris Lake Secondary Plan links this site's construction time table to the secured financing of the Baker Drive extension and the proposed 111 interchange (Attachment D). Accordingly, this stipulation has been included as section 2.8.13 of the Development Agreement as

attached to this report (Attachment B). Once the financing has been arranged and the contract is awarded to construct the 111 interchange the Developer may apply for a development permit.

Conclusion:

In conclusion, this proposal has been negotiated with the developer and evaluated on the basis of the Morris-Russell Lake Secondary Planning policies and the Dartmouth Municipal Planning Strategy. It is staff's opinion that the development agreement reflects the policy criteria pertinent to this application and is consistent with those policies. Issues which arise from site specific and general MPS policies have been addressed. Staff therefore recommend approval of the proposal, as presented in the development agreement.

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:

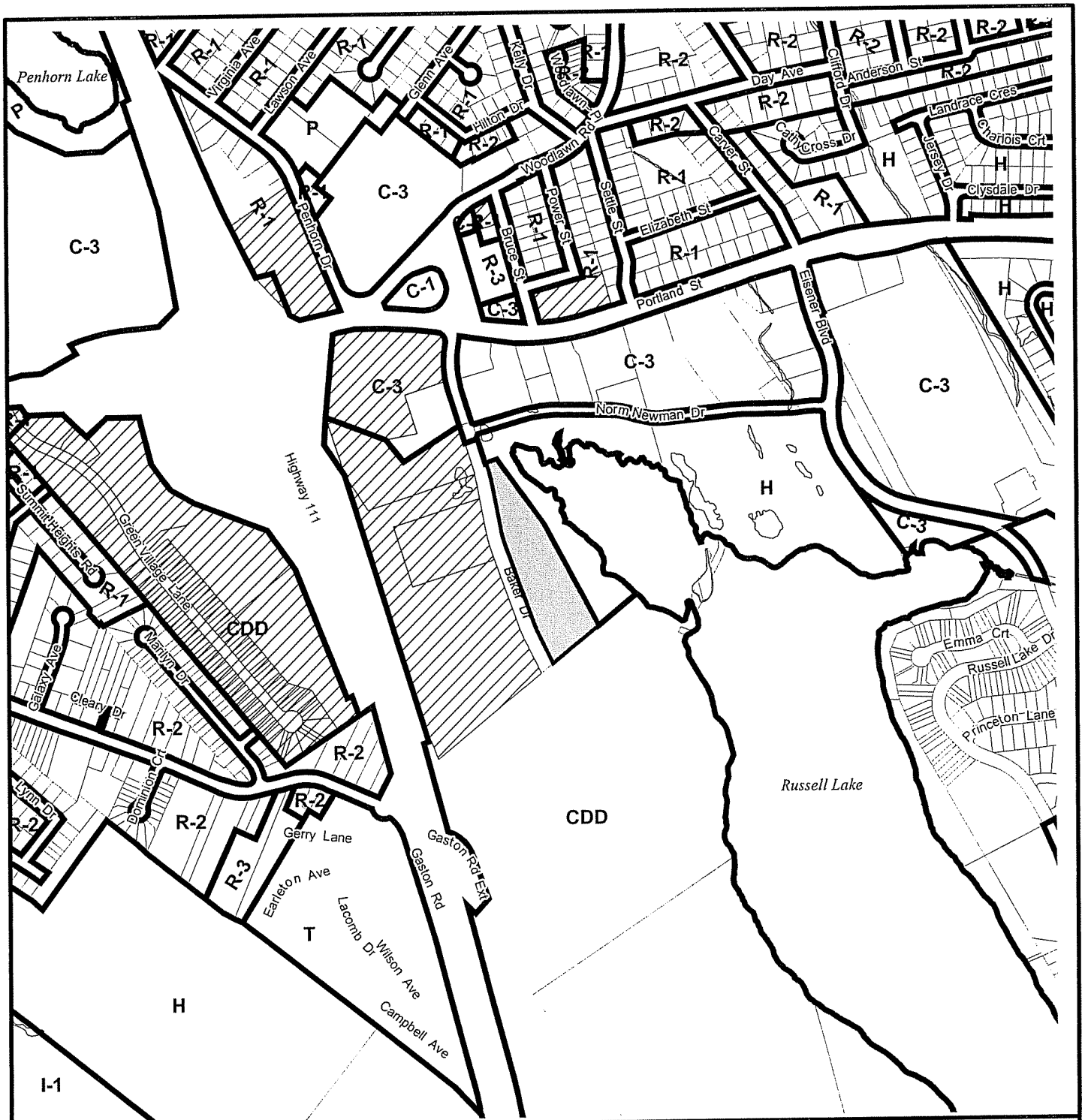
1. Council could approve the proposed development agreement. This is the staff recommendation.
2. Council could choose to request revisions to the proposed development agreement, in consultation with the proponent. Significant changes to the agreement may necessitate an additional public hearing.
3. Council could choose to reject the application, in which case Council must provide reasons for the refusal based on the policies of the Morris Russell Lake Secondary Planning Strategy pursuant to the Municipal Government Act. Staff does not recommend this alternative, for reasons described in this report.

ATTACHMENTS:

- | | |
|--------|---|
| Map 1: | Zoning and Location Map |
| Map 2: | Generalized Future Land Use Map |
| Map 3: | Morris Russell Lake Future Land Use and Transportation Plan |


Map 4:	Notification Area Map
Attachment A:	Development Agreement
Attachment B:	Minutes from the Dartmouth Lake Advisory Board dated March 30, 2005
Attachment C:	Minutes of Public Information Meeting dated April 14, 2005
Attachment D:	Applicable Dartmouth Municipal Planning Strategy Policies and Land Use By-law Provisions
Attachment E:	Morris Russell Lake PPC subcommittee report

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report prepared by Shayne Vipond, Planner, Planning Services, 490-4335.



Map 1

124 Baker Drive

 Existing Development Agreement

Dartmouth Land Use By-Law Area



Subject Property

Zone

- C-1 Local Business Zone
- C-3 General Business Zone
- CDD Comprehensive Development District
- H Holding Zone
- P Park Zone
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-3 Multiple Family Residential Zone
- T Mobile Home Zone

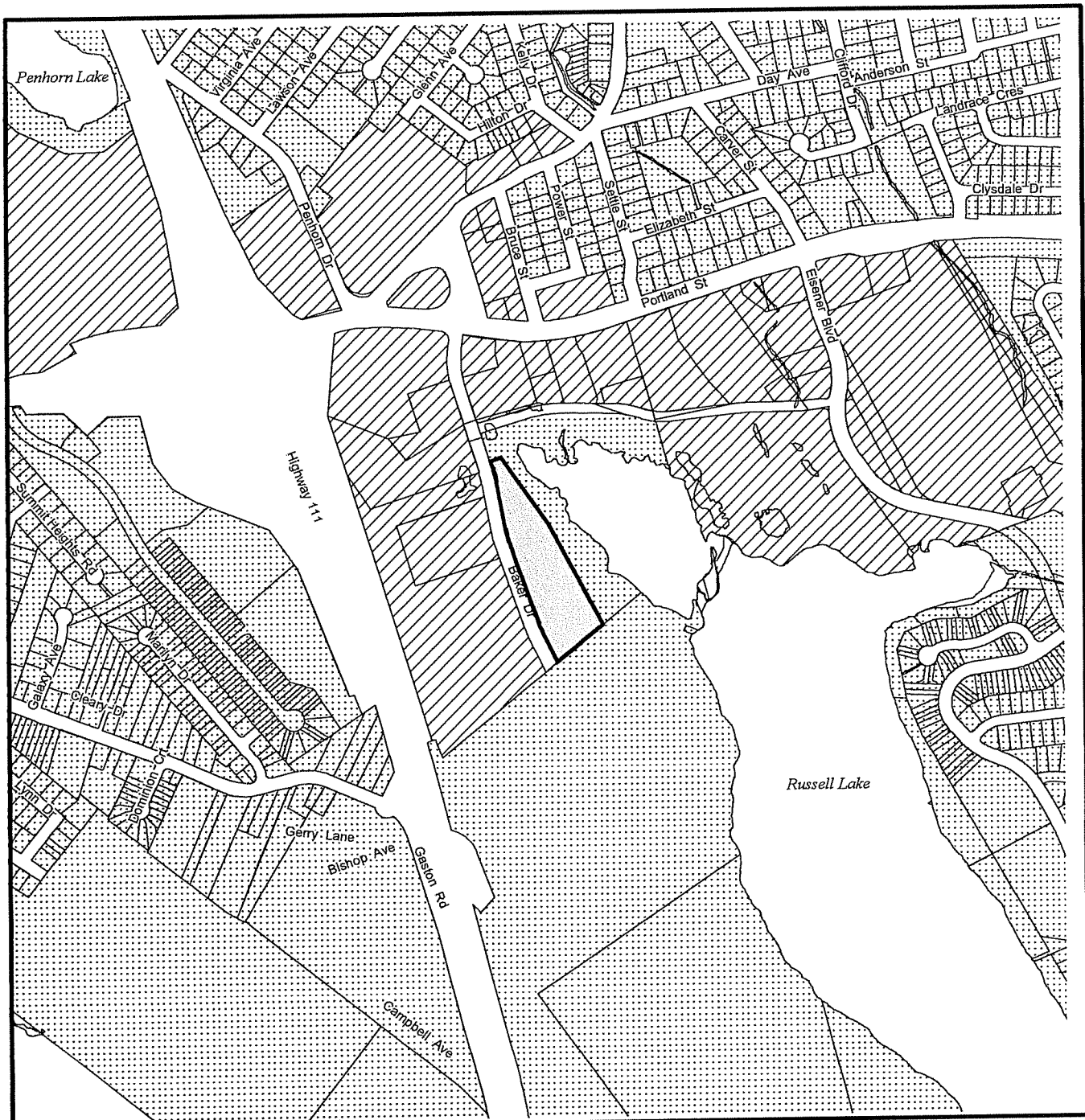


HALIFAX
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DEVELOPMENT SERVICES

250 125 0 250 500 750 Feet

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


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





Map 2
Generalized Future Land Use Map

124 Baker Drive

Dartmouth MPS

 Subject Property

Designation

 Commercial
 Residential



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250 125 0 250 500 750 Feet


















This map is an unofficial reproduction of a portion of the Plan Map for the Dartmouth Municipal Planning Strategy.

