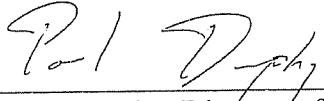




PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Harbour East Community Council  
April 1, 2010

**TO:** Chair and Members of Harbour East Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** March 17, 2010

**SUBJECT:** Case 15925 - Amendment to Portland Hills Development Agreement -  
Additional Pylon Sign

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**ORIGIN**

Application by Tony Maskine of Blue Basin Investments to amend the existing development agreement for Portland Hills (Case 00251) to allow an additional pylon sign within the commercial area situated at 651, 635, 639 Portland Hills Drive (see Maps 1 and 2) and to increase the allowable size requirements.

**RECOMMENDATION**

It is recommended that Harbour East Community Council:

1. Give Notice of Motion to consider the proposed amendment to the existing development agreement as set out in Attachment A of this report and schedule a public hearing;
2. Approve the proposed amendment to the existing development agreement for Portland Hills, as set out in Attachment A of this report, to permit an additional larger pylon sign within the commercial area located off Portland Hills Drive; and
3. Require the 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, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

The Development Agreement for Portland Hills (Case 00251) was approved by Harbour East Community Council on July 6, 2000. The Development Agreement permits a mixed use development consisting of residential and commercial properties. The development agreement has allocated an area for commercial use located adjacent the corner of Portland Street and Portland Hills Drive (see Map 3). The commercial area allows for 5 buildings for commercial and office uses and one pylon sign with a height limit of 40 feet and has a maximum sign face area of 150 square feet. The area already contains one pylon sign which was issued for Pet World Veterinary Clinic, located at 850 Portland Street (PID 41058173). It is also felt that the maximum sign face allowable is not adequate to serve the entire commercial area. Therefore, Blue Basin Investments is requesting an amendment to the existing development agreement to enable a second, larger pylon sign.

## **Proposal**

Blue Basin Investments contends that an additional pylon sign is required for the commercial area in Portland Hills due to the location of the existing pylon sign and its use is restricted. Also, there are 2 commercial buildings currently in construction and 2 other buildings that are to be constructed in the future which require signage on a pylon sign. The applicant feels that the sign proposed in the Development Agreement is not adequate for the scale of the project and that a larger sign is required. Therefore, the applicant is requesting that the existing development agreement be amended to allow an additional pylon sign to accommodate the other businesses within the commercial site. The applicant is further requesting that sign height requirement be enlarged to 45 feet and that the maximum sign face area be increase to 372 square feet (see Attachment C).

## **Location, Designation, Zoning and Surrounding Land Uses**

- Portland Hills is a mixed use master planned area generally bounded by Portland Street, Innishowen Subdivision, Portland Estates and the shoreline of Morris Lake.
- The commercial area is located on the corner of Portland Street and Portland Hills Drive and is approximately 9 acres.
- The commercial area is made up of three properties (see Maps 1 and 2):
  - 850 Portland Street (PID 41058173): Pet World Veterinary Clinic
  - 866 Portland Street (PID 41058165): Metro Transit Bus Terminal
  - 651, 635 & 639 Portland Hills Drive (PID 41058181): future site for commercial development.
- The lands are designated Residential under the Dartmouth Municipal Planning Strategy (MPS) and are zoned Comprehensive Development District (CDD) under the Dartmouth Land Use By-law (LUB) (see Maps 1 and 2).

## **Existing Development Agreement**

Section 2.3.8(d) of the existing development agreement discusses the requirements for pylon signage within the commercial area (see Attachment B). The pylon sign can be no higher than 40 feet and the sign face area shall not exceed 150 square feet. The sign can only denote the name of the commercial development and the businesses located on the site. These requirements exclude minor

directional signage or fascia signs. The commercial site is limited to one pylon sign. Schedule B of the existing development agreement outlines the location of the commercial area (see Map 3).

When Pet World Veterinary Clinic applied for a permit for a pylon sign, staff were obliged to issue the permit, even though it was noted that this sign would only advertise the veterinary clinic use. The existing development agreement does not consider the allowance of an additional sign as a non-substantial amendment.

