

Halifax Regional Council
January 12, 2010
February 2, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Councillor Russell Walker, Chair, Chebucto Community Council

DATE: December 17, 2009

SUBJECT: Case 01130 - MPS/LUB Amendments and DA - Mayor Avenue, Halifax & Re-adoption of Mainland South GFLUM

ORIGIN

Chebucto Community Council meeting held on December 7, 2009.

RECOMMENDATION

Chebucto Community Council recommends that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy, Halifax Mainland Land Use By-law and Mainland South Secondary Planning Strategy Generalized Future Land Use Map (Map 9F) as provided in Attachments A, B and D of the report dated November 13, 2009 and schedule a joint public hearing with Chebucto Community Council.

DISCUSSION/BACKGROUND

As outlined in the November 13, 2009 staff report provided as Attachment A.

At the December 7, 2009 Chebucto Community Council meeting the following motion was passed:

MOVED BY Councillor Adams, seconded by Councillor Hum, that Chebucto Community Council:

- 1. Move Notice of Motion to consider approval of the proposed Development Agreement as provided in Attachment C of the report dated November 13, 2009 and schedule a joint public hearing with Regional Council;**
- 2. Recommend that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy, Halifax Mainland Land Use By-law and Mainland South Secondary Planning Strategy Generalized Future Land Use Map (Map 9F) as provided in Attachments A, B and D of the report dated November 13, 2009 and schedule a joint public hearing with Chebucto Community Council.**

MOTION PUT AND PASSED.

BUDGET IMPLICATIONS

None associated with this report.

ALTERNATIVES

As outlined on page 6 of the staff report dated November 13, 2009 (Attachment A)

ATTACHMENTS:

- A. Staff report dated November 13, 2009.

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: Shawnee Gregory, Legislative Assistant, 490-6521

Attachment A



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council
December 7, 2009

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Paul Dunphy".

Paul Dunphy, Director of Community Development

DATE: November 13, 2009

SUBJECT: Case 01130 - MPS/LUB Amendments and DA - Mayor Avenue,
Halifax & Re-adoption of Mainland South GFLUM

ORIGIN

Request by Olympia Developments Inc. to amend the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB) to allow townhouse style residential buildings by development agreement within the Mainland South Secondary Area Plan, and to enter into a development agreement for a 13 unit townhouse style development at Mayor Avenue, Halifax. Staff are also requesting that the Mainland South Secondary Plan Area Generalized Future Land Use Map (GFLUM) be re-adopted as a housekeeping item in conjunction with this application.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Move Notice of Motion to consider approval of the proposed development agreement as provided in Attachment C and schedule a joint public hearing with Regional Council;
2. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy, Halifax Mainland Land Use By-law and Mainland South Secondary Planning Strategy Generalized Future Land Use Map (Map 9F) as provided in Attachments A, B, and D, and schedule a joint public hearing with Chebucto Community Council;
3. Recommend that Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law as provided in Attachments A and B;
4. Recommend that Regional Council re-adopt the Mainland South Secondary Planning Strategy Generalized Future Land Use Map (Map 9F), as provided in Attachment D.

BACKGROUND

At the April 14, 2009 meeting of Regional Council, the following motion was approved:

“MOVED by Councillor Adams, seconded by Councillor Mosher, that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Halifax MPS and Halifax Mainland LUB to permit, by development agreement, townhouse style residential development; and
2. Request staff to follow the public participation program as approved by Council in February 1997.

This motion stemmed from an application by Olympia Developments Inc. for an amendment to the Halifax MPS and Halifax Mainland LUB to allow, by development agreement, townhouse style residential developments within the Mainland South Secondary Plan Area.

Approval Process

The approval process for this application has two steps:

1. Regional Council can consider and if deemed appropriate, adopt the proposed amendments to the MPS and LUB, and re-adopt the Mainland South Secondary Plan Area GFLUM; and
2. Provided that Regional Council approves the amendments, Chebucto Community Council can consider the development agreement for the applicant's properties on Mayor Avenue.

A joint public hearing can be held between Regional Council and Chebucto Community Council to consider both the amendments and the development agreement. However, only Chebucto Community Council can render a decision on the development agreement, and only following the approval of the MPS and LUB amendments by Regional Council and the Province.

A decision by Council on an MPS amendment cannot be appealed; however an appeal mechanism to the Nova Scotia Utility and Review Board does exist for any decision of Community Council regarding a development agreement.

Location, MPS Designation and Zoning:

The subject lands consist of five vacant parcels totaling approximately 24,000 square feet in area. The lots are located between Mayor Avenue, Dobbin Lane, Old Sambro Road, and Layton Road, in Halifax (refer to Map 1). Three of the parcels have frontage on Mayor Avenue, while the other two parcels abut Dobbin Lane, which is not a public street and cannot be used as street frontage for development purposes. The surrounding neighbourhood contains a mix of housing types ranging from single detached dwellings to low-rise multiple unit residential buildings.

These properties are zoned R2-P (General Residential) under the Halifax Mainland LUB and are designated as MDR (Medium Density Residential) under the Mainland South Secondary Plan (refer to Map 2).

Proposal

Olympia Developments Inc. originally requested that the properties be rezoned to permit a three storey, 24 unit apartment building. A public information meeting (PIM) was held on June 11, 2008. Residents in attendance were concerned with the proposal of a three storey apartment building, but were generally in favor of townhouse style development as an alternative (refer to PIM minutes, Attachment F). The ability to develop townhouses that can be subdivided and held in separate ownership is limited in this location by a lack of frontage on public streets. As a result, the applicant is now proposing townhouse style buildings with common ownership.

DISCUSSION

Proposed MPS Amendment

The amendment proposed in Attachment A would allow Council to consider allowing townhouse style developments by development agreement in instances where normal subdivision regulations for townhouses can not be met, due to lack of frontage on a public street, or where developments are located on major collector or arterial streets, and direct access to the street is undesirable.

These agreements would be limited to properties designated MDR, which ensures that they are only considered in areas where the density is appropriate. The townhouse style developments would look like typical townhouse/rowhouse buildings but would not be capable of subdivision for freehold units. As a result, these buildings would be held under common ownership, and would gain access off an internal, private driveway. By requiring a development agreement, staff will have the opportunity to review each application to confirm that shared elements such as internal driveways and services are designed properly and maintained.

The proposed amendment requires that any sites being considered are at least 20,000 square feet in area, and are directly accessible from an existing public street. The units must have access off an internal private street, be capable of being serviced, and each building must be held in common ownership. Other criteria being proposed is that the building(s) must be compatible with the surrounding neighbourhood, and that elements such as landscaping, screening, fencing, parking, and driveways must meet the residents needs, while minimizing the impact on the neighbours.

Consistency with Existing Policy

As per Policy 1.1.2 of the MPS, townhouses are a permitted form of residential development in the Mainland South Secondary Plan Area, and specifically, are permitted within the MDR designation as per Policy 1.3. (refer to Attachment E)

Within the MDR designation, there are currently two zones that permit townhouse dwellings: the R-2T (Townhouse) Zone; and the R-3 (General Residential and LowRise Apartment) Zone. Rezoning to R-2T is most appropriate when each individual townhouse unit has direct frontage

and driveway access onto a public street. Alternatively, rezoning to R-3 permits a townhouse style development that does not require frontage for each townhouse. However, the R-3 Zone would allow a variety of developments to proceed, including new low-rise apartment buildings. This range of development possibilities can make rezoning to R-3 undesirable as a method of enabling townhouse style development.

By permitting townhouse style developments by development agreement in the MDR designation, Council is enabling an alternative to traditional apartment house developments, while maintaining consistency with the density prescribed in the MPS.

Proposed Development Agreement

A proposed development agreement for the applicant's property on Mayor Avenue is included as Attachment C. The agreement allows for 13 residential units, dispersed among two buildings which look like typical townhouses, and are accessed from a private driveway off Mayor Avenue. The agreement requires the property to be held in common ownership, either by a single owner, or as a condominium corporation, who is responsible for maintenance to the private driveway and snow removal.

Although there are no townhouses in close proximity to the site, the proposed buildings are compatible with the existing neighbourhood, as it is a mix of buildings with a varied style. To avoid the appearance of a long massive buildings, the agreement requires that the buildings have recesses and projections, and that the facade be comprised of two main building materials.

The proposed development will be fenced on three sides, and the agreement requires that buildings be setback a minimum of 15 feet from Mayor Avenue, 12 feet from the side property lines, and 8 feet from Dobbin Lane. Landscaping will include trees along Mayor Avenue, and in the rear yard, shrubs, flowering plants and a seating/common area in the front yard, and additional shrubs in the rear yard.

Staff feel that the proposed development agreement conforms with the intent of the proposed policy outlined in Attachment A.

Public Information Meeting/Notification Area

Two public information meetings were held for this application. On June 11, 2008, a public information meeting was held to discuss a proposed rezoning. As a result of the comments made at that meeting and the subsequent changes to the application, a second public information meeting was held on May 20, 2009 regarding the proposed MPS/LUB amendments and development agreement. Minutes of the meetings are included as Attachment F and G. Should Regional Council decide to hold a joint public hearing with Chebucto Community Council, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

Concerns about on-site water

The primary concern raised with the proposed agreement was the control of on-site storm water. The subject property is known to be wet, and residents at the public information meetings

questioned whether the development would have a negative impact on the existing drainage issues in the community. At the request of staff, a representative from Nova Scotia Environment conducted a site visit and confirmed that the on-site water is not considered to be a watercourse or wetland under the Nova Scotia Environment Act. The applicant has submitted a preliminary lot grading plan demonstrating that the on-site stormwater can be managed with a dry pit. The development agreement requires a finalized lot grading plan, certified by an Engineer prior to issuing any permits. It is the applicant's responsibility to demonstrate that the storm water will be managed properly, and that development will not have an adverse effect on water issues in the community.

Is an MPS amendment warranted?

Amendments to the MPS are not considered routine and while Council has the ability to amend an MPS, it is under no obligation to do so. However, as the proposed amendment is consistent with the existing plan policy, and provides an additional means of carrying out the intent of the plan, it is reasonable for Council to proceed with the MPS amendment to allow townhouse style developments by development agreement.

