


Harbour East Community Council
November 2, 2006

TO: Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: October 18, 2006

SUBJECT: **Case 00905: Substantive Amendments to Development Agreement - Willow Ridge (Parcel's B&C, Woodland Avenue)**

ORIGIN

Application by ARW Developments Ltd for substantive amendments to a development agreement to allow for changes to permit:

1. construction of townhouse units in place of previously approved semi-detached units;
2. a reduction in the number of underground parking spaces required for the approved multiple unit dwelling; and
3. general clarification of clauses

RECOMMENDATIONS

It is recommended that Harbour East Community Council:

1. Give Notice of Motion to consider the proposed Amending Development Agreement and to schedule a public hearing.
2. Approve the amendments to the Development Agreement (Attachment A) to permit:
 - (a) construction of townhouse units in place of previously approved semi-detached units;
 - (b) a reduction in the number of underground parking spaces required for the approved multiple unit dwelling; and
 - (c) general clarification of clauses.
3. Require the amending agreement be signed within 120 days or any extension thereof granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

In October, 2005, Harbour East Community Council approved a development agreement permitting the construction of a comprehensive residential subdivision known as "Willow Ridge" on lands referenced as Parcels B&C and Block X, Woodland Avenue, Dartmouth (Map 1). Phase I of Willow Ridge is currently under construction.

At the time of negotiating the Agreement, the Developer agreed to the following terms:

- Construction of a maximum total of 164 dwelling units (refer to Attachment B) comprising:
 - 102 single unit dwellings;
 - 18 semi-detached dwelling units; and
 - a 44 unit multiple unit building.
- providing underground parking of a minimum of 1.25 parking spaces per dwelling unit for a total of 55 underground parking spaces (in addition to surface parking).

As ARW Developments Ltd, continues to refine Willow Ridge from concept to permit-ready plans they have identified:

- through market analysis, an opportunity for increased marketability of the townhouse building form over the semi-detached housing form;
- that attempts to accommodate the number of underground parking spaces required by the Development Agreement for the multiple unit dwelling (55 spaces or 1.25 spaces per dwelling unit) is proving to be an onerous task. The underground parking requirements when combined with other design parameters of the development agreement limits design options for the building.

As a result, the developer would like to replace the semi-detached dwelling units with townhouse units (as per Schedule C-1 of the proposed amending agreement) and reduce the number of underground parking spaces required for the multiple unit dwelling from 1.25 parking spaces per dwelling unit (55 underground parking spaces - in addition to surface parking) to 1 parking space per dwelling unit (44 underground parking spaces - in addition to surface parking).

DISCUSSION

Townhouses

Staff have no objections to replacing semi-detached dwelling units with townhouse dwelling units within the Willow Ridge Subdivision in accordance with Schedule C-1 of the proposed amending agreement, as:

- Policy H-3F of the Dartmouth Municipal Planning Strategy (site specific policy adopted by Council to guide the development of the Willow Ridge subdivision) envisages townhouses as part of the overall housing mix for Willow Run.
- The proposed number of townhouse units (18 units) is the same as the previously approved number of semi-detached units. There will be no increase in the total number of dwelling units within the Willow Ridge subdivision.

- Townhouses are proposed to be located on lands adjacent to Woodland Avenue in the same location as the previously approved semi-detached units.
- It is not anticipated that the change will result in a significant increase in traffic or sewage generation.
- The architectural appearance of proposed townhouses is similar to the previously approved semi-detached units (Schedule C-11).

Multiple Unit Dwelling Parking

Staff have no objections to reducing the minimum number of underground parking spaces required for the multiple unit dwelling from 1.25 parking spaces per dwelling unit (55 total) to 1 parking space per dwelling unit (44 total) as:

- The number of parking spaces required by the Development Agreement to be provided underground has proven onerous to ARW Developments Ltd. limiting design options for the building.
- The developer intends to provide a minimum of 1 parking space per unit underground (44 parking spaces) and maintain, at a minimum, the parking standards of the Dartmouth Land Use By-law of a minimum total of 1.25 parking spaces per unit (minimum of 55 parking spaces including both underground and surface parking).
- Surface parking provided in the front or rear yard will be located no closer than 10 feet from any lot line, and the parking area will be effectively screened from the ground floor view of any abutting residential dwelling lot with a solid wooden fence or a vegetation screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre.

Additional Amendments

Staff have identified provisions within the Agreement that require rewording to improve consistency in wording and administration of the Agreement. Specifically, Section 3.1.7(vi) and Section 4.1.2 which address lot design characteristics for R-1M (small lot single unit dwellings) have been reworded in the Amending Agreement for consistency and clarity. Proposed changes do not result in materially altering the intent of the agreement as previously approved by Council.

Public Information Meeting

As these amendments to the development agreement are considered relatively minor in nature, the public information meeting requirement was waived by consent of the district Councillor. The proposal was circulated to members of the former Woodland Avenue Public Participation Committee for comment. No concerns were expressed.