### **Enabling Policy**

Policy H-3 of the Dartmouth MPS establishes the CDD Zone, which is intended to be developed for residential uses with some institutional, commercial and recreation facilities that will serve the surrounding area.

### **DISCUSSION**

Staff have reviewed the applicable sections of the Dartmouth MPS and the existing development agreement. Staff are of the opinion that the proposal is consistent with the intent of the Dartmouth MPS regarding development of CDD sites and the existing development agreement. The following issues have been identified for more detailed discussion.

### **Existing Development Agreement**

The proposed sign intends to serve the four commercial buildings to be constructed within the commercial area (see Attachment D). Without the proposed amendment, besides the use of fascia signs, these commercial and office uses will be unable to advertise their existence to the traffic along Portland Street and Portland Hills Drive. The request to enlarge the maximum height of a ground sign by 5 feet is minor and although the proposed increase in the allowable sign face area is substantial (225 square feet). A larger sign face area will be more accommodating to the businesses and commercial uses within the site and should minimize the need for future planning applications to allow additional signage as the commercial site develops. Staff are of the opinion that the proposed amendment is consistent with the intent of the existing development agreement to limit signage on the commercial area and the policies of the Dartmouth MPS regarding CDD developments.

### **Compatibility**

The existing development agreement only permits one pylon sign for the commercial area to avoid a plethora of signage and create a visual cacophony in the area. Staff are of the opinion that an additional pylon sign will not have a significant impact on the aesthetics of the development and will play a key role in promoting the businesses that are to serve the surrounding neighbourhoods in the area.

### **Metro Transit Signage**

When the Metro Transit Portland Hills Terminal was constructed in 2004, it was classified as municipal infrastructure. The pylon sign located along Portland Street for Metro Transit serves the purpose of indicating the location of this municipal infrastructure and provides directional signage

for traffic. An amendment to the existing development agreement was not required as this sign does not advertise any commercial development or business located on the site.

#### **Public Information Meeting / Notification Area**

Given the nature of the application, a public information meeting was not held. Should Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified, as shown on Map 1.

#### **BUDGET IMPLICATIONS**

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the agreement can be carried out within the approved budget with existing resources.

#### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

#### **ALTERNATIVES**

1. Council may choose to approve the proposed amending development agreement as set out in Attachment A of this report. This is the recommended course of action.
2. Council may choose to approve the proposed amending development agreement subject to modifications. This may necessitate further negotiation with the applicant.
3. Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons based on a conflict with MPS policies and the general intent of the Existing Development Agreement. This alternative is not recommended for the reasons stated within this report.

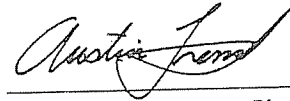
#### **ATTACHMENTS**

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map
Map 3:	Portland Hills Concept Plan (Schedule B of Existing Development Agreement)
Attachment A:	Proposed Second Amending Development Agreement
Attachment B:	Excerpts from Existing Development Agreement
Attachment C:	Proposed Pylon Sign
Attachment D:	Proposed Site Plan for 651, 635, 639 Portland Hills Drive