Generalized Future Land Use Map

In conjunction with the proposed MPS amendment, staff are requesting that Regional Council re-adopt the Generalized Future Land Use Map (GFLUM) for the Mainland South Secondary Plan Area. The previous version of the map was adopted in 1987 and was drafted by hand. This version is at a scale and level of detail that can make interpretation difficult, particularly due to the age of the map and the absence of references such as property lines.

Staff have made the best possible attempt to rationalize the previous designation boundary lines, and have prepared a digital version of the GFLUM. Boundaries have been tied to property lines or street centrelines where applicable. One portion of the plan area boundary, along the CN Rail right-of-way in Fairmount, has been consistently misrepresented since the adoption of the GFLUM in 1987 and has been revised to more accurately reflect the written description in the MPS. The attached GFLUM is intended to be a duplication of the current paper version, and there are no intentional changes being made to any designation at this time.

Conclusion

Staff recommend that Regional Council approve the proposed amendments to the MPS/LUB to enable applications for townhouse style developments through the development agreement process as set out in Attachment A. Furthermore, staff recommend that Chebucto Community Council approve the proposed development agreement to allow a 13 unit townhouse style development on Mayor Avenue, as set out in Attachment C.

Additionally, in conjunction with this application, staff recommend that Regional Council re-adopt the GFLUM for the Mainland South Secondary Plan Area as shown in Attachment D.

BUDGET IMPLICATIONS

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

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the 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. Regional Council may approve the proposed amendments to the MPS and LUB, as contained in Attachment A and B, to enable townhouse style residential developments by development agreement and may choose to re-adopt the GFLUM as contained in Attachment D; and CCC may approve the proposed development agreement to permit a 13 unit townhouse style residential development at 21 and 23 Mayor Avenue, Halifax. This is the recommended course of action.
2. Regional Council may approve the proposed policy set out in Attachment A to enable CCC to consider a development agreement at Mayor Avenue only, and may choose to re-adopt the GFLUM as contained in Attachment D. This is not recommended as staff feel there are no unique site or land use planning characteristics which would warrant an amendment for this particular site, and staff feel there is merit at looking at a plan amendment that would enable consideration of townhouse style residential developments throughout the Mainland South Secondary Plan Area.
3. Regional Council may choose not to approve the amendments provided in Attachment A and B of this report, but may choose to re-adopt the GFLUM as provided in Attachment D. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed.
4. Regional Council may choose not to approve the amendments provided in Attachment A and B of this report, and may choose not to re-adopt the GFLUM as provided in Attachment D. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed.

ATTACHMENTS

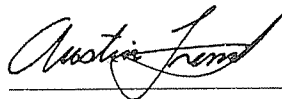
Map 1	Location, Zoning, and Notification
Map 2	Designation
Attachment A	Amendments to the Halifax Municipal Planning Strategy

Attachment B	Amendments to the Halifax Mainland Land Use By-law
Attachment C	Proposed Development Agreement
Attachment D	Proposed Generalized Future Land Use Map
Attachment E	Excerpts from the Halifax MPS
Attachment F	Minutes from Public Information Meeting, June 11, 2008
Attachment G	Minutes from Public Information Meeting, May 20, 2009

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 : Patricia Hughes, Planner I, 490-1948

Report Approved by:




Austin French, Manager of Planning Services, 490-6717




Map 1 - Location and Zoning

21-23 Mayor Avenue
Halifax

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES


 Subject area

 Area of notification

Halifax Mainland
Land Use By-Law Area

Zone

R-2P	General Residential
R-3	Low-Rise Apartment
C-2A	Minor Commercial
RDD	Residential Development District

0 20 40 m


This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law Area


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



Map 2 - Generalized Future Land Use


21-23 Mayor Avenue
Halifax

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

 Subject area

Designation

LDR Low Density Residential
MDR Medium Density Residential
C Commercial
RDD Residential Development District

0 20 40 m


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

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

Halifax Plan Area

**Attachment A:
Amendments to the Halifax Municipal Planning Strategy**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Halifax Municipal Planning Strategy is hereby amended as follows:

1. By inserting the following policy immediately after Policy 1.3.3 of the Mainland South Secondary Planning Strategy:
 - 1.3.4 In areas designated as "Medium Density Residential" on the Generalized Future Land Use Map Council may consider townhouse style residential developments according to the development agreement provisions of the *Halifax Regional Municipality Charter*. This form of development is appropriate where subdivision regulations for townhouses can not be met, due to lack of frontage on a public street, or where developments are located on major collector or arterial streets, and direct access to the street is undesirable. In considering such an agreement, Council shall have regard for the following:
 - (a) that the development includes a minimum lot area of 20,000 square feet, with access provided to a public street;
 - (b) that each unit has access to an internal private driveway which services the development;
 - (c) that municipal central services are available and capable of supporting the development;
 - (d) that the site design features including landscaping, screening, fencing, parking areas, and driveways are of an adequate size and design to meet the needs of residents of the development and to address potential impacts on adjacent development;
 - (e) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent uses; and,
 - (f) the general maintenance of the development.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Halifax, as set out above, were passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk

**Attachment B:
Amendments to the Halifax Mainland Land Use By-law**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby amended as follows:

1. By inserting the following definition in Section 2, immediately after the definition of "Townhouse Building":

"Townhouse Style Residential Development" means an apartment house that is similar in appearance to a townhouse building but which is not capable of being subdivided so that each unit is on its own lot.

2. By inserting the following section after Section 72(1) (Mainland South Area - Development Agreements):

72(2)The Municipality may, by development agreement, allow townhouse style residential developments that do not meet the requirements of the R-2T (Townhouse) Zone in accordance with Policy 1.3.4.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Mainland, as set out above, were passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be 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 development, subdivision and use of the Lands shall comply with the requirements of the Halifax Mainland 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 to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer and/or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, 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 the Municipality 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 or appropriate professional as required by this Agreement or other approval agencies.

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 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.

1.4.3 Where imperial values conflict with metric values within the written text of this Agreement, the imperial values 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 laws, by-laws, regulations and 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 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law.

PART 3: USE OF LANDS, SUBDIVISION, AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in conformance with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 01130:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Front and Back Elevations (7 unit building)
Schedule D	Side Elevation and Wall Sections
Schedule E	Front and Back Elevations (6 unit building)
Schedule F	Typical Unit Plan

3.2 General Description of Land Use

3.2.1 The use of the Lands permitted by this Agreement are the following:

- (a) a townhouse style residential development consisting of a maximum of 13 dwelling units, distributed between two buildings;
- (b) home occupations, subject to the provisions contained within the Land Use By-law for Halifax Mainland as amended from time to time;
- (c) a day care facility for not more than 8 children in conjunction with a dwelling, subject to the provisions contained within the R-1 Zone of the Land Use By-law for Halifax Mainland as amended from time to time.

3.2.2 The Developer agrees that the townhouse style residential development, as illustrated in the Schedules of this Agreement, shall be owned and managed by a single legal entity such as a Condominium Corporation or equivalent. The Municipality shall be relieved of any and all responsibility respecting services, road maintenance, solid waste collection and snow and ice removal on the Lands.

3.2.3 The Developer agrees that prior to the development of the Lands, the five existing parcels of land must be consolidated, through the subdivision process, into one property.

3.3 Building Siting, Bulk, Scale and Design

3.3.1 For the purpose of this Agreement, the front property line shall be the property line along Mayor Avenue. The side property lines are those that are perpendicular to the front property line, and abut the neighboring residential properties. The rear property line is that which connects the side property lines and abuts Dobbin Lane.

3.3.2 All buildings shall be a minimum of 15 feet (4.57 m) from the front property line.

3.3.3 (a) All buildings shall be a minimum of 12 feet (3.66 m) from the side property lines.

(b) Notwithstanding subsection (a), projections of the main building wall that are above ground level, and are no greater than 10% of the building wall, shall be permitted to encroach 2 feet (0.61 m) into the side yard setback, but in no case shall be located closer than 10 feet (3.05 m) to the side property lines.

(c) Notwithstanding subsection (a), exterior staircases, uncovered balconies, porches, verandas, and mobility disabled ramps attached to a main building shall be permitted to encroach into the required side yard, but shall not be located any closer than 6 feet (1.83 m) from the side property line.

3.3.4 All buildings shall be a minimum of 8 feet (2.44 m) from the rear property line.

3.3.5 The maximum height of any building shall not exceed 40 feet (12.19 m).

3.3.6 Lot coverage shall not exceed 40%.

3.3.7 One accessory building shall be permitted on the lands, but shall be no greater than 200 square feet in area (18.6 m²), and in addition to the setbacks above, shall not be closer to Mayor Avenue than the residential buildings.

3.3.8 Dwelling units shall be a minimum of 18 feet (5.49 m) in width.

3.4 Lighting

The Developer agrees that lighting shall be directed to the driveways, parking areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots, and buildings.

3.5 Outdoor Storage / Refuse

3.5.1 No outdoor storage shall be permitted on the Lands. Refuse containers located outside the buildings shall be fully screened from adjacent properties and from streets by means of opaque fencing/masonry walls with suitable landscaping.

3.5.2 The Developer shall ensure that Solid Waste Service is provided to the residents, in compliance with Solid Waste Resource Collection and Disposal By-law S-600.

3.6 Building Design

3.6.1 To avoid the appearance of long flat walls, building facades shall contain recesses and/or projections.

3.6.2 There shall be at least two main exterior building materials, one of which may be siding (hardiplank, wood, or similar), the other of which must be brick, stone, stucco, or any acceptable equivalent, and must comprise at least 10% of the exterior walls containing the main entrances (facing the private driveway) and the end walls facing the front and rear property lines.

3.6.3 Blank endwalls shall be avoided by means such as, but not limited to: location of door on side wall of corner unit; placement of windows; architectural detailing. The exact detailing can be varied from that shown on Schedule D, but must contain as many, or more features.

3.6.4 All vents, down spouts, flashing, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.6.5 Utility meters, central air conditioning units, fuel tanks and exhaust vents shall not be located in the front yard.

3.6.6 Modifications to the architectural design of the buildings such as the facade features and the type of exterior materials are permitted, provided that such modifications are minor in nature.

