

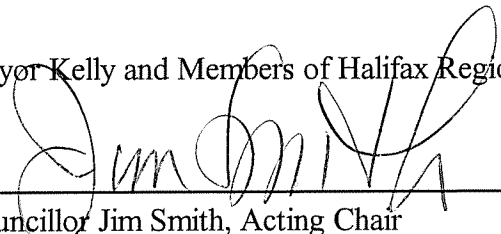
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PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**  
**June 21, 2005**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Councillor Jim Smith, Acting Chair  
Harbour East Community Council

**DATE:** June 15, 2005

**SUBJECT:** **Case 749: Amendment to Pinecrest/Highfield Park Secondary Planning Strategy, Dartmouth**

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**ORIGIN**

Special Meeting of Harbour East Community Council on April 14, 2005.

**RECOMMENDATION**

Harbour East Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as provided in Attachments "A and B" of the May 19, 2005 staff report and schedule a joint public hearing with Harbour East Community Council.
2. Approve the amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law provided in Attachments "A and B" of the May 19, 2005 staff report.

**DISCUSSION**

Harbour East Community Council considered this matter at a special meeting held on June 14, 2005 and approved the recommendation found above.

**ATTACHMENTS**

Staff report dated May 19, 2005

Extract - Draft Minutes - Special Meeting of Harbour East Community Council, June 14, 2005

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

Report Prepared by: Sherryl Murphy, Legislative Assistant

Special Meeting  
Harbour East Community Council  
June 14, 2005

To: Harbour East Community Council

Submitted by:

  
Paul Dunphy, Director of Planning & Development Services

Date: May 19, 2005

Subject: **Case # 00749 - Amendment to the Pinecrest/ Highfield Park  
Secondary Planning Strategy, Dartmouth**

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### ORIGIN

Application by *Adsum Associations for Women & Children* to amend the Municipal Planning Strategy and Land Use By-law for Dartmouth to enable a development agreement to permit two existing 8-unit dwellings and one additional 8 unit multiple dwelling for women and children in transition at 101 & 103 Albro Lake Road and 250 Victoria Road (*Adsum Court*, see Map 2).

### RECOMMENDATION

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

- (1) Give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law as provided in Attachments "A and B" and to schedule a joint public hearing with Harbour East Community Council;
- (2) Approve the amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law provided in Attachments "A and B".

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

- (1) Move notice of Motion for the proposed development agreement, provided as Attachment "C", to permit one new eight unit multiple dwelling and two existing eight unit multiple dwellings on the site known as civic addresses 250 Victoria Street, 101 and 103 Albro Lake Road collectively, in Dartmouth, and schedule a joint public hearing with Regional Council;
- (2) Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and becoming effective under the Municipal Government Act:
  - (a) approve the proposed development agreement as attached; and
  - (b) require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

## **BACKGROUND**

### **The Proposal**

The subject property is approximately 34,000 square feet in area and fronts on Albro Lake and Victoria Roads (Map 2). An application has been received from *Adsum House* to construct an 8 unit apartment building on this site. The applicant proposes to expand an existing facility at 250 Victoria Rd (*Adsum Court*) by constructing an apartment building on the adjoining properties at 101 and 103 Albro Lake Road.

The property at 101 Albro Lake Road is municipally-owned. On February 1, 2005, Regional Council agreed to sell 101 Albro Lake Road to Adsum House for the purpose of incorporating these lands into the proposed development. The sale of this lot is contingent upon obtaining planning approvals.

### **MPS Policy and Zoning**

The subject property is designated Residential and zoned R-1M under the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Dartmouth (see Maps 1 & 2). The current zoning specifically prohibits multiple unit dwellings at this location. In order to construct the facility, an amendment to the MPS and LUB is required.

The Pinecrest/Highfield Park area was part of a neighbourhood planning project initiated by the City of Dartmouth in the late 1980's. In 1990, Dartmouth City Council commissioned *Sperry MacLennan Architects & Planners* to undertake a study of the Pinecrest/Highfield Park area as the basis for amending the Dartmouth MPS and LUB. The *Neighbourhood Plan* identified a number of problems associated with an over-concentration of medium density apartment buildings permitted under the Residential Three (R-3) Zone applicable to the area at that time. The study outlined solutions to problems associated with apartment developments, as many of these rental buildings had fallen into a state of disrepair.

In order to create conditions to encourage single detached development for home ownership to counter the rental driven market that predominated in the area, the 1991 *Neighbourhood Plan* promoted the application of a Residential One Modified (R-1M) Zone with relatively small minimum lot sizes (2,800 square feet). As a result, the Dartmouth MPS specifically prohibits the development of new apartment buildings in the three-block area known as the Highfield Park/Pinecrest neighbourhood.

In support of this application, *Adsum* has cited a contradiction between the 1991 *Neighbourhood Plan's* recommendation to retain the previous Residential Three (R-3) Zone for the subject lands and a staff recommendation to downzone the entire area to R-1M. Specifically, staff recommended, for reasons of land use continuity and consistency, not to exempt the properties at the corner of Victoria Road and Albro Lake Road from the modified R-1M zone. Council ultimately approved staff's recommendation when it adopted new MPS policies for the Pinecrest/Highfield Park area in 1991.

## **DISCUSSION**

Amendments to the MPS are not routine applications in the way that rezoning and development agreement applications are. The Municipal Government Act contemplates applications for rezoning

and development agreements and sets out procedures for a municipality to follow, including provisions for an appeal of Council decisions. While there is an ability for Council to amend its MPS, it is under no obligation to do so. Therefore the decision to amend or not to amend cannot be appealed.

#### **Pinecrest/Highfield Park Secondary Planning Strategy Policies**

The policies in the Secondary Planning Strategy specifically restrict the further development of apartment buildings at this location as set out in Policies 2.1.2 and 2.1.3 (see Attachment D). Nonetheless, an amendment to the Strategy can be justified if changing circumstances warrant a further review of the policy. Additional considerations for change concerning this application include:

- 1) community acceptance of the proposal and desire for change to this specific location the
- 2) impacts to the integrity of MPS and R-1M zone by making such a change; and
- 3) benefit to the community by revising existing policy on a site specific basis.

#### **Public Information Meeting and Adsum Community Meetings**

The applicant undertook, on its own initiative, to hold two neighbourhood meetings to gauge community response to erect an apartment building on this site and received a favourable response. On March 7, 2005 staff held a Public Information Meeting (PIM) in accordance with Council's Public Participation policy. The minutes of the PIM are provided in Attachment E. Although local residents were generally in favour of this proposal, attendees indicated that:

- there should be a high standard of landscaping, site maintenance and cleanliness, and
- that approval of this application could lead the potential introduction of new apartment buildings in this area.

#### **Proposed MPS Policy**

Amending the current MPS policy as it relates to this proposed development appears justified based on the findings of the 1991 *Neighbourhood Plan* and the general acceptance of this proposal by local residents. Given the expressed concerns relative to site maintenance and potential precedence, a site-specific MPS policy amendment to enable a development agreement to be considered for the proposed development is an approach preferred by staff. Proposed amendments to the Dartmouth MPS and Land Use By-law to enable a development agreement for an apartment development at this site only are provided in Attachments A and B of this report.

#### **Proposed Development Agreement**

Provided the proposed MPS and LUB amendments are adopted by Regional Council, a development agreement to permit a multi-unit residential development on the subject property may be considered by Harbour East Community Council. The proposed development agreement is provided as Attachment C of this report. Should the proposed MPS and LUB amendments be adopted, staff will bring the proposed development agreement forward for ratification by Community Council at a subsequent meeting.

An evaluation of a proposed development agreement, based on the applicable policies (proposed and current), is presented in this section. In addition to proposed Policies H-15 and H-16, some criteria of existing Implementation Policies IP-5, and 1P-1c (provided in Attachment D) are applicable to the proposed development agreement. The relevant policy criteria are addressed as follows:

#### Traffic, Parking & Servicing Infrastructure

The site can be serviced through existing infrastructure. Sanitary sewer, stormwater and water services in the area can accommodate the additional units. Due to low anticipated traffic volumes no traffic statement was required.

