


**Item No. 9.1**

**Halifax Regional Council**

**October 25, 2011**

**November 15, 2011**

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

**SUBMITTED BY:**  Original Signed  
Councillor Russell Walker, Chair, Chebucto Community Council

**DATE:** October 4, 2011

**SUBJECT:** Case 01254: MPS/LUB Amendments and Development Agreement, 3620  
Dutch Village Road, Halifax

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**ORIGIN**

October 3, 2011 meeting of Chebucto Community Council.

**RECOMMENDATION**

Chebucto Community Council recommends that Halifax Regional Council:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law contained in Attachment A of the staff report dated September 20, 2011 and schedule a joint public hearing with Chebucto Community Council; and
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law contained in Attachment A of the staff report dated September 20, 2011.

## **BACKGROUND/DISCUSSION**

At their October 3, 2011 meeting, Chebucto Community Council moved Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment B of the report dated September 20, 2011 to allow for a mixed use development, and schedule a joint public hearing with Halifax Regional Council.

## **BUDGET IMPLICATIONS**

None associated with this report.

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

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

## **COMMUNITY ENGAGEMENT**

Chebucto Community Council meetings are open to the public. Agendas, minutes and reports are posted on the HRM website.

## **ALTERNATIVES**

No alternative was provided.

## **ATTACHMENTS**

Attachment A:       Staff report dated September 20, 2011 - Case 01254: MPS/LUB  
                              Amendments and Development Agreement, 3620 Dutch Village Road,  
                              Halifax

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

Report Prepared by:       Shawnee Gregory, Legislative Assistant, 490-6521

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**Chebucto Community Council**  
**October 3, 2011**

**TO:** Chair and Members of Chebucto Community Council

Original Signed

**SUBMITTED BY:**

Austin French, Manager, Planning Services

**DATE:** September 20, 2011

**SUBJECT:** Case 01254: MPS/LUB Amendments and Development Agreement,  
3620 Dutch Village Road, Halifax

**ORIGIN**

- Decisions of Regional Council to initiate MPS amendment process, release Request for Proposals, award tender for building demolition and enter into Agreement of Purchase and Sale;
- Application by United Gulf Developments Limited (UGDL)

**RECOMMENDATION**

**It is recommended that Chebucto Community Council:**

1. Move Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment B to allow for a mixed use development, and schedule a joint public hearing with Halifax Regional Council;
2. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law contained in Attachment A and schedule a joint public hearing with Chebucto Community Council; and
3. Recommend that Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law contained in Attachment A.

## **EXECUTIVE SUMMARY**

The subject property is the former Halifax West High School site on Dutch Village Road in the Fairview area (refer to Maps 1 and 2). The property is owned by HRM, is approximately 6.6 acres in area and has been vacant since late 2003. HRM has undertaken steps to advance the site to eventual market sale, including:

- the initiation of the MPS amendment process
- the release of a Request for Proposals for the redevelopment of the site
- carried out the building demolition and environmental site assessment, and
- entered into an Agreement of Purchase and Sale with United Gulf Developments Limited

The proposal involves amendments to the Halifax MPS and Mainland LUB to allow for the re-development of the site with a mix of commercial, residential and institutional uses as well as a Community/ Neighbourhood Park through the development agreement process (refer to Attachments A and B).

Staff have reviewed the proposal in light of the objectives and policies of the Regional MPS and the Halifax MPS, particularly the Fairview Secondary Planning Strategy (Section VII) and the applicable City-Wide objectives and policies (Section II), and have determined that it is in compliance with the MPS regarding such matters as land use compatibility, building height, population density/ servicing capacity, public open space provisions, traffic and site access and wind/ shadow conditions. It is, therefore, recommended that Council approve the proposed MPS and LUB amendments (Attachment A) and development agreement (Attachment B).

## **BACKGROUND**

### **Location and Site Description**

The subject property is the former Halifax West High School site on Dutch Village Road in the Fairview area (refer to Maps 1 and 2). The property is owned by HRM and has been vacant since late 2003. It is approximately 6.6 acres in area and has street frontage on both Dutch Village Road and Coronation Avenue. While the site is primarily gravelled and not utilized by the public, the grassed western portion of the site, which contains the former sports field, is informally used by area residents. Vegetation exists along the periphery of the site and there are two mature trees in the centre of the property. A drainage ditch and culvert system in the eastern portion of the site abutting Dutch Village Road, which received the stormwater from the former school parking lot, is no longer functioning properly and thus has developed into a small wet area containing cattail/ bulrushes and some standing water.

The site's immediate surroundings include:

- Minor commercial uses, primarily on Dutch Village Road, Titus Street and Alma Crescent, including an abutting gas station, retail plazas and shops, restaurants, etc.;
- Low-density residential uses including single family, duplex, semi-detached and townhouse dwellings;
- Apartment buildings which vary in size, including an adjacent 8-storey building on Dutch Village and Alma Crescent;

- Institutional uses including churches, daycares, etc.;
- Vacant buildings/ sites

### **Chronology**

Following is a chronology of events in relation to the property:

- Mid-2000: Hfx. West High School closes; building/ site declared surplus by HRSB;
- December 2001: Operational responsibility for property transferred to HRM;
- May 2002: HRM declares site surplus to municipal needs, takes steps to advance site to market;
- Mid-2002: Regional Council initiated process to amend MPS to look at redevelopment options for site, and approves costs for site assessment and pre-demolition consulting;
- Early 2003: Public meeting/ open house held; various development scenarios discussed;
- June 2003: HRM releases Request for Proposals (RFP); 1 submission received, did not meet technical requirements of RFP;
- August 2003: Tender for building demolition awarded by Council;
- September 2003: Amended RFP: Amended development guidelines for site, United Gulf Developments Ltd. (UGDL) is sole proponent;
- November 2003: School building is demolished;
- Mid-2004: Conditional Purchase and Sale Agreement between HRM and UGDL;
- Spring 2005: UGDL hire consultant (EDM Ltd.) to seek public feedback;
- Mid-2005 – early 2008: Various conceptual development proposals prepared by UGDL & reviewed by HRM; staff resources redistributed to other projects, lower priority assigned to file;
- Mid-2008: Planning “Pre-Application” made, UGDL worked with staff to refine proposal in order to comply with RFP “preferred” development guidelines;
- August 2008: Amended Purchase and Sale Agreement completed;
- March 2009: Complete planning application submitted by UGDL for review and public input; UGDL proposal information & plans posted on HRM website;
- April 2009: Public information meeting held, feedback received;
- Mid-2009 – late 2010: UGDL and HRM staff work on revisions to proposal to reflect public feedback; detailed staff review of plans, revisions to studies, etc.;
- March 2011: Revised proposal information is mailed to approximately 100 neighbouring property owners for information and feedback; revised plans and studies are placed on HRM website; UGDL and HRM staff negotiate draft development agreement.

### **Designation and Zoning**

The site is designated Community Facilities as identified on the Generalized Future Land Use Map of the Halifax Municipal Planning Strategy (Fairview Secondary Planning Strategy) and is zoned P (Park and Institutional). In the Regional MPS, the property is designated Urban Settlement and is located adjacent to the Regional Centre.

### **Proposal**

The proposal is to amend the Halifax MPS and Mainland LUB to allow for the re-development of the site with a mix of commercial, residential and institutional uses as well as a Community/ Neighbourhood Park through the development agreement process (refer to Attachments A and

B). In this scenario, the property would retain its current land use designation and zoning while the proposed MPS/LUB amendments would enable the agreement process.

HRM staff and UGDL have produced and reviewed numerous development proposal options for the site in order to balance the technical requirements of the RFP and the concerns and expectations of the public. The current proposal details are as follows (refer to Schedules of Attachment B):

- mixed-use development fronting and focused on Dutch Village Road with portions of building (Buildings A – E) interconnected, with a common underground parking level, which provides a high quality building and landscape design, integrated and safe pedestrian and vehicular access and a substantial retail/ commercial addition to Fairview's primary commercial street;
- subdivision and retention by HRM of the proposed Community/ Neighbourhood Park area at the western end of the site, totalling 1.65 acres (25% of land area), with the developer purchasing the remainder of the site;
- installation of park infrastructure (play set, walkway, benches, shade trees, new fencing, etc.) and mitigation of drainage issues by the developer which meet HRM Parkland Planning standards;
- residential uses: approx. 130 multi-family units (condominiums) within two 7-storey towers (Buildings C & D), set above commercial or mixed-use ground floor level. Maximum residential population of 300 persons;
- commercial/ institutional uses: 6-storey, 60,000 sq. ft. commercial building (Bldg. A) with retail on ground floor, offices on remaining 5 floors; 3-storey, 27,000 sq.ft. commercial building (Bldg. B) with retail on ground floor, offices on upper floors; one-storey retail building (Bldg. E); ground floor retail, institutional and/or residential uses at the base of residential towers; Maximum of 116,000 sq.ft. commercial space in total;
- parking: approx. 375 underground spaces, 75 surface spaces; total parking - 450 spaces (approx.);
- public walkway access through site linking Coronation Avenue to Dutch Village Road.

**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
2. Provided that Regional Council and the Province approve the amendments, Chebucto Community Council can consider the development agreement for the subject property.

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 a decision on the development agreement by Community Council.

## **DISCUSSION**

### **MPS Policy**

The proposed policy and by-law amendments (Attachment A) allow for a mixed-use development on the site by development agreement, provided that certain factors are taken into consideration, including the retention of land for park purposes along with park development and infrastructure improvements, the size and design of buildings, site landscaping and open space, site access/ egress, provision of parking and solid waste facilities and the adequacy of the servicing capacity of the site.

### **Development Agreement**

The proposed development agreement (Attachment B and Schedules) provides for the elements of the proposed development as noted above and has specifications relating to matters such as:

- building architecture, site design, landscaping, parking, circulation and access, services, maintenance, signs, lighting and subdivision of land;
- the provision and timing of park development and infrastructure improvements, including the submission of a Park Site Development Plan, drainage plan, cost estimates and security/ bonding;
- public access through the site linking the park with Dutch Village Road;
- maximum limits on building heights, residential population and floor areas for various portions of the building;
- detailed landscaping requirements and plan for private landscaped areas;
- allowance for the continued use of an existing driveway on the site for access purposes to Civic #31 Alma Crescent;
- requirement for wooden privacy fencing and access restrictions along the property lines which abut residential properties on Ashdale and Rufus Avenues; and
- various possibilities for non-substantive amendments requiring a resolution of Council.

### **Retention and Development of Public Open Space**

The community feedback/ engagement process identified broad public support for the retention of some of the land for community use. While the MPS supports the retention of community facilities, the process associated with the disposition of the property involved a thorough review of the facility needs of the area. Through this exercise, it was determined that the land and building were surplus and that other facilities to serve the needs of the area were either existing, planned or in the process of being constructed or upgraded.

Although Council has entered into an Agreement of Purchase and Sale for the entire parcel, staff are proposing, and the developer concurs, that the existing grassed area at the western end of the property, comprising 1.65 acres, be subdivided and retained by the Municipality for a Community/ Neighbourhood Park prior to closing on the land sale. Furthermore, the draft policy and agreement (Attachments A and B) require that the developer mitigate existing drainage issues and install park infrastructure (play set, walkway, benches, shade trees, etc.) to HRM Parkland Planning standards.

### **Land Uses**

As indicated in the Background section of this report, the site abuts commercial and multi-unit development located along Dutch Village Road as well as residential development on the local, surrounding streets. The large size of the site and its location allows for the integration of commercial and multi-unit residential uses in such a way that is compatible with the surrounding area.

### **Building Height, Setbacks and Density**

The low-rise portions of the proposed development will be set back from the side property lines which abut existing residential development distances between 23 to 33 feet (7-10m). The proposed 7-storey residential towers (Buildings C & D) will be set above the commercial, ground-floor level and will be approximately 50 feet (15m) from the side property lines. The height and massing of the residential towers meets the setbacks and the vertical and horizontal angle controls found in the R-4 (Multiple Unit Dwelling) zone of the LUB. While the 6-storey retail/ office building is higher than that which would be permitted in the minor commercial (C-2A) zone, such a height would be permitted in the major commercial (C-2) zones found in the Fairview area. The proposed building heights and setbacks are, therefore, consistent with those required by the Land Use By-law for such uses and are compatible with the area. It should also be noted that the proposed heights are lower than proposals which were approved by Council last year for the former St. Lawrence church site on Dutch Village Road and 50 Bedford Highway (former Wandlyn Inn). In those instances, both sites were either abutting or adjacent to commercial as well as low-density residential development.

The proposed residential and commercial population densities are in keeping with the MPS and with other approved projects in Halifax over the past few years. In this case, given the total site area, the proposed density is lower than the projects approved for the St. Lawrence church and former Wandlyn Inn sites. The developer's engineering consultant prepared a sewer capacity analysis which has been reviewed by staff of Halifax Water. The proposed densities are consistent with the servicing capacity for the area and pose no concerns.

### **Catalyst for Revitalization of Area**

A common theme which resonated during the community feedback/ engagement process was the desire to revitalize the commercial area of Fairview, centred on Dutch Village Road. Over the past two decades, this commercial area has declined or stagnated, resulting in some empty storefronts, vacant lots and a general loss of vitality. However, more recent commercial activity focused on Joseph Howe Drive, the renovations to and influx of some new retailers and restaurants on Dutch Village Road and the recent development proposal for the former St. Lawrence church site have all provided a resurgence and renewed interest in the area. While the proposal, if constructed, offers no guarantee that revitalization of this commercial area will occur, it will provide an influx of new residents and businesses and result in more activity which will have a positive impact in the area. As well, the redevelopment of this "brownfield/ greyfield" site has city-wide benefits as it has access to and will utilize a variety of existing HRM services.



### **Wind/ Shadows**

HRM's practice has been to examine wind and shadow effects of development proposals which involve tall buildings on a site-by-site basis by requiring the proponent to submit impact assessments/ studies. These assessments are typically carried out in downtown settings. Generally, the assessment of wind impacts takes into account the effect on both public open spaces (parks, boardwalks, plazas) and sidewalks. Shadow impacts are typically assessed with regard to effects on public open spaces only, since relatively low buildings can cast significant shadows on sidewalks.

In this case, since the proposed residential towers will be located relatively close to the park area, the project's architect has provided a written statement with regard to wind and shadow impacts. This statement indicates that the building design, with the residential towers set atop and back from the commercial base, results in minimal wind effects at ground level and on the park. With regard to shadow effects, there will be minimal shadows cast on the park which will be generally limited to morning hours only.

### **Traffic/ Site Access**

A traffic impact study was carried out by Genivar consultants in 2010 for the developer and has been reviewed by HRM staff. The study reviewed the proposed development's impacts on the existing street and intersection network as well as a possible reconfigured network in the event that HRM carries out street/ intersection improvements between Lacewood Drive and Dutch Village Road. Specifically, the study reviewed two site entrances, one of which is a signalized intersection, as well as the Alma Crescent/ Titus Street intersection to the north of the site. The study concluded that site generated trips resulting from the proposed development are not expected to have any significant impacts to the level of performance of either the existing or reconfigured street intersections. Staff are in agreement with the study's findings.

### **Environmental Remediation**

An environmental site assessment and supplemental assessment were carried out for HRM in 2003 and 2004 by Dillon Consulting. In addition, UGDL hired AMEC to conduct a sub-surface investigation of the site in 2004. The site contains pyritic slate (sulphides) commonly found in the Halifax area. In late 2003, as part of the demolition of the school, petroleum impacted soil in the area of the school's underground fuel storage tanks was removed. Any further environmental remediation of the site will be subject to the requirements of N.S. Environment and will be the responsibility of the developer.

### **Wet Area**

The 2004 Dillon supplemental report prepared for HRM indicated that the results of an ecological receptor screening did not identify a habitat of potential concern within 150 metres of the site. However, in response to recent public comments claiming that a wetland exists on the site (wet area encompassing drainage ditch and culvert system in the eastern portion of the site abutting Dutch Village Road), UGDL has hired Maritime Testing to conduct a wetland determination/ assessment. Maritime Testing concluded that this wet area is not a wetland that satisfies the wetland criteria adopted by N.S. Environment, as it is too small (approximately 100

sq.m.), has little opportunity to provide wildlife habitat or connectivity to other natural habitats and does not contain soils which are sufficiently developed enough to be considered a wetland.

### **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, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation. In accordance with Regional Council's Public Participation Program for MPS amendments, community engagement with regard to this site/ proposal included the following:

- Public information meeting/ open house in January of 2003;
- In the spring of 2005, UGDL hired a consultant to conduct public consultation/feedback;
- Public information meeting in April of 2009;
- In March of 2011, an information package was mailed to approximately 100 neighbouring property owners, seeking their comments/ questions.

The minutes of the above-noted public information meetings are included as Attachments D and E. Written submissions are included as Attachment F. A petition with approximately 185 names in opposition to the proposal was submitted to Chebucto Community Council in June of 2011 by an area resident.

Should Regional Council decide to schedule a public hearing, property owners within the notification area shown on Map 2 will be notified of the hearing by mail. Public notices will be posted in the local newspaper and on the HRM website. The proposed amendments and agreement will potentially impact the following stakeholders: local residents, property and business owners, community or neighbourhood organizations.

### ALTERNATIVES

1. Approve the proposed amendments to the Halifax Municipal Planning Strategy and Mainland Land Use By-law (Attachment A) and the proposed development agreement (Attachment B). This is the recommended alternative.
2. Refuse the requested amendments to the Municipal Planning Strategy and Mainland Land Use By-law. 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..
3. Approve the proposed MPS/LUB amendments and development agreement with changes. This may require further negotiations between staff and the Developer.

### ATTACHMENTS

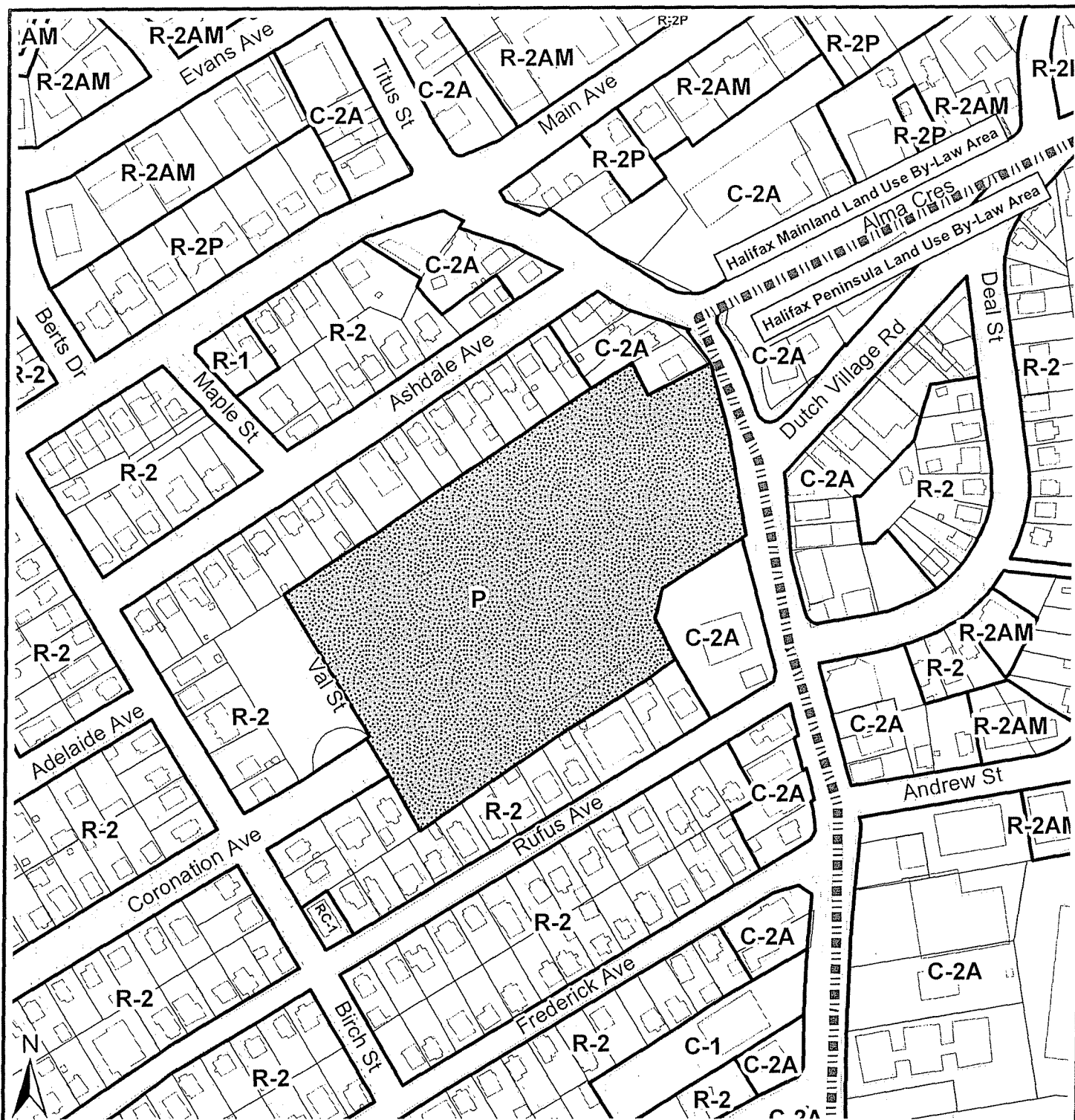
Map 1	Location and Zoning
Map 2	Area of Notification
Attachment A	Proposed Amendments to the Halifax MPS and LUB
Attachment B	Draft Development Agreement with Schedules
Attachment C	Most Relevant Extracts from Halifax MPS and LUB
Attachment D	Minutes of Public Information Meeting, April, 2009
Attachment E	Minutes of Public Information Meeting, January, 2003
Attachment F	Public Submissions

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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 : Paul Sampson, Planner I, 490-6259

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## Map 1 - Location and Zoning

3620 Dutch Village Road  
Halifax



Subject area

Halifax Mainland  
Land Use By-Law Area

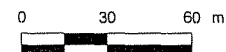
### Zone - Halifax Mainland

R-1	Single Family Dwelling
R-2	Two Family Dwelling
R-2P	General Residential
R-2AM	General Residential Conversion
RC-1	Neighbourhood Commercial
C-1	Local Business
C-2A	Minor Commercial
P	Park and Institutional

### Zone - Halifax Peninsula

R-2	General Residential
R-2AM	General Residential Conversion
C-2A	Minor Commercial

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
This map is an unofficial reproduction  
of a portion of the Zoning Map for the  
by-law area indicated

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



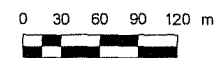
## Map 2- Area of Notification

3620 Dutch Village Road  
Halifax

-  Subject area
-  Area of notification

Halifax Mainland  
Land Use By-Law Area

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

## ATTACHMENT A

### 1. Proposed Amendments to the Halifax Municipal Planning Strategy

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

Add policies 1.9 and 1.9.1 to Section VII (Fairview Secondary Planning Strategy, Residential Environments) of the Halifax Municipal Planning Strategy to read as follows:

- 1.9 Notwithstanding the Community Facilities objective and policies of Section II, for the property known as the former Halifax West High school on Dutch Village Road (PID# 00188490), the Municipality may permit a mixed-use development of the site by development agreement.
- 1.9.1 Any development permitted pursuant to Policy 1.9 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:
- (a) the subdivision and retention of a minimum of 1.6 acres of land by the Municipality at the western end of the site for public open space purposes along with related park development and infrastructure improvements to be carried out by the land developer;
  - (b) the massing, location and height of building(s), which shall not exceed the low to mid-rise range, and in no case shall any building height exceed 8 storeys above underground parking level(s);
  - (c) the architectural design of the building, including building materials, signs and lighting;
  - (d) the provision of adequate site landscaping and useable open space for building residents;
  - (e) the provision of safe vehicular and pedestrian access and egress, including provision for the continued vehicular access to the existing driveway of Civic #31 Alma Crescent and pedestrian access through the site to Dutch Village Road;
  - (f) the adequacy of vehicular, bicycle parking and solid waste facilities; and
  - (g) the adequacy of the servicing capacity of the site.

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of \_\_\_\_\_, 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Municipal Clerk

## **2. Proposed Amendments to the Halifax Mainland Land Use By-law**

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

Add Section 70 (e) to the Land Use By-law immediately after Section 70 (d), to read as follows:

### **“Former Halifax West High School Site, Dutch Village Road**

- (e) permit a mixed-use development containing residential, commercial and public open space uses at the former Halifax West High School site on Dutch Village Road in accordance with Policies 1.9 and 1.9.1”

I HEREBY CERTIFY that the amendments to the Halifax Mainland Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of \_\_\_\_\_, 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Municipal Clerk



## ATTACHMENT B

**THIS AGREEMENT** made this       day of                    , 2011,

BETWEEN:

**UNITED GULF DEVELOPMENTS LIMITED,**  
a body corporate, in the Province of Nova Scotia,  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Dutch Village Road, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a mixed-use development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy \_\_\_\_ of the Halifax Municipal Planning Strategy and Section \_\_\_\_ of the Halifax Mainland Land Use By-law;

AND WHEREAS the Chebucto Community Council for the Municipality approved this request at a meeting held on \_\_\_\_\_, 2011, referenced as Municipal Case Number 01254;

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

## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

The Developer agrees that the Lands shall be 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 Halifax 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.

## **1.5 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: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS**

### **2.1 Schedules**

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 01254:

Schedule A	Legal Description of the Lands	
Schedule B	Site Plan	Plan # 01254-001
Schedule C	Parking Level	Plan # 01254-002
Schedule D	Ground Floor Plan	Plan # 01254-003
Schedule E	Typical Floor Plan, Upper Levels	Plan # 01254-004
Schedule F	East Elevation	Plan # 01254-005
Schedule G	North Elevation	Plan # 01254-006
Schedule H	South Elevation	Plan # 01254-007
Schedule I	Elevation Detail	Plan # 01254-008
Schedule J	Elevation Detail	Plan # 01254-009
Schedule K	Elevation Detail	Plan # 01254-010
Schedule L	Elevation Detail	Plan # 01254-011
Schedule M	Elevation Detail	Plan # 01254-012

### **2.2 Requirements Prior to Approval**

2.2.1 Prior to the issuance of a Construction Permit, the Developer shall provide the following to the Development Officer:

- (a) Landscape Plan in accordance with Section 2.6 of this Agreement;
- (b) Park Site Development Plan, cost estimates and drainage plan in accordance with Section 2.11 of this Agreement;
- (c) Plan of Subdivision in accordance with Sections 2.10 and 2.11 of this Agreement.