3.6.7 The Developer shall be entitled to modify the internal floor plans and the configuration of internal units provided the number of units and building size has not increased and the exterior appearance of the building is not affected.

3.7 Fencing

The Developer shall provide a decorative opaque fence a minimum of five feet in height but no greater than six feet in height along the entirety of the side and rear property lines, as shown on Schedule B.

3.8 Parking, Circulation And Access

- 3.8.1 The internal driveway layout and the number and layout of parking spaces on the Lands shall be as illustrated on Schedule "B".
- 3.8.2 All parking areas, shared accesses and driveways shall have a finished hard surface such as asphalt, concrete, paving stones, or an acceptable equivalent in the opinion of the Development Officer.
- 3.8.3 The private driveway shall have a minimum travel surface of 20 feet (6.9 m), but shall be a minimum of 23 feet (7.01 m) at the street right of way.
- 3.8.4 Each dwelling unit shall be serviced by an individual parking space off the private driveway. This parking space shall not be asphalt or gravel, but may be concrete, decorative paving stone, or any other material that in the opinion of the Development Officer is a suitable contrast to the private driveway. Individual parking spaces shall be a minimum of 8 feet by 16 feet (2.44 m by 4.88 m).
- 3.8.5 A minimum of 8 individual parking spaces shall be paired with a 3 foot (0.91 m) wide landscape strip or a masonry material between spaces.

3.9 Community Sign

A maximum of one ground sign shall be permitted in the front yard to denote the community name. The location of such sign shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 6 feet (1.83 m) and the face area of the sign shall not exceed 25 square feet (2.32 sq.m). The sign shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

PART 4: LANDSCAPE REQUIREMENTS

4.1 Landscape Details

- 4.1.1 The Developer agrees that Landscaping or appropriate vegetative cover shall be provided in all areas not occupied by buildings, driveways, and parking spaces, which shall be a minimum of 35% of the development, as generally shown on Schedule B.

- 4.1.2 Notwithstanding the above, where the end units have side entrances in the rear and front yards, the area directly in front of the side entrance shall not be grass, but shall be a decorative patio stone, concrete landing area, wooden steps, decking, or similar material, to allow for access to this entrance. This area shall be no larger than 16 square feet (1.49 m²).
- 4.1.3 Trees, as shown on Schedule B, shall be high branching deciduous trees, having a minimum size of 2.4 inch diameter (60 mm caliper). There shall be a minimum of 6 trees in the front yard, and 5 trees in the rear yard.
- 4.1.4 Type B shrubs as shown on Schedule B shall be Alberta Spruce, or a similar species which typically grows to the same size or larger, and shall be spaced 2 - 3 feet (0.61 - 0.91 m) apart. There shall be a minimum of 9 type A shrubs located in the front yard, and 5 type A shrubs in the rear yard.
- 4.1.5 Type C shrubs as generally shown on Schedule B shall include weigela and rose bushes, or a similar flowering plant, and shall have a minimum height of 2 feet (60 cm). There shall be a minimum of 20 type B shrubs located in proximity to the front entrances of the dwelling units, and a minimum of 6 type B shrubs located in the front yard.
- 4.1.6 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

4.2 Compliance with the Landscape Plan

- 4.2.1 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement, which the Development Officer may accept as sufficient record of compliance with the landscape plan.
- 4.2.2 Notwithstanding Section 4.2.1 the Occupancy Permit may be issued provided the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping for the entire property. 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 within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in Schedule B. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

PART 5: STORMWATER MANAGEMENT AND LOT GRADING

5.1 Lot Grading Plan

- 5.1.1 The Developer shall engage a qualified professional to prepare a Lot Grading Plan which complies with the requirements of the Lot Grading and Drainage By-law L-300, as amended. The Developer shall provide written confirmation of compliance that the lot has been graded in accordance with the lot grading plan and, where it has been determined that any lot grading has not been properly carried out, remedial or corrective measures shall be carried out by the Developer at its cost.
- 5.1.2 No Occupancy Permit shall be granted unless the requirements of Section 5.1.1 have been satisfied or a security deposit for the completion of the work has been provided in accordance with the requirements of Part 6 of the Municipality's Lot Grading and Drainage By-law.

PART 6: STREETS AND MUNICIPAL SERVICES

6.1 General

All construction shall conform to the Municipal Services Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.

6.2 Off-Site Disturbance

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.

6.3 Water and Sanitary Services

Each of two buildings in the development shall be serviced with water and sanitary services with their own separate laterals directly from Mayor Avenue.

PART 7: MAINTENANCE

7.1 Site Maintenance

The Developer, while owner of the Lands, and all future property owners shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the buildings, 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/sanding of walkways and driveways.

PART 8: REQUIREMENTS PRIOR TO APPROVAL

8.1 Issuance of Permits

8.1.1 Prior to the issuance of any municipal Permits, the Developer shall complete the MICI (Multi-unit/Industrial/Commercial/Institutional/Commercial) process, as outlined by the Municipality.

8.1.2 Prior to the issuance of a Building Permit, the Developer shall submit the following unless otherwise stated by the Municipality:

- (a) A Lot Grading Plan prepared by a qualified Professional Engineer;
- (b) Proof that a final subdivision plan has been approved and registered, and the lots have been consolidated.

8.1.3 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:

- (a) Certification from a qualified professional engineer indicating that the Developer has complied with the Lot Grading Plan required pursuant to this Agreement;
- (b) Certification from a qualified professional indicating that the Developer has complied with the Landscaping measures required pursuant to this Agreement, or the appropriate securities pursuant to Section 4.2 of the is agreement.

8.2 Occupancy Permit

Notwithstanding any other provision of this Agreement, 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.

PART 9: AMENDMENTS

9.1 Substantive Amendments

Amendments to any matters not identified under Section 9.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

9.2 Non-Substantive Amendments

The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) The granting of an extension to the date of commencement of construction as identified in Section 10.3.1 of this Agreement;
- (b) The length of time for the completion of the development as identified in Section 10.4.1 of this Agreement; and
- (c) Changes to the landscaping requirements detailed in Part 4 or which, in the opinion of the Development Officer, are not generally in conformance with Schedule B.

PART 10: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

10.1 Registration

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

10.2 Subsequent Owners

- 10.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which is the subject of this Agreement until this Agreement is discharged by Council.
- 10.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

10.3 Commencement of Development

- 10.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the 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.
- 10.3.2 For the purpose of this section, commencement of development shall mean installation of the footings/foundation for one of proposed buildings.
- 10.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 9.2, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

10.4 Completion of Development

- 10.4.1 If the Developer fails to complete the development after 5 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office 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; or
 - (c) discharge this Agreement.
- 10.4.2 Upon the completion of the whole development, 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; or
 - (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 Mainland Halifax, as may be amended from time to time.

PART 11: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

11.1 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 to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

11.2 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 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 defense based upon the allegation that damages would be an adequate remedy;
- (b) 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 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;

- (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 *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

Signed, sealed and delivered in the presence of:

per: _____
=====

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

per: _____

**OLYMPIA DEVELOPMENTS
INCORPORATED**

per: _____
=====

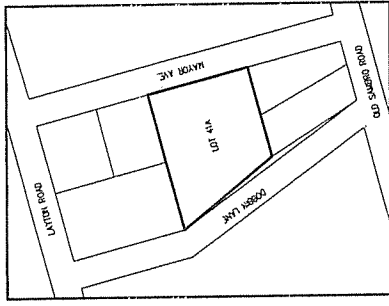
HALIFAX REGIONAL MUNICIPALITY

per: _____

MAYOR

per: _____

ACTING MUNICIPAL CLERK



KEY PLAN (N15)

- - TYPE A TREE
- - TYPE B SHrub (ALBERTA SPRUCE OR SILAR)
- - TYPE C SHrub (ROCKY MOUNTAIN SPRUCE OR SILAR)

SITE SUMMARY

TOTAL LOT AREA = ± 24,313 sq. ft.
 BUILDING AREA = ± 9,100 sq. ft.
 TOTAL COVERED AREA = 37.4%
 LANDSCAPED AREA = ± 8,765 sq. ft.
 LANDSCAPING = 36.1%

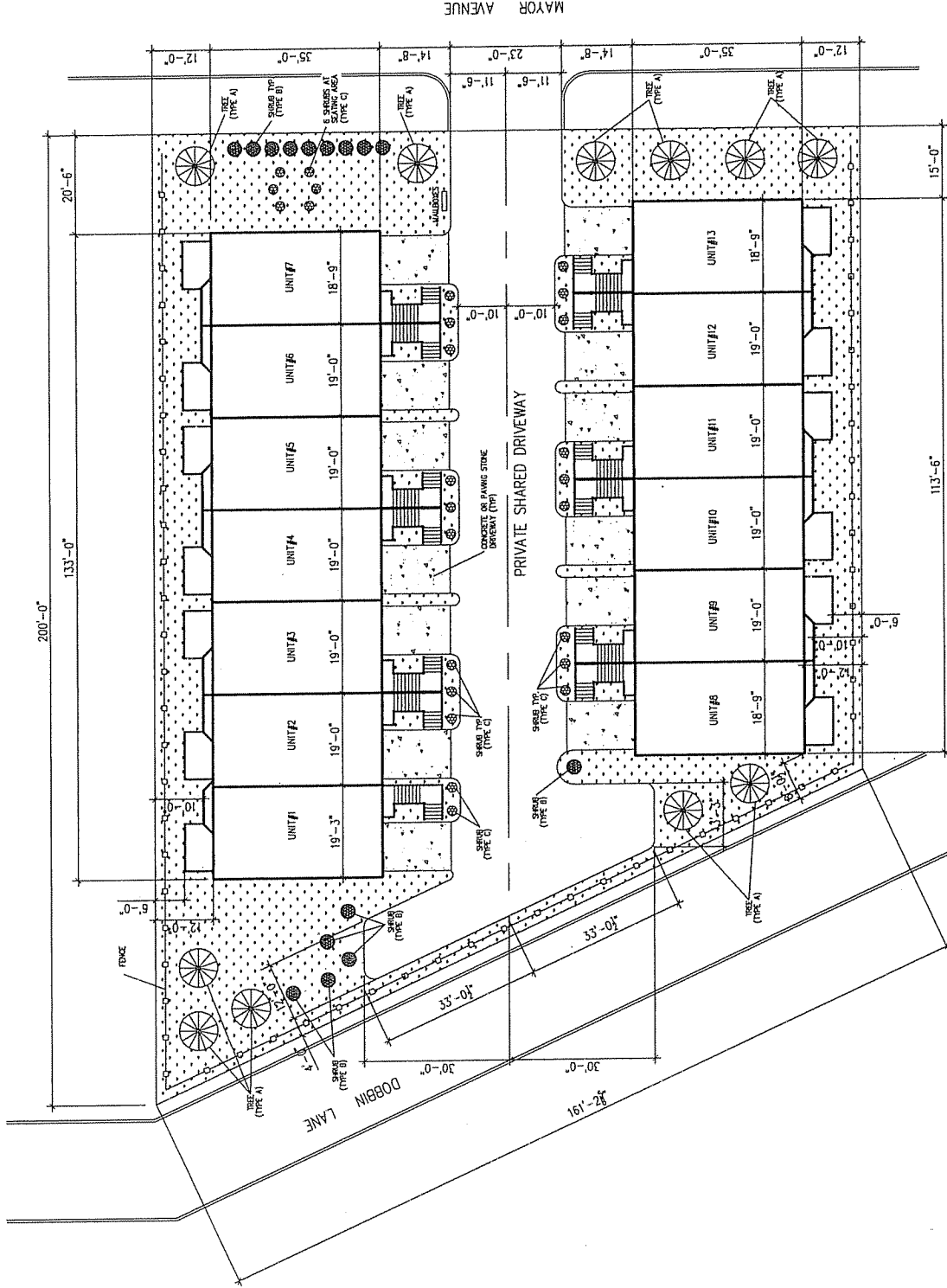
3-STORY WOOD FRAMED TOWNHOUSES ON SLAB.

