

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.2.1**  
**Halifax Regional Council**  
**June 16, 2015**

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

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Councillor Steve Craig, Chair, North West Community Council

**DATE:** June 5, 2015

**SUBJECT:** Case 19060: Amendments to the Sackville Drive SPS and LUB and  
development agreement - 8 Walker Avenue and 732 Old Sackville Road,  
Lower Sackville

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## ORIGIN

May 25, 2015 meeting of North West Community Council, Item No. 10.1.3

## LEGISLATIVE AUTHORITY

Section 25(c) of the *Halifax Regional Municipality Charter* sets out the powers and duties of Community Council to include "recommending to the Council appropriate by-laws, regulations, controls and development standards for the community."

## RECOMMENDATION

It is recommended by North West Community Council that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated April 23, 2015 and schedule a joint Public Hearing with North West Community Council; and
2. Approve the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law as contained in Attachment A of the staff report dated April 23, 2015.

## **BACKGROUND**

A staff report dated April 23, 2015 pertaining to Case 19060: Amendments to the Sackville Drive Secondary Planning Strategy (SPS) and Land Use By-Law (LUB) and development agreement - 8 Walker Avenue and 732 Old Sackville Road, Lower Sackville was before North West Community Council at its meeting held on May 25, 2015.

For further information please refer to the attached staff report dated April 23, 2015.

## **DISCUSSION**

North West Community Council reviewed this matter at its meeting held on May 25, 2015 and forwarded the recommendation as outlined in this report for the consideration of Halifax Regional Council.

## **FINANCIAL IMPLICATIONS**

As outlined in the attached staff report dated April 23, 2015.

## **COMMUNITY ENGAGEMENT**

All meetings of North West Community Council are open to the public. The agenda and reports are provided online in advance of the meeting.

## **ENVIRONMENTAL IMPLICATIONS**

As outlined in the attached staff report dated April 23, 2015.

## **ALTERNATIVES**

North West Community Council did not discuss alternatives.

## **ATTACHMENTS**

1. Staff report dated April 23, 2015

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521

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P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Attachment 1**  
**North West Community Council**  
**May 25, 2015**

**TO:** Chair and Members of North West Community Council  
Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Bob Bjerke, Chief Planner and Director of Planning and Development

**DATE:** April 23, 2015

**SUBJECT:** **Case 19060: Amendments to the Sackville Drive SPS and LUB and a development agreement - 8 Walker Avenue and 732 Old Sackville Road, Lower Sackville**

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**ORIGIN**

- Application by Tri-Arm Holdings Ltd.
- April 15, 2014, Regional Council initiation of the MPS and LUB amendment process.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that North West Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law as set out in Attachments A and B of this report and schedule a joint Public Hearing with North West Community Council; and
2. Approve the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law as contained in Attachment A of this report.

It is recommended that North West Community Council:

3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report to permit the development of two (2) mixed use multiple unit buildings at 8 Walker Avenue and 732 Old Sackville Road, Lower Sackville. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

**RECOMMENDATIONS CONTINUED ON PAGE 2**

Contingent upon the adoption of the above Sackville Drive SPS and LUB amendments which are applicable to the proposed development agreement as set out in Attachment C of this report, and those amendments becoming effective under the *Halifax Regional Municipality Charter*, it is further recommended that North West Community Council:

1. Approve the proposed development agreement as set out in Attachment C of this report: and
2. Require the development agreement be signed by the property owner within 120 days, or any extension therefore granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

An application has been received from Tri-Arm Holdings Ltd. to amend the Sackville Drive Secondary Planning Strategy (SPS) and Land Use By-law (LUB) to enable the consideration of mixed use residential and commercial development at 8 Walker Avenue and 732 Old Sackville Road, Lower Sackville. Specifically, the proposal is for two multiple unit dwellings consisting of 124 residential units with approximately 10,000 square feet of commercial floor space. The Sackville Drive SPS does not contain policies that would enable Council to consider the proposed mixed use development by either a rezoning or a development agreement. Therefore, this proposal seeks a site-specific amendment to the Sackville Drive SPS, whereby the proposed mixed use development may be considered by development agreement. This SPS amendment requires approval by Regional Council.

### **Location, Designation, Zoning and Surrounding Land Use:**

<b>Subject Property</b>	8 Walker Avenue, Lower Sackville (PIDs 41077785 and 4107793)
<b>Location</b>	southwest corner of Old Sackville Road and Walker Avenue intersection (Map 1).
<b>Lot Area</b>	approximately 3.86 acres (1.56 hectares)
<b>Designation</b>	Downsview-Beaver Bank under the Sackville Drive SPS (Map 1) Urban Settlement under the Regional MPS
<b>Zoning</b>	Large Scale Commercial (LS) under the Sackville Drive LUB (Map 2).
<b>Surrounding Uses</b>	Predominantly commercial and warehouse buildings with a 3-storey multiple unit dwelling to the east. The Halifax Transit Sackville Terminal is located to the west (Map 2).
<b>Current Use(s)</b>	A 1,356 m <sup>2</sup> (14,600 ft <sup>2</sup> ) retail & warehouse building (known as Caps Plus).

### **Proposal**

Tri-Arm Holdings Ltd. is proposing two multiple unit dwellings with a total of 124 residential units and approximately 10,000 square feet of commercial floor space located over basement level underground parking. Building A (Map 3) fronts Old Sackville Road and Walker Avenue having 68 residential units consisting of a mix of 2 and 3 bedroom units and 5,000 square feet of commercial space. Building B (Map 3) fronts 8 Walker Avenue having 56 residential units consisting of a mix of 2 and 3 bedroom units and 464.5 sq.m. (5,000 sq.ft.) of commercial space.

The proposed buildings are 4 storeys in height and of wood frame construction. Construction materials proposed are horizontal fibre cement siding, vinyl shakes, composite metal panels and glass. Access to underground parking (124 spaces) will be via the northwest side of Walker Avenue (Map 3) and surface parking will be accessed from Old Sackville Road and southwest side of Walker Avenue (Map 3).

### **Policy Context**

The Downsview-Beaver Bank designation includes all public and private lands located between the Beaver Bank Connector and Riverside Drive including Walker Avenue and Old Sackville Road (Map 1). The objectives of the Downsview-Beaver Bank designation is to encourage a visually attractive and viable retail power center and discourage new high density residential uses and small scale retail and commercial uses. To ensure opportunities for new large scale commercial exist and avoid a concentration of residential uses in the designation, new multiple unit residential uses have been discouraged in the Large Scale Commercial zone.

### *Regional Plan Policy*

Under the Regional Plan, the property is designated Urban Settlement and is identified as being within an Urban District Growth Centre. The land use characteristics of an Urban District Growth Centre are a mix of low, medium and high density residential, commercial, institutional and recreational uses. In established residential neighbourhoods, such as the subject lands, low to medium density residential uses are encouraged with pedestrian oriented facades. However, under the community plan, the Sackville Drive SPS, the existing policies do not enable the consideration of new multiple unit residential uses in the area.

### **Approval Process**

The approval process for this application involves two steps:

- I. First, Regional Council must consider and, if deemed appropriate, approve proposed amendments to the MPS and LUB; and
- II. Secondly, North West Community Council must consider and, if deemed appropriate, approve a proposed development agreement.

A public hearing, which is required prior to a decision on both matters, may be held at the same time for both SPS and LUB amendments and a proposed development agreement. In the event Regional Council approves SPS and LUB amendments, North West Community Council may only make a decision on a proposed development agreement following the amendments to the SPS and LUB coming into effect. A decision on proposed SPS and LUB amendments is not appealable to the Nova Scotia Utility and Review Board (Board). However, the decision on the proposed development agreement is appealable to the Board.

