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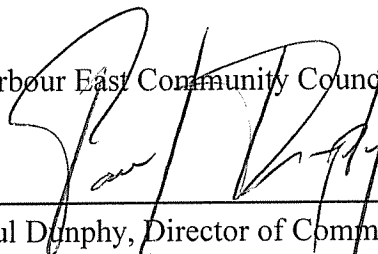
**Harbour East Community Council**

~~April 5, 2007~~

May 3, 2007

**TO:** Harbour East Community Council

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** March 15, 2007

**SUBJECT:** Case 00781 - Notting Village: Rezoning & Development Agreement

**ORIGIN**

- Application by Caohmin Consulting on behalf of Arsenal Developments Ltd. for a rezoning and development agreement to permit a mixed residential/ commercial/ institutional community at 182 Wyse Road (former Notting Park School, PID #00082669), Dartmouth.

**RECOMMENDATION**

It is recommended that **Harbour East Community Council:**

1. Give First Reading and Notice of Motion to consider the proposed rezoning and development agreement as provided in Attachment C and schedule a public hearing;
2. Approve the rezoning of 182 Wyse Road from S (Institutional Zone) to C-2 (General Business Zone) as shown on Map 1;
3. Approve the proposed development agreement as provided in Attachment C (The development agreement cannot be approved until the rezoning is in effect); and
3. 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.

## **EXECUTIVE SUMMARY**

Staff recommends the approval of a rezoning and development agreement to allow for a mixed residential/ commercial/ institutional community at 182 Wyse Road, Dartmouth; the location of the former Notting Park Elementary School.

The applicants seek to have the zoning changed from S (Institutional) to C-2 (General Business) to allow the consideration of a development agreement a proposal consisting of:

- a 72 unit, six storey multi-unit residential building;
- two mixed use commercial/ residential buildings containing a maximum of 14,500ft<sup>2</sup> of commercial space and 24 residential units;
- the retention of an existing community purpose building.

Policy IP-5 of the Dartmouth Municipal Planning Strategy requires the negotiation of a development agreement for all apartment buildings, in all zones where they are permitted, including the C-2 zone. Due to the mixed use nature of the proposal, and the interrelationships among the various proposed uses, the development agreement controls aspects of the commercial and institutional components of the proposal as well.

Three Public Information Meetings were held in 2006. Residents' concerns included the proposed height of the multi-unit residential building, buffering/ screening for adjacent residents, landscaping/ maintenance, and general concerns about the quality of the proposal. Many of these concerns have been addressed through provisions incorporated into the proposed development agreement.

## **BACKGROUND**

### ***History***

Notting Park School at the northeast corner of Boland Road and Wyse Road was built on a property that was once the location of Consumer's Cordage, a rope manufacturer established in 1868 by William J. Stairs. Long buildings on the site, known as 'ropewalks', were used by workers who walked backwards from spinning wheels with handfuls of fibre twisting them into long coils of rope. Spools of new rope were delivered to docks at the foot of Jamison Street, while Wyse Road was known as Ropeworks Road until 1878. The school and houses in the surrounding area were built in the 1940's, and the area was named Notting Park after Thomas Notting, Mayor of Dartmouth from 1908 to 1912. After a decision by the Halifax Regional School Board to permanently close Notting Park School in 2001, the 2.9 acre (11,700m<sup>2</sup>) property was deemed surplus to HRM needs and sold in 2002 to the present owner. The property contained an existing building with community facilities such as a daycare and a gymnasium and these uses remain on site today.

### ***Surrounding Uses***

As shown on Map 1, this property is surrounded by a mix of commercial and residential uses. Both sides of the Wyse Road corridor contain a variety of commercial uses (primarily strip malls), while the area northeast of the subject property (Notting Park) is an R-2 (Two Family Residential) zoned community containing primarily single unit dwellings. Opposite Boland Road, there is a large block of R-4 (High Density Residential) zoned multiple unit dwellings (Victoria Gardens).

***Policy and Zoning:***

As shown on Map 2, the property is split designated according to the Generalized Future Land Use Map (GFLUM) in the Municipal Planning Strategy (MPS) for Dartmouth. The portion fronting Wyse Road is designated Commercial, while a strip towards the rear of the property is designated Residential. While a GFLUM, by its very nature is 'general', this split designation serves as a guide to the proposed form of development which includes residential uses toward the rear of the property, and commercial uses closer to Wyse Road. The property is zoned 'S' (Institutional), reflecting its former use as a school (Map 1).

***The Proposal***

A site plan illustrating the proposed redevelopment is included as Schedule B of the Development Agreement (Attachment C). The proposal consists of:

*Multi-Unit Residential Building*

- Six storey building with 72 units;
- Located internal to the block, with an architectural design suggesting two slim buildings;
- Landscaped podium;
- Underground residents' parking and surface parking for visitors.

*Mixed Use Building 'A'*

- Four storey building on Wyse Road;
- 8,500ft<sup>2</sup> (790m<sup>2</sup>) ground floor commercial with 14 residential units above;
- Surface parking.

*Mixed Use Building 'B'*

- Three storey building at the corner of Wyse Road and Boland Road;
- 6,000ft<sup>2</sup> (557m<sup>2</sup>) ground floor commercial with 10 residential units above;
- Surface parking.

*Institutional Building (existing)*

- Existing building with community uses to remain;
- Improvements to landscaping, playground;
- Surface parking;
- Mural to improve the building's exterior appearance.

**DISCUSSION**

Redevelopment of the site in the proposed manner would require a rezoning from "S" (Institutional) to "C-2" (General Commercial) and the negotiation of a development agreement. Policy IP-1(b) and Table 4 of the Dartmouth MPS (Attachment A ), allow Council to consider zoning amendments for any permitted use within each generalized land use category. This policy also allows the consideration of a zoning amendment for an area immediately adjacent a given designation to a use permitted within the adjacent designation without requiring a plan amendment. In other words,

Council may consider a rezoning to C-2 on the portion of the property designated Commercial on the GFLUM, as well as on the adjacent portion of the property that is designated Residential.

The C-2 zone of the Dartmouth Land Use Bylaw permits a broad range of commercial uses, as well as all uses permitted under the R-1, R-2, R-3 (Medium Density Residential), and TH (Townhouse) zones. These uses include multiple-unit residential buildings, however policies of the Dartmouth MPS require the negotiation of a development agreement for all apartment buildings containing three or more units in accordance with Policies IP-5 and IP-1( c) (Attachment A). While these policies enable the development agreement process for the multi-unit residential aspect of the proposal, due to the interaction between the mix of proposed uses on the former Notting Park School property, the agreement must logically extend to cover all aspects of the project. For this reason, the entire proposal has been reviewed to ensure that it reasonably carries out the intent of those policies, and the development agreement controls aspects of the commercial and institutional uses, as well as the residential uses. A review of the proposal according to the relevant policies follows:

*Compatibility and Consistency with Adjacent Uses*

- As shown on Schedule B of Attachment C (site plan), medium density residential and existing institutional uses buffer the proposed commercial uses on Boland and Wyse Roads from existing low density residential uses on Cairn St.
- Parking and vehicle circulation is well separated from existing residences.
- Existing residences are further buffered by a required setback from the rear lot line in which large evergreen trees must be established.
- The Development Agreement (DA) requires landscaping of the podium to provide additional screening between existing and proposed residential uses.

*Exterior Design, Height, Bulk & Scale*

- As shown on Schedules C & D of Attachment C (elevations), Building 'B' at the corner of Wyse and Boland Roads, has a very 'urban' architectural design, with a reduced set back from the street, parking behind, and a height of three stories. This will serve to visually 'anchor' this corner and create an inviting, pedestrian friendly atmosphere, contributing positively to the Wyse Road Streetscape. In addition, this building will have a large south facing terrace, ideal for a café or restaurant.
- While Building 'A' is proposed to be set back farther from the street, there is only one row of parking in front and the additional height of this building (four storeys) will lend a more urban character to the Wyse Road streetscape. This will be an improvement over the predominantly strip commercial building form that defines the street now with its low buildings, set back far from the street, with all the parking in front.

- Buildings 'A' and 'B' are well designed with variation in the facades, interest in the roofline, accentuation of the corner, and avoidance of blank walls. The DA requires a professional architect to certify that the building has been designed in conformance with the schedules to the agreement, before an occupancy permit will be issued.
- The mass of Building 'C' (the six storey multi-unit residential building) has been broken up by a design that suggests two slender buildings instead of one larger one. This has been done by offsetting the two building wings and separating them by a glass elevator shaft. The exterior includes a decorative brick finish with horizontal banding which will be complementary to the design of Buildings 'A' and 'B'. The applicant reduced the height of this building to six stories after consideration of concerns expressed at the public forums.
- The exterior of the daycare/ gymnasium building is not intended to change significantly at this time, but will be enhanced by the addition of a mural highlighting the rope manufacturing history on this site.

*Access/ Egress, Vehicular and Pedestrian Circulation*

- Vehicular access is from both Boland and Wyse Roads allowing any impact of additional vehicles to be split between both streets.
- The DA requires direct pedestrian walkways from the public sidewalk to each building entrance, minimizing pedestrian crossings of driving aisles and adequately separating pedestrian and vehicle circulation.
- A covered arcade along the front of Building 'A' provides weather protection for pedestrians.
- A proposed drive-thru may only be used by a bank; a higher volume use (e.g. drive-thru restaurant) is not permitted to ensure that on site congestion with the potential to back up onto the road does not occur.

*Parking*

The Development Agreement allows less car parking than the proposed uses would otherwise require in an as-of-right situation. For example, the Land Use By-Law (LUB) requires 1.25 spaces per residential unit while this agreement only contains a requirement for one space per unit plus seven visitor spaces. The LUB would require 33 spaces for the commercial use, but this agreement only requires 23. This was deemed to be justified on the basis that:

- This is a mixed use proposal and as such there will be opportunity for different uses to share parking at different times of the day (e.g. evening visitors of the residential units may park in the commercial parking).
- The site is very well located in close proximity to a number of amenities (e.g. shopping, restaurants, parks, schools, community facilities) as well as transit lines and hubs. This will reduce the need to drive to and from the site, reducing the parking demand.

- The development agreement requires the commercial uses to consist primarily of office uses, which create a lower demand for parking than retail or restaurant uses.
- The development agreement requires the provision of enhanced bicycle parking, which offsets somewhat the parking required under the Land Use By-Law.

*Traffic and Transportation Networks*

A Traffic Impact Study was carried out in support of this planning application by O'Halloran Campbell Consulting Engineers. This study estimated the number of vehicle trips that would be generated by the proposal and distributed them, based on existing traffic patterns in order to assess the impact of the proposal on the localized street system. The analysis included Wyse Road from Nantucket to Albro Lake Road and Boland Road from Wyse to Victoria and the respective intersections. While the study concluded that the proposal would have a negligible impact on these routes, it did recommend some intersection signal timing adjustments to improve flow at Nantucket and Wyse and at Albro and Wyse. The developer will carry these out in coordination with HRM Traffic Services prior to obtaining an occupancy permit under the development agreement.

*Adequacy/ Proximity of Schools, Recreation Areas/ Community Facilities*

This site is exceptionally well located in relation to a number of the above and represents the continuation and further enhancement of a balanced, mixed-use community where people may live, work, shop, and go to schools, parks, and community facilities such as the Dartmouth Sportsplex all within a 500 metre radius, or a five to six minute walk. Also, within this easy walking distance, residents have access to a transit hub with regular and frequent service to destinations throughout the region such as Downtown Dartmouth & Halifax, Burnside, Bayers Lake and more.

*Adequacy of Amenity Space, Landscaping, Tree Protection*

The Land Use Bylaw for the R-3 zone uses requires 300ft<sup>2</sup> of amenity space for each two bedroom unit, or approximately 28,800ft<sup>2</sup> for all 96 units. While the combined total of amenity area provided in this proposal is less than that (+/- 21,000ft<sup>2</sup>) the reduction can be justified on the basis that the development agreement controls the quality of this space as described below, and not just the quantity.

In addition to private outdoor amenity space required for each unit (balconies) the development agreement requires the supply of a commonly accessible outdoor amenity area on the landscaped podium, 1,200ft<sup>2</sup> of commonly accessible indoor amenity area (e.g. meeting room, exercise room, workshop), improvements to the play area outside the existing community-purpose building, and a considerable amount of landscaping to enhance these spaces and complement the architecture of the buildings. Podium level units will have direct access to large, private outdoor amenity areas on the podium itself, making the project appeal to a wider array of households types (e.g. families may prefer a larger outdoor area than a typical balcony to allow children more space to play).

A professional landscape plan is required by the development agreement prior to issuance of a Construction Permit, and certification a Landscape Architect that the landscaping was built

according to the plan, is required prior to Occupancy. The development agreement specifies a minimum number of trees and shrubs to be planted, requires that plant stock be of a minimum size and that a mixture of evergreen and deciduous material is used to ensure year round interest, and specifies the planting of certain trees in certain areas to ensure buffering, streetscape enhancement, and shading of play areas. Hard landscape elements such as retaining walls and pathways must be made of attractive materials (e.g stone retaining wall, and no asphalt permitted for internal walkways).