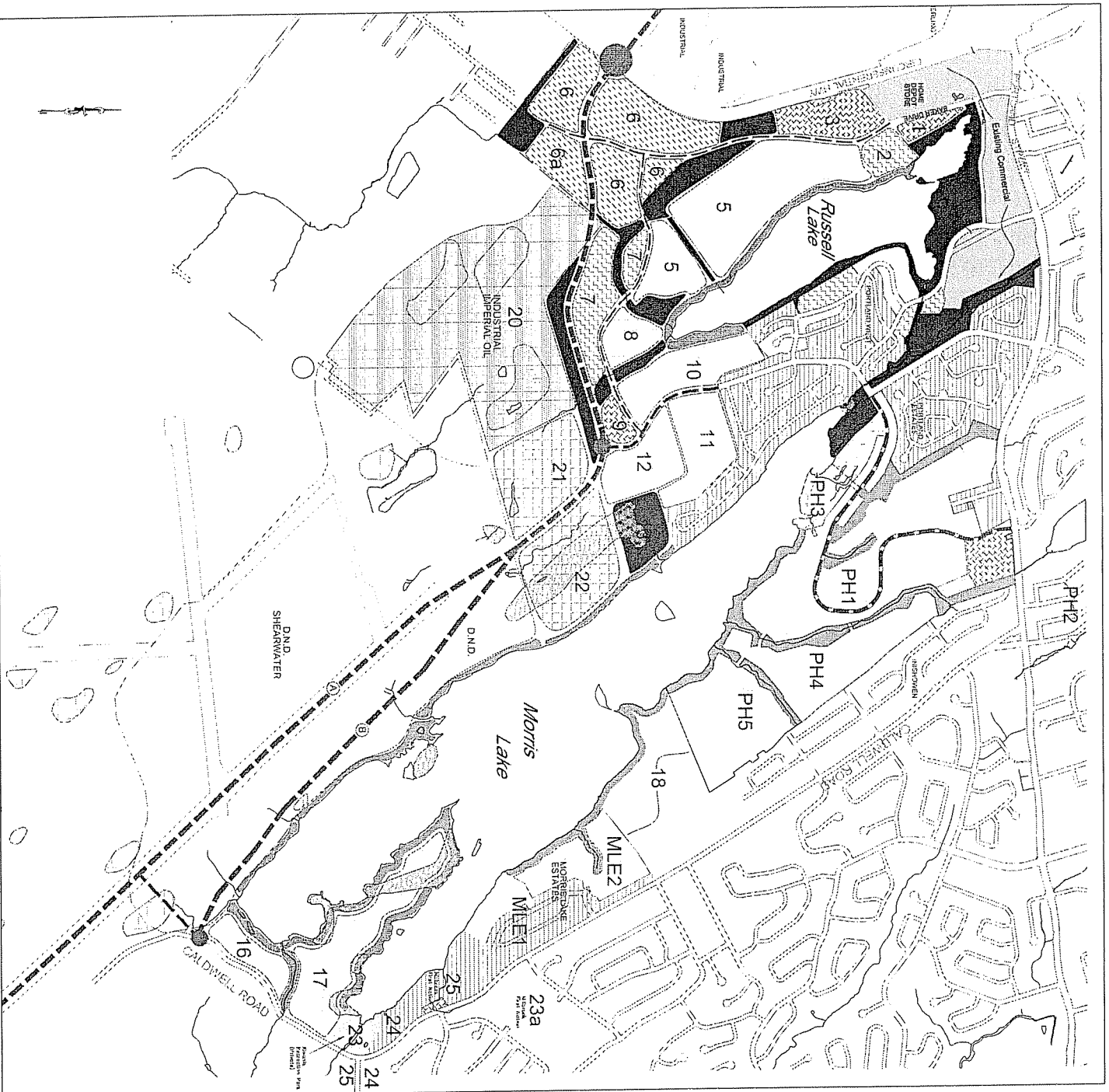
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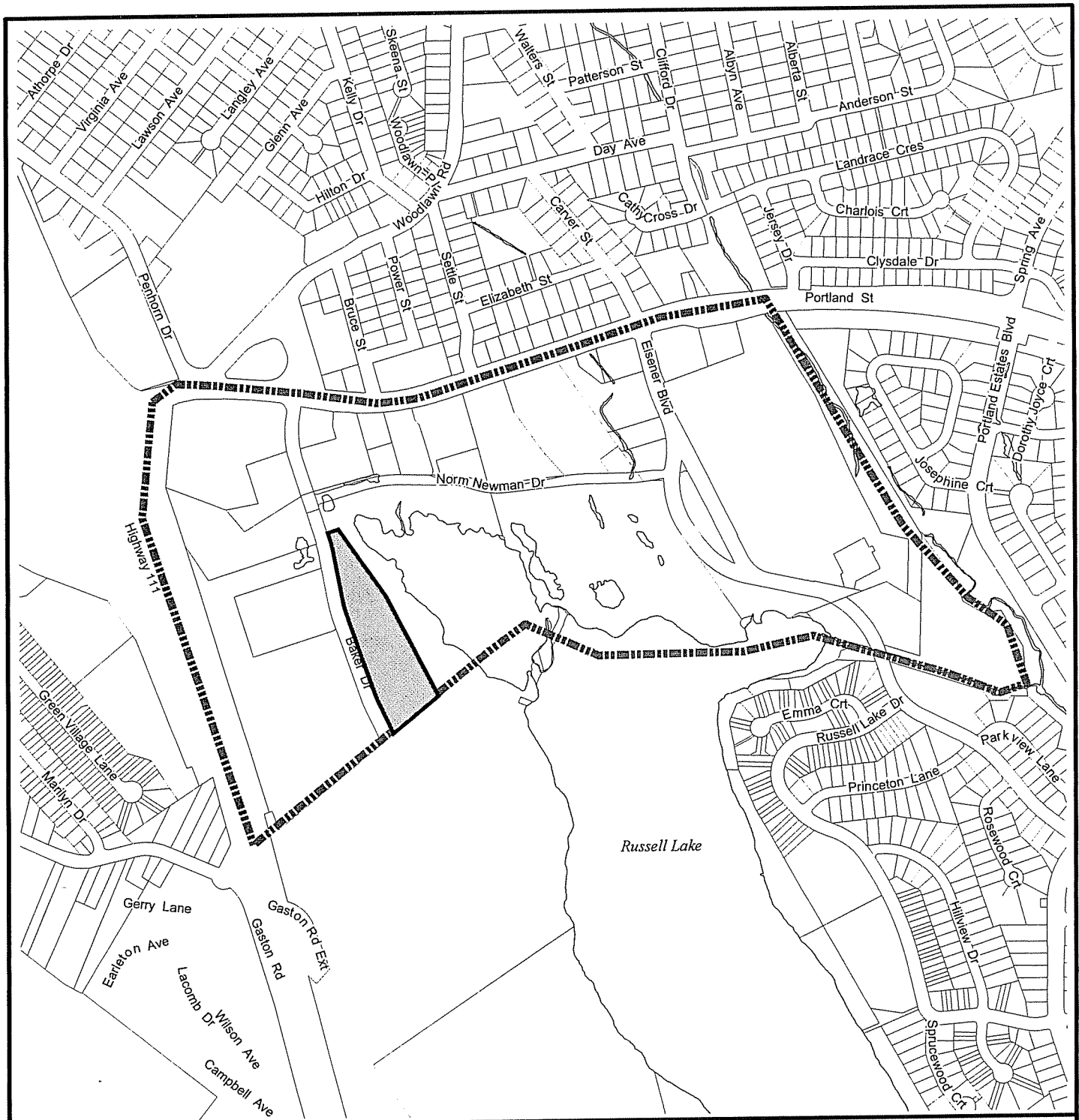
RUSSELL LAKE / MORRIS LAKE

MAP 3 : FUTURE LAND USE AND TRANSPORTATION PLAN

Scale: NTS
February, 2005

-  SINGLE FAMILY
-  SEMI / TOWNHOUSE
-  MULTIPLE / TOWNHOUSE
-  CDD RESIDENTIAL MIX
-  CDD (Holding)
-  HRM PARKLAND/PRIVATE OPEN SPACE
-  ACTIVE HRM PARKLAND
-  COMMUNITY COMMERCIAL
-  GENERAL COMMERCIAL / HIGH DENSITY RESIDENTIAL
-  EXISTING COMMERCIAL
-  INSTITUTIONAL
-  LAKEFRONT PROTECTION ZONE
-  INDUSTRIAL LANDS
-  WETLANDS
-  ENVIRONMENTALLY SENSITIVE
-  CALDWELL ROAD CONNECTOR
-  NEW INTERCHANGE





Map 4

124 Baker Drive



Notification Area

Dartmouth Land Use By-Law Area



Subject Property



250 130 0 250 520 780 Feet

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PLANNING AND
DEVELOPMENT SERVICES

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

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

ATTACHMENT A

THIS AGREEMENT made this _____ day of _____, 2005,
BETWEEN:

BAKER DRIVE DEVELOPMENTS LIMITED
(hereinafter called the "Developer")

OF THE FIRST PART

-and-

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Baker Drive (PID # 40858813), Dartmouth, Nova Scotia, and which said lands are more particularly described in Schedule "A" to this Agreement (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for the construction of commercial buildings on the Lands pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy and Land Use By-law for Dartmouth;

AND WHEREAS the Harbour East Community Council approved this request at a meeting held on _____, 2005, referenced as Municipal Case Number 00759;

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 The Developer agrees that the Lands shall be subdivided, developed and used only in accordance with and subject to the terms and conditions of this Agreement.
- 1.2 Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Land Use By-law of Dartmouth, as may be amended from time to time.

- 1.3 Except as otherwise provided for herein, the subdivision of the Lands shall comply with the requirements of the Subdivision By-law of Dartmouth, as may be amended from time to time.
- 1.4 Pursuant to Section 1.2 and 1.3, 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 and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.
- 1.5 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 and Subdivision 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.
- 1.6 The Developer and each lot owner 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 regulations, by-laws or codes applicable to any lands owned by the Developer or lot owner.
- 1.7 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: USE OF LANDS AND DEVELOPMENT PROVISIONS

2.1 Schedules

The Developer shall develop and use the Lands in conformance with the site plans, design drawings, renderings and supporting technical documents, attached as the following Schedules to this Agreement:

Schedule "A"	Legal Description of property owned by Baker Drive Developments, Baker Drive, (PID 40858813), Dartmouth
Schedule "B"	Site Plan
Schedule "C"	Elevation Drawings
Schedule "D"	Servicing and Grading Plan
Schedule "E"	Erosion and Sedimentation Control Plan
Schedule "F"	Stormwater Drainage Plan
Schedule "G"	Landscaping Plan-Phase 1
Schedule "H"	Landscaping Plan-Phase 2
Schedule "T"	Supporting Documentation: Stormwater Management Plan and Erosion and Sedimentation Control procedures

2.2.1 Permitted Uses

2.2.2 The use of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, are the following:

- (a) **Phase 1:** one multiple unit residential building containing a maximum of 84 units which also includes:
 - (i) vehicular parking, loading and circulation areas; and,
 - (ii) buffer areas and landscaping and
 - (iii) detention pond
- (b) **Phase 2:** one 14,000 square foot commercial building used for local commercial/office uses in accordance with the C-1 ZONE - LOCAL BUSINESS ZONE of the Dartmouth Land Use By-law which also includes:
 - (i) vehicular parking, loading, vehicular and pedestrian circulation areas; and
 - (ii) buffer areas and landscaping

2.2.3 The following uses are prohibited on the Lands:

- (a) automotive uses
- (b) drinking establishments, excepting licenced restaurants
- (c) adult entertainment uses and amusement centres
- (d) industrial uses, including warehousing and distribution
- (e) outdoor storage and display uses such as flea markets and amusement fairs
- (f) drive through restaurants
- (g) massage parlours

2.3 REQUIRED APPROVALS

2.3.1 Prior to the **issuance of the first Municipal Occupancy permit**, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:

- (a) Certification from a qualified professional engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required pursuant to this Agreement; and
- (b) Certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement.

2.3.2 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses 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 applicable 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.

2.3.3 Notwithstanding anything else in this agreement and subject to the approval of the Development Officer in accordance with municipal approvals and the Dartmouth Land Use By-law, the Developer shall be permitted to erect a temporary construction trailer and to provide a power connection to that trailer. The developer acknowledges that the Trailer s is intended to facilitate on the construction of Phase 1 and Phase 2 of the Lands and is required to be removed prior to an occupancy permit for the respective Phases.

2.3.4 Should an occupancy permit be requested during winter months and full stabilization is not completed, a security of 120% of the outstanding uncompleted works as determined by the Development Engineer shall be submitted to HRM to ensure completion once weather permits. Notwithstanding the aforementioned the Developer is responsible to maintain appropriate erosion and sedimentation measure at all times

2.4 Phasing

2.4.1 The Developer acknowledges that Phase 1 shall be the first Phase constructed on the Lands.

2.4.2 Site preparation for each Phase or portion thereof shall not occur until:

- (a) relevant securities identified in this Agreement have been submitted to HRM;
- (b) engineering plans (including but not limited to Master Site/Grading Plan) and Erosion & Sedimentation Control Plans are approved by the Development Engineer as specified in this Agreement.

2.4.3 No occupancy permit for any building within Phase 2 shall be issued until all applicable infrastructure applicable to Phase 1 is complete, including but not limited to, parking areas, driveway accesses, walkways, municipal services and landscaping.

2.4.4 Any construction necessary in Phase 2 to provide for the appropriate infrastructure of Phase 1 shall be permitted subject to the approval of the Development Engineer.

2.5 Building / Architecture

2.5.1 Phase 1:

The Developer shall construct an 84 unit apartment building on the Lands which, in the opinion of the Development Officer, is substantially in conformance with Schedules "B" and "C" attached hereto, including its location, size, height, and architectural design including facade detailing, including exterior materials.

2.5.2 Phase 2:

The Developer agrees that buildings constructed in Phase 2 of the Lands shall comply with the following:

- (i) the maximum gross floor area of the building shall not exceed 14,000 square feet
- (ii) roof and facade treatments shall be similar in appearance to that of the building in Phase 1 and in accordance with Schedules "C"

2.5.3 Pursuant to Sections 2.3.1 and 2.3.2, in consultation with Planning Services, the Development Officer may approve modifications to the architecture, exterior materials and ancillary uses, provided such modifications are minor in nature and, in the opinion of the Development Officer, further enhance the appearance of the buildings and Lands.

2.6 Parkland and Open Space

2.6.1 "Conservation Areas" identified on Schedule "B" as *Undisturbed Areas* are to be retained and utilized for the primary function of environmental protection of Russell Lake however, recreational trail development through the conservation area may be permitted, provided that the primary function is maintained.

- (a) In accordance with the aforementioned a private Trail with the appropriate signage shall be constructed from the Lands in Phase 1 as generally shown in Schedule "G" to connect to the public Russell Lake community Park Trail.

2.6.2 Prior to the issuance of a development permit for Phase 1, the Developer agrees to convey approximately 912 square metres of the subject property as described in Schedule "B", to the Halifax Regional Municipality to be utilized for the purposes of enhancing recreation facility development opportunities for the existing Russell Lake public park.

2.6.3 Subject to the approval of the Development Officer in consultation with Real Property Planning and prior to the issuance of a development permit for Phase 1, in accordance with section 2.6.2 of this Agreement, the Developer agrees to design the public Trail addition substantially in conformance with Schedule "B" and further to:

- (a) design a Trail head for the public Trail in consultation with HRM's Real Property Planning.

2.6.4 Subject to the approval of the Development Officer in consultation with Real Property Planning and prior to the issuance of an occupancy permit for Phase 1, the Developer agrees to construct, grade and stabilize the proposed Trail in the general location as shown on Schedule "B" of this Agreement and to provide for the following in its construction:

- a) a 2 metre wide granular travel surface consistent with the existing Secondary Trail in this location

- b) use 0.5m to 1.0m wide bark mulch (or equivalent) for the walkway shoulders (free of obstacles),
- d) maintain a 10 metre minimum setback from the Russell Lake ordinary high water mark
- e) achieve (within reasonable development costs) accessible trail grades of between 6% and 8%.
- f) provide environmental protection measures during construction to effectively address stormwater run-off to Russell lake in consultation with HRM's Real Property Planning.