## **DISCUSSION**

### **Secondary Planning Strategy Amendments**

Municipal or Secondary Planning Strategies lay out Council's intent regarding appropriate land use and future growth patterns. Amendments to an MPS should not be routine undertakings and Council is under no obligation to consider such requests. Amendments should be only considered when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

### **Rationale for the Site Specific Secondary Planning Strategy Amendments**

Since the adoption of the Sackville Drive SPS in 2002, the Halifax Transit Sackville Terminal has been developed at 7 Walker Avenue, which is across the street from the subject property. Staff advise that the introduction of this major transit facility to this area provides merit in considering a mix used commercial and residential development in close proximity to such a facility. Further, the Sackville Drive SPS states

that the viability of the public transit system depends greatly on the density of land uses in the area and encourages the location of higher density residential development in the area of transit facilities. Given the Halifax Transit Sackville Terminal was not contemplated at the adoption of the Sackville Drive SPS; it is the opinion of staff that there is sufficient justification to warrant the consideration of a site specific amendment for the subject lands.

The Regional Plan identifies the lands as being an Urban District Growth Centre, and within the Urban Settlement designation. The land use characteristics of an Urban District Growth Centre are not necessarily supported by existing plan policies as these policies were developed over 12 years ago and do not respond to the community's current vision for development and market trends. The proposal aligns with the low, medium and high density mixed use development principles as envisioned for the Sackville Urban District Growth Centre

### **Proposed Development Agreement**

The proposed development agreement provides specific provisions for the proposed two (2) mixed use multiple unit dwellings. The proposed development agreement satisfies the intent of the proposed policies of the SPS, including the proposed amendment to allow residential units on the subject lands. Of the matters addressed by the proposed development agreement the following have been identified for more detailed discussion.

#### *Building Design, Height and Massing*

The design and location of the buildings is generally illustrated on Map 3.

Building A: is a four (4) storey reverse J-shaped building with a façade parallel to Old Sackville Road and angled to the southwest to run along Walker Avenue. The terminus and the facing wall of Building B (below) define a courtyard. This courtyard is an at-grade roof top (over the underground parking) amenity space connected to the ground level pedestrian sidewalk system which may be accessed by the commercial uses at that level from both buildings. The façade is designed as a mix of architectural references to domestic residential and more commercial buildings juxtaposed with various types of balcony spaces. The overall articulation of the façade contributes to the viewer's reduced perception of the building mass.

Building B: is a four (4) storey V-shaped building that begins at the other side of the courtyard, described above, at Walker Avenue, turns at the street corner, and then runs parallel the street to the site access at Walker. The courtyard will provide enclosure for a potentially colourful and active semi-private amenity space. The façade treatment of Building B is the same as Building A above. The proposed development agreement requires that the same façade treatment be applied on all sides of the buildings so that the same quality materials and colours are ensured.

#### *Compatibility*

The density, scale, height, building materials and architectural character of the surrounding buildings were factors taken into consideration in assessing the compatibility of this proposal along with pedestrian linkages, landscaping and traffic implications. The highly visible corner intersection location transfers the prominence to the building but its modest height allows it to blend well with the area. The parking is provided underground (124 spaces) along with some surface parking (94 spaces to service commercial use and visitors) that is located within the enclosed area formed by the two buildings. This prevents the parking area from visually impacting Old Sackville Road. The location of the Halifax Transit terminal across Walker Avenue from the proposed development supports multiple unit dwelling development. A residential multiple unit dwelling is appropriate for the site and the development agreement process enables design controls to be established through the process. The uses, building locations and heights as proposed represent an appropriate development that is in keeping with the characteristics of the surrounding land uses and there are no compatibility concerns.

### *Housing Type Mix*

The two residential buildings permitted under the proposed development agreement provide a total of 124 dwelling units. The following is a breakdown of the two proposed residential buildings:

<b>Building</b>	<b># of Storeys</b>	<b># of Units</b>	<b>Unit Type</b>	<b>Commercial</b>
Building A	4	68	two bedroom	5,000 sq. ft.
Building B	4	56	two bedroom	5,000 sq. ft.

The proposed development agreement allows the Development Officer to vary the number of unit types by up to 10 percent of the total number of units per building.

### *Landscaping and Amenity Spaces*

The proposed development agreement requires a landscape design to be prepared by a landscape architect for the subject lands with design guidelines specific to the amenity space or “plaza” within the surface parking courtyard. It provides direction to address pedestrian connections and landscaped areas adjacent the buildings with landscape architectural design treatment so that pedestrian oriented space associated with the buildings will heighten the aesthetic setting and be comfortable, interactive and interesting for the pedestrian. The agreement gives direction to specifically address the underground parking access.

### *Traffic Impact and Access*

A Traffic Impact Study (TIS) submitted in support of the application concludes that traffic from the proposed development can be accommodated within the existing street network. Peak hour volumes are moderate on both Walker Avenue and Old Sackville Road and site generated trips are low. Vehicle trips generated by the site are not expected to have any significant impact to the performance of adjacent streets, nearby intersections or the regional street network.

An addendum to the TIS was prepared to respond to staff’s concerns in regards to how vehicular operations at the site’s proposed accesses could potentially impact existing intersections and accesses, create back-ups of traffic on Walker Avenue/Sackville Drive or create spillback to the Beaver Bank Connector. The analysis provided in the addendum indicated that queue back-ups on Walker Avenue are not expected to occur at the parking garage driveway and the site generated trips are not anticipated to have any significant impact on the performance of the Old Sackville Road and Downsview Drive/Walker Avenue intersection. The addendum found that the conclusion reached in the original TIS is appropriate. Staff concurs with the conclusion and recommendation of the study.

### **North West Planning Advisory Committee**

The North West Planning Advisory Committee (NWPAC) hosted a Public Information Meeting (PIM) on May 29, 2014 concerning the proposal. Attachment D contains a copy of the minutes from the meeting. The public identified the increased traffic volumes generated onto Walker Avenue, Old Sackville Road and the nearby Beaver Bank Connector (potential queuing resulting from traffic turning into the underground parking access at Walker Avenue) and insufficient landscaping and amenity space as concerns.

The NWPAC reviewed this application on July 2, 2014. A report from the PAC on this matter will be forwarded to Community Council under separate cover. The Committee’s recommendation is in support of the proposed site specific SPS amendment and development concept but they did identify the following concerns to be considered:

- intersection at Walker Avenue, Old Sackville Road, and Downsview Drive,
- driveway immediately off Walker Avenue before the first turn from the direction of Downsview Drive,
- concern regarding the increased traffic on Walker Avenue to the East intersection point of Old Sackville Road,
- whether or not the amendment to section 5.2.1.1 of the MPS is appropriate, and
- pedestrian access to and from the existing facilities and the proposed new facility.

As discussed previously, the Traffic Impact Study (TIS) and the addendum submitted in support of the application concludes that traffic from the proposed development can be accommodated within the existing street network. The addendum was in direct response to NWPAC concerns and is discussed in more detail earlier in this report.

The proposed development agreement requires a landscape plan (prepared by a landscape architect) that gives specific direction for treatment of the private amenity space as well as sidewalks entrances and the connection to the semi-private courtyard. Pedestrian access to the site from Old Sackville Road will be chiefly via the driveway to the well-developed on-site internal sidewalk system that connects to the building, entry, courtyard and the amenity space. Access to the site from the Halifax Transit Terminal will be by way of a connection to the courtyard that is a ground level sidewalk.

Staff advise that the context and intent of section 5.2.1.1 of the SPS remains intact and the proposed amendment is to support a site specific amendment allow a mixed use multiple unit redevelopment replacing the existing land uses at 8 Walker Avenue and 732 Old Sackville Road.