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

- (a) Certification from a qualified professional indicating that the Developer has complied with the Landscape Plan, or the posting of security in accordance with Section 2.6; and
- (b) Parkland/ open space dedication or security pursuant to Section 2.11.

2.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any use 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 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.

## **2.3 General Description of Land Use**

2.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) Any commercial enterprise permitted in the C-2A (Minor Commercial) zone;
- (b) Multiple-unit residential uses (apartment house);
- (c) uses permitted in the P (Park and Institutional) zone; and
- (d) uses accessory to any of the foregoing uses.

## **2.4 Detailed Provisions for Land Use**

2.4.1 Maximum building floor levels/ heights for the portions of the building above the parking structure, as shown on Schedule B, shall be as follows:

- Building A: 6 storeys
- Building B: 3 storeys
- Building C: 8 storeys
- Building D: 8 storeys
- Building E: 1 storey

2.4.2 Population density is to be calculated on the basis of 1.0 person per bachelor/ studio unit, 2.0 persons per one bedroom unit and 2.25 persons per all other apartment types. For the purposes of determining permissible density, one bedroom plus den units shall be considered to be the same as one-bedroom units.

- 2.4.3 The type and number of residential units may vary from that shown on the Schedules, provided that the overall residential population does not exceed 300 persons.
- 2.4.4 Ground floor land uses shown on Schedule D shall be limited to non-residential uses permitted in the C-2A zone and uses permitted in the P (Park and Institutional) zone. Notwithstanding the above, the ground floor level of Buildings C and D may include residential units and associated amenity space/ common areas, provided any residential/amenity uses are not located along the front facade facing the surface parking lot/ driveway areas.
- 2.4.5 The combined gross floor area of the ground floor level of Buildings C and D (residential/ commercial) shall not exceed 50,000 square feet.
- 2.4.6 The residential tower portion of Buildings C and D, above the ground floor, shall not exceed a gross floor area footprint of 13,500 square feet per floor.
- 2.4.7 The total gross floor area of the development devoted to C-2A and P uses shall not exceed 116,000 square feet.

## **2.5 Architectural Requirements**

- 2.5.1 The building's exterior design and materials shall be as shown on Schedules F through M.
- 2.5.2 Multiple storefronts shall be visually unified through the use of complementary architectural forms, similar materials and colours. Covered walkways, arcades, awnings, open colonnades and similar devices shall be permitted along long facades to provide shelter, and encourage pedestrian movement.
- 2.5.3 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork (murals), textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.).
- 2.5.4 Any exposed foundation in excess of four feet in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.

## **2.6 Landscaping**

- 2.6.1 Prior to the issuance of a Construction Permit, the Developer shall provide the Municipality with a detailed landscape plan, prepared by a Landscape Architect, which shall provide details of all landscaped areas shown on Schedule "B".

- 2.6.2 Areas shown on the Schedules as “landscaped area” shall be either active areas generally accessible to building occupants and shall contain a combination of concrete pavers, walkways, sod, ground cover, shrubs, deciduous and coniferous trees, site furnishings and landscaping features, or may be extensive (passive) landscaped roof areas designed to be generally self-sustaining, requiring minimal maintenance and accessibility. Notwithstanding the foregoing, any outdoor play area associated with a day care facility may be permitted within the “landscaped area”.
- 2.6.3 The landscaped areas between the building and the northwest and southeast property lines, abutting properties on Ashdale and Rufus Avenues, shall include a wooden privacy fence with a minimum height of six feet along the property lines for screening purposes. Additionally, these landscaped areas shall be secured in such a manner as to prevent public access through them.
- 2.6.4 Planting on rooftops and podiums above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. Approximately 50 percent of the plant material shall be evergreen and/or material with winter colour and form. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm. (2 ft.). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 2.6.5 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.
- 2.6.6 Planting details for each type of plant material proposed on the landscape plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety). Mass shrub plantings or mixed shrub and ground cover plantings are preferred instead of perennial beds.
- 2.6.7 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as pergolas, benches, etc. shall be provided to the Development Officer or shall be noted on the landscape plan required by Subsection 2.6.1, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the character of the surrounding area.
- 2.6.8 Prior to issuance of an 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.

- 2.6.9 Notwithstanding the above, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape work and the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping as shown on the Landscape Plan. 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 landscaping as described herein 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. 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.

## **2.7 Signs**

- 2.7.1 Exterior signs shall meet the requirements of the C-2A zone of the Land Use By-law and shall be generally limited to:
- (a) awning signs made of fabric material above ground level windows and doors;
  - (b) fascia and projecting signs at the ground level;
  - (c) fascia signs on the top level of the office building; and
  - (d) one freestanding ground / pylon sign.

## **2.8 Building and Site Lighting**

- 2.8.1 Outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.
- 2.8.2 The building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

## **2.9 Functional Elements**

- 2.9.1 All vents, down spouts, 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.

- 2.9.2 Other than roof mounted equipment, any mechanical equipment, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.

## **2.10 Subdivision of the Lands**

- 2.10.1 The lands shall be subdivided so that the Community/ Neighbourhood Park is separated from the main development site and the park is conveyed to the Municipality pursuant to Section 2.11. In addition, the alignment of the front property line along Alma Crescent/ Dutch Village Road shall be altered so that the entire sidewalk is located within the street right-of-way to the satisfaction of the Municipality. This resultant land shall be conveyed to the Municipality for street widening purposes. The application for subdivision approval shall be made prior to the issuance of a Construction Permit. In the event that the Municipality has already undertaken such subdivision of the land prior to entering into this agreement, the Developer shall be exempt from the subdivision and conveyance requirements of this section.

## **2.11 Parkland / Open Space Dedication**

- 2.11.1 Except as provided for in this section, the Park Dedication shall meet the requirements of the Regional Subdivision By-law. Park Dedication shall be a combination of Land and Equivalent Value in design and development. The southwestern, rectangular-shaped portion of the site (currently grassed and fenced), shown on Schedule B as a Community/ Neighbourhood Park, shall be retained as public open space and shall have a minimum land area of 1.65 acres. The Developer shall convey the park parcel to the Municipality in conjunction with final subdivision approval, unless this has already been undertaken by the Municipality as indicated in Section 2.10.1. The park shall be free of any contamination or successfully remediated for public use by the Developer as confirmed by the N.S. Environment department. The Developer, through a qualified professional Landscape Architect, shall, using the HRM Park Planning and Development Guidelines, be responsible to prepare a Park Site Development Plan, drainage plan and preliminary cost estimates for the Community/ Neighbourhood Park. The Site Development Plan/ drainage plan and cost estimates are to be submitted to and approved by the Development Officer prior to subdivision approval or, in the event subdivision has already occurred, prior to the issuance of a Construction Permit.
- 2.11.2 The Developer shall, at their own expense, construct a pedestrian walkway connection over the public park and the private development, as generally shown on Schedule B, in order to provide pedestrian access between Coronation Avenue and Dutch Village Road/ Alma Crescent. The portion of this walkway over HRM land shall be constructed to a width of 3 metres, the design and location of which shall be approved by the Development Officer. An easement for public use/ access shall be provided over that



portion of the pedestrian walkway which runs over the private land, in the area labelled "pedestrian walkway" on Schedule B. This easement shall be shown on the subdivision plan pursuant to Section 2.10.1. If a subsequent change to the location of the easement is required, the Developer shall be responsible for the cost and documentation to the satisfaction of the Development Officer. The Developer shall be responsible for providing directional signs indicating the public access function of the walkway. Where the pedestrian walkway over the private portion may be interrupted by driveway aisles or lanes, these aisles/ lanes shall be well demarcated with signs and crosswalk markings, to the satisfaction of the Municipality, in order to provide pedestrian safety measures. The entire walkway shall be designed to incorporate accessibility standards, including a grade which does not exceed 8 percent, and shall be constructed with suitable base supporting structure and hard surface finish.

- 2.11.3 The portion of the Community/ Neighbourhood Park to the south of the walkway shall be developed with Neighbourhood Park amenities including, but not limited to, benches, play set and shade trees. The installation and cost of these amenities shall be the responsibility of the Developer and shall be approved by the Development Officer. The portion of the Community/ Neighbourhood Park to the north of the walkway shall retain its current use as a play meadow. The Developer shall submit a drainage plan along with the Park Site Development Plan which identifies drainage issues and proposed remediation measures which are to be incorporated into the final design and development. The Park Site Development Plan shall also illustrate/ provide details on the landscaped interface between the park and the land immediately abutting the park, adjacent to the building. The Developer shall replace the existing fence surrounding the entire Community/ Neighbourhood Park with new fencing acceptable to the Development Officer.
- 2.11.4 The park development outlined in sections 2.11.2 and 2.11.3 shall be completed prior to the issuance of a Construction Permit. Notwithstanding this, should the park development not be complete, the Developer shall provide cost estimates to the Development Officer and shall provide Equivalent Value security in the form of a certified cheque or automatically renewing Letter of Credit in the amount of 110 percent of the remaining park development. The Development Officer shall return the security to the Developer upon completion of the park development (equivalent value) prior to issuance of any Occupancy Permit.

## **2.12 Driveway Access, Civic #31 Alma Crescent**

- 2.12.1 The Developer shall provide for the continued use of the existing driveway for access purposes to Civic #31 Alma Crescent at the northeastern corner of the site. An easement to this effect shall be shown on the plan of subdivision submitted pursuant to Section 2.10.

## **2.13 Maintenance**

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

## **2.14 Solid Waste Facilities**

- 2.14.1 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

## **2.15 Parking and Bicycle Facilities**

- 2.15.1 Notwithstanding Schedule C, underground parking may be permitted on a single level or on two levels or partial levels, provided the amount of parking shown on Schedule C is not reduced. Notwithstanding the above, the parking level(s) may include, and the amount of parking may be reduced to accommodate, bicycle parking required by the Land Use By-law and solid waste facilities required by Section 2.14.

# **PART 3: STREETS AND MUNICIPAL SERVICES**

## **3.1 General Provisions**

- 3.1.1 All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.
- 3.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including 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 Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

# **PART 4: ENVIRONMENTAL PROTECTION MEASURES**

## **4.1 Sulphide Bearing Materials**

- 4.1.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

## **PART 5: AMENDMENTS**

### **5.1 Substantive Amendments**

Amendments to any matters not identified under Section 5.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

### **5.2 Non-Substantive Amendments**

The following items are considered by both parties to be not substantive and may be amended by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the plans attached as Schedules B-M):

- a) minor changes to the architectural requirements and exterior architectural appearance or materials as detailed in section 2.5 and corresponding Schedules;
- b) changes to the landscaping requirements as detailed in Section 2.6 which are beyond the authority of the Development Officer under Section 2.1;
- c) minor changes to the land uses permitted by Section 2.3, an increase in the residential population permitted by Subsection 2.4.3, changes to the ground floor uses in Subsection 2.4.4, and any changes to corresponding Schedules;
- d) changes to the sign requirements of Section 2.7;
- e) building lighting / illumination which does not comply with Section 2.8;
- f) changes to the functional elements as detailed in Section 2.9;
- g) subdivision of land other than that indicated in Sections 2.10 and 2.11;
- h) changes to the date of commencement of development specified in Section 6.3;  
and
- i) changes to the date of completion of development specified in Section 6.4.

## **PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **6.1 Registration**

A copy of this Agreement and every amendment 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.

### **6.2 Subsequent Owners**

- 6.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 6.2.2 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).

### **6.3 Commencement of Development**

- 6.3.1 In the event that development on the Lands has not commenced within three 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.
- 6.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.
- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.2, 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.

### **6.4 Completion of Development**

Upon the completion of the whole development or complete phases of the 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;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law, as may be amended from time to time.

## **6.5 Discharge of Agreement**

- 6.5.1 If the Developer fails to complete the development after six 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.

## **PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **7.1 Enforcement**

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

### **7.2 Failure to Comply**

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, 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; or

- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**SIGNED, SEALED AND DELIVERED**  
in the presence of:

\_\_\_\_\_  
=====

=  
**SEALED, DELIVERED AND**  
**ATTESTED** to by the proper signing  
officers of Halifax Regional Municipality,  
duly authorized in that behalf, in the  
presence of:

\_\_\_\_\_

**(Insert Registered Owner Name)**

Per: \_\_\_\_\_

Per: \_\_\_\_\_

=====

=

**HALIFAX REGIONAL**  
**MUNICIPALITY**

Per: \_\_\_\_\_

Mayor

Per: \_\_\_\_\_

Municipal Clerk

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that \_\_\_\_\_, \_\_\_\_\_ of the parties thereto, signed, sealed and delivered the same in h presence.

---

A Commissioner of the Supreme Court  
of Nova Scotia

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

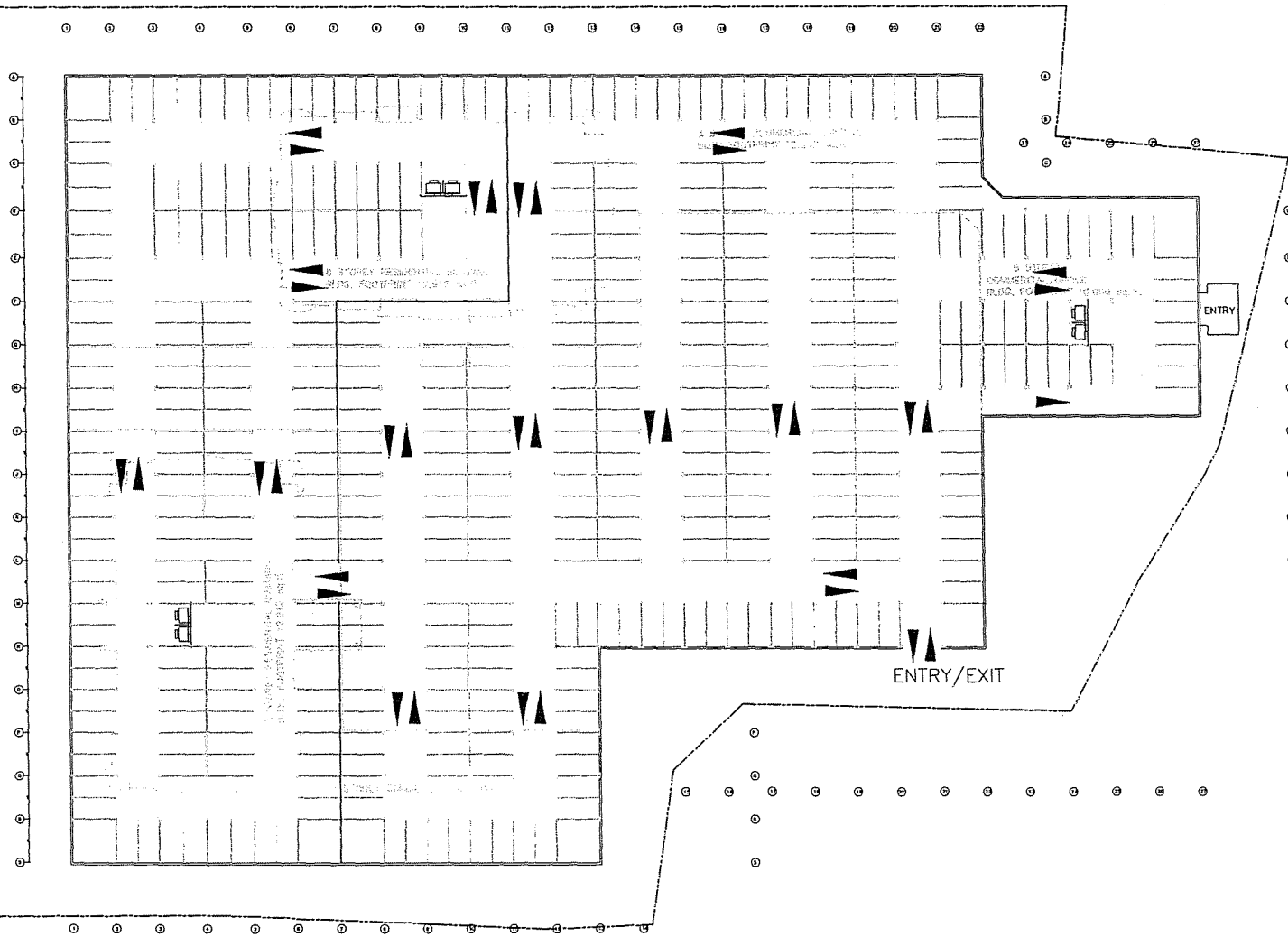
On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that \_\_\_\_\_, Mayor and \_\_\_\_\_, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in h presence.

---

A Commissioner of the Supreme Court  
of Nova Scotia







PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

UNITED GULF DEVELOPMENTS LIMITED

380 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2L4

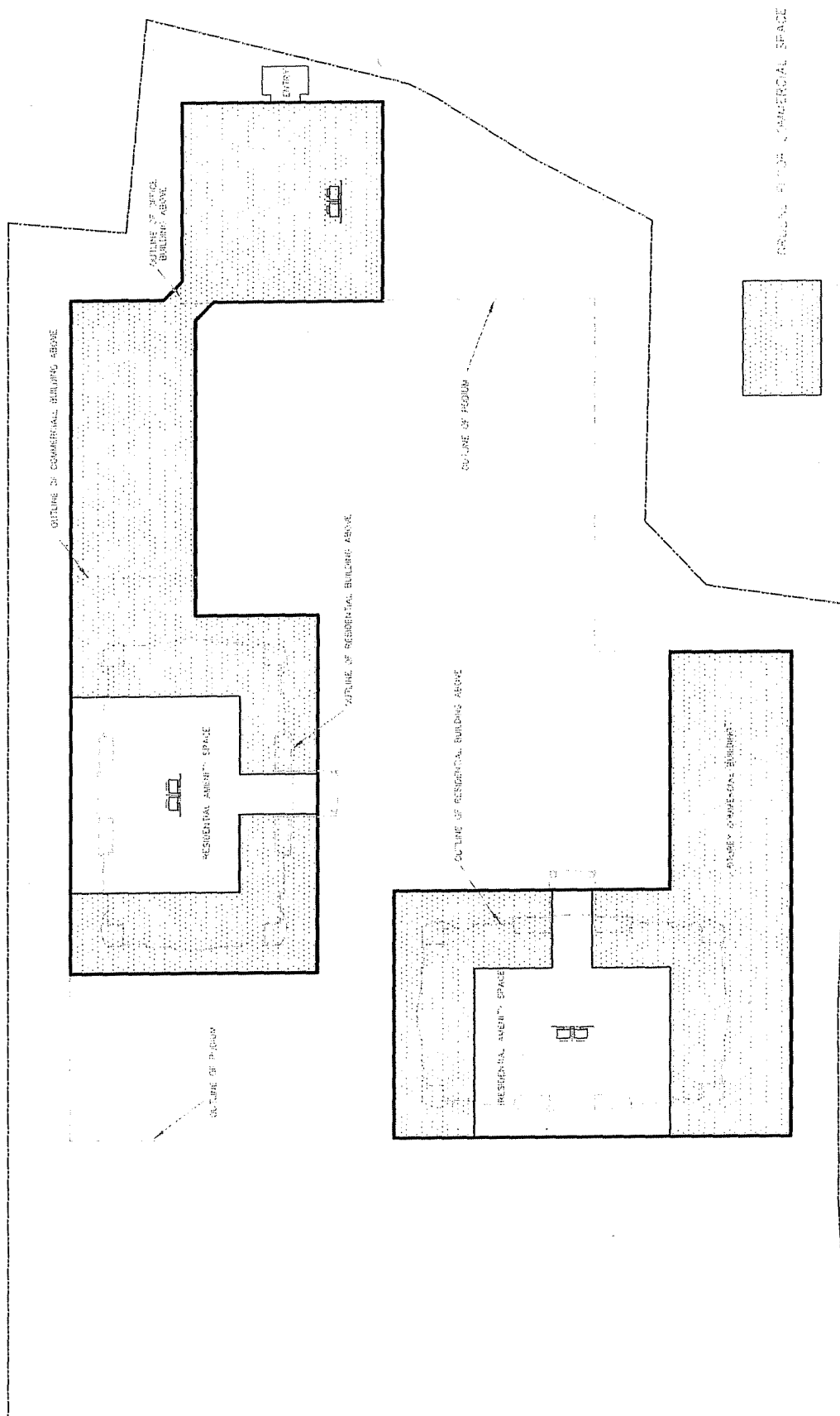
Tel: (902) 493-3070  
Fax: (902) 832-1752

Parking Level  
(CONCEPTUAL ONLY)

Plan No. 01254-002

SCHEDULE C

# SCHEDULE D



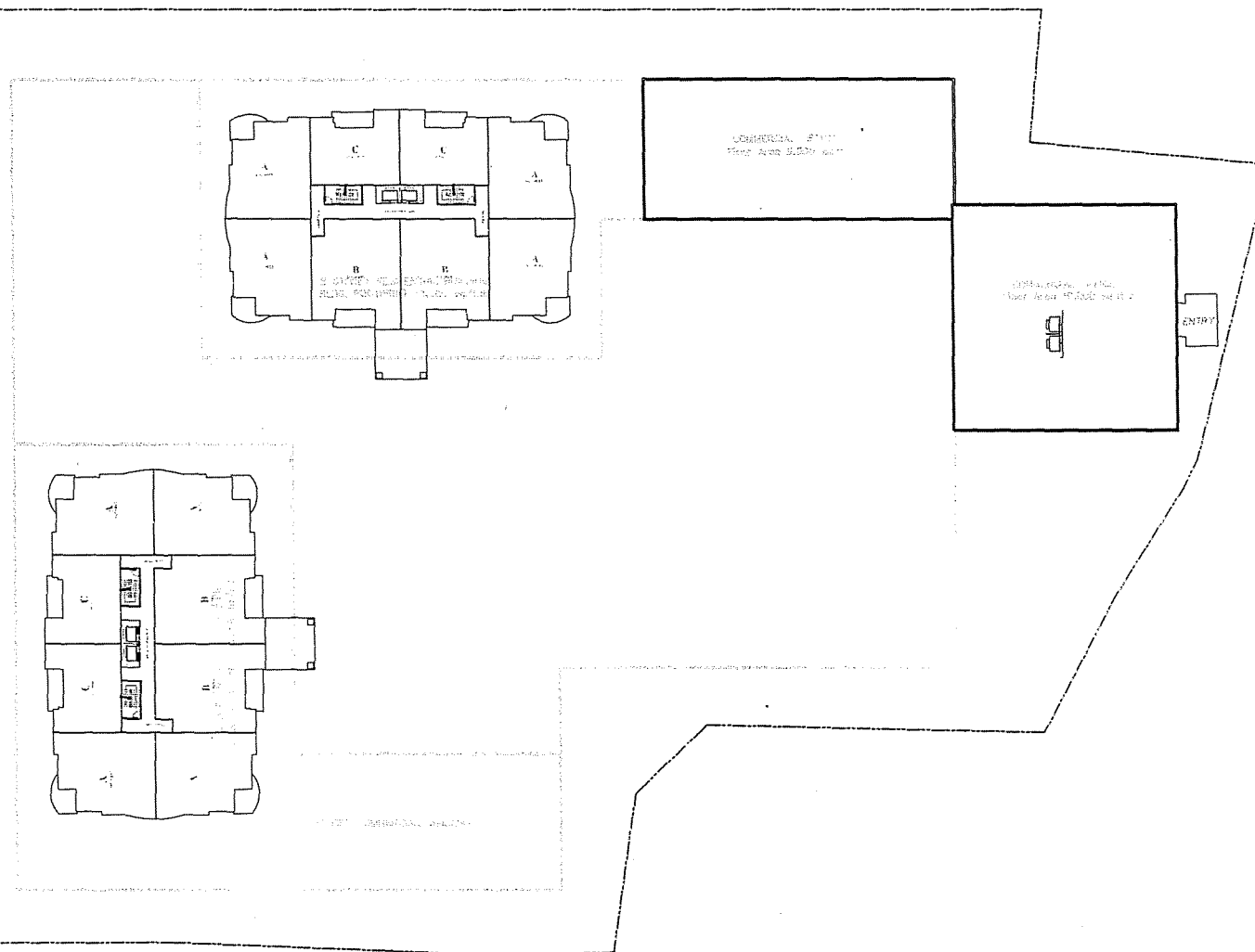
## PROPOSED MIXED-USE DEVELOPMENT 3620 DUTCH VILLAGE ROAD HALIFAX

Ground Floor

Plan No. 01254-003

UNITED GULF DEVELOPMENTS LIMITED

350 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2L4  
Tel: (902) 432-3020  
Fax: (902) 432-1152



PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

Typical Floor Plan  
Upper Floors

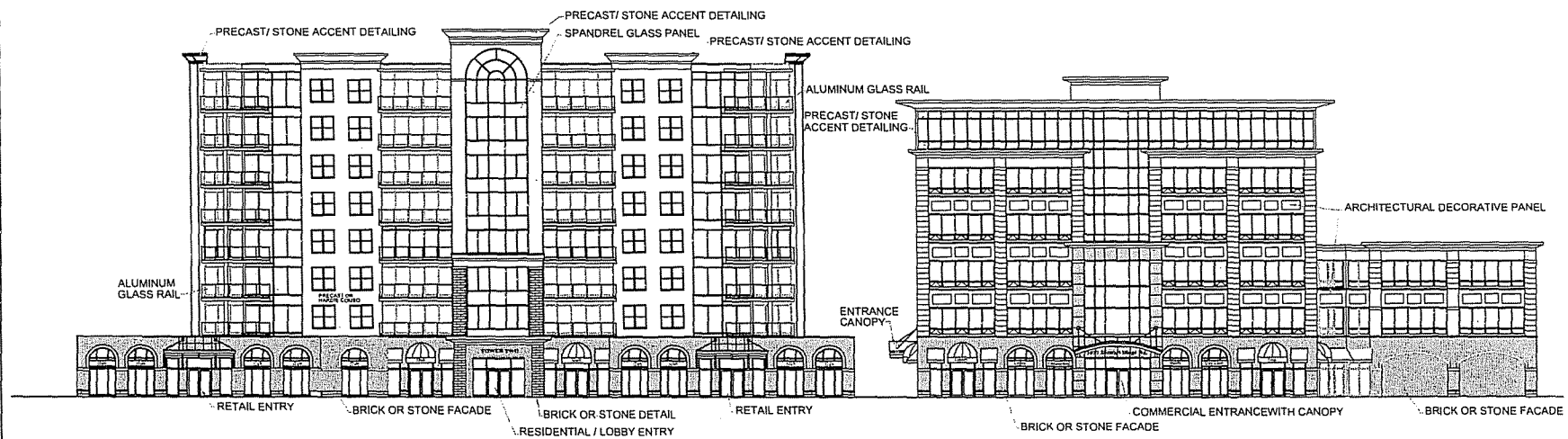
UNITED GULF DEVELOPMENTS LIMITED

380 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2L4

Tel: (902) 493-3070  
Fax: (902) 422-1752

Plan No. 01254-004

(ALL UNDEPICTED ELEVATIONS TO HAVE SIMILAR FINISHES)



PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

UNITED GULF DEVELOPMENTS LIMITED

360 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2L4

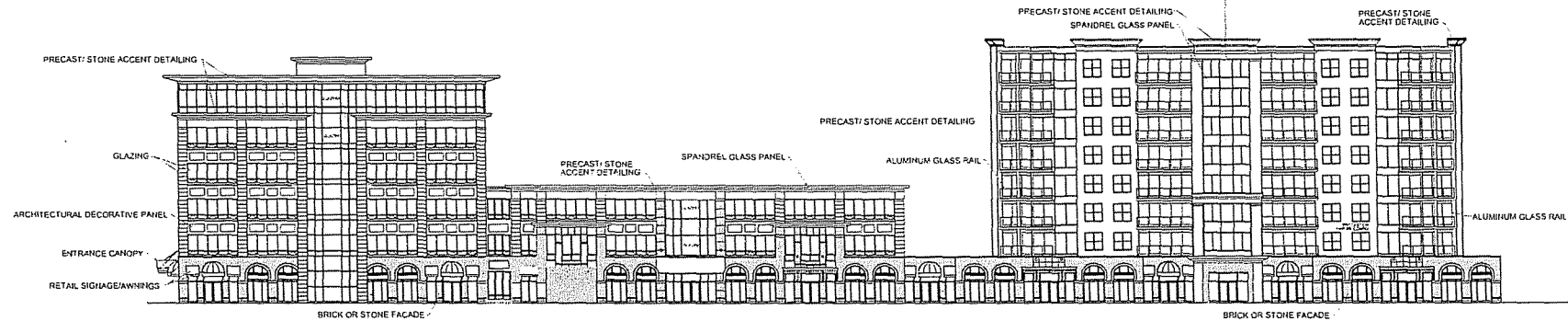
Tel: (902) 426-2000  
Fax: (902) 876-1712

EAST ELEVATION

Plan No. 01254-005

SCHEDULE F

(ACTUAL GROUND FLOOR FACADE WILL DEPEND ON ACTUAL USES  
AND WILL BE DETERMINED DURING DETAILED DESIGN STAGE BUT  
WILL HAVE SIMILAR FINISHES AND DETAILS AS THE REST OF THE BUILDING)



PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

UNITED GULF DEVELOPMENTS LIMITED

380 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2L4

TEL: (902) 491-1070  
FAX: (902) 832-1762

NORTH SIDE ELEVATION

Plan No. 01254-006

SCHEDULE G



(ALL UNDEPICTED ELEVATIONS TO HAVE SIMILAR FINISHES)

## BUILDING A



PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

BUILDING A  
OFFICE BUILDING  
DUTCH VILLAGE ROAD ELEVATION  
Plan No. 01254-008

UNITED GULF DEVELOPMENTS LIMITED

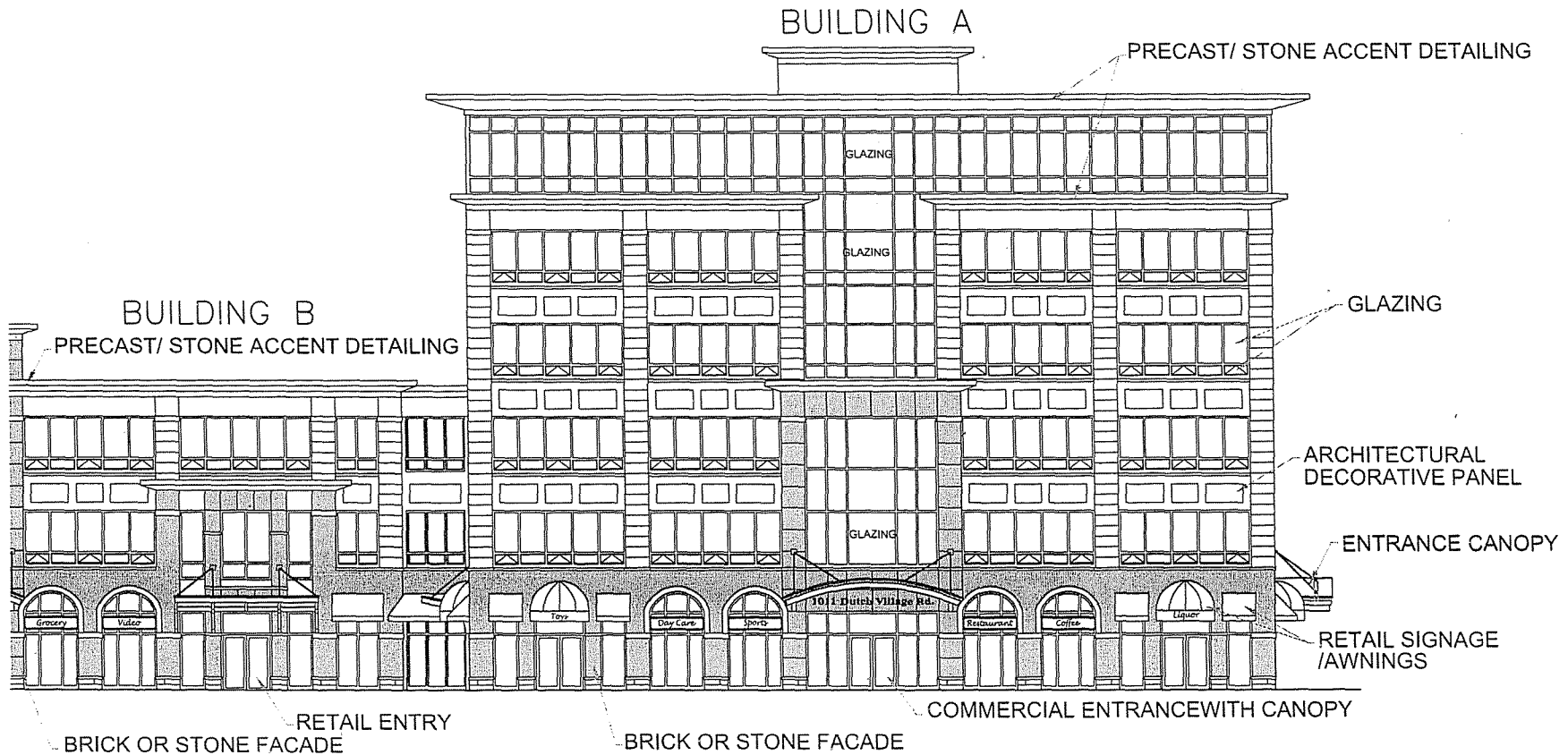
360 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2J4

Tel: (902) 487-2100  
Fax: (902) 487-2100

SCHEDULE 1



(ALL UNDEPICTED ELEVATIONS TO HAVE SIMILAR FINISHES)



PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

BUILDING A  
OFFICE BUILDING  
COURTYARD ELEVATION

UNITED GULF DEVELOPMENTS LIMITED

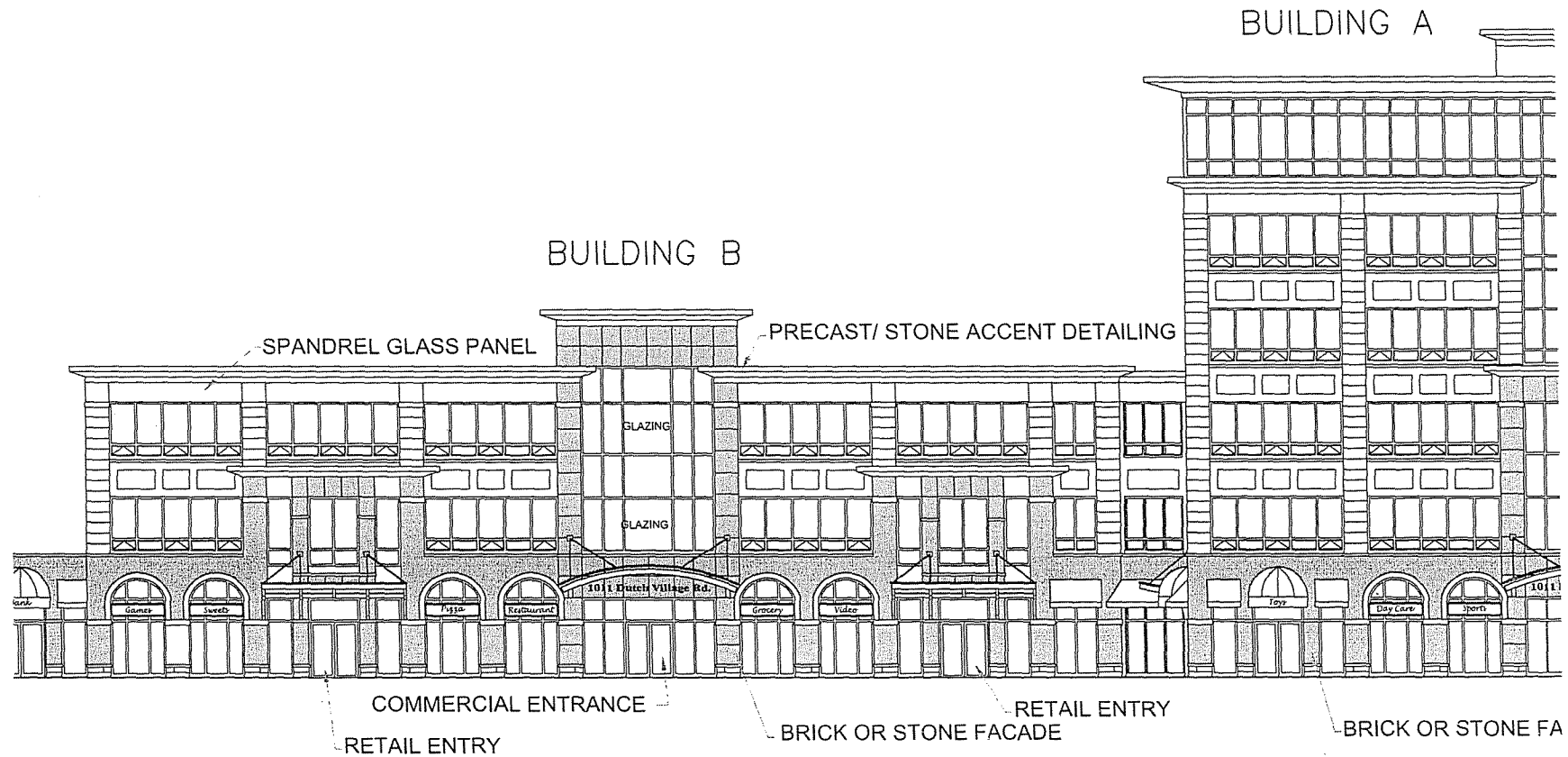
380 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2L4

Tel: (902) 453-7177  
Fax: (902) 432-7162

Plan No. 01254-009

SCHEDULE J

(ALL UNDEPICTED ELEVATIONS TO HAVE SIMILAR FINISHES)



PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

BUILDING B  
COMMERCIAL LOW RISE  
COURTYARD ELEVATION

UNITED GULF DEVELOPMENTS LIMITED

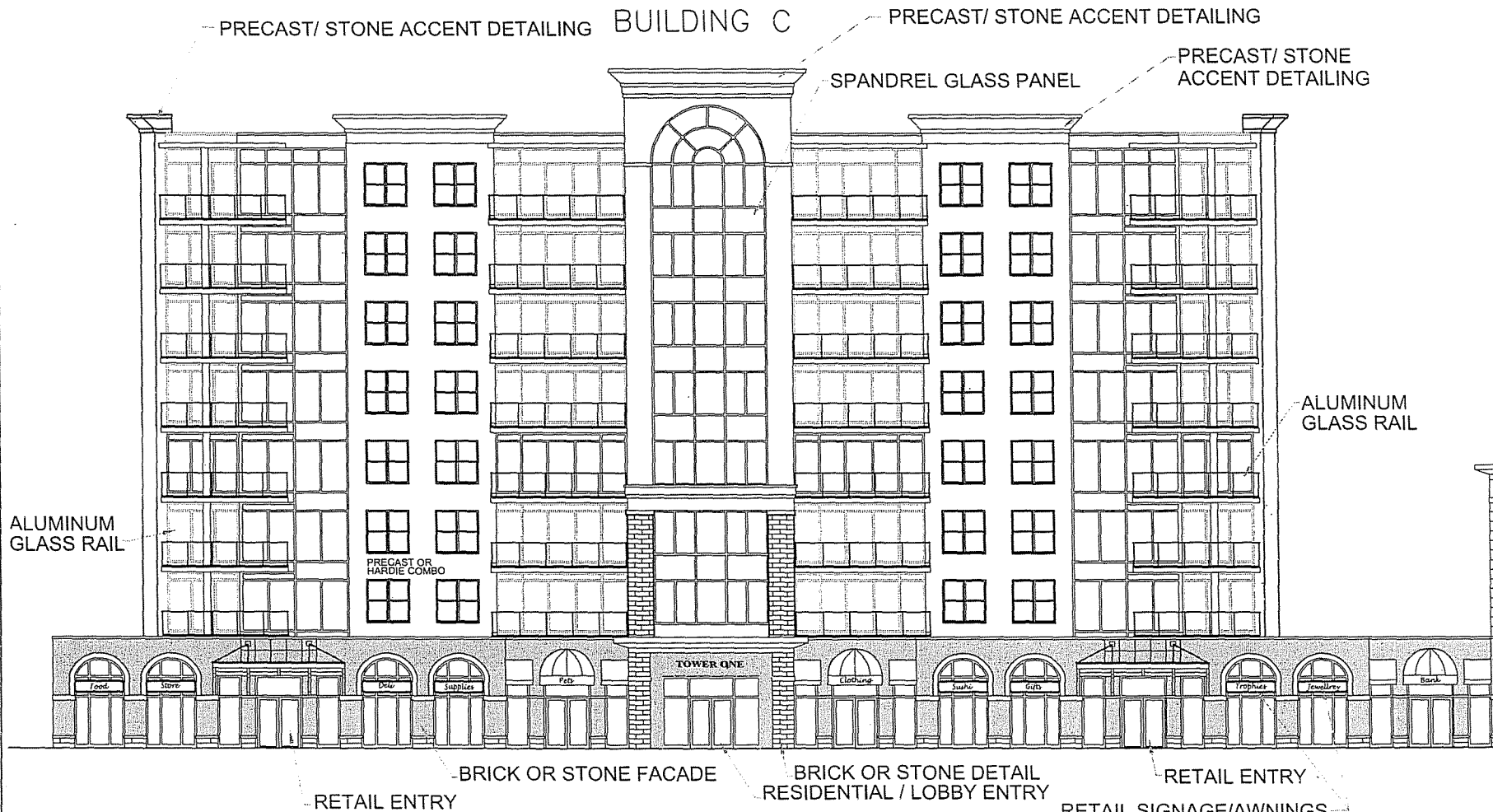
360 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2L6

Tel: (902) 493-3670  
Fax: (902) 832-1792

Plan No. 01254-010

SCHEDULE K

(ALL UNDEPICTED ELEVATIONS TO HAVE SIMILAR FINISHES)



PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

BUILDING C  
TOWER 1  
FRONT ELEVATION

UNITED GULF DEVELOPMENTS LIMITED

380 Bedford Highway  
Halifax, Nova Scotia  
Canada B3M 2L4

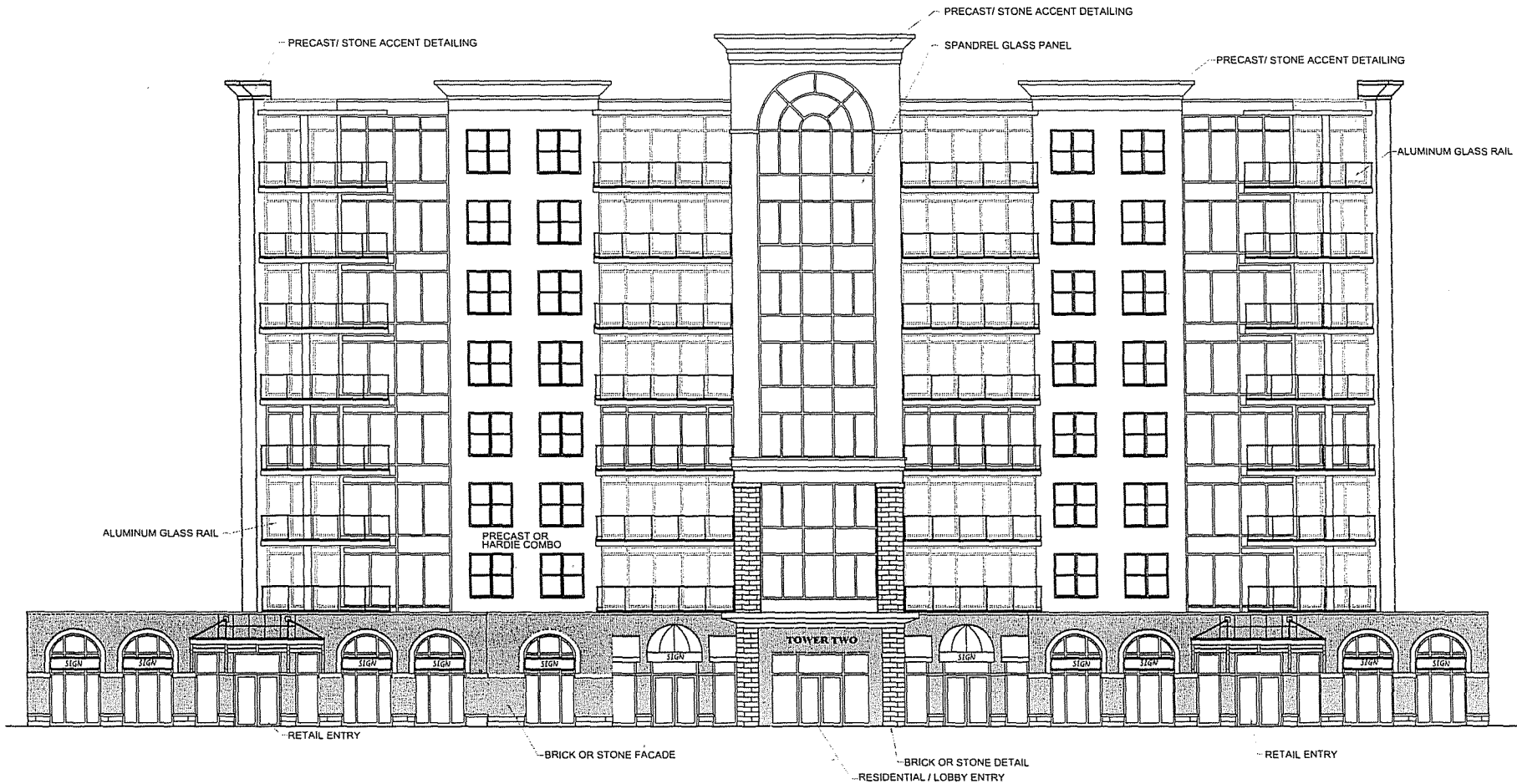
Tel: (902) 492-3277  
Fax: (902) 492-1752

Plan No. 01254-011

SCHEDULE L

(ALL UNDEPICTED ELEVATIONS TO HAVE SIMILAR FINISHES)

# BUILDING D



PROPOSED MIXED-USE DEVELOPMENT  
3620 DUTCH VILLAGE ROAD  
HALIFAX

BUILDING D  
TOWER 2  
FRONT ELEVATION

UNITED GULF DEVELOPMENTS LIMITED

550 Western Highway  
Halifax, Nova Scotia  
Canada B3M 2L4

Tel: (902) 493-1111  
Fax: (902) 934-1111

Plan No. 01254-012

SCHEDULE M

**Most Relevant Extracts from the Halifax Municipal Planning Strategy**

**SECTION VII - FAIRVIEW AREA SECONDARY PLANNING STRATEGY**

**OBJECTIVES AND POLICIES**

**CONTEXT:**

The policies of Part II, Section II of the Municipal Planning Strategy shall apply as appropriate and for greater clarity the objectives and policies of this Section shall also apply.

**1. RESIDENTIAL ENVIRONMENTS**

**Objective** Maintain and enhance the residential environment of Fairview while allowing for growth and change in designated areas.

1.1 "Residential Environments" may comprise three categories:

- (a) low-density residential;
- (b) medium-density residential; and
- (c) high-density residential.

1.2 In areas shown as "Low-Density Residential" on the Generalized Future Land Use Map (Map 9c) the City shall permit buildings with one or two dwelling units and appropriate community facilities.

1.3 In areas known as "Medium-Density Residential" on the Generalized Future Land Use Map (Map 9c) it is the City's intention to maintain the existing low-rise character of the area.

1.4 In the area shown as "High Density Residential" on the Generalized Future Land Use Map (Map 9c), the City shall permit apartment buildings.

**2. COMMERCIAL FACILITIES**

**Objective** Encourage the continued development of the Dutch Village Road area as a Minor Commercial centre, compatible with the surrounding neighbourhood.

2.2 The Dutch Village Road Commercial area is recognized as a "Minor Commercial centre" within the meaning of Part II, Section II, Policy 3.1.2 of the Municipal Planning Strategy. The City shall encourage its development within the limits set out in this Plan.

2.2.1 Minor commercial uses should front on Dutch Village Road, Alma Crescent or Titus Street and should be concentrated between Bayers Road and Evans Avenue, and shall be permitted only in areas designated "Minor Commercial" on the Future Land Use Map (Map 9c)

of this Plan. The area designated "Minor Commercial" along Dutch Village Road and Titus Street is intended to provide limited expansion capability of the minor commercial uses.

## **SECTION II - CITY-WIDE OBJECTIVES AND POLICIES**

### **1. ECONOMIC DEVELOPMENT**

**Objective** The development of the City as a major business, cultural, government, and institutional centre of Atlantic Canada, while enhancing its image as a place to live and work.

1.1 The City should encourage an economic climate conducive to development and the growth of employment opportunities.

1.2.2 In considering new development regulations and changes to existing regulations, and development applications, the City shall give consideration of any additional tax revenues or municipal costs that may be generated therefrom.

1.5 The City should provide a policy environment within which development can respond to changing market demands, while clarifying the intentions of the City and ensuring that development conforms to a pattern that is cost-effective for the City.

1.6 The City should direct the location of development in a manner consistent with its capital program, and economic, social and environmental objectives.

### **2. RESIDENTIAL ENVIRONMENTS**

**Objective** The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.

2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with

these neighbourhoods.

2.5 The City shall prepare detailed area plans for predominantly unstable neighbourhoods or areas. The priorities and procedures by which the City shall prepare these plans shall conform to the official City report entitled Areas for Detailed Planning and subsequent amendments which may be made by the City thereto as set forth in Part III, Section I of this document.

2.6 The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

### 3. COMMERCIAL FACILITIES

Objective The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.

3.1 The City shall encourage a variety of commercial centres to serve the variety of community needs and shall seek to do so under Implementation Policy 3.7. Provision shall be made for neighbourhood shopping facilities, minor commercial centres, shopping centres and regional centres.

3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.

### 7. COMMUNITY FACILITIES

Objective The provision and improvement of recreation and community lands, facilities, and services for all ages that are deemed appropriate to the creation, maintenance, and preservation of healthy neighbourhoods and to the City.

7.5 For neighbourhood and community parks, the City shall follow guidelines as to size, quality, service areas, location, access and population served as established in the Recreation Strategy in Part III of this document. Design of individual parks shall attend to the characteristics of the population intended to be served.

7.5.1 For neighbourhood and community parks in presently developed areas, the City shall, in accordance with the Recreation Strategy in Part III of this document, upgrade present facilities or add new facilities and lands which will bring those areas closer to any guidelines established by City Council. In areas where lands of sufficient size are not available, the City should consider providing vest-pocket parks (of a permanent or temporary nature) to supplement existing recreation space.

7.6 The City shall encourage the provision of recreation and community facilities in the vicinity of commercial centres and in City schools (and/or on school grounds), based on their appropriateness and location. The City shall avoid the duplication of facilities for any one area. In all cases, prior to encouraging recreation and community facilities to locate in City schools, or on school grounds, the City shall first identify the appropriateness of such locations based upon: (a) the necessity of avoiding disruption of the main function of schools; (b) the effect upon possible funding structures; (c) the effect upon possible operating budget structures; (d) the age level and needs of the students; and (e) an assessment of community need.

7.11 The City shall investigate alternative sources and methods of funding the acquisition or development of recreation lands and facilities.

## 8. ENVIRONMENT

**Objective** The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.

8.2 In reviewing public and private land use proposals, including its own capital program, the City will take into account the social, physical, economic and aesthetic effects on the natural and man-made environment, and will establish and maintain appropriate procedures to take such effects into consideration in the approval process for such land uses.

8.6 The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III.

8.10 The City should protect existing green areas and attempt to create new green areas. Every effort should be made to protect existing boulevards, tree-lined streets, and small parks.

## 9. TRANSPORTATION

**Objective** The provision of a transportation network with special emphasis on public transportation and pedestrian safety and convenience which minimizes detrimental impacts on residential and business neighbourhoods, and which maximizes accessibility from home to work and to business and community facilities.



9.4 The transportation system within residential neighbourhoods should favour pedestrian movement and discourage vehicular through traffic in both new and existing neighbourhoods. A pedestrian system that utilizes neighbourhood streets and paths to link the residents with the commercial and school functions serving the area will be encouraged.

9.6.6 The City should not enter a contract for any development that would adversely affect the principal street network, unless such development would be clearly desirable because of its positive effects as determined by its conformity with, or furtherance of, the principles established by the policies of this Plan.