UNIT CEILING HEIGHT 8'-0" TO 7'-0"

U/S WINDOW HEADERS IS 7'-0"

TOTAL NUMBER OF UNITS = 13

PARKING REQUIREMENTS ARE 1 PARKING SPACE PER UNIT.
 NEW STREET & PARKING AREA = 46,448 sq. ft. OR 26.5%
 LOT COVERAGE.

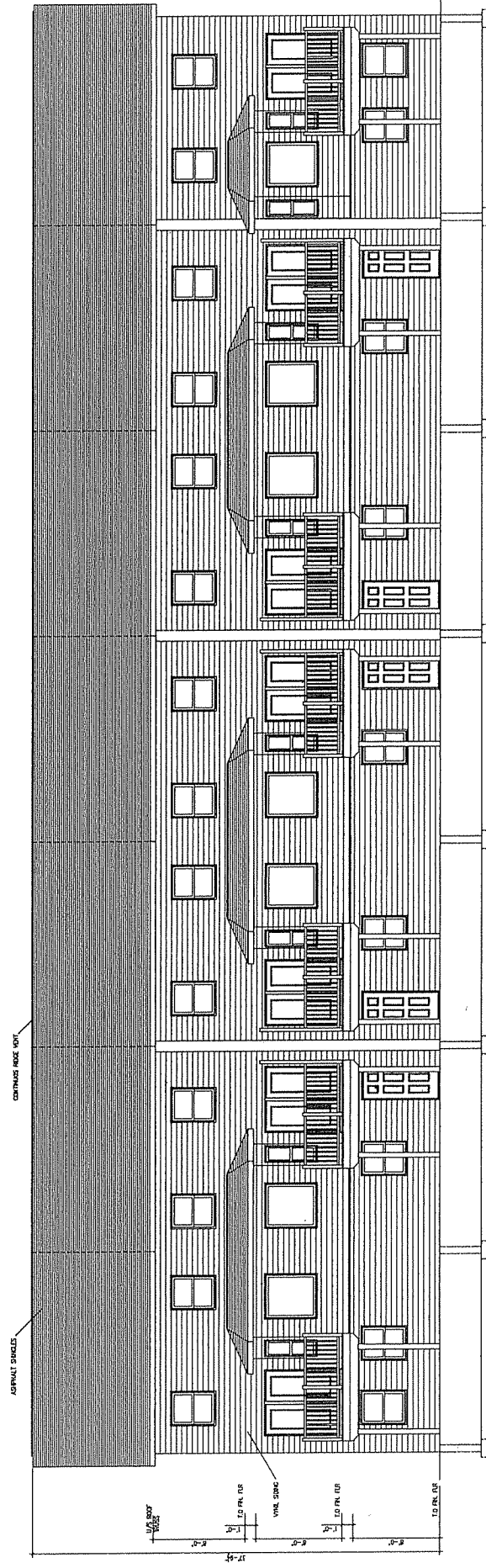
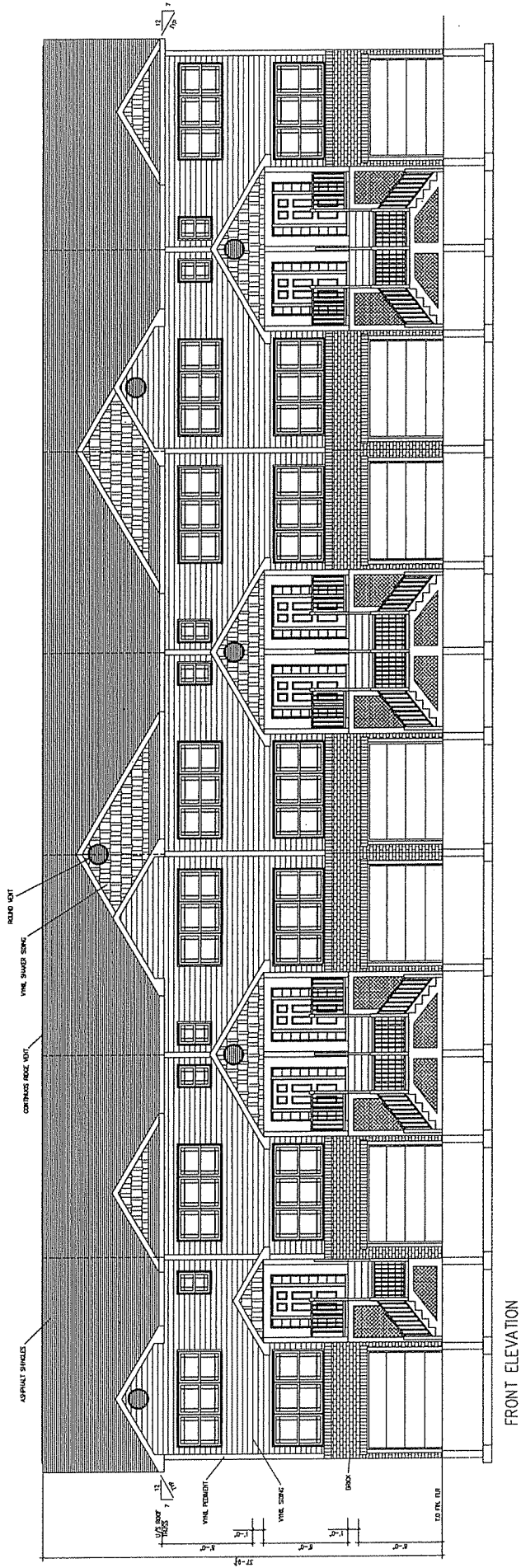


PROJECT: ROW HOUSES AT 21&23 MAYOR AVE.

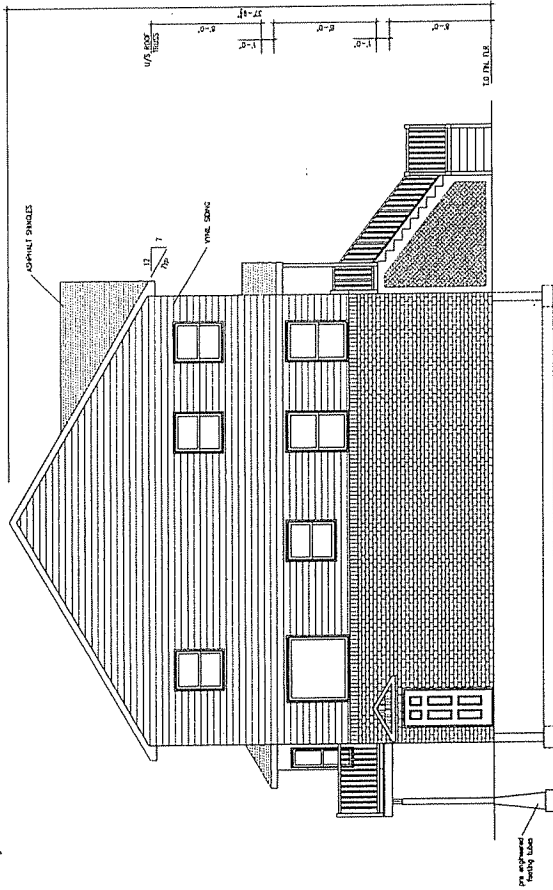
SCALE: DATE: MAY/2009
 APPROVED BY: S. KERR
 CHECKED BY:

TITLE: SITE PLAN

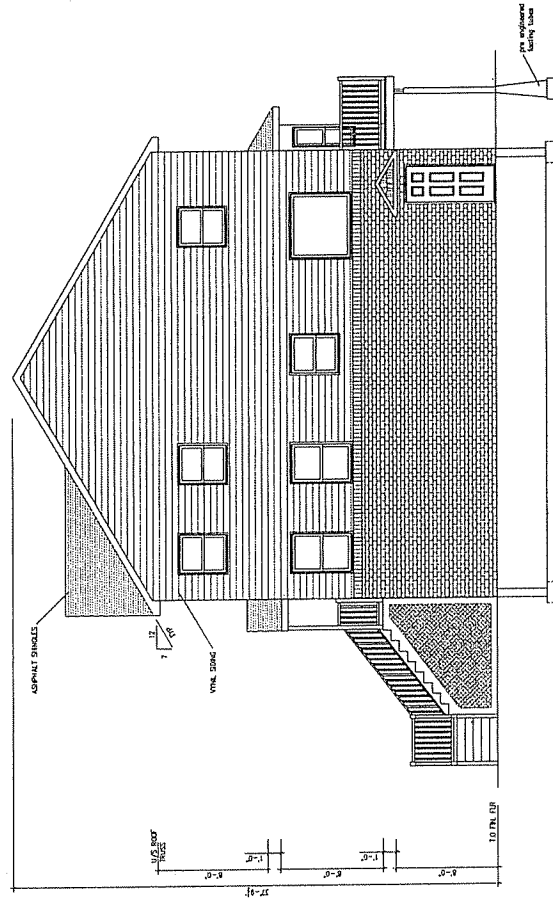
LOCATION: HALIFAX COUNTY, NOVA SCOTIA
 DRAWING NO.: SCHEDULE B



PROJECT: ROW HOUSES AT 21&23 MAYER AVE.				
SCALE:	APPROVED BY:		DRAWN BY: SKERR	
	DATE: MAY/2009			
TITLE: FRONT & BACK ELEVATION (7 UNIT BLD'G)				
LOCATION:	HALIFAX COUNTY, NOVA SCOTIA			DRAWING No. SCHEDULE C



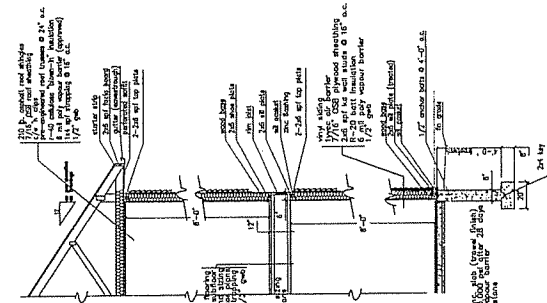
LEFT SIDE ELEVATION



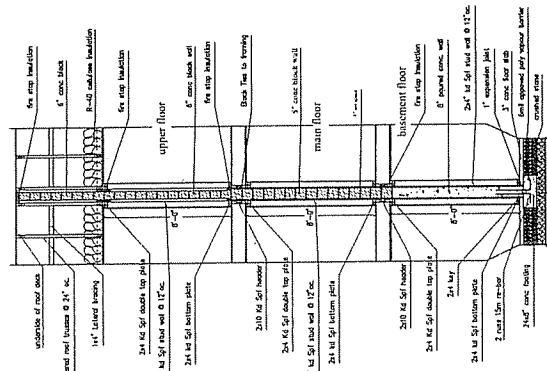
RIGHT SIDE ELEVATION

GENERAL NOTES

1. CONSTRUCTION TO CONFORM TO NOVA SCOTIA BUILDING CODE AND CENTRAL MORTGAGE AND HOUSING STANDARDS.
2. ELECTRICAL AND PLUMBING WORK SHALL CONFORM TO THE RULES AND REGULATIONS OF THE MUNICIPAL HYDRO ELECTRICAL AUTHORITY, CANADIAN ELECTRICAL CODE AND CANADIAN PLUMBING CODE.
3. FOOTINGS TO REST ON NATURAL UNDISTURBED SOIL WITH A MINIMUM BEARING CAPACITY OF 200 KPa.
4. EXTERIOR FOOTINGS SHALL BE CARRIED DOWN A MINIMUM OF 4'-0" BELOW FINISHED GRADE.
5. STEP IN STEEPED FOOTING SHALL NOT EXCEED A MAXIMUM OF 2'-0" VERTICALLY AND A MINIMUM OF 2'-0" HORIZONTALLY.
6. MINIMUM COMPRESSIVE STRENGTH FOR UNREINFORCED CONCRETE AT 28 DAYS TO BE 14 MPa AND 25 MPa WITH 3-EX AIR ENTRAINMENT.
7. MINIMUM GRADE FOR ALL STRUCTURAL STEEL TO BE C40.21-300W.
8. ALL STRUCTURAL FRAMING LUMBER TO BE EASTERN SPRUCE No. 1 CONSTRUCTION GRADE.
9. BUILT-UP WOOD BEAMS AND JOISTS TO HAVE MINIMUM END BEARING OF 3 1/2'.
10. PROVIDE TRIPLE STUDS AT CORNERS AND INTERSECTIONS, DOUBLE STUDS AT OPENINGS, SINGLE BOTTOM PLATE AND DOUBLE TOP PLATE AT ALL LOAD BEARING WALLS.
11. EXTERIOR FRAMING TO BE FIRE STOPPED AT EACH FLOOR LEVEL.
12. MAXIMUM ROOF TRUSS DEFLECTION TO BE 1/360 OF THE SPAN.
13. MAXIMUM MINIMUM ROOF VENTILATION OF 1/200 INSULATED CEILING AREA IN ATTIC SPACE. 50% TO BE LOCATED NEAR ROOF RIDGE.



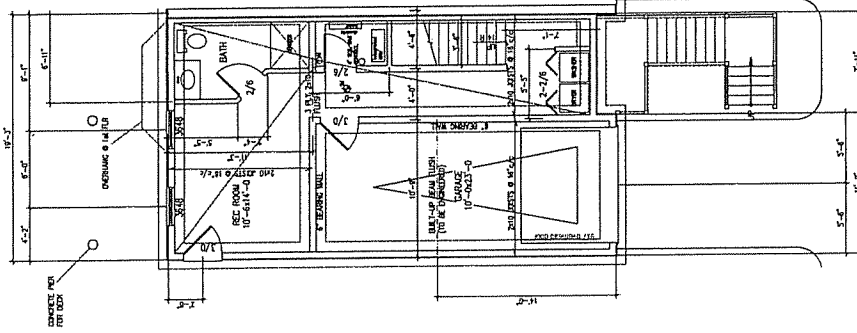
Typical Wall Section



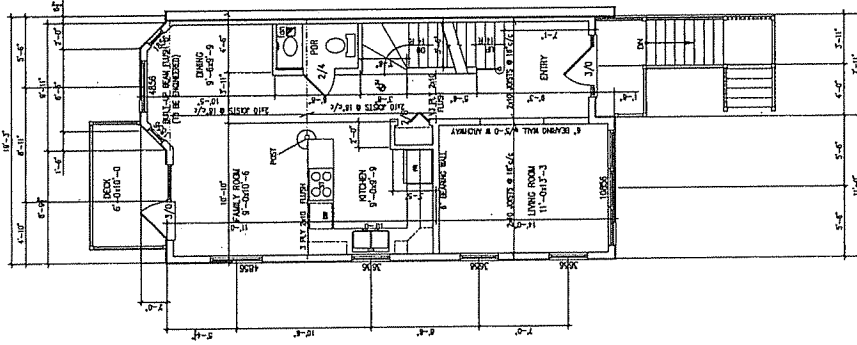
Demising Wall Detail

NOT TO SCALE

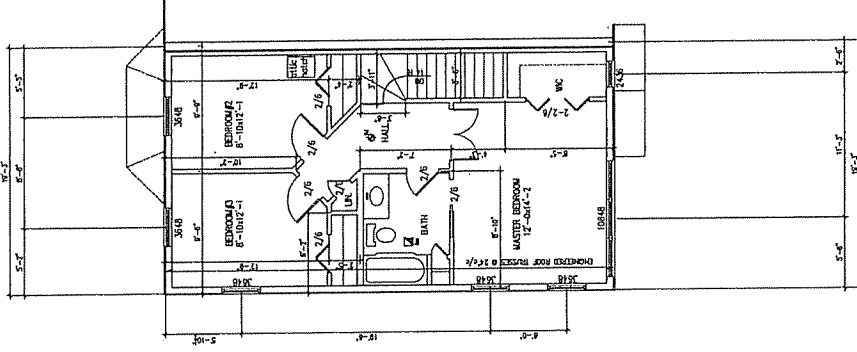
PROJECT: ROW HOUSES AT 21&23 MAYER AVE.		DATE: MAY/2009	APPROVED BY: SKERR
SCALE:		DECKED BY:	
TITLE: SIDE ELEVATION & WALL SECTIONS			
LOCATION: HALIFAX COUNTY, NOVA SCOTIA			
DRAWING NO: SCHEDULE D			



BASEMENT FLOOR PLAN



1st FLOOR PLAN



2nd FLOOR PLAN

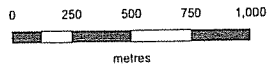
NOTES:
 1. THIS DRAWING IS TO BE CONSIDERED AS APPROXIMATE ONLY. CURRENT
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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PROJECT: ROW HOUSES AT 21&23 MAYER AVE.			
SCALE:	DATE: MAY/2009	APPROVED BY:	DRAWN BY: S. KERR
TITLE: FLOOR PLANS			CHECKED BY:
LOCATION: HALIFAX COUNTY, NOVA SCOTIA			
			ISSUED BY: SCHEDULE F