Unfortunately, through the construction of this proposal, three mature trees on private property near the corner of Boland and Wyse Roads will be removed. Fifteen new street trees within the Boland and Wyse Road rights of way are required to be planted, in addition to 40 new trees within the development itself.

*Adequacy of Sewer, Water, Drainage, Erosion Control*

The area is serviced by municipal sanitary sewer and water services and adequate capacity exists in these services to accommodate the proposal. The southwest corner of the property will be raised somewhat to accommodate underground services, resulting in a very flat site. Stormwater will be controlled after construction through the use of parking lot and rooftop retention during rain events, and erosion and sedimentation will be controlled during construction by a requirement in the agreement to conform to plans prepared in accordance with provincial guidelines.

***Public Participation***

Three public information meetings concerning the proposal were held on March 20, September 18 and October 11, 2006. The third meeting was held due to some errors in notification of the second meeting. Property owners shown on Map 1, received notice of the first and third meeting by direct mail and all the meetings were advertised in the Chronicle Herald. Minutes of all meetings are provided in Attachment B.

As a result of these meetings, the proposal was adjusted by reducing the height of the multi-unit residential building to six stories and the building was re-designed to appear less 'blockish'. The developer also evaluated the possibility of further reducing the height of this building by adding floors to the existing community purpose building as was suggested during one of the meetings. This option was ruled out, however, due to the difficulties this would cause the existing tenants: an expansion of the building could not be carried out while the building was occupied causing significant disruption of the community services provided by the tenants. The developer also carried out a shadow study on the modified building design that determined there would be partial shading of some Cairn Street backyards. This would be very minor in the spring, summer, and fall seasons, and somewhat more pronounced in the winter months.

Should Council decide to hold a public hearing, property owners shown on Map 1 will be notified by direct mail, and advertisements placed in the newspaper in accordance with requirements of the *Municipal Government Act*.

**BUDGET IMPLICATIONS**

None

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

**ALTERNATIVES**

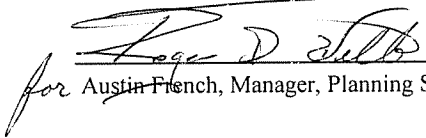
1. Council may choose to approve the rezoning and the development agreement. This is the staff recommendation.
2. Council may choose to refuse the rezoning and development agreement. This is not recommended, because the proposal reasonably carries out the intent of the Municipal Planning Strategy.
3. Council may choose to modify the development agreement. This is not recommended as it would require further negotiation and agreement with the developer.

**ATTACHMENTS**

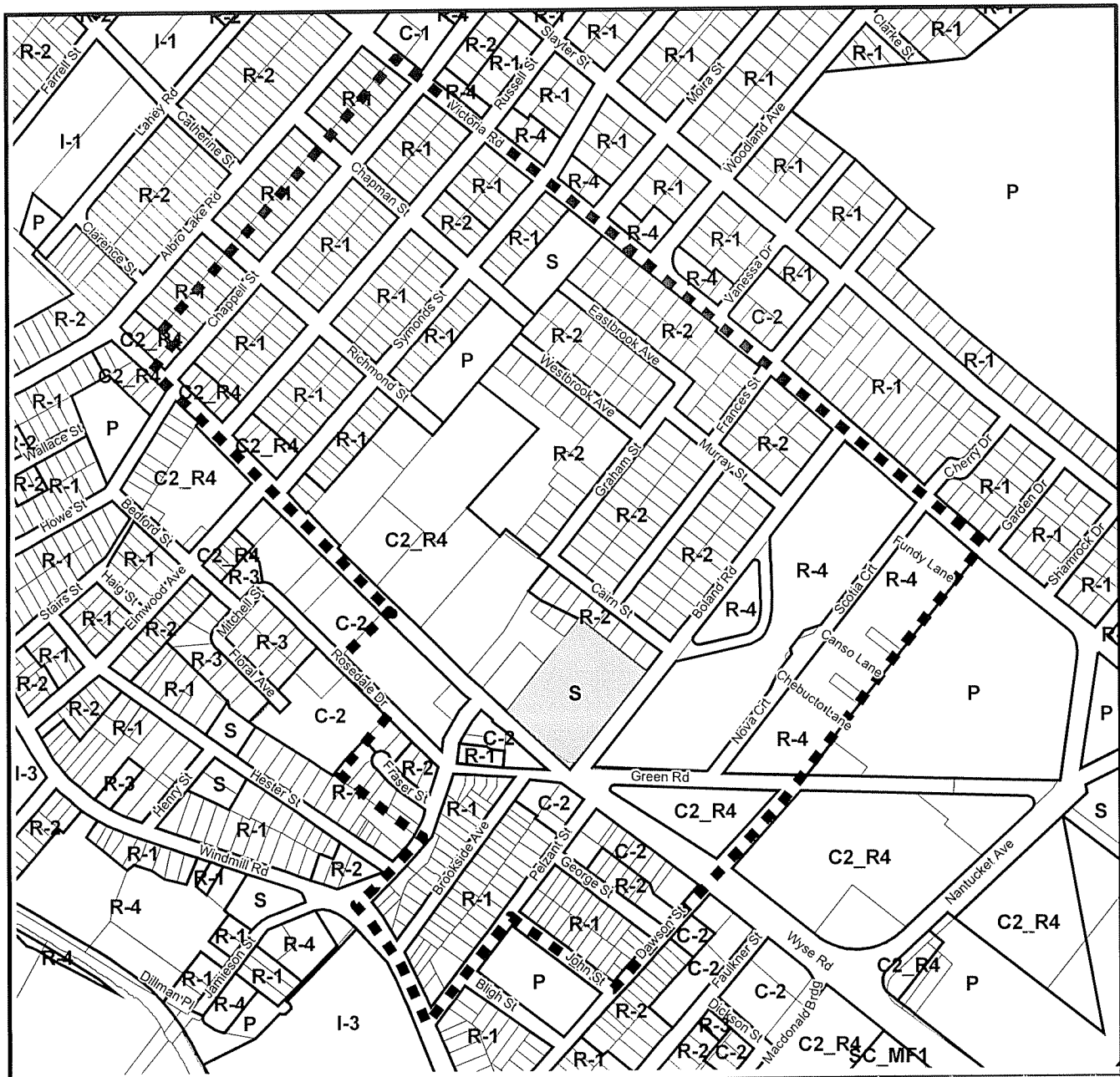
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| Map 1:        | Location, Zoning and Notification Area                         |
| Map 2:        | Generalized Future Land Use Map for Dartmouth                  |
| Attachment A: | Relevant Policies of the Dartmouth Municipal Planning Strategy |
| Attachment B: | Public Information Meeting Minutes                             |
| Attachment C: | Draft Development Agreement                                    |

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 : Hanita Koblents, Planner 490-4181

Report Approved by:  Austin French, Manager, Planning Services, 490-6717






**Map 1**  
**Zoning and Location Map**

1A Boland Road

**Dartmouth Zones**

- C-2 General Business Zone
- P Park Zone
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-3 Multiple Family Residential Zone (Medium Density)
- R-4 Multiple Family Residential Zone (High Density)
- S Institutional Zone

 Subject Area

 Notification Area



**HALIFAX**  
 REGIONAL MUNICIPALITY  
 COMMUNITY DEVELOPMENT

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**

1A Boland Road

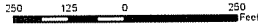
**Dartmouth Designations**

-  Commercial
-  Industrial
-  Park
-  Residential

 Subject Area



**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT



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

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

**Attachment A**

**Relevant Policy of the Dartmouth Municipal Planning Strategy**

**Policy 1P-1 (b)**

**Generalized Land Use**

The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional. *Deleted-Reg. Council-July 11/2000, Effective-Sept 2/2000. In addition, areas outside the development boundary not designated on the Generalized Land Use Map shall be designated Reserve in accordance with Map 9c attached as Schedule "C". (As amended by By-law C-475, Sept. 20, 1983).*

Table 4 identified, in matrix form, the permitted uses under each category. The uses permitted in the Zoning Bylaw shall be consistent with uses permitted under each category as shown on matrix form on Table 4. The generalized land uses are also shown on: Map 9;

*Map 9b, 9c, 9d, 9e, 9g, 9h, 9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983, By-law C-493, Dec. 9, 1983, By-law C-494, Dec. 9, 1983 and By-law C-511, Jul., 1984).*

These maps shall be the Generalized Land Use Map for the City of Dartmouth based on the policies contained in this plan.

Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.

An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.

**Policy 1P-1 (c)**

**Zoning Bylaw**

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
- (9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:
- (i) Council with a clear indication of the nature of proposed development, and
  - (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community
- (10) *Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the*

*"Infrastructure Charges" Policies of this MPS. (Regional Council - July 2, 2002, Effective - August 17, 2002)*

**Policy IP-5**

**Apartment Buildings**

*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).  
(As amended by By-law C-692, Dec. 4, 1991).**



**Attachment B  
Public Information Meeting Minutes**

**PUBLIC INFORMATION MEETING  
CASE 00781 - 182 WYSE ROAD (FORMER NOTTING PARK SCHOOL SITE)  
DARTMOUTH PLAN AREA**

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March 20, 2006  
Northbrook Community Centre, Dartmouth  
7:00 p.m.

**STAFF IN**

**ATTENDANCE:** John MacPherson, Planner  
Samantha Charron, Administrative Support

**APPLICANT:** Kevin Riles, Caohmin Consulting  
Dan Goodspeed, Kassner Goodspeed Architects  
Don Williams, Caohmin Consulting  
Kerry Weatherby, Caohmin Consulting

**OTHER:** Jim Smith, Councillor

**MEMBERS OF**

**THE PUBLIC:** Approximately 40 People

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**PRESENTATION/ OVERVIEW**

Jim Smith, local Councillor for the area, welcomed residents to the meeting and thanked them for attending. He explained the purpose of this evening's meeting was to receive feedback from residents regarding the application proposal submitted by Caohmin Consultants Ltd. to develop the property located at 182 Wyse Road (former Notting Park School site). He then introduced John MacPherson, HRM Planner assigned to this case.

Mr. MacPherson welcomed residents to the meeting and introduced Kevin Riles the consultant with Caohmin Consulting Ltd. He explained he would begin tonight's meeting by describing the planning process and criteria by which planners review proposals. He indicated once his presentation is complete Caohmin Consulting will give residents an overview of the proposal and then there will be an opportunity for residents to ask the developer and staff questions or have concerns addressed.

Mr. MacPherson indicated the purpose of tonight's meeting is to discuss an application submitted by Caohmin Consulting on behalf of Arsenal Developments Ltd. to rezone 182 Wyse Road, from S (Institutional Zone) to C-2 (General Business Zone) and R-3 (Multiple Family Residential - Medium Density Zone) and enter into a development agreement to permit mixed use (residential/commercial) development.

With use of overhead and site map Mr. MacPherson gave an overview of the project's location. He described the surrounding zoning and variety of uses in the area. He explained that any multiple unit dwelling in Dartmouth requires Council approval of a development agreement.

Before continuing with a description of the proposal, Mr. MacPherson gave a brief overview of the planning process so residents could better understand how applications are evaluated and how their input is considered.

Mr. MacPherson explained the planning process typically begins with an application from a developer to receive planning approval for their project. An HRM planner is assigned to the case and begins a technical review of the proposal by circulating it to relevant agencies and departments for example, engineering services, the water commission, traffic services, parkland planning, Metro Transit, the school board, etc. The purpose of this circulation is to get feedback and recommendations for the proposal. While the technical review is proceeding, a public information meeting (what we are doing now) is scheduled, to help staff get a sense of any issues the community may have, and how these might be addressed.

He explained in some cases the review process can be an iterative one, with the applicant bringing additional information forward to respond to concerns and recommendations, and adjusting their proposal to meet those concerns, if possible. Once the review is complete, the planner prepares a staff report with a recommendation to Community Council which is reviewed by the Harbour East Planning Advisory Committee (HEPAC). Once the review is complete the staff report is presented to Harbour East Community Council (HECC). HECC normally meets the first Thursday of every month and consists of a subset of Regional Council including representatives from Dartmouth, Cole Harbour and Eastern Passage.

If Community Council decides to proceed, they will set a Public Hearing date. If you received notice in the mail for this PIM, you will receive notice for the hearing. If you would like to receive notice but didn't please make sure your name and full mailing address is on the attendance sheet tonight. The public hearing will also be advertised in the Herald for two consecutive Saturdays before the hearing.

The public hearing is a formal opportunity for any member of the public to speak for or against the proposal before Council makes a decision to accept or reject the proposal. After the decision is made, there is a 14 day appeal period.

Mr. MacPherson then explained a development agreement is basically a contract between the landowner and the Municipality that spells out how the land will be developed. He explained a development agreement can control a range of aspects related to development such as site design, architectural form, landscaping, maintenance, parking, etc.