### **Conclusion**

It is recommended the existing Downsview-Beaver Bank Designation policy set (DB-1 and DB-2) be amended to include supplemented with a new policy, DB-2 (a), allowing mixed use multiple unit development for the subject lands due to their proximity to the Halifax Transit Sackville Terminal. The proposed amendments (Attachment A) are site specific and promote a multiple unit residential development within walkable distances to local transit and commercial services. The proposed LUB amendments (Attachment B) and the development agreement (Attachment C) adequately implement the existing and proposed SPS policies. Therefore, staff recommends that Council adopt the amendments to the Sackville Drive SPS and LUB provided in Attachment A and B of this report. Further to the adoption of the amendments staff recommends that North West Community Council approve the development agreement as contained in Attachment C of this report.

### **FINANCIAL 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 Amending Development Agreement. The administration of the agreement can be carried out within the proposed budget with existing resources.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting (PIM) held on May 29, 2014. Attachment D contains a copy of the minutes from the meeting.

For the PIM, notices were posted on the HRM website, in the newspaper, and mailed to property owners with the notification area shown on Map 3. Prior to considering the approval of any MPS amendments, Regional Council must hold a public hearing. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed amendments will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.



## **ENVIRONMENTAL IMPLICATIONS**

The proposed amendments to the Sackville Drive SPS and LUB are consistent with applicable environmental policies of the SPS.

## **ALTERNATIVES**

The North West Community Council could recommend that Halifax Regional Council:

1. Modify the proposed amendments to the Sackville Drive SPS and LUB as contained in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve the proposed SPS and LUB amendments is not appealable.
2. Refuse the proposed amendments to the Sackville Drive SPS and LUB as contained in Attachments A and B of this report. A decision of Council to refuse the proposed SPS and LUB amendments is not appealable.

## **ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Map 3	Site Plan
Attachment A	Proposed Amendments to the Sackville Drive SPS
Attachment B	Proposed Amendments to the Sackville Drive LUB
Attachment C	Proposed Development Agreement
Attachment D	PIM Minutes
Attachment E	Sackville Drive Secondary Planning Strategy Policy Evaluation

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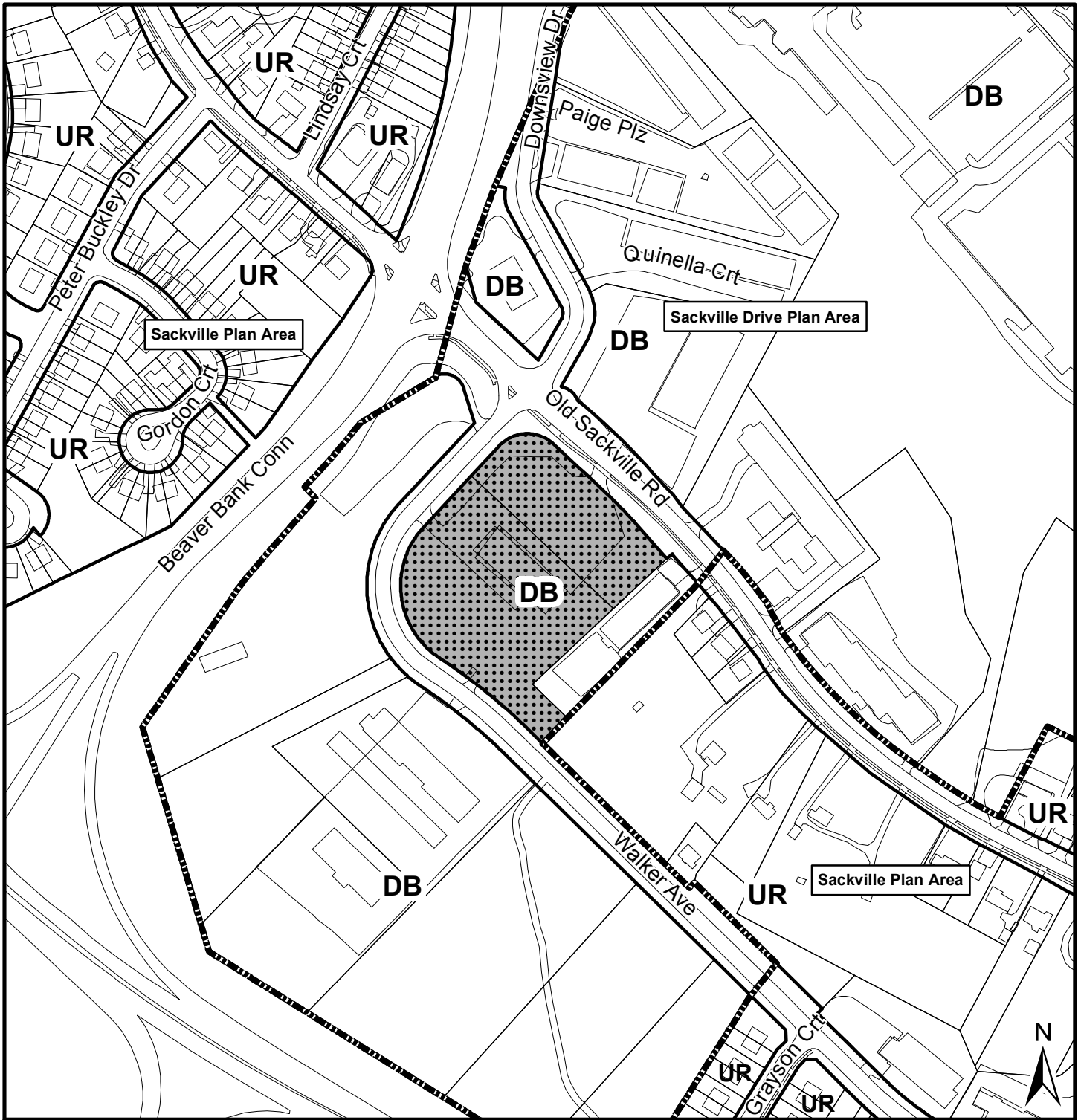
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Darrell Joudrey, Planner I, 902-490-4181

Original Signed

Report Approved by: \_\_\_\_\_  
Kelly Denty, Manager of Development Approvals, 902-490-4800

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**Map 1 - Generalized Future Land Use**