## 10. ENVIRONMENTAL HEALTH SERVICES

**Objective** The provision of adequate sewer and water systems within a metropolitan context and the encouragement of only that growth for which the City can afford to provide these services.

10.2 In order to ensure that critical sewer and water problems will not be created within or beyond development areas, the amount of development shall be related to capacity of existing (including potential rehabilitation) and planned sewer, water and pollution control systems, by drainage area, and shall not exceed the capacities of those systems as determined by the standard practises of the City. This shall be accomplished by Implementation Policy 5.

**Attachment D**  
**Minutes of Public Information Meeting, April, 2009**

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**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**

**CASE NO. 01254 - Application by United Gulf Developments Ltd. to amend the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-Law to permit a mixed-use development of the former Halifax West High School site (PID 00188490), at 3620 Dutch Village Road, Halifax by development agreement.**

**7:00 p.m.**  
**Thursday, April 30, 2009**  
**Halifax West High School**  
**(Cafeteria)**

**STAFF IN**

**ATTENDANCE:** Paul Sampson, Planner, HRM Planning Services  
Shanan Pictou, Planning Technician, HRM Planning Services  
Alana Hines, Planning Controller, HRM Planning Services

**ALSO IN**

**ATTENDANCE:** Councillor Russell Walker, District 15  
Applicant: Ann Muecke, United Gulf Developments & Team  
Members  
Halifax Fairview MLA Graham Steele

**PUBLIC IN**

**ATTENDANCE:** Approx. 36 people

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

Opening Remarks/Introductions/Purpose of Meeting

Mr. Sampson welcomed everyone and indicated that the reason for the meeting is to discuss the proposal to amend the Halifax Municipal Planning Strategy and Land Use By-law to allow for involvement of the former Halifax West Site. The applicant is United Gulf Developments who will give a detailed presentation of their proposal. Mr. Sampson introduced Councillor Russell Walker, District 15, HRM Staff, members of the United Gulf Team, and the Local MLA, Graham Steele.

Mr. Sampson reviewed the meeting agenda; purpose and background information; property and

zoning details; process/next steps; and gave an overview of development proposal.

### Presentation of Proposal

Ann Muecke, United Gulf Developments introduced herself and members from United Gulf. Ms. Muecke indicated that she is from the area and her kids went to the former Halifax West School. She showed some pictures of the former Halifax West School site to remind everyone of the features of the site and things that need to be considered. Ms. Muecke pointed out that the former school was approximately 45 to 50 feet high. The site is relatively flat with various slopes. There is a fair amount of fill on the site, which has been there for a fairly long time. There was a long term leakage from old storage tanks on the site and there was contamination. There is still some residual contamination in the rock and this will have to be removed as part of the clean-up and re-development process. Also, as part of an environmental assessment that was done when the building was demolished, metal contamination in the soil was found, those metals are derived from the rock underneath, this is the nature of the soil in this area. New clean soil and fill will be brought for this re-development.

Ms. Muecke orientated everyone with the map shown on the screen and showed a winter and summer views of the site.

Ms. Muecke indicated that there is going to be some changes in the road network, nothing is finalized, there are draft plans, basically what will happen is Lacewood Drive will be extended to become Armour Drive. There will be a collector to Armour Drive. There is still on-going discussion on this.

*The proposal consists of the a mix use of residential, commercial, parking, parkland, and cul-de-sac extension as outlined below:*

Residential: 100 multi-family units (condominiums) within a 4 to 6 storey building; 7 semi-detached dwellings (14 units);

Commercial: 4-storey, 40,000 sq. ft. commercial building with retail on ground floor, offices on remaining 3 floors; 2-storey, 24,000 sq.ft. commercial building with retail on ground floor, offices on 2nd floor; 10,000 sq.ft. of ground floor retail within residential building; Total of 74,000 sq.ft. commercial (approx.);

Parking: 330 underground spaces, 76 surface spaces; Total parking - 406 spaces (approx.);

Parkland: 26,500 sq.ft (0.61 acres) off Coronation Avenue extension;

Streets: Cul-de-sac extension of Coronation Avenue into site.

### **3. Questions/Comments**

Jean McCallum stated she is concerned with the current traffic issue and this development will add 350 additional cars into this mix; she wanted to know how the traffic will flow.

Ann Muecke indicated that they are required by HRM to have a certain number of parking spaces for this development, so there is 100 spaces for residential units and the rest of the space

is for the commercial area. While 350 spaces have to be provided for this new development, there will never be 350 coming in and out of the site. Ms. Muecke indicated that United Gulf Developments had a traffic engineer conduct a traffic study and the traffic engineer assessed the movement in and out of the site, during peak travel, and compared this to the capacity of the road and the conclusion is that this development does not create a major impact.

A resident indicated that the proposed development is in her backyard and is concerned with the density of this proposal, in terms of the number of people going in this space she thinks that it is too much. Her students did a study years ago about the traffic safety in this area and the students counted all the cars and there was a lot of traffic and it is a dangerous area. She indicated unless you live in the neighbourhood you will not know what the residents experience. She has spoken to Councillor Walker asking him to make sure there is a light so that pedestrians can cross between Esso and the Carpenter's Building simply because pedestrians are at the mercy of the vehicles coming down the hill, and that is without the additional 350 spaces for this development. She said she wants the highest fence between her home and the development to animals, garbage or anything else coming into her backyard. She indicated that she wants to enjoy peace and harmony and quiet on her street. She also indicated she believes there are too many buildings are proposed and instead what is needed is green space, no more commercial is needed in this area. She said that it is totally unacceptable to the people living there and paying taxes for them to have this high density of people and business coming into this space, it is absolutely an unacceptable development and wanted to make sure her comments were on record.

Ria Tienhaara said she agreed with the first two speakers. She indicated she understood that this site is currently zoned for parkland and she also sees people walking their dogs and people playing sports on this site and thinks it would great to keep this local space as parkland. She said she whole heartedly agrees with the problem of density, cars, and traffic. She would rather see parkland and green space then residential/commercial buildings.

Mr. Sampson indicated that the zoning is park and institutional and that zone is common throughout all of Halifax. It is for parkland and for any institutional use you can think of. This was reflective of the school that was there and it was zoned for that purpose. We are going through this process because Council determined the site is surplus to municipal needs and as a part of the re-development of the site, it is expected that a park component be included and this will be a consideration. Perhaps people can comment on the type of park you would like to see on this site.

Ms. Tienhaara said, in response to Mr. Sampson's comments, that she would like to see a green space big enough to play baseball, big enough that there would be trees where people could go to have a picnic and sit in the grass.

Jamie Gaetz asked who received an invitation to the meeting tonight because her neighbours across the street were not aware of it and this impacts their property values as much as those who back the site.

Mr. Sampson said the notices went out to every property owner on both sides of Ashdale and

Rufus and some owners on Coronation and Deal and to some commercial. HRM utilizes the provincial and municipal data bases for property records. Letters would have only gone to owners, not renters.

A resident said there have been people playing pick up baseball games, utilizing a space that is a little better than a garbage dump. In the last two weeks there have been soccer games being played on this site and Fairview doesn't have any area for green space. Please consider those who have invested in their homes, yards, and neighbourhood and keep the space green. What is being proposed does not adhere to the nature of the area. The residents want to see something happen to this site, but asked that the developer please be respectful of the homes. There are empty businesses in this area and the essence of this neighbourhood will have to be changed in order to get renters/owners into the proposed residential concept.

Ms. Muecke said the whole point of re-developing the commercial components is to raise the level of commercial activity in the area. Part of the reason you get relatively low-end businesses in the surrounding area is because they haven't seen any improvement or investment in the area for a very long time. There has been no money spent on those buildings and so the rents get cheaper and cheaper and you get more marginal businesses going in and they tend not to last and sadly it's a downward spiral. In order to change that dynamic the area needs re-investment and that's what United Gulf sees this development proposal to be; re-investment with quality structure. A portion of this project does not affect the surrounding streets; entry and exit is onto Dutch Village Road, which is a collector road, that is designed and meant for that kind of traffic. There is no need for the cars to go around unless they are visiting someone in another area or for some other reason.

Francis MacDonald, representing the landlord for Fairview Shopping Centre as well as owns a couple of businesses in the neighbourhood, stated that he disagrees with a lot of the comments made thus and is speaking in favour of the development. The neighbourhood does not support businesses high enough and tenants are moving out. In his opinion, this development would be nothing but a quality development and with a 100 condo's of this nature you get good quality people moving into the neighbourhood, who will support the surrounding businesses, which in turn gives them more money and they will improve their infrastructure. He also believes that the business component that is being shown will be good quality businesses that everyone in the neighbourhood would use. Having 30 years experience in the real estates business, he said this will not decrease the property values, it will increase property values in Fairview. Change is a hard thing to accept, but wanted to compliment the proposal because he believes this is going in the right direction.

Mary Williams said she likes the look of the plan, it sounds wonderful, and she is happy it will increase the value of the surrounding homes, but has three comments:

- (1) She would like to see more green space as there is not currently enough green space for children to play and wanted to know how much green space there will be.
- (2) With 100 condominiums, where will their visitors park?

(3) Residents on Ashdale put up with a lot of cut through traffic and fast driving cars and wanted to know how many more cars are going to be using Ashdale Avenue and how many people are going to be using Ashdale to park their cars to visit or use the residential/commercial of the proposed development.

Ms. Williams asked that these three items be taken into consideration.

Ann Muecke said one the things that makes mixed use different from single use development is that there are people in the area at night time because they are residents there, but won't be there in the daytime because they are working; there will be people who will be working there during the day that won't be there at night time. The amount of parking that is required assumes that everyone is there at the same time, but in reality they won't be there at the same time so when the people working there leave there will be additional parking spaces, thus opening up parking spaces in the evenings and on weekends. There is surface parking and underground parking and there should be no need to park on the streets, there is ample parking for this development on site and we do not expect a shortage of parking for this site.

Mr. Sampson added that a separate traffic study has been submitted by an independent traffic engineer and HRM Staff are reviewing this study, which is part of this process, and if HRM's Engineer's have concerns with this study it will be made know and the issues will be worked through. With regard to the parkland, HRM Parkland Planners will review this proposal as well.

Eugene Pettipas, owns the Dairy Queen on Dutch Village Road, said since the school closed they lost a lot of business at the Dairy Queen. He said he thinks this proposal is a great addition to the area, with some compromises to be made. He suggested getting rid of the town houses and making that parkland as a compromise.

Mr. Sampson said the request for proposals that went out in 2003 had some development guidelines. Guidelines spell out what HRM was looking for in terms of a proposal. Part of having a mixed use proposal that included commercial and various sites for residential was intentional in the hope that it would spur on additional activity off the site in the area. Although it can not be guaranteed, it is an attempt. It was recognized at that time that commercial portion of Dutch Village Road had been in decline for a few years. The commercial focus has transferred over to Joseph Howe Drive and this may spur some activity back to Dutch Village Road.

A resident said that in terms of the traffic, when the bi-high was closed, traffic had been diverted to Willet Street, which is not local traffic from the local people. She also stated that she thinks the site needs to be developed and the proposal looks good. It will be an improvement to the Fairview area.

Mr. Sampson also indicated that HRM's traffic engineers are looking at different options for the corridor, one of the possibilities that Ann indicated was to possibility direct more traffic from Lacewood onto Titus and then on to Joseph Howe. This is being looked at, there hasn't been any

decisions made, and these decisions have to be made by Regional Council. Traffic options are being reviewed and this proposal is being reviewed with those options in mind.

Jan said in regards to the traffic issues he would really like to have bike lanes and have a bike friendly area. He also asked if there are any plans or considerations to use alternative energy sources for the buildings that are going (i.e. wind power, solar power) and he also said he noticed some sort of green space on top of the buildings and was wondering what that would be.

Ann Muecke said that United Gulf Developments has a geothermal heating and cooling building and they will certainly look at this option for the buildings for this development. A green roof is a possibility. Ms. Muecke indicated that their engineer is looking at green options, i.e. detention ponds, drainage, green roofs, etc.

Mr. Sampson indicated that the land use bylaws in HRM now require bicycle parking and they will be looking for this in the proposal as well.

Ann Muecke said one of the strengths of this location is the bus network. There are 10 bus routes that come within 1 block of this proposed development and there are another 3 on Joseph Howe Drive, so 13 bus routes come within 3 blocks of this development.

Andrew Feenstra said since there is going to be a lot more traffic and there are virtually no side walks in the area, will side walks be added to the surrounding streets? He also said he sees green space behind the commercial part of the property and wanted to know if this would actually be green space or paved road so that delivery trucks/garbage will go. Ann Muecke said they are not allowed to have an entrance behind for that. It will be green space. Deliveries and pick up will have to be organized from the front. Mr. Feenstra said there needs to be a better balance between the development and green space. The whole development needs to be scaled back and more green space added to create a balance.

Mr. Sampson said the answer is no as part of this proposal, to having sidewalks on other streets, but a sidewalk in front, along Dutch Village Road, could be looked at during the review, but he can't answer whether or not HRM has plans for sidewalks on existing streets in the area. In regards to the green space at the back of the building, an old site plan was accidentally attached to the fact sheet showing a driveway and want to clarify that this driveway is not part of the current proposal.

Kelly Campbell said she thinks a great idea, the space needs to be developed, but it needs a better balance of green spaces. Her main concern is traffic. The possibility of traffic being funneled down to ease traffic in other areas, but the fact that Regency Park Drive is going to hook into Mount Royale which is Main Avenue and there are no traffic lights from the top of Main Avenue to all the way to the bottom and the development is not yet fully populated and wondered how many more cars from will be added from this and coming down the hill to the collector areas. She said she needs to look at the strategy overall. The traffic on Bayview will not be helped if the people in Clayton Park West are funneled through Regency Park. It's currently a nightmare to get a left or a right off Coronation Avenue onto Dutch Village Road. It's really difficult and

would like to see the City look at a more comprehensive strategy for dealing with the problem at the bottom of that hill.

Mary Williams asked will the development come right to the fence of the backing residents or will there be a space between the properties. Ann Muecke said there is no need to encroach on the slope and doesn't think she needs to worry about this as a certain distance needs to be maintained from the edge of the property through the set back requirements. Mr. Sampson said there might be fences that go over the property line and this will have to be looked at in more detail later on.

Jan asked about the lighting will be used in the parking lot. Ann Muecke said that they haven't got to this point of figuring this out as of yet. The glare of lighting will be a concern with the people living on the site as well as neighbours, this is something that needs to be worked with very carefully. Generally speaking, most sites now use downward lighting. On the bike parking there are clear requirements and this will be incorporated in the proposal.

Mr. Sampson added that lighting is something that can be addressed in the Development Agreement as well.

Mr. Sampson also indicated that he has business cards at the front table and his email address is on the fact sheet if anyone has any comments afterward.

Anne Sinclair wanted to know if traffic changes could be made and signs be placed help with the cut threw traffic issue. The main concern for her is the traffic. She also is concerned about security and wanted to know if there would be more police surveillance.

Mr. Sampson said he would make sure the HRM Traffic Engineer's will get a copy of the meeting minutes so they can review the traffic concerns brought up this evening.

Ann Muecke said she would be happy to meet with anyone who would like to talk about this project more and gave her phone number at United Gulf 490-1303. She also indicated that people can leave a message and she would get back to them. Can direct comments through Paul Sampson as well.

Gary wanted to know what the sale price of the property to the developers. Mr. Sampson said his understanding is the price is not determined yet and would be determined in the future based on the proposal Council approves the proposal. Tom Crouse, HRM Real Estate, said all land transactions with HRM are done in camera (confidential) but what Paul said, there will be a price, market value, and it is related to the approved development.



Gary also said there was a lack of information sheets sent to the neighbours, he said there was nothing in the papers, no notice on HRM website that he seen. It was immediately confirmed that there was a notice in the newspaper about the meeting. He said that a lot of his neighbours were surprised there was a development taking place here. He said an immediate flag goes up when a developer does the bare minimum to give notice to the citizens of the community and it creates an aura of being stinky and not forthcoming. If a developer is confident in what they are proposing and they would have extended their notice to put something in the paper, which we now have this straighten out. Traffic concerns - 400 more cars in the area will make it impossible to get on Dutch Village Road from Ashdale or Rufus and 400 more cars doesn't make this any better. How can traffic development approve the extra traffic. There is an increase in traffic already on Coronation and Ashdale and Rufus due to the townhouses at the bottom of Coronation. Snow removal has been a challenge and you will be adding to that. The morning sun is going to disappear for the residents on the lower Ashdale Avenue from what he sees. He wanted to know what was going to be the selling price of the duplexes, or any ideas what it would be. Ann Muecke said not yet. Gary further said there will be a problem for people walking without sidewalks on Rufus and Ashdale. The green area being proposed is a swamp. There is nothing in the neighbourhood right now for children to play or for people to take their dogs for a walk and there is not enough green space proposed. The school is gone, and his kids weren't eligible for a bus pass to go to a new school. He said he is disappointed that the area Councillor would even allow the developer propose the current plan, the current plan should have never made it to the paper, we're not stupid. Another thing the developer has a problem with a lawsuit going on with the Mother House and we'll have to deal with another problem here when it is half built and they will pull out. Does the plan confirm with the current land mass, low density housing, that is what should be proposed for that area. If you are truly interested in working with our community and it's citizens, the plan should consist of single or duplex dwellings; no parking complexes whatsoever; park for children, youth and seniors; no commercial store frontage which exists in the area today and cannot be leased at the best of times. A path to get to Dutch Village Road is needed. With respect to business upgrades, the only thing he can see about people putting money into businesses is that their taxes will go up, so why would people go spend a half million dollars to get stung by taxes. Maybe an incentive should be put in to fix up the building and reduce the taxes.

Mr. Sampson wanted to clarify that the notification was prepared by HRM. Approximately 100 letters to property owners were sent out and he will look into where they got sent to. If you were not notified by mail for the meeting tonight, he encouraged that they sign the attendance sheet and fill out their address to be added to the mailing list. Another mail out will happen two weeks prior to the public hearing.

Eugene said he didn't receive anything in the mail, but he did see the meeting advertised in the paper.

Someone asked what the time line for this project. Mr. Sampson said potentially the soonest a report could go to Council would be in the fall. It's not likely to happen sooner than that. This person asked what the time line would be after the proposal gets approved by Council. Mr. Sampson said once the report goes to Council a number of things could happen, but the fact that an RFP went out, Fall is the earliest it could go to Council. Ann Muecke said if Council decides

to approve this or an amended version of this, let's say that happens in the fall, United Gulf will have to go into detailed design process (this is only a concept shown), permits will need be applied for and received. If everything goes straight forward, maybe next year possibly.

Mr. Sampson said there is information on the HRM website on this proposal.

A resident asked who will manage the green space, HRM or the buyer. Mr. Sampson said there are two types of green space - public parkland, which would be managed by HRM (includes park development as negotiated by development agreement). There is also open space associated with the buildings (landscaped open space) which would be private not public.

Rob Douglas asked why someone didn't just walk around the area and drop off letters in mailboxes, this way everyone would have got notice. Mr. Douglas said he hasn't lived in Halifax for very long but has noticed that the Commons get ripped up every summer for concerts and displaces a lot of revenue for the City as sports teams can't play there for a month to a month and a half at a time, and he thinks this is an ideal space for a sports field and it would be extra revenue for the City.

Mr. Sampson said with regard to notification, over the years HRM has looked at the notification process many times and there are issues with any attempt you make. For example, not too long ago we were able to notify condo owners. As part of the process property owners are notified. As staff, we are not allowed to walk into an apartment building, for example, and drop off a bunch of notices in the front entrance. HRM is continually looking at this process, it is unfortunately that we can get the notice out to everyone, but we are trying to improve it all the time.

A resident wanted to state that she is not opposed to the development, but thinks the scale is too large, density is too high and more green space is needed and hopes that the concerns are earnestly reviewed and considered.

Some one asked if there were any other proposals submitted at the time the RFP went out. Mr. Sampson said this is the only proposal to date. United Gulf was the sole proponent in the request for proposals.

Ann Muecke said there has been a long delay from when the school was torn down, when the request for proposal went out, etc. In this time, United Gulf has gone through many many many alternative designs and the basic problem is if you put single family, by the time the streets and driveways are added, the whole property is used up and there is very little opportunity for green space and that's a real dilemma. So in order to create green space, you need to concentrate the units into a much tighter focal point and that's what we've done here. As far as United Gulf is concerned this offers the best balance, knowing people want green space.

Mr. Sampson added there are a lot of technical issues on this site that need to be worked out, one being drainage for example, but options will be looked at for increasing the open space.

Caitlin Callahan said that the green space shown is 1/4 the size of what is being used now and everyone will be on top of one another, so why not get rid of the townhouses and open up the green space.

4. **Closing Comments**

Mr. Sampson thanked everyone for coming and welcomed further comments.

5. **Adjournment**

The meeting adjourned at approximately 9:00 p.m.

**Attachment E**  
**Minutes of Public Information Meeting, January, 2003**

**Public Information Meeting Minutes**  
**(Case 00519)**  
**January 16, 2003**

In attendance: Councillor Walker  
Paul Sampson, Planning & Development Services  
Jan Skora, Real Property & Asset Management  
Peter Stickings, Real Property & Asset Management  
Rudi Vodica, Real Property & Asset Management  
Gail Harnish, Planning & Development Services

Mr. Paul Sampson called the meeting to order at approximately 6:30 p.m. at the Keshen Goodman Library.

Councillor Walker stated this is the first of many meetings and would not be the only chance for input. The purpose of this meeting is to get the input of what the people feel should go on the site and we will go from there. He said he would guarantee it would not be developed with apartment buildings. They do not need any more apartment buildings in Fairview/Clayton Park.

Mr. Peter Stickings, Manager of Real Estate Services, indicated it was his task and that of his staff to focus on the site disposal aspect of this project. When HRM agreed to provide land on the Mainland Commons for the new school for the province, that was looked at as a disposal of active and passive recreation land. In an effort to counter balance that, staff and Council recommended that the proceeds from the old Halifax West school be appropriated to an investment on the Mainland Common. They have a financial business case driving the disposal of the asset.

Mr. Stickings provided some of the criteria they were considering for a high financial return. They are looking for unique and timely proposals - unique in terms of quality; neighbourhood character; a sense of place; and packaged in a mechanism that would provide for timely market absorption. They want a use that will be absorbed in the market place in a relatively short period of time so they can use the proceeds to reinvest in the Mainland Common. They are looking to site particular land uses and unit types on the site that are a positive fit for the community as well as for residents and businesses. The sketches shown on the wall are meant to draw feedback. They are simply development proposals that staff put together to get people around the issue and get some discussion.

Mr. Sampson reviewed the process to amend the municipal planning strategy (MPS). The old school site is zoned and designated for institutional use. In order to reuse the site for residential development, commercial development, a combination of those, or another use, the MPS would have to be changed by Regional Council. Regional Council initiated the amendment process in June of 2002. The meeting tonight is the first public information meeting - it is an information exchange - a chance for staff to outline possible scenarios for redevelopment of the site and get

input. Following this meeting, staff will review the minutes and comments and draft policy changes to the MPS. Staff will prepare a report which will first go to Chebucto Community Council who will make a recommendation to Regional Council. It is a lengthy process that normally takes 10-12 months.

Mr. Jan Skora, Supervisor of Parkland Planning, indicated that before putting together options they evaluated the site conditions. He pointed out on a sketch the location of the existing school, another building, the basketball court, the access to the site, and an area of green space with a few trees in the middle of the site. He also pointed out an area of vegetation along the north side of the property. On the southwest corner of the property, there is a sports field and a walkway from Coronation Avenue which goes through the property. On the southeast side, there is an old garage building which is used for storage and other facilities. The rest of the site is used for traffic and driveways. He proceeded to review possible options:

#### Option A

this is the most intense development of the site and will consist of some sort of multi-unit dwellings;  
because of the commercial character of Dutch Village Road on this side and partially on this side (pointed out on map) it makes sense to develop it as commercial at the entrance;  
it is connected by walkway to Coronation Avenue;  
the corner which is now the sports field has been secured for parkland dedication for the surrounding community and the proposed development;  
the rest will be subdivided into 2-3 lots and developed with multi-unit dwellings.

#### Option B

the multi-unit component is smaller - it would basically be in the middle section within the footprint of the school;  
the cul de sac would be extended closer to Coronation Avenue;  
the northern portion of the soccer field is proposed for townhouses;  
the southern portion is parkland;  
the south side is proposed for a few single dwelling units;  
the corner is proposed for commercial;  
this is the least intense development of the site.

#### Option C

this is a cul de sac with a P loop on the private property;  
the middle section is proposed for parkland dedication;  
the concept is to save the existing trees which are in the courtyard of the school;  
single dwelling units are proposed for the northern portion;  
single detached dwellings are proposed from the west corner of the property down to the rest of the soccer field area;  
there is a walkway connection;  
where the garage is now is being proposed for townhouses;

the northern side next to Esso is being proposed for commercial.

#### Option D

very similar, except there are more single unit dwellings; it is on the side which is the garage building;  
a bit on the corner is proposed for semi-detached;  
there is a small site proposed for commercial;  
the middle part is the same.

#### Option E

most of the entire site is shown as single dwelling units;  
only the corner is shown as having a combination of commercial and a mix of a few apartment units on the upper second floor (a very low density commercial and multi-unit use);  
the central part is still parkland;  
all the vegetation buffer from the court can be maintained by making lots deep. They do not know how many lots would be created.

It was questioned whether there are any height restrictions proposed or allocated to the area now, particularly in terms of apartment buildings.

Paul Sampson advised that currently an apartment building could not be built on the site. There is the possibility to put in rules and regulations through this process. The property could be developed by development agreement and that way you could impose a height limitation or a maximum number of storeys.

Councillor Walker stated nothing over four storeys would be permitted.

It was questioned whether consideration was given to using the land in a different way, ie., not developing any type of housing but making it recreational in nature, such as parkland, soccer field, skateboarding.

Mr. Sampson advised that a number of things were considered but because of commitments made by Council, there is a certain amount of money that has to be made from the sale of this land. There were commitments to dedicate funds for the development of a sports field.

Mr. Stickings indicated that in the decision to allocate land from the Mainland Common for the new high school, part of that decision was on the premise that this site would be disposed of on the market to fund improvements to the Mainland Common. There is a requirement for a neighbourhood park component. It took into consideration existing open space in this area and a need to create an opportunity to get the Mainland Common active recreational aspects underway. Initially when the Province came looking for the high school lands, it was not an immediate yes.