Mr. MacPherson stated that once signed, a development agreement gets registered with the Registry of Deeds, obligating future land owners to abide by the terms of the agreement. The



agreement stays in effect until it's discharged which can only be done with the consent of both parties.

Mr. MacPherson suggested that when negotiating a development agreement, the Dartmouth Municipal Planning Strategy (MPS), Policy directs staff to review the proposal based on a number of criteria. These include the form of the building (design, height, bulk, scale); its relationship to other nearby land uses and how any conflicts will be reduced in terms of parking, access/ egress etc. The policy directs staff to determine adequacy of the local community services (like schools, places of worship, shops, and transportation networks) to support the population that will be living in the proposed development. We are also asked to consider the design of the site and landscaping to ensure the development will be aesthetically pleasing, appropriately buffered, and that the needs of the residents for usable on site amenity areas are met. Finally we are asked to consider environmental issues such as drainage, soil stability and slope treatment.

Mr. MacPherson then asked Kevin Riles to give his presentation.

Kevin Riles introduced himself as the president and CEO for Cahomin Consulting. He gave a brief history of Cahomin Consulting Ltd., Arsenault Developments Ltd, and Crestco Homes. He then introduced staff and consultants in attendance: Dan Goodspeed, Architect with Kassner Goodspeed, Tony Edwards the consultant hired to address historic aspects of the property, Don Williams and Kerry Weatherby representing Cahomin Consulting and Marcel Deveaux, traffic consultant from O'Halloran Campbell. He suggested specific questions can be addressed to any of these individuals.

Mr. Riles explained this proposal has been under review for the past year and a half. Using overheads, Mr. Riles gave a full site description and described the surrounding community. He noted landscaping aspects of the development and explained how the existing structures on the site will be incorporated with the proposed development. He stated in his experience public meetings of this type usually generate comments from the public that often require the developer to come back to HRM staff with alterations to the original proposal.

Mr. Riles explained that he first considered the compatibility of this development with the surrounding community. Given the context of the surrounding uses Mr. Riles felt, this to be a suitable location for this type of development. He then indicated there was a traffic study of the local area submitted to HRM.

With a site plan Mr. Riles gave a full description of the commercial and residential units. He described exterior finishes and landscaping aspects and indicated all parking for residents would be underground.

He then explained elevations of the proposed development, and described the commercial residential uses proposed.

Mr. Riles stated that he is aware there is a community initiative to revitalize the local area. He suggested they are trying to create a fun, safe, attractive area for residents to reside and work. He explained Cahomin Consulting Ltd. has a commitment to quality and thanked residents again for attending. He then asked Dan Goodspeed, the architect for this project, to explain some aspects of the development in more detail.

Mr. Goodspeed described the site and how efforts were made to keep the existing daycare and recreation centre as they are. He suggested the rest of the property was designed to accommodate these two uses.

He stated the intent was to create a strong presence on the corner of the property, but find a way to distribute the commercial use across the site. He discussed setbacks and location of the buildings containing the commercial and professional uses and noted not all the space has a determined use at this point. He spoke to the centre of the site and suggested it really has no attraction for commercial use, that is why they felt that a higher density residential development made sense for this part of the site. He continued with a description of exterior aspects, landscaping and buffering. He suggested this proposal is still in early stages and will likely require changes that can both accommodate residents concerns and the developer.

Mr. Goodspeed stated they feel this development would be an asset to the community.

### **QUESTIONS AND COMMENTS**

Richard Durrant asked how the developer feels about the strip club across the street.

Kevin Riles indicated this is a concern for them.

Nick Pryce stated he would support this type of development if staff give a great deal of consideration to the quality of the project.

John MacPherson stated he agrees the quality of this development is very important and suggested this site has the ability to set the tone for future development in the area. He noted the development agreement can outline very specific details of the project.

Nick Pryce requested the height and quality of the residential building be examined by staff in greater detail to ensure it is suitable for the surroundings.

Chris MacIsaac requested the size and the location of the residential building be examined as well. He stated he would like to see the height reduced to four or five stories and appropriate buffering be constructed between the site and the homes located on Cairn Street to ensure privacy of the existing residents.

Kevin Riles indicated at this time seven storeys is all that has been considered but assured Mr. MacIsaac there will be no units directly facing homes on Cairn to maintain their privacy.

Christian Boudreau asked what the distance from the proposed residential building to the property line at 11 Carin Street is.

Dan Goodspeed suggested the podium will only be about 10 feet from the property and approximately 50 feet from the building wall.

Jerry Pye gave a brief history of his experience in the Municipal Government planning process. He indicated he met with Mr. Riles previously to discuss this application. He stated he is fed up with high density residential development proposals in the area. He then read from the Department of Finance electoral districts statistics, noting the multi-unit residential count for the north end Dartmouth area. He suggested if residents keep supporting multi residential development in the local area, they will destroy any attempt of revitalizing the community. He suggested this property is a gateway to Dartmouth, and is located on a commercial corridor. He noted it should be treated as that, he stated he supports the commercial aspects of the proposal and feels it would be a positive addition to the community, but requests the residential use be removed all together from this site. He asked residents to consider what this development will look like 25 years from now and noted other nearby lands that may have potential multi-unit residential development

Nick Pryce suggested mixed use will create functionality and convenient amenities for local residents. He feels it will bring a good balance to the community.

Heather Kingston asked why the developer has not considered selling the units as condos rather than apartment rentals. She stated in her opinion condos will attract more professionals to the development and would be a more considerate approach to existing residents' concerns of transient behaviour within the development. She also asked Mr. Goodspeed for the interior descriptions of the units.

Dan Goodspeed suggested there has been no decision made at this time whether the units will be sold as condos or rented apartments, but suggested that is something they will re-examine. He then described interior detail.

Kevin Riles also indicated the condo option was discussed and will be revisited by their team.

Heather Kingston noted there is no fence indicated on their site plan around the daycare playground. She also suggested parking could be an issue for the daycare and recreation centre.

Kevin Riles suggested the fence was just an oversight in the design of the site plan.

Mr. MacPherson indicated a crime prevention audit will be conducted for the site. He also noted that parking will be evaluated against requirements in the Dartmouth Land Use By-Law.

Heather Kingston asked if commercial uses can be refused to rent space in this development i.e. pawn shops.

Kevin Riles suggested the commercial uses will be regulated on this site.

Heather Kingston asked why the daycare building could not be redeveloped to accommodate residential units above a newly constructed daycare facility. She asked the developer if this would allow them to lower the proposed seven storey multi-unit residential building, a few floors, while still meeting the required density to make this development economically feasible for them. She feels the seven storey residential building is not suitable for the site.

Kevin Riles thanked Ms. Kingston for her comments and suggested they can look into this.

Chris MacIsaac asked if traffic had been evaluated by the developer.

Kevin Riles indicated it had and noted Marcel Deveaux, traffic consultant was in attendance to speak to this issue.

Marcel Deveaux, traffic consultant indicated there were a lot of significant intersections in the community that had to be considered. He stated they examined existing traffic, starting from 2005 continuing 10 years out, without considering the effect of the proposed development and then the same study was completed including the proposed development. He noted at present time there is a traffic problem in the local area but stated his conclusion is that there will be no significant impact caused from the development of this site. He suggested something needs to be done to improve the current traffic status in the local area.

Councillor McCluskey suggested traffic is a major issue in this area. She stated in her opinion there is a flaw to the traffic study process because any traffic studies conducted in the recent years, regarding large developments such as this, have concluded there will be no significant impact on the local community. Councillor McCluskey does not agree with these findings at all.

Marcel Deveaux stated traffic consultants follow the HRM guidelines when they conduct their traffic studies.

A brief discussion followed regarding the traffic situation in the local area.

An unknown resident noted her property backs onto the site and she is concerned about the noise and damage that will be caused during construction.

Dan Goodspeed suggested he could not guarantee the level of noise but did state construction would follow all applicable municipal regulations.

Richard Durrant asked how long construction of this proposal would take.

Dan Goodspeed suggested they foresee an approximate twelve month construction time line.

Richard Durrant asked about a river that used to run through the property.

Dan Goodspeed stated the site has been designed to require minimal excavation.

An unknown resident asked if soil samples have been taken yet.

Dan Goodspeed indicated soil samples had not been taken at this time.

An unknown resident asked how the developer can tell residents there will be minimal excavation of the site, when they don't know the type of soil they are working with.

Heather Kingston asked if the contribution for playground upgrades meant the day care's playground or a public play area?

Pixie Currie a representative of Dartmouth Developmental Centre also questioned if the funding was for the daycare playground or a community playground.

Kevin Riles suggested the contribution is intended to upgrade the daycare's playground area and he suggested it will remain private.

Mr. MacPherson suggested this is something that can be written into the development agreement and suggested it would be taken into consideration.

Pixie Currie suggested there is an issue with the sanitary connections servicing this site.

Don Willams engineer, indicated a review is being done of the services in the area.

Pixie Curry suggested when renovations were being done to the daycare, they ran into problems with the services.

Jerry Pye questioned the developer's ethics of suggesting they will make a contribution to the local daycare facilities, which he feels will sway the residents into supporting this proposal. He also suggested the pitch used to suggest commercial units will be occupied by professionals is misleading. He would like to see this project go back to the drawing board and consider a development that will provide only commercial units with no residential units.

Kevin Riles suggested he feels the daycare contribution offer is completely ethical, and that the proposed mix of uses for this site is perfectly legitimate .

Jerry Pye asked how much HRM received through the sale of the property.

Mr. Riles stated the site was purchased for \$550,000.

An unknown resident was not confident that the residents on Cairn Street would be able to maintain their privacy from a seven storey residential building next door.

Mr. MacPherson stated this will be reviewed.

An unknown resident expressed concerns with deterioration and maintenance of multi-unit residential buildings in the area. He would like assurances this will be avoided if the application is approved.

John MacPherson suggested these aspects can be considered in the development agreement and he will take them into consideration.

An unknown resident stated because of this site's location it could very well be used as a model for future development in the area. He asked that the developer go back and review residents concerns and comments and come back with a proposal that will embody both the residents requests and the developers needs. He also asked what type of time line the planning department is looking at for this development to host the next public forum.

Mr. MacPherson suggested he could not provide a time line at this time.

An unknown resident spoke to the property's existing condition stating that he is disappointed with the current upkeep and has major concerns that there needs to be assurances by the land owner that the site will be properly maintained once developed.

Mr. MacPherson suggested that this can be incorporated into the development agreement.

Peter Terriot asked what will happen to the recreation centre once the field is developed?

Sylvain Alyer, a representative of Dartmouth United Soccer Club suggested the club will have to move to a site with field access.

Trevor Zinck spoke to the proposed rental prices. He stated that he did not feel this area will attract upscale professionals to rent. He also feels quality commercial operations will not want to rent space next door to the local strip club. He suggested multi-unit residential developments are overwhelming this area. He feels the area needs home owners and suggested the only way the community will be able to continue with its revitalization efforts is to have residents that have a stake in the community.

Nick Pryce suggested if good quality design is undertaken, then the developer should be able to attract professionals.

A discussion followed regarding local development in the area.

Mr. Riles indicated they cannot base their proposal on the adult entertainment use operating next door.

Trevor Zinck suggested the planning department has to go back and review what they have done in the past to avoid this problem in future.

Mr. MacPherson noted that this goes back to not only the planning department but political decisions and other agency's decisions in past as well.

Jerry Pye asked why the Planning Department still considers applications while the Regional Plan is underway?

Mr. MacPherson indicated that staff is obligated to under the Municipal Government Act.

A discussion about the Regional Plan followed.

Peter Terriot asked if the commercial development will be considered if the residential is not?

Kevin Riles suggested the proposal is a combination of residential and commercial uses. The uses will not be considered on their own, and the proposal will only be considered as a whole.

Peter Terriot stated he understands the developer has to do what is economically feasible for them but he asked if they would consider reducing the residential and increasing the commercial to make the site work economically for them. He would like to see less residential.

Kevin Riles suggested that what they can bring back to the residents has to work economically for them but they will evaluate all suggestions made here this evening.

Mr. MacPherson suggested that if there were no further comments he would close the meeting.

Meeting adjourned at approximately 9:00 p.m.

**HALIFAX REGIONAL MUNICIPALITY  
PLANNING SERVICES - ALDERNEY GATE  
CASE 00781 - 182 WYSE ROAD (FORMER NOTTING PARK SCHOOL SITE)  
DARTMOUTH PLAN AREA**

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September 18, 2006  
7:00 p.m.

**STAFF IN**

**ATTENDANCE:** John MacPherson, Planner  
Samantha Charron, Administrative Support

**APPLICANT:** Kevin Riles, Caohmin Consulting  
Dan Goodspeed, Kassner Goodspeed Architects  
Kara Weatherby, Cahomin Consulting

**OTHER:** Jim Smith, Councillor

**MEMBERS OF**

**THE PUBLIC:** Approximately 20 People

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The meeting commenced at approximately 7:00 p.m.

