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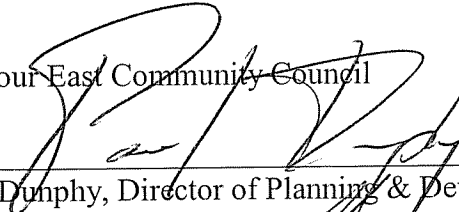
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Halifax, Nova Scotia
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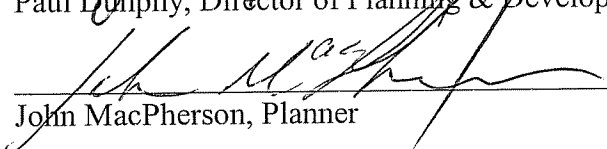
Harbour East Community Council
July 10, 2006

TO:

Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Planning & Development Services


John MacPherson, Planner

DATE:

July 7, 2006

SUBJECT:

**Case 00927 - Non Substantial and Substantial Amendments to the
Development Agreement for the Home Depot property, 60 Baker
Drive, Dartmouth**

ORIGIN

Request by EDM Limited, on behalf of Home Depot Canada, Inc. and in conjunction with O'Regan's Automotive Group to permit modifications to the architectural design and exterior appearance of the existing building, signage, driveway access and parking and circulation areas (Parcel 1 only) to accommodate four automobile dealerships.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. by resolution, approve modifications to the architectural design and exterior appearance of the building and the parking and circulation area as shown in Attachments 2, 3 and 4 to accommodate proposed automobile dealership(s).
2. move Notice of Motion to consider the attached Amending Agreement (Attachment 1) and to schedule a Public Hearing for August 3, 2006;
3. approve the amendments to the development agreement as shown in Attachment 1 to permit modifications to signage and one additional driveway access connecting Baker Drive to Parcel 1, 60 Baker Drive; and,
4. require that 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 AND DISCUSSION:

- In February, 2000, Harbour East Community Council approved a development agreement for the construction of a Home Depot store on Baker Drive, Dartmouth.
- In September, 2000 Community Council approved amendments to the agreement to permit a fast food kiosk within the building and additional exterior signage.
- In January, 2002, Community Council approved amendments to the agreement to permit a roof sign and a banner sign on Home Depot in Dartmouth, a shed display area, and car dealerships on the lands.
- Portland Street Honda was developed on the remaining lands, Parcel 2, in the summer of 2003.
- In June, 2004, Community Council approved amendments to the agreement to permit a second pylon sign and two automobile display courts on the Portland Street Honda property at 36 Baker Drive.

Requests:

O'Regan's Automotive Group proposes to acquire the existing Home Depot property at 60 Baker Drive with the intention of converting the property into an "Automotive campus" comprised of four automobile dealerships. The existing agreement permits automobile dealerships and automotive mechanical repair and body shops as accessory uses to dealerships.

Building Design and Appearance/Parking and Circulation:

- To accommodate the proposed use, O'Regan's Automotive Group is seeking approval to modify the architecture, exterior appearance and parking area of the existing Home Depot building and property.
- Part 3: Amendments to the Existing Agreement provides that Council may, by resolution, approve modifications to the architectural design or exterior appearance of the buildings or parking and circulation resulting from a change in tenancy of the Lands or building.

Signage and Access:

- O'Regan's Automotive Group is seeking approval to construct four non-illuminated, double-faced, 15-foot high pylon signs on Parcel 1 adjacent to Baker Drive to advertise each of the four proposed car dealerships. Attachments 2, 3 and 4 illustrate the proposal. The existing 40 foot high "Home Depot" pylon signs will be removed.
- Given the location of the project, other signs within the immediate area with similar scale and orientation to the proposed pylon signs and the proposed removal of the existing taller pylon signs, staff has no objections to the proposal. Proposed clause 2.7.2 of the amending development agreement therefore enables the signs.
- O'Regan's Automotive Group is seeking approval of an additional driveway access

connecting Parcel 1 to Baker Drive along the eastern property boundary to facilitate improved site function. Staff have considered the potential for negative implications on traffic flow by enabling an additional driveway access on Baker Drive. As a result, prior to installation of a new driveway, the amending agreement requires:

- Baker Drive and Mount Hope Extensions and Interchange be completed and opened
- determination by a Professional Engineer that the proposed driveway will not impede traffic on Baker Drive.