**Generalized Future Land Use
(DRAFT)**

Designation

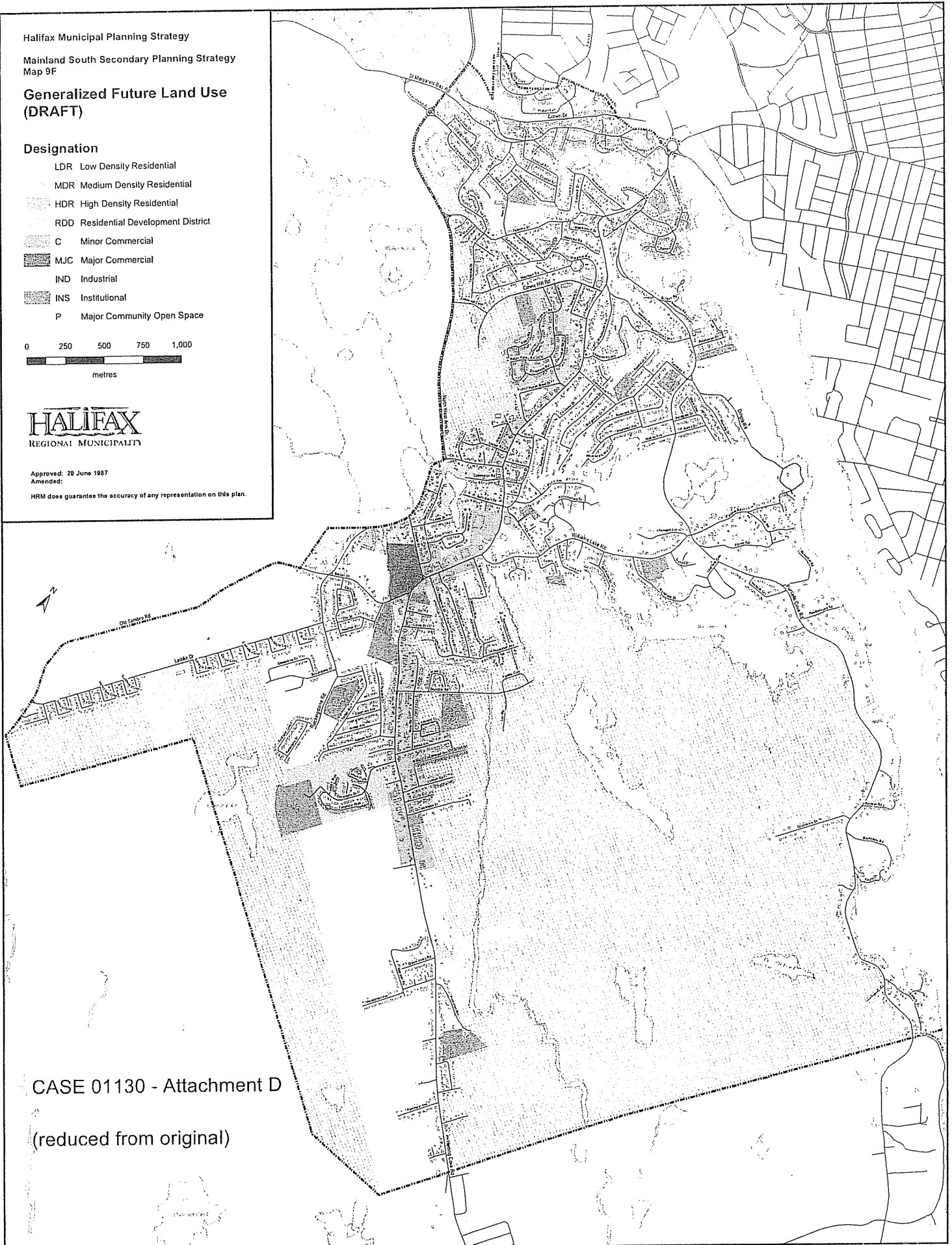
- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RDD Residential Development District
- C Minor Commercial
- MJC Major Commercial
- IND Industrial
- INS Institutional
- P Major Community Open Space



HALIFAX
REGIONAL MUNICIPALITY

Approved: 20 June 1987
Amended:

HRM does guarantee the accuracy of any representation on this plan.



Attachment E
Excerpts from the Halifax MPS

Policy 1.1.2 (Part II, Section X Mainland South Area Plan Policies):

Forms of residential development which may be permitted in Mainland South are:

- (a) conversions;*
- (b) detached dwellings;*
- (c) semi-detached dwellings;*
- (d) duplex dwellings;*
- (e) townhouses; and*
- (f) apartments.*

Policy 1.3 (Part II, Section X Mainland South Area Plan Policies):

In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map, detached dwellings, semi-detached dwellings, duplex dwellings, townhouses and apartments containing a maximum of four units two of which must be family-type, shall be permitted and neighbourhood commercial uses may be permitted pursuant to Policies 2.1.1 and 2.1.2 of this Plan.

Policy 1.3.1 (Part II, Section X Mainland South Area Plan Policies):

In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map Council may zone to permit apartments provided that their height is limited to a maximum of four storeys and in assessing such rezonings Council shall consider compatibility with the existing neighbourhoods and the adequacy of municipal infrastructure.

Policy 8.1 (Part II, Section X Mainland South Area Plan Policies):

The Generalized Future Land Use Map shall be considered as the expression of intent of the City of Halifax for a future land use pattern, based on the policies outlined in this Strategy.

Policy 8.2 (Part II, Section X Mainland South Area Plan Policies):

The areas for future land use shown on the Generalized Future Land Use Map shall be governed primarily by the objectives and policies which correspond to the primary use shown. All other objectives and policies shall apply as appropriate, but shall be subordinate to the primary objectives and policies.

**Attachment F
Public Information Meeting
Case 01130
June 11, 2008**

In attendance: Councillor Adams
Patricia Hughes, Planner, Planning Applications
Luc Ouellet, Planner, Planning Applications
Gail Harnish, Planning Services
Mr. Randhawa
Rick Grant

Opening remarks, introductions, purpose of meeting

Ms. Patricia Hughes called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Captain William Spry Centre. The purpose of the meeting is to discuss an application to rezone properties on Mayor Avenue.

Overview of planning process

Ms. Hughes displayed a map showing the five properties being proposed to be rezoned from R-2P (General Residential) to R-3 (General Residential and Low-Rise Apartment Zone). The R-2P zone allows for single, two unit, and apartment buildings up to four units. The R-3 zone basically allows the same uses except it also allows apartment buildings up to four storeys, which is what the applicant is hoping to do on these lots. There are provisions in the R-3 zone related to setback from property lines, etc.

Ms. Hughes reviewed the rezoning process:

- we received an application
- staff did a preliminary review
- we are now holding the PIM
- staff will do a detailed review of the application
- we will prepare a staff report with a recommendation which is tabled with Chebucto Community Council
- Community Council will either reject the application or schedule a public hearing
- the public hearing is held
- there is an appeal period

Presentation of proposal

Mr. Rick Grant pointed out the area of Mayor Avenue and Dobbin Lane on the map. There are five lots which they would consolidate into one lot. Dobbin Lane no longer exists, therefore, they cannot develop the lots abutting it. Because of the size of the lot, it requires a change to a higher density use. The property owner needs a higher use to utilize the properties effectively and

appropriately for everybody concerned. The R-3 zoning would make this property consistent and compatible with the properties adjacent to and around it. In terms of why now, financially it is now a good time for Mr. Randhawa to invest in it.

Mr. Grant indicated HRM has met and exceeded the requirements in the infrastructure as outlined in 6.1 of the Mainland South Secondary Planning Strategy in terms of sanitary sewer. Initially when this plan was done, they were not met, but they are now and can be addressed. The time is right. The need for multi-unit buildings in the City is now starting to increase and particularly out here. There are people who want to move out here. At the same time, there has been a decrease in building multi-unit buildings except for the big condominium buildings.

Mr. Grant noted in terms of what to build, they considered a twenty-four unit building that covers the lot. It is sunk down and blends in. However, Mr. Randhawa said he is open and willing to listen to suggestions for another type of multi-unit use.

Mr. Grant indicated in terms of value to the neighbourhood, this is approximately a \$2,000,000 project. It is a financial investment in the community. With this project being developed, development in that unique little neighbourhood would be complete. Not a lot of other development can happen here. On the lower part of Mayor Avenue, that is the biggest lot there and would give everybody living in the neighbourhood a sense of a final product.

Mr. Grant stated the developer is open and willing to work with Councillor Adams and staff based on your suggestions and options, to look at the best use of the property. As a single lot, it requires a multi-unit use. It is very important to Mr. Randhawa that this property be developed so it is a worthwhile property for him and all the residents in the area.

Questions and comments

Mr. Doug Organ questioned where the sewer line was put in.

Mr. Grant responded he was referencing the main sewer line they would connect in to along the Herring Cove Road.

Mr. Organ commented there is a lot of swamp. They put in a lot of fill there but it would need a lot more. One fellow went down 16' with his backhoe.

Mr. Grant responded they would have to look at that as they started to develop.

Mr. Michael Harvey asked for clarification on the comment that Dobbins Lane did not exist.

Mr. Grant responded when he went in to see about the land, the City said it is not there.

It was commented they said Trelyn Road did not exist either because it is a private road but it does exist. Dobbins Lane on all the maps goes straight through.

Ms. Hughes indicated when our Engineering department looked at the application, they told him he could not use Dobbin Lane for an access point.

Mr. Harvey said he did not agree with the comment that the proposed building would fit in with the adjacent properties. In terms of the comment that they need more multi-unit buildings, he referenced six roads in the LeMarchant Farms subdivision which has six apartment buildings. He felt they have enough apartment buildings for the small area they have. He was not opposed to the property being developed, however, he and his family did not want to see another apartment building. If someone wanted to put in duplexes or townhouses, he could see that happening.

Mr. Harvey referenced the comment made about the financial impact. Yes, it is a \$2,000,000 building for the developer but not for the neighbours. Having a multi-unit building around single residential homes can impact the peace of those buildings. A lot of people want to build single family homes but do not want to be around big apartment buildings. This could negatively affect their property values. He did not think the proposed building would blend in.

Mr. Harvey commented there are small kids in the area and they have no playgrounds or curbs. They are being asked to take on twenty-four more families on their narrow roads. He was told the City was concerned about those roads are not up to standard.

Mr. Harvey said he was born on Trelyn Road and still lived there. He and his family wanted to see development. There is a big parcel of land behind his house. They want to see nothing more than to see buildings like Kline Heights in their area. He thought they have enough multi-unit buildings in the area now.

Ms. Donna Harvey indicated there is an issue about the sewer and water being up to standard and the catch basins. They cannot get a catch basin on their road so she was wondering how the City can pave the way for a developer but residents cannot get drains. Her basement floods every time they have a lot of rain. She wondered why there is money for a developer but not for individual residents.

Councillor Adams noted if something is there, there is capacity in the sewer system to handle what comes from it. In terms of water, it means drinking water. That has nothing to do with the stormwater run-off. The ballots are being prepared to send to the community to look at concrete gutter and paving in that area. It will give a rough estimate of how much it will cost. The water has always been there. The sewer completed was with respect to the Roaches Pond upgrades. A lot of that was paid for by Mr. Armoyan. The force main from the old Holly School Road side down to about a half kilometre was done for increased sewer capacity because of the new treatment plant in Herring Cove. It has nothing to do with money.

Ms. Harvey said she was a little confused about the assumption the land is there and that Dobbin Lane is not available so they must have a multi-unit building. As far as she was concerned, the zoning there now means the land can be used.

Mr. Grant clarified three lots on Mayor Avenue could be used.