2.6.5 The Halifax Regional Municipality acknowledges that the parcel conveyance for park addition, the design and construction of the community Trail shall be deemed to satisfy Parkland dedication requirements for the future subdivision of these lands.

2.6.6 Where any parkland improvements or other public works are proposed within a publicly owned portion of the 100 foot lakefront buffer, the Municipality and its agents are to be in compliance with all policies adopted under the Morris-Russell Lake Secondary Strategy.

2.7 Parking and Circulation

2.7.1 The number and layout of parking spaces on the Lands shall be as generally illustrated on Schedule "B", to include approximately 128 spaces in Phase 1 dedicated to service the apartment building and 44 spaces dedicated to service the commercial/office uses in Phase 2. Such parking spaces shall be a minimum of 8 feet in width and 20 feet in length, and parking for the disabled shall be as required by the Building Code Act, including the provision of applicable above-ground signage. The Development Officer may approve a reduction in the amount of parking spaces indicated on the Schedules if such reduction results in increased landscaping of the parking areas.

2.7.2 All parking areas, driveways and circulation aisles shall be asphalt or concrete, and the perimeter of all driveways, parking areas and landscaped islands, as illustrated by Schedule "B", shall be defined by concrete curb.

2.7.3 The driveway shall comply with the requirements of the Land Use By-law and Bylaw S-300 Respecting Streets, MSS guidelines and any other applicable legislation.

2.7.4 Access to the Lands shall be as generally illustrated on Schedule "B" which limits access to two (30 foot) driveways onto Baker Drive.

2.7.5 Curbed concrete pedestrian walkways a minimum of 5 feet in width shall be provided in accordance with Schedules "B", "G", and "H" in Phase 1 and 2.

2.7.6 The Development Officer may approve changes to the parking and circulation layout as illustrated on Schedule "B" provided such changes further the intent of this Agreement.

2.8 Streets and Municipal Services

- 2.8.1** The Developer shall be responsible for securing all applicable approvals associated with the provision of all on-site and off-site servicing systems required to accommodate the development, including streets, sidewalks, sanitary sewer, stormwater sewer and drainage, water supply and utilities, as generally illustrated by the Schedules attached hereto. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies and regulations of HRM and other approval agencies, except as provided for herein. All costs associated with the supply and installation of sidewalks, municipal services and utilities shall be the responsibility of the Developer.
- 2.8.2** The Developer shall have prepared by a Professional Engineer for submission to the Development Engineer for review and approval, a detailed servicing plan illustrating proposed servicing and vehicle access for the site.
- 2.8.3** The Developer agrees to provide a sampling manhole for the commercial service laterals prior to their connection to the main as per current MSS Guidelines Section 4.2.1.5(f). This manhole shall be readily accessible to HRM staff.
- 2.8.4** The Developer agrees to cap all sanitary sewerage and storm sewerage laterals serving the Lands that are not in use at the main.
- 2.8.5** The Developer shall construct a sidewalk along the full extent of the frontage of the Lands along Baker Drive as represented on Schedule "B" and to deed any portion of the sidewalk lying outside the HRM right of way to HRM plus a one foot maintenance easement as required by HRM Engineering.
- 2.8.6** All secondary electrical wiring service to the Lands (from the street right-of-way) shall be underground.
- 2.8.7** Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, 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 HRM Engineering.
- 2.8.8** Pursuant to Section 2.3, no occupancy permit shall be issued for any building on the Lands until all streets and street improvements, sidewalks, municipal services and utilities, have been completed, except that the occupancy permit may, at the discretion of the Municipality, be issued subject to security being provided to the Municipality in the amount of 120 per cent of the cost of completion of all outstanding work. The security shall be in favour of the Municipality and may be 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 all work, as described herein and illustrated on the Schedules, and as approved by the Municipality.

2.8.9 The Developer agrees to install a Backflow Prevention Device for the municipal water service as required by the Halifax Regional Water Commission.

2.8.10 The Developer may apply for a Development Permit for the Lands once Policy ML-2 of the Dartmouth Municipal Planning Strategy has been satisfied.

2.9 Landscaping

2.9.1 The Lands shall be landscaped as generally illustrated and described on Schedule "G" and "H". Prior to the installation of final landscaping, the Developer shall prepare a detailed landscaping plan and planting schedule, including the type, number, size and location of all plant stock and furniture for all areas to be landscaped. Such plans and information shall require approval by the Development Officer, on advice from the Manager of Parks and Grounds, and modifications to the plans and materials submitted may be made as determined by the Development Officer.

2.9.2 In all areas where retaining walls are required, where such walls exceed a height of 4 feet above finished grade, the Developer shall install a safety barrier at the top of the wall.

2.9.3 No occupancy permit shall be issued for any building(s) on the Lands until such time as the landscaping has been completed as applicable to each Phase, provided however that an occupancy permit may be issued provided the Developer supplies a security deposit in the amount of 120 per cent of the estimated cost to complete the landscaping. The security shall be in favour of the Municipality and may be in the form of a certified cheque or 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.

2.10 Signage

2.10.1 Signage on the Lands shall be limited to the general locations illustrated on Schedules "G" and "H". One additional masonry ground sign will be permitted in Phase 1 and one pylon sign shall be permitted on the Lands in Phase 2. Signage on the commercial building in Phase 2 shall be limited to fascia sign banding which, in the opinion of the Development Officer, and on the advice of the Planner, is proportional in scale to the height and area of the facade. Additional minor directional ground and fascia signs are permitted as required for vehicular/pedestrian traffic and "way-finding" purposes.

2.10.2 Traffic control signs and pavement markings shall conform to the "Manual of Uniform Traffic Control Devices" and/or "Official Highway Signs for Nova Scotia".

2.11 Building and Site Lighting

2.11.1 Light fixture locations shall be as generally shown on Schedule "C". Prior to installation, a detailed lighting scheme shall be submitted to the Development Officer for approval.

2.11.2 All lighting on the Lands, exclusive of signage lighting, shall be designed, installed and maintained to supply adequate area lighting and provide adequate security. Lighting shall be directed to all driveways, parking areas, loading areas, building entrances and walkways and away from streets and abutting properties. The maximum height of lighting fixtures shall be 40 feet above grade. The Development Officer may approve changes to the lighting plan provided such modifications are minor and further the intent of this Agreement.

2.11.3 All lighting shall be installed prior to the issuance of an occupancy permit.

2.12 Outdoor Storage and Display

2.12.1 Outdoor storage is permitted on The Lands only and shall be limited to locations as generally shown on Schedule "B". All areas of outdoor storage shall be enclosed by an opaque fence of suitable height to screen the stored materials.

2.12.2 Refuse containers and waste compactors on any Parcel shall be confined to the loading areas of each building, and shall be screened by opaque fencing.

2.12.3 Propane tanks and electrical transformers on any Parcel shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing and/or suitable landscaping.

2.13 Hours of Operation and Maintenance

2.13.1 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

2.13.2 The Developer shall maintain and keep in good repair all portions of the development and Lands, including but not limited to, the interior and exterior of the building, retaining walls and fencing, lighting, walkways, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, and snow removal/salting of walkways, driveways and parking areas, the clean-out of the stormwater management infrastructure as required, and the maintenance and operation of the detention pond.

2.14 Environmental Matters

2.14.1 All environmental protection measures associated with the development of the Lands, shall generally comply with the following Schedules to this Agreement:

Schedule "E"	Erosion and Sedimentation Control Plan
Schedule "F"	Stormwater Drainage Plan
Schedule "I"	Supporting Documentation: Stormwater Management Plan and Erosion and Sedimentation Control procedures

- 2.14.2 Prior to the commencement of any site works on the Lands, the Developer shall submit a Site Grading and Drainage Plan. Such Plan shall require the approval of the Development Officer, on the advise of the Development Engineer. Modifications to the site grading and finished elevations, as indicated on the Plan, may be approved, provided such modifications are minor and further the intent of this Agreement.
- 2.14.3 The Developer of the Lands, shall retain a qualified environmental inspector to monitor all on-site and off-site construction associated with the development of the Lands. The Inspector shall be responsible for ensuring that the Developer, and its contractors, fully complies with all environmental protection measures as described herein and, notwithstanding Section 2.14.2 above, any other such measures as may be directed by the inspector or the Development Officer in consultation with the Development Engineer. The environmental inspector shall be retained in advance of any work being conducted on any Parcel of the Lands, including the installation of services, and shall remain until the work is complete and permanently stabilized, as determined by the Development Officer. The inspector shall provide the Development Engineer with weekly written reports concerning the status of environmental protection matters.
- 2.14.4 The Developer agrees that the Erosion and Sedimentation Control Measures listed in Schedule "I" are intended as general guidelines only. The Developer further agrees that prior to the commencement of any work on any Phase of the Lands, or associated off-site works, a detailed Phasing Plan shall be submitted to the Development Officer, indicating the sequence of construction, the areas to be disturbed, and all proposed erosion and sedimentation control measures, the detailed and stormwater management measures to be put in place prior to and during development of that phase. The plans shall be reviewed by, and require the approval of the Development Officer, with the advice any person deemed qualified with the Municipality or Province, prior to any site works being undertaken.
- 2.14.5 Prior to the construction of the permanent detention pond and the walkway to be constructed on HRM lands, the developer shall submit detailed design drawings for these facilities, and such drawings shall require the approval of HRM prior to undertaking the work.
- 2.14.6 Prior to the commencement of any work on the Lands, or associated off-site works, the Developer shall post security in the amount of \$20,000.00 to ensure that all environmental protection measures are properly implemented and maintained. The security shall be in favour of HRM and may be in the form of a certified cheque or irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer within six (6) months of the date of issuance of the applicable occupancy permit, provided all measures for environmental protection have been implemented to the satisfaction of the Development Officer.
- 2.14.7 The Developer shall retain an independent qualified environmental specialist to monitor water quality and run-off to Russell Lake during construction of the Lands after each storm event at the nearest storm sewer outfall and at the site and to submit such results to the Development Engineer for review.

- 2.14.8** If the Developer fails at any time during any site work or construction to fully conform to the approved environmental protection plans as required under section 2.14, the Municipality shall require that all site and construction works cease, except for works which may be approved by Nova Scotia Department of Environment and Labour and/or the Development Engineer to ensure compliance with the environmental protection plans. Further, the Municipality may redeem the provided security and undertake the required measures as deemed appropriate, including but not limited to:
- (i) the installation of appropriate on-site and off-site erosion and sedimentation control measures and interim stormwater management measures to ensure compliance with the approved plans;
 - (ii) protection and stabilization of exposed surfaces and stockpiles of materials prior to anticipated rain events; and
 - (iii) the identification and remediation of any sedimentation which has occurred on the Municipality's property or within the Municipality's storm water system, and the installation of temporary measures as may be approved by the Nova Scotia Department of Environment and Labour to reduce the potential for introduction of suspended solids into any watercourse.
- 2.14.9** Burning of site material such as but not limited to vegetation, brush, trees and building materials shall be prohibited unless approval in writing is granted by Fire Services.
- 2.14.10** The Developer agrees to provide site supervision during the full construction period as Outlined in Schedule "T" to ensure that the environmental protection measures are properly implemented and maintained.

PART 3: AMENDMENTS

- 3.1** The provisions of this Agreement relating to the following matters are identified as and shall be deemed to be not substantial and may be amended by resolution of Council:
- (a) Modifications to parking and circulation resulting from a change in tenancy of the Lands or building.
 - (b) Upon the completion of the Baker Drive extension and the 111 interchange and at the determination of the Development Engineer as to when traffic volumes can be more fully substantiated, one additional driveway access to Baker Drive from the parking lot in Phase 2 may be permitted subject to:
 - i) a traffic study as may be required by the city's Traffic Services division
 - ii) the approval of the Development Engineer.
 - (c) Subject to the approval of the Development Officer and in consultation with Planning Services the Developer may construct a patio in Phase 2 of the development in accordance with provision set out in the Dartmouth Land Use By-law.

- (d) Subject to the approval of the Parkland Planning and the Development Officer, the Developer may construct a private walkway with the appropriate signage from Phase 2 of the Lands to provide access to the public Trail.

- 3.2 Amendments to any matters not identified by Section 3.1 or elsewhere in this Agreement shall be deemed substantial and may only be amended in accordance with the approval requirements of the Municipal Government Act.

PART 4: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

- 4.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.
- 4.2 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Council.
- 4.3 In the event that construction on the Lands has not commenced within 2 (two) years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction. For the purposes of this section, "commencement of construction" shall mean the pouring of the footings and foundation.
- 4.4 Upon the completion of the development or portions thereof, or after 5 (five) years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, 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 on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law, as may be amended.