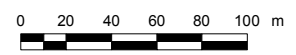
**HALIFAX**


8 Walker Avenue  
Lower Sackville

 Subject Properties

**Sackville Drive Designations**

**Sackville Designations**



 Plan Area Boundary

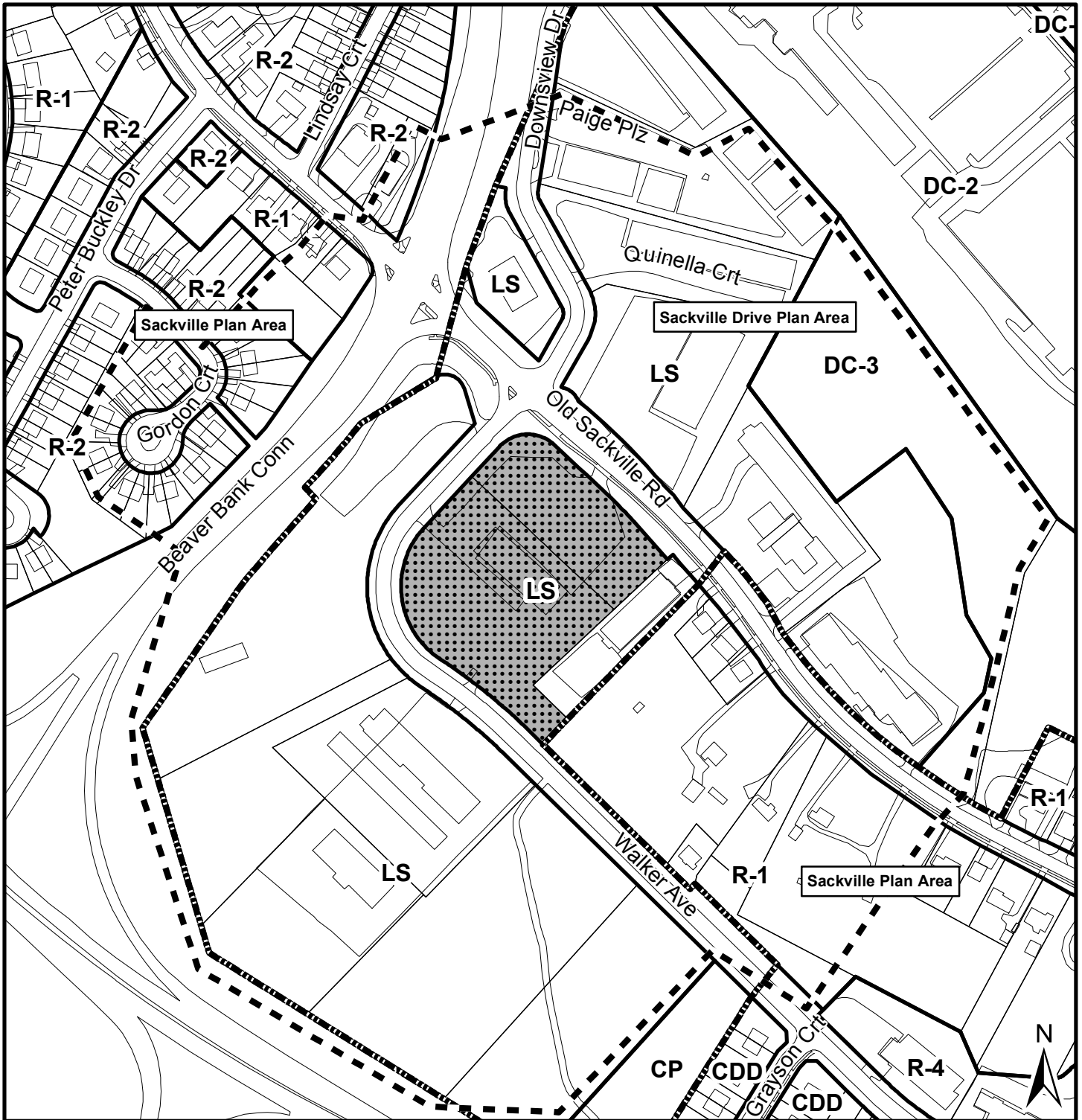
DB Downview / Beaver Bank

UR Urban Residential

Sackville Drive  
Secondary Plan Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



### Map 2 - Zoning and Notification

**HALIFAX**

8 Walker Avenue  
Lower Sackville

Subject Properties

Area of notification

By-Law Area Boundary

Sackville Drive  
Land Use By-Law Area

**Sackville Drive Zones**

- DC-2 Downsview Complex-2
- DC-3 Downsview Complex-3
- LS Large Scale Commercial
- CP Community Parkland and Facility

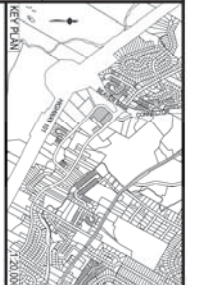
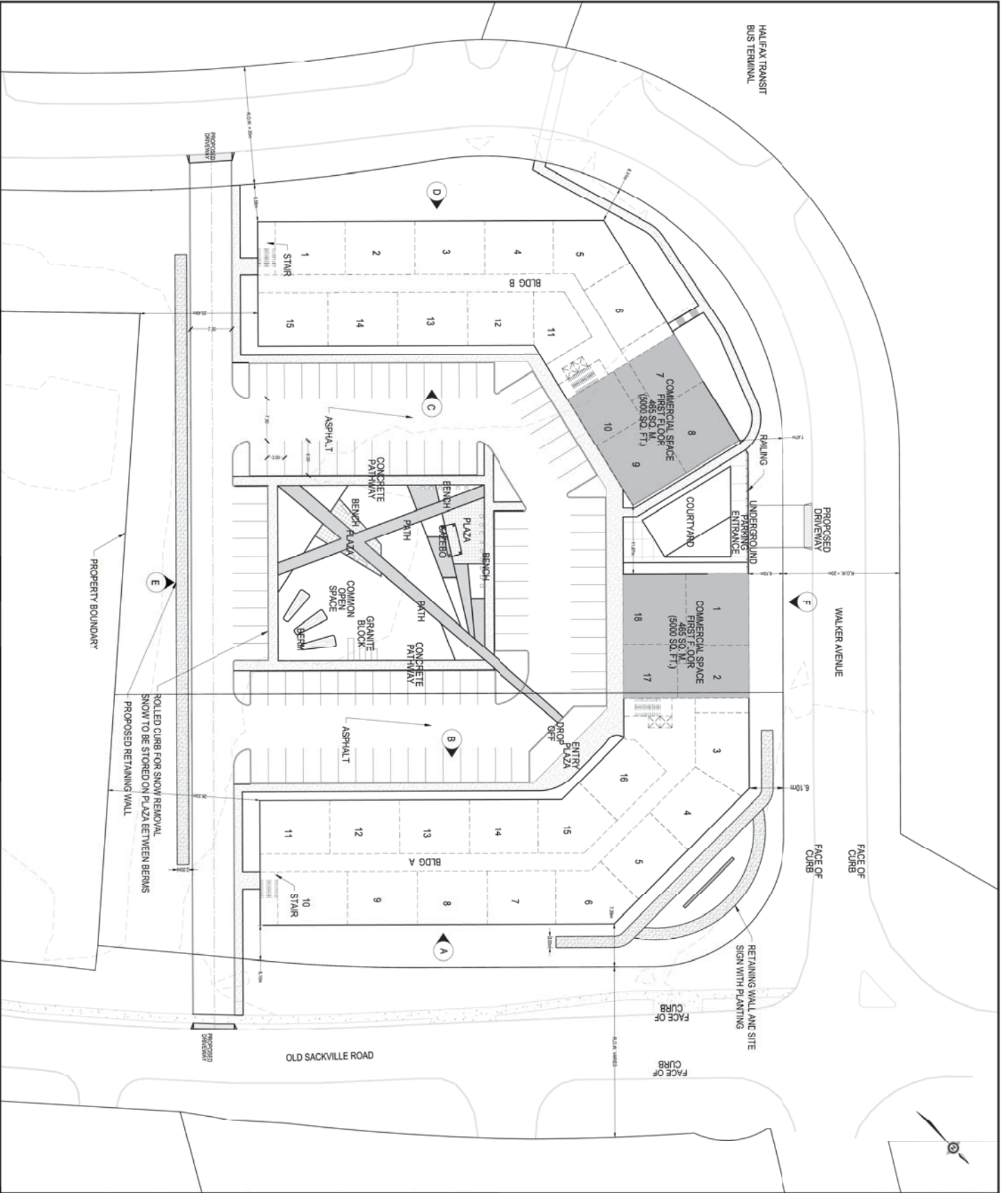
**Sackville Zones**

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-4 Multiple Unit Dwelling
- CDD Comprehensive Development District



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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



Elevation



NO.	DESCRIPTION	DATE
01	ISSUED FOR PERMITTING COMMENTS	2019/02/03
02	ISSUED FOR PERMITTING COMMENTS	2019/02/03
03	ISSUED FOR PERMITTING COMMENTS	2019/02/03
04	ISSUED FOR PERMITTING COMMENTS	2019/02/03
05	ISSUED FOR PERMITTING COMMENTS	2019/02/03