**INTRODUCTIONS/OPENING COMMENTS**

Jim Smith, local Councillor for the area, welcomed residents to the meeting and thanked them for attending. He introduced John MacPherson, planner with HRM and suggested he would facilitate the meeting from this point. Mr. MacPherson introduced the consultant Kevin Riles with Caohmin Consulting.

Mr. MacPherson explained that this was the second public meeting for the application submitted by Caohmin Consulting Ltd. on behalf of Arsenal Developments Ltd. to rezone 182 Wyse Road, Dartmouth from S (Institutional Zone) to C-2 (General Business Zone) and R-3 (Multiple Family Residential - Medium Density Zone) and to enter into a development agreement to permit a mixed-use residential/commercial development on this site. He stated due to a staff error in the notification process for this meeting, a third meeting will be scheduled in the near future to allow residents the opportunity to have their concerns and comments addressed by the developer/ staff.

Mr. MacPherson explained Municipal Government Act regulations regarding resident notification, and the Municipality's policies and procedures for resident notification. He then described the application proposed including the current zoning and a brief history of land use on this property. He explained the split zoning on the property and the land designation in policy.

Mr. MacPherson stated that once the third public meeting is held, he will formulate a report to Harbour East Community Council. He then described the remaining process for this case.



Mr. MacPherson indicated that at the first meeting relevant policy and the application process were discussed in detail. He gave a brief overview and asked residents if there were any questions before he continued.

Jerry Pye asked Mr. MacPherson to clarify the reason for a third meeting for this application.

Mr. MacPherson reiterated that there was a notification error made by staff which he felt was significant enough to require a third meeting to be scheduled, in fairness to all local residents.

Jerry Pye asked when the property was zoned R-3.

Mr. MacPherson suggested he would have to review the file to answer that.

Jerry Pye asked if the developer was aware that the property was zoned S (Institutional), when it was purchased.

Mr. MacPherson suggested residents hold their questions until Mr. Riles of Caohmin Consulting had an opportunity to come forward and describe any changes that have been made to the proposal as a result of residents concerns and comments from the previous public meeting, held on March 20, 2006.

Mr. Riles described the proposal as it was first submitted to staff and noted they completed a review of the property prior to the development proposal being submitted. He stated that he is confident that this site is suitable for their proposal. He then described aspects of the mixed use proposed. He indicated the location of commercial and residential buildings, he spoke to the professional office locations, the courtyard, podium location and landscaping. He explained that they are trying to accomplish a nice mix of uses on this site creating a fun, safe, attractive area for residents to reside and work.

With use of an overhead Mr. Riles described the site plan in detail. He stated one change from the last meeting is the large residential building at the back of the site has been reduced by two full stories in height. He noted that they agree with residents that the development would fit in better with its surroundings this way. Mr. Riles described the courtyard including some minor changes to it. He stated there are no changes to the corner design of the site and suggested residents seemed to be pleased with the original design as well as staff who are trying to promote revitalization of the Downtown area. He indicated they feel this will create a fun, safe, professional community for everyone.

Mr. Riles then introduced Mr. Goodspeed the architect working on this project and asked him to describe some of the architectural details of the proposed development.

Mr. Goodspeed explained there is really no change to the professional buildings along Wyse and Boland Roads. He explained their understanding from residents was to have the focus for changes around the residential building located at the back of the property, directly behind Cairn Street residents. He indicated that they decided to drop the height of the development two storey's by putting one level of parking underground and taking one story off the building. They also increased the offset connecting the two buildings. This allowed for the development to present itself as two residential structures. The edges of the 60 foot front wall are now 32 feet, and two angled walls. He indicated that they incorporated balconies facing Cairn Street, which they felt more suitable than a flat glass wall facing Cairn Street. He suggested these changes were made to reduce the wall face impacting on the Cairn Street residents, which they feel they have done by creating more open space behind the podium to reduce the impact of the development.

### **QUESTIONS AND COMMENTS**

Councillor Smith asked Mr. Riles if the residential units will be condominiums or apartments?

Mr. Riles explained they examined the need for condominiums vs. apartments in the area and suggested the need appears to be for high end apartment living. He noted there might be condo opportunity over the professional offices.

Trevor Zinck asked the developer to explain high end apartments.

Mr. Riles described what he would consider a high end apartment and a condo.

Mr. Goodspeed described unit size for both condos and high end apartments and suggested there is very little difference between the two.

Trevor Zinck asked what the price range for both suites above the professional units and suites in residential development would be.

Mr. Riles suggested rent could range from \$900 to \$1200 per month.

Robert Sardy a local resident feels this development is not appropriate for this site. He feels that with a strip club located across the intersection, the developer will have difficulty renting high end apartments and/or condo units at the proposed price.

Mr. Riles suggested revitalization of the community must start somewhere. He stated he feel this development would be a great opportunity for the community.

Mr. MacPherson suggested that residents have an opportunity under the Municipal Planning Strategy, given the current zoning to allow this site to continue as it always has, as a service commercial corridor allowing all kinds of commercial uses permitted such as car lots and fast

food restaurants. Or there is a possibility for Council to consider an application which seems to be in keeping with the Regional Plan rationale, densification of the urban core and revitalizing existing communities. Mr. MacPherson noted this is a growing trend throughout North America which he believes residents will see more of in the future.

Brian Hessler asked Mr. Riles why professional consultants were not brought in to study the proposed development's impact on the social issues of this community. In his opinion this development is not suited for this area and he requested Mr. Riles consult with professionals on the social issues of this community before moving forward.

Mr. Riles explained that the reviews were completed for this development including crime prevention, lighting of the site, safety of residents, and the integration of this site with the surrounding community.

Mr. MacPherson suggested one key to helping the social aspects of a community is providing services to support residents. He explained that being able to shop and have neighbourhood conveniences nearby creates more chances for social interaction in the community.

Trevor Zinck asked if the traffic report presented at the last meeting has been updated. He suggested if not, this should be done, considering another development has been approved at the top of Boland Road.

Mr. MacPherson suggested there was another traffic study submitted and engineering staff is in the process of reviewing it.

Jonathan Rogers of Cairn feels the development looks good. He suggested it is open and attractive, there are amenities in close proximity, which he feels will be utilized by local residents. He requested additional lighting be incorporated in the proposal. Mr. Rogers noted he likes the open space changes surrounding the residential development but would also like to see a parking ratio higher than 1:1.

Mr. Goodspeed suggested they are confident the 1:1 parking ratio is adequate.

Mr. Rogers also suggested he would like to see additional landscaping to beautify the property.

Mr. Goodspeed thanked Mr. Rogers for his comments, and noted the landscaping details are still under review, he stated that he agreed with Mr. Rogers and indicated that is the type of atmosphere they are trying to create.

Mr. MacPherson explained that when the landscaping detail is presented to Council it will be a complete site design.

Jonathan Rogers stated based on his experience living in other cities he feels this development will be a nice addition to this community, so long as it is adequately maintained.

Mr. Riles noted as a developer they have a great history of commitment with the maintenance of their developments.

Mr. MacPherson noted on going maintenance can written into the development agreement.

Mr. Riles noted by the next public meeting they will be prepared to bring a more detailed landscaping outline for residents review.

Ed Veniot, neighbouring Century 21 owner is in full support of the proposed development. He suggested that he sees this development contributing to the rejuvenation of this area. He noted this has to be a big risk for the developer to try to attract a professional community to this area and commended them for their effort.

Brian stated he does not understand how constructing this multi-unit development will help the social issues for this area.

Mr. Riles suggested quality living attracts quality residents.

Carmen Brown a local commercial property owner gave a brief history of his experiences in this community. He feels this area has been in a holding pattern for years and he suggested this type of development could be exactly what this area needs to turn the situation around. He stated he is in support of this development and would like to see Council approve it.

Jerry Pye described briefly his involvement in Provincial and Municipal Government. He explained he does not have an issue with the commercial corridor but feels planning aspects have been disregarded by staff in the past. He stated that he purchased a home on Victoria Road, in anticipation that there would be no high density multi-development in the immediate area and that the community would remain a safe and stable area. He commented that to his disappointment, this has not been the case. He suggested final decisions do not lie with the Council anymore. He feels that the developers are the ones making decisions in today's society. He completely disagrees with this proposed development and would like to see Council's refusal at the public hearing.

Mr. MacPherson explained that a third public meeting will be scheduled for this application and that residents will receive notification by mail in the next few days. He suggested if there were no additional questions he would close the meeting.

### **MEETING ADJOURNMENT**

Meeting adjourned at approximately 8:30 p.m.

**Public Meeting Information  
Case 00781  
October 11, 2006**

In attendance: Councillor Smith  
John MacPherson, Planner, Planning Services  
Gail Harnish, Planning Services  
Kevin Riles Caohmin Consulting  
Karen Wetherby, Caohmin Consulting  
Marcel Deveau, O'Halloran Campbell Consultants Limited  
Dan Goodspeed, Kassner Goodspeed Architects Limited

Councillor Smith called the public information meeting (PIM) to order at approximately 7:00 p.m. at St. Paul's Church Hall, Dartmouth. Tonight is the third PIM. We usually only hold one. The developer redid his proposal but when he had the second meeting, there was a glitch in the mailout which meant some of the streets did not receive notification, so we decided to have another meeting. All the comments tonight will be recorded and included with the staff report.

Mr. MacPherson noted this is the third PIM. It is a unique situation to have more than one but in this circumstance the developer wanted to come back to speak to some of the comments from the first PIM. We had a second meeting but the notification did not happen as it should have and we wanted to make sure that everybody in the notification area had an opportunity to attend. This will be somewhat repetitive to the people who have been to the first or the second meeting. This is an opportunity to add any comments to the minutes which will be tabled with the report.

Mr. MacPherson pointed out the site on the overhead. It is the former Notting Park School site which is approximately three acres in size. The building containing the existing community facility use will be retained.

Mr. MacPherson advised the proposal is to rezone this property from S (Institutional), which permits uses such as schools and hospitals as well as the existing community recreation use, to a split zone. The property has a divide in terms of the land use designation. The back portion currently carries a residential designation and the front portion is designated commercial.

Mr. MacPherson indicated the proposal is for a mixed use residential/commercial development. To accommodate that, a zoning change is required. It would be rezoned from S to C-2 (General Business) Zone on the front portion and the back portion would be rezoned to R-3 (Multiple Family Residential-Medium Residential/Commercial).

Mr. MacPherson noted there is a full range of surrounding zones and existing land uses. The Wyse Road area has traditionally been a service commercial area, and there are apartments on Bowling Street as well as Wyse Road. You will see the R-4 Zone, which is high density, down to R-2 and R-1 which is residential.

Mr. MacPherson reviewed the process to consider a rezoning and development agreement:

- an application is received
- there is a preliminary review of the application
- a PIM is held (three in this instance)
- the application is circulated to departments and agencies for review
- staff will review the comments from the meetings and the referral groups
- a staff report is prepared and a draft development agreement is negotiated
- the report and draft agreement is tabled with Harbour East Community Council
- Community Council will give first reading/notice of motion if they decide to hold a public hearing
- Community Council will make a decision once the public hearing is closed
- there is an appeal process

Mr. MacPherson advised there are a number of criteria that staff consider as part of an application. You cannot build a multiple unit today in Dartmouth without going through a development agreement. Staff give consideration to the policies that are included to define the development. One of the primary considerations is compatibility with adjacent land uses and the community at large, including accessibility of the site and whether services, such as water and sewer, are available.

Councillor Smith welcomed Trevor Zinck, MLA.

Mr. Kevin Riles commented there were a lot of suggestions made at the first meeting, such as the height of the building and design elements. They revised the plan. At the last meeting, there were four or five suggestions made and he received calls from members of the public. The key for the developer is they are looking to do a revitalization project. It is a central property. If done correctly, it could do a lot for the area.

Mr. Riles indicated their proposal includes a combination of a high quality residential component (a six storey multiple family building), a commercial component, retail, and professional offices. There has been an interest from some banks in the area and also lawyers and an accounting office. It is a high traffic area so there is interest from commercial. Residentially, it is an important spot because of its close proximity to the bridge.

Mr. Riles pointed out the property in question, noting it is a relatively flat area of approximately three acres. It is a highly visible area between Boland Road and Wyse Road so revitalization is the key. He went on to display the site plan. He noted there are street trees on the Boland Road side, there is a nice retaining wall, and the public asked for light standards for safety in the interior court area. Planting some trees will make it nicer. A community mural could be done. He referenced the one at Chinatown as a historic mural. This is the next version of the rendering that a lot of the public asked for at the last meeting.