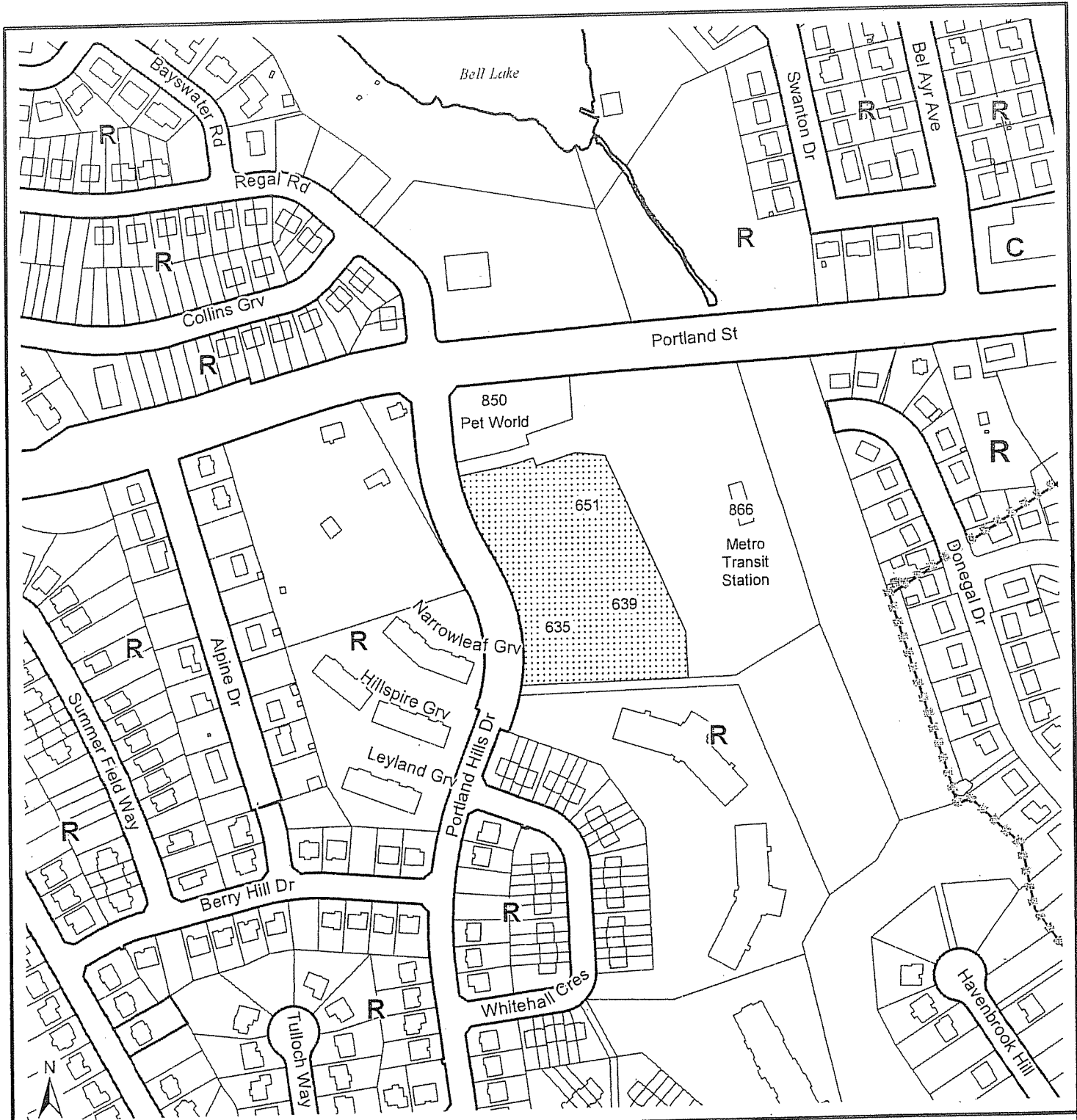
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Jillian MacLellan, Planner 1,490-3999

Report Approved by:





Austin French, Manager, Planning Services, 490-6717



**Map 1 - Generalized Future Land Use**

PID 41058181

-  Subject Property
-  Plan Area Boundary

**Designation**

- R Residential
- C Commercial

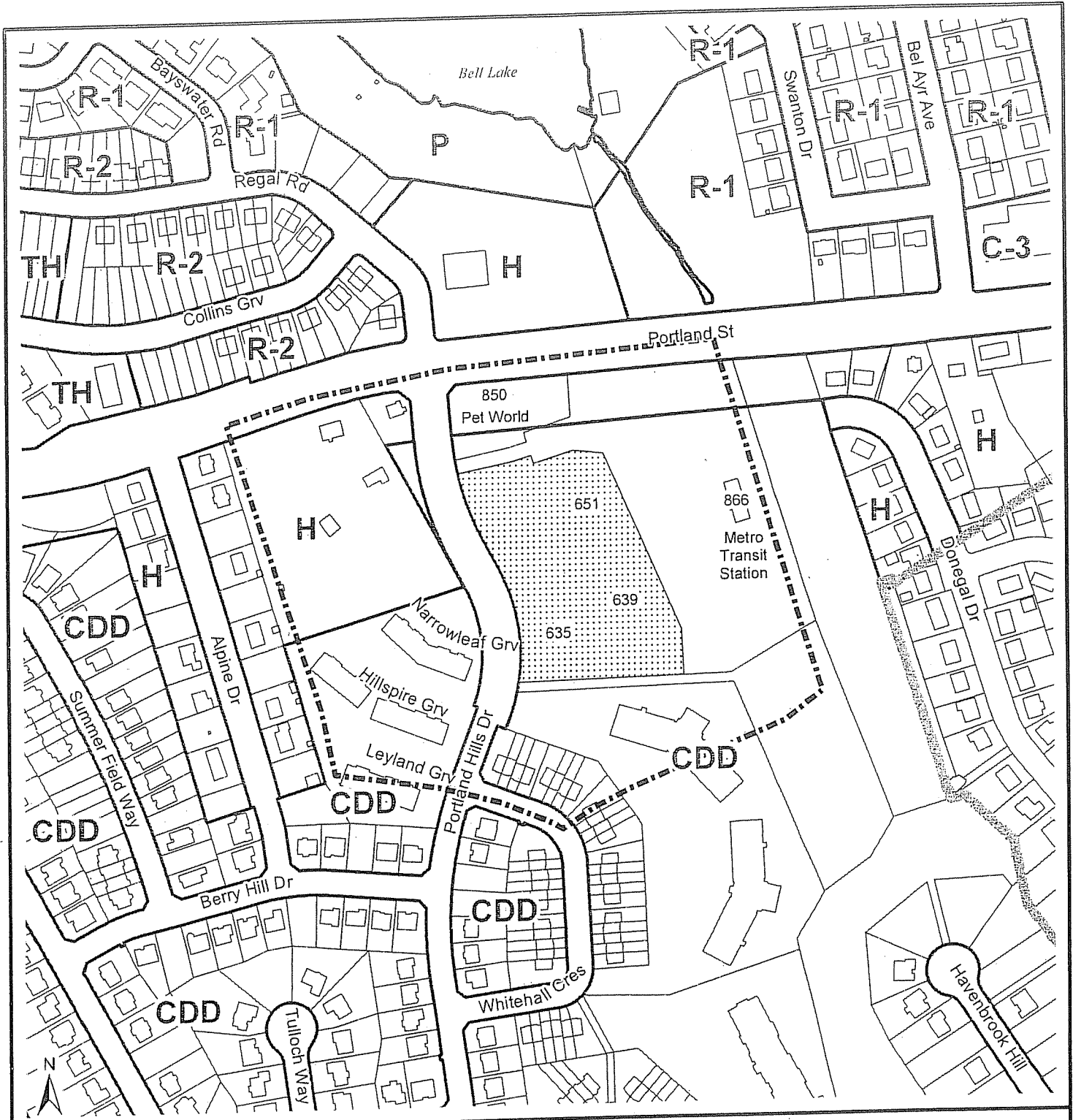
Dartmouth Plan Area

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 COMMUNITY DEVELOPMENT  
 PLANNING SERVICES






This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Plan Area.

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



**Map 2 - Location and Zoning**

PID 41058181

-  Subject Property
-  Notification Area
-  Plan Area Boundary

**Zone**

- R-1 Single Family Residential
- R-2 Two Family Residential
- TH Town Housing
- C-3 General Business
- P Park
- H Holding
- CDD Comprehensive Development District