**WM FARES**  
GROUP

**Armo**  
CAPITAL

PROJECT:  
8 WALKER AVENUE  
WALKER  
NEW KITCHEN

SHEET:  
1  
OF  
3

SCALE:	DATE:	DRAWN:	CHECKED:
1:500	2019/02/03		
PROJECT:	DATE:	SCALE:	
8 WALKER AVENUE	2019/02/03	1:500	
WALKER			
NEW KITCHEN			
SITE PLAN			

## Attachment A:

### Proposed Amendments to the Sackville Drive Secondary Planning Strategy

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality the Secondary Planning Strategy for Sackville Drive which was passed by a majority vote of the Halifax Regional Municipality on the 7th day of May, 2002, and approved with amendments by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 29<sup>th</sup> day of May, 2010, is hereby further amended as follows:

1. In Section 5.2 The Downsview-Beaver Bank Designation Policy DB-1(b) delete the colon and add new wording to the sentence as shown in bold as follows:

**and with the exception of a mixed use multiple unit development at 8 Walker Avenue and 732 Old Sackville Road as permitted by Development Agreement due to its proximity to the Halifax Transit Sackville Terminal;**

2. In Section 5.2.1.1 Multiple Dwelling Uses add a new paragraph immediately following the third paragraph as shown below in bold as follows:

**Notwithstanding the above, a residential redevelopment replacing the existing land uses at 8 Walker Avenue and 732 Old Sackville Road with a mixed use multiple unit development is in keeping with the Urban Settlement Designation under the Regional MPS to provide for a diverse, vibrant and liveable urban environment. Furthermore, Sackville is identified as an Urban District Growth Centre under the Regional MPS where the land use is envisioned to be a mix of low, medium and high density residential, commercial, institutional and recreation uses with a connecting point for transit routes to other Centres and the Regional Centre. With the development of the Halifax Transit Sackville Terminal at 7 Walker Avenue, across the street from 8 Walker Avenue, the location of the mixed use multiple unit development seems appropriate as supported by plan policies.**

3. In 5.2.1.1 Multiple Dwelling Use add following new Policy DB-2 a immediately following Policy DB-2 as shown in bold as follows:

#### **Policy DB-2 (a)**

**Within the Downsview-Beaverbank Designation a mixed use multiple unit development at 8 Walker Avenue and 732 Old Sackville Road shall be considered by development agreement in accordance with the provisions of the Halifax Regional Municipality Charter. The location, scale, height, building materials and architectural character of the proposed building and the existing surrounding built environment are factors to be considered in evaluating this proposal along with land use, pedestrian connections, landscape design and traffic implications. The location of the Halifax Transit terminal across Walker Avenue from the proposed development and the well-developed regional traffic network supports multiple unit dwelling development at this location. In considering any such development agreement, Council shall have regard to the following:**

- (a) building walls shall be oriented to the street(s) and main building entrances shall be safely oriented to the sidewalk system and primary pedestrian ways;**

- (b) compatible retail commercial and personal service use may be provided at main level;**
- (c) compatibility with surrounding built form and lands uses. Utilization of architectural design approaches to reduce perception of visual impact of the height, scale and mass in relation to the surrounding built form;**
- (d) pedestrian activity shall be encouraged through, but not limited to, provision of outdoor cafes, ground floor uses and landscaped amenity areas. Consideration shall be given to weather protection for pedestrians;**
- (e) landscape architectural details shall reinforce pedestrian circulation, highlight entrances, and provide shade. Landscaping features and/or street trees should be safely provided around the perimeter and throughout the development to enhance site aesthetics;**
- (f) traffic access to and from the site should be designed to safely minimize adverse impacts on the adjacent residential uses and street network;**
- (g) lighting shall be designed to provide security, safety, and visual appeal for both pedestrians and vehicles while ensuring minimal impact on adjacent properties; and**
- (h) the provisions of Policy I-5.**

I HEREBY CERTIFY that the amendments to the Sackville Drive Secondary Planning Strategy as set out above, were passed by a majority vote of the Halifax Regional Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

**Attachment B:**

**Proposed Amendments to the Sackville Drive Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality the Land Use By-law for Sackville Drive which was passed by a majority vote of the Halifax Regional Municipality on the 7th day of May, 2002, and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 18<sup>th</sup> day of October, 2014, is hereby further amended as follows:

1. In Part 5: USES PERMITTED BY DEVELOPMENT AGREEMENT *within the Downsview/Beaver Bank Designation* the following text as show below in bold be added immediately after item (2):

**(2a) a mixed use multiple unit development at 8 Walker Road and 732 Old Sackville Road within the Large Scale Commercial (LS) zone in accordance with Policy DB-2 (a).**

2. In Part 8: LARGE SCALE COMMERCIAL (LS) ZONE under Uses Permitted by Development Agreement following text as shown below in bold be added following the sentence " A service station of any gross floor area shall be exempted from this development agreement provisions".

**In accordance with Policy DB-2 (a) of the Sackville Drive SPS a mixed use multiple unit development is permitted at 8 Walker Avenue and 732 Old Sackville Road by development agreement.**

I HEREBY CERTIFY that the amendments to the Sackville Drive Land Use By-law as set out above, were passed by a majority vote of the Halifax Regional Council held on the \_\_\_\_ day of \_\_\_\_\_, 2015.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

**Attachment C: Proposed Development Agreement**

THIS AGREEMENT made this      day of **[Insert Month]**, 2015,

BETWEEN:

**[INSERT DEVELOPER NAME]**

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 Walker Avenue and Old Sackville Road, Sackville, 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 residential/commercial mixed use building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy DB-2(a) of the Sackville Drive Secondary Planning Strategy;

AND WHEREAS the North West Community Council for the Municipality, approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 19060;

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, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Sackville Drive and the Regional Subdivision By-law, as may be amended from time to time.

**1.3 Applicability of Other By-laws, Statutes and Regulations**

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial or Federal Government and the Developer 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: DEFINITIONS**

#### **2.1 Words Not Defined under this Agreement**

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Regional Subdivision By-law, if not defined in these documents their customary meaning shall apply.

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

#### **3.1 Schedules**

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms to the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 19060:

Schedule A	Legal Description of the Land(s)
Schedule B	Site Plan

Schedule C	Landscape Plan
Schedule D	Building Elevation A
Schedule E	Building Elevation B
Schedule F	Building Elevation C
Schedule G	Building Elevation D
Schedule H	Building Elevations E1 and E2
Schedule I	Building Elevations F1 and F2

### **3.2 Requirements Prior to Approval**

3.2.1 Prior to the issuance of any Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) A Landscaping Plan in accordance with Section 3.8 of this Agreement;
- (b) A Lighting Plan in accordance with Section 3.7 of this Agreement;
- (c) Approval of Lot Consolidation of PIDs 41077785 and 41077793. This Plan of Survey shall comply with Section 3.5 of this Agreement: and
- (d) A Site Grading Plan prepared by a Professional Engineer and acceptable to the Development Engineer in Accordance with Section 5.1 of this Agreement.

3.2.2 At the time of issuance of any Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) Written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the lighting requirements set out in Section 3.7 of this Agreement; and
- (b) Written confirmation from a Landscape Architect (a full member of the Canadian Society of Landscape Architects) that the Development Officer may accept as sufficient record of compliance with the landscaping requirements set out in Section 3.8 of this Agreement. The Development Officer may request further information in the Landscape Plan if it is found not satisfactory.