Mr. Dan Goodspeed indicated he wished to discuss the changes they made between the first and second public meetings. There were three principle changes. Pointing out a building in the back, he noted they pushed the parking garage down into the ground. A building that was slated as eight storeys is now six storeys which is quite a substantial reduction in size. They are two pieces and separated them a bit more and jointed them up with a stairway and elevator. That lets the building have two components. It breaks down the sense of the size of the building. They introduced angle ends which reduce the impact of the building as it advances towards a property line and then introduced glazing on an angle face. The end walls were used as balconies. They move the line of glass back from the face of the balconies so there is less sense of overlooking developed properties. He referenced the two buildings in front of Boland Road and Wyse Road, noting there was a good setback on those before. Between the second meeting and this one there was some fine-tuning. In this kind of process, the fine-tuning continues.

Mr. Goodspeed indicated the next step is to negotiate the development agreement which contains the actual terms and conditions:

- they have added street trees along Boland Road
- this side of this development faces south (pointed out)
- this enhances the court lit area they want to feature
- they see this as a prime stop for coffee shops and dining
- they are perhaps looking at a financial institution in this corner (pointed out), and a series of small retail shops in this building (pointed out)
- offices in the lower level of this building, and apartments up through here (pointed out)
- all the parking for the larger residential building is underground
- there is additional parking in the court yard area.
- they began to show lighting
- they added a fence along the common boundary with Cairn Street
- this building (pointed out) we are seeing from Boland Road
- the elevations are flat. The drawings don't give us a good impression because this face is 70' further back than this face so there is very much a sense of an offset and two separate masses
- this is the commercial building on Boland Road (pointed out)
- this is the same development seen from the Wyse Road side
- they have used a pallette of stone natural for the base through the commercial building and the residential building behind
- the larger residential building would largely have brick exterior and a large glass area whereas the commercial areas are broken down more into a scale that relates better to the streetscape. It reinforces the pedestrian scale that they hope to promote by bringing buildings closer to the sidewalk.
- parking is tucked in behind these buildings
- these units are loft apartments; they have a couple of levels. That will make them quite a hot item on the retail market.
- referencing a cross-section, he pointed out the back yards of Cairn Street, and noted they added a fence

- one of the chief differences is that they moved the building back 8' further down to the ground
- the parking here before was virtually at ground level. Now they have brought the building into the ground so a parking level is buried and there are six floors of units.
- here is Wyse Road and a small retaining wall. It will replace the wall that is there now.
- there will be commercial use on the ground floor and then three floors of units

Mr. Goodspeed stated they have been instructed by their clients to work hard to maintain a high quality for this development as they see it as a sentinel project in the area. This part of Dartmouth has major locational issues that have not yet been realized. It is close to the bridge, the downtown and the ferry. This will be an opportunity for higher end development. When you combine the commercial use with people living on the site, you tend to get areas that are active. Small business tends to set up because of additional people.

Mr. Goodspeed indicated it was important to the client to maintain and build on the community use supported by the day care and the multi-purpose space and the gym so they will stay and serve the increasing number of people that will move in there. They hope the high quality and location will have a positive influence and spread through this part of Dartmouth and benefit everybody.

### **QUESTIONS AND COMMENTS**

An individual from Jaimeson Street indicated she lived there for twenty-five years (Pat Graham) and asked about the completion date.

Mr. Goodspeed responded that was hard to predict. Assuming they might have approval for this by the turn of 2007, it will probably take sixteen to eighteen months to construct. There is a possibility it can be constructed in phases which has not been decided yet.

Ms. Susan Final asked what happens to the green space. There is a playground down at the bottom of Wyse Road for the children.

Mr. Goodspeed responded the site is about three acres. That playground area becomes part of a building site. If you look at the complete development, you will see that about one-quarter of it is turned over to community use which is quite impressive for privately owned property.

Mr. Riles indicated there are some park issues that will be addressed. He confirmed the day care would be staying for the foreseeable future.

Ms. Final asked about traffic.

Mr. Goodspeed responded they did a traffic study which they submitted to HRM. It met their requirements. It adds traffic to the area but they believe it is manageable.



An individual questioned if they would have an opportunity to see the harbour from the sixth floor.

Mr. Goodspeed responded probably if you look out towards George's Island. He thought the topography of that part of Dartmouth did not crown out for a bit. You will probably see the shore of Halifax but not the water.

The individual commented she thought that was important. The property is not close to the harbour. If she was living there, she would definitely want a view. View is very important. You only have an opportunity to build once on your property.

Mr. Riles stated he thought that was the challenge when they first looked at eight storeys. After listening to the comments from the two meetings and the phone calls, they thought six storeys was within the neighbourhood and not too high based on public feedback. If you have a nice view of the harbour, they will sell.

The individual questioned whether the residential units would be apartments or condominiums.

Mr. Riles responded they are not sure. The market is fluxing. By having glass, there is a lot of cost and money.

The individual commented they will make more money if they have a view.

Mr. Goodspeed noted the extra storey through the middle is common area for the whole building.

Mr. Carmen Brown questioned if there are any construction materials that are different for condominiums versus apartments.

Mr. Goodspeed responded very little other than the level of finish. There might be more amenities. It is not uncommon for a building to be well into construction before a decision is made one way or the other.

Mr. Trevor Zinck, MLA, questioned how much inside parking will be for the businesses.

Mr. Riles responded approximately fifty parking spaces. There are seventy-two units which will have seventy-two parking spaces. They want to prevent that sea of asphalt that comes out to the street. They hug the street and tucked most of the parking inside.

Mr. Zinck asked them to give more details about the traffic. With the people coming in and out there will be a little bit of a problem heading for the lights.

Mr. Riles responded there could be a lot more parking associated with an institutional use versus what they have done. They looked at HRM requirements and put them into a model.

Mr. Marcel Deveau, O'Halleron Campbell, stated that in terms of traffic generated from the site, there is a very slight increase. What they site is that the level of service does not change for background traffic (traffic that exists today) and the traffic when you add the development. The actual level of service does not change. There might be one or two exceptions but it is a very modest increase. From the model, what they have found is that some problem areas exist: Victoria Road at Boland Road in the a.m. That problem exists today and will continue. This development will not change that. The other problem area that exists today is at the intersection of Wyse Road and Nantucket Drive. It will continue to be a problem and this development won't change that.

Mr. Zinck indicated that in relation to the development approved for up the street, when combined, there will be a substantial impact to the people traveling there now. This one development will add a little but along with other developments, will look substantial to the everyday motorist.

Mr. Deveau responded there will be a light increase. If you look at the volume of traffic generated from this development, it is not substantial compared to the volumes that currently exist on Wyse Road.

Ms. Nora Landry, part owner of a building next door with Century 21, indicated she was at the last meeting and was very excited to see this project. She thought it does a lot for the neighbourhood. It brings some added services when you talk about restaurants and brings more people into the neighbourhood. After 5 o'clock it is very isolated so they are looking for neighbours and people in the neighbourhood and also the quality of construction. She was fully aware that it will be a quality building whether rental or condominiums and will still add. From the traffic point of view, they are seven minutes from downtown Halifax, she did not think anybody can live and work in Dartmouth and not expect a bit of traffic. They have access to the bridge in seconds. She saw this proposal as very positive and exciting and hoped they would get this moving as soon as possible.

Ms. Darla Johnson, Bedford, stated she was born and raised in Dartmouth and came to the area all her life. She agreed the proposed development is going to complement the area. She thought it was a beautiful development and felt it would be quite a complement and an encouragement for other properties in the area to do similar projects like this to upgrade that end of Dartmouth. She thought it was great.

An individual asked whether the new entrance for the building would come out on Boland Road or Wyse Road.

Mr. Goodspeed responded both. There are two principle entrances to the site; along the mid point of the Boland Road frontage which is the principle access for most of the residential use and the entrance to the underground parking garage. There is an existing entrance at that point on Boland

Road so they have kept that and it is the intent to put commercial parking in through here for about fifteen or sixteen spaces. There is a through road through the site so in effect they use both.

The individual commented she thought those people would have a hard time getting out of that building. If the entrance is coming out on Boland Road and it is plugged going to the bridge, those people will have a hard time trying to get out.

Mr. Deveau responded that is true. The analysis that is done looks more at the inconvenience to individuals in the travel lane. The analysis looks at the general public and the rest of the neighbourhood as opposed to the individuals in the development.

Mr. Deveau noted the model takes into account there are two entrances and the traffic is split. Fifty percent will exit Boland Road and fifty percent will exit on Wyse Road.

Mr. Riles commented it is easier coming out in the morning on Wyse Road because you can stay in the right lane versus crossing over.

Mr. Riles indicated MLA Trevor Zinck called him and was asking some questions. Two things he pointed out is that when you look at this site and look at Cairn Street, there is a little pathway behind coming out onto Wyse Road. Originally they had not planned on putting in light standards but he went back and said they would put some lighting there because it is a bit of corridor. The other comment is that in a lot of developments in the past there has been a resident's association.

Mr. Brown indicated there was mention about the amount of traffic that could be generated from an institutional zone. At 9 o'clock in the morning, when teenagers are going to school and parents are dropping off students, he never noticed it. He could not see how having this development will make it any different than it was before. If you are approaching Halifax and coming down Boland Road and it looks busy there are a number of ways to go. He did not go that way any more. It took him eight minutes to get to work. He did not think traffic was anything to be concerned about.

Mr. Zinck commented it is a beautiful design. In light of the Premier's decision about Sunday shopping, one of his new concerns with the development would be the commercial area. A lot of the talk has been about small businesses such as cafes and restaurants and in light of Sunday shopping, he saw Dartmouth as being a destination place. He did not want to see storefronts that have for lease signs on them and not being used. The services provided in this building will be key to making that a successful cornerstone on Wyse Road.

Mr. Goodspeed commented one of the key things about invigorating small business is getting away from two dimensional where you live here and drive to shop. You can begin to enjoy the same space. He detected a trend and thought we will see an increase in our urban core which opens up a slightly different approach to shopping. Lots of people will still go to Bayers Lake

and Dartmouth Crossing but more people are responding to convenience and local availability of things. He liked to think this kind of development is a bit of a trend setter.

Mr. Zinck questioned what kind of businesses they would attract.

Mr. Goodspeed commented he was hoping that if this goes through, that they attract the right businesses and will be successful based on the markets and what they have to offer to the whole community.

Mr. Riles indicated one of the things they like about the site is that many people will walk. There is also some regional business as people are driving by on their way home. It lends itself to the people who live there; it is the neighbourhood and the region. Dartmouth has a lot to offer. The key is to do it well and to have quality which will attract. They do not have a drive-thru McDonalds. They did not fit the theme they were looking for.

Mr. Zinck stated he would like to know there will be quality businesses going in there and that they will be sustainable.

An individual commented you cannot get a guarantee of who will lease and be successful. All you can do is build it and if you build a professional building, the professionals will find it.

Mr. Zinck stated he would like to know that they have a cornerstone.

Mr. MacPherson noted there will be a day care in there. You have outsiders coming in who would hopefully be attracted to the businesses and cafes or restaurants that are in there.

Mr. Riles indicated one of the key things is that if you build this quality of a design, you will often see 5-10 year leaseholds. That tends to eliminate certain businesses because to pay for the trees and the cafes and materials attracts a certain quality. There is no guarantee. It is possibly too much of a risk for newcomers. Banks see this as a growth area. He recalled the Lighthouse Tavern in Halifax which was the worst part of town but that is no longer the case. A retail person or a bank would take a chance because they will spend a lot of money on a leasehold. What you do not want to see happen is a vacant business or leasehold. That is not good for business.

Ms. Final questioned whether they meant it to be more like a ground stone where people live and work in the community.

Mr. Riles responded that is a goal. He believed if you have a mixture of uses and people living there, people will shop there. On the Halifax Peninsula in 1956 there was 96,000 people but that reduced to 63,000 people. People left the area. The Hydrostone area turned around. That ground stone mixed use method is what they are trying to achieve at the end of the day.

Mr. MacPherson commented one of the cornerstones of the regional plan is transit oriented developments. The mode we are at now is integration of uses and transit is one of them. We are encouraging a mix of use.

Mr. Riles stated that if this is approved by Community Council, it is an example where public input raised the quality of the development. The first proposal was in February or March. It was a solid proposal but three meetings and phone calls later, what we have today is far better. There will be tweaks but what you see today is a couple of levels up. He hoped the public supports it and that Community Council approves it.

Mr. MacPherson indicated that in terms of use, there are policies in place that encourage transit oriented developments. Compatibility and the specific aspects of the proposal are key.

An individual said it was mentioned this building is ahead of its time which he thought was an understatement. When he heard it would be a new site for condominiums and businesses, he thought it was an excellent idea. When he saw this picture he got excited for Wyse Road. He has seen this street go downhill since 1964. There is a car dealer there up the road now with a new building. He thought this area is going uphill. They had problems for so many years. Hopefully projects like this will help.

An individual stated they agreed with the previous speaker 100%. She has been there for twenty-nine years. She saw all the businesses disappear. She thought they need something like this to bring everything back. More people would come for business which she thought was excellent.

An individual from Cairn Street stated this does nothing for him in his back yard. He applauded the front end but the back of the monstrosity of an apartment building stinks.