Environmental Matters:

The existing development agreement requires the developer to retain a qualified environmental specialist to undertake a baseline water quality program and monitoring program for Russell Lake during mass excavation. Mass excavation as anticipated by the existing development agreement for was completed with the development of Parcel's 1 and 2. The site work proposed as part of modifications to the building and parking/circulation area is of a lesser magnitude and the site now contains a stormwater management pond and wetland. As a result, the amending agreement requires that a qualified professional be retained to:

- prepare an erosion and sedimentation control plan that complies with Nova Scotia Department of Environment and Labour Guidelines;
- monitor the construction phase of the project until the site has been stabilized; and
- prepare weekly reports on the status of the erosion and sedimentation control measures;

All other provisions of the existing development agreement which address environmental protection measures associated with the development of the lands will remain in full force and effect.

Public Information Meeting

- As these amendments to the development agreement are minor in nature, the public information meeting requirement was waived.

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 1.

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. Community Council may approve modifications to the architectural design and exterior appearance of the building and the parking and circulation area as shown in Attachments 1 by resolution. This is the staff recommendation.
2. Council could choose to approve the amending agreement. This is the staff recommendation.
3. Council could choose not to approve the amending agreement. This is not recommended. Should Council reject the application, reasons must be given for the rejection, pursuant to the Municipal Government Act.

ATTACHMENTS

Map 1	Location and Zoning
Attachment 1	Amending Development Agreement and Schedules
Attachment 2	Site Plan
Attachment 3	Elevations
Attachment 4	Perspective - Dealer Signs
Attachment 5	Typical Pylon Sign

Further information regarding the contents of this report may be obtained by contacting John MacPherson, Planner, at 490-5719.
For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4234 or 490-4208 (FAX).



Map 1

Home Depot

Dartmouth Land Use By-Law Area



Subject Property
Parcel 1

Zone

- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-3 Multiple Family Residential Zone
- C-3 General Business Zone
- C-1 Local Business Zone
- CDD Comprehensive Development District



HALIFAX
REGIONAL MUNICIPALITY

PLANNING AND
DEVELOPMENT SERVICES

100 50 0 100 200 300 400
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.

Attachment 1

THIS AMENDING AGREEMENT made this day of , 2006,

BETWEEN:

THE HOME DEPOT CANADA
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 a parcel of land located on the west side of Baker Drive, Dartmouth, which said parcel of land is more particularly described in Schedule "A" to this Agreement ("the lands);

AND WHEREAS the Parties have previously entered into a Development Agreement to allow, in part, the development of a home improvement centre ("Home Depot") on the lands, the said agreement being recorded at the Registry of Deeds at Halifax in Book No. 6530 at Pages 1-48 ("the Existing Agreement");

AND WHEREAS Harbour East Community Council approved this request at a meeting held on , 2006 (referenced as Municipal Case 00927);

THEREFORE in consideration of the mutual benefits from the covenants contained herein, the Parties agree as follows:

1. To amend Section 2.1 by adding the following:
Schedule "B-3" Site Plan for O'Regan Auto Mall (Parcel 1)
Schedule "C-2" Perspective - Dealer Signs (Parcel 1)
2. To replace Section 2.1 Schedule "C" with the following:
Schedule "C-1" Elevation Drawings-Signage (Parcel 1)
3. To add Section 2.5.9 as follows:

Driveways connecting Baker Drive to Parcel 1 shall be permitted substantially in accordance with Schedule B-3 and subject to compliance with Municipal Services Specifications, By-law

S-300 and the approval of the Development Engineer.

4. To add Section 2.5.10

Notwithstanding Section 2.5.9, no proposed driveway connection between Parcel 1 and Baker Drive shall be installed prior to the completion and opening of the Baker Drive and Mount Hope Extensions and Interchange and a Professional Engineer has determined that the proposed driveway does not negatively impact traffic on Baker Drive.

5. To add Section 2.5.11

Any relocation or alterations to services shall comply with Municipal Services Specifications Guidelines and S-300 By-law.

6. Section 2.6.1 is deleted and replaced with the following:

Notwithstanding Schedule J of this Agreement, prior to the issuance of a Development Permit for Parcel 1 O'Regan's Auto Mall, 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, and modifications to the plans and materials submitted may be made as determined by the Development Officer.

7. Section 2.7.1 is deleted and replaced with the following:

Signage on the Parcel 1 building shall be limited to that as generally illustrated on Schedule "C-1", plus additional minor directional ground and fascia signs as may be required for vehicular/pedestrian traffic and "way-finding" purposes. Signage on the Parcel 2 buildings and Lands shall be limited to fascia sign banding which, in the opinion of the Development Officer, and on the advise 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.

8. Section 2.7.2 is amended by adding the following:

Notwithstanding the foregoing, upon removal of the 40 foot high pylon signs on Parcel 1, a maximum of four pylon signs shall be permitted on Parcel 1 as generally illustrated on Schedules B-3 and C-2. Such signs shall only denote the commercial outlets found in the building(s), and shall be a maximum of 15 feet in height and the total sign face per area (one side) shall not exceed 120 square feet. Modifications in the locations of the signs may be approved by the Development Officer.

9. To replace Section 2.7.5 as follows:

Signs to be placed on Parcel 1 shall not be installed or located in a manner that will impede stopping and decision sight distance. Confirmation is required by a Professional Engineer.

10. To delete Section 2.7.6.

A single temporary banner measuring not greater than four feet by sixteen feet shall be permitted on the front of the store or garden centre on Parcel 1.

11. To replace Section 2.12.3

Prior to the commencement of any work on the Lands, or associated off-site works, the Developer shall retain a qualified professional to prepare an erosion and sedimentation control plan that complies with Nova Scotia Department of Environment and Labour Guidelines. Such professional shall be retained for the duration of the construction phase of the project, until the site is stabilized. The professional shall provide the Development Officer with weekly written reports concerning the status environmental protection matters related to this site. The report shall include, but not limited to, the condition of erosion and sedimentation control measures, document rain events, additional measures taken in anticipation of rain events, any incidents in which a breach in measures occurred, and amount of site remaining with exposed fill.

12. To add Section 3.1(b) as follows:

Modifications to the number, size and type of signage.

13. All other terms of the Existing 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 _____

) The Home Depot Canada

)

)

) 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
)



**SCHEDULE B-3
SITE PLAN**

OMNIPLAN				DESIGN COPYRIGHT				TOYOTA IMAGE SYSTEM - DESIGN CONTROL DOCUMENTS				O'REGAN AUTO MALL			
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												</			



OMNIPLAN
 Automotive Retail Facility Planning
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 Avenue, Unit 100, Oakville, Ontario
 L6H 7T1
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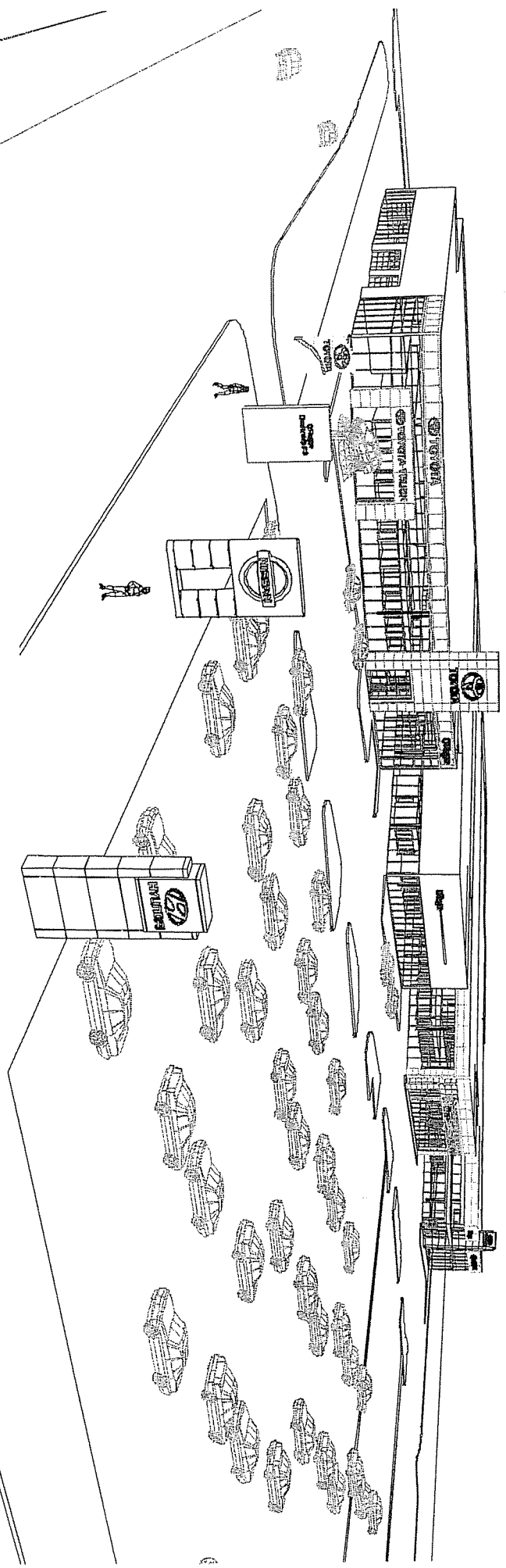
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NO.	DESCRIPTION	DATE	BY
1	NISAN ATTORNEY FOR CLIENT	MAY 14, 2008	DEM
2	RE-DESIGNED FOR SITE PLAN APPROVAL	JUNE 27, 2008	DEM
3	RE-DESIGNED FOR SITE PLAN APPROVAL	JUNE 27, 2008	DEM

O'REGAN AUTO MALL
 DARTMOUTH
 NOVA SCOTIA
 Drawn By: DEM
 Date: MARCH 14, 2008
 Proj. No.: 38834
 Checked By: CH
PRE-12



SCHEDULE C-2 **PERSPECTIVE DEALER SIGNS**



OMNIPLAN
 1744 Hamilton Rd. W. Suite 2000
 Coquitlam, BC Canada V3C 5T1
 Tel: 604.444.2255
 Fax: 604.444.2256

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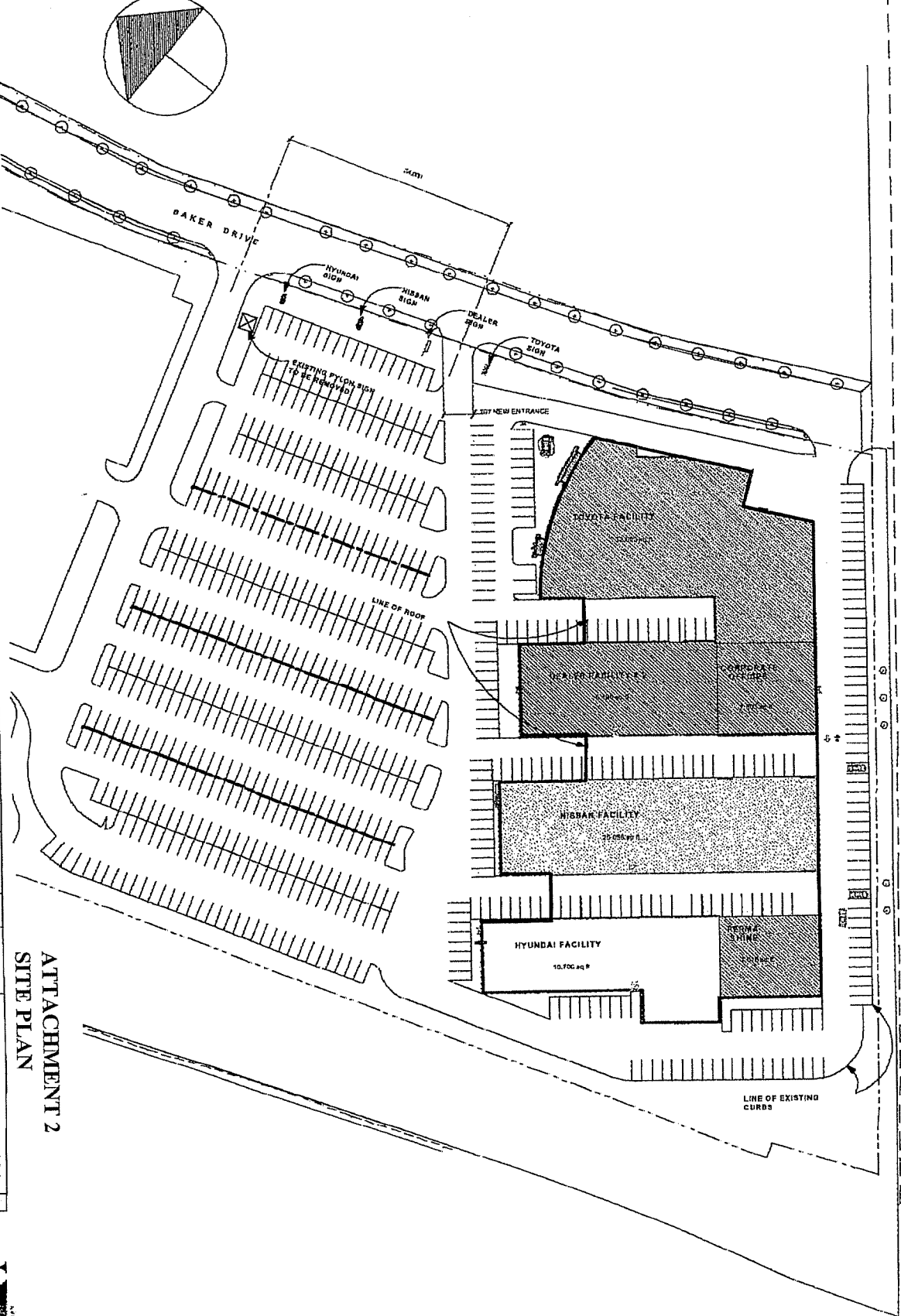
NO.	DESCRIPTION	DATE	BY
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2	ISSUED FOR CLIENT APPROVAL	MAY 29, 2006	EDM
3	ISSUED FOR CLIENT APPROVAL	JUNE 1, 2006	EDM
4	ISSUED FOR CLIENT APPROVAL	JUNE 1, 2006	EDM
5	ISSUED FOR CLIENT APPROVAL	JUNE 27, 2006	EDM

ATTACHMENT 2
SITE PLAN

O'REGAN AUTO MALL

DATE: MARCH 14, 2006
 DESIGNED BY: NOVA SCOTIA
 CHECKED BY: CK

PRE-2



7.720

ILLUMINATED SIGNAGE

NEW T-UP PRE-CAST PANELS TO MATCH EXISTING CLEAR, GLAZED CURTAINWALL

ILLUMINATED SIGNAGE

WHITE, ACP PANELS

CLEAR, GLAZED CURTAINWALL

ILLUMINATED SIGNAGE

0.200

1.875

9.250

WHITE, ACP PANELS

CLEAN, GLAZED CURTAINWALL

NEW TILUP PRE-CAST PANELS TO MATCH EXISTING

8.531

2.565

4.424 2.637

8.232

Architectural elevation drawing of a building facade. The drawing shows a long, low structure with a series of vertical elements, possibly columns or panels. Annotations include:

- EXISTING ROOF
- EXISTING BUILDING
- EXISTING BUILDING PRECAST PANELS
- OPEN THROUGH BUILDING
- WHITE, ASP. PANELS
- CLEAN, GLAZED CURTAINWALL
- PRECAST PANELS

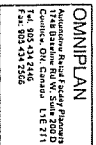
Dimensions at the bottom: 3.658, 4.872, 8.532.

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ATTACHMENT 3 ELEVATIONS



OMNIPLAN
geoplastic film for the greenhouse



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3	RE-ISSUED FOR SITE PLAN APPROVAL	JUNE 27, 2006	DEM

O'REGAN AUTO MALL		NOVA SCOTIA	
DARTMOUTH			
Date:	MARCH 14, 2006	Ford F4	3888-1M
Designed by:	DEK	Client - by:	CR

O'Regan's Automall - Baker Drive Signage

REVISED