Dartmouth Plan Area

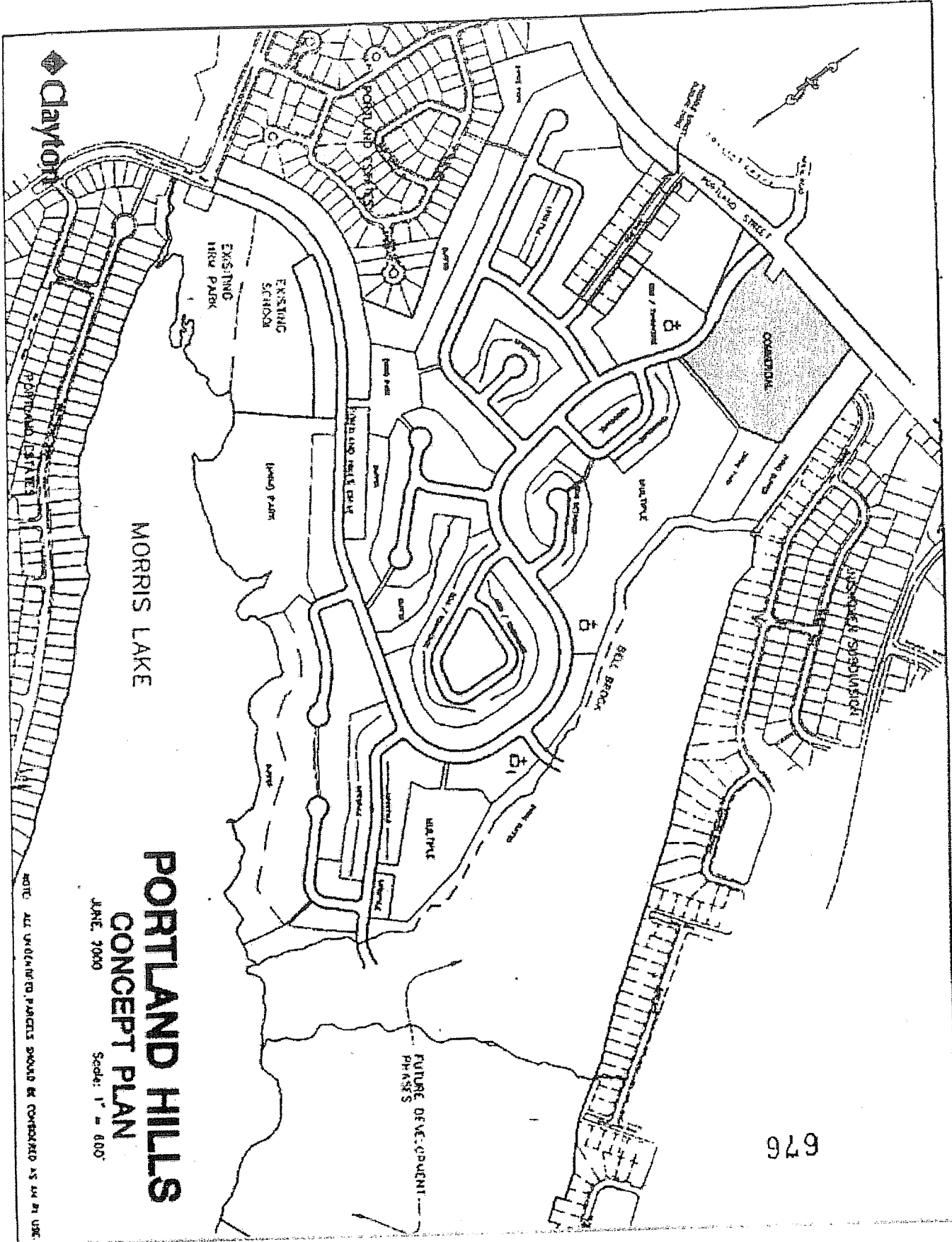
**HALIFAX**  
 REGIONAL MUNICIPALITY  
 COMMUNITY DEVELOPMENT  
 PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area

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

Map 3 - Portland Hills Concept Plan  
 Schedule B of Existing Development Agreement



Clayton

MORRIS LAKE

**PORTLAND HILLS**  
**CONCEPT PLAN**

JUNE 2000

Scale: 1" = 800'

NOTE: ALL UNDEVELOPED PARCELS SHOULD BE CONSIDERED AS A4 BY USE.