An individual questioned why they couldn't continue it all the way around instead of having the two tall buildings.

Mr. Goodspeed responded they have to create a development that works but it also has to be economical.

An individual commented everybody in Bedford is losing their view everyday. Unless you live on top of the infilled shoreline you cannot see the water. She has lost her view but her grandchildren gained a larger park area and more services and good people with new development. She thought it was great. She was born and raised in Dartmouth and did not remember this area ever being a really good area. Something like this is just the start and if it continues, it will boom.

Mr. Greg Hildebrand questioned whether the construction of this project, if approved, would begin simultaneously or in some kind of sequence.

Mr. Goodspeed responded that has not been decided yet. A part of it is market driven. It would not be unreasonable to expect it all to be built at once but it is not their call to make. It would depend on the economics of development at the time and an assessment of the rental market.

Mr. Hildebrand asked which building would be built first.

Mr. Riles responded it is hard to say. This has been looked at as a 18-24 month process and to phase it in. The other difficulty is that if they build the commercial or professional part first, it is sometimes difficult if you have people living there.

Mr. Chris MacIsaac asked how high the fence at the back of Cairn Street would be.

Mr. Goodspeed responded they are anticipating a 6-8' high solid wooden fence. It would not be a stone wall.

Mr. MacIssac asked how the waste/dumpsters would be handled.

Mr. Goodspeed responded the waste for the larger building would be internal in the parkade. There are some common areas in the back that relate to the units above and include for trash and recycling. Development agreements are very specific these days in terms of including requirements for waste source separation and recycling. They usually have to provide details of that before construction begins. That is something this municipality is very concerned about.

Mr. Riles stated the last thing they want on a high quality site is for trash to be lying around.

Mr. MacPherson questioned how many units are facing Cairn Street.

Mr. Goodspeed responded 3 per floor x 6 floors equals 18 units.

Mr. Hildebrand asked about the reference to another development recently approved in the area.

Mr. MacPherson responded there was a multiple unit building recently approved in the Scotia Court area.

Mr. Zinck stated this is a beautiful design. It is one part of their community. If they could get the rest of it to look like this, that would be great.

Mr. Riles commented he has been part of developments with what he thought was high quality. The public has a lot of power. The public is generally reasonable. He has seen in other communities where the public does not come out and you get what you ask for which is nothing. What is here today is the result of four go's at it.

Mr. Zinck stated he did not receive notification of this meeting. Sixty percent of the community is multiple units and does not have a say because they are not notified.

Mr. Riles commented there are advantages to a residents association.

Councillor Smith commented this is unprecedented. Usually there is only one meeting. The apartment building being built by Killam went through the public meeting/development agreement process as well.

The meeting adjourned at approximately 8:25 p.m.

**Attachment C  
Proposed Development Agreement**

**THIS AGREEMENT** made this      day of      , 2007

**BETWEEN:**

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

**OF THE FIRST PART**

- and -

**HALIFAX REGIONAL MUNICIPALITY,**  
a municipal body corporate,  
(hereinafter called the "Municipality")

**OF THE SECOND PART**

**WHEREAS** the Developer is the registered owner of certain lands located at 182 Wyse Road, PID #00082669, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a development agreement to allow for a mixed use residential/ commercial/ and institutional development on the Lands pursuant to the provisions of the *Municipal Government Act* and Policies IP-5 and IP-1(c) of the Dartmouth Municipal Planning Strategy and Section 34 of the Dartmouth Land Use By-Law;

**AND WHEREAS** the Harbour East Community approved this request at a meeting held on      , 2007 referenced as Municipal Case Number 00781;

**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      Applicability of Agreement**

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 Applicability of Land Use By-Law and Subdivision By-Law**

Except as otherwise provided for herein, the subdivision, development, and use of the Lands shall comply with the requirements of the Dartmouth Land Use By-Law and the Regional Subdivision By-Law, as may be amended from time to time.

## **1.3 Applicability of Other By-Laws, Statutes and Regulations**

1.3.1 Further to Section 1.2, 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 Provincial/Federal Government and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer.

## **1.4 Conflict**

1.4.1 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.

1.4.2 Where the written text of this agreement conflicts with information provided in the Schedules attached to this agreement, the written text of this agreement shall prevail.

## **1.5 Costs, Expenses, Liabilities and Obligations**

The Developer 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 the Lands.

## **1.6 Provisions Severable**

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: DEFINITIONS**

- 2.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-Law and Subdivision By-Law.
- 2.2 For the purpose of this agreement the following definitions shall apply:
- (a) **Arcade** means a roofed passageway with a series of columns and open arches on one side.
  - (b) **Architect** means a professional architect who is a member in good standing of the Nova Scotia Architects Association.
  - (c) **Book-ended** means supported on each end.
  - (d) **Landscape Architect** means a professional landscape architect who is a member in good standing of the Atlantic Provinces Association of Landscape Architects.

## **PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS**

### **3.1 Subdivision of the Lands**

Subdivision of the lands may be carried out according to the lot frontage and lot area generally shown on Schedule 'B', and park dedication requirements shall be waived.

### **3.2 Schedules**

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, is in conformance with the following Schedules attached to this agreement:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Boland Road Elevation
Schedule D	Wyse Road Elevation
Schedule E	Site Cross Section

### **3.3 Requirements Prior to Construction**

- 3.3.1 No construction permit shall be issued unless all requirements of this agreement are clearly shown on plans submitted.
- 3.3.2 In addition to all other Municipal requirements prior to the issuance of a Construction Permit, the Developer shall submit the following:
- (a) Architectural drawings prepared by an **Architect** which carry out the intent of Section 3.6 and 3.7 of this agreement.

- (b) Landscape Plans prepared by a **Landscape Architect** which carry out the intent of Sections 3.10 and 3.11 of this agreement
- (c) Plans required under Section 5 of this agreement concerning Environmental Protection Measures.

### 3.4 Requirements Prior to Occupancy

3.4.1 Prior to the issuance of the **first** Occupancy Permit, the Developer shall provide the following to the Development Officer:

- (a) Written confirmation from an **Architect** certifying that the Developer has complied with Sections 3.6 and 3.7 of this agreement.
- (b) Written confirmation from a **Landscape Architect** certifying that the Developer has complied with Sections 3.10 and 3.11 and the Landscape Plan required pursuant to this Agreement;
- (c) Written confirmation from a qualified professional that the Developer has complied with the Erosion and Sedimentation Control Plan required pursuant to this Agreement;
- (d) Confirmation from HRM Traffic Services that signal adjustments required under Section 4 of this agreement have been completed, or are no longer required.

3.4.2 Prior to the issuance of the **last** Occupancy Permit, the Developer shall provide the following to the Development Officer:

- (a) Confirmation that the mural required under Section 3.7.10 of this agreement has been completed.

3.4.3 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.

3.4.4 Notwithstanding Sections 3.4.1 to 3.4.3 above, Occupancy Permits may be issued provided the Developer supplies a security deposit in the amount of 110 per cent of the estimated cost to complete the landscaping as per Sections 3.10 and 3.11 and the mural as per Section 3.7.10. The security shall be in favour of the Municipality and shall be in 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

the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the developer not complete the landscaping or the mural within twelve months of issuance of the occupancy permit, the Municipality may use the security to complete the landscaping and mural as set out in Sections 3.10, 3.11 and 3.7.10 respectively. The developer shall be responsible for all costs in this regard exceeding the security. The security or unused portion thereof shall be returned to the Developer upon completion of the work and its certification.

### 3.5 Land Use

3.5.1 As shown on Schedule B, the uses of the Lands permitted by this Agreement shall not exceed, and shall be limited to:

Mixed Use Building 'A': 8,500 ft<sup>2</sup> (790m<sup>2</sup>) Ground Floor Commercial  
14 Residential Units

Mixed Use Building 'B': 6,000ft<sup>2</sup> (557m<sup>2</sup>) Commercial  
10 Residential Units

Residential Building 'C': 72 Residential Units

Institutional Building 'D': Any use permitted under the Institutional Zone of the Dartmouth Land Use By-Law, as may be amended.

3.5.2 In order to control parking demand, the mix of commercial uses permitted in Buildings 'A' and 'B' shall be limited as follows:

(a) The use of 9,000 ft<sup>2</sup> (836m<sup>2</sup>) of the combined total of permitted commercial space in Buildings 'A' and 'B', is limited to offices, banks, or medical clinics. The remaining space (5,500 ft<sup>2</sup>, 511m<sup>2</sup>) may be used for any other use permitted in the C-2 (General Business) zone of the Dartmouth Land Use By-Law, as may be amended.

3.5.3 The only use permitted to operate a "drive-thru" business in the location indicated on Schedule B, shall be a bank or financial institution.

### 3.6 Site Design

3.6.1 The buildings shall comply to the following, as generally illustrated on Schedule B:

(a) Building 'A' shall be set back from the Wyse Road street line by a maximum of 40 feet (12.2m).

(b) Building 'B' shall be set back from the Wyse Road and Boland Road street line by a maximum of ten feet (3m).

- (c) The podium of Building 'C' shall be set back from the shared lot line with properties on Cairn Street by a minimum of 10 feet (3m).
  - (d) The base of Building 'C' shall be set back from the shared lot line with properties on Cairn Street by a minimum of 30 feet (9.1m).
  - (e) The Development Officer may permit a 10% variance in the above set back provisions.
- 3.6.2 No mechanical equipment, transformers, waste receptacles or fuel tanks shall be located between Buildings 'C' and 'D' and the adjacent residential properties.
- 3.7 Architectural Requirements**
- 3.7.1 The buildings shall be designed and built in general conformance with Schedules B to E of the agreement. Exterior materials shall be as indicated on the schedules.
- 3.7.2 The buildings shall not exceed the following heights above established grade:
- (a) Building 'A': Four stories or 50 feet (15.2m)
  - (b) Building 'B': Three stories or 38 feet (11.6m)
  - (c) Building 'C': Six stories or 65 feet (19.8m) above a podium. The podium height shall not exceed 5 feet (1.5m).
- 3.7.3 The ground floor of Building 'A' facing Wyse road shall include an **arcade**, as generally shown on Schedule 'D', which shall contain the principal access to all commercial uses in this building.
- 3.7.4 The corner of Building 'B' nearest the intersection of Wyse and Boland Roads shall project forward and above the rest of the building; and include architectural devices such as, but not limited to, a mansard roof, columns with no exterior walls at ground level, and contrasting exterior materials, as generally shown on Schedules 'C' and 'D'.
- 3.7.5 The northwest facing wall of Building 'B' shall include at least one window per floor and architectural detailing of the exterior cladding and shall not consist of a blank wall.
- 3.7.6 The ground floor façade of Buildings 'A' and 'B' shall consist primarily of windows and doors as shown on Schedules 'C' and 'D'. Reflective or tinted windows are not permitted.
- 3.7.7 Fixed or retractable awnings are permitted above the ground floor on Building 'B' provided they are designed as an integral part of the building façade, and if they extend beyond the property line, they must comply with HRM By-Law E-200 (Encroachments).
- 3.7.8 The exterior of Building 'C' shall be designed and detailed as shown on Schedule 'E'. Further, these architectural treatments shall be continued around all sides of the building.

- 3.7.9 Any parts of the podium of Building 'C' that are visible above grade consist of architecturally detailed concrete.
- 3.7.10 The exterior appearance of Building 'D' may be modified, but at a minimum shall be improved by the installation of a mural in one of the locations suggested on Schedule 'B'. The mural shall be a minimum size of 250 ft<sup>2</sup> (23m<sup>2</sup>) and its subject matter shall be related to the rope manufacturing activities historically carried out on this property. The mural is intended for interpretive uses and shall not include any advertising, but may include the name of the project.
- 3.7.11 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design of each new building. Where appropriate, these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.7.12 All roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design.
- 3.7.13 The Developer shall be entitled to minor modifications to the architectural requirements of this section provided that in the opinion of the Development Officer, the changes are minor in nature, and comply with the intent of this agreement.

### **3.8 Car and Bicycle Parking**

- 3.8.1 Buildings 'A' and 'B' shall be supplied with no fewer than 23 car parking spaces for the commercial uses.
- 3.8.2 Buildings 'A', 'B', and 'C' shall be supplied with no fewer than one car parking space per residential unit.
- 3.8.3 In addition to 3.8.2, no less than seven visitor spaces shall be provided for Building 'C'.
- 3.8.4 Building 'D' shall be supplied with a minimum of ten car parking spaces.
- 3.8.5 All rows of car parking spaces shall be book-ended with curbed peninsulas containing landscaping or walkways or both, as generally shown on Schedule B.
- 3.8.6 In addition to bicycle parking requirements in the Dartmouth Land Use By-Law, four enhanced Class 'B' bicycle parking shall be provided for each building (16 total). These spaces shall be located outdoors, but not farther than 50 ft (15m) from a building entrance, and they shall be weather protected by their location under a building overhang or under a special purpose-designed structure.