Schedule B to the proposed development agreement provides a site plan illustrating the proposed access and parking arrangement. An existing access from Albro Lake Road is to serve as the driveway to the parking area. The proposed building is configured to provide sufficient parking space for the proposed use. This includes 8 surface parking spaces which, while substantially fewer than the 1.25 spaces per unit required under the Land Use By-law, are sufficient for the proposed use as a transitional shelter. The proposed building would accommodate small, self contained units of approximately 450 sq feet suitable for single occupants. In the history of this facility there has never been a car owner.

#### Site & Building Design

The newly constructed building is proposed to be constructed in a similar style and architecture as the two existing wood clad structures which currently occupy the property. (Proposed building elevations are provided in Schedule C of the proposed development agreement.) The new construction proposes to create a U shape configuration that opens to Albro Lake Road (see Schedule B of proposed development agreement). The proposed residential density is consistent with the Residential Three (R-3) zone standard in terms of minimum site area and maximum lot coverage.

#### Amenity Space & Landscaping

The land use by-law requires useable amenity space for use by building occupants. A high calibre of landscaping is proposed to be provided around the building and parking areas. This includes the planting of street trees. Additionally, through the development agreement, Adsum will provide and maintain a landscaped area near the centre of the property as an active amenity area as well as to provide an enclosure for garbage and refuse containers.

#### **Conclusion**

Staff feel that the circumstances associated with this application warrant amendments to this existing Dartmouth MPS policies to enable consideration of the proposal. The proposed MPS and LUB amendments provided in Attachments A and B are intended to provide a site-specific basis to consider a development agreement for an existing transitional shelter along with the proposed expansion. The proposed development agreement provided in Attachment C is consistent with proposed and existing MPS policies and addresses any matter of relevant land use concern.

**BUDGET IMPLICATIONS**

The proposal entails acquisition by *Adsum House* of HRM-owned property at 101 Albro Lake Road. The budget implications associated with the conveyance will be identified in a future report on the real property transaction which will be brought forward for consideration by Regional Council.

**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**

The following alternatives are identified:

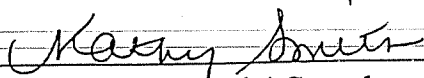
1. Council may choose to approve MPS amendments as outlined in this report along. This is the recommended alternative.
2. Council may choose to refuse the amendment to the MPS. A decision by Council to approve or refuse an application to amend its MPS is final and is not subject to appeal to the NS Utility and Review Board.

**ATTACHMENTS**

Map 1:	Generalized Future Land Use Map
Map 2:	Location & Zoning Map
Attachment A:	Proposed Amendments to the Dartmouth Municipal Planning Strategy
Attachment B:	Proposed Amendments to the Dartmouth Land Use By-law
Attachment C:	Proposed Development Agreement
Attachment D:	Relevant Municipal Planning Strategy Policies and Land Use Provisions
Attachment E:	Minutes of Public Information Meeting

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

Report Prepared by: Shayne Vipond, Planner, 490-4335




Report Reviewed by:   
Kathy Smith, Financial Consultant

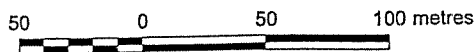


**Map 1  
Generalized Future  
Land Use**

 **Subject Properties**  
Residential Designation

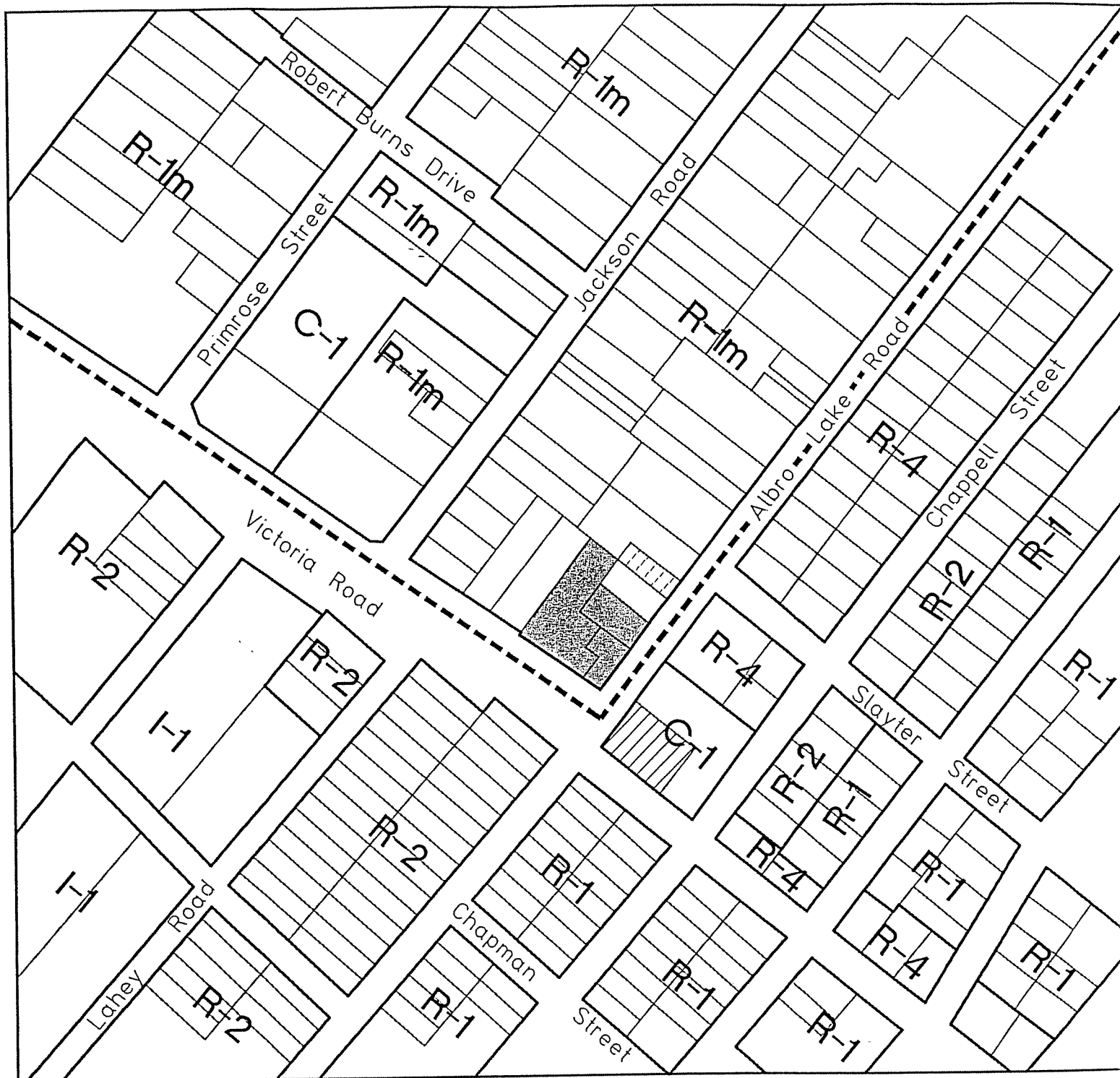
**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES

-  Residential Designation
-  Commercial Designation
-  Pinecrest Highfield Park Secondary (Neighbourhood) Planning Strategy Boundary



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





**Map 2  
Zoning + Location**



**Subject Properties**  
R-1m Single Family (Modified)  
Residential Zone

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES

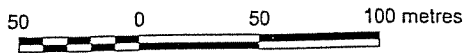
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-4 Multiple Family Residential Zone
- R-1m Single Family (Modified) Residential Zone
- C-1 Local Commercial Zone
- I-1 Light Industrial Zone



Pinecrest Highfield Park Secondary  
(Neighbourhood) Planning Strategy  
Boundary



Development Agreement



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

ATTACHMENT APROPOSED AMENDMENTS TO THE DARTMOUTH MUNICIPAL PLANNING  
STRATEGY

The Municipal Planning Strategy for Dartmouth is hereby amended by:

1. Amending the Housing section of the Strategy by adding immediately the following after Policy H-14:

250 VICTORIA ROAD , 101 ALBRO LAKE ROAD AND 103 ALBRO LAKE ROADHousing For Women in Transition

*Accommodations for women in transition is in ever increasing demand in Halifax Regional Municipality. These facilities are primarily utilized by a population seeking a measure of autonomy and anonymity. Appropriate accommodations are generally considered to be one bedroom or sitting room flats that are self contained in order to provide a source of independent living for a population with special needs. Women in transition require a flexible environment that facilitates independent living until their personal and economic conditions improve.*

*Residential requirements for transitional housing facilities are very similar to that of the general population, however, as occupants generally do not rely on private automobiles for transportation, parking requirements should be reduced to an appropriate level .*

*In specific regard to 250 Victoria Road and 101 and 103 Albro Lake Road collectively, provision will be made to maintain the provisions of the R-1M zone, while enabling a residential development that better utilizes this property and allows for a density approximating a range consistent with the R-3 zone to be considered by development agreement.*

*Policy H-15 Notwithstanding any other policy in the Dartmouth Municipal Planning Strategy and all other policies within the section referred to as the Pinecrest/Highfield Park Secondary Planning Strategy, it shall be the intention of Council to provide, by way of a development agreement, for the development of not more than 8 dwelling units in one newly constructed building and recognition of two existing 8 unit buildings for a total of 3 buildings totalling not more than 24 dwelling units on the lands known collectively by civic addresses 250 Victoria Street, 101 and 103 Albro Lake Road(PID numbers 00057497, 00057489 and 00057471, respectively).*

*Policy H-16 Pursuant to Policies H-15, IP-5 and IP-1c, and in accordance with Section 18(P) of the Dartmouth Land Use By-law, Council shall consider the following prior to approving any development agreement on the property:*

- (a) *the compatibility of the building's size, height, and external design with that of adjacent buildings and with its surrounding neighbourhood;*
- (b) *the adequacy of buffering, screening and landscaping;*
- (c) *the adequacy of the amount and location of parking, access, the amount of traffic generation and the impact on the adjacent street network;*
- (d) *the adequacy of municipal services;*
- (e) *whether the development has been designed to make the project accessible and safely useable by persons with diminishing physical ability;*
- (f) *whether the development has adequate storage space within each dwelling unit (exclusive of entrance and bedroom closets) and the building;*
- (g) *any other matters, including criteria listed in Policy IP-5 that concern potential impacts that the proposed development may have on the surrounding area.*

**ATTACHMENT B**

PROPOSED AMENDMENTS TO THE DARTMOUTH LAND USE BY-LAW

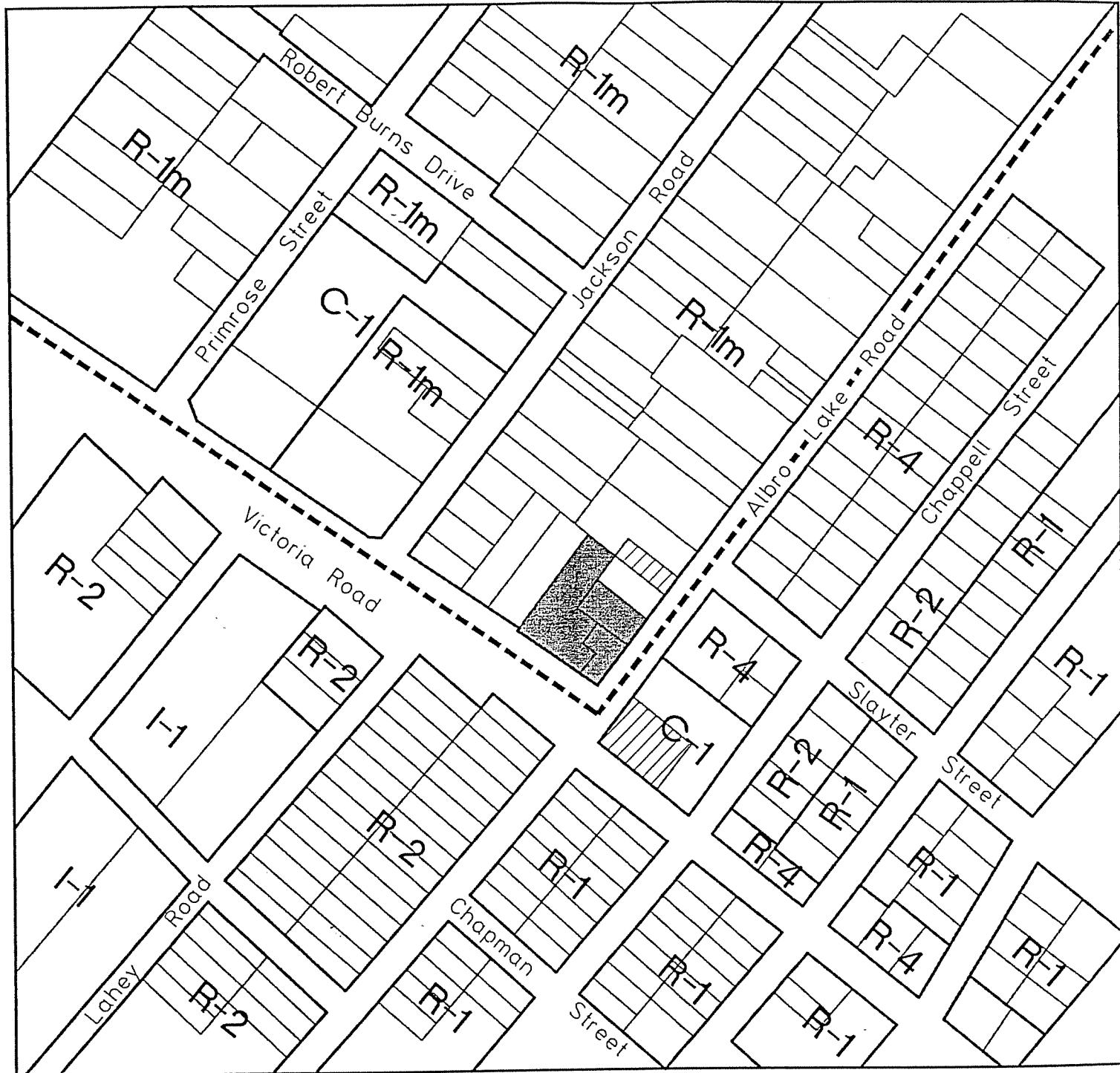
The Land Use By-law for Dartmouth is hereby amended by:

**1. Adding the following to Section 18:**

*18(P) Notwithstanding any other provisions of this By-law, on lands known as 250 Victoria Road and 101 and 103 Albro Lake Road collectively, as identified on Schedule "X" of this by-law, development may be considered by development agreement in accordance with Policies H-15, H-16, IP-5 and 1P-1c of the Municipal Planning Strategy.*

**2. Adding the attached Schedule "X".**

Schedule 'X'



Zoning + Location



Subject Properties

R-1m Single Family (Modified) Residential Zone



- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-4 Multiple Family Residential Zone
- R-1m Single Family (Modified) Residential Zone
- C-1 Local Commercial Zone
- I-1 Light Industrial Zone



Pinecrest Highfield Park Secondary (Neighbourhood) Planning Strategy Boundary



Development Agreement

50 0 50 100 metres



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

**ATTACHMENT C**

**PROPOSED DEVELOPMENT AGREEMENT**

THIS AMENDING AGREEMENT made this        day of        , 2005,

BETWEEN:

**ADSUM ASSOCIATION FOR WOMEN & CHILDREN**

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

OF THE FIRST PART

**HALIFAX REGIONAL MUNICIPALITY**

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

OF THE SECOND PART

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

AND WHEREAS, the Developer has requested that the Municipality enter into a new development agreement to permit a multi-unit residential building on the Lands pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy and Land Use By-law for Halifax:

AND WHEREAS the Halifax Regional Council approved this request at a meeting held on , 2005, referenced as Municipal Case Number 00749.