3.2.3 The Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By law (except to the extent that the provisions of the Land Use By law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

### **3.3 General Description of Land Use**

3.3.1 The use(s) of the Lands permitted by this Agreement are as generally illustrated on the Schedules, being the following:

- (a) A mixed-use building, shown as Building A on Schedules B and C, with a maximum of 68 dwelling units, not exceeding a height of 4 storeys and having 5000 square feet of ground floor commercial retail and service and personal service use;
- (b) A mixed-use building, shown as Building B on Schedules B and C, with a maximum of 56 dwelling units, not exceeding a height of 4 storeys and having 5000 square feet of ground floor commercial retail and service and personal service use; and
- (c) A basement level parking garage.

- 3.3.2 The Developer shall be permitted to vary the total number of units in the buildings by 10 percent.
- 3.3.3 Unless otherwise stated in this Agreement, development of the Lands shall conform to the applicable provisions of the Sackville Drive Land Use By-law as amended from time to time.

### **3.4 Siting and Architectural Requirements**

- 3.4.1 The buildings shall be located and oriented as generally illustrated on Schedules B and C inclusive of this Agreement.
- 3.4.2 The Developer agrees that the design, form, and exterior materials of the buildings shall, in the opinion of the Development Officer, conform to the Buildings A and B Elevations included with this Agreement as Schedules D through I.
- 3.4.3 All façades facing onto Walker Avenue and Old Sackville Road shall be designed and detailed as primary façades. Further, detailed architectural treatment shall be continued around all sides of the buildings as identified on the Schedules.
- 3.4.4 Any exposed foundation in excess of two (2) feet in height and a minimum of ten (10) square feet in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer. Larger areas of exposed foundation shall be given design consideration in the Landscape Plan as per Section 3.8 of this Agreement.
- 3.4.5 All vents, down spouts, flashing, electrical conduits, metres, service connections and other functional elements shall be treated as integral parts of the building design. Where appropriate these elements shall match the colour of the adjacent surface, except where used expressly as an accent.
- 3.4.6 The buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Old Sackville Road, Walker Avenue, Halifax Transit property or adjacent residential properties. Furthermore, mechanical equipment or exhaust fans shall be surrounded by opaque screening as an integral part of the building design. This shall exclude individual residential mechanical systems.
- 3.4.7 Storefronts on the ground floor of Buildings A and B shall be visually unified through the use of complementary forms, materials and colours. Awnings and similar devices shall be permitted to provide shelter, shade and encourage pedestrian movement.
- 3.4.8 Refuse containers for five (5) stream waste sorting shall be located inside the buildings and shall be fully screened from adjacent streets by means of opaque fencing or masonry walls with view obstructing landscaping.

### **3.5 Subdivision of the Lands**

- 3.5.1 Subdivision applications shall be submitted to the Development Officer in accordance with the Regional Subdivision By-law and subdivision approval shall be granted subject to and in accordance with the following conditions:
- (a) The lots shall meet the frontage and lot area requirements of the Regional Subdivision By-law;
  - (b) Subdivision shall be limited to two (2) lots; and
  - (c) Parkland dedication or cash-in-lieu shall be required.

- 3.5.2 The Municipality shall not issue a Development Permit for the Building unless the Developer has received design approval for installation of primary and secondary services as well as a Services Agreement with Halifax Water.

### **3.6 Parking, Circulation and Access**

- 3.6.1 Surface parking areas shall be sited as generally shown on the Schedules. All parking required for the multiple-unit building shall be provided underground and within the internal courtyard.
- 3.6.2 The underground parking area shall provide a minimum of 110 underground spaces.
- 3.6.3 The surface parking area within the internal courtyard shall provide a minimum of 90 spaces. Surface parking areas shall be hard surfaced with asphalt, concrete, pavers or an acceptable equivalent and shall be surrounded by concrete curbing.

### **3.7 Outdoor Lighting**

- 3.7.1 Lighting shall be directed to driveways, parking areas, trails, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from public streets, adjacent lots and buildings.
- 3.7.2 Further to Subsection 3.7.1, prior to the issuance of a Development Permit, a qualified professional shall prepare a Lighting Plan and submit it to the Development Officer for review to determine compliance with this Agreement. The Lighting Plan shall contain, but shall not be limited to, the following:
- (a) The location, on the building and on the premises, of each lighting device; and
  - (b) A description of the type of proposed illuminating devices, fixtures, lamps, supports, and other devices.
- 3.7.3 The information used to satisfy the requirements of this section may be included on the site plan or building elevations provided that the Development Officer is satisfied of compliance with this Agreement.

### **3.8 Landscaping**

- 3.8.1 Prior to the issuance of any Development Permit, the Developer agrees to provide a Landscaping Plan which complies with the provisions of this section and the Urban Forest Master Plan and generally conforms with the overall intentions of the preliminary landscape features shown on Schedule C. The Landscaping Plan shall be prepared by a Landscape Architect (a full member of the Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.8.2 Buildings shall not be occupied until the Developer submits to the Development Officer a letter, prepared by a member of the Canadian Society of Landscape Architects, certifying that all landscape design has been completed in accordance with this Agreement.
- 3.8.3 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 in the opinion of the Landscape Architect that prepares the Plan required pursuant to subsection 3.8.1..
- 3.8.4 All portions of the Lands not used for structures, parking areas, driveways, curbing, or walkways shall be landscaped except for areas where natural vegetative cover is maintained. Landscaping shall be deemed to include grass, mulch, decorative stone or water features, planting beds, trees,

bushes, shrubs or other plant material or decorative element deemed acceptable by the Development Officer.

- 3.8.5 The Landscape Plan shall include the location, spacing and species of any vegetation. The Developer shall maintain all landscaping, shrubs, plants, flower beds and trees and shall replace any damaged, dead or removed stock.
- 3.8.6 Specifications for all constructed landscaping elements such as fencing, retaining walls, pergolas, five (5) stream waste disposal facilities, benches, and lighting shall be provided to the Development Officer, and shall describe their design, construction, specifications, hard surface areas, materials and placement.
- 3.8.7 The Landscape Plan shall provide details of all ground level open spaces, sidewalks, medians and courtyards as shown on the attached Schedules. The Plan shall specify all model numbers, quantities and manufacturers of site furnishings as well as construction details of landscaping features.
- 3.8.8 Retaining walls shall be permitted on private property only, unless otherwise approved by the Development Engineer, and any retaining wall shall be constructed of a decorative precast concrete or modular stone retaining wall system or an acceptable equivalent in the opinion of the Development Officer.
- 3.8.9 Details of any retaining wall systems that exceed a height of three (3) feet shall be identified, including the height and type of any fencing proposed in conjunction with it. A construction detail of any wall and fence combination shall be provided and certified by a Professional Engineer.
- 3.8.10 The Landscape Plan shall provide a detailed specific design to mitigate the visual impact of the underground parking entrance accessed at Walker Avenue. Any design response shall not interfere with stopping sight distances.
- 3.8.11 Planting materials shall be carefully selected for their ability to survive in their specific location relative to such factors including, but not limited to, sunlight/shade conditions, or rooftop and sea exposure conditions.
- 3.8.12 Private Landscaped Area:
  - (a) The Developer shall locate and construct a private landscaped area within the internal courtyard as generally illustrated on Schedules B and C;
  - (b) The landscaping and design for the private landscaped area shall conform to the requirements of Section 3.8 of this Agreement and shall be included on the Site Grading Plan required pursuant to section 5.1.; and
  - (c) The design of the private landscaped area shall provide a safe physical connection to the Entry Plaza identified on Schedules B and C as well as a strong visual connection. The private landscaped area shall not measure less than 80 feet at any side to side dimension.
- 3.8.13 Notwithstanding section 3.8.2, where the weather and the time of year do not allow the completion of outstanding landscape works at the time of issuance of the Occupancy Permits for the Building the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion

of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. 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.