PART 5: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

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

- 5.2 If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, 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 defence based upon the allegation that damages would be an adequate remedy;
 - (b) the Municipality may enter onto the Property and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants may be recovered from the Developer by direct suit and such amount shall, until paid, form a charge upon the Property 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; and/or
 - (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

) **BAKER DRIVE DEVELOPMENTS LIMITED**

)

)

)

)

)

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

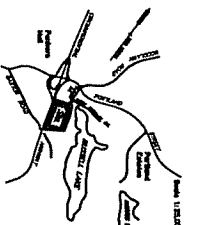
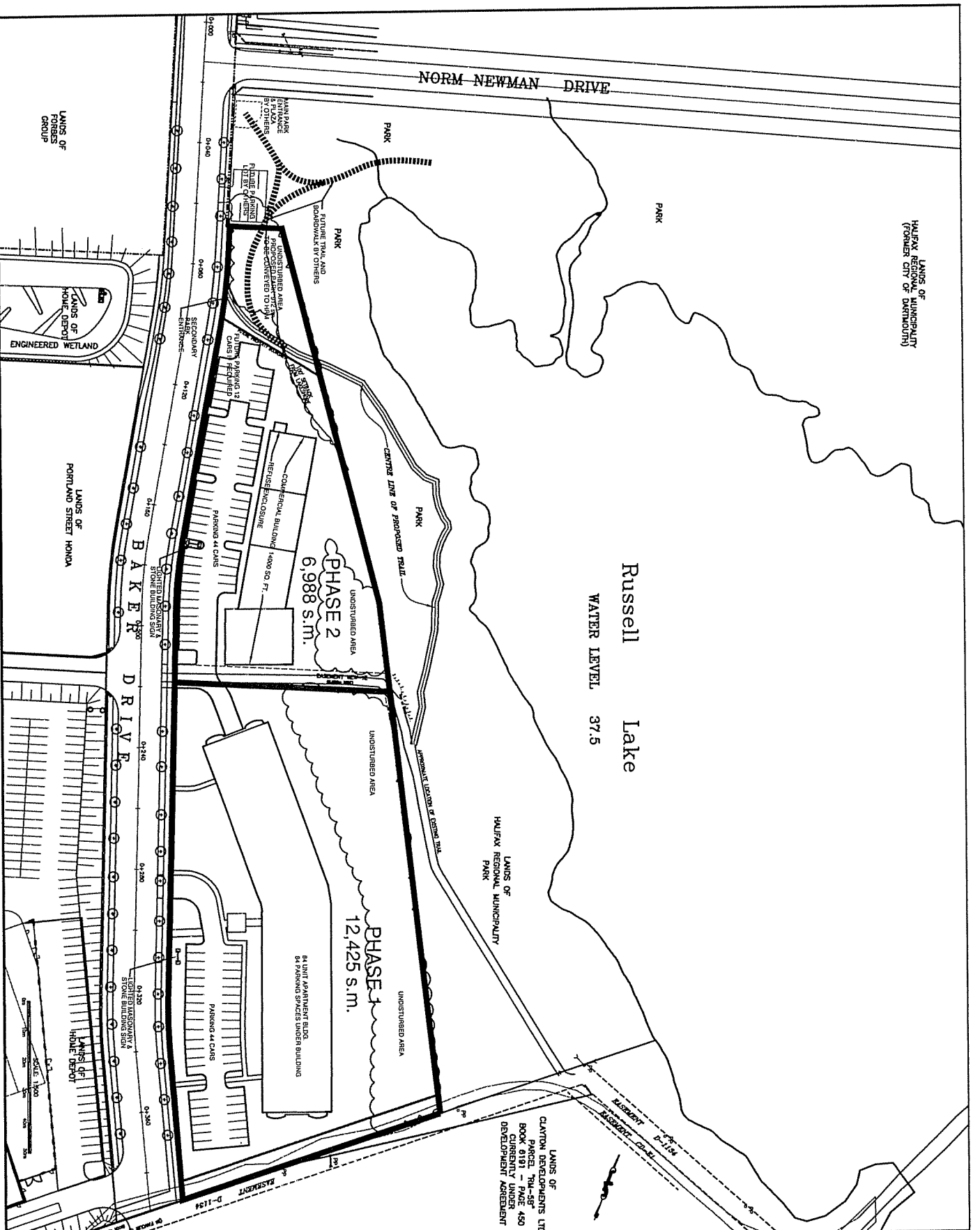
)

)

per: _____

)per: _____

MUNICIPAL CLERK



KEY-PLAN

Notes

The developers phasing plan calls for the completion of the Apartment Building and related work prior to starting construction of the Commercial Building and some site development of the Commercial Site may be carried out in association with the Apartment Building site work to utilize surplus site materials. All environmental protection measures will be in place prior to grubbing and areas disturbed temporarily will be stabilized.

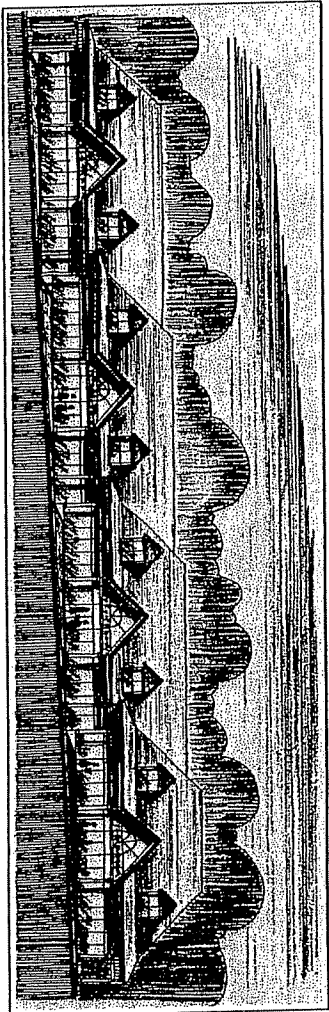
[illegible]

PREPARED FOR:
Baker Drive Developments
7 Comovetia Court
Dartmouth, Nova Scotia B2X 3G7

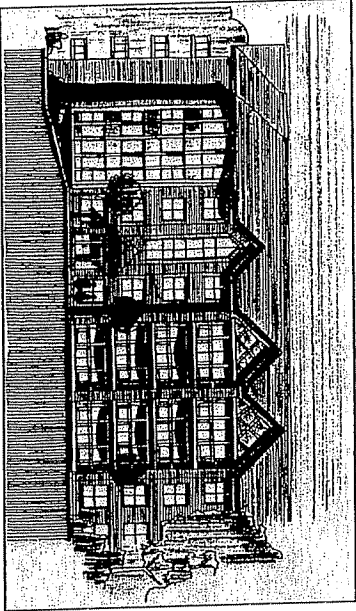
Clyde # 69 Baker Drive (Lot WTW-1)
P.L.D. # 40668818

PROPOSED NEW PLAN SCHEDULE 'B'

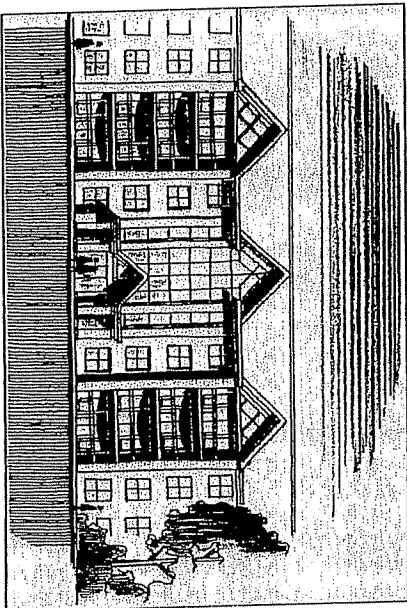
DRUMM K.H.W.	SOCIETY
SCALE: MTS	DEPT. No.
DATE: OCT 04 2004	40501-01



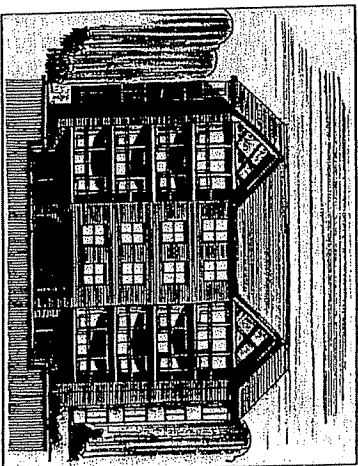
COMMERCIAL BLDG.
FRONT ELEVATION



RESIDENTIAL BLDG.
TYPICAL FRONT (WING) ELEVATION



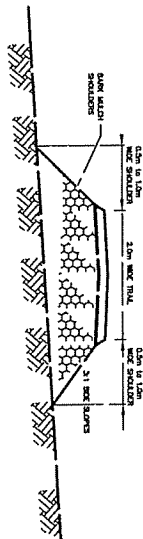
RESIDENTIAL BLDG.
FRONT (ENTRY) ELEVATION



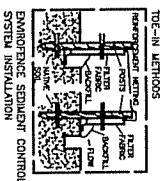
RESIDENTIAL BLDG.
END ELEVATION

Schedule "C" Elevation Drawings

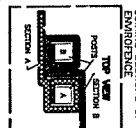
NOTES:		1. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.		2. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.		3. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.		4. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.	
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20. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.		21. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.		22. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.		23. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.		24. THE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT AND THE CALIFORNIA BUILDING CODE.	



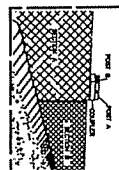
TYPICAL CROSS-SECTION



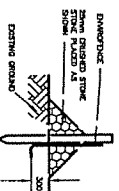
TIE-IN METHODS



JOINING SECTIONS OF ENVIRONMENT



ENVIRONMENT



KEY PLAN

Construction Notes:

Contractor to construct Filtered Waterway prior to any work being done on the site.

Silt fences to be installed where indicated on the plan. Silt fences shall be installed in the form of a V-shape with the apex pointing up-drift or placed at the foot of the embankment. If required, they will be installed as directed by the Engineer.

The contractor shall work on the minimum area possible to avoid disturbance of the surrounding area and to stabilize the surface before going on to the next area.

Silt accumulations at the silt fence shall be removed from the site or placed and stabilized in the disturbed area.

Stabilize all slopes and other areas not subject to revegetation by hydroseeding and mulching as soon as slopes are established to finished grade.

Downstream of excavations shall be directed through filtration berms.

A supply of hay bales, filter fabric, silt fence and other items shall be maintained on site in readiness for emergency retention and silt fencing if required.

All erosion and sediment control measures must be maintained at all times. If the contractor is unable to maintain the measures, the Engineer will require the contractor to rectify the situation at his own cost.

Minimize all permanent vegetation measures and remove all erosion control measures where growth in not property established.

The Contractor is to have a foreman on call at all times to accept and to be covered with suitable all-weather equipment to be approved by the Engineer.

Filter Berms, Berms and Hoops

Contractor shall install sediment control devices immediately after excavation and shall be covered with suitable all-weather equipment to be approved by the Engineer.

All points of construction site entrance and exit shall be protected to prevent tracking of mud and debris onto public roads.

All filter berms shall be maintained by regular maintenance.

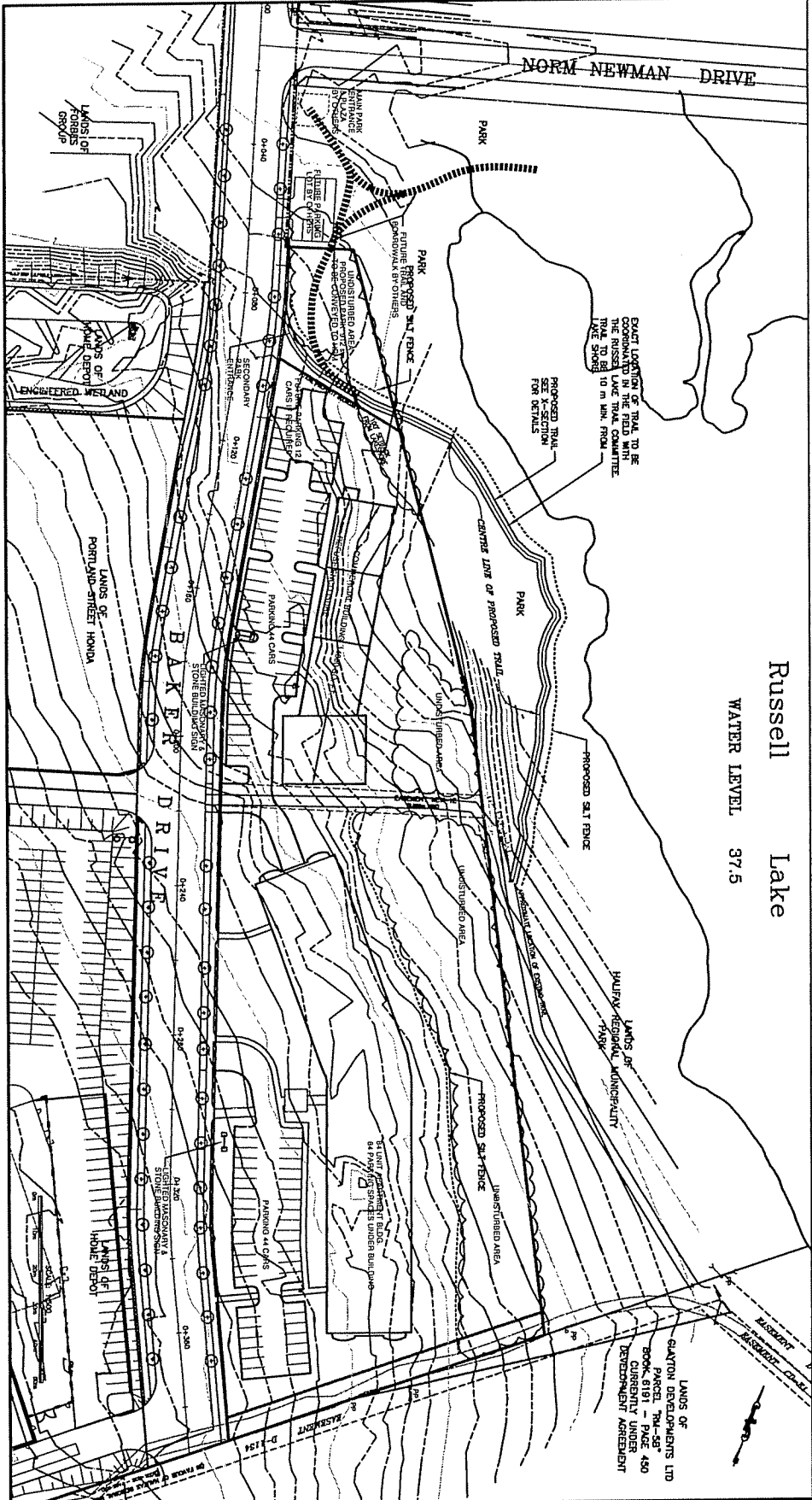
Summit Rock Developments Ltd.