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

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**PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

- 1.1 The Developer agrees that the Lands shall be subdivided, developed and used only accordance with and subject to the terms and conditions of this Agreement.
- 1.2 Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Dartmouth Land Use By-law, as may be amended from time to time.
- 1.3 Except as otherwise provided for herein, the subdivision of the Lands shall comply with the requirements of the Dartmouth Subdivision By-law, as may be amended from time to time.
- 1.4 Pursuant to Sections 1.2 and 1.3, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.
- 1.5 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and Subdivision By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.6 The Developer or lot owner shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands owned by the Developer or lot owner.
- 1.7 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

**PART 2: USE OF LANDS AND DEVELOPMENT PROVISIONS****2.1 Schedules**

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

Schedule "A" - Legal Descriptions of the Lands

Schedule "B" - Concept Plan  
Schedule "C" - Building Elevation Drawings

## **2.2 Permitted Uses**

2.2.1 The uses of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, are as follows:

1. Three 8 unit multiple residential dwellings (two existing, one proposed) for a total of 24 residential dwelling units;
2. Vehicular parking and circulation areas; and
3. Open space, landscaping, walkways.

2.2.2 The developer agrees to consolidate through the subdivision process the lands at 250 Victoria Street, 101 Albro Lake Road and 103 Albro Lake Road into one parcel prior to issuance of an occupancy permit.

2.2.3 No outdoor storage shall be permitted on the Lands. Refuse containers located outside the apartment building shall be screened from adjacent properties and from streets by means of opaque fencing, masonry walls and/or suitable landscaping.

## **2.3 Buildings/Architectural Design**

2.3.1 The Developer shall construct a building on the Lands which, in the opinion of the Development Officer, is substantially in conformance with Schedules B, and C and attached hereto, including their its location, size, height, number of units, and architectural design, including facade features and type of exterior materials.

2.3.2 The Developer agrees that the height of any new building shall not exceed 35 feet.

2.3.3 The Developer agrees that within the new 8-unit building, 6 dwelling units shall be approximately 450 square feet in area and 2 dwelling units shall be approximately 600 square feet in area.

2.3.4 Pursuant to Sections 2.3.1 and 2.3.2, the Development Officer may approve modifications to the location, and size as well as the architectural design of the buildings including facade features, provided such modifications are minor in nature and, in the opinion of the Development Officer, further enhance the appearance of the building and Lands.



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**2.4 Parking and Circulation (Vehicular and Pedestrian)**

- 2.4.1 The number and layout of parking spaces on the Lands shall be as generally illustrated on Schedule "B". The size of parking spaces shall be as specified in the Land Use By-Law, and parking for the disabled shall be as required by the Building Code Act, including the provision of applicable above ground signage.
- 2.4.2 The developer agrees to construct all parking areas and circulation aisles in hard surface covered by gravel. The driveway to the parking area shall be constructed in accordance with the Municipal Services Specifications guidelines driveway ramp detail. Concrete ramp work shall be completed under a Streets and Services permit and in accordance with the requirements of Section 2.5.5 of this agreement.
- 2.4.3 Internal pedestrian pathways shall be provided as generally illustrated on Schedule 'B' and shall be constructed of crusher dust.
- 2.4.4 The Development Officer may approve changes to the parking and circulation layout as illustrated on Schedule "B" provided such changes further the intent of this Agreement.

**2.5 Streets and Municipal Services**

- 2.5.1 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. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies and regulations of HRM and other approval agencies, except as provided for herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer.
- 2.5.2 The Developer agrees to install a Backflow Prevention Device for the municipal water service as required by the Halifax Regional Water Commission prior to the issuance of a development permit.
- 2.5.3 The new building shall connect to the municipal sewer and water system. The design, installation and cost associated with the provision of services, included but not limited to, water supply, sanitary sewers, storm sewer and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer, and no development permit shall be issued by the Development Officer until written approval from the Development Engineer and any other applicable authorities with respect to the design of all systems has been received.
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- 2.5.4 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Engineer.

- 2.5.5 Pursuant to this Section (Section 2.5.1), no occupancy permit shall be issued for the building on the Lands until all street improvements, municipal servicing systems and utilities have been completed in accordance with the Streets By-law S-300.
- 2.6 Landscaping**
- 2.6.1 Landscaping on the Lands shall be carried out by the Developer substantially in conformance with Schedule "B".
- 2.6.2 The Developer shall prepare a detailed landscaping plan for the Lands, which are satisfactory to the Development Officer, prior to the issuing of Development permit.
- 2.6.3 The Development Officer, on the advice of the Manager of Parks and Open Space, may approve modifications to the species of plant stock, and the number, size and location of plant stock, provided such modifications, in the opinion of the Development Officer, enhance the attractiveness and visual appearance of the Lands.
- 2.6.4 The Developer agrees to complete all landscaping, in accordance with the approved landscaping plan within 18 months of an occupancy permit. In the event that the Developer has not completed the appropriate landscaping of the subject property to the satisfaction of the Development Officer within that time period, the Development Officer may issue a written 30 day notification requiring that the landscaping work be completed. If the Developer has not complied to the satisfaction of the Development Officer at the end of the notification period, the Developer shall be penalized in the amount of 120% of the total cost of the landscaping as determined by the Halifax Regional Municipality.
- 2.6.5 Fuel storage tanks and electrical transformers shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, masonry walls and/or suitable landscaping.
- 2.6.6 All lighting on the Lands shall be designed, installed and maintained to supply adequate area lighting and provide adequate security. Lighting shall be directed to all driveways, parking areas, loading areas, building entrances and walkways and away from streets and abutting properties.
- 2.6.7 The Developer agrees, at its own expense, to ensure the placement of recyclable containers and organic composters (i.e green carts) are not visible from street frontage by means of either (a) including provisions in the Protective Covenants to ensure recyclable containers and organic composters can contain with the dwelling or (b) constructing a corral area of lattice wood (or acceptable equivalent) and shrubs.
- 2.6.8 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 buildings, 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.

## **2.7 Signs**

2.7.1 No mobile/ moveable signs or billboards shall be permitted on the Lands.

## **2.8 Maintenance**

2.8.1 The Developer shall maintain and keep in good repair all portions of the development and lands, including but not limited to, the interior and exterior of the buildings, retaining walls and fencing, lighting, walkways, parking areas and driveways, including the maintenance of all landscaping, the replacement of damaged or dead plant stock, trimming and litter control, and snow removal/salting of walkways, driveways and parking areas and clean-out of any stormwater treatment facilities.

## **2.9 Environmental Matters**

2.9.1 The Developer shall submit to the Development Officer a detailed Site Grading and Drainage Plan prepared by a professional engineer prior to commencing any site works on the Lands. Such Plan shall require the approval of the Development Officer, on the advice of the Development Engineer. Modifications to the site grading and finished elevations, as indicated on the Plan, may be approved, provided such modifications further the intent of this Agreement.

2.9.2 The Developer agrees that, prior to the commencement of any work on any of the Lands, or associated off-site works, a detailed Site Disturbance Plan of the affected area shall be submitted to the Development Officer, indicating the sequence of construction, the areas to be disturbed, and all proposed detailed erosion and sedimentation control measures and stormwater management measures to be put in place and maintained prior to and during development. These measures shall not be removed until permanent stabilization has occurred. The plans shall be reviewed by, and require the approval of the Development Officer, acting on the advice of the Development Engineer and any other applicable agencies, prior to any site works being undertaken.

2.9.3 No occupancy permit for any building constructed upon the Lands shall be issued until all infrastructure applicable to the building is complete, including but not limited to, parking areas, driveways, walkways, municipal services and landscaping, subject to the applicable Sections of this agreement.