3.8.7 All required bicycle parking spaces, including details of the types of rack used, shall be clearly shown on drawings submitted at the Construction Permit Stage.

### **3.9 Vehicular and Pedestrian Circulation**

3.9.1 The internal driveway layout shall be generally in conformance with Schedule B, and all vehicular circulation aisles and parking areas shall be delineated with concrete curb.

3.9.2 All parking areas, driveways, and circulation aisles shall have a finished hard surface such as asphalt, concrete, or unit pavers.

3.9.3 Direct pedestrian walkways from the street right-of-way to each building entrance shall be provided as generally shown on Schedule B. Such walkways shall have a finished hard surface such as concrete or unit pavers (not asphalt) and shall be designed to be barrier free where possible.

3.9.4 The Developer may convert the area on Schedule B designated for the 'Drive Thru', to parking, provided that the row of parking is book-ended with a curbed, landscaped peninsula.

### **3.10 Amenity Space**

3.10.1 Each residential unit shall contain a balcony which is a minimum of 50ft<sup>2</sup> (4.6m<sup>2</sup>) and contains one dimension which is at least 6ft (1.8m).

3.10.2 All residential units in Building 'C' with potential to directly access the top of the podium, shall have larger balconies/ terraces than required under 3.10.1, with direct access to the podium level.

3.10.3 A minimum of 9,000 ft<sup>2</sup> (836m<sup>2</sup>) of commonly accessible, outdoor amenity area shall be provided on the podium of Building 'C' above the parking garage. This area shall be landscaped as required under Section 3.11. The remainder of the podium level may consist of private amenity space accessed directly from individual units as described in 3.10.2.

3.10.4 A minimum of 1300ft<sup>2</sup> (120m<sup>2</sup>) of commonly accessible indoor amenity area shall be provided in Building C. Such amenity area may consist of an exercise room, a meeting room and a workshop, or one or more other rooms that are set aside for the recreational needs of residents.

3.10.5 Building 'D' shall contain a rear yard landscaped outdoor amenity area which is a minimum of 3,000ft<sup>2</sup> (278m<sup>2</sup>) in size, as generally shown on Schedule 'B'.

### 3.11 Landscaping

- 3.11.1 Prior to the issuance of a Construction Permit, the Developer agrees to supply a Landscape Plan which complies with the provisions of this section and has been prepared by a Landscape Architect.
- 3.11.2 All plant material specified on the landscape plan shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.11.3 Areas of the Lands to be landscaped include the roof of the podium as well as all areas of the site that are not covered by driveways, circulation aisles, buildings, or walkways. These areas are generally shown on Schedule B and shall include a minimum of:
- (a) 40 trees (minimum 50mm caliper deciduous or 2m high evergreen);
  - (b) 300 shrubs or small trees (minimum 3 gallon pot, evergreen/ deciduous mixed);
  - (c) Trees and shrubs shall be a minimum 40% coniferous for year round effect;
  - (d) All landscaped areas not treed or planted with shrubs shall be surfaced with grass.
  - (e) The Development Officer may permit some minor changes to the required minimum size of plant stock, provided that decreases in the size of some plants are offset by increases in the sizes of others.
- 3.11.4 A minimum of eight of the trees required under 3.11.3 shall be planted between the edge of the podium and the rear lot lines of residences on Cairn Street and these shall be evergreen trees.
- 3.11.5 In addition to trees required under 3.11.3, the Developer shall plant a minimum of 15 street trees on HRM property between the sidewalk and the curb along Boland Road and Wyse Road in accordance with Municipal Service Systems specifications.
- 3.11.6 Building 'D' - Play Area
- (a) A minimum \$10,000 play structure and/or play equipment shall be provided and installed in accordance with the manufacturer's instructions in the landscaped amenity area required under section 3.10.5.
  - (b) At least one bench, one refuse container, and three of the deciduous trees required under 3.11.3, shall also be provided in this area.
- 3.11.7 Podium Landscaping
- (a) A minimum of 100 of the small trees or shrubs required under 3.11.3 shall be planted on the podium.
  - (b) Benches, shade structures and other such amenities shall be provided on the podium to serve the recreational needs of residents.
  - (c) Vegetation or a structure (e.g. pergola) shall be employed along the edge of the podium closest to the rear lot lines of Cairn Street residences to provide additional privacy for these residents, as well as residents of Building 'C'.



- (d) It is the responsibility of the developer to ensure that the underground parking structure is capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.

#### 3.11.8 Retaining walls

- (a) Where retaining walls are indicated on Schedule B in front of Buildings B and C, these walls shall be stone or stone veneered and shall not exceed three feet (1.0m) in height. These walls shall be contained on private property.

#### 3.11.9 Screen Utilities

- (a) Any electrical transformers, fuel tanks or other similar utility structures shall be screened from view from the public streets.

#### 3.11.10 Building and Site Lighting

- (a) Decorative lighting shall be installed on site, at a minimum in the areas indicated by 'LS' on Schedule B.
- (b) Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, and adjacent lots and buildings.

#### 3.11.13 Outdoor Storage and Display

- (a) No outdoor storage shall be permitted on the Lands. Refuse containers required under 3.12 that are located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls combined with suitable landscaping.

### 3.12 Solid Waste Facilities

- 3.12.1 The buildings shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building or site plans.

### 3.13 Maintenance

- 3.13.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

## 4.0 STREETS AND MUNICIPAL SERVICES

- 4.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, 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 the Development Officer, in consultation with the Development Engineer.

- 4.2 Adjustments to the signal phasing/ timing at the intersections of Wyse Road and Nantucket and Wyse Road and Albro Lake Road shall be carried out in coordination with HRM Traffic Services after a construction permit has been issued. Any associated costs of this work shall be the responsibility of the developer.

## **5.0 ENVIRONMENTAL PROTECTION MEASURES**

### **5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plans:**

- 5.1.1 Prior to the commencement of any site works (e.g. earth movement) on the Lands, other than that required for preliminary survey purposes, or associated offsite works, the Developer shall:
- (a) Submit a detailed a Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
  - (b) Submit a detailed Erosion and Sedimentation Control Plan in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by the Nova Scotia Department of the Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.
  - (c) Submit a detailed final Site Grading and Stormwater Management Plan.
- 5.1.2 Failure to Conform to Plans
- (a) If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under Section 5, the Municipality shall require that all site and construction works cease, except for works which may be approved by the HRM Development Engineer to ensure compliance with the environmental protection plans, and works which may be approved by the HRM Building Official to allow correction of unsafe conditions and to protect the structure from deterioration.

## **6.0 AMENDMENTS**

### **6.1 Non-Substantive Amendments**

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of the Council.
- (a) An increase to the amount of general commercial use beyond that permitted in Section 3.5.2, subject to the developer providing evidence that parking demand does not exceed supply for the site.
  - (b) Expansion of Building 'D', subject to adequacy of exterior design, parking, and other matters of relevant planning concern.

- (c) The granting of an extension to the date of commencement/ completion of construction as identified in Section 8 of this agreement, provided that an application for extension is received by the Municipality prior to the expiry of the timelines for commencement/ completion in Section 8.
- (d) Further subdivision of the lands subject to adequate access, services, and other matters of relevant planning concern.

## **7.0 ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **7.1 Enforcement**

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 allow for such an inspection during any reasonable hour within one day of receiving such a request.

### **7.2 Failure to Comply**

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer 30 (thirty) 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:

- (1) 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 defense based upon the allegation that damages would be an adequate remedy; and/or
- (2) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the development agreement, whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the Assessment Act.
- (3) 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
- (4) in addition to the above remedies the Municipality reserves the right to pursue any other remedy under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

## **8.0 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **8.1 Registration**

A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the office of the Registry of Deeds or Land Registration Office at Halifax, Nova Scotia and the Developer shall incur all cost in recording such documents.

### **8.2 Subsequent Owners**

8.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the lands which are the subject of this Agreement until this Agreement is discharged by the Council of the Municipality.

8.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

### **8.3 Commencement of Construction**

8.3.1 In the event that construction of the project has not commenced within five years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect.

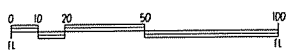
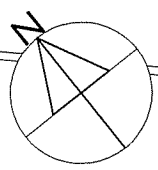
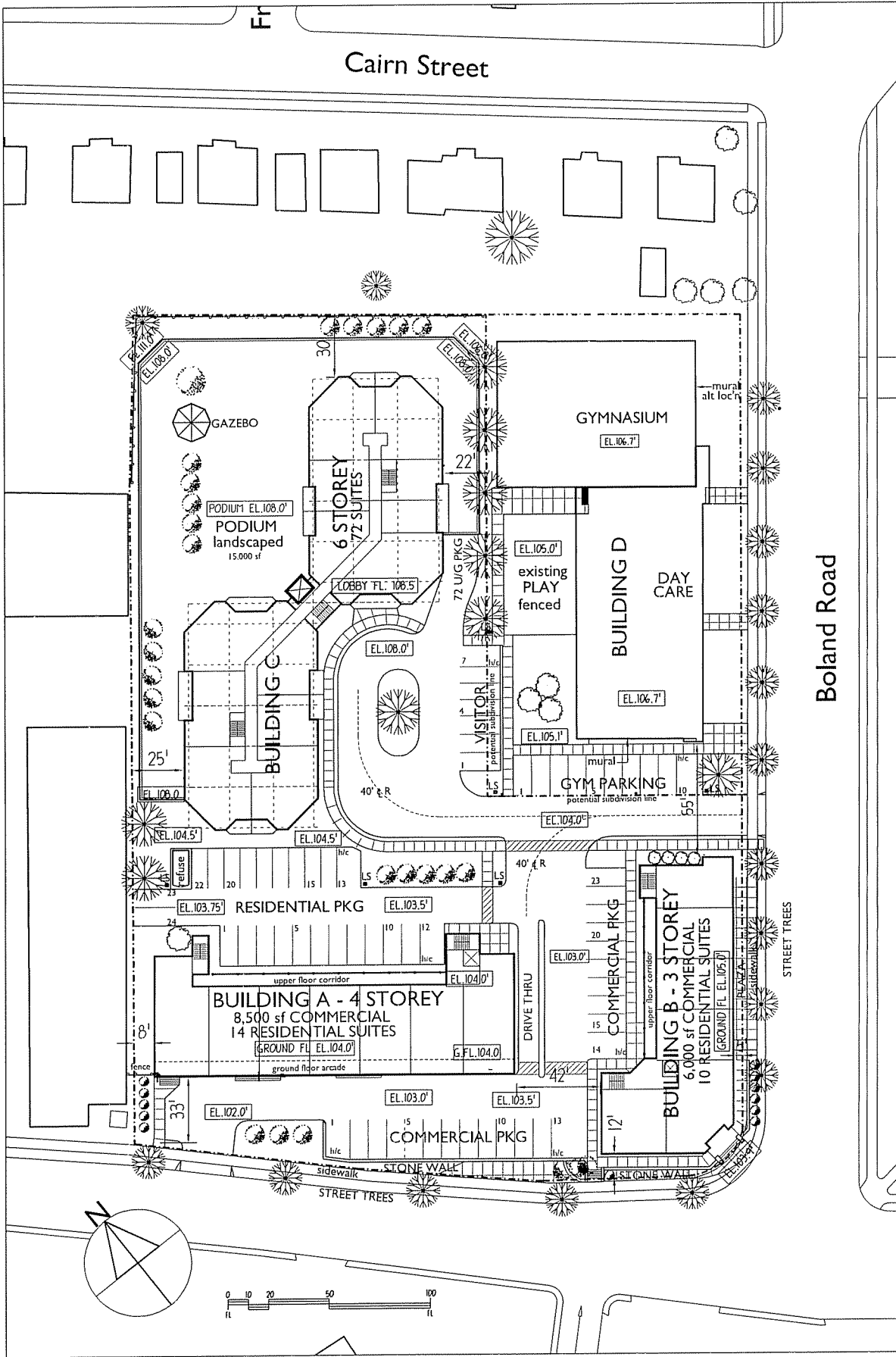
8.3.2 For the purposes of this section, commencement shall mean the issuance of a Construction Permit.

### **8.4 Completion of Construction**

Upon the completion of the project or portions thereof, or within ten years from the date of registration of this Agreement with the Registry of Deeds or Land Registration Office, 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 for Dartmouth, as may be amended from time to time.