Baker Drive Developments

CHIC # 59 Baker Drive (to WEV-1)

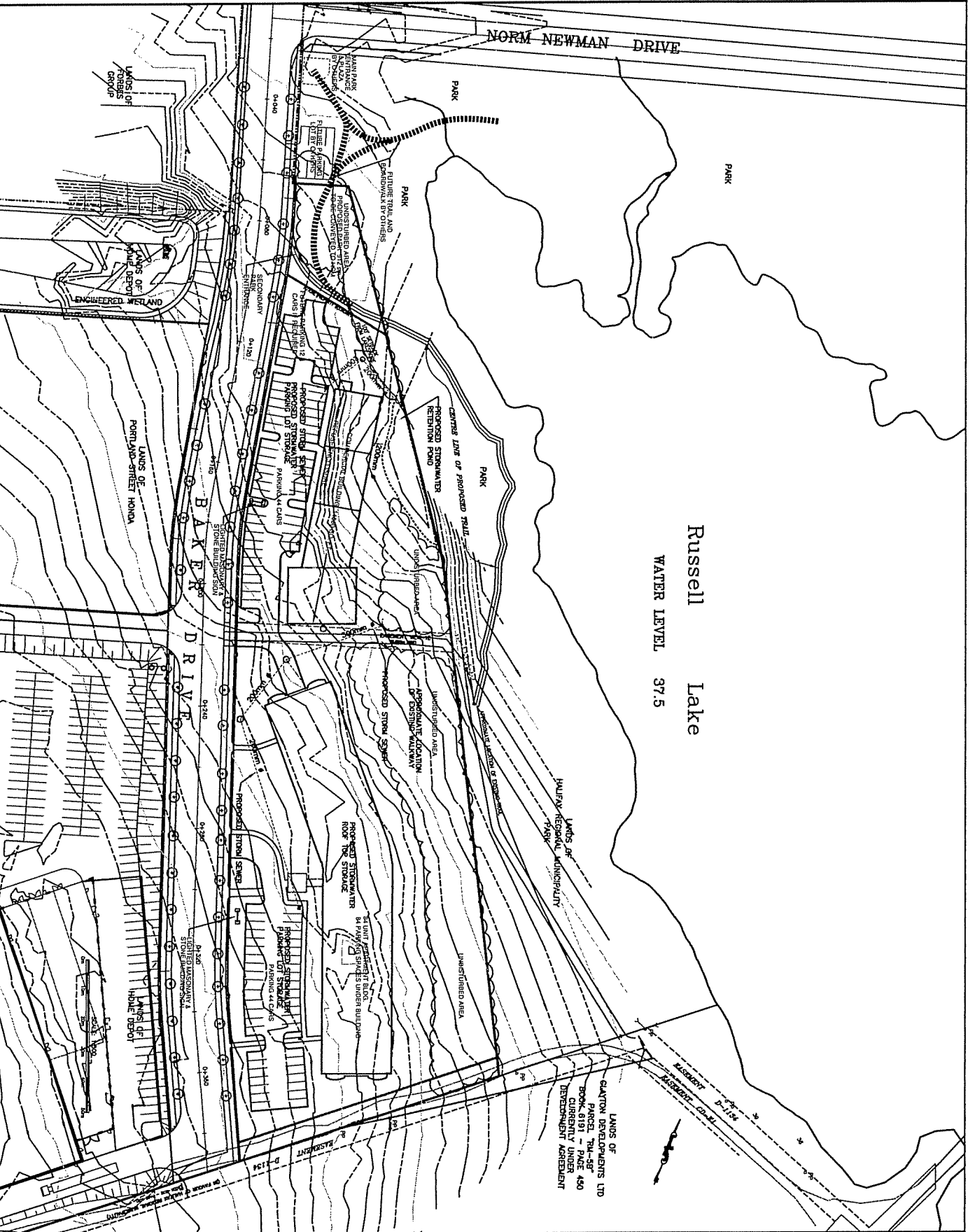
PROPOSED EROSION AND SEDIMENT CONTROL PLAN SCHEDULE 'E'

DATE: DEC 04, 2004



Russell Lake

WATER LEVEL 37.5



KEY-PLAN

Areas

Total Site = 18,410 sqm
 Approximate Building = 2,875 sqm
 Commercial Building = 1,016 sqm
 Parking Lots = 2,850 sqm
 Walkways = 463 sqm
 Future Parking Lot = 465 sqm
 Undisturbed Areas = 4,962 sqm
 Landscaped Areas = 6,494 sqm
 Potential Stormwater Storage Area = 450sqm

PREPARED FOR
 Baker Drive Developments
 7 Commerce Court
 Burnaby, B.C. V5A 3K7

PREPARED BY
 Summit Rock
 Developments Ltd.
 1000 West 10th Avenue
 Vancouver, B.C. V6H 1A6

DATE
 10/20/2004

PROJECT
 PROPOSED STORMWATER MANAGEMENT PLAN
 SCHEDULE 'T'

CLIENT
 P.I.D. # 4088813
 59 Baker Drive (at WEW-1)

SCALE
 1" = 100'

DATE
 10/20/2004

PROJECT
 40501-04

SCHEDULE "I"

Supporting Documents

Erosion and Sedimentation Control Measures and Stormwater Management Plan

Erosion and Sedimentation Control Measures:

- A.** Pursuant to Section 2.12 of this Agreement, the erosion and sedimentation control measures listed below and generally shown on Schedule "E" are intended as guidelines only, and may be modified or expanded as per the stipulations of Section 2.14.4. The control measures listed below supercede those described on Schedule "E".
1. Contours are at 2.0 metre intervals.
 2. The N.S. Department of Environment Erosion and Sedimentation Control Handbook is to be used as a reference for applicable measures.
 3. Place erosion and sediment control devices as indicated on the downstream side of each work area before grubbing related work area.
 4. Install sediment filter bags in downstream catch basins. Filter bag material (geotextile) to be based on soil type to be treated. Clean existing streets whenever necessary to remove any mud that may be traced off-site by the construction equipment. All accesses should have ridged armor stone mats to displace soil from tires, and as necessary, de-soil tires prior entering street.
 5. Any acid-bearing rock to be excavated and disposed of based on Department of Environment regulations.
 6. Excavate high side cutoff ditches in all areas indicated at the earliest practical time in the construction sequence to prevent water from upstream areas flowing across exposed soil.
 7. Silt fence to be installed where indicated on the plan as per the details shown before any grubbing or placing of fill.
 8. Install additional protection berms, silt fences, cutoff ditches, temporary sediment ponds, etc. as required by site conditions to prevent sediment from entering watercourses or sewers. All gravel used for filtration purposes to be free of fines.

9. Maintain a stockpile of appropriate erosion and environmental protection materials on site at all times.
10. Maintain erosion and sediment control measures from the time of installation until after all areas draining towards them have been totally stabilized.
11. The contractor shall work on the minimum area practical at one time, complete it promptly and stabilize the surface before going on to the next area.
12. Stabilize slopes and critical areas by sodding or as shown on the Landscaping Details.
13. Any disturbed areas which may be reworked shall be stabilized with all due diligence and dispatch, using wood chips or other approved methods, and maintained in place until placement of permanent stabilization or landscaping.
14. Remove silt accumulations at silt fences and other protection devices by careful hand excavation, dispose of accumulated silt by removing from site or placing and burying it in fill areas.
15. Dewatering of excavations shall be directed through gravel berms (free of fines) or approved equivalent.
16. No pumping or draining of water containing suspended materials into waterways or sewers.
17. Place gravel on roads, parking lots and building areas with due diligence and dispatch following excavation.
18. Any exposed soil stockpiles shall be immediately covered with plastic sheets or approved equal.
19. Prior to carrying out any work, check the long range weather forecast to ensure that there is adequate time before forecast rain storms to stabilize the work.
20. Developer to the measures to mitigate any discoloured water from entering the storm sewers or watercourse. Any discard of discoloured water in excess of permitted levels under Provincial and Federal guidelines may be subject to penalties from either or both agencies. All discharges of coloured water should be report to the Nova Scotia Department of Environment and Labour.
21. Monitoring (inspections) of all measures to take place daily or as otherwise approved. Increase inspections prior to and during rainfall events. Inspector to maintain log. Have personnel on call to provide emergency repairs to sediment and erosion control measures at all times.

ATTACHMENT B
EXTRACT - MARCH 30, 2005 - DARTMOUTH LAKES ADVISORY COMMITTEE

5.1 Case 00759 - Development Agreement - Lot 1WEW - 1 Baker Drive,
Dartmouth

- A memorandum dated March 10, 2005 from John MacPherson, Planner, was before the Committee for consideration.

Mr. Tom Swanson, representing the developer, made a presentation outlining the Stormwater and Erosion and Sedimentation Plans for the proposed development of an 84 unit multiple dwelling and a multiple unit tenant commercial building on Baker Drive. Mr. Swanson responded to questions from members of the Committee.

During the discussion, members expressed the following concerns:

- The location of the berm should not dictate the location of the walkway. The walkway should be closer to the lake.
- The plan is conceptual and there are some engineering aspects which need to be more detailed.
- Input from Parks and Recreation regarding the development is very important

Staff advised that a meeting is being arranged with staff of Parks and Recreation and Development Engineering to discuss a number of issues with the proposal.

MOVED by Dr. Millward, seconded by Dr. Hellenbrand that the Dartmouth Lakes and Advisory Board approve in principle the Stormwater Management and Erosion and Sediment Control plans as presented subject to detailed plans being reviewed and approved by staff. MOTION PUT AND PASSED.

This matter will come back to the Board again at the Building Permit stage.

ATTACHMENT C**MINUTES OF PUBLIC INFORMATION MEETING
CASE 00759 - BAKER DRIVE
THURSDAY APRIL 14, 2005
BEL AYR ELEMENTARY SCHOOL , DARTMOUTH**

STAFF: Shayne Vipond, Planner

**MORRIS-RUSSELL LAKE
PUBLIC PARTICIPATION
COMMITTEE**

MEMBERS: Phil Elliott, Chair
Hugh Millward, Vice Chair
Dennis Richards
Tom Patterson

**MEMBERS OF
THE PUBLIC:** 15 estimated

**MEMBERS OF
COUNCIL PRESENT:** Bill Karston
Andrew Younger

1. SHAYNE VIPOND, PLANNING SERVICES

Shayne Vipond welcomed attendees to the meeting. He introduced himself as the Planner assigned to this development agreement and explained his role in the application. He then explained the purpose of this evenings meeting and indicated all comments and concerns of this meeting would be recorded and attached to the staff report that will be presented to the Harbour East Community Council. He went on to explain the complete application process describing future public consultation forums, where interested citizens would have an opportunity to participate.

Shayne Vipond then invited the applicant Joseph Diab, owner of Baker Drive Developments and Tom Swanson, the consultant working for Diab on this project, to give a brief presentation of the development agreement application.

Tom Swanson through overhead presentation gave a complete explanation of the application which included residential and commercial components. He then described the relationship between each development and the intentions of Mr. Diab for the development. Tom Swanson continued with a description of the parking, landscaping and general layout of the full property including both the residential and commercial structures.

Paul Skerry introduced himself as an established architect familiar with this area, involved with local development since 1972. He then went into a brief history of his involvement with Joseph Diab on a separate project completed in this area a number of years ago. The 61 unit building is located on Isnor Drive. He stated at the time of construction on Isnor Drive, it was a relatively sensitive site with environmental concerns. Paul Skerry indicated they successfully completed that project, even though the construction began late in the year when runoff and poor soil conditions are common. He stated despite the conditions we were able complete that site with no complaints, or environmental concerns. He stated the building was quickly rented and in his opinion, is now run under a particular type of management that is quite personable. He believes Joseph Diab does a great job of maintaining his buildings. In keeping with that kind of strategy Joseph asked Paul to come back and construct another building with him.

Paul Skerry then described the developments Joseph Diab is proposing within this application, which he feels are high-end residential/commercial buildings. He began with the residential structure, describing the building underground parking, explaining each tenant will have a parking spot underground as well as another 50% parking outside the building. He then reviewed some structural aspects of the building, stating it is intended to be a reenforced concrete structure. This means is that this is a more costly structure and a more permanent structure. We are qualifying it as a four storey building which means we can use combustible construction on it. Paul Skerry then asked the attendees to take a look at an overhead diagram outlining the building layout. He explained many aesthetic values the building will have. He also discussed the architecture of the building numerous landscaping aspects. He continued with a description of the interior layout, talking to the amount of space each tenant will have in the unit and in their own storage units that will be located underground in front of each parking spot. He then described the proposed party room and recreational facility they plan to incorporate in the structure.