### **3.9 Maintenance**

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 and ice control, de-icing of walkways and driveways.

### **3.10 Signs**

3.10.1 Signage shall conform to the following requirements:

- (a) No flashing lights shall be incorporated in any sign and any lighting shall be arranged so as not to be directed at neighbouring properties;
  - (b) Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the Lands;
  - (c) Minor directional ground and fascia signs as may be required for vehicular/pedestrian traffic and "way-finding" purposes are permitted on the Lands;
  - (d) A maximum of three (3) permanent ground signs shall be permitted on the Lands to denote the development name. The location of such sign shall require the approval of the Development Officer in consultation with the Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 6 (six) feet and the face area of any sign shall not exceed 50 square feet. All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low-wattage shielded external fixtures.
- (d) Commercial signage for the businesses located on the Lands shall comply with the commercial sign provisions of the Sackville Drive Land Use By-law.

3.10.2 Temporary signs under the Temporary Sign By-law are not permitted.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

All design and construction of primary and secondary service systems shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.

### **4.2 Off-Site Disturbance**

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

#### **4.3 Other Approvals**

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 sanitary sewer system, water supply system, stormwater, sewer and drainage systems, streets, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies, except as provided herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All construction shall be in accordance with Municipal Specifications and By-laws.

#### **4.4 Municipal Water Distribution, Sanitary Sewer and Storm Sewer Systems**

The Municipal water distribution, sanitary sewer and storm sewer systems shall conform with Halifax Water's latest edition of their Design and Construction Specifications unless otherwise deemed acceptable by Halifax Water and the Municipality.

#### **4.5 Solid Waste Facilities**

- 4.5.1 Refuse containers and waste compactors shall be screened from public view by means of opaque fencing or masonry walls with view obstructing landscaping.

#### **4.6 Private Infrastructure**

All private services and infrastructure located on the Lands, including but not limited to the private circulation driveway(s), laterals for water and sewer, and any private stormwater pipes or collection systems, shall be owned, operated and maintained by the Developer. Furthermore, the Municipality shall not assume ownership of any of the private infrastructure or service systems constructed on the Lands.

### **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

#### **5.1 Site Grading Plan and Stormwater Management**

No Development Permit shall be issued unless a Site Grading Plan, prepared by a qualified Professional Engineer in accordance with the Municipal Design Guidelines, is submitted to the Municipality. The plan(s) shall identify stormwater management measures to minimize any adverse impacts on adjacent lands or stormwater drainage systems during and after construction.

#### **5.2 Erosion and Sedimentation Control Plan**

Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

#### **5.3 Erosion Control**

No building shall be occupied unless a Professional Engineer certifies that the entire lot is stabilized in accordance with all applicable standards and regulations of the Province of Nova Scotia and with the terms of this Agreement. Any temporary stabilization of the Lands shall be replaced with final landscaping within six (6) months of the issuance of the Occupancy Permit. If final landscaping cannot be completed due to seasonal conditions then the owner of the Lands shall be responsible for ensuring that any temporary stabilization materials are replaced and/or maintained on an as-required basis to ensure that exposed soil is adequately stabilized at all times.

#### **5.4 Stormwater Management System**

The Developer agrees to construct, at its own expense, the Stormwater Management System associated with the proposed development. The Developer shall provide certification from a Professional Engineer that the system has been constructed in accordance with the approved design. All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

#### **5.5 Failure to Conform to Plans**

If the Developer fails at any time during any site work or construction to fully conform to the requirements set out under Part 5 of this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Officer, in consultation with the Development Engineer, to ensure compliance with the environmental protection plans.

### **PART 6: AMENDMENTS**

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

The following items are considered by both parties to be non-substantive and may be amended by resolution of Council:

- (a) Changes to the location and layout of uses and buildings as illustrated on Schedule B;
- (b) Changes to the groundfloor commercial square footage for Buildings A and B to allow up to 100 percent residential dwelling units;
- (c) Changes to the architectural design of the building which, in the opinion of the Development Officer, do not conform with the Schedules D to I;
- (d) Changes to the location of the access to the proposed basement level underground parking as illustrated on Schedules B, C and I;
- (e) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
- (f) The length of time for the completion of the development as identified in Section 7.4 of this Agreement.

#### **6.2 Substantive Amendments**

Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

### **PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

#### **7.1 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.

#### **7.2 Subsequent Owners**

- 7.2.1 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.



7.2.2 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).

### **7.3 Commencement of Development and Extension of Commencement Date**

7.3.1 In the event that construction has not commenced within three (3) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed basement level underground parking for one of the mixed use buildings.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least 60 calendar days prior to the expiry of the commencement of development time period.

### **7.4 Completion of Development and Discharge of Agreement**

7.4.1 If the Developer fails to complete the development after eight (8) 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.

7.4.2 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 Secondary Planning Strategy and Land Use By-law for Sackville Drive, as may be amended from time to time.

## **PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **8.1 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.

### **8.2 Failure to Comply**

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty 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.