Conclusion

The proposed amendments to the development agreement are consistent with MPS policy and other provisions of the existing development agreement, and there are no anticipated impacts on adjacent properties. Staff recommend that Harbour East Community Council approve the Amending Agreement, as presented in Attachment A.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. Council may approve the amending development agreement. This is the recommended course of action.
2. Council may refuse to amend the agreement. This alternative is not recommended as staff are satisfied that the proposal is consistent with the policies and intent of the MPS.
3. Council may choose to propose modifications to the amending agreement. Such modifications may require further negotiations with the developer.

ATTACHMENTS

Map 1:	Location
Attachment A	Proposed Amending Agreement with:
	Schedule C-1a: Concept Plan
	Schedule C-10a: Typical Townhouse Elevation

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 John MacPherson, Planner, 490-5719



Location & Zoning

January 20, 2004



HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

	0	100	200 metres
100			
100			

F:\Rezoning\Case584\map1.dwg (D.B.)

Attachment A

Draft Amending Agreement

THIS AMENDING AGREEMENT made this day of , 2006,

BETWEEN:

ARW DEVELOPMENTS LIMITED

**a body corporate, in the County of Halifax
("the Developer")**

OF THE FIRST PART

HALIFAX REGIONAL MUNICIPALITY

**a body corporate, in the County of Halifax,
Province of Nova Scotia ("the Municipality")**

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands bound by Woodland Avenue, Lancaster Boulevard, Argus Drive and South Ridge Circle in Dartmouth, Nova Scotia and which said Lands are more particularly described in Schedule "A" to this Agreement (hereinafter called the "Lands");

AND WHEREAS the Harbour East Community Council of the Municipality approved an application by the Developer to enter into a development agreement to allow for the construction of a mixed use residential development on the Lands (Municipal Case #00584), which said development agreement was registered at the Registry of Deeds at Halifax in Book No. ____ at Pages ____ (hereinafter called the "Agreement");

AND WHEREAS the Developer has requested an amendment to the "Agreement" to permit townhouses to be constructed in place of semi-detached units and reduce the number of required underground parking spaces associated with the multiple unit dwelling;

AND WHEREAS the Harbour East Community Council approved this request at a meeting held on _____, 2006 referenced as Municipal Case Number 00905;

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

1. To amend Section 1.1.2 of the Agreement by replacing Schedule C-1 "Concept Plan" with the following:

Schedule C-1a Concept Plan

2. To amend Section 1.1.2 of the Agreement by replacing Schedule C-10 "Typical Semi-Detached Elevation" the following:

Schedule C-10a Typical Townhouse Elevation

3. To amend all Sections of the Agreement referencing Schedule C-1 by replacing the reference to Schedule C-1 in all instances with the following:

Schedule "C-1a"

4. To amend Section 3.1.7(ii) of the Agreement by relacing the reference to "R-2 (Two Family Residential)" with the following:

Townhouse

5. To amend Section 3.1.7(iii) of the Agreement by relacing the reference to "R-2" with the following:

Townhouse

6. To amend Section 4.1.3 of the Agreement by deleting the section and replacing it with the following:

4.1.3 Townhouse (TH)

No development permit shall be granted for any townhouse dwelling unit except in accordance with the following provisions:

Location	Townhouse dwellings shall be located as generally shown on Schedule C-1(a).
Minimum lot frontage	6.1 metres (20 ft) per unit 4.6 metres (15 ft) (on outside of curve, or portion thereof)
Minimum lot area	185.8 square metres (2000 sq. ft) per unit
Minimum front yard	4.6 metres (15 ft) (to nearest portion of the structure) 5.5 metres (18 ft) (to the building wall)
Minimum rear yard	4.6 metres (15 ft) (to the building wall) 0.6 metres (2 ft) (for accessory buildings)
Minimum side yard	2.7 metres (9 ft)(ends of building) 0.6 metres (2 ft) (for accessory buildings)
Minimum flankage yard	4.6 metres (15 ft) (to the building wall)
Maximum lot coverage	40%
Maximum number of units per building block	6

Maximum building height 9.1 metres (30 ft) (from average finished grade to top of cornice, excepting gables)
Minimum driveway length 5.5 metres (18 ft) (to the building wall)
Maximum driveway width Single driveways - 3.04 metres (10 ft), measured at the front property line. A minimum of 1.2 metres (4 ft) of curb shall be placed between driveway openings.

Shared driveways - 6.1 metres (20 ft), measured at the front property line. A minimum of 1.2 metres (4 ft) of curb shall be placed between driveway openings.

Notwithstanding anything contained in this Agreement, no area of the front yard greater than 50 percent of the lot width shall be used for vehicular access, manoeuvring or parking. The remainder of the front yard shall be landscaped.

7. To amend Section 4.1.4(b) of the Agreement by replacing it with the following:

All R-1 single unit dwellings, R-1M single unit dwellings and townhouse buildings shall be designed and oriented to ensure variation along the streetscape through uses of building wall offset (projection or recession) from the front yard setback, application of different colours, window styles etc.