Paul Skerry continued with a description of the commercial building. He indicated its architecture will mimic the residential building. He stated it is not a huge building, and they feel it will fit in with the surrounding structures. This building is intended to be aesthetically pleasing as well, not just a typical strip-mall with a boxy look. The building is intended to have unique characteristics.

Paul Skerry then opened the floor for questions and comments.

Shayne Vipond indicated for public record the attendance of Councillor Bill Karsten and Andrew Younger should be noted. He then asked the attendees how they heard about the evenings meeting. The attendees indicated through both notification letters and the newspaper ad.

2. QUESTIONS AND COMMENTS

Ivano Andriani (Bayswater Road) asked is there was a traffic study available to the public and if he could have a copy.

Shayne Vipond replied there is a traffic study completed that is being reviewed by Traffic Services. He indicated that provided that the applicant agrees it will be available to the public as soon as Traffic Services review is complete.

Shayne Vipond then asked if there were any other questions, then closed the meeting.

3. **ADJOURNMENT**

The meeting adjourned at approximately 7:45 p.m.

ATTACHMENT D**APPLICABLE DARTMOUTH MUNICIPAL PLANNING STRATEGY POLICIES AND
LAND USE BY-LAW PROVISIONS**

- H-3(AA) It shall be the intention of Council to establish a Public Participation Committee upon the Municipality receiving an application to develop lands within a CDD. The composition of the Committee should include local residents, other interested citizens, affected land owners, the proponent and municipal staff. The general purpose of the Committee is to collaborate to produce the conceptual plans and detailed plans for the area to be developed, as described by Policies H-3A, H-3B and H-3C. Council shall also establish a Committee to deal with substantial amendments to CDD Agreements.
- Policy H-3A Pursuant to section 56 of the Planning Act, development within a CDD shall be subject to an agreement. Prior to considering any agreement within a CDD, Council shall require a concept plan for the entire land holding. The concept plan shall include the following information, some or all of which may be made part of any agreement as Council deems necessary to fully describe and control the development:
- (a) a map(s) and assessment of the physical nature of the land, including its topography, mature vegetation, natural features restricting development and any significant environmental characteristics;
 - (b) a transportation plan, including vehicular, pedestrian and public transit systems, and traffic impact analysis sufficient to evaluate the internal and off-site implications of the systems;
 - (c) the method of providing municipal sewerage, water and storm services to the development;
 - (d) the general phasing of development;
 - (e) the distribution and nature of all land uses; and
 - (f) the total number of dwelling units, the proportion of all units which are proposed to be in apartment buildings and the gross residential density of the whole development and each of its phases.
- Policy H-3B In addition to the provisions of Policy H-3A, Council shall consider the following prior to approving any agreement within a CDD:
- (a) the adequacy of the mix of residential uses to provide a range of housing options in terms of lot characteristics, building and dwelling type and design;
 - (b) the general guide that the maximum number of apartment units shall not exceed 40% of the total actual number of units within the CDD. Such figure may be increased to a maximum of 45% provided clear advantages are gained within the CDD by means of increased parkland or open space, increased areas of undisturbed terrain and vegetation, decreased amount of impermeable surfaces and/or improved environmental protection;

- (c) the location and concentration or dispersal of multi-unit residential buildings with respect to impacts on street networks, abutting uses and the physical environment;
- (d) the general guide of a maximum residential density of 8 units per gross acre, excluding acreage devoted to commercial use;
- (e) the compatibility of various land uses, within and adjacent to the development, and measures proposed to integrate and buffer uses. Compatibility refers to the type of land use, dwelling (housing) type and size and height of the development. Buffering refers to measures that mitigate impacts on adjacent uses, such as adequate separation distances, retention of existing vegetation and the installation of suitable screening features such as new vegetation, berms and or fencing;
- (f) the adequacy of measures to minimize disruption of existing terrain, vegetation, watercourses and other physical features and to mitigate against the potential effects of disruption;
- (g) the hours of operation of non-residential uses, including business uses located in dwellings;
- (h) the safety and efficiency of all transportation systems, including the effects of driveways to and traffic from abutting uses to streets and walkways including the adequacy of pedestrian facilities (sidewalks/walkways);
- (i) the general guide that street frontage for single detached development not be less than forty (40) feet and that the total number of single detached lots having street frontage less than the minimum requirement as prescribed by the land use by-law and/or the subdivision by-law (Regional Council-January 29, 2002, Effective-March 2, 2002) not exceed twenty-five percent of the total number of single detached units within the CDD;
- (j) that the size and type of commercial uses be designed to serve the shopping needs of residents within the local area, rather than the community or the region. Commercial uses to be considered are to be compatible with and sympathetic to the character of the surrounding residential community in terms of location, use, scale, design and traffic impacts. Uses to be considered may include, but not limited to, offices, financial institutions, convenience shops, drug stores, personal service outlets (dry cleaning depot, laundry mats, hair salons, tailors and so on), small food stores, gas bars, and restaurants (excluding drive-throughs). Uses not to be considered include, but are not limited to department stores, home improvement centres, drinking establishments, adult entertainment uses and large grocery stores;
- (k) Notwithstanding criteria "j", larger commercial development containing a wider range of uses may be considered for lands adjacent Highway 111 at the proposed Woodside interchange;
- (l) within the Morris-Russell Lake area, all new development shall adhere to the Morris Lake Watershed Management policies as contained in Policies ML-1 to ML-23 as applicable;
- (n) the impact the proposed development may have on the quality of life of existing neighbourhoods, and notwithstanding criteria (b),(d),(i),and (j),

- (m) Council may reduce the maximum allowable under each criteria in order to protect the quality of life of residents within existing neighbourhoods; any and all other matters applicable to the subdivision and servicing of the lands, the provision of parkland and the effects of the development on community services as set out in policy IP- 1(c) and, for specific uses which are otherwise subject to development agreements, the specific considerations required by the text and policies of this Plan; and

IMPLEMENTATION

Development Agreements

3. Apartment Building Development

Careful consideration should be given to the construction of apartment buildings throughout the City. Recently, concerns have been expressed about the exterior design, density, concentration, site treatment, massing and traffic issues as they relate to apartment development. These issues could be addressed by the Development Agreement process and would also permit public involvement in the evaluation of the proposed development.

Policy IP-5 It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.

In considering the approval of such Agreements, Council shall consider the following criteria:

- (a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;
- (b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;
 - (ii) traffic generation, access to and egress from the site; and
 - (iii) parking;
- (c) adequacy or proximity of schools, recreation areas and other community facilities;
- (d) adequacy of transportation networks in, adjacent to, and leading to the development;

- (e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;
- (f) that mature trees and other natural site features are preserved where possible;
- (g) adequacy of buffering from abutting land uses;
- (h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and
- (i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).

Policy IP-1(c)

In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan
- (2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries
- (4) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the City is to absorb any costs relating to the development
 - (ii) the adequacy of sewer and water services and public utilities
 - (iii) the adequacy and proximity of schools, recreation and other public facilities
 - (iv) the adequacy of transportation networks in adjacent to or leading to the development
 - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas
 - (vi) preventing public access to the shorelines or the waterfront
 - (vii) the presence of natural, historical features, buildings or sites
 - (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized
 - (ix) the detrimental economic or social effect that it may have on other areas of the City.

- (5) that the proposal is not an obnoxious use
- (6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:
 - (i) type of use, density, and phasing
 - (ii) emissions including air, water, noise
 - (iii) traffic generation, access to and egress from the site, and parking
 - (iv) open storage and landscaping
 - (v) provisions for pedestrian movement and safety
 - (vi) management of open space, parks, walkways
 - (vii) drainage both natural and sub-surface and soil-stability
 - (viii) performance bonds.
- (7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors
- (8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council

MORRIS RUSSELL LAKE SECONDARY PLAN POLICIES

- ML-1 A Comprehensive Development District (CDD) Zone shall be applied to certain undeveloped lands within the Morris-Russell Lake secondary plan area and to a parcel of land abutting Highway 111, illustrated on Map 9M, to ensure development proceeds in a comprehensive manner and to enable implementation of the Morris Lake Watershed Management policies.
- ML-2 Except as otherwise permitted by policy ML-17, no development shall be permitted within the Morris-Russell Lake secondary plan area unless a new interchange is constructed on Highway 111 and Baker Drive is connected to the interchange or financing for these projects secured and a time frame for completion established. Over the longer term, the Municipality shall work with property owners to extend the Caldwell Road Connector from the new interchange to Caldwell Road. The locations of the interchange, Baker Drive extension and the Caldwell Road Connector shall be as generally shown on Map 9N: Future Land Use and Transportation Plan.

- ML-4 A series of trails for pedestrians and cyclists shall be established within the secondary plan area which link residents with commercial, employment and other activity centers and to public transit facilities and, where feasible, to regional trail systems which are developed or planned. Without limiting the foregoing, the Municipality shall establish a multi-use trail between the secondary plan area and the Woodside Ferry Terminal.
- ML-8 Upon satisfying the requirements to allow for development stipulated under policy ML-2, development shall be permitted on parcels 1 to 13 (as shown on Map 9N) except that no road connection shall be established with Portland Estates Boulevard West until the Caldwell Road Connector has been constructed to Caldwell Road. No further development shall be permitted within the Morris - Russell Lake Secondary Plan Area until the Caldwell Road Connector has been constructed to Caldwell Road unless a traffic study has been undertaken by a qualified consultant which demonstrates that the level of service on Portland Street and Caldwell Road conforms with the performance criteria established under the Municipality's Guidelines for Preparation of Traffic Impact Studies and the road classification established under policy ML-5.
- ML-16 The Municipality shall implement infrastructure charges to this secondary plan area under the Subdivision By-law in accordance with the policies for infrastructure charges established under the capital cost contribution subsection of the implementation section of this Municipal Planning Strategy.
- ML-18 The Future Land Use and Transportation Plan, presented as Map 9N, shall provide overall guidance for land use allocation within this secondary plan area and the following guidelines shall be adhered to in any development agreement application:
- (a) Parcel 1: This parcel may be developed with an apartment building not exceeding 84 dwelling units or four stories in height and a commercial building not exceeding 14,000 square feet. Commercial occupancies shall be restricted to local commercial uses, as defined by the Land Use By-law, except that drive through restaurants shall not be permitted. The site design shall give consideration to environmental and aesthetic impacts, as well as the safety and efficiency of traffic movements between the site and Baker Drive. Impervious surfaces shall not exceed 40 percent of the lot;

ENVIRONMENTAL PROTECTION MECHANISMS

Design and Development Controls

The design adopted for a subdivision fundamentally affects the hydrology of the site and the quality of the stormwater. Good environmental planning integrates site design and stormwater

quality management into one process¹. If environmentally responsible watershed policies are not supported by environmentally responsible design at a subdivision and site level, the whole endeavor may ultimately fail. The Morris Lake Watershed Management Plan recommends that all development adhere to environmental standards designed specifically to protect Morris Lake and its watershed.

ML-23 It shall be the intention of Council to encourage all new development within the Morris-Russell Lake secondary plan area to meet certain basic design objectives as follows:

- (a) to reproduce the pre-development hydrological conditions;
- (b) confine development and construction activities to the least critical areas of the site and consider clustered development to minimize land disturbance;
- (c) maintain the overall desired density of development by allocating higher densities to areas most suitable for development;
- (d) minimize changes to the existing topography; and
- (e) preserve and utilize the natural drainage system.

ML-24 It shall be the intention of Council to require all new development situated on lands zoned CDD within the Morris-Russell Lake secondary plan area to incorporate specific design standards which maximize the protection of water quality in Morris and Russell Lakes. The following shall be used as guidelines:

- (a) all lands with slopes of 15% or greater should not be developed unless additional environmental control measures are implemented to minimize the amount of erosion generated from the site;
- (b) all wetlands (as defined by the presence of characteristic wetland vegetation) should be excluded from development;
- (c) all shorelines should be protected by a 100 foot buffer zone except that the width of the buffer zone may be decreased to 75 feet if, through detailed study, the topography and vegetation conditions warrant the reduction. Within the buffer zone, no vegetation or soil shall be removed or altered unless under a management plan has been approved to provide for restoration of vegetation, shoreline access paths, view corridors, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement;
- (d) all wetlands and watercourses should be protected with a buffer strip within which no vegetation or soil should be removed or altered unless approved under a management plan approved pursuant to the provisions of clause (c). For wetlands,

¹ *Stormwater Management Practices Planning and Design Manual*, Ontario Ministry of Environment and Energy, 1994

the buffer strip should be at least 25 feet in width for wetlands less than 0.5 acres in size and 50 feet for wetlands over 0.5 acres. All streams shall have a minimum 50 foot buffer strip on each side;

- (e) the amount of impermeable surfaces created should not exceed 25% of the gross area of the proposed development. Minor increases in this figure may be considered provided the amount of proposed undisturbed land substantially exceeds the guideline described in section ML-11(f) and such undisturbed lands are incorporated into the final drainage plan;
- (f) a minimum of 25% of the natural vegetation on the site should be retained in an undisturbed state and incorporated into the final drainage plan;
- (g) the public, landowners, developers and the Municipality are encouraged to maximize phosphorous reduction to the fullest extent possible through the use of best management practices as recommended by the Morris Lake Stormwater Management Plan (Jacques Whitford, 2004); and
- (h) no development shall be permitted on septic systems.