**IN WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

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

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

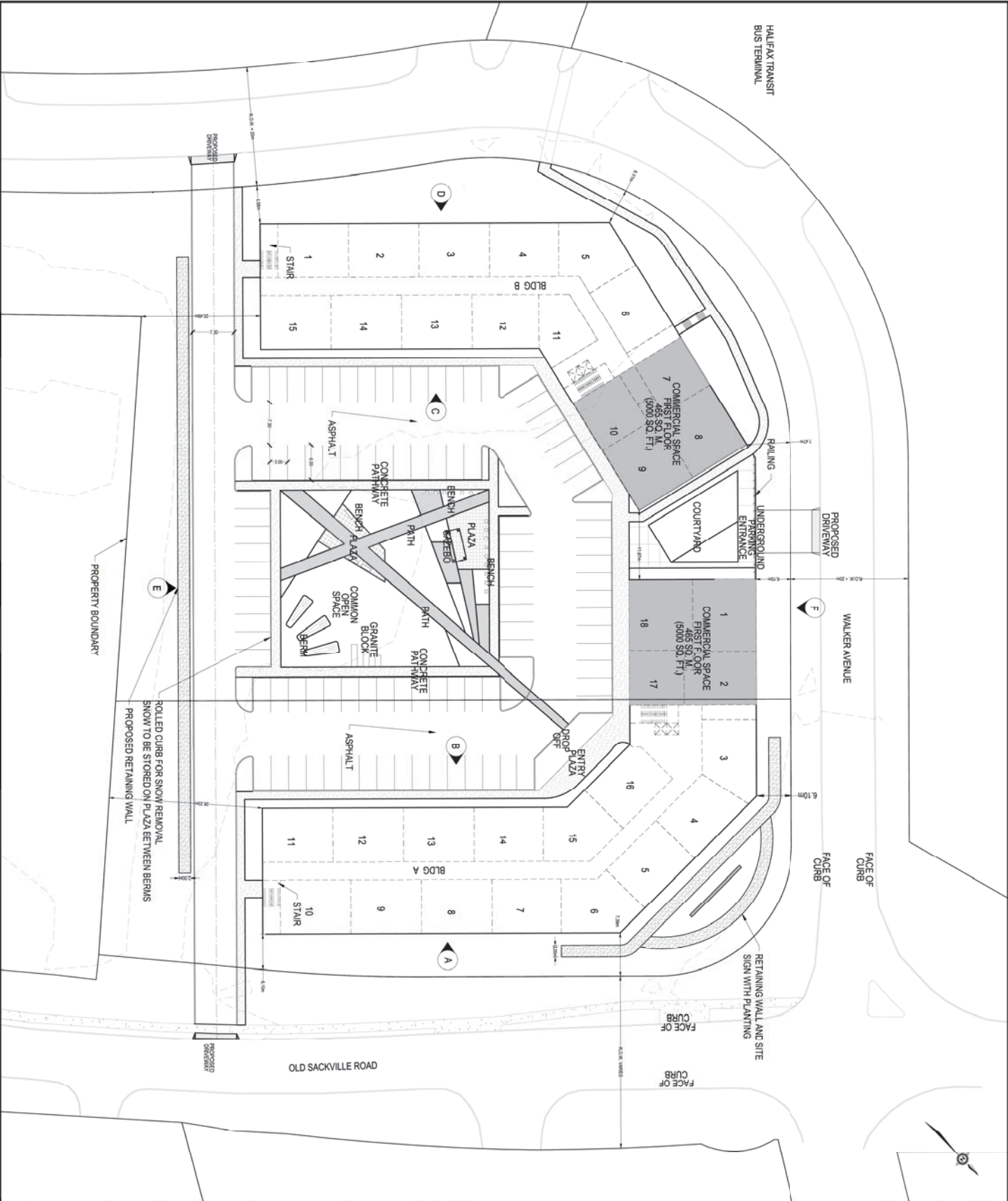
Per: \_\_\_\_\_

**MAYOR**

\_\_\_\_\_  
Witness

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

**MUNICIPAL CLERK**



Elevation



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING COMMENTS	
2	REVISED TO REFLECT COMMENTS	
3	REVISED TO REFLECT COMMENTS	
4	REVISED TO REFLECT COMMENTS	
5	REVISED TO REFLECT COMMENTS	
6	REVISED TO REFLECT COMMENTS	
7	REVISED TO REFLECT COMMENTS	
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**WM FARES**  
GROUP

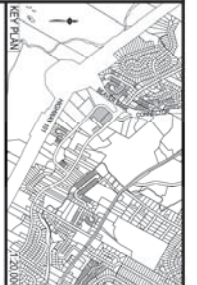
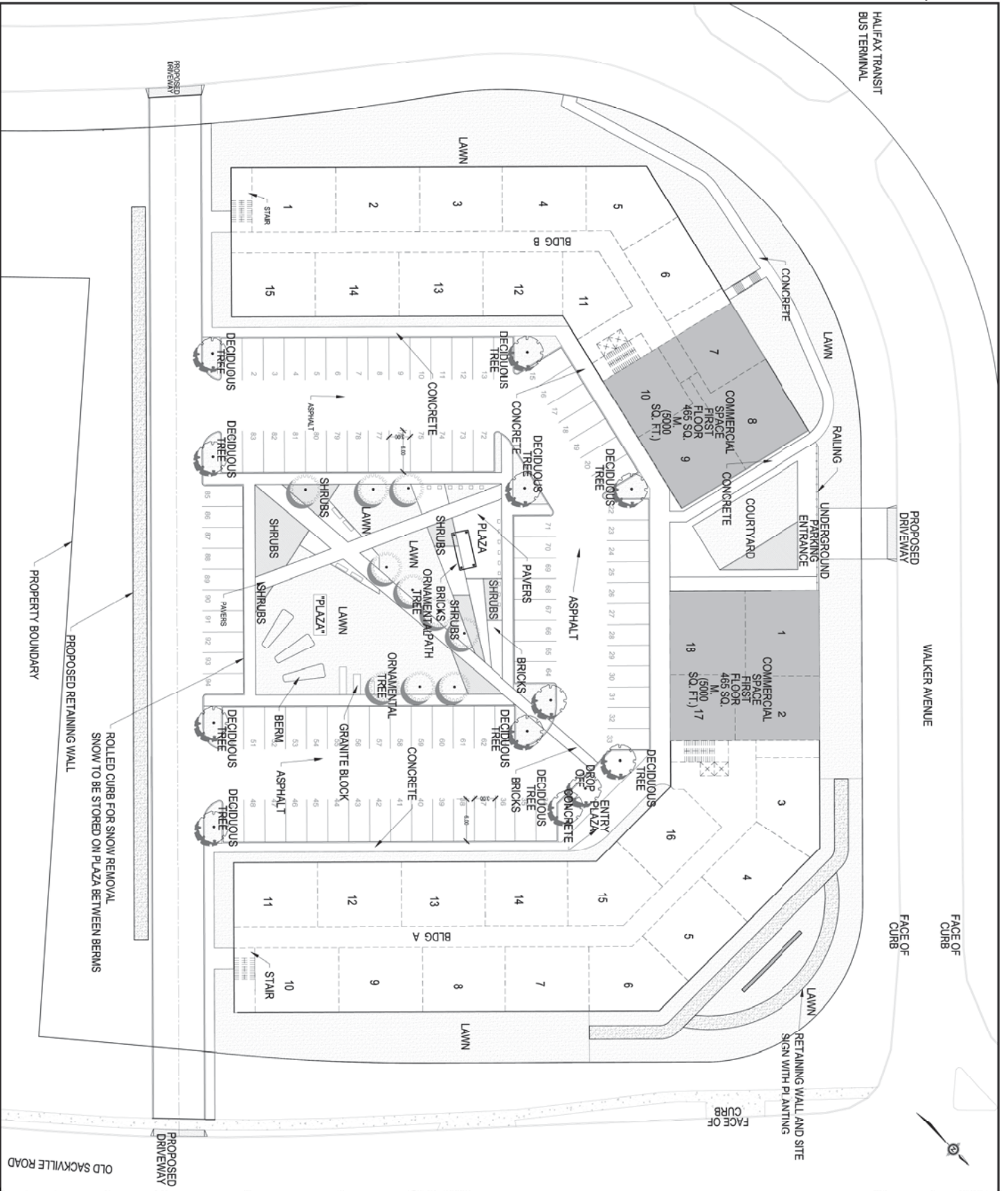
**Armo**  
CAPITAL

PROJECT:  
8 WALKER AVENUE  
WALKER  
NEW YORK, NY

DATE:	1/3/20	DATE:	2019/02/03
SCALE:	1"=20'	DATE:	12/17/19
DRAWN BY: [Name]			
CHECKED BY: [Name]			
APPROVED BY: [Name]			
PROJECT NO: [Number]			
SHEET NO: [Number]			
SHEET TOTAL: [Number]			

Schedule B - Site Plan

Schedule C - Landscape Plan



NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT REVIEW		
2	REVISION		
3	REVISION		

**WM FARES**
  
 GROUP

**Armo**
  
 CAPITAL

PROJECT:	8 WALKER AVENUE
LOCATION:	NOVA SCOTIA
DATE:	2016/02/03
SCALE:	1:300
DESIGNER:	WM FARES GROUP
DATE:	13/19

Schedule C - Landscape Plan



ELEVATION A

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NO.	REVISION	DATE
1	ISSUED FOR PERMIT COMMENTS	2014.12.08
2	ISSUED FOR PERMIT COMMENTS	2014.12.08
3	ISSUED FOR PERMIT COMMENTS	2014.12.08
4	ISSUED FOR PERMIT COMMENTS	2014.12.08
5	ISSUED FOR PERMIT COMMENTS	2014.12.08
6	ISSUED FOR PERMIT COMMENTS	2014.12.08
7	ISSUED FOR PERMIT COMMENTS	2014.12.08
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**Armo CAPITAL**  
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 LOCATION: 8 WALKER AVENUE, WALKER AVENUE, WALKER AVENUE  
 SHEET: 3A  
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ELEVATION B

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 SHEET TITLE: ELEVATION B  
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**WM FARES GROUP**