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**PART 3: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

- 3.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.
- 3.2 This Agreement shall be binding upon the parties thereto, their heirs, successors, assignees, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Council.
- 3.3 Notwithstanding any subdivision approvals granted pursuant to this Agreement or any transfer or conveyance of any lot or of all or any portion of the Property, this Agreement shall continue to apply to and bind the Developer, the Property and each lot and the Developer shall continue to be bound by all terms and conditions of this Agreement.
- 3.4 Upon the transfer of title of any lot, the owner thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.
- 3.5 Notwithstanding Section 3.4 or any transfer of title to a lot, the Developer shall continue to be responsible for the fulfilment of the Developer's covenants under this Agreement and any Subdivision Agreement entered pursuant to this Agreement.
- 3.6 In the event that construction on the Lands has not commenced within 2 (two) years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction. For the purposes of this section, "commencement of construction" shall mean the pouring of the footings for the foundation for the building.
- 3.7 Upon the completion of all development on the Lands, or portions thereof, or after 5 (five) years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement;
  - (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law, as may be amended.

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**PART 4: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

- 4.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 4.2 If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:
- (a) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
  - (b) the Municipality may enter onto the Property and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants may be recovered from the Developer by direct suit and such amount shall, until paid, form a charge upon the Property and be shown on any tax certificate issued under the Assessment Act.
  - (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or
  - (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.
-

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

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

per: \_\_\_\_\_

) **ADSUM ASSOCIATION FOR WOMEN &  
CHILDREN**

)

)

) per: \_\_\_\_\_

)

)

**Sealed, Delivered and Attested  
by the proper signing officers of  
Halifax Regional Municipality  
duly authorized on that behalf  
in the presence of:**

) **HALIFAX REGIONAL MUNICIPALITY**

)

)

) per: \_\_\_\_\_

)

**MAYOR**

)

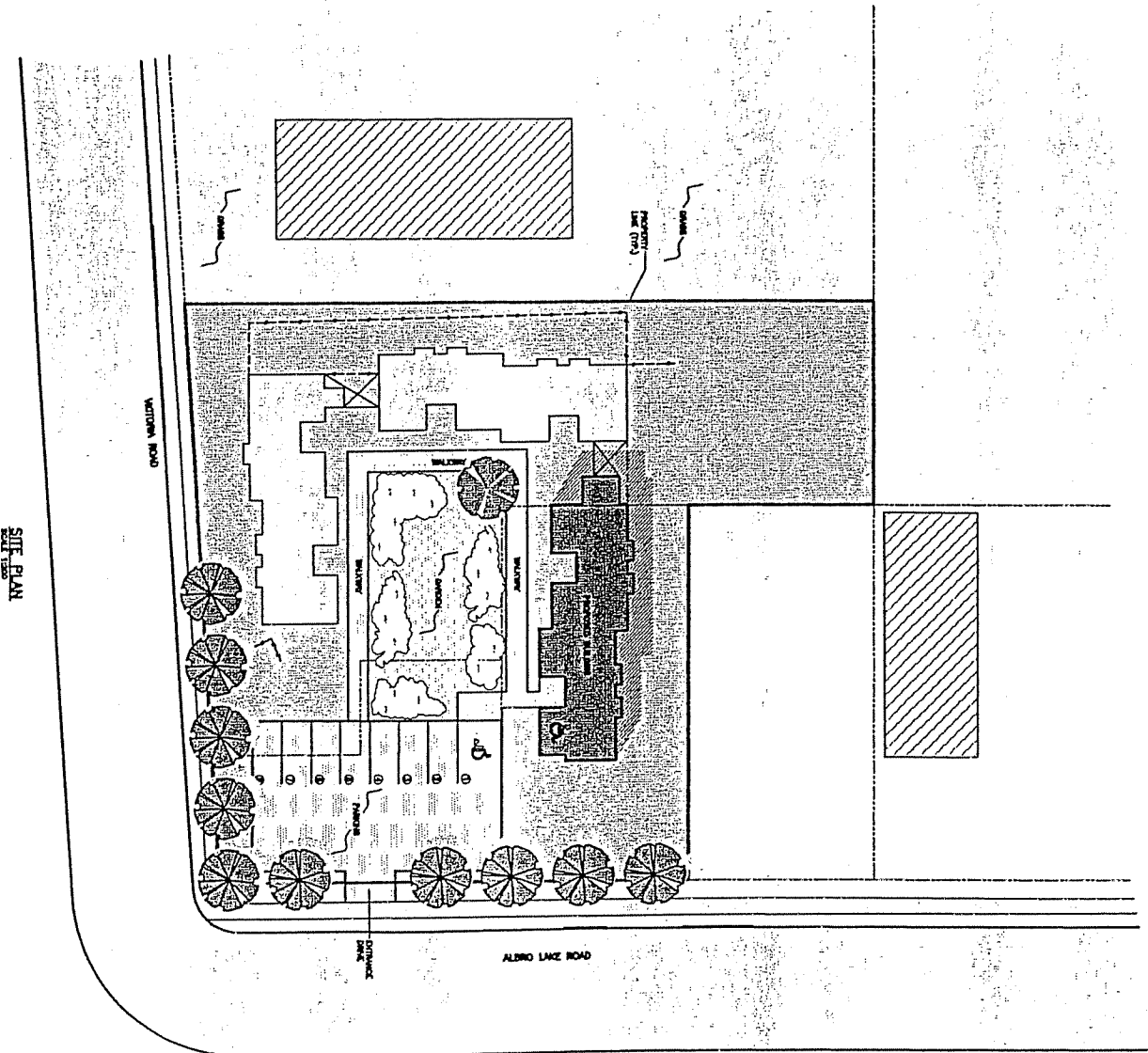
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per: \_\_\_\_\_

) per: \_\_\_\_\_

**MUNICIPAL CLERK**

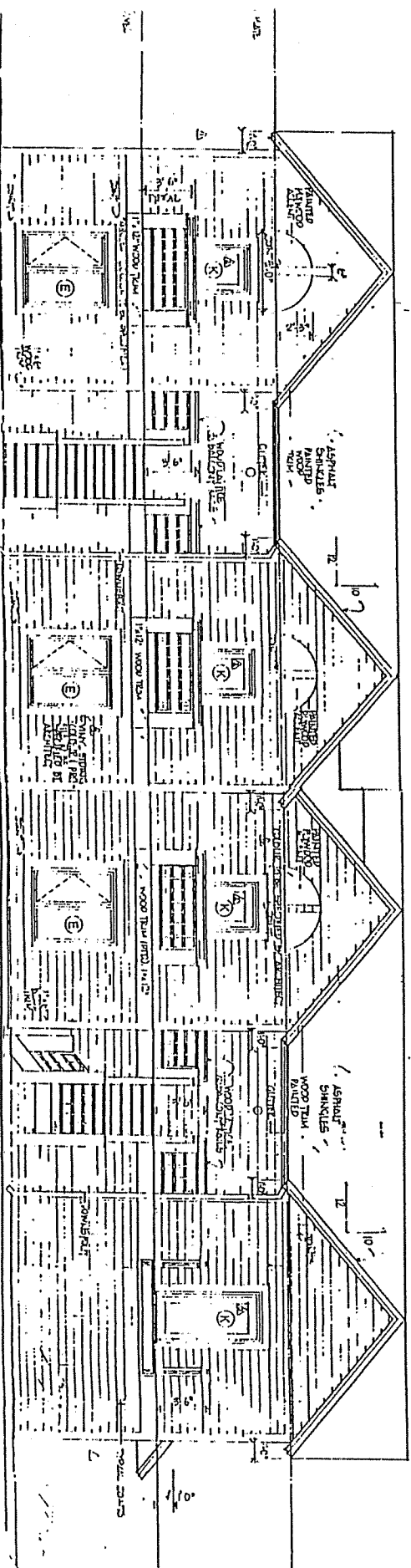
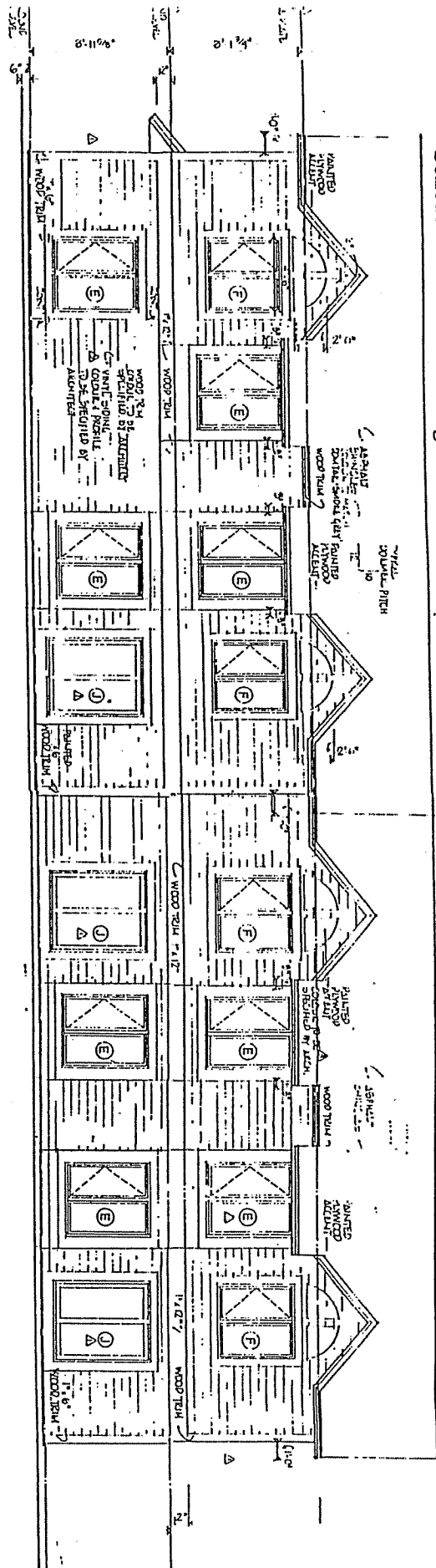
# Schedule "B" - Concept Plan