It was a negotiated transaction that at the end of the day linked the proceeds from this site to the Mainland Common use.

It was questioned what the dollar amount was.

Mr. Stickings responded it would be driven by the use put on it.

Councillor Walker advised that \$300,000 went towards a new auditorium. Also, approximately \$1,000,000 went towards an indoor soccer field on the Mainland Common.

The same individual commented any type of development occurring on that land, whether it be single family or apartment buildings, adds value to the neighbourhood which seems to be a mish-mash of commercial development on the streets and houses in some state of disrepair. She highlighted the need to have additional recreational space which could include basketball and skating with some green space with equipment. The cul de sac would have nice homes but the green space would belong to that street.

Councillor Walker stated that the residents of Coronation Avenue said they did not want the street to go through and did not want the cul de sac to be longer. Therefore, the access is off Dutch Village Road and it has been designed that way so it does not interfere with Ashdale, Birch, and Rufus.

Mr. Patrick Doyle, Ashdale Avenue, commented he was soon going to have a family. The City has a chance to take some land and save it and make it into something they can continue to use. He suggested they could put a rollerblade track there and leave the soccer field and basketball court. This is a piece of property that was used by the School Board. If the land is developed with houses, it will never come back. The City is in a desperate need of green area. They have nothing. The Mainland Common is in Clayton Park and they live in Fairview. They deserve some green areas. This area could be beneficial to everybody as a green area or a recreational area. It could be used as a rollerblading track in the summer and an ice track in the winter. They have a couple of little spots on Titus Street but they have a perfect chance to save land and use it for recreational purposes.

Concern was expressed that they have eliminated that from happening because the City needs to sell this for profit in order to meet other financial obligations. The City is putting them "behind the fence" in terms of what kind of options they can choose.

Mr. Stickings indicated the comments are appreciated. All the options focus on ownership regardless of unit type. They are the owner and will covenant the property appropriately. Options A and B, as we increase the density and reduce the size of footprint, would offer more in the way of amenities in terms of open space and passive recreation. There are residential quality of life issues and infill opportunities where all the central services exist. There is a great opportunity that stems from that. As well, he felt the residents will try to revitalize the commercial strip.

Ms. Darlene Duggan, Deal Street, stated that three multi-unit dwellings to her meant apartments. She referenced comments about a commercial strip below and apartments above. Apartments

are apartments, regardless of whether they are four storeys or ten storeys and did not want them in the community.

Mr. Sampson clarified that multi-units could be either apartments or condominiums. The Condominium Act allows someone to convert an apartment building into condominiums. If that is done from the start, there is ownership. Sometimes it is difficult to go from condominiums back to apartments because of detailed transactions that have to take place. It is always possible to go from one to the other. It is outside the control of the Municipality.

It was questioned whether it was being said the Municipality has no control over what is developed on the site.

Mr. Sampson clarified only in terms of tenureship. Multi-units could either be rented or could be condominiums.

Reference was made to the comment at the beginning of the meeting that there would be no apartments.

Mr. Sampson clarified that the sketches on the wall are scenarios.

It was commented that if one of these options with multi-units is chosen, the land would be sold to a developer.

Councillor Walker stated the development would proceed by development agreement which would stipulate what could be developed on the land. Through the development agreement he would say there would only be condominiums.

It was questioned whether it was being said that the City would insist on condominiums as part of the development agreement.

Councillor Walker said he would also want to see a development agreement if the land is developed with single family homes so that you can see, for instance, where the trees will be.

It was stated the diagrams should say owner-occupied.

Mr. Sampson clarified the purpose of the diagrams is to get an idea of what type of land uses they would be comfortable with seeing on the site, ie., whether or not there should be a commercial site along Dutch Village Road or townhouses. They want to get a general feeling for the type of land uses.

Ms. Barbara Boudreau, Ashdale Avenue, commented they are allowed to voice their public opinions and are saying they want this land turned into recreation but they will not get that. For this piece of land to be turned into something else is impossible.



Mr. Sampson stated he did not think it was an option to have this entire piece of property turned into parkland because of some of the commitments made. He thought that decision was already made.

Mr. John Etter, Frederick Avenue, commented Dutch Village Road from a traffic standpoint is a mess. The traffic lights at the high school are poorly conceived. He asked for confirmation that any commercial there would have its own driveway going onto a cul de sac and not onto Dutch Village Road. Mr. Stickings concurred that would be the case.

Mr. Etter said he would like to see Mr. McCusker relook at that set of lights. The traffic coming down the hill turning left will take off your front end as you sit at the lights waiting to make a left hand turn onto Dutch Village Road.

Mr. Etter stated that what really bothered him was the multi-units, whether they be apartment buildings or condominiums. It is a play on words. They do not need high density buildings in this area.

Ms. Mary Williams, Ashdale Avenue, commented she traveled by bus to work. It is a nightmare to get off Ashdale Avenue and turn right. She walked up Main Avenue and crossed over. The traffic comes down racing off Main Avenue. Children are playing on the street. She has seen children almost hit and was concerned for them. People do not want to wait for lights. They are using Ashdale Avenue to avoid the lights on Main Avenue. She was concerned about more people and more traffic coming up their street. They need places for their children to play in their area. More and more young people are moving into this area. She urged that they think about the traffic because it is truly a nightmare.

Mr. Brad Davies stated that Dutch Village Road has been a very good area for renting and for commercial tenancies. In the past nine years they have seen the rent go from \$1000 to \$400 per month. They need to think of another way of housing and density to bring the street back to the way it was. Something certainly has to be done with this space to bring the area back to what it was before, whether it be multi-unit residential or single family housing. If designed right, he felt the development would be good for the area. He questioned whether the land is to be sold for a profit to recover what they have put into the Mainland Common.

Mr. Stickings responded that what they derive from the sale of this land will probably cover the improvements to the Mainland Common. It is a tight fit. They need to be fairly aggressive with the disposal in terms of what goes on the site. This is an exciting opportunity to strike a balance on a number of these issues. Since it is a 6 acre property, they can look at the traffic, density, and target market. If they choose to proceed by development agreement, they will do a call for proposals for condominiums so they will exercise control from the beginning. The key word is "balance".

Ms. Williams noted it was said the money from this development will be used for the Mainland Common and the school. She expressed concern that they would have to put up with this development and the added people in the area so that the City can build on the Common for the people in Clayton Park to enjoy, while people in Fairview have no place to go.

Mr. Stickings commented there is an equation. If this development comes off the table, there will be no money to develop that site either. The City does not have any funds to take the property down.

Ms. Nancy Cragg-Wodden, Sunnybrae Avenue, questioned if since the Mainland Common will benefit more in terms of recreation, whether there was an opportunity to strike a balance in the sale of this Fairview school and find some other way to find the \$300,000. She questioned whether half the land could be developed for recreation and the other half for development.

Mr. Stickings indicated he was not in a position to answer that but they can include it in the minutes. There is a clear link between this site and the artificial turf at the high school which was not planned.

Mr. Stickings pointed out all the scenarios allow for a neighbourhood piece of parkland on the site. The development agreement process was mentioned which they often use because it allows them to control the design of the parkland and the design of the buildings and houses. It is a handy process and tool for the Municipality to use because it holds any developer to the rules. The developer would sign a contract with the Municipality and has to develop the property according to those rules. If they use that tool, there is a very good possibility the parkland can be developed and can be an attractive spot but it would be a small component. In terms of redeveloping the site, the land retained for public use will only be a relatively small portion.

Concern was expressed that it seems like the residents have to make a decision to meet a financial commitment. It was questioned whether there was any other way to meet those commitments.

Councillor Walker commented it was easy to say the land should be turned into recreation. He indicated he met with most of the businesses on Dutch Village Road and they will leave unless something happens.

An individual stated the whole area needs to be revitalized. The area is in desperate need. Single family homes and condominiums would be an excellent use of land. If the site is developed as a playground, it will be a continuation of the problem they now have with loitering at night. He did not need people hanging around parks at night waiting for them to victimize him. Single family homes will increase the value of the homes there. They definitely need to revitalize and just putting in a park will not do that.

A child living at 36 Coronation Avenue expressed concern that there would be more cars every morning and evening and would not be able to sleep.

Mr. Jerry Callahan, residing at 36 Coronation Avenue and owner of 34 Coronation Avenue, said he has been after Council for 18 years to get a playground for their children. This is land for Fairview. They not only want to take away the school but their play field. People in their area walk their dogs there and not in Clayton Park. They want that to stay green. He suggested that they consider selling the land at the front of the lot. That green field was always a ballfield for

Halifax West and they want it to stay that way. He now had to bus his kids to another part of the City and did not think it was right. He suggested using the land for skateboards, a tennis court, and a playground with swings. He urged that it be kept in their area. Their kids cannot go across Dutch Village Road or Titus Street or .5 kms up a hill to play. The green field has to stay at the back of the lot so that existing people can access it.

Mr. Peter Greer, 2054 Creighton Street, stated traffic is a nightmare everywhere in the City and did not think this minor development would have much impact on the traffic patterns in the City. He advised that he represented the Carpenters Union. They moved into the old TD building and put a considerable investment in there. He saw Dutch Village Road as an at risk neighbourhood. There are a lot of buildings in obvious disrepair. He also hoped that the neighbourhood could be revitalized and felt this site is one of those pieces of the revitalization. He spoke in favour of seeing low density commercial at the front of Dutch Village Road. A lot of the commercial is at risk now. He urged that they look at the neighbourhood in a larger way and suggest that perhaps the old Shell garage could be infilled with residential houses.

Mr. Greer indicated he supported the comments made about the ballfield. They now have \$500,000 value in the sports field at the back which could be incorporated into a new housing development. He felt it was an excellent opportunity to continue to keep that green space at the back.

Mr. Tom Pinsent, Rufus Avenue, asked if all the options met the financial requirements referenced earlier for HRM. He questioned whether they have estimated the return for each and which option would provide the most return.

Mr. Stickings responded it was too early in the process to do that. There are other issues to focus on such as lot sizes, the style of houses, and covenants in terms of architecture. Without having the details on the exact lot yield of product type, it is premature to put pricing on the lot.

Ms. Shelley Mensah, 5 Rufus Avenue, questioned how many houses are being planned. She backed onto a section of the school yard and did not want to see houses in back of her.

Mr. Sampson responded they are looking at the type of land use, ie., single family homes or commercial that would be acceptable to the neighbourhood as opposed to how many units.

Ms. Mensah stated her preference was for green space.

An individual commented that although everybody disagreed with having houses and apartments being developed there, that will not happen. They have the choice between no park at all or about 4 sq.ft of two small trees. She spoke in favour of there being as much green space there as the school now has although she realized it was not being offered as an option.

Mr. Sampson indicated they were hoping to get from the people a sense of what type of development they want to see.

An individual commented he cared about the businesses on Dutch Village Road but was not sure they would get more business if it was developed as green space.

Councillor Walker stated they could have the ballfield but at the cost of higher density. The trouble with putting up drawings is that the people will go home and think about the four drawings and think they are the gospel, which they are not. That is why we are here to get your input. He felt that whatever goes on the site should be no higher than four storeys. As you come down the hill from Main Avenue, you do not see Halifax West. He looked at it today from different aspects on Ashdale Avenue and Birch Street. The school is three storeys high and you cannot see it.

It was commented that none of the scenarios show much green area.

Mr. Stickings responded they could have put up five more drawings. The drawings are serving their purpose because they are talking. They talked about whether or not to put them up at all. He indicated they could have more park components but they would have to look at density elsewhere. It is all about compromise.

Mr. Etter questioned what density had to do with the equation.

Councillor Walker responded "cost". You can go from single family to duplexes or townhouses. Maybe the people can live with townhouses better. These are just suggestions. Higher density can also be semis.

It was stated they were looking for uses for the children such as swings. The land set aside is not enough room for tennis. The green space has to be kept there.

It was indicated that the bowling area has been empty for a number of years. It was questioned if the City considered buying that piece of property and making it into some type of playground.

Mr. Sampson advised that a development agreement was signed for that property a number of years ago for ten townhouses. The owner at the time did not build them but is in the process of going through the application process again for townhouse units on that site.

An individual commented they were trying to understand what is driving the economics. He questioned whether they had a figure in mind that they have to get out of the property. This is a surplus property that reverts back to the City. He questioned why they needed to get so much money out of it when you take value added away from the property such as the ballfield that would cost at least \$500,000 to build. There is a lot of property in that neighbourhood that could be redeveloped as residential.

Mr. Sampson advised that it is Regional Council who has to approve any policy for the development of this site. Council approved that the proceeds from the sale of this property to a certain degree are already called for.

It was commented that the demolition of the building will cost a large amount of money.

Mr. Stickings indicated it is about a break-even situation.

It was stated that once buildings are built there, the green space is gone.

An individual indicated they thought it would enhance the entire block by having that green space in the middle.

An individual commented she did not think the children from the surrounding area would be allowed to play there. The new owners will say it is private property.

Mr. Sampson pointed out that it would be public land for anybody to go to under these scenarios.

The individual commented their children would not be allowed to play there because they will be blamed if bad things happen.

It was stated they are losing green space and not getting anything.

It was questioned whether any decision was being made tonight.

Mr. Sampson responded that we are here tonight to hear suggestions and that no decisions would be made tonight. The scenarios presented are concepts. There could be other ideas suggested. Regional Council made a decision regarding the sale of this land in that the money would go to other things including improvements for a sports field construction on the Mainland Common. Regional Council decided this land was surplus and would be sold at market value.

Mr. Stickings advised that part of that was to market the site with a view to having a nice residential component. It was not a statement to sell it all. They are trying to focus on a quality residential environment. He did not think there would be a sports field. Will it be parkland used for tots, etc.? These are concepts that can be worked through and policy framework built around it.

Mr. Sampson indicated that Real Estate would put out a request for proposals. The first step is to get their ideas on the type of future development they would like to see here, and whether houses should be designed in a way to give the neighbourhood more character. Parkland on the site could be designed so that it is attractive. It may not be a sports field but could be beneficial for passive recreation.

It was questioned whether there would be another meeting, to which it was responded yes. Before any changes are made, Regional Council would hold a public hearing at which time members of the public could voice their concerns. Prior to that, Chebucto Community Council would forward its recommendation onto Regional Council. Regional Council would hold the public hearing on the type of development you would eventually see on this site.

It was questioned whether the information could be posted on the web site.

Mr. Sampson advised that this type of information is not online but is available. He encouraged that members of the public email their comments. By signing the sign-up sheet, members of the public will be notified of future public meetings. There are many ways to contact us.

It was questioned whether the property would be sold by the City to individual people or in jog lots to real estate developers. This would mean the City would make money and the developer would sell it and make money and so therefore the City would lose out on money.

Mr. Stickings responded we are not to that stage yet. We will make the decision when we have created the parcel. They have to look at the market and the options for channeling the product through. They could sell it as 6 acres or 4 parcels or 30 parcels.

Mr. Sampson pointed out that the development agreement process would allow the City to sell the land with rules attached to require that it be developed in a certain way.

It was commented that people do not follow those rules.

Mr. Sampson noted these are legal binding rules which the Municipality would enforce. We have gone through the development agreement process hundreds of times, whereby the developer builds according to the agreement in place. The development agreement would have plans attached. The developer has to stick to those rules when they apply for a building permit for an individual house. Those building drawings are reviewed to make sure they are in conformance with the original agreement. They would not get a building permit or an occupancy permit unless they built according to the rules. It is the rules that we have to figure out.

It was questioned whether the City has a developer in mind. Mr. Stickings replied it would be a public call for proposals.

It was questioned whether staff, when developing the scenarios, had something in mind they could go look at.

Mr. Sampson replied we are looking for suggestions. These could be large lots or a combination of small and large lots or townhouse lots.

Mr. Skora commented the size of the lots shown on the drawings could be similar to those on Ashdale Avenue. The depth of the lots is bigger. It can be in the range of 100' wide because at the back we have existing vegetation. The idea was to leave this vegetation. The vegetation in the middle of the building for this concept (pointed out on map) will be maintained. The distance between this road and the other will be substantial. The street with the green space in the middle will be the size of a sports field.

Councillor Walker stated there would be another public information meeting before this goes to Community Council.

It was indicated that on Ashdale Avenue on the other side of their fence is a common piece of land. It was questioned whether it was owned by the City. Councillor Walker responded yes.

It was questioned whether that common piece of land would be included when the City sold the property.

It was responded yes but pointed out that in a development agreement you can include “do not disturb” zones.

It was questioned the timeframe for this item going before Community Council. Mr. Sampson responded that it would take quite a few months.

It was questioned whether there would be an information meeting before or after HRM gets proposals for the piece of land. Councillor Walker responded after, noting that the people will know what is being proposed before it goes to Community Council.

It was questioned whether the school would be demolished this year. Mr. Stickings advised that HRM engaged a consultant before Christmas to do an environmental assessment. It is the intention to take the building down this spring.

It was questioned whether the building would be plowed down. Mr. Stickings responded it would be professionally done.

The meeting adjourned at approximately 8:15 p.m.

**Case 01254**  
**Attachment F**  
**Public Submissions**

**From:** Paul G Stewart  
**Sent:** Tuesday, August 30, 2011 6:11 PM  
**To:** walkerr@halifax.ca  
**Subject:** Former Halifax West Site

It is my understanding that United Gulf Developments Limited is interested in developing the above site. Speaking on behalf of myself and not Scotiabank, I view the proposed development as a positive for the following reasons:

- medium and high density residences to keep people in the city, which will hopefully take vehicles off the main thoroughfares that lead to the city;
- increase the city's tax base and as a result of that, hopefully improvements to Fairview in the form of sidewalks, cross walks and improved roads;
- utilize land that has been sitting idle for far to long;
- sketches of proposed buildings appear to be aesthetically pleasing;
- would improve the image of Fairview, for far to long we have been the poor cousins to Clayton Park and the Arm area;
- additional residents to the area that will hopefully support local business who have believed and stayed in Fairview through the good and bad times;
- construction of the site will provide jobs and economic spin offs in the immediate area;

I have read that an alternate proposal would be to put a community centre on the site with a vast green area. Why would that be a consideration when we have schools, churches and the new Winter Games site that can provide facilities for people to meet and schools that have existing play grounds and green areas? Allowing for the alternate proposal, the area in question then becomes a cost to HRM tax payers, as where does the funding come from to build a centre, and then maintain the building and property?

In closing, the United Gulf proposal along with the WM Fares St. Lawrence site are the two best things that have happened to the Dutch Village Road area in a long, long time.

Sincerely,

Paul Stewart  
Manager  
Scotiabank



August 23, 2011

Nova Scotia Utility and Review Board  
P.O. Box 1692, Unit "M"  
Halifax, Nova Scotia  
B3J 3S3

Attention: The Clerk of the Board

Dear Clerk:

Subject: Development of the Old Halifax West Side – Project # (01254)

I would like to express my support for this project. I offer my support as General Manager of Freemans, The lil New Yorker that overlooks UGDL's proposed development.

I am extremely excited by the proposal as I believe that this development will truly enhance the local Fairview area and add new exciting features to the community. All of my customers are asking me and my staff if we have heard any new news about the development and they all seem extremely excited to have the development go ahead. I think it will be great for all of the local businesses and also for the residence of the area.

I would also like to comment on the efforts of Patrick LeRoy, he is a 12 year resident of Fairview and has worked endlessly on this project. He is a very genuine and honourable business man who has put in countless hours talking to all of the local residence and businesses all in the hopes of improving the area, and I believe that this development will improve the area.

So please allow Fairview to grow and grant UGDL approval for this project.

Respectfully,

Kevin Croft  
General Manager  
Freemans, the lil New Yorker

**Paul Sampson - project #01254**

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**From:** Mark Dacey  
**To:** <sampsop@halifax.ca>, <walkerr@halifax.ca>  
**Date:** 8/29/2011 3:09 PM  
**Subject:** project #01254

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Mr. Sampson, Mr. Walker, I write this email to you today to voice my support for the project listed above. This project, proposed by United Gulf Developments Ltd, is the mix of condo and retail development slated for the old Halifax West High School site on Dutch Village Road.

I am the business neighbour next door to this site and have been operating in the area for the past 6 years. I am both the Tim Hortons Franchisee as well as the Esso Branded Retailer on the site next to the proposed property. I was also the Tim Hortons franchisee for the site across the road from the Esso, which we decided to close last December for reasons I would gladly discuss in a face to face setting.

I can say, without a hesitation of doubt, that this project will bring nothing but positives to an area in need of revival. Fairview is located in a tremendous area of town with quick access to the peninsula, the Bicentennial Highway and many popular shopping areas such as Bayers Lake or Halifax Shopping Centre. With such a central location one would think that the area would be home to many urban professionals, young families or retirees downsizing from empty nest homes. Unfortunately, the area is more known for it's crime rate and houses many people on social assistance, welfare or employment insurance. I know this does not speak for the entire area, but as the Tim Hortons & Esso operator, I can tell you what I see daily is not a pretty sight. Again, I will not go into details in an email and would gladly share my experiences in person.

Many times over the past 6 years I have questioned my decision to make Fairview home to my business ventures, and most times I let the thought slide knowing (hoping) that the area is going to turn around. The closure of the St. Lawrence Rectory down the road and the proposed development on that site combined with this new proposed development actually gets me excited about being a business operator on that street. The fact that developers are interested in investing millions of dollars into the area gives me an optimistic feeling that the future is bright for business in Fairview. If, however, these projects are rejected, it would change that feeling dramatically and surely bring back the thoughts questioning my longevity as a business operator in Fairview.

Please proceed forward by doing the right thing and allowing United Gulf Developments to proceed with this project. Any zoning or by law changes that need to be made have my full support.

Thank you for your time.

Sincerely,

Mark Dacey, President  
Tyeco Investments Inc.  
Tim Hortons #2638  
Esso OTR #88001309

**Paul Sampson - former Halifax West site**

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**From:** "Barbara Pettipas"  
**To:** <walkerr@halifax.ca>, <sampsop@halifax.ca>  
**Date:** 8/29/2011 9:35 PM  
**Subject:** former Halifax West site

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Dear Mr. Walker,

We are writing this letter as concerned business owners of the D.Q Grill & Chill on Dutch Village Road. We have owned this business for twenty one years and have seen a slow decline of the street and area. Lately there has been some renewal and we ourselves have spent a substantial amount renovating our restaurant.

There have been projects in the city of late that have not generated any tax dollars, ie new library, sporting facilities, etc. This development proposed for the former Halifax West site, will generate substantial tax dollars and will be a welcome addition to the neighbourhood.

It will also generate other commercial developments in the area, raise property market values, and will enhance existing businesses and encourage new development.

This land has been vacant for a number of years. United Gulf has come forward with a first class proposal to develop the property, fix drainage problems, create much needed green space and providing accommodations close to the city core.

In closing, the overall effect to the city of Halifax will be very positive and this project will require only minimal public funding.

Sincerely,

Eugene, Barbara & Aaron Pettipas

**Paul Sampson - project#01254**

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**From:** David Landry  
**To:** <sampsop@halifax.ca>, <walkerr@halifax.ca>  
**Date:** 8/30/2011 10:00 AM  
**Subject:** project#01254

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To Whom it May Concern:

I have been a resident and home owner at \_\_\_\_\_ in Fairview for 10 years.

I am aware of the proposed development at the old Halifax West School property. I am also aware of the controversy over the proposed plan. However, I believe that the current plan is the best one that I have seen over the last few years. The property is currently vacant and sometimes draws individuals drinking and lighting fireworks and probably other things I am not aware of to date.

I also support such a development as proposed by this company because I believe that a complex such as the one proposed will use the land effectively and help restore a part of Fairview.

I do have some concerns about the density the project, however it is probably the most practical use of this land to present.

My main concern is that the development will not affect current infrastructure. As traffic is dense at rush hour especially at the intersection of Dutch village and Joseph Howe, I believe some discussion by the Developer and City needs to happen. In addition I believe that the City should look at the safety and congestion at this particular intersection. In addition I hope that this development does not affect left turning traffic from Titus to Ashdale Avenue.

My second concern is that the developer is proposing a park at the back of the property, which I think is a great idea for leisure activities in this neighborhood. However as a resident bordering this property I will have to walk a great distance to access this park under the current proposal.

I would suggest that the city work with the developer to allow residents that border the old Halifax West Property to gain access through their backyards so that they can walk along the edge of this property to gain access to the park.

To make my position clear I am in support. I will feel a sense of community if these two issues mentioned above are are considered and addressed by city council and the developer.

If I can be of further assistance please feel free to contact me by telephone (441 1307) or email.

Thank You

David Landry



3671 Dutch Village Rd, Halifax NS (902) 401-7001

August 23, 2011

HRM Community Planning  
7071 Bayers Road, Suite 2005  
Halifax, Nova Scotia  
B3L 2C2

Attention: Paul Sampson, Planner

Dear Mr. Sampson:

Subject: Development of the Old Halifax West Site -Project # (01254)

I wish to express my support for project #01254. I offer this support both as 15 year resident of Halifax, and as the land-owner & business operator of Freeman's Little New York, that overlooks United Gulf's proposed development.

I am very excited by the proposal to turn the currently unsightly field, into a multi-million dollar mixed use, residential and commercial complex. The management team of United Gulf has gone beyond expectation gathering input from residents in the surrounding community & businesses. Every patron of my establishment is eagerly awaiting a decision that helps Fairview move forward. I have seen firsthand the decline of the area since Halifax West closed. I strongly feel that United Gulf's proposal will be a catalyst to restore the sense of community that many of the established residents of Fairview long for. Condo towers (not apartments), and a public park with children's play area, paths & benches is exactly what the area needs to regain a sense of pride in our community.

Our restaurant serves a number of local families, seniors & business people. My investment in the area is largely due to my desire help turn around the decline. It will take a number of stakeholders to invest, and reverse current conditions, and I'm excited that United Gulf is willing to take that risk.

This past May, Freeman's hosted the 1<sup>st</sup> annual Fairview Family Fun Day. United Gulf was a large supporter, contributing much needed funds & manpower. Their efforts were key to making the day a huge success. We hosted over 3000 people for a free BBQ and carnival. There were a number of booths manned by local not-for profit groups (cystic fibrosis, Childfind, police & fire crews). United Gulf was also on hand, with project displays & project managers to explain the development to all residents. During Fairview's 1<sup>st</sup> Annual Free Family Fun Day, I was happy to see the overwhelming support for this project by the community. Our Family Day highlighted the need for this development. It is clear to me Fairview is finding it extremely difficult to build a sense of community with an overgrown, vacant lot in the centre of the business district.