Ms. Harvey pointed out the developer bought the land but it does not mean the land has to be rezoned or that they have to put up a multi-unit building.

Mr. Grant clarified it is a request for a rezoning and the multi-unit building because of existing conditions.

Mr. Organ questioned whether the lots could be consolidated so they could build townhouses with access off Mayor Avenue.

Ms. Hughes noted there could possibly be other configurations.

Mr. Derek Spellner stated there are enough apartment buildings in Spryfield. For some reason they are having a hard time getting the value for their property and they are so close to the Halifax Mainland. Houses further out in Timberlea are getting \$50,000 - \$70,000 more for their property. An apartment building is not going to help a homeowner get their value. They all want to see development. Duplexes and townhouses usually will bring up the area. Everyone is talking about improving Spryfield and he did not think apartments would do that.

Mr. Grant noted the developer is open and wants to listen to their suggestions. He wants to develop that land and this is one option.

Mr. Organ said he would like to see other options.

Ms. Lisa Gallant questioned whether Mr. Randhawa planned on making arrangements with the City to have Mayor Avenue opened up.

Mr. Grant said he did not think they would ever see Mayor Avenue opened up again.

Ms. Gallant stated she strongly felt they do not need another multi-unit building in their neighbourhood.

Mr. Danny Page questioned whether the existing sewer and storm sewer line was capable of handling twenty-four more units. That was built in the early 1970s.

Councillor Adams noted that houses usually do not add extra in terms of storm sewer. They would have to look at the capacity of the sanitary sewer. If a proposal is put forward for x number of units, it would go to Engineering and they would determine the capacity. The proposal has to satisfy all the different parameters, including things such as traffic. Now it is law to separate stormwater from sewer for new homes.

An individual stated there has been flooding for years. He has been complaining about there being no storm sewer system. There is nothing there. He has to pump the water out of his basement into the road.

An individual said the sanitary sewer was put there in the early 1970s and it is not very big. At that part of Mayor Avenue, it is probably down about 20'.

Mr. Grant concurred. He pointed out the City will look at that aspect when an application is made. The developer has to meet the City's standards in terms of sewer and sanitary. They can connect in to the system down at the lower part where the lines were put in the Old Sambro Road. There is a difference in the two parts of the road.

Ms. Hughes noted that if the property is rezoned, the City would not be able to issue a building permit if it was determined the sewer system could not handle the development.

An individual stated she always considered that area as wetland and was surprised anybody could build on that land. The water starts on Layton Road and the culvert goes under it. When they get a lot of rain, the culvert cannot handle it and the water comes across that land. There are bulrushes and frogs there.

Ms. Hughes noted the issue was mentioned by the Building Official as part of our internal review. They will have to get a geotechnical report done before they can proceed to let us know the condition of the soil.

Mr. Hugh Fraser said he understand the developer would be able to construct that building by right if the property is rezoned. He questioned if they could put pressure on the City to upgrade the servicing to the lot once the application is approved.

Ms. Hughes clarified they could build a building up to four storeys, as of right, if the rezoning is approved. In terms of upgrades, it would not be something we would be doing because of the rezoning application. It is not our intention to create a situation where the City would have to do the upgrades.

Mr. Fraser noted there was infilling of the property. Any survey done at this point would be extremely inaccurate to the original use of that property. He asked if that infilling would have been done with some kind of permit.

Ms. Hughes advised there are certain areas of HRM where you need a Topsoil Permit but did not know if that was the case for this area. The Province has some requirements related to wetlands.

Mr. Fraser questioned whether there was any survey done by the City prior to this meeting in terms of its original use.

Ms. Hughes responded no. It is the applicant's responsibility to provide the City with reports certifying that it is safe to build there.

An individual asked for clarification that if they received approval to rezone the property, the developer has the right to build a multi-unit building.

Ms. Hughes confirmed that was the case, provided they met the requirements of the Land Use By-law and the Building Code. Tonight they are talking about a twenty-four unit building. However, it could be for a building with twenty-two or twenty-six units provided it met the requirements of the zone.

Mr. Spellner questioned what the maximum number of units for that lot could be.

Ms. Hughes responded she did not think there is a maximum. You can only go four storeys high and have 50% lot coverage. However, there are open space requirements. For every unit, they are required to have 175 sq.ft. of open space. Often that requirement requires them to shrink the size of the building.

Mr. Grant indicated in discussions with staff it was determined the maximum number of units was twenty-four.

Mr. Harvey noted people knew water flowed through there. Water flows behind properties on Mayor Avenue, goes to Layton Road, and probably flows through the middle of this property, out to Catamaran Road, and to the Old Sambro Road. He questioned if they would have water problems on Layton Road with no place for water to go if this property is developed.

Ms. Hughes advised at the time they apply for permits they will have to show how much water flows on the site.

Mr. Harvey indicated if something gets built and water stops running, then people on Layton Road will have to worry about that.

Mr. Grant noted their questions are extremely important. The questions will be answered as part of anything they apply for.

Councillor Adams pointed out that if the rezoning is approved, it still has to go through Engineering. If the building changes the water flow, then the City is liable. You cannot divert water onto somebody else's property. The City has to be confident that whatever is built will not adversely affect adjoining residents or that it will not increase water flows.

An individual questioned what formal process they should take if they want to express their concerns.

Mr. Grant suggested they could put their concerns in writing to the Planning department.

An individual commented a development took place on a road that her mother lived on. There was a long consultation process with the residents and what was built is not that bad to look at. The road shrank with the approval of the City and her mom could barely back her car out of her driveway. The City's answer was to post no parking zones.

An individual questioned the difference between the R-2P and R-3 zone. The difference appeared to be low rise apartment buildings.

Ms. Hughes responded yes and confirmed the R-3 zone permits more density.

It was questioned whether the developer was willing to drop his application to rezone the land to R-3 and go with something permitted in the R-2P zone that will fit into the community.

Mr. Randhawa said he could only use two lots. He confirmed it would be rental units if he built an apartment building and that he would retain ownership. The only way you could put in townhouses and still use that property and access Mayor Avenue would be to combine all five lots and put up townhouses and rent them. The number would come down from twenty-four to sixteen.

An individual stated that would look better from the resident's point of view. He understood he could not access all those lots but he could combine those lots into a better looking multi-unit building.

Ms. Hughes clarified each townhouse would need 18' of frontage and 1800 sq.ft. and would have to have access to Mayor Avenue. We will talk to Development Services about the options.

Mr. Fraser questioned whether the developer has the right to get access onto those lots from Dobbin Lane.

Ms. Hughes advised they cannot consider it as frontage because it is not classified as a public street.

Mr. Grant noted it goes way back to when the County had a lot of private roads. There were things the City inherited in 1969 that did not fit. It is like a private road. Technically you have to chain off a private road one day a year.

Ms. Hughes commented she thought it was City owned. Our Engineering department looked at it and did not have an interest in upgrading it.

Mr. Harold Clowater said he used to own land on Hilary Street. Before he bought that land, he made inquiries and was told it would be Hilary Street right through to the Old Sambro Road. Now he was learning tonight they have a landlocked piece of land.

Ms. Hughes advised that she would get input from Engineering and would include comment in the staff report. For this application, the developer was told he could not use that road for access.

An individual questioned why Mayor Avenue was closed. It was responded because of the traffic volume. A traffic survey showed there were over 100 cars between 6 and 7 o'clock.

Ms. Sarah Organ commented with all the traffic coming out on the corner of the street, she could not see putting a \$2,000,000 apartment building there.

An individual questioned whether there would be any underground parking. Mr. Grant responded no.

Mr. Harvey stated he wanted the developer to know they were not opposed to having that land developed. They need some nice looking buildings in the area and need to bring people into the area. He would fight a R-3 zone because it meant an apartment building. R-2P zoning gives the residents what they would like to see built in there.

Mr. Grant thanked members of the public for providing input. Everything they said would be carefully reviewed and considered, along with input from City staff.

An individual said she felt they have enough density there already from multi-unit family buildings. She could not see a four storey building there. There are at least three single storey houses next to it and could not see a four storey building towering over them. That would be such an invasion to the enjoyment of their property.

Mr. Grant noted they were proposing a three storey building.

An individual pointed out the R-3 zone would allow them to put up a four storey building if the property was rezoned.

The meeting adjourned at approximately 8:05 p.m.

Attachment G
Public Information Meeting
Case 01130
May 20, 2009

In attendance: Councillor Adams
Patricia Hughes, Planner
Holly Kent, Planning Technician
Gail Harnish, Planning Services
Rick Grant
Mr. Randhawa, Applicant

Opening remarks, introductions, purpose of meeting

Ms. Patricia Hughes called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Captain William Spry Centre. We are here to discuss a request by Olympia Developments for an amendment to the Halifax Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow, by development agreement, townhouse style residential developments and to consider a development agreement for the applicant's properties on Mayor Avenue.

Ms. Hughes noted the purpose of tonight's meeting is to exchange information: give the background, hear about the proposal, and get feedback. The proposal is in two parts:

- an MPS amendment to allow townhouse style developments by development agreement in the Mainland South area; and
- to consider a development agreement for specific properties off Mayor Avenue.

Overview of planning process and MPS amendment

Ms. Hughes advised the property is near the corner of Herring Cove Road and the Old Sambro Road. There are a total of five vacant properties which total about 24,000 sq.ft. Three of the properties have frontage on Mayor Avenue and two have frontage on Dobbin Lane, the latter which is not a public street and cannot be used as street frontage for development purposes. The area has a mix of housing styles from single detached dwellings to multiple dwelling units. The properties are zoned R-2P which would potentially allow up to four units by right.

Ms. Hughes noted the original proposal was for a 24 unit apartment building. A PIM was held last June. The residents in attendance expressed some concern with the apartment building and did not think it was the right fit and suggested townhouses would be more appropriate.

Ms. Hughes advised the owner came back with a different proposal. Townhouses typically front on a street and have a driveway off the street, but because they do not have a lot of street frontage, it is not possible to develop typical townhouses. What they are proposing is townhouse style buildings under common ownership. The proposal is for 13 units.