ML-25 Within the Morris-Russell Lake secondary plan area, it shall be the intention of Council to require all developers to prepare and receive Municipal approval for an Erosion and Sediment Minimization Plan prior to any clearing or grubbing occurring on a site, and the plan shall contain the following:

- (a) how ground disturbance will be restricted to areas where structures, roads etc. will exist when construction is complete;
- (b) indicate which vegetation will be protected, marked, and preserved through construction techniques that minimize soil compaction and damage to tree roots;
- (c) how the construction project will be phased to minimize the extent and length of soil exposure – this includes phasing by drainage area;
- (d) how the opportunity for erosion will be limited through sequencing of construction activities; and
- (e) indicate which erosion and sediment controls will be used, where they will be located, the timing of installation (before construction begins), the inclusion of drainage controls up-slope of the construction site; inspection and monitoring, and timing of removal (after the entire site has been stabilized).

ML-27 Any development agreement application within the Morris-Russell Lake secondary plan area shall adhere to the recommendations of the Morris Lake Stormwater Management Plan (Jacques Whitford, 2004). All government works within the Morris Lake Watershed shall also adhere to the recommendations of this plan and, where feasible, the plan recommendations shall be applied to existing development within the watershed.

ML-28 Within the Morris Lake Watershed, as illustrated on Map 9M, where applications are received for the expansion of existing or new commercial, institutional and multiple unit residential buildings, or for proposed grade alterations on such properties, it shall be the intention of Council to require the developer, where possible, to prepare and implement stormwater remediation measures to improve water quality entering the Morris Lake system.

ML-30 A water quality monitoring program shall be undertaken for Morris and Russell Lakes to track the eutrophication process. The program is to be designed and undertaken by qualified persons financed in whole or in part by developers within the secondary plan area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Dartmouth Lakes Advisory Board. The monitoring program shall:

- (a) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development;
- (b) specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);
- (c) establish eutrophication threshold levels for the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area;
- (d) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.

Land Use By-law Provisions

C-1 ZONE - LOCAL BUSINESS ZONE

38. (1) The following uses only shall be permitted in C-1 Zone:

- (a) R-1, R-2, and TH uses are herein set out;
- (b) food and grocery stores,
- (c) local offices including offices of professional people providing personal services,
- (d) public offices,
- (e) personal service shops, (As amended by By-law C-464, Sept26/82)
- (f) restaurants,
- (g) uses accessory to any of the foregoing uses.

(2) Buildings used for R-1, R-2 and TH uses in a C-1 Zone shall comply with the requirements of an R-1, R-2, TH Zone respectively.

(3) Buildings used for C-1 uses in a C-1 Zone shall comply with the following requirements:

- (a) Lot area minimum - 5,000 sq. ft.
- (b) Height maximum - 2 storeys
- (c) Lot coverage maximum - 50%
- (d) Floor area maximum for local offices 5,000 square feet or 25% of the total building area, the larger prevailing.
- (e) Side and rear yards shall be provided on each side and at the rear of buildings as specified in the Building By-laws of the City.

CDD - COMPREHENSIVE DEVELOPMENT DISTRICT

53A. (a) The following uses only shall be permitted in a CDD:

- (i) residential uses;
- (ii) commercial, institutional and recreational uses.
- (iii) All equipment, structures and buildings associated with extracting water from Morris Lake in association with an existing oil refinery operation. (RC - March 22, 2005 E - April 23, 2005)

(b) No development permit shall be issued except in conformity with an agreement pursuant to Section 56(3) of the Planning Act.

(As amended by By-law C-698, June 18/93)

Attachment E



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Morris-Russell Lake PPC
June 28, 2005

TO: Morris-Russell Lake Public Participation Committee

SUBMITTED BY: *H. Millward*
Hugh Millward, Chair, Morris - Russell Lake PPC Subcommittee

DATE: June 14, 2005

SUBJECT: Morris-Russell Lake Master Plan

ORIGIN

The Morris-Russell Lake Subcommittee was given the mandate to review the development agreement application by Baker Drive Developments Limited for conformity with the revised policies pertaining to Parcel 1 of the Morris-Russell Lake Secondary Planning Strategy.

RECOMMENDATION

The Subcommittee recommends that the Harbour East Community Council approve the development proposal subject to inclusion of the recommended terms and conditions presented in the discussion section of this report.

BACKGROUND

The following actions were taken by the subcommittee in reviewing the application and preparing the recommendations made in this report:

1. Meetings were held on 14 September 2004, 28 September 2004, 14 October 2004, 28 October 2004, 23 November 2004 and 1 February 2005. Baker Drive Developments submitted plans and documentation pertaining to land use (including parkland improvements), stormwater management, traffic access and circulation, and sedimentation and erosion control.
2. The subcommittee hosted a public information meeting on April 14, 2005, followed immediately by a subcommittee meeting. Minutes of the meeting are attached (Attachment A).

DISCUSSION

The subcommittee is pleased to report that, overall, the development proposal being put forward by Baker Drive Developments Limited provides a strong degree of conformity with the policies of the Morris-Russell Lake Secondary Planning Strategy which have been recommended by the main committee. The following terms and conditions are recommended for inclusion in the development agreement:

1. Baker Drive Developments Limited ("the proponent") is to assume responsibility for constructing a public trail at the rear of the subject property on HRM lands following a trail location agreed upon along Russell Lake. The specifications of the trail and its location have been agreed upon in consultation with the proponent, the local Trail's Committee, and HRM Parkland Planning staff.
2. Only two permitted vehicular access driveways shall be permitted from the site to Baker Drive.
3. The applicant agrees to construct a 1.5m sidewalk along the entire frontage of the subject property.
4. Where any parkland improvements or other public works are proposed within a publicly owned portion of the 100 foot lakefront buffer, the Municipality and its agents are to be in compliance with all policies adopted under the Morris-Russell Lake Secondary Planning Strategy. Without limiting the generality of the foregoing, any alterations are to be reviewed by the Dartmouth Lakes Advisory Board.

ATTACHMENTS

Attachment A	Minutes of subcommittee meeting - April 14, 2005
Attachment B	Site Plan
Attachment C	Elevation Drawings
Attachment D	Servicing and Grading Plan

Attachment E	Erosion and Sedimentation Control Plan
Attachment F	Stormwater Drainage Plan
Attachment G	Landscaping Plan-Phase 1
Attachment H	Landscaping Plan-Phase 2

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Hugh Millward, Chair of the Morris Russell Lake PPC Subcommittee and Shayne Vipond, Planner,
Planning Services

ATTACHMENT "A"

**Morris-Russell Lake PPC Subcommittee
April 14, 2005**

In attendance: Joseph Diab
Phil Elliott
Hugh Millward, Chair
Tom Patterson
Dennis Richards

Also in
attendance: Shayne Vipond, Planner
Consultants
Tom Swanson, Engineer
Paul Skerry, Architect
Joseph Fakhri, AMEC

Call to order

Hugh Millward called the meeting to order at approximately 7:45 p.m. at Bel Ayr Elementary School, 4 Bell Street, Dartmouth.

Approval of agenda

It was agreed to approve the agenda as circulated.

Approval of the minutes of February 1, 2005

It was agreed to accept the minutes as circulated.

Review of development agreement applications and comments received at PIM

It was agreed no discussion was necessary considering there were no issues arising from the PIM.

Recommendations from subcommittee to main committee

It is recommended that:

- (a) Baker Drive Developments Limited ("the proponent") is to assume responsibility for constructing a public trail at the rear of the subject property on HRM lands following a trail location agreed upon along Russell Lake. The specifications of the trail and its location have been agreed upon in consultation with the proponent, the local Trail's Committee and HRM Parkland Planning staff.

- (b) Only two permitted vehicular access driveways shall be permitted from the site to Baker Drive.

Business arising from the minutes - None

Preparation of recommendation from subcommittee to main committee

Hugh Millward raised the recent discussion regarding an agreement to separate the trail from the filter berm. The location of the new trail alignment would be outside the boundary of Mr. Diab's property. Therefore the realignment of the trail should be in consultation with the Portland Estates Trails Committee.

Shayne Vipond indicated that Rob Jahncke, Senior Parkland Planner, should be also consulted on the proposed trail location.

Tom Swanson advised the new trail extension would be approximately 100 feet of walkway to be built in a location at the rear of the commercial building. He indicated his client had no objection to separating the filter berm which would remain on private lands from the walkway to be constructed on HRM lands.

Hugh Millward suggested this would be a satisfactory solution.

Tom Swanson advised that any final details would go before the Dartmouth Lakes Advisory Board at the building permit stage. He indicated the water supply assessment is satisfactory for this site.

Shayne Vipond indicated that an additional access had been requested by Fire Services. He wished to bring this request forward as a discussion item for the Committee.

Tom Swanson indicated that fire accesses for the building, ie., trucks, persons, area, building exits, will be addressed. On behalf of the developer, he was willing to comply with whatever the Committee was willing to support. The Committee needed to specify what it wants.

Phil Elliott indicated staff seems to be doing what they see fit at their leisure. There doesn't seem to be a timeline being followed. Further, the decision to permit the accesses as shown on the site plan was arrived at through many hours of discussion. He felt that staff was not appropriately taking into account those earlier discussions as evidenced by the Fire Department's request. In future, staff should be more diligent in following through with the information arrived at through this Committee process, so that the subcommittee does not have to revisit issues already resolved. Once again, he found HRM to be lacking in this department.

Shayne Vipond indicated that while the decision was made not to include additional accesses, the issue was recently raised, once again, because some at the table felt the site might function better with more than two access points. Since it was raised in a recent meeting with the applicant and his representatives, and because the Fire Department raised the matter through their comments, regardless of past discussion, he felt obliged to raise the issue again.

Phil Elliott commented that Paul Morgan, who represents the City, should be coming back to the subcommittee and relaying information more effectively.

Dennis Richards indicated the greatest concern expressed regarding access to this road was traffic volumes based on the information from Traffic staff. He felt that providing another access would not effect the traffic flow.

General discussion commenced regarding traffic on the site concerning right-out only which had been part of the original layout. There was also general discussion about a possible locked gate for emergency access only.

Dennis Richards said these changes should really not effect the traffic on Baker Drive because it is an exit only. The Fire Department should be the ones to initiate this. Proximity to future lights at Norman Newman could cause a traffic congestion problem.

Dennis Richards asked what is the sense in wasting money to create an access with a locked gate that may never be used. It could be a right turn exit only. He did not see any harm in that.

Joseph Fakhri indicated it is possible to design an access that would prevent motorists from entering by making it inconvenient.

Tom Swanson made comments relative to fire hydrants.

Discussion regarding previous developments commenced relative to accesses on other sites.

Hugh Millward indicated it is not the responsibility of the Committee to get too detailed. The real details are in the development agreement. He suggested they could have their views expressed that they request two driveways rather than three. Agreement was reached on this issue.

Shayne Vipond asked if the Committee was going to take a look at the trail alignment.

Hugh Millward asked the Committee if they were happy with the agreement for the trail alignment. There was a general consensus that they were.

Hugh Millward spoke to the layout of the trail system.

Tom Swanson stated they felt the trail with the combined filter berm was an efficient use but his client was not opposed to separating the two functions.

Joseph Fakhri suggested they would probably proceed with the trail before anything else.

Shayne Vipond asked for confirmation that there were two recommendations coming from the Committee. One is to proceed with the earlier recommendation regarding access and the second is to defer the trail alignment to the main committee.

It was clarified that the groups involved in the trail alignment in some capacity would be the Portland Estates Trails Committee, the Dartmouth Lakes Advisory Board, HRM Planning, and Parks and Recreation. The final recommendation would come back to the main committee. It would form part of the package presented to the main committee.

Tom Swanson asked if the approval process could begin without the main committee signing off.

Shayne Vipond said the main committee would be required to receive a report with a graphic representation of the Trail alignment to sign off before it went into the approval phase.

Hugh Millward stated Robert Jahncke, Senior Parkland Planner, would be assisting in the trail location.

Shayne Vipond stated that in terms of logistics, it would be very difficult to be ready for a meeting of the main committee by the end of the month.

Hugh Millward made comments regarding a meeting in May.

Joseph Fakhri indicated the sooner the development could start, the better it would be. The summer months offer the best conditions to develop the land around the lake.

Hugh Millward asked if the trails could be signed off, ahead of time, by the main committee.

A discussion was held regarding building permits and Council's decision.

Phil Elliott indicated the development agreement could be approved but it was subject to the approval of the Baker Drive extension. Time is required to complete all the technical work.

Tom Swanson asked Shayne to commit to a timeline for completion.

Shayne Vipond said he was reluctant to go the record and commit to a timeline as there were outstanding issues such as capital cost charges and traffic issues.

Hugh Millward asked Shayne to clarify the procedure of the application.

Shayne Vipond explained the next steps to be taken and procedures to be followed.

Shayne Vipond indicated in general that the process could take another two months.