676

FUTURE DEVELOPMENT PHASES



Attachment "A"  
Proposed Second Amending Development Agreement

THIS SECOND AMENDING AGREEMENT made this        day of        , 2010,

BETWEEN:

**BLUE BASIN INVESTMENTS**

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

-OR-

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at PID 41058181 in Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Harbour East Community Council of the Municipality approved an application by CLAYTON DEVELOPMENTS LIMITED to enter into a Development Agreement to allow for the construction of a mixed use development on portion of the Lands, to the north of Bell Run, which said Development Agreement was registered at the Registry of Deeds in Halifax as Document Number 26019 in Book 6615, at Pages 657-695 (hereinafter called the "Existing Agreement");

AND WHEREAS the Harbour East Community of the Municipality previously amended the Existing Agreement by entering into an Amending Agreement with CLAYTON DEVELOPMENTS LIMITED on February 27, 2004 as Municipal Case Number 00554, said Agreement was registered at Registry of Deeds in Halifax as Document Number 00122 in Book 7633, at Pages 384-390 (hereinafter called the "First Amending Agreement");

AND WHEREAS the Developer wishes to further amend the Existing Agreement to allow for an additional pylon sign within the commercial area on the "Lands" pursuant to the provisions of the *Halifax Regional Municipality Charter*, (hereinafter called the "Second Amending Agreement");

AND WHEREAS the Harbour East Community Council for the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 15925;

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

1. Delete clause 2.3.8 (d) of the Existing Agreement and replace with the following new clause:

One only pylon sign shall be permitted to be located on the commercial site, in the vicinity of the intersection of Portland Street and Portland Hills Drive. Such sign shall only denote the name of the commercial development and the businesses located on the site, and shall be a maximum of 40 feet in height and the total sign face area (one side) shall not exceed 150 square feet.

**“2.3.8(d) Two pylon signs shall be permitted to be located on the commercial site, in the vicinity of the intersection of Portland Street and Portland Hills Drive. Each sign shall only denote the name of the commercial development and the businesses located on the site, and shall be a maximum of 45 feet in height and the total sign face area (one side) shall not exceed 375 square feet.**

**Additional minor directional ground and fascia signs as may be required for vehicular/pedestrian traffic and “way-finding” purposes shall also be permitted. Traffic control signs and pavement markings shall conform to the “Manual of Uniform Traffic Control Devices” and/or “Official Highway Signs for Nova Scotia”. No mobile/moveable signs or billboards shall be permitted on the Lands.”**

2. Except where specifically varied by this Second Amending Agreement, all other terms and conditions of the Existing Agreement and the First Amending Agreement shall remain in effect.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2010.

SIGNED, SEALED AND DELIVERED ) BLUE BASIN INVESTMENTS  
in the presence of )  
per \_\_\_\_\_ ) per: \_\_\_\_\_  
)  
)  
per \_\_\_\_\_ ) per: \_\_\_\_\_  
)

SEALED, DELIVERED AND )  
ATTESTED to by the proper )  
signing officers of Halifax Regional )  
Municipality duly authorized )  
in that behalf in the presence ) HALIFAX REGIONAL MUNICIPALITY  
per \_\_\_\_\_ ) per: \_\_\_\_\_  
) MAYOR  
)  
per \_\_\_\_\_ ) per: \_\_\_\_\_  
) MUNICIPAL CLERK