THE COURT EXTENSION  
CHALLENGER CAMPBELL  
ARCHITECTS AND ENGINEERS  
1000 WEST 10TH AVENUE  
DENVER, CO 80202

DATE: 10/15/01

# Schedule "C" - Building Elevations





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**ATTACHMENT D****APPLICABLE POLICES FROM MUNICIPAL AND SECONDARY  
PLANNING STRATEGIES****DARTMOUTH MUNICIPAL PLANNING STRATEGY****IMPLEMENTATION****3. *Apartment Building Development***

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

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

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

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

- 
- (d) *adequacy of transportation networks in, adjacent to, and leading to the development;*
- (e) *adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;*
- (f) *that mature trees and other natural site features are preserved where possible;*
- (g) *adequacy of buffering from abutting land uses;*
- (h) *the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and*
- a) *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).*

## **PINECREST/ HIGHFIELD PARK SECONDARY PLANNING STRATEGY(SPS)**

### **2.0 RESIDENTIAL**

#### **2.1 Neighbourhood Stability and Residential Zoning**

The Pinecrest-Highfield Park neighbourhood has one of the highest population densities in the Metro Area. The population is transient in nature, with over 90 percent of the residents renting their dwelling unit. Since people tend to move in and out of apartments much more frequently, the area lacks a sizable core of long-term residents.

The existing R-3 (Medium Density Residential) Zone has contributed to the replacement of single detached housing by medium density apartments. Furthermore, recent residential construction in the Highfield Park area has been almost exclusively apartment buildings.

Throughout the course of the Neighbourhood Plan's preparation, it was learned that the community's desire was that further apartment construction in the area be prohibited. The objective is to attain a higher level of neighbourhood stability, and this can be achieved, in part, by permitting development which encourages more home ownership and prevents the continued loss of existing single-family homes. Therefore, a new zone, R-1M (Modified), will be established in the Land Use Bylaw, to be placed on the older section of the Pinecrest area, where the majority of remaining single-family homes exist.

**Policy 2.1.1** In order to encourage the stabilization of the Pinecrest-Highfield Park neighbourhood, it shall be the intention of City Council to establish, in the Land Use Bylaw, a Single-Family Modified (R-1M) Residential Zone. The R-1M Zone

shall allow those uses permitted in the R-1 (Single Family Residential) Zone. The R-1M Zone shall be applied only to the portion of the Pinecrest-Highfield Park neighbourhood, as indicated on Map 2, which presently contains the highest concentration of existing single-family dwellings.

Policy 2.1.2 In order to facilitate affordable single family housing development, it shall be the intention of City Council, within the R-1M Zone of the Land Use Bylaw, to permit development on lots smaller in size than that permitted within the R-1 (Single-Family) Zone. Therefore, it shall be the intention of City Council to amend the City's Subdivision Regulations in order to permit the creation of smaller lots within the R-1M Zone.

Policy 2.1.3 It shall be the intention of City Council to not consider rezonings which would permit higher density Residential development on lands zoned R-1M within the Pinecrest-Highfield Park neighbourhood.

### APPLICABLE LAND USE LAND USE BY-LAW REGULATIONS

#### *R-1M SINGLE FAMILY (MODIFIED) RESIDENTIAL ZONE*

32A. (1) *The following uses only shall be permitted in an R-1M Zone:*

- (a) *R-1 uses as hereinbefore set out; and*
- (b) *Daycare facilities as home occupations, occupying not more than 50 percent of the total floor area of the dwelling; notwithstanding Section 23(g) of this by-law.*

(2) *Buildings used for R-1M Zone shall comply with the following requirements:*

- (a) *Lot area minimum: 2,800 square feet*
- (b) *Lot frontage minimum: 30 feet*
- (c) *Front yard minimum: 20 feet*
- (d) *Rear yard minimum: 10 feet*
- (e) *Side yard minimum: 5 feet (subject to the Building By-law of the City)*
- (f) *Lot coverage maximum: 35 per cent*
- (g) *Height of Primary Building Maximum: 35 feet*

(3) *In an R-1M Zone where a lot fronts on the outside of a street curve having a radius of 100 feet or less, the required lot frontage may be reduced by 50 percent.*

*(As amended by By-law C-694, Dec6/91)*

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**ATTACHMENT E**

**MINUTES OF PUBLIC INFORMATION MEETING**

**CASE 00749-ADSUM HOUSE  
PINECREST, HIGHFIELD PARK SECONDARY PLAN**

**Wednesday, March 7, 2005  
North Dartmouth Community Centre**

**STAFF:** Shayne Vipond, Planner  
Samantha Charron, Administrative Support

**ADSUM HOUSE  
STAFF:** Sherry Lecker, Director  
Patricia Richards, Consultant

**MEMBERS OF  
THE PUBLIC:** 9

**COUNCILLOR  
PRESENT:** Jim Smith

The meeting commenced at approximately 7 pm

**1. SHAYNE VIPOND, PLANNING SERVICES**

Shayne Vipond welcomed attendees to the meeting along with representatives for the application, Sherry Lecker, Director of Adsum House; Maureen Collins, Chair of the board for Adsum House and Patricia Richards, the consultant working for Adsum House on this project. He continued by introducing local Councillor, Jim Smith and MLA, Jerry Pye and thanked all for attending this evenings meeting. Shayne then invited Councillor Smith to say a few words.

Councillor Smith introduced himself and indicated his reason for attending the meeting this evening was not only to hear the presentation, but to fully understand the concerns of the area residents. He then took a moment to recognize MLA Jerry Pye and thank him for attending the meeting.

Shayne Vipond began the presentation by explaining the planning application process and procedures the planner must follow in a case such as this one. He continued by explaining his role in the process and suggested the public information meeting is an opportunity for the planner to hear comments, concerns and receive feedback from local residents.