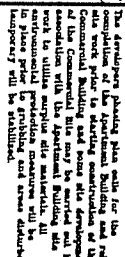
Shayne Vipond advised it is the intention to have the report to the main committee by the end of May 2005 if the outstanding issues can be resolved.

Hugh Millward indicated that regarding the preparation of the recommendations from this committee to the main committee, Shayne would draft a report from the minutes. He thought the subcommittee would be submitting a draft development agreement to the main committee.

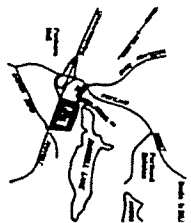
Shayne Vipond clarified it was his understanding that he would present a report with some attachments and not the development agreement.

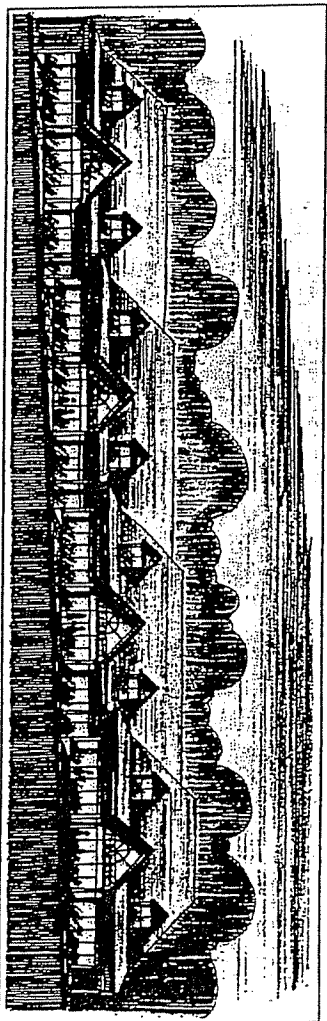
Hugh Millward agreed with Shayne and indicated the report would be brief with graphics. He thanked everyone for attending and closed the meeting.

Adjourn - approximately 9:25 p.m.

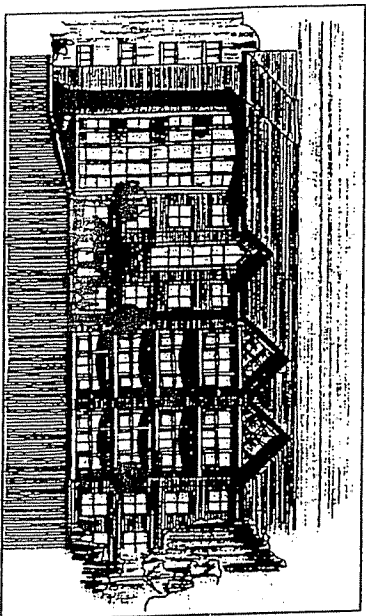


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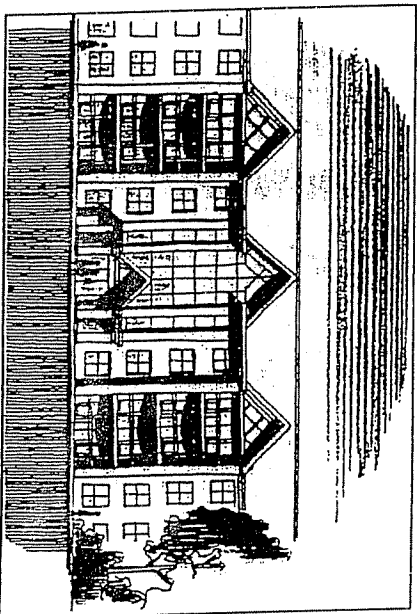
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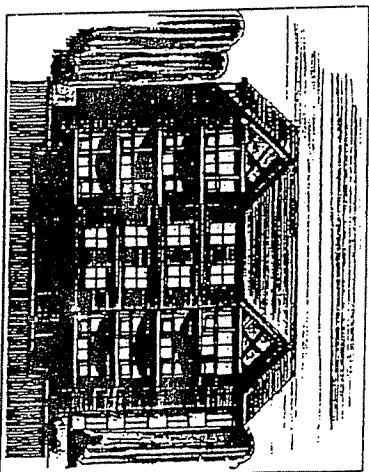
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**RESIDENTIAL BLDG.
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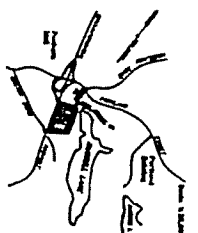
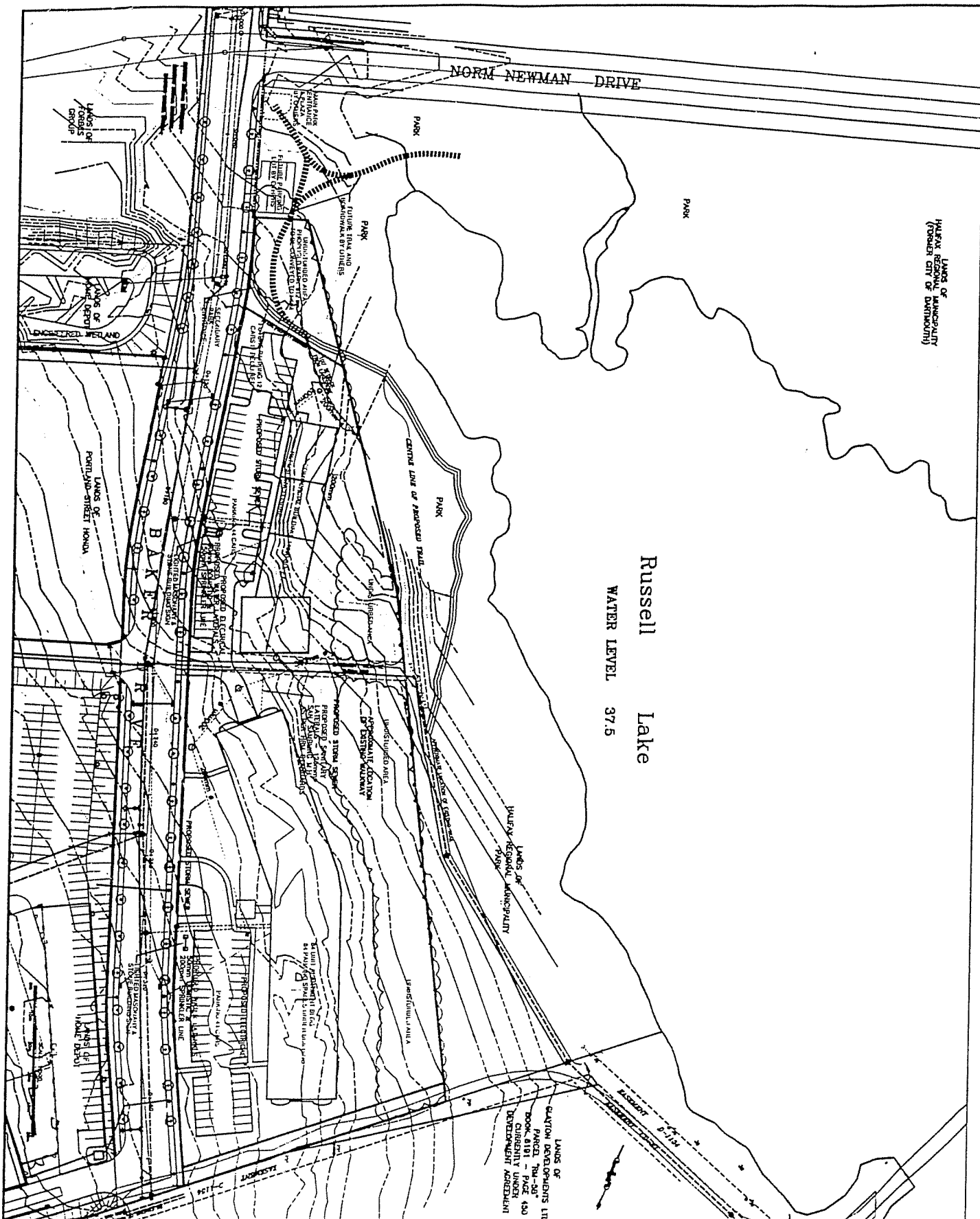


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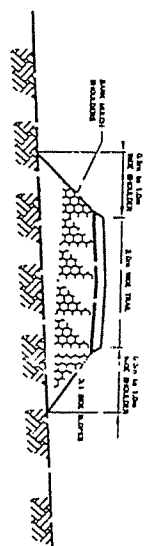


**RESIDENTIAL BLDG.
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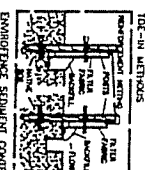
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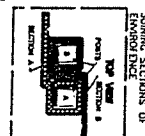
Submitted By: Summit Rock Development Ltd. 1000 Highway 100, Suite 100 Dartmouth, Nova Scotia B5A 1X1		Submitted To: Baker Drive Development 1000 Highway 100, Suite 100 Dartmouth, Nova Scotia B5A 1X1	
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Client: Baker Drive Development		Project No.: 40501-02	
Project Description: PROPOSED SERVING CONCEPT		Project No.: 40501-02	



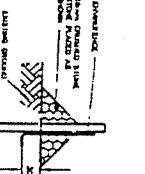
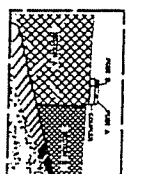
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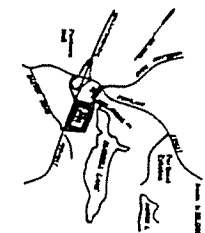
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From about the beginning till the end of the investigation, the following were the results of the investigation:

- The investigation showed at 8:00 am April

— **FOR USE WITH SOLUTIONS OF CHRYSLER LTD.**

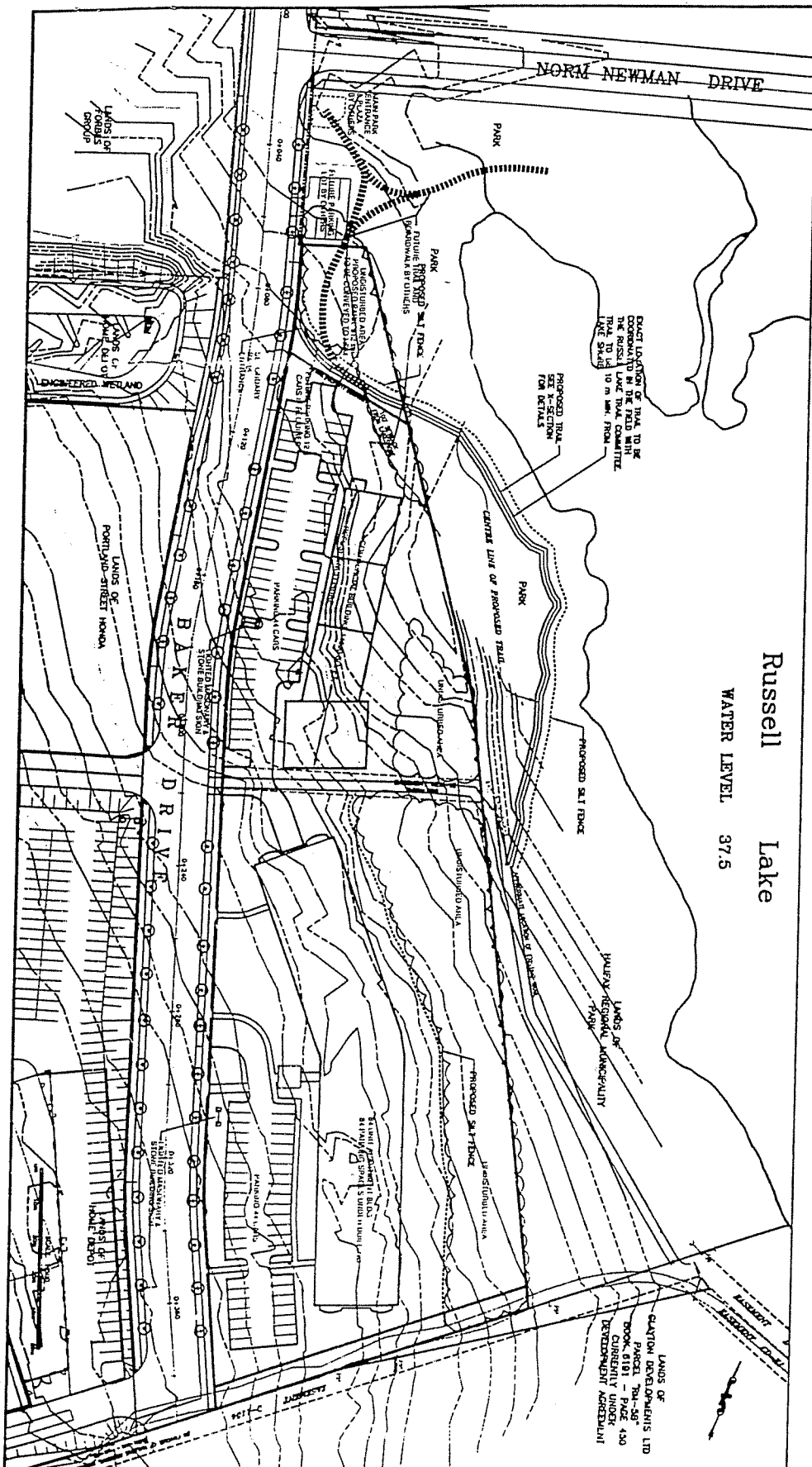


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