Ms. Hughes indicated the lots are designated as Medium Density Residential under the MPS for the area. Within that designation, there are two options to get townhouses: rezone to R-2T, which is not an option for this property because there is not enough street frontage to subdivide the lots; and rezone to R-3 which allows a wide variety of uses including apartment buildings. That is a bit undesirable because there is no guarantee what will be built. If the property is rezoned to R-3, then a variety of other developments could take place.

Ms. Hughes advised the current proposal is to allow townhouse style buildings by development agreement. Development agreements are a specific contract between HRM and the owner. Requiring a development agreement for this style of building gives HRM an opportunity to review it to see if it is compatible with the neighbourhood, ie., landscaping, fencing, and height. Because these townhouse style buildings have shared elements, such as driveways and laterals, it gives us a chance to look at those concerns and see if they are adequately addressed.

Ms. Hughes pointed out the proposed amendment would not apply to just these properties. It would apply throughout the Mainland South plan area. Specifically, the amendment would apply to lands in the Medium Density Residential designation. The areas in question were displayed on a map. It makes more sense to allow townhouses by development agreement in these areas because you can rezone to R-3 in this designation. Within this designation, there are a few zones. Some properties are zoned R-3 and R-4 (displayed on map) but the majority of the lands are zoned R-2P which allows up to 4 units by right. This proposal gives those owners another option. It would allow someone with those lands to develop their properties with higher density, so that rather than having to rezone to R-3 they could apply for a development agreement to allow townhouse style buildings.

Ms. Hughes provided an example of what the proposed amendment would look like: "In areas designated as MDR (Medium Density Residential) on the Generalized Future Land Use Map, Council may consider townhouse style developments which do not provide direct access from each unit to a public street, according to the development agreement provisions of the *Halifax Regional Municipality Charter*. In considering such a development agreement, Council shall have regard for the following:

- minimum of 20,000 square feet;
- services capable of supporting the development;
- landscaping, parking, and driveways meet the needs of residents and address potential impacts on adjacent properties;
- effect on overall housing mixture in the community; and
- general maintenance of the development."

Ms. Hughes noted the above list of criteria would be considered by Council and used by staff to evaluate the application against. A similar policy currently exists in the Sackville, Cole Harbour/Westphal, and Eastern Passage/Cow Bay plan areas.

Ms. Hughes reviewed the planning application process:

- this is essentially a new planning application so it had to go to Regional Council for initiation
- since the initiation, staff has been working with the applicant, which is why there are now 13 units as opposed to the 15 units referenced in the mailout
- tonight is the public meeting
- there will be an extensive review of the application
- staff will prepare a staff report which includes a recommendation, along with a proposed development agreement, which will be tabled with Chebucto Community Council
- Community Council will forward its recommendation to Regional Council
- there will be a joint public hearing held by Regional Council and Chebucto Community Council before a decision is made.

Ms. Hughes noted she received a phone call today from an individual who indicated the land is quite wet and there might be a brook there. The applicant is going to have a professional certify whether or not it is a wet area.

Proposal

Mr. Rick Grant stated when they did the original plan, there were some areas which they knew they would have to come back to and seriously look at and this was one of them. When they started this process, he told Mr. Randhawa he had an option to build an apartment building but that he probably would not be able to sell that to the residents. The property could be rezoned to R-3 and then the residents would have no input into the development. He said the best thing to do would be to change the plan and go for a contract development, which he personally thought was the best thing for these pieces of property because the residents would have a direct say. Mr. Randhawa presented the proposal for the R-3 apartment building and people said they would like to see something different. There was discussion that they would like to do it by contract development so it would be conducive to the neighbourhood and add to what is there.

Mr. Grant indicated what was originally 16 units went to 15 units and now we are down to 13 units through staff input. Referencing a drawing, he noted they are proposing 5 units on one side and 8 units on the other side, with 13 units altogether. He showed a drawing noting what the proposal originally looked like with an access to Dobbin Lane but that was closed off and is not viable. There will be a T for properties to come in at Dobbin Lane. It extends the 8 unit building more towards Mayor Avenue. He showed a drawing of what the development would look like on the front end.

Mr. Grant stated all the questions and concerns to-date have been addressed, as will any other issues that arise. Staff have worked diligently on this and Councillor Adams had input. If this project is approved, then the development will proceed by contract development which will list how the development is to be done. Certain services have to be addressed. If a fence is requested, for instance, they can include provision for a fence in the contract.

Mr. Grant showed a drawing of what the development was going to look like from Mayor

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Avenue. Staff said they did not like there being no windows. There are no blank walls any more, so it will be more conducive to what you will see for any house on a corner.

Questions and comments from members of the public

An individual questioned if they are going to open up Old Sambro Road.

Mr. Grant responded no, he did not think the City would do that.

An individual questioned if all the traffic would be coming off Layton Road.

Mr. Grant responded he suspected most people would come in by the Petro-Canada.

Mr. Douglas Organ noted there is a brook there which comes across Mayor Avenue. They clean it out every spring. A lot of it is getting filled in but it still runs down through there.

Mr. Michael Harvey said he felt the face on Mayor Avenue should be softened a bit. Maybe windows and trees would help. These buildings are fairly high. There is a small house on the corner of Mayor Avenue and Layton Road. Are there any fences to keep their privacy from these 13 units?

Ms. Hughes advised that is something we can ask of the applicant.

Mr. Harvey referenced the watercourse and noted it needs to be kept clear or it floods the bottom of Layton Road. He did not believe it was a stream because it does not flood all the time but it is definitely a watercourse when we have heavy rains.

Mr. Harvey asked for confirmation that it is two buildings which face each other.

Mr. Grant responded yes.

Mr. Harvey said he was concerned about changing the Medium Density Residential Designation for such a huge area when they are talking about one property. He was concerned about the effect on the rest of the neighbourhood.

Councillor Adams noted all this does is allow another option to be considered. Existing R-3 zoned properties can be developed with apartment buildings. This proposal would allow the owners of R-3 zoned properties to do townhouse style residential buildings which would have less of an impact than what they are allowed to do by right. We are offering an option that diminishes the density.

Ms. Hughes pointed out any proposal for townhouse style developments would have to go to Council for approval as well. Anybody wanting to proceed with this type of development would have to make application, which would include a public meeting, before going to Council.

Mr. Harvey asked if the R-2P zoning would change as a result of this proposal.

Ms. Hughes advised the zoning would remain R-2P. A development agreement would sit on top of that zoning.

Mr. Harvey stated he has been a resident of the neighbourhood for forty-nine years so he has a stake in the area. Years ago he tried to find out when the area was changed from R-2 and R-2P and was told there was a meeting which was advertised in the newspaper and it was all done properly. He was concerned how many people might have missed the ad for this meeting and were not aware of what was being proposed.

Councillor Adams commented what is being proposed is a good thing. It will ensure there is public input. Right now in this particular zone (R-3), someone could build a lot more than this development agreement would allow.

Mr. Grant indicated they had meetings every month for a nine year period while developing the plan. This process started because Mr. Randhawa asked for a 24 unit apartment building. This proposal gives flexibility. Doing townhouses by development agreement would reduce the density.

Ms. Hughes pointed out there is another application in the area for 16 townhouse units off Herring Cove Road across the street from the Wilsons Gas Bar which is on about two acres of land. That site, however, is within the Low Density Residential Designation. At this point, staff is not sure how that application will proceed. They might have to change their designation. There is more interest out there for townhouses so there will probably be more advertised public meeting(s) in the fall.

Mr. Daniel Page noted he has lived there for fifty years. He asked how well HRM monitors what takes place after the approval, and was thinking about things like driveways. He referenced a new development which has an access on Mont Street which he did not think the by-law allows.

Ms. Hughes replied the development agreement would say the development would have to conform with the attached site plans. In this situation, the only access they can have is off Mayor Avenue. A development agreement is very specific. HRM has the ability to tell the property owner to remedy something. Development agreements also have a general clause which talks about the maintenance of an agreement. For example, if in ten years time the fence is falling down, we can make them fix it.

Mr. Tom Dobbin referenced the discussion about the T and asked if there would be access to Dobbin Lane.

Ms. Hughes responded no.

Mr. Dobbin questioned if their property taxes would change if the zoning is changed.

Ms. Hughes advised one's property tax is based on what the property is assessed at. That is done by the Province. Sometimes when a new development comes in, it will increase the value of the neighbourhood.

Mr. Dobbin stated he has lived here for forty-five years and that is his home. He has seen houses over the years sink in that area. He has watched rocks that were 6' high bury themselves down to street level. He referenced the swamp and watercourse which runs behind 9 Old Sambro Road and comes out on the other side and runs behind Catamaran Road. When that stops flowing, his driveway floods. The City gave him and his family the right to use it and he had to upkeep it himself. He asked if there would be any damage to that because of washing out. What view would he have when he looked out his window?

Ms. Hughes advised they would have to submit a preliminary stormwater management plan from their engineer before the application can be approved. It will be the task of the engineer to make sure they will not make anything worse and are dealing with the water on the lot.

Mr. Grant responded to the question about the view by referencing the plan. He confirmed there would be windows on that end of the building. This is all open (pointed out) and there would be trees.

Mr. Dobbin said he had a concern about the traffic light. They blocked it off a long time ago and stopped all that traffic. They used to drive up there to Tim Hortons.

Mr. Dobbin stated he would love to see something developed there because there is nothing out there. If it increases the value of their property and enhances their neighbourhood, then great.

Mr. Grant responded his experience has been that where you have public input and a development proceeds by way of a development agreement, generally the assessment people will come in and look at it and it starts to give the neighbourhood a lift.

Mr. Dobbins said he still had onsite septic and water. The lady who bought the property next to him wanted to bring the water and sewer in and the City said no. He asked what happens if his septic field is damaged as a result of blasting.

Councillor Adams advised before work is done they will do a pre-blast survey and check their well for flows. After the work is completed, they do the same tests and videos over again, and any repairs are remedied. With regard to stormwater management, you cannot negatively impact adjacent properties and cannot make the water problems any worse.

Mr. Grant stated he did not think there would be any blasting. There would be more infilling than anything. The engineer's objective would be to move and direct the water so it gets to where it is supposed to go to. They will probably see some situations which used to happen disappear.

The meeting adjourned at approximately 7:45 p.m.