Fairview once had four banks, a pharmacy, grocery store, and popular coffee shop. Excepting one bank all have either closed their doors or moved on. I welcome United Gulf's plan, their keen business sense; significant investment in improving the area; and their immersion into, and acceptance by the community at large.

As a final consideration - I have witnessed first hand the efforts of Patrick LeRoy. He is a 12 year resident of Fairview, and has worked tirelessly on this project for United Gulf. He has visited the homes of many of my local customers, and greeted every business owner in the District. His dedication to this project gives me a great deal of faith in the rejuvenation of the entire area.

Please allow Fairview to flourish, and grant United Gulf its development agreement.

Respectfully yours,

Laurel Harrington  
Owner/Operator  
Freeman's Little New York Restaurants

CC. Councilor Russell Walker by e-mail

**To:** Paul Sampson, Planner, Planning Services, Western Region

**From:** Tamara Lorincz, co-founder IMAGINE FAIRVIEW

**Date:** June 10, 2011

**Re:** My concerns and questions about Case #01254  
(3620 Dutch Village Road, Halifax. Site of former Halifax West High School.)

I am writing on behalf of IMAGINE FAIRVIEW to express our concerns and to pose questions about the proposed development by United Gulf of the former Halifax West High School site.

### **INTRODUCTION TO IMAGINE FAIRVIEW**

IMAGINE FAIRVIEW was launched in March 2011 by residents of Fairview (District #15) after the latest proposed development plan, Case #01254, was posted on the Halifax Regional Municipality (HRM) Planning web site. We were concerned that inaccurate information had been given about the ownership status of the land and we felt that there was inadequate consultation about the proposed development. We were also inspired by the Imagine Bloomfield initiative that showed how a community could work more effectively with a developer and HRM to create a better development plan.

In April 2011, we began to circulate a brochure about our concerns and set up an email list serv and a Facebook page "IMAGINE FAIRVIEW" with over 50 participants. In May, we organized two town hall meetings, a community picnic, and a community clean up to raise awareness about our concerns about the United Gulf (UG) proposed development. In total, approximately 100 people attended the events. We compiled the participants' feedback and included them into this submission. As well, in May, we also launched a petition to call for a new Request For Proposal (RFP) process for the development of land of the former Halifax West High School site, so that the process is more open and transparent and that the people of Fairview have greater input from the beginning for the development of the land that better meets the community's needs. To date, we have an estimated 300 signatures on our petition.

We have also talked to hundreds of residents of Fairview and know that the vast majority of them share our concerns and support our demand for a new Request for Proposal process. At the outset, we believe that it is in the best interests of the community for the proposed UG development to be rejected, the amendments to the land designation denied, and a new RFP launched to ensure that there is an open, transparent, inclusive process for the development of this land that is prime, public land in the heart of Fairview.

### **OUTCOMES OF THE IMAGINE FAIRVIEW EVENTS**

The majority of the participants are concerned about the current proposed UG development and do not want to see mostly condos, commercial buildings and parking lots on the former Halifax West High School site. People want community gardens, a nice park, off-leash area, a children's playground, recreational amenities like a basketball court and tennis court, a community centre, a child care facility, and some arts and cultural amenities like public art and an amphitheatre, bike paths and CarShare on some of the land. IMAGINE FAIRVIEW participants do want some commercial & residential development on the 7 acres but not on most of it as is the current UG development. Most importantly, IMAGINE FAIRVIEW wants some of the land to be kept by the public for the public.

As well, IMAGINE FAIRVIEW participants see this land as part of a broader vision for the revitalization of Dutch Village Road and the community of Fairview. They believe that this development should benefit everyone – from our babies to our seniors. Further, the residents of Fairview want information and want to be consulted and involved in the development of the site. They want to work together with HRM and a developer to develop the land and realize a better community for Fairview. IMAGINE FAIRVIEW believes that it is crucial that the 7 acres of land be financially leveraged to meet the needs in the community.

### **PROBLEMS IN THE DEVELOPMENT PROCESS**

According to the Municipal Planning Strategy, it is stated in clause 1.6.1, “When disposing of City-owned lands in residential areas, consideration will be given first to recreation uses; second, to residential uses; and third, to any other use compatible with residential areas which meet the needs of the residents of the area.” However, there is very limited recreation included in United Gulf’s proposed development plan. Of the 6.7 acres of land, there is only 1.4 acres of green space and a small playground, which may or may not be deeded back to HRM. This is inadequate recreational use.

In 2003, HRM launched the RFP process to find a developer for the land. In 2004, UG, the sole applicant, won the RFP to build a mixed residential and commercial complex. That same year, HRM paid Dexter Construction almost \$700,000 to demolish the building. Tom Crouse of HRM real estate admits that HRM should not have launched its RFP process with the contaminated building on site. After the RFP process closed and the building came down, many developers became interested in the land. So, we know there were problems with the initial RFP process and that there are other developers interested in the land.

According to the Municipal Planning Strategy under section 12 “Citizen Participation”, we know that the people of Fairview must be adequately consulted. The strategy stipulates that citizen participation is necessary to the planning process, the city must consider any plans prepared by the neighbourhood organizations, and the timing and method of public consultation are crucial.

However in this Case #01254, many residents feel that there has been inadequate consultation about this proposed development. For examples, residents on streets bordering and near the site, such as Birch, Ashdale and Rosedale, did not receive notice for the public meeting that took place in April 2009. The Fairview-Clayton Park Community Action Network (CAN) also did not receive notice of the April 2009 meeting. As well, at the CAN stakeholder meeting in October 2009, HRM promised to keep CAN informed about the development process but this did not happen.

### **DISCREPANCIES IN THE VALUE OF THE LAND**

Many people are concerned that the land will not be purchased for fair market value. KWR Associates stated on its web site that it helped United Gulf win the RFP for 50% of its value in 2003.

*From KWR Associates web site:*

Basinview Elementary School, Bedford and former Halifax West High School, RFP’s to Re-Develop both Properties, Fairview, Nova Scotia, 2003-2004: Responsible to prepare the RFP submissions to the Halifax Regional Municipality on behalf of United Gulf for these two surplus school sites. United



Gulf was successful in winning both RFP. As Chief Project Manager negotiated the former Halifax West School site for half (50% less) than what the RFP asked for.

[<http://www.kwrapprovals.com/kevin-experiences/major-land-development-project-related-experience>]

According to our District Councillor Russell Walker at a meeting on March 25, UG will pay only \$1.2 million for all that land. Then at the Chebucto Community Council meeting on May 2, Councillor Walker said that UG will pay *at least* \$1.2 million. However, it was reported by journalist Kim Moar in the Halifax West Weekly in May that the land is valued at a minimum of \$2.4 million. In an article to The Coast in late May, journalist Chris Benjamin quoted Councillor Walker to say that the land could sell for *as high as* \$2.5 million. See "Conflict arises over New Fairview Development": <http://www.chrisbenjaminwriting.com/chris-benjamin-writing-blog.php>

The discrepancy in the value of the land is of great concern as we want to ensure that Fairview gets a fair deal. It should also be noted that Councillor Walker has stated to many residents over the last several years that the land was already sold. In fact, Councillor Walker said that it was sold at the Fairview-Clayton Park Community Action Network stakeholder meeting in October 26, 2009 and reiterated his claim again on March 23 and March 25, 2011. However, Tom Crouse at HRM real estate confirmed that the land is not sold and that HRM still owns it. The fact that Councillor Walker was not clear about that status and the value of the land is very troubling to us. We have asked Tom Crouse twice to clarify the original value of the land and the fair market value of the land but have not received a response.

We are also concerned about the value of the land in light of the demolition costs. According to information taken from the Halifax Regional Council Minutes of August 19, 2003, "wherein the Tender for demolition of the old Halifax West is awarded: MOVED by Councillor Walker, seconded by Councillor Whalen, that Council award Tender 03-154 Halifax West High School Demolition to Dexter Construction Limited for a cost of \$710,517.50, plus net HST for a total of \$756,196.67 to be funded from the Sale of Land Capital Reserve (Q101) as per the Budget Implications section of the staff report dated July 22, 2003" it appears that the demolition costs will be deducted from the sale of the land so HRM picked up the cost of demolishing the contaminated school. Thus, if the land does sell for only \$1.2 million and the \$750,000 demolition costs are subtracted that would only leave HRM with proceeds from the sale of the land of \$500,000.

The land of the former Halifax West High site should be sold for the highest fair market value and the proceeds of the sale of the land should be earmarked in a Sale of Land account to benefit the people of Fairview and to be re-invested into the revitalization of Fairview. There are no assurances in writing given to the community that the draft purchase and sale agreement includes a covenant that promises that some of the proceeds of the sale of the land be invested back into Fairview.

#### **BUILDING ARE TOO HIGH**

We have heard from many residents that the two 7 story condominium buildings are too high in UG's proposal. Many people were told that the buildings would be 4-5 stories at most. Many residents are concerned that the high rise of condominiums will block their sunlight all day. A shade study should be done for the neighbourhood, so residents will know how the high rises could affect their properties.

### **INCREASE IN TRAFFIC AND LACK OF MASS TRANSIT INFRASTRUCTURE**

We are concerned that UG hired a consultant, Genivar, to do a traffic study that shows that there are no adverse traffic impacts by the proposed development. It is not surprising that the developer's hired consultant traffic study would show not impact on vehicular congestion. It is hard for us to believe the consultant's report that 100 condominiums, 3 commercial buildings, and 450 parking spots will not adversely impact traffic. We believe that an independent traffic study should be done to research the potential impacts especially at peak times along Dutch Village Road. Dutch Village Road is a two-way street that merges into the notoriously congested Fairview overpass during the morning and afternoon rush-hour. We suspect that the development will adversely increase car traffic.

We are also concerned that there are no provisions for mass transit, bike racks, bike paths, and bus shelters in the proposed development plan. There is currently poor public transportation and bus infrastructure in the area, such the lack of sheltered bus stops and the lack of sidewalks especially on the south side of Dutch Village Road that the proposed development does not remediate.

We also believe that the planned sidewalk through the middle of the parking lot is not safe especially for wheel chairs and for strollers. There should be sidewalks on along the perimeter of the development to prevent pedestrians from having to cross parking lots. Active and sustainable transportation including walkability are priorities for HRM and they should be reflected in the plan for the land.

### **LACK OF COMMUNITY CENTRE AND AMENITIES**

The current UG proposal does not include a community centre and adequate community amenities. It only includes the possibility of rental community space and a small strip of green space. The community does not want to rent community space from a private developer and it has not assurances that the green space will be deeded back to the public.

According to the Muncipal Planning Strategy, "The City shall encourage, where necessary, the formation of neighbourhood service and resource facilities which would facilitate awareness and articulation of neighbourhood concerns. The City shall encourage the coordination of existing services and organizations to ensure that citizens will be best able to understand and utilize available resources" (12.6).

The former Halifax West High School site is zoned P: park and institutional. Thus, the land currently has a designation for a community centre on it. Under the Land Use By-Law Mainland Area, Zone P permits the following uses:

- (a) a public park;
- (b) a recreation field, sports club, and community facilities;
- (e) an institution used for the advancement of public school education services;
- (f) uses accessory to any of the uses in (a), (b), (c), (d) and (e);
- (g) day care facility (RC Mar 3/09; E - Mar 21/09).

51(2) No person shall in any P Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection(1).

51(3) No person shall in any P Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

Thus, having green space and a community centre on the land of the former Halifax West High School site is indeed a priority.

For many years, Fairview has been in need of a multi-purpose community centre and more green space including community gardens. Fairview is one of the only neighbourhoods in HRM without a community centre. A community centre would provide the services that are desperately needed, such as a Boys & Girls Club, an expanded wheelchair & stroller-accessible Family Resource Centre, a neighbourhood policing office, more public child care spaces, a health & wellness clinic, a meeting space, a Community Access Point (C@P), and affordable, accessible recreation. Over the past three years, CAN has held several meetings, conducted a survey, participated in the *Understanding the Early Years Community Action Plan*, and prepared a report entitled *Facility Needs: Issues & Opportunities* expressing our need for a community centre. Many people in Fairview have hoped for space for a community centre and a park on the land of the former Halifax West High School site.

In 2009, the findings from a project that looked at the well-being of children in Fairview were completed. The study was entitled *Understanding The Early Years: Community Action Plan*, and it was found that a majority of the children in the area were going to school disadvantaged. A number of recommendations were made including the provision of free programs and services to target young children and their families and these recommendations support our call for a new community centre to provide those services.

As well, one supporter explained that with the continuing loss of community access to meeting space since the school closed and the sale of the St. Lawrence Parrish on Dutch Village Road, there is a diminished community space. She further explained that not one school has been retained for the community - Titus, Wentworth, Halifax West High School - over time. And as school closures continue, this will become more of a crisis. Though there is a new facility now that the Canada Games Centre has opened, the membership fees and costs are too high, and many residents of Fairview have stated that they cannot go to the new centre.

Further, under section 7 "Community Facilities" of the Municipal Planning Strategy, HRM has as one of its objectives, "The provision and improvement of recreation and community lands, facilities, and services for all ages that are deemed appropriate to the creation, maintenance, and preservation of healthy neighbourhoods and to the City." Further, section 7.9 states "In consideration of applications for subdivision, resubdivision, lot consolidation, rezoning, or development agreements, it shall be the policy of the City to examine the availability of adequate recreational open spaces, and to grant approval to such applications only where the legally enforceable standards of the City can be reasonably met."

Most importantly, sections 7.10 and 7.11 states clearly, "Except when the interests of the City would clearly be better served, the City shall not release park lands or public open spaces for uses other than recreational in nature, unless such parks have been designated by the City as temporary, or unless alternative recreational space within the neighbourhood has been provided. The City shall investigate alternative sources and methods of funding the acquisition or development of recreation lands and facilities."

Thus, there is a duty on HRM to preserve public land for green space and recreational facilities.

## ENVIRONMENTAL CONCERNS

One of the objectives to the Municipal Planning Strategy is, "The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax." In the Strategy, under clause 8.10, "The City should protect existing green areas and attempt to create new green areas. Every effort should be made to protect existing boulevards, tree-lined streets, and small parks."

Many IMAGINE FAIRVIEW people have said that they enjoy that the current natural state of the land and would like some of it preserved for a park. There are some mature trees around the site and a wetland in the east corner of the site. The wetland should be protected and integrated into a natural landscape design that meets the provincial government's no net loss policy for wetlands. Some of the natural features on the site should be protected for the well-being of the residents of Fairview. Though there is some parkland preserved in the back of the condominiums in the proposed development there is no assurance that the deed will be given back to HRM. Many dog owners have expressed a need to keep some of the land for a fenced off leash area as they are using the land now. They stated that there are no off-leash areas in Fairview. The people of Fairview would like to keep some of the land for public control to build things like a nice park, off-leash area, playground, community gardens and nice walking paths.

#### **CONCERNS ABOUT THE DEVELOPER – UNITED GULF**

We would also like to share our concerns about the developer United Gulf. This is the development company that did not complete the residential project for the Sisters of Charity on Mount Saint Vincent. This is also the developer that has left the land on Hollis Street languishing for many years with its ever-changing Twisted Sisters proposal. It has also left the former Halifax West High School land sitting vacant for many years because it considered it a low priority. It has also stated at a CAN meeting on April 7 that it does not plan to break ground on the land for at least 2-3 years. We are also concerned that UG could buy the land of the former Halifax West High School, let it sit for many years, and then sell it for more money. Thus, we believe that there is the time to launch a new Request for Proposal process to ensure that the development is appropriate, fair, and beneficial to the people of Fairview.

#### **OUTSTANDING QUESTIONS:**

We would like the following questions answered:

- Is the sale of land pending the approval of United Gulf's development agreement?
- What is the real original value of the land?
- Is there a covenant for keeping the proceeds of the sale of the land in Fairview?
- In the current United Gulf plan for green space behind the condominiums, will HRM have to buy it back? If so, how much?
- How can the community have input into the development of that green space?
- What is the timing for traffic flow changes i.e. Alma Street? Will there be road improvements to accommodate the extra traffic?
- There are also more condos on the top of Main and down Dutch Village Road – how will these developments affect traffic along Dutch Village Road?
- There are concerns with the lack of sidewalks and safety for pedestrians along Dutch Village Road – How will the new development remediate this issue?
- There are concerns regarding the traffic congestion on Dutch Village Road. What about a broader transportation vision i.e. bikes, sidewalks, CarShare, better metro transit, park & ride?

- There are concerns that Fairview needs economic development and social development – how can we balance these better?
- There are concerns with the height of the buildings and shade all day – can there be a shade/sunlight study? Some residents were told by you that the heights of the building were only going to be four stories and now they are seven stories – why has this changed?
- Why can't businesses use the vacant commercial space along Dutch Village Road?
- Why is the 7 acres seen as one entity? Why not divide into smaller pieces especially since its public land?
- Northcliffe is being demolished – Canada Games is not a replacement. How does the Halifax West proposal affect Northcliffe site in the future?
- What will be the cost of the new condominiums?
- How does the Halifax West development fit into a large Dutch Village Road vision/redevelopment?
- How can we leverage public land to better meet the needs of the community at large?
- How can there be a win-win for the community, HRM and developer? Is there a process for better public consultation so not adversarial?
- How many voices from Fairview are needed for HRM to reconsider this development and get a new Request for Proposals?

## **CONCLUSION & RECOMMENDATION**

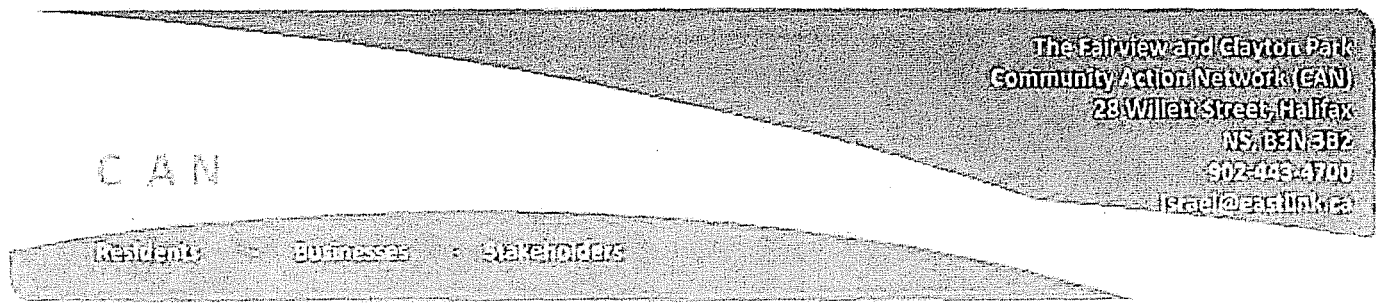
We believe that due to the many concerns and unanswered questions, we are advocating that the United Gulf proposal be rejected, the amendments to the Municipal Planning Strategy and the Land-Use Bylaw be denied and that a new Request for Proposal process be launched so that the community has greater input from the beginning on an appropriate plan for the site.

If this land is developed properly, Fairview could have a community centre, green space AND residential & commercial buildings on it. We believe that there can be economic and social & cultural development on the site. This land must be leveraged to invest some of the proceeds of the sale back into Fairview, and create a plan together on the former Halifax West site that truly benefits the whole community.

We know that the possibility exists for the HRM to revoke the draft purchase and sale agreement and launch a new RFP process for the land of the former Halifax West High School. Recently, Waterfront Development Corp. pulled Centennial Group's proposed development for the Salter Street area and are seeking greater community input into new development possibilities. As well, the RFP for the Bedford Fire Hall was revoked and a new RFP was initiated with greater community input. Thus, IMAGINE FAIRVIEW advocates that a new RFP process for the land of the former Halifax West High School be launched similar to the IMAGINE BLOOMFIELD model so that the community can work with HRM and a developer for the site and can co-create a beautiful plan for the land that is a win-win-win solution.

## **Contact information:**

Tamara Lorincz



For Community Council Presentation

June 13, 2011

Re: Former Halifax West Site

By way of introduction I am here representing the Fairview Clayton Park Community Action Network Association, or CAN for short. This community group has been together for 3 years now and our focus and aim on the CAN committee is to foster engagement within the communities, advocate for the communities and create a network for residents, businesses, government and the social agencies/ non-profits in the community.

We are in the process of growing from a committed gathering of community residents and groups to now forming an official board of directors, with the intention that we will be a strategic liaison within the community to connect people with resources and also to be a street level voice for the communities of Fairview/Clayton Park.

Three years of meetings and discussions with various groups and interests within Fairview has allowed us to hear many ideas and aspirations for the area, and more specifically, the future of Fairview. There is a very large group of people in Fairview that have to this point been somewhat silent, but are now starting to become vocal about what has happened to their community and what is going to happen in the future. In 2008, when CAN started we surveyed the community the number one issue was the lack community space for programs such as Boys and Girl's Club, Youth Advocacy Program, Public Health, the Fairview Family Resource Centre, Community Policing, Senior's programs, community meetings and other much needed resources. Of all the things we've heard about from the community, none has ignited community interest like this proposed development at the Former Halifax West School property.

In October of 2009 a meeting took place with all levels of government, concerned residents and service providers in regards to the crisis of community space. The Fairview councilor was in attendance and Mr. Paul Dunphy from HRM. CAN was told, as were others,

that the land had been sold and it was a “done deal”. We have since learned that it is in fact not sold and or rezoned. This creates suspicion and confusion about the process that has gotten us to where we are today. We had also requested to be directly keep up to date on this matter which we have not been included.

As a result of that meeting it was suggested that a formal study be completed on the community space crisis. In 2010, a study was completed named the Facility Needs – Issues and Opportunities Final Report (copies have been provided and available upon request).

It is the position of CAN that we absolutely agree with the need for development in Fairview, and that development of the Halifax West site is vital for the healthy growth of Fairview. Our request is simply that the process be given another full review, based on the growing response to the development within the community and the confusion the community has about the project.

There is also the fact that seven acres of land are being used for this development, and what small part of this that’s being slated as “public green space” is not guaranteed, nor of such size or location, as to allow anything to be built on it.

There is currently a petition of over 300 names of residents requesting that this development go back to request for proposals and the community group be incorporated from the initial stages. Based on what we have been told by officials concerning this development and what we are hearing from residents, it is our stance that there is enough public concern to warrant a further review of this development that allows for more of the community’s concerns and needs to be incorporated.

We also had a CAN member who has a business in Fairview, have one of her employees call her, upset, because someone from United Golf demanded that she take down a poster in her establishment that was calling for a public meeting to discuss this development. This kind of behavior also sends signals that cause people to want to discuss the true nature of this developer and this development.

We are at a very crucial time for Fairview. We have an exceptional piece of land with amazing possibilities for development and public usage. We want to give this opportunity all the chances we can to have it be a success for everyone involved. We are not saying “no” to development.

The community deserves a fair opportunity to mobilize and acquire funds to build a desperately needed community facility for Fairview’s programs and there can be land for both on the former Halifax West Site. We are requesting after all we have seen and heard, that we do this whole process again in light of the space needs of the community, but this time more

openly sending notices to a larger audience, engaging the community group and with full public awareness and input.

I want to thank the council for allowing CAN to present this information and hope it will help you make the right decision for Fairview.

Thank you,

Mr. Keith Wells  
Chair of Fairview and Clayton Park CAN

*Together We CAN Make A Difference*



**Paul Sampson - Old Halifax West site Fairview**

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**From:** Angela Power  
**To:** <sampsop@halifax.ca>  
**Date:** 6/14/2011 1:46 PM  
**Subject:** Old Halifax West site Fairview

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As per our telephone conversation I have owned my house since September 1991. I want to let you know that I am delighted at the prospect of condos being built on the old site of Halifax West High School. It would be great to have that space occupied by people who have some money to invest in our neighborhood. Having owners there all the time will discourage the type of activity/people that a community centre will encourage. I live across the street from an elementary school and have been dealing for 20 years with the type of problems that community buildings present when not occupied. Some of these are, vandalism, loitering, drinking, drug use, drug dealing, noise, litter and outdoor fornication. If you check the amount of police calls made to public school and community centres during off hours against those made to condominium complexes you will have ample hard evidence that my representation is just. The old Halifax West site is in a part of Fairview that is currently riddled with crack houses. Police records for Titus St, Evans Ave, Dawn St, Ford St etc should give you a picture of that as well. Stabbing, shootings and drug busts are common in that area. A condominium complex will bring respectable people who will not sit quietly by while these activities flourish near their investment. That can only be good for Fairview. A community centre will bring (unless it includes a 24 hour satellite office for Halifax Regional Police Dept.) the criminal element onto it's property to do it's business there during hours in which the Community Centre is closed. The traffic issue that is being argued by Imagine Fairview is ludicrous. What brings more constant traffic than community centre? I have had this discussion with many other Fairview home owners and it seems that the only people that don't want the Condominiums are the ill-informed Imagine Fairview group. I think it's safe to assume that everyone else is in favor of the Condos or don't really care.

Respectfully yours,

Angela Power

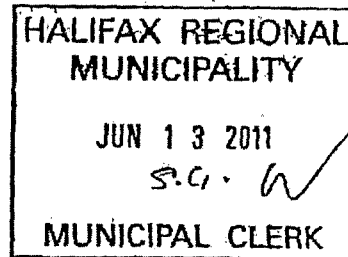
**From:** Peter Kelly  
**To:** Clerks Office  
**Date:** 6/13/2011 10:45 am  
**Subject:** Fwd: Hi Peter. This is a formal statement regarding the Property named as Halifax West Property

Request that comments be shared with Council.

>>> Arthur Irving < > June 9, 2011 10:56 am >>>  
This is a matter where the City has a plan to sell this property to developers for the Purpose of Condominiums.

I have spoken with many residents of the Fairview Region, and discussed this plan and asked the following question of them.