Shayne stated the Municipal Planning Strategy for Dartmouth is the most important document for land use, in this planning district. He explained this document sits on top of the land use by-law, which is the regulatory document that allows staff to implement the policy. In this particular case the

Municipal Planning Strategy policy dictates that there is to be no more apartment building construction. When this application was first submitted staff felt policy was clear, but it had been a long time since the policy had been created. Shayne suggested this leaves an opportunity for change, so staff decided if Adsum House was able to receive positive feedback by hosting public meetings and canvassing the local residents effected by this application, proving to staff it would be supported then staff would consider the application. Shayne indicated Adsum House did just that by holding two separate community meetings. The results of these meetings were considered favourable for a change in policy.

Shayne explained that change from the communities perspective, in terms of the specific application of these lands, form a fundamental part of wether or not staff will endorse this application to move forward. He wanted to explain clearly that this is Council's decision, as a planner he can only offer support or withdraw support, but Council will make the final decision.

Shayne explained amending the Municipal Planning Strategy policy is not a routine application. Amending the MPS means, you are altering the vision for the area that was created. The policy was a collective effort from community support. He stressed that staff does not take this lightly, explaining planners will take their time and cautiously move forward. He went on to explain this application seeks to amend the policy on a site specific basis. Which means specific to this parcel only and not to anything else that would apply to other lands in this area. In addition to the policy amendment, Adsum is seeking for a development agreement process that would run concurrently with the MPS Amendment. Shayne described the development agreement as a contract between the Municipality and the applicant for a specific development.

Shayne suggested in addition to that there is change in the community. There is a vision to alter the accepted practice that already appears in the land use by-law. In this we are seeking to amend policy in what is known as the Pinecrest Highfield Park Secondary Planning Strategy. This was part of the neighbourhood planning exercise that happened back in 1990. Shayne indicated Patricia Richard would go into more detail regarding this.

Shayne then explained the next steps in the process that would apply to this application. He indicated once the report is written and presented to Council, there will be a series of public meetings set out through the Municipal Government Act. The report will go to first reading then if approved be moved forward. Advertising will follow in accordance with legislation. Following this will be a formal public hearing. He suggested the public hearing is residents opportunity to speak formally to this application, in front of Council. He stated all policy amendments go to Regional Council. If the application at the public hearing stage is approved it will then go to second reading. After this the whole matter goes to the province. He stated this could take approximately six months or more.

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At this time Shayne asked the residents in attendance if they had any questions specifically related to the process itself not the application.

Jerry Pye, MLA introduced himself and stated this is a major policy shift people should not be disillusioned to what the consequences could be. He indicated in 1991 when the Pinecrest Highfield

Park Secondary Planning Study was adopted and supported by the then former city of Dartmouth, it was designed specifically for a vision. That vision was to allow no more high density residential development to be constructed in that defined area. It was used as a stabilizing measure to make sure the community was stabilized to such a point where by in the future, should the need for development arise, it left the community able to construct small residential units compatible with the community. He commented if we talk about making a shift here tonight the people need to know, that in fact what there doing is saying this is a major shift and direction with respect to a component of that vision, on those particular lands, that were amended to meet the Municipal Planning Strategy. Another point is that one has to realize when we mention the term site specific, it is an application considered to be deemed only to those lands, however having said that, I think we should be without no illusion, that another developer can come forward and request a site specific development. This could be seen as precedence setting.

Shayne Vipond agreed with MLA, Jerry Pye and stated on those particular lands, Mr. Pye was correct.

Jerry Pye suggested he was not here to speak out negatively to the application, only to raise points he feels the public must be aware of before all the consequences of this application can be understood.

Shayne Vipond indicated staff are still considering all components of this application and have not yet made any decisions. He then asked the applicant to give their presentation.

Patricia Richards introduced herself as the planner working for Adsum House on this project. She began by explaining the site for the development and the intention of the building. She explained the difficulties Adsum House will have to overcome to see this project through, explaining the Municipal Planning Strategy for Dartmouth has a Secondary Planning Strategy in place for Pinecrest & Highfield Park area which was created to regulate future development such as the development they are proposing. She suggested there is some confusion regarding the planning strategies intended future use with regards to the specific parcel of land in question for this application. She indicated this as the reason seeking feedback and opinions from local residents regarding this development. She stated through the various public forums they offered, they have not received a negative response. Adsum House does not feel this application is a precedence setting case and they hope to move forward as quickly as possible. Patricia Richards then suggested Adsum is not asking for more then the original Municipal Planning Strategy for Dartmouth had allowed or intended for this location.

Shayne Vipond explained staff's understanding of the original Municipal Planning Strategy and indicated that there were no comprehensive notes which lead them to a common understanding of what they feel was indicated in that agreement. He then suggested there is an area of question.

Councillor Jim Smith asked the attendants to state their names if they were going to speak, and reminded everyone this meeting is being recorded for public record and will be presented to Council.

Sherry Lecker introduced herself as the director of Adsum for Women and Children, giving a history of Adsum House by describing the additional facilities available to women and children in need within Halifax Regional Municipality. She stressed the importance of safe homes such Adsum is able

provide. She then went into detail about the addition and indicated with this development it would allow for greatly needed programs and an office. This would allow Adsum to have full-time staff. Sherry Lecker stated in the past few months she has seen a significant increase in the amount of applications being received, indicating the demand is growing for this type of housing. She then stated Adsum is concerned about the local residents and indicated this is why she has put the effort forward to address the community in person, by holding the public meetings and canvassing door to door.

Sherry then explained the operating procedures of Adsum House. At this time she pointed out the differences between a landlord run apartment complex vs. Adsum housing development. She indicated when a tenant is in need, Adsum staff respond immediately, no matter what the time of day or night. Sherry stated they run the building, maintain it as well as manage it by ourselves. We are more involved with our tenants, compared to a regular landlord tenant relationship.

Sherry suggested if this development agreement is approved by HRM, it is attached to our deed and if someone down the road were to purchase this building they would have to live up to the terms of the development agreement.

Donna Durrant a resident of Adsum House stated the major difference she has found between residing in Adsum compared to a regular apartment building is the support and the backup systems that are in place for women in similar situations as her own. She has received only good response from the community in her experience and has seen, on occasion, Sherry come out to resolve problems that arise. Donna expressed the necessity of this type of housing and commented she would like to see this application proceed quickly. Donna then expressed her gratitude to Adsum for being there when she needed a safe place to stay.

Jerry Pye wanted to clarify his previous comments stating he is not opposed to the proposed development, he is just concerned about the impact it may have on future development for this area. He explained this is a matter of public record, Council will have to consider all aspects including the impact on future development when making their decision for this application. It is important to know when you support something of this nature it may have significant impact on future applications.

Sherry Lecker suggested it is very unlikely the parcel of land which Adsum House is located would ever be developed as single family dwellings, in her opinion it is a very busy street corner not suitable for a single family dwelling. Sherry went on to suggest the type of housing Adsum provides could be of value to this community. An example of this is at Adsum's Lakeside location. The community has benefited greatly from the playground we constructed, which all local residents have access to. Sherry indicated the point she is trying to make is that Adsum House wants to be neighborly and considerate to the community in which it is located.

Patricia Richards reiterated this application is site specific, it is not that Adsum is applying to amend the complete Secondary Planning Strategy for Highfield and Pinecrest area. In her opinion it is not a precedence setting case and should not be referred to as such. Patricia explained the building

existed when the Secondary Plan was created and because staff is unable to come to a common understanding of the intended future land use on this parcel specifically, Planning Services were able to move this application forward to this point.

Shayne Vipond responded the Planning Department has not yet made a decision either way. What we are trying to do is gather more information but we certainly understand where Adsum and Patricia Richard are coming from. Shayne then explained aspects of the development agreement.

Jerry Pye commented usually a development agreement applies to the building and attached lands. He asked Shayne in this case, would the development agreement be able to cover the entire parcel?

Shayne Vipond responded this land is actually three parcels of land. Recently Council endorsed the sale of 101 Albro Lake Road, which is subject to planning approval. If the planning application is not approved the sale will not go through.

Jerry Pye indicated there were some residents that could not attend the meeting this evening but did have concerns they would like to see addressed in regards to the development agreement such as, landscaping, clearing out the back area of the property and possibly some fencing to eliminate short cutting through the property.