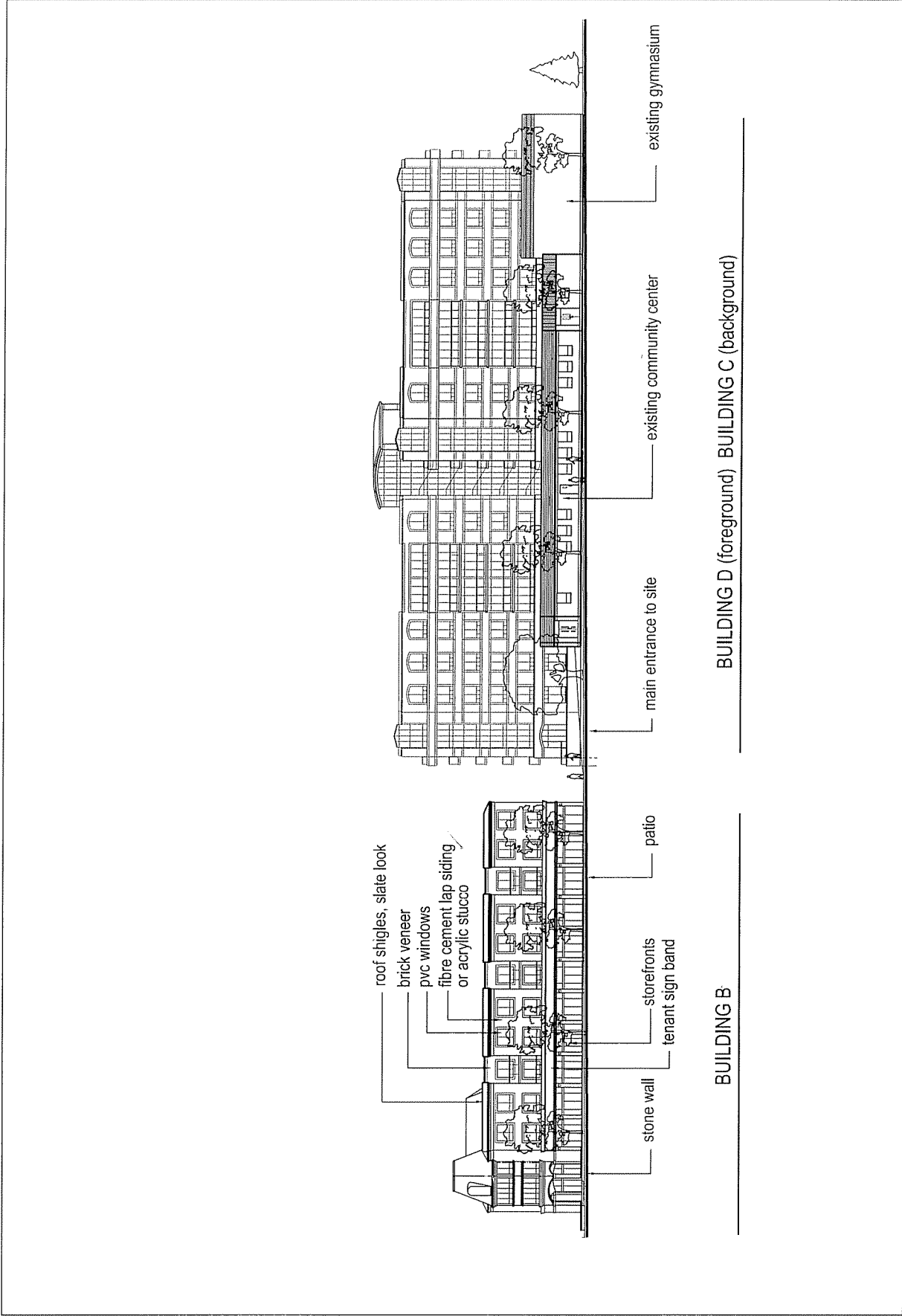




**SCHEDULE B**  
**NOTTING VILLAGE**  
 WYSE RD AND BOLAND ST, DARTMOUTH NS  
 SITE PLAN

**KASSNER/GOODSPEED ARCHITECTS**  
 SUITE 200, 5663 CORNWALLIS ST.  
 HALIFAX, N.S., B3K 1B6 (902) 422-1557

Mar 14, 2007



NOTTING VILLAGE

SCHEDULE C

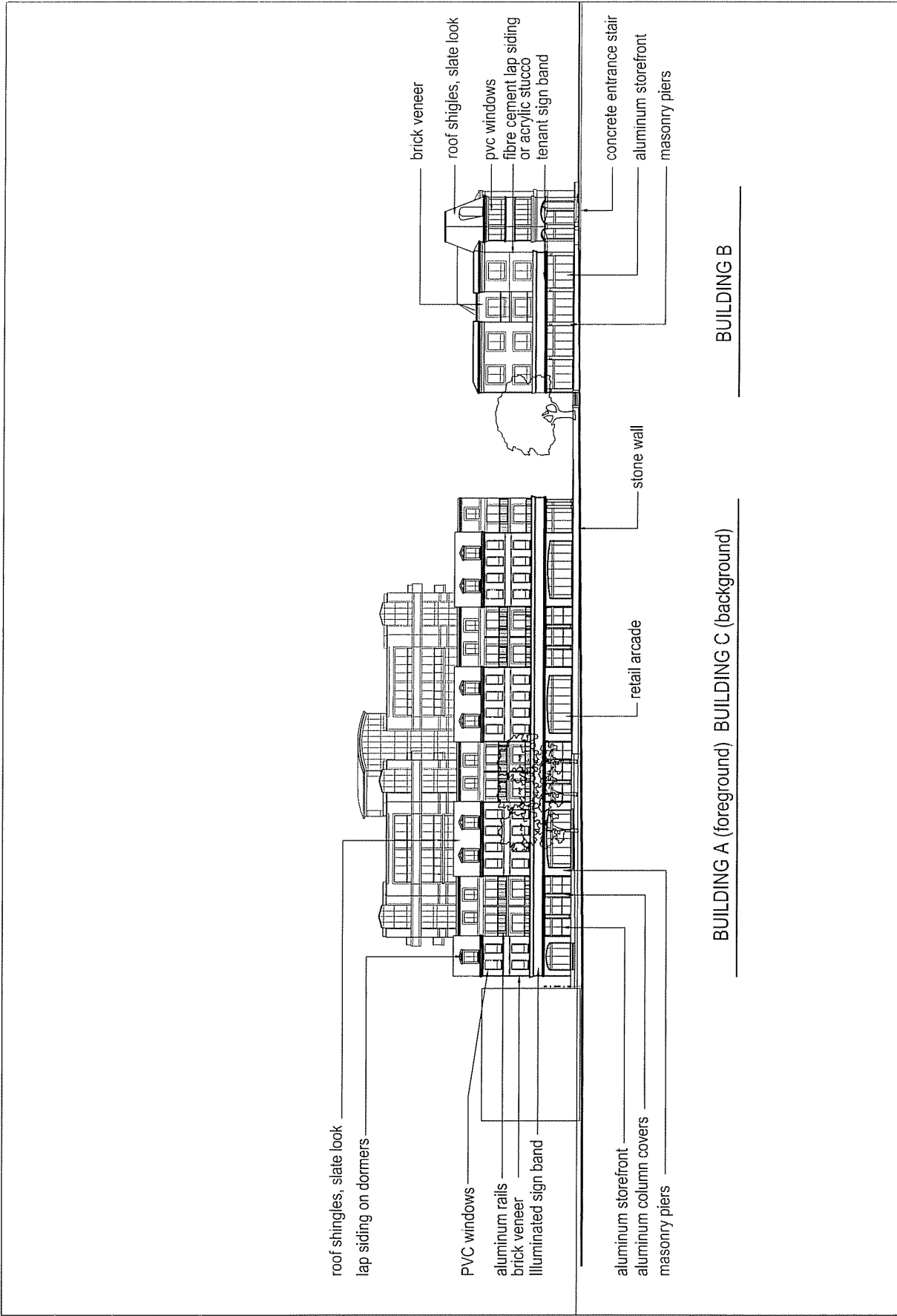
WYSE RD AND BOLAND ST, DARTMOUTH NS

BOLAND STREET ELEVATION

KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S. B3K 1B6 (902) 422-1557

SCALE 1"=50'  
Mar 14, 2007



**SCHEDULE D**

**NOTTING VILLAGE**

WYSE ROAD ELEVATION

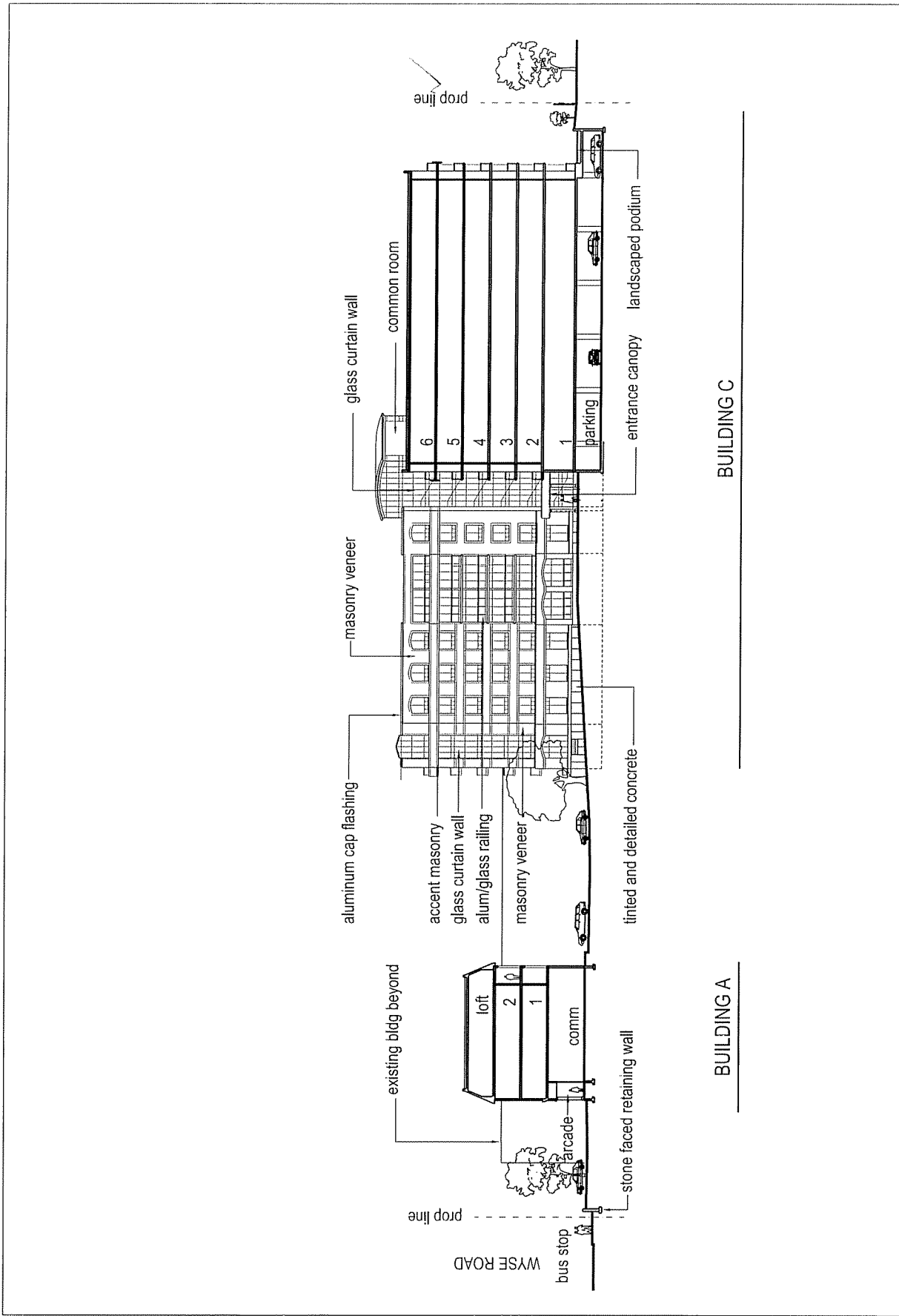
WYSE RD AND BOLAND ST, DARTMOUTH NS

**KASSNER/GOODSPEED ARCHITECTS**

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S. B3K 1B6 (902) 422-1557

SCALE 1"=50'  
Mar 14, 2007





BUILDING A

BUILDING C

SCHEDULE E

WYSE RD AND BOLAND ST, DARTMOUTH NS  
SITE CROSS SECTION

NOTTING VILLAGE

WYSE RD AND BOLAND ST, DARTMOUTH NS

KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.  
HALIFAX, N.S. B3K 1B6 (902) 422-1557

SCALE 1"=50'  
Mar 14, 2007

MEETING DATE	ITEM	#	ACTION REQUIRED	RESPONSIBILITY	STAFF COMMENT
March 1/07	Request for staff re: rezoning of the Main Street Business District- Councillor Younger	12.3	Forwarded to staff	CD	
Feb. 1/07	Petition - Councillor McCluskey re nuisance complaint by Alderney Appraisals	9.2.1	Forwarded to staff	Police	
Feb. 1/07	Presentation - Eastern Front Theatre	9.3.1	Deferred to April 5, 2007		
Dec 7/06	Councillor Smith - Request for staff report re traffic concerns	10.1.1	Staff report requested.	TPW	
June 29/06	Accessible Playground - Dartmouth	4.1.2	Staff report requested re process for accessible playground	CCED	