Would they like to see this Property sold off to developers for this purpose and profit of the city and the developers, which increasing the taxes of the resident by further roads and assessment which would incur due to these new Condominiums, or to see this as the last piece of viable property for the city to build recreational development in the way of Tennis Courts Squash courts, a track for the Kids to practice their skills the possibility of a monitored Climbing wall, and the Possibility of a Modern Skating park for Boarders which would provide revenue for the existing businesses from people using this area for recreation. There is enough room to have parking at the Dutch village side of this park to keep the noise down and would be on the existing patrol route of the HRM Police services and thus no cost to the city. The last thing which was given to Fairview for the Purposes of Recreation was the Centennial Arena which began construction in 1966 for the Centennial year celebrations of 1867-1967. I spoke with Mr walker regarding this matter and he advised that Clayton park was a Part of Fairview and I don't believe if you asked anyone from Clayton park or Fairview that they would make this assumption. Mr. Walker stated that Spryfield had not had anything built for their community since before the arena had been constructed, But I believe he has forgotten the Park and recreation area located in Leblin Park where they Built ball fields, And Soccer fields. This being the last area which would ever be available in our community, we would like to see this kept as recreational and a new addition to your Website of Places which have projects on the go as found under your parks section. We would like to be requested prior to and included in any and all discussions regarding this Area, and nothing should be set in stone for any type of arrangement with the Potential Purchaser. This Developer has no business address in Fairview, nor a residence. I believe that a forty five year lack in the cities caring about the area Known as Fairview other than when it was amalgamated long ago. This Property was not City Property to begin with and it should have been returned to the community when the infinite wisdom to force all Students from Fairview to go downtown to attend school. You had school property there as it was here only this area was larger. The Idea that the residents of Fairview, should and have always had to leave their own community to support other communities, and travel for Sports and recreation shows disrespect for the People of Fairview. As this was Provincial Land Prior to the School was built, and the decision to force us to travel outside our community for education, Sports and recreation. I believe it is time that this land is designated as Recreation use only, that the city assist in the development as it has for other communities of Halifax, Dartmouth, Cole Harbour, and Spryfield and Bedford as found on your Website for parks, that this be added to this list as the last community to be developed for the Purpose of Recreation. We would ask that the previously mentioned items be considered, that the Province be approached as they took the funds from this purpose some years ago when they decided to take the funds from Lotto Canada who made the commitment to assist in the development of Recreation and places for athlete's to develop their skill. That if the



**MUNICIPAL CLERK'S OFFICE**

Distributed to: J. Church,

Mayor, Councillors, CAO,  
Solicitor, M. Labrecque

P. Sampson, R. Burroughs  
DATE June 13/11

process does not give adequate time to prepare documents supported as the wishes of the community be give that an Injunction be filed as a cease and desist order be given until such time as a Proper discussion be made and that a census be Made to the resident of Fairview to ask each and every resident of Fairview with the understanding that there is no land left in our community which is Not in the upper part of Fairview for the purpose of recreation. That a Pool be added to the Website of HRM to ask the opinions of the remaining people of Halifax so that they might review our request to the city and voice their comments and vote as well. I Submit that failure to do so would be an injustice to the Residents of Fairview and that each and every person should and is entitled to make the decision on the fate of this Property and not the city who seems to want to sell any piece of Property to the first ones to make an offer. That the cost of the development will far outweigh the cost of recreational space and assure that the Businesses can enjoy better prosperity, that a Playground be placed in the South West portion of the Field in the back portion of the Property, that water be brought the thirty feet to provide drinking water to the children and a second fountain be placed in the corner closer to Coronation Ave or on the other side of the fence for Pet owners and people using the field Portion to secure water. There is no need for a recreation center, we have had one of these in the past and they failed to accomplish the task and the cost would outweigh the use. The now running water on the eastern side of the Property could be developed into a Park type fountain or pond with excess to follow its natural course. That a fence be constructed between the Playground area and the Field to allow pets the freedom for them and their owners to play and obtain the exercise required and to alleviate the use of the streets for this purpose. This would crate a Signature for the Area of Fairview as a great community to be a part of, and a Safe place for the future of the Children of Fairview to grow. Please submit this to council, and I will submit this to the Province and the MLA for the area as well as our council person for the community, I trust you would forward this to the council person for Fairview as well as council.

**Paul Sampson - hello Paul. My Name is Arthur Irving...**

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**From:** Arthur Irving  
**To:** <sampsop@halifax.ca>, <premier@gov.ns.ca>, <kellyp@halifax.ca>, Russell Walker  
<walkerr@halifax.ca>, <imaginefairview@gmail.com>  
**Date:** 5/17/2011 11:01 AM  
**Subject:** hello Paul. My Name is Arthur Irving...  
**CC:** <letters@herald.ca>, <news@ctv.ca>, <newsonline@ctv.ca>

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I am contacting you today in regards to the project for the Old Halifax West High-school.

This School as you know was built on land owned by a Private land owner who submitted it for the use of Building a school in the County of Halifax. The Stipulation was that it was to be used for Education and green space, and that there should always be a green space kept even if the school was changed. The plan for the area was to keep this as school property and I am finding it hard to understand after the fiasco of the commons which was also to be used for non Commercial use. The resident's of Fairview and the surrounding area's, are tired of seeing areas being used for the City to make money for one year, by selling these properties off to Private developers. There has been never any consideration for this community for provision of Area's as are found in Clayton Park, and the surrounding areas. The committee formed for the coalition against the sale of this property is dead set against the sale of this Property and the city for trying to do so. There has been no concerns taken into account of the citizens as was found that in the case of the South end residents when the Private sector wanted to develop their Park there, that it was decided that this wasn't even your property to sell. I suspect that if I contacted the farmer and land owner and the Queens representative, that this would be the case. You are removing what would be only the second actual park in the entire community of Fairview where Clayton Park has three, plus a Pool and a place to play sports as well as a pool for recreation. What would make the city believe that we don't want these types of things in our area? The tax rate in the area with all the new building has increased and the residential numbers have grown to be a number which should be high enough to warrant a park, a Pool and or a community area for the People of Fairview. Where are the children to go? The nearest one is in the top of Fairview which is some twenty blocks away with nothing to take care of the needs of the Lower part of Fairview. I have seen the Province give a million dollars in one grant to develop on property to a family who had enough money to build an apartment on their own. There is one area on Titus Street which can't be touched as it is a historic property and hold the remains of over forty people and had to be closed off to developers long ago. This now contains nothing which would support events for the community as there is no fencing. This area was designed for education and for the community events such as football. This area is now used for events held by the community and a place where you don't require a car to get to walk your pet. The area is policed by the community and the garbage is collected by the city and mowed by the city. The remaining area would house a pool, an educational building or community center or something which would benefit the community rather than to raise the rents in Fairview as the last area which has affordable housing. This area supports no further developments without a cost to the community and we would like to have direct input on what is done with this land. Your council went against its own laws in allowing the buildings to be built above the Skyline of the harbour view and it is the belief of this community that the city is trying to privatise and sell for mere pittance to developers without taking into consideration of

the community. We say no to this development and sale of this important piece of Property. There is a Plan in place with Lotto Canada to provide funds for Sports and recreational areas as set up by the federal level governments in order to have even allowed the Lotto to be developed under licence of the Government. The area and community of Fairview does not want this area to be used as anything other than to better this community by providing some of the same Sports and recreational areas as are found in other protected areas throughout this city. It is fast becoming tired of the City planners selling off things for Private use and profit which lasts one year while providing profit and costing in grants from the government for almost half the amount required to develop the area for apartments or condo's. We would rather keep the area safe from this behaviour and see if this can be developed into sports and recreational area rather than watch this city go to yet another plan for profit for development of Persons who will cost the province in tax cuts, developmental grants and making huge amounts of profit for what they will expect the city to sell this for. I was born in this area, I lived two doors from this park and live still within five blocks of this area now. This community has had the use of this as a school which you took away at our cost to transportation and education and welfare of the Children. We don't want to lose this to anyone who has plans other than that of Doing something for this community. We lack in Areas for Children to grow and make memories of and keep the ones each person has kept and are now moving due to your tentative plans for this developer. Please stop this madness and listen to what your Citizens who many have lived all their live in, and don't drive the last place for reasonable housing to the point where there will be no place to live due to higher rental costs due to the cost of these area Condominiums. Make this a Place for the People and the children and not for profit.

**From:** Ben McIsaac  
**To:** <sampsop@halifax.ca>  
**Date:** 6/13/2011 10:05 am  
**Subject:** Note in support of development proposal for former Halifax West School site

Dear Paul,

My name is Ben McIsaac. My wife, Sandra, and I bought our first home three months ago - a new construction duplex on Coronation Ave. Our home is about two blocks up from the former Halifax West School site.

I am aware that there is a development proposal by United Gulf developments under consideration for the site and that is to include condominiums and a commercial building. I have read through the submissions on the HRM website and have been following its progress intently.

My wife and I are young professionals who moved into Fairview despite its reputation because we feel it is an up-and-coming area. Our opinion is that this development as proposed (along with the mixed-use residential/business development on the old church site further down Dutch Village Road) will play a significant role in revitalizing the area and making Fairview a destination neighborhood rather than an after thought.

We are aware of a group called "Imagine Fairview" that does not support the proposal for the site (instead wishing for a community centre). I want you to know that while they may be the most vocal residents in Fairview regarding this development, they do not represent the entire community's opinion.

We would love to see this project move forward. Please consider this our vote of support in favour of this development.

Yours Truly,

Ben McIsaac

**Paul Sampson - Community Feedback regarding proposal for development of old Halifax West site**

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**From:** Troy Sanders  
**To:** <sampsop@halifax.ca>  
**Date:** 6/10/2011 7:05 AM  
**Subject:** Community Feedback regarding proposal for development of old Halifax West site  
**Attachments:** Fairview - A Better Tomorrow for Everyone.doc

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Good day, Mr. Sampson. Please find below a copy of my submission for your consideration. I have included it in the body of this email and as an attachment, for your convenience.

Please note, the submission's purpose is but to present a prima facie case for broader consideration regarding possible development plans, not present a detailed financial impact statement and funding criteria necessary for other possible development avenues.

If you have any questions or require clarification on any part of my letter, please contact me and I would happily resolve all of your concerns.

Thank you for your time and consideration.

Troy Sanders

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**FAIRVIEW -- A BETTER TOMORROW FOR EVERYONE**

Mr. Sampson, you are no doubt receiving a fair number of responses regarding this subject and in appreciation of your time; I will present mine as succinctly as possible. The purpose of this letter is simply to make the municipality aware of critical areas many community members fear are being overlooked, not explain in detail or argue the merit of the following ideas and concerns. Such a conversation can be reserved for a later point.

**Fiscal Concerns**

1. information points to the land being sold at a perplexing low price point, which raises many questions for residents
2. 7 acres of land in a major Canadian city is being sold as a single parcel of land -- taxpayers could recognize a dramatically higher return on their investment (i.e. the real estate) if the land was subdivided
3. Council seems to have focused entirely on the long term tax base increase when considering efficient fiscal returns from the land -- I have grave reservations the true benefit would be as great as one would believe once other factors were considered and quantified
  - a. Other uses for the land may not have an easily quantifiable value, but are critical for a healthy community: community centre, green space, etc.

**CONCLUSION:** "Don't give away the farm today only to cry for food tomorrow."  
*Taxpayers are receiving far less value for the land than is possible and this*

*inefficient and short-sighted proposal will have negative impacts on the community not realized by council at this time.*

### **A Healthy and Safe Community**

1. the existence of green space in cities is environmentally responsible, aesthetically pleasing and provide residents with an area both to relax and exercise in – impacting their mental and physical health
2. a community centre is vital in Fairview; it is a cornerstone, meeting place and locus for events and programs – in short, acts as a social glue for a community
  - a. one component of the centre should be a Community Police Office – Fairview is acquiring a bad reputation and the office can provide an immediate presence and act as a management centre for a neighbourhood watch, block parent or other project (this would have a *demonstrable impact* on the crime rate of the community apart from the new recreational options open to Fairview youth)
3. the land is community land and should remain connected to and used for, the community, becoming an asset to build on and from

**CONCLUSION:** *There are several possible avenues of development that would have a far more beneficial impact for the community both in daily and long term contexts – a level of value that far exceeds the benefits of the proposed development project.*



## Broader Concerns and Big Picture Highlights

1. There has been no explanation why the land in question cannot be broken into smaller parcels – For example: even two sections, one with community focus and one used by a developer, would reap benefits much greater than the current myopic proposal; the question is NOT why sub-divide the land, but “Why wouldn’t a municipality want to maximize the benefit of such a large piece of prime real estate?”
2. The lens for the debate concerning the use of the land should not be an Us/Them; Community/Corporation; Environment/Development; Either/Or context.

**There is no reason why the economy, environment, public safety and community vitality can’t all be demonstrably improved by fully capitalizing on the land’s potential.**

3. Small businesses in Fairview are important components in the community and are poorly served with the status quo; the land has the potential to benefit them much greater than the current proposal

For example, a community centre would create constant consumer traffic on Dutch Village Road where many small businesses are located while a police presence within a few hundred feet of those same businesses should increase their level of safety, perceived and real – with careful planning and a collaborative effort, **critical components of the HRM Public Safety Strategic Plan could be met with an alternate proposal**

4. Similarly, if portions of the land remained in control of the community or larger municipality, the local businesses would have more influence on the evolution of the property – for example, a Fairview business association could emerge to inform this dialogue on *evolving* land development to ensure everyone profits from a better solution
5. Other ideas are possible on this site when one thoughtfully considers what is possible and beneficial for the community. For example, with the Clayton Park bus terminal changing, this site could house a smaller “Fairview hub”, attracting more traffic for local businesses and strengthening the transit network, which still needs much more improvement (and if HRM doesn’t think a few hundred more cars will cause undo traffic problems, the impact of a few more buses around Fairview would be negligible)

**CONCLUSION:** *With public resources scarce in every level of government, it is more important than ever to maximize each public asset to benefit the citizens and taxpayers on every level, including both quantitative and qualitative elements.*

In short, there are options. There is a way to make Fairview SAFER, HEALTHIER, ECONOMICALLY STRONGER, INCREASE COMMUNITY WELL-BEING and IMPROVE THE IMAGE OF FAIRVIEW – enhancing future social and financial development.

Council has been given an incredible opportunity to greatly improve the community of Fairview in both short- and long-term. These chances are rare and a moral imperative exists to examine all options, weigh all consequences, good and bad, and make the decision that will offer the greatest benefit to their citizens and the HRM as a whole. For these reasons, the current development proposal should be rejected and a new request for proposal process should be initiated that can better meet all the community's needs.

Troy Sanders

## Old Halifax West Site Development Feedback

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Troy Sanders

**From:** Johann Tienhaara  
**To:** Paul Sampson <sampsop@halifax.ca>  
**Date:** 6/10/2011 3:44 pm  
**Subject:** Halifax West high school site (01254)

Hi Paul.

I am a resident of Ashdale Ave in Fairview and would like to voice my concerns about the Halifax West property plans (case 01254).

My wife and I moved to Ashdale Ave. in 2009, and we are part of a wave of young families that have started moving into the area over the past 5 years. Fairview's dynamic is changing, as are the property values, and this gradual influx of young residents is just beginning to introduce new strains on the community.

There is also, as Gulf Developments well knows, an ever-increasing need for new commercial developments and high density housing in the area.

However I believe that the solution which has been chosen to solve the commercial and density issue amounts to:

- \* Grossly under-valuing public property which has skyrocketed in value since the first RFP was published (in the past 7-8 years, Fairview has seen many annual property tax increases over 10%);
- \* Placing high-density commercial and residential buildings in an area which has always been low density housing (Ashdale, Rufus and Birch streets);
- \* Ignoring the public outcry at the public meeting in 2009, at which numerous residents called for more public, well-maintained parks in the area (to support the new young families settling down).

The pressing need for commercial buildings and high-density real estate in Fairview is best met by building up existing commercial areas such as Dutch Village Rd. In fact there are already plans for high-density condominiums at the old Catholic church site. And there are many vacant lots and vacant buildings along Dutch Village Rd.

Of course most of the existing commercial enterprises and buildings are hopelessly poor at attracting customers. The buildings along Dutch Village Rd. need to be overhauled and turned into viable commercial entities.

Even without the city's help, this commercialization will happen gradually on its own. (Note all of the hair salons moving into the area, an early sign of commercial revitalization, but also a sign of the broader gentrification of Fairview as a community).

But it would not hurt to provide property tax incentives to businesses willing to move into the area and refresh the delapidated buildings which make Dutch Village Rd look a bit like a bombed out warzone, not to mention incentives to existing businesses like Dairy Queen who have already invested in refreshing the area.

Planning a sensible traffic strategy, introducing bus shelters and side walks, and assisting businesses with introducing parking lots, would also help the commercial rejuvenation of Dutch Village Rd.

The whole process of injecting life into the feeble commercial sector in Fairview and bringing in high density housing to support it cannot happen without also bringing in the public institutions to support new residents and new commerce.

Residents have already been vocal about the need for parkland in Fairview, so that the children who are being born today will have playsets, soccer fields, basketball and hockey courts, and other amenities to keep their interests away from firecrackers and worse pastimes.

On top of publicly maintained park land, I agree wholeheartedly with the young families on Ashdale Ave. who spoke at the "Imagine Fairview" meeting at the Legion on May 11:

Fairview also needs a community centre.

A Fairview community centre would meet the demands for Fairview's non-existent public infrastructure today, and grow as the community grows:

- \* Indoor activities for youths
- \* Rooms for the many community groups which currently have no good place to meet or run their operations (including the Immigrant Learning Centre and day cares / groups along the lines of Parent'n'Tot)
- \* A community police presence akin to the office in Uniacke Square
- \* Community gardens akin to those at Bloomfield, particularly for those moving into the high-density housing on Dutch Village Rd.
- \* Rooms for new groups (from bridge clubs to community groups like Imagine Fairview)

Selling the public land at the Halifax West lot to any corporation inevitably means setting the leasing costs for these types of groups too high, and ultimately neglecting the future needs of the growing community of Fairview.

I would like to see HRM re-evaluate its position on the Halifax West site, given all of the community changes over the past decade, and all of the changes coming to Fairview as it grows over the next decade.

Thank you for taking the time to consider my concerns. Yours sincerely,

Johann Tienhaara

Paul Sampson  
Planner  
Western Region (HRM)

Dear Mr. Sampson,

We are writing to you because we are strongly opposed to the proposed development by United Gulf on the former Halifax West site in Fairview. We live right across from the site, on Ashdale Avenue, yet we did not receive notification of the public meeting that was held in April 2009. We have not been consulted.

We have a number of concerns about the proposed developments. They include the size of the development and resultant increases in density of traffic; the loss of a potential site for the delivery of much needed services to very needy residents of lower Fairview; and the loss of potential green space for lower Fairview (an area that currently has no green space). We believe this development is not well planned from a community wellness perspective nor were affected residents properly consulted.

Our first concern is regarding the proportion of the proposed development. We have reviewed the plans and have observed that multiple residential buildings up to 7 stories high will be built on the site. The sheer numbers of new residents will create a huge increase in traffic along Dutch Village Road and Alma. This area is already increasingly congested. We have not heard about any definite plans on the part of the city to deal with the extra traffic in the area. Without proper planning, this will become a huge nightmare for residents. Our children and other residents already have no sidewalks to walk on; our street is already being used by traffic trying to avoid busier thoroughfares. The development will only heighten the dangers and traffic in lower Fairview.

Furthermore, the height of the buildings will completely shade the homes on the site side of Ashdale Avenue, and destroy their privacy. We have concerns for our neighbours on that side of the street, as well as for property values and the overall look and feel of the street and community.

In January 2009, a Community Action Plan entitled "Understanding the Early Years—Halifax West and Area" highlighted the needs of children in our community. It demonstrated that Fairview children specifically from our area of Fairview, are not as school ready as their peers in Clayton Park, and are entering school disadvantaged. One third to half the children in our community were not on track in terms of language and cognitive development, emotional maturity, social competence, physical health and wellbeing, communication skills and general knowledge. As a solution, the report states: "programs are needed within an easy walking distance of Fairview Heights Elementary School, given that many of the families most in need of support often lack transportation and include small children, which can make walking difficult". Recommended programs include: "free

drop-in and informal social programs for parents of preschoolers directly in our area of Fairview, as well as translation services for newcomer families to Canada. Furthermore, literacy, social and active-play programs are needed within several blocks of the highest density housing." We have a number of community groups offering services in patchwork facilities that are not widely accessible to residents who would be interested in renting space in a community centre that could be centrally located on the site in question.

Furthermore, a facility needs assessment report prepared in June 2010, echoed the concerns in the Community Action Plan on the Early Years, that there is not enough space in Fairview to deliver the services that we so badly need, including recreational services in Fairview. It also indicated that there would be little opportunity to find more space in this area in the future, except for occasional use. It states that the existing HRM facilities are oversubscribed in terms of usage and more space is required to meet the demand.

As citizens of Fairview, we see how our community is underprivileged and consistently ignored. We need green space and a community centre to house services and recreational programs for families and children. We believe that the old Halifax West site is the ideal location for these. Although we are supportive of some residential and commercial development on the site, we believe there is room for all of these needs to be met there. Doing so will improve the wellness of one of HRM's most disadvantaged communities, and create a vibrant community which will encourage economic and social development in our area. This would be good planning.

We are motivated to become involved in assisting HRM in envisioning a better option for Fairview residents. For first steps we ask the city to do the following (in this order):

1. Reject United Gulf's proposal
2. Involve the community of Fairview in the planned development of this site
3. Open up to new Requests for Proposals that respect community needs

Thank-you for your assistance in this matter and for sharing our voice with HRM city council.

Yours sincerely,

Bonnie Warren, RN and Lesley Hartman, M.A.  
Ashdale Avenue residents

**From:** Suzanne M LeBlanc  
**To:** Paul Sampson <sampsop@halifax.ca>  
**CC:** Russell Walker <walkerr@halifax.ca>  
**Date:** 5/31/2011 9:26 am  
**Subject:** Fairview Community Development

Hello there Mr. Sampson,

I want to register my concerns that the land where the old Halifax West High School was be used appropriately for the community of Fairview.

Halifax should not proceed with the proposed plans to build only a condominium apartment building with nothing for the community of Fairview to access.

Safe and vibrant communities go way beyond providing dwellings. They are developed as a result of community consultations and plans for the longer-term interests of the whole community.

Regards,  
Suzanne LeBlanc



**Paul Sampson - re: Case 01254; 3620 Dutch Village Road, Halifax; Site of the former Halifax West High School-UG Project**

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**From:** Kim Bedard  
**To:** <walkerr@halifax.ca>, <sampsop@halifax.ca>  
**Date:** 5/31/2011 2:00 AM  
**Subject:** re: Case 01254; 3620 Dutch Village Road, Halifax; Site of the former Halifax West High School-UG Project

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To Mr Walker, Mr. Sampson, and anyone else relevant to the situation that you would like to forward this along to:

As a citizen of Fairview I feel it necessary to voice my approval for United Gulf's proposed project at the old HWS site. I reside at \_\_\_\_\_ directly behind the proposed site, and frankly I'm happy to know that condos and decent retail will be revitalizing the area. Listening to firecrackers popping off down there at all hours of the night is getting tiresome-I'd like to see that area being used for more than just a playground for juvenile delinquents and drug dealers. I know there is a small but vocal group of disgruntled residents fighting against the development with lofty ideas of using the site for a community center. Frankly I'd love to see a community center too, but who is paying for it? This "Imagine Fairview" group hasn't brought forth any ideas or proposals as to how their desired center will be funded. It is my understanding that the site, which laid vacant for so long because nobody wanted it, needs an environmental clean-up for oil and other toxins left over from the old high school (which UG has committed to doing before building on there). If the city were to clean that up, to make it worth "twice the price UG is paying for it," (quoting Tamara Lorincz who thinks UG is getting the land too cheaply), that in itself would cost tens to hundreds of thousands of dollars to complete. Seems to me UG has some decent plans for this site and if they pull out, who knows what could end up in that location...Walmart? All-night cabarets? Tacky apartments? No thanks. I'll take condos and a kid's park any day. I'm looking forward to having my property value go up because the neighbourhood is getting nicer. And maybe when my parents, and other elderly Fairview residents get too old for a house, they can stay in their own neighbourhood and continue live close to their families by living in a condo. Ever since the school was vacated I wondered what would happen to that site, and so far, nothing. I look forward to seeing some activity down there that will bring more decent people into the area. As for traffic concerns, the only vehicular traffic access will be on Dutch Village Rd, where it already is now. Please re-zone to allow this development. With all the commercial space that will be available, and with the right funding (which Imagine Fairview could use their energy and enthusiasm to get out there and solicit), space in this complex could be set aside and rented for community use, so that Imagine Fairview can have exactly what they want AND we can have a nice development that will enhance the value and public image of our community.

Thank you!

Kim Hinxman Bedard and David MacQueen

**From:** <  
**To:** <walkerr@halifax.ca>, <sampsop@halifax.ca>  
**Date:** 5/25/2011 5:20 pm  
**Subject:** site of former Halifax West

Good afternoon,

My husband and I are Fairview residents. We heard about the proposed development planned for the former Halifax West site and both were pleased to hear the details. For a long time, we have felt that there was a great need for development along Dutch Village Road to bring some new life to the area. This development was great news to us.

We have spoken to business owners in the area who have given the same impression.

I was quite alarmed to receive a brochure in my mailbox last week that was very critical of the development. I was alarmed because, although I realize not everyone thinks along the same lines, it appeared to contradict what I understood to be facts. It also appeared at a quick glance to be an official document from the city. It asked for comments to be sent to sampsop@halifax.ca. Of course, once I read the whole thing, it was clear that a lady named Tamara Lorincz was behind the brochure and obviously she does not support the development. I object to that tactic. I find spreading misinformation to be disrespectful to all of us!

I am writing solely to voice our support for the project and our displeasure at receiving brochures of misinformation in my mailbox.

Cathy Durdie  
Alan Durdie

**Paul Sampson - IMAGINE FAIRVIEW PROJECT**

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**From:** Marlene Turner  
**To:** <sampsop@halifax.ca>  
**Date:** 5/19/2011 9:00 PM  
**Subject:** IMAGINE FAIRVIEW PROJECT  
**Attachments:** Fiesta Bkgrd.jpg

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I understand you are collecting comments about the Imagine Fairview Project. I have been a resident of Fairview for 49 years and attended and graduated from Halifax West High my entire high school years. My husband and I are retirees who live near the bottom of Rufus Avenue and we are quite close in proximity to the sight. I would like to see a community centre, a community park and most of all a community garden on the property and not residential or rental units of any kind. The traffic on Dutch Village Road at present is a nightmare at times and always has been and would be horrendous with new development. It grieves me to think that the sunlight may be blocked from my home due to the construction of large, high units. The last thing Fairview needs is more condominiums, apartments or townhouses especially on that site. Thank you for listening. Enjoy your day.