8. To amend Section 4.1.4(c) of the Agreement by striking reference to R-2 development as follows:

Notwithstanding the minimum front yard requirements for Section 4.1.1 and 4.1.2 and 4.1.3, the front yard setback for single unit dwelling and semi-detached buildings (2 units) lots shall not be repeated within a three-lot radius on the same side of the street. The variation in setbacks shall be in intervals of not less than two feet and not greater than five feet provided that no foundation wall shall be closer than 18 feet to a street line. Nothing in this Agreement shall prevent one unit of a semi-detached dwelling from having a greater front yard than the minimum prescribed for the building.

9. To amend Section 4.1.4(i) of the Agreement by replacing it with the following:

Gas meters shall not be located on the front or flank elevation of any single unit dwelling and shall be located on the side or rear elevation in a manner which reduces their visual impact.

10. To amend Section 4.1.5 "Required Parking" of the Agreement by replacing it with the following:

A minimum of 1.25 parking spaces per unit shall be provided with a minimum of eighty percent (80%) of the required on-site parking located within the footprint of the building. Surface parking shall not be located closer than 10 feet from any lot line and shall be screened from the ground floor view of any abutting residential dwelling lot with an solid wooden fence or a vegetation screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre.

11. To amend Section 3.1.7(vi) of the Agreement by replacing it with the following:

lots intended for R-1M single family dwelling units shall have a minimum lot frontage of 40 feet (12.2m), except that for lots with frontage on the outside of a curve, a minimum frontage of 25 feet (7.32m) shall be permitted provided that a lot width of 40 feet (12.2m) is provided at a point measured along a line joining points on the side lines of the lot which points are 6.1 m (20 feet) from such street or road. Notwithstanding, a maximum of 50% of R-1M lots to a maximum total number of 7 lots may be reduced to 30 feet of frontage.

12. To amend Section 4.1.2 "Minimum Lot Frontage" of the Agreement by replacing it with the following:
40 feet (12.2m), except that for lots with frontage on the outside of a curve, a minimum frontage of 25 feet (7.32m) shall be permitted provided that a lot width of 40 feet (12.2m) is provided at a point measured along a line joining points on the side lines of the lot which points are 6.1 m (20 feet) from such street or road. Notwithstanding, a maximum of 50% of R-1M lots to a maximum total number of 7 lots may be reduced from 40 feet minimum to 30 feet of frontage.
13. All other terms of the Agreement shall remain in full force and effect.
14. This Amending Agreement and everything contained herein shall be binding upon the Parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set hands and seals to this Amending Agreement on the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

Per _____

) ARW 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

Per _____

) HALIFAX REGIONAL MUNICIPALITY

)

)

) Per _____

)

Mayor

)

) Per _____

Municipal Clerk

Willow Ridge Estates

Dartmouth, Nova Scotia

Argus Drive

South Ridge Circle

Cannon Terrace

Promise Grove

Lancaster Drive

Future Home of the
First Baptist Church Dartmouth

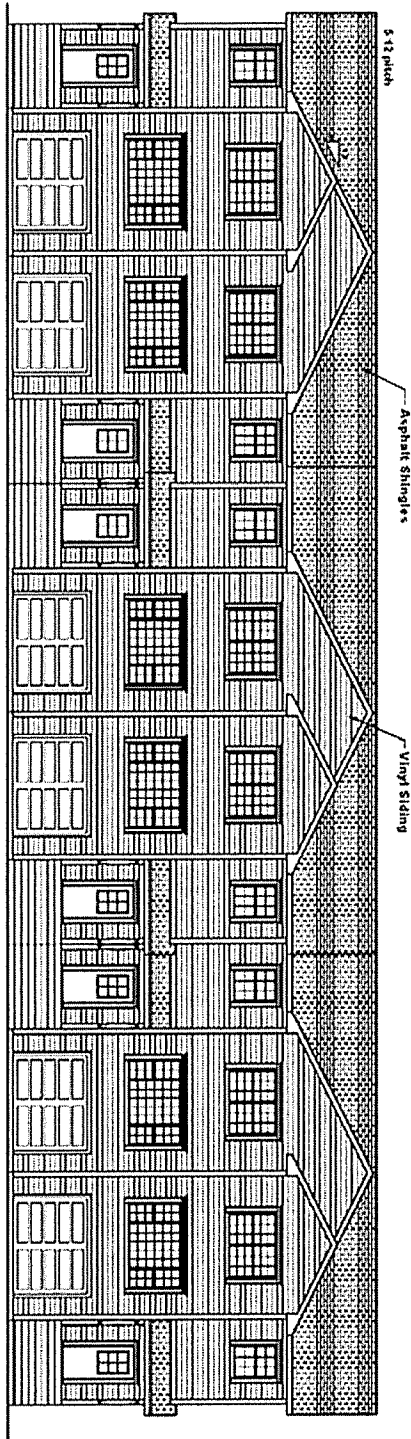
44 Unit Condo

Viridian Drive

Woodland Avenue

Schedule C-1(a)
Concept Plan





Schedule C-10a
Typical Townhouse Elevation

April 26/2006

Page:	1 Townhouse	FRONT ELEVATION	<i>WhiteStone</i>	Scale: HTS Date: April 2006 Drawn By: K.J.D. Project: WS1033
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