Shayne Vipond indicated all these points could be addressed when drafting the development agreement. He suggested there may be some privacy or safety issues with the fencing.

Sharon O'Brien asked if Shayne could verify that in 1990 this specific parcel of land was to be designated R-3 but somehow got lost in the shuffle.

Shayne Vipond replied the Pinecrest Highfield Park Neighbourhood Plan was the result of a community exercise and was born out of the need to look at solving problems for over-concentration of medium to higher density residential development. When they made the original recommendation the intent was that this subject property be excluded from the newly modified residential one zone. That recommendation was made to staff who could choose to bring forward all or none of these recommendations, and they chose not to omit that particular R-3 property from the down zoned portion, for reasons of land use continuity. The position staff is taking now is the same, after many lengthy conversations. Shayne further clarified that this recommendation went to Council, who endorsed staff's position.

Sherry Lecker indicated at that time in the 1990's, there was a lot of activism around social housing in Dartmouth. Dartmouth had a housing coordinator who was very active on these issues, at some point the recommendation was not endorsed.

Sharon O'Brien asked why this was not caught or corrected before now?



Shayne Vipond responded quite often these things are unseen until there is some activity. We have a very large area, things of this nature often go unnoticed until there is a need to trace back the history of a specific property. Shayne suggested this is a point of uncertainty.

Gerry Pye asked since this is a unique application, why was the entire R-1 area not sent notification of this meeting?

Shayne Vipond explained according to policy the 250 foot radius around the property was the required notification area. Shayne indicated Councillor Jim Smith and he had decided on the notification area together. He then explained the future public forums in which local residents would be able to express their views.

Sherry Lecker indicated there was another meeting in December 2004 organized by Adsum. The notification for this meeting was much larger, it included the whole area.

Gerry Pye reiterated the importance of public consultation.

Jeff Goldman stated he is in full support of this type of housing for people in need. He then asked Shayne in his experience, if this type of case would be precedence setting?

Shayne Vipond stated in his opinion precedence is used too often, but that being said the perception is out there that once something is established then other property owners and developers would see this as an opportunity to develop accordingly.

A brief discussion regarding precedence setting followed.

Donna Durrant emphasized the importance of housing like Adsum House in the community.

Jeff Goldman stated there probably would be residents that fear setting a precedence, he explained he has attended public meetings in the area declining proposals due to the belief that crime is created by the multi-dwelling units. Jeff suggested the Adsum development would probably be good for the area.

Maureen Collins introduced herself as a resident of the neighborhood, Chair of Adsum Association Board of Directors and a Provincial assistance worker. Maureen stated in her opinion we would be setting a precedence if we forget the site specific policy, which will allow for an expansion on existing multi-use dwelling for supported affordable housing. Maureen indicated the need for affordable housing is so huge in Halifax Regional Municipality, particularly for women. So in conclusion she fails to see how the precedence could be considered negative. The application does not establish a ~~precedence to build a 50 unit 10 storey building. Adsum is proposing a safe, affordable, community~~ type residence for women in need. Halifax Regional Municipality should be proud to support this type of housing.

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Trevor Zinc introduced himself as a local resident, Chair of the District 9 Association and Vice Chair for the Dartmouth North Community Centre. He stated everyone is aware that Adsum has been a good tool for many years, but to reiterate the point again, the major concern from home owners in the area is setting a precedence for future development. He suggested there is no denying Adsum is unique, it is affordable housing which everybody needs, but feels the planning committee of the day needs to be more diligent regarding the recording of all pertinent information in this case.

Shayne Vipond asked Mr. Zinc if what he understood from his comments was correct, that being, he was cautiously endorsing this application.

Trevor Zinc agreed but suggested that home owners concerns are that future development will follow this application. They would like some type of assurance this will not be the case.

Sharon O'Brien stated she as well expects some type of assurance from the Planning Department that history will not repeat itself. Residents would like to see this in writing.

Shayne Vipond indicated there is no legislatively appropriate way, to provide residents with this type of agreement in writing. Shayne stated he can guarantee comprehensive minutes are being recorded this evening and will be added to the existing case file where they will remain.

Sherry Lecker asked Shayne, is it not fair to say that although everybody has the right to make application, but they will also have to go through this same planning process.

Sharon O'Brien stated she is aware anybody has the right to apply.

Sherry Lecker suggested her previous point is that residents also the right to object.

Sharon O'Brien reiterated her point that, it is the Planning Department's responsibility to have on record, these meetings were taking place so this mix up cannot happen in the future.

Shayne Vipond described the process that she and Patricia have gone through, to just to make it this point of the application has been a very long and a lot of work.

Jerry Pye stated ultimately the decision lies in the hands of Council.

Shayne Vipond indicated that was correct.

Patricia Richard explained again how site specific amendments that apply to this application specifically would be written into the policy.

Jerry Pye asked if it is possible for the community to see the development agreement between the Municipality and Adsum and have an opportunity to ensure there concerns were taken into account.

Shayne Vipond stated his development agreement would be available for the public to see once it is presented to Council in my report. Then the public will have the opportunity to speak formally to the application at Public Hearing.

Jerry Pye asked at what particular time will Council have the report?

Shayne Vipond indicated Council will only have the report a few days before the Council meeting.

Sherry Lecker spoke again about the amount of work and effort it has taken to bring this application to the point it is at now. She stated it has not been easy task.

Jeff Goldman stated for the record, he supports the application, he suggested the notification area could be widened.

Sherry Lecker indicated she did canvass the entire neighbourhood as well as advertized on more than one occasion.

Donna Durrant stated it is unfortunate that missed information years ago could cause such a hassle for this much needed, supportive housing.

Patricia Richard indicated it is not clear how the parcel's designation was overlooked or incorrectly recorded. She stated it has allowed Adsum to get their foot in the door and say we think the community would be willing to support the expansion of this development.

Gerry Pye stated he did not understand how this was passed by the Council of the day, but suggested one has to remember, back then we had a housing coordinator who would have been actively involved in making sure Adsum was well protected.

Jim Smith commented this is a unique application, Council will refer to this evenings comments and take into consideration the planning staff's direction on it. He then indicated there will be another opportunity for public consultation at the Public Hearing.

Sherry Lecker took a moment to thank MLA Gerry Pye, Councillor Jim Smith, Planner Shayne Vipond, and all who attended and expressed their views and voiced their concerns. She stated Adsum is very concerned about being neighborly and good for the community.

Shayne Vipond thanked everyone for attending then closed the meeting.

### 3. ADJOURNMENT

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The meeting adjourned at approximately 8:30 p.m.

Extract of Draft Minutes of Special Meeting of Harbour East Community Council  
June 14, 2005

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2. **CASE #00749 - AMENDMENT TO PINECREST/HIGHFIELD PARK  
SECONDARY PLANNING STRATEGY, DARTMOUTH**

- A staff report dated May 19, 2005 was before Community Council for consideration.

**MOVED** by Councillor Younger, seconded by Councillor McCluskey that Harbour East Community Council recommend to Regional Council:

1. **Give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as provided in Attachments "A and B" of the May 19, 2005 and schedule a joint public hearing with Harbour East Community Council.**
2. **Approve the amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law provided in Attachments "A and B" of the May 19, 2005 staff report.**

and further that Harbour East Community Council,

3. **Move Notice of Motion for the proposed development agreement, provided as Attachment "C" to the May 19, 2005 staff report, to permit one new eight unit multiple dwelling and two existing eight unit multiple dwellings on the site known as Civic addresses 250 Victoria Street, 101 and 103 Albro Lake Road collectively, in Dartmouth, and schedule a joint public hearing with Regional Council.**
4. **Contingent upon the adoption of Regional Council of the above Municipal Planning Strategy and Land Use By-Law amendments and becoming effective under the Municipal Government Act:**
  - (a) **approve the proposed development agreement as attached to the May 19, 2005 staff report; and**
  - (b) **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.**

**MOTION PUT AND PASSED UNANIMOUSLY.**