**Paul Sampson - HWHS site**

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**From:** Christine Bullock  
**To:** <sampsop@halifax.ca>  
**Date:** 5/20/2011 8:16 AM  
**Subject:** HWHS site

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Hello Mr. Sampson: I would like to voice my concerns regarding the development of the old HWHS site. I have lived in Fairview my entire life and now also work in Clayton Park with youth and the glaringly obvious lack of affordable and free programs for the youth and elderly in this area is appalling. I would like to see the current United Gulf proposal refected and a new process initiated with input from the citizens for a city property much like what was done in the North End with the Bloomfield school site. Thank you  
Christine Bullock

**Paul Sampson - Halifax West property**

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**From:** Carol Peters  
**To:** <sampsop@halifax.ca>  
**Date:** 6/6/2011 11:06 AM  
**Subject:** Halifax West property

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Please reject the proposal from United properties and put it up for more proposals, preferably someone who will be concerned enough about the community to have a community centre. I would like to see a Boys & Girls club plus a police kiosk.

thanks,

Carol Peters

Rufus Avenue

**Paul Sampson - Hfx West lot**

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**From:** Carol Peters  
**To:** <sampsop@halifax.ca>  
**Date:** 5/20/2011 9:04 AM  
**Subject:** Hfx West lot

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Dear Mr Sampson:

I am opposed to the current UG proposal. We need a new RFP process launched to give the community a say in how this should be developed. Fairview needs an overhaul as it is sadly lacking in many ways. I have lived on Rufus Avenue for 43 years.

Carol Peters

## Paul Sampson - Case 01254

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**From:** Ria Tienhaara  
**To:** <sampsop@halifax.ca>  
**Date:** 5/13/2011 3:38 PM  
**Subject:** Case 01254

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Hello Paul Sampson, Planner, Western Region of the HRM,

Please include these comments in your report.

I have several concerns about the proposal of United Gulf Developments for Case 01254 at the old Halifax West High School site. These concerns are:

- the height of the buildings, which are too high and should be no more than the equivalent of four stories;
- the condominium and retail buildings are too close in proximity to existing homes;
- there would be too much of an increase of noise and light pollution;
- and the large increase in traffic is problematic as well.

If this site must be sold, then there should be homes built, as houses fit in better with the surroundings than condos or retail.

However, I feel strongly that this site should not be sold off now, as the need for maintained green space in Fairview is greater than the need for selling off this Public and Institutional land. Plus, the agreed-on selling price with UGD is far too low.

Thank you,  
Ria Tienhaara  
Fairview resident

**Paul Sampson - 3620 Dutch Village**

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**From:** Sakher Mrishih  
**To:** <sampsop@halifax.ca>  
**Date:** 5/8/2011 6:04 PM  
**Subject:** 3620 Dutch Village

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Good day,

I got to know from my colleague that 3620 Dutch Village is now under consideration for next step of development. And because I love my community and care about it I would like to join and highly encourage to a community center rather than any other development plan. What's more, as a newcomer to Halifax from other country I really encourage a community center there so no need for residential and commercial complex there. Hailfax should stay nice place to live in and a healthy place. Halifax should benefit from other cities misstates and avoid bad decision

I hope this message will be added to similar voices

Thanks!

Sakher



**Paul Sampson - Fw: Former Halifax West high School Project (Case # 01254)**

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**From:** Doreen Thibeault  
**To:** <sampsop@halifax.ca>  
**Date:** 5/5/2011 6:49 PM  
**Subject:** Fw: Former Halifax West high School Project (Case # 01254)

FYI,

— Original Message —

**From:** Doreen Thibeault  
**To:** walkerr@halifax.ca ;

**sent:** Wednesday, May 04, 2011 2:15 PM  
**Subject:** Former Halifax West high School Project (Case # 01254)

Good afternoon,  
Just a quick email to show our support for Halifax West High School project #01254.  
As I live at : directly across from the land in question, I feel it is due time this lot was developed.  
The above project, as explained to us by Patrick, will fit and would be a welcomed addition.  
Sincerely,  
Doreen Thibeault

**From:** Roy Bennett  
**To:** <walkerr@halifax.ca>  
**Date:** 5/3/2011 3:33 pm  
**Subject:** Case # 01254

. Mr Walker.. Recently, a Mr.Patrick Leroy of United Gulf Developments came to my residence to explain his company's intentions for the vacant site where the old Halifax West High School once was..I found him to be very informative in his explanation and agreed fully that what United Gulf is planning to build on this site would greatly enhance this area of Fairview.

. Thank You for your time..

**Paul Sampson - Halifax West Case #01254**

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**From:** < >  
**To:** <walkerr@halifax.ca>  
**Date:** 4/29/2011 11:32 AM  
**Subject:** Halifax West Case #01254  
**CC:** <sampsop@halifax.ca>

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Dear Councillor Walker and Mr. Sampson:

My family has lived in the Fairview area (Melrose Avenue) for over 16 years. I have worked in the area equally as long (Styles Alive - now on Dutch Village Road). We need this development in Fairview, as it will breathe new life in the area, which we desperately need and welcome. The restored green space and parkland dedication is needed on this unsightly and empty site. Please ensure that this project happens. Thank you.

Regards,  
Amy Chisholm and Family

cc. Paul Sampson,  
Paul Dunphy

**From:** Peter Kelly  
**To:** Clerks Office  
**Date:** 4/26/2011 9:39 am  
**Subject:** Fwd: Case#01254

>>> wjenkins < > April 25, 2011 12:14 pm >>>

Mayor Kelly,

We are writing this as business owners and property owners in the Fairview region of Halifax.....

We are 100% in favour of the rezoning of the former Halifax West High School property to allow United Gulf to proceed with their proposed development.

We (my wife and I ) have lived in and have operated our business (Mexico Undo Restaurant) in this area since May 1999 and we have sadly watched this area decline over the years. When we moved here and opened our business there were 4 banks in the immediate area and numerous businesses, but now there is only 1 bank remaining and not many businesses....surely nothing that would attract attention to the area and encourage people or other businesses to move here....

The project that United Gulf is proposing for The former Halifax West property would not only bring new business to the area , but also lots of new people, new interest and new life into an area that we love and care about very much.

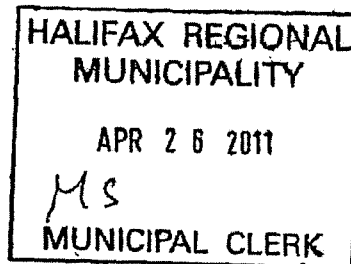
Please think about this and allow this rezoning and this project to be given a Green light.

Yours Sincerely,

Wilson and Ana Jenkins

co-owners of

Restaurant



Mexico Undo

**Paul Sampson - Case # 01254, 3620 Dutch Village Road, Halifax, Site of former Halifax West High School.**

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**From:** Jerome Macgillivray  
**To:** <walkerr@halifax.ca>, <sampsop@halifax.ca>  
**Date:** 4/21/2011 7:21 PM  
**Subject:** Case # 01254, 3620 Dutch Village Road, Halifax, Site of former Halifax West High School.

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Dear Councilor Russell Walker and Planner Paul Sampson:

This email is regarding the referenced subject, Case # 01254 site of the former Halifax West High School.

The undersigned below are the property owners of \_\_\_\_\_ in Fairview, a property that is directly adjacent the proposed development.

We, Donna and Jerome Mac Gillivray, have reviewed the proposed development and are strongly in support of the project. Projects such as this surely will enhance the area and contribute to the future growth and development of the city of Halifax.

Sincerely yours,

Donna and Jerome Mac Gillivray

Mr Paul Sampson, Planner  
Western Region,  
HRM Planning Applications  
April 10, 2011

Dear Mr. Sampson,

Re: Halifax West development Case 01254

I promised to send you my comments on the development of the Old Halifax West site. Not only do I live in the neighborhood but, the proximity of the development is at the rear of my home.

Let me begin by stating that I embrace and welcome development of this site such activity is long overdue. In fact each of the vacant sites along Dutch Village road begs redevelopment. Not only will such undertakings bring vibrancy to the community but also much needed property tax revenue.

None -the -less both city fathers and residents should not be content with development for development's sake. Trading the human experience in the design of our communities, while promoting vibrancy through mixed-use development is not an option. Issues of, aesthetics, livability, green space and the urban streetscape must not be ignored given that quality living environments in urban areas is a vital component of community health.

According to the site plan schedule- B there are five buildings being erected on the site.

Building A: 6 -storey high, 5- Commercial floors and lower level ground floor retail.

Building B: 4- storey high, 3 -Commercial floors and lower level ground floor retail

Building C: 8- storey high, 7- Residential stories and lower level ground floor retail.

Building D: 8- storey high 7 Residential stories and lower level ground floor retail

Building E: 2- storey 1 floor residential and lower level ground floor retail

Total Commercial 116 000 square ft

Here are the issues and concerns

1. Buildings Height Issues

The heights of the residential high-rises on this infill site in an established community are a major issue. The height design is out of touch with the immediate environs. The heights should be more sensitive to the adjacent neighbor hood.

Building so high vertically on an infill site sticks out like a sore thumb. The high rise will have severe and damaging impacts on the visual character, and environmental health of this community. This will not enhance the site; neither will it add much to the vitality of the street and the streetscape, massing and shadow issues are concerns. Building on vacant infill lots should complement the buildings that are there. Clearly buildings of eight -stories will tower imposingly over the adjacent houses like a concrete jungle most of the homes here are two-three story. Density doesn't automatically have to mean ugly or large buildings.

This new development is replacing buildings of lower height level that fitted well into the environment and the community. Naturally, it not expected that the height would mirror the old school but, he two residential building will be (8 -stories). High rises of 8- stories on this site towering over adjacent should be the last thing on Council's lists of approval. The planning department should seriously pay attention to this issue

There is a plan for four -twelve storey buildings at the head of Main Ave. These high rises are appropriate in an area which already has many existing high rises. There is the St Lawrence Place proposal for one 11-storey residential, retail and commercial on a 2.34 acre site. In reality the height of that proposed development is also not appropriate to the immediate neighbor hood. However, may be more suitable as the draft plan indicates reasonable setbacks on the site. Furthermore the location is more closely juxtaposition within the existing retail and commercial landscape. The setbacks and design appear to visually reduce the building height

## 2. Density and Traffic Issue: The Densification of this site.

The high density nature of this development is of concern as it will further increase the impact on the environment. In particular relative to traffic gridlock and road safety. The lack of any change or upgrades to the street infra- structure pre -project implementation is cause for distress.

This area has a high traffic flow and the additional residential, retail and commercial from the development will add to the traffic woes year round and intensified during winter. Allowing the development without improving the street infrastructure is an issue of community livability.

Implementing a proper safe cross walk plan at Rufus Ave and Dutch Village is essential to increase safety and avert dangers. This is a dangerous juncture with near miss of vehicles coming at high rates of speed down hill from Alma as well as vehicles exiting right unto Dutch Village road from the Esso Gas Station and the attached Tim Horton's drive through

The resultant increased traffic and additional crowded space require serious attention from planning department relative to safety of pedestrians.

## 3. Green space Comments and Kudos

Admiration is extended to the Planning department's response to community input and for their decision to ensure green space within the development. This move reflects the real needs and aspirations of the residents. It will no doubt compliment the development as well as meeting a community need. Green space is more than just a luxury and consequently that is why it is vital to have a central position in any spatial planning policy. This 1.6 acreage set aside is greatly appreciated for several reasons, a few I will now mention.

The percentage of green space in people's living environment has a positive association with the perceived general health of residents. Healthy planning should always include a place for green space Parks and open green spaces are recognized as an important element in people's quality of life and the urban environment,

- Green spaces provide for human recreational use: a place to play, meditate, gather, or rest. Green spaces introduce the natural into the urban environment promote livability and vitality of communities.
- Green spaces provide a refreshing contrast to the harsh shape, color, and texture of modern concrete buildings, and stimulate the senses with their simple color and sound.

- Green spaces foster a connection between community residents and the natural environment that surrounds them, thus allowing for a more livable community

#### A critique of the planned green space

The only concern about this green space is that it will be seriously degraded by the accumulation of shadows, in particular from the tall height of Building -D. This particular building is located in the center of the development towering to 8-storey. The height should be lowered from its current proposed height. Why locate such a tall building in front of the green space? Casting shadows on what is to be a healthful community green space

#### 4. Sanitation and garbage disposal provisions

There is a lot of retail and residential planned for the site. There is a high population of raccoons and other critters in the surrounding. An important aspect of this development must be the handling, facilities for secure on-site garbage storage

#### 5. A Specific property issue

As an adjacent property owner I want to continue to have the personal enjoyment of my property. The plan is for a 350 vehicle underground parking covering the whole footprint of the site topped with an additional 75 parking spaces for the retail units

Given that the development proposes a fair amount of retail and commercial this prospect calls for the installation of a privacy fence. This is both appropriate and highly practical; it is a matter of the aesthetics, privacy, safety and livability for the adjacent properties.

Finally let me summarize the main issues. These are the appropriateness of the height of the residential buildings in this infill site; the location of and height of building D; the densification of the site without improvement to the street infrastructure; the quantity of retail and the privacy fence.

The people in Fairview take great pride and interest in their built environment. The intent here is not to kill the vitality and growth of community. Rather it is to raise questions and comment on matters that affect the residents. The site needs to be developed without a doubt. Vibrancy and vitality must be brought to the community but this change must include neighbor hood appropriateness.

Hopefully, our elected civic leadership is not just reactive to short-term gain. Citizens expect that our municipal leaders would work toward a cohesive vision for our city and its communities. While change is good it must be the right change.

Our civic duty is not to blindly accept development, but examine it for its architectural quality and neighbor hood appropriateness, including the design of the built environment, the distribution of urban density, and their impacts on social inclusion and quality of life, one that is sustainable economically as well as ecologically.

Thank you for your attention to my letter

original signed

Lynette L Mensah PhD.



**From:** "Andrew Feenstra: Cyclesmith"  
**To:** Paul Sampson <sampsop@halifax.ca>  
**CC:** , <walkerr@halifax.ca>, Tracey Feenstra  
**Date:** 4/12/2011 12:49 pm  
**Subject:** Case 01254 - Old Halifax West Site

Paul

Thank you for sending out the information letter to residents in the area of the old Halifax West property dated March 18, 2011 to update us on the latest proposal by United Gulf Developments Limited.

My family currently owns and lives on \_\_\_\_\_ and we see the empty lot everyday through our back yard. We did attend the April 30, 2009 public information meeting, and spoke about our concerns of the development. I am all for development of the site, as its a great property in a wonderful community, and if done right, can add value to our community and all the existing property owners and citizens of the community.

As a business owner myself, I understand that the buildings must make economic sense, and size and layout are critical. I am against the current layout of the buildings as we have seen the proposal go from 4 to 7 story buildings on the property. The positioning of these building does not make sense, and does not take into account current residents in the properties surrounding the proposed development. You are building a complex around mostly single dwelling homes and we need to be sensitive of this type of residential property, you are not building downtown or in a new undeveloped parcel of land.

I would suggest a single building in the middle of the property could be up to 6 stories, and all other buildings, no higher then 4 stories. That way, the largest building, in the middle, would not cause any issues with current home owners, and the smaller buildings around the sides would be much less of an issue with current home owners.

Obviously the traffic issues will need to be addressed as there is already a back up of traffic between 7:30am - 8:50am and adding up to 350 cars into the mix will not work well on Dutch Village road.

Thank you for your consideration

Andrew Feenstra  
Tracey Feenstra  
Adyson Feenstra  
and Bailey, the dog.

**Paul Sampson - Case 01254**

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**From:** Wendy McDonald  
**To:** Paul Sampson <sampsop@halifax.ca>,  
**Date:** 4/1/2011 2:31 PM  
**Subject:** Case 01254  
**CC:** Mary Wile <wilema@halifax.ca>, Debbie Hum <humd@halifax.ca>, "Russell Walker (E-mail)" <walkerr@halifax.ca>

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Paul,  
<http://www.halifax.ca/planning/Case01254Details.html>

Please advise re additional opportunity for public dialogue and input with place and time. The web post for this case # has some broken links and I have not scrolled through every Council Agenda in search of NEXT STEPS.

Would this be acceptance at local CCC? Will there be a notice in the Saturday paper about this new information? Will all those people who attended the public meeting in April 2009 be alerted? I did attend a meeting but I cannot recall the date. There was some concern re neighbours being informed at the time, Ashdale, etc.

In any case, I have questions and perhaps these responses can be posted as a Q and A on the site somewhere.

From my recollection, there are some changes to the previous plans.

Q. 1. What is the % of community space/parkland that is mandated. Is there an opportunity for parkland to be exchanged for public access space?

Background: With the continuing loss of community access to meeting space since the school and St Lawrence Church have been sold, there is a diminished opportunity for access to continue with 'community' events, dialogue and a sense of space. This is happening all over the city, but is particularly acute in this region. Not one school has been retained for the community - Titus, Wentworth, West and so on - over time. And as school closures continue, this will become more of a crisis. We have a new facility at the CGC, but most community groups cannot consider the costs ( \$50/hour ) when planning a small or large event.

Q. 2. I suggest the cement walkway be wider, with native landscaping close by so people don't feel like walking through a concrete jungle - there will be walkers, strollers, bikes, etc. I could not see any bike racks for customers, clients of the buildings as well as residents.

Can this walkway be made wider? Is there a bus stop planned that will not interfere with traffic flow?

Background - With Active Transportation on everyones radar these days, its important to continue this access currently enjoyed by local residents. It should have a welcoming feel and not give a sense of trespassing.

Additional landscape features will improve this. Bike racks will be necessary, I recall a % for every new structure must be in place.

Q3. Have the traffic studies been carried out at peak times? I note the report but in the interest of time, I have not read all the stats!

Background: Suggest that ONE WAY circuits be implemented so that all traffic in at one ENTRANCE and out at other EXIT - this will cut down on traffic mess ups at the street - having travelled at this intersection recently at an early morning time - its a zoo with backups from Fairview Overpass. I know there is a parking garage on site - this can be worked out before construction to keep all routes one way.

Q4 . Has a CEPTED and a Walkability review been conducted?

Background : The parking lots do not have walkability or the impression of being safe for walking. Its all about the car (such as a wakway down the middle for folks leaving their car to proceed safely to connecting sidewalk, this could also be a painted walkway on the pavement.)

Q5. Will the community have input to use of the community green space such as Community garden? or other common need.

Background: I understand that a search is currently being carried out for this area for a garden site but I do not believe a site has been located. This could be appropriate, as long as its not a hazardous brownfield as some of the West site was (old garage area) I understand. Perhaps this has all been removed -please clarify.

I will make a quick site visit asap and if I have additional questions, I will attempt to express them prior to Next Steps date.

Thank you,

Wendy McDonald District 10

April 5, 2011

Councilor Russell Walker  
C/O  
Mr. Paul Sampson, Planner  
HRM Community Development  
Planning Services, Western Region  
P.O. Box 1749  
Halifax NS

Dear Councilor Walker:

I have lived at my current address on the North side of the old Dutch Village Road for over 50 years. My home is the only remaining residence on the North side of the street. In fact my residence is one building away from the intersection of Titus and Dutch Village Road. Very near the entry for the proposed redeveloped Halifax West site.

New development is badly needed in Fairview, particularly along Dutch Village Road, and I truly believe that this project will breathe life into my neighbourhood. I reviewed the developer's most recent plans as shown in HRM Planning's notification letter and fully support their plans. We all stand to benefit from this project. I was especially happy to see the creation of a park in the rear of the property. Thank you.

Sincerely,

Kenneth Dunn

United Gulf Development Limited; 380 Bedford Highway;

Halifax; Nova Scotia; B3M 2L4. 493-3070

Att: Patrick LeRoy; Vice President of Operations.

Dear Patrick:     Re: Proposed Mixed-use Development – 3620 Dutch Village Rd.

In consultation with you regarding the above mentioned amended Halifax Municipal Planning Strategy and Halifax Mainland Use By-Law; you have presented with a draft that considers the logistics of our best interests in the location that formerly Halifax West High School originally occupied with a short history of only 45 years. You can appreciate that the activity was a busy productive 6.5 acres of constant traffic.

The most recent modification of the long-range plans has provided support for the surrounding community in the green space instead of town houses; the convenience of the walk through from the foot of Coronation Ave. with a more direct approach through the development will be appreciated.

Your plan to incorporate less condo building height and living space will allow more sunshine in our back yards. The plan to encourage professional office space will be a plus for the aging population should there be medical/lawyer/etc occupants in the complex. It is my belief that the proposed development will enhance our community.

It is of concern to many of our community that we would not wish to see any further cut-off of our Dutch Village Road that came into being in 1887, steeped in history the residents of this Dutch Village Rd. would not want this to change. Please retain the 3620 Dutch Village Road address for this development. I realize this will affect traffic in our area and that an extension is planned by the powers that be in future. Of course, I am well aware that HRM plans are on the table to change the streets in the immediate area once this development is established.

I wish you every success with this new draft and trust it will meet with the approval of the majority and enable you to proceed with the latest plan you have presented to our 'Dutch Village Road' complex.

Patrick, you have been disciplined, focused and present yourself as a knowledgeable representative for HRM Planning (Western Region). Applications- Planner Paul Sampson.

Respectfully submitted,

Cc Councillor Russell Walker.

## JACQUELINE BOWMAN

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May-10-2009

To Whom it may concern,

I recently attended the meeting for the proposed development of the former Halifax West High School property on Dutch Village Rd. I was surprised to hear so many different opinions as to why it was a "negative undertaking" and not a positive step forward for the "Village" area.

The subject of traffic on Deal St. was brought up with adamant hostility. Over the course of the last 18 to 20 years, while proceeding north on Dutch Village Rd. to connect with Joseph Howe Dr., I have noticed that quite often a state of "gridlock" will happen. The cars that are exiting north from Deal and Percy Streets do so from a "stop" sign. The wait for these people to enter into the flow on Dutch Village Rd. is minimal as it is with any side street entering upon a main artery. Most drivers in the Halifax Regional Municipality are courteous and when these gridlocks occur, people will yield to the drivers trying to get out of side streets. Someone had mentioned the task of exiting left on Dutch Village Rd. from Rufus Ave. and the issue of safety surrounding this matter. This "safety" issue can easily be avoided by using one of the many streets that connect with Rufus Ave. to enter onto Main Ave. For many years it has been impossible to exit Ashdale Ave. and try to turn left on Titus Ave. I have exited via Birch or Maple Streets onto Main Ave. and left on Titus Ave. and have never had a problem. We all have made these minor sacrifices on a daily basis throughout the city by doing something as simple as changing our respective routes of travel. It is simply not a major issue.

The subject of the sheer volume of traffic on Titus Ave. and Dutch Village Rd. was visited. The addition of approximately "350" vehicles to the area is not going to disrupt the normal traffic flow at all. There is a pre-existing traffic signal which will control the flow of vehicles. At the meeting, one person actually suggested that 350 vehicles would be exiting this property at the same time every morning and make it impossible for her to get out of her street namely Deal St. The audacity of "some" to suggest an area that easily accommodates thousands of vehicles on a daily basis could not absorb an added 350 vehicles is absurd and just blatant ignorance. I truly believe the "traffic" problem has been caused in part by the installation of "Speed Bumps" on Bayview Rd. and Gateway Rd. Obviously, the residents of these aforementioned streets wanted to reduce the speed of the vehicles, the amount of vehicles travelling on these streets or maybe both. There are many streets within the Fairview area that have also become "high speed thoroughfares" for those looking for a quicker way of getting onto a main artery. We have a great number of children and schools and residents who walk the streets. Is our safety and well being a lower priority for city planners? I don't see the municipality installing speed bumps on our street or any of the other streets in Fairview. Ashdale Ave. becomes a "dragstrip" five days a week between the hours of 4 and 6 PM and this street doesn't have any sidewalks. Why would they be installed in Clayton Park? It is quite apparent that "some residents" have an unfair influence with our city officials.

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People are concerned about the increased flow of traffic at the bottom of Coronation Ave. with the proposed construction of new residential units. I, for a number of years now, have been aware of the flow of vehicles at the end of this street and I can personally attest to the fact that there was a lot more traffic in the area when there was a bowling alley on the site of the existing newer town homes. Certainly more vehicles than a new addition of a handful of residential units would create. Ideally we all would like to have "dead end

streets" with a limited or minimal flow of traffic, but in a real world situation as we have here, this is not practical nor is it feasible.

A number of residents have mentioned the amount of "green space" or lack thereof in the Fairview area. This is just not true. We have numerous if not abundant green spaces. If a "space" is not used on a regular basis and there is no problem at all at any given time for any of these spaces to be utilized, why would a person think that there is a lack of usable space? We have 3 baseball diamonds, 2 soccer/football fields, numerous playgrounds and small green spaces all within walking distance of the central core of the Fairview area. Are these people forgetting the fact that at the top of Main Ave. there is a walking/bicycle path that extends from Main Ave. and stops just short of the Kearney Lake Rd? Not to mention the fact that this "path" passes through the newly constructed Mainland Common a multi-use sports facility/green area. The football field at the old Halifax West High School site was vacant and unused decades before the high school moved up over the hill. As a matter of fact, the only persons that have used this site have been the Halifax West Warriors sports teams which are now relocated and the rare person playing fetch with or letting their dog do it's business. Here's a thought to ponder, maybe we as a neighbourhood, should strive to make our borough thrive as a "whole", make allowances for change as it arises and not expect the area to accommodate each and every one of our needs as individuals.

Dutch Village Rd. has been deteriorating for 10 or more years. Businesses have vacated and expanded elsewhere. 3 major banking institutions thrived on the street for decades. There is now one. We had 4 full serve gas stations with full service mechanical repair. There is one gas/coffee bar. There has been an assortment of shops and services that have occupied the village over the decades, and like the banks, have all left the area for one reason or another.

This proposed development should be viewed as a positive step towards enhancing Dutch Village Rd. I believe it will increase the foot traffic to businesses in the village exponentially. With an increase in retail/office space and the addition of strategically located residential units, this will bring some new "life" to the area. This development will add "a new façade" to our once thriving community and facilitate a path to it's future success.

I support this endeavor whole-heartedly and view it as a positive move towards enhancing our community that is Dutch Village Road.