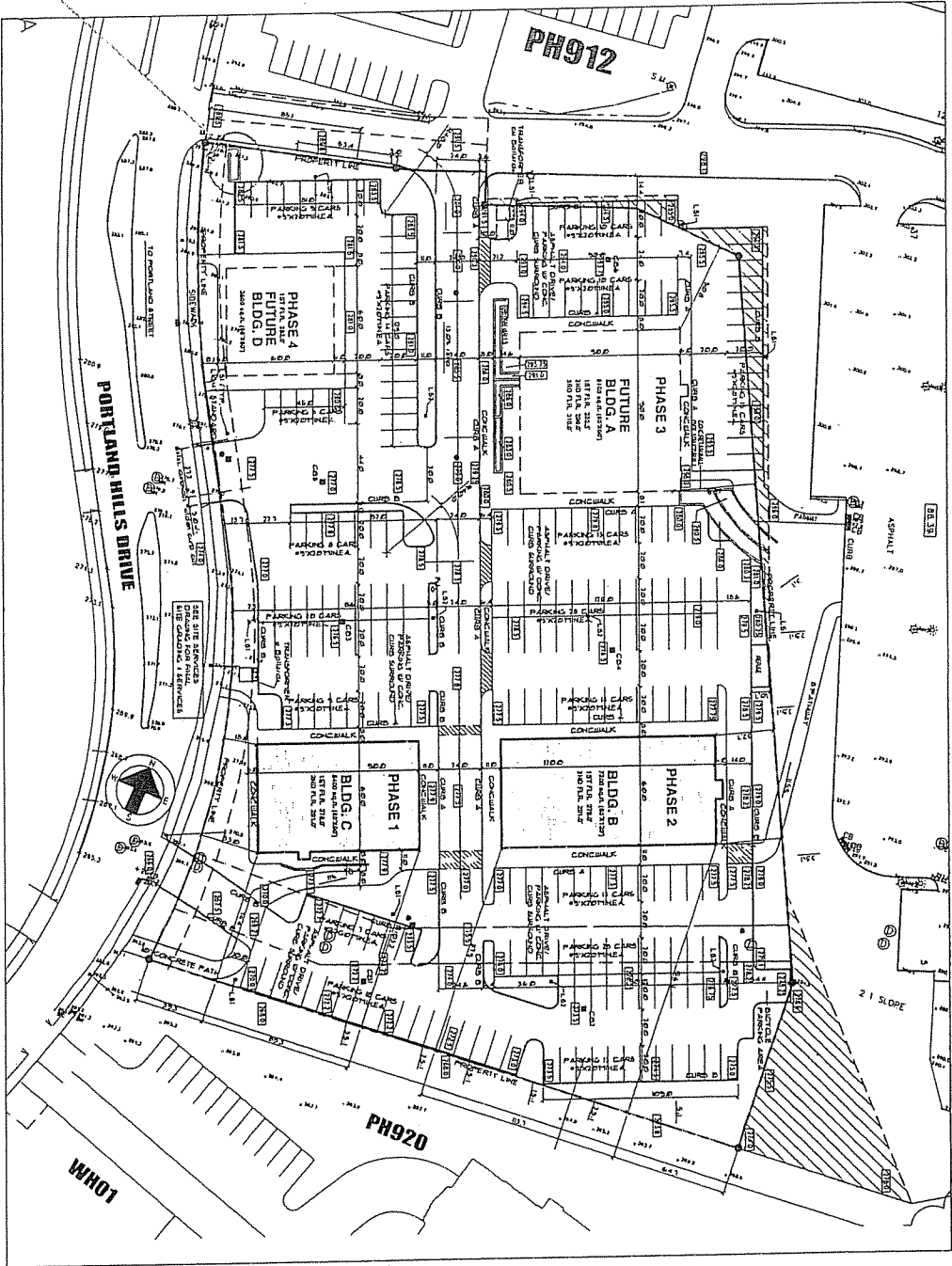
Attachment "B"  
Excerpts from Existing Development Agreement

**2.3.8 Commercial Development**

- (d) One only pylon sign shall be permitted to be located on the commercial site, in the vicinity of the intersection of Portland Street and Portland Hills Drive. Such sign shall only denote the name of the commercial development and the businesses located on the site, and shall be a maximum of 40 feet in height and the total sign face area (one side) shall not exceed 150 square feet.

Additional minor directional ground and fascia signs as may be required for vehicular/pedestrian traffic and "way-finding" purposes shall also be permitted. Traffic control signs and pavement markings shall conform to the "Manual of Uniform Traffic Control Devices" and/or "Official Highway Signs for Nova Scotia". No mobile/moveable signs or billboards shall be permitted on the Lands.





Proposed location of sign

REVISIONS

NO.	DESCRIPTION	BY	DATE
1	ISSUED FOR PERMITTING	ST	09/27/09
2	REVISED PER PERMITTING	ST	10/23/09
3	REVISED PER PERMITTING	ST	11/03/09

DATE: 11/03/09  
 DRAWN BY: STAFF  
 CHECKED BY: STAFF  
 PROJECT NO: 090174  
 SHEET NO: 01 OF 04  
 SHEET TITLE: SERVICE PLAN FOR ALL BUILDING & PAVING SERVICES

TITLE: PHASE 2 PORTLAND HILLS CENTRE PORTLAND HILLS DARTMOUTH, NOVA SCOTIA

DATE: OCT 23/09

SCALE: 1"=30'

STATUS: STAFF

DRAWING NUMBER: A01

DATE: OCT 23/09

SCALE: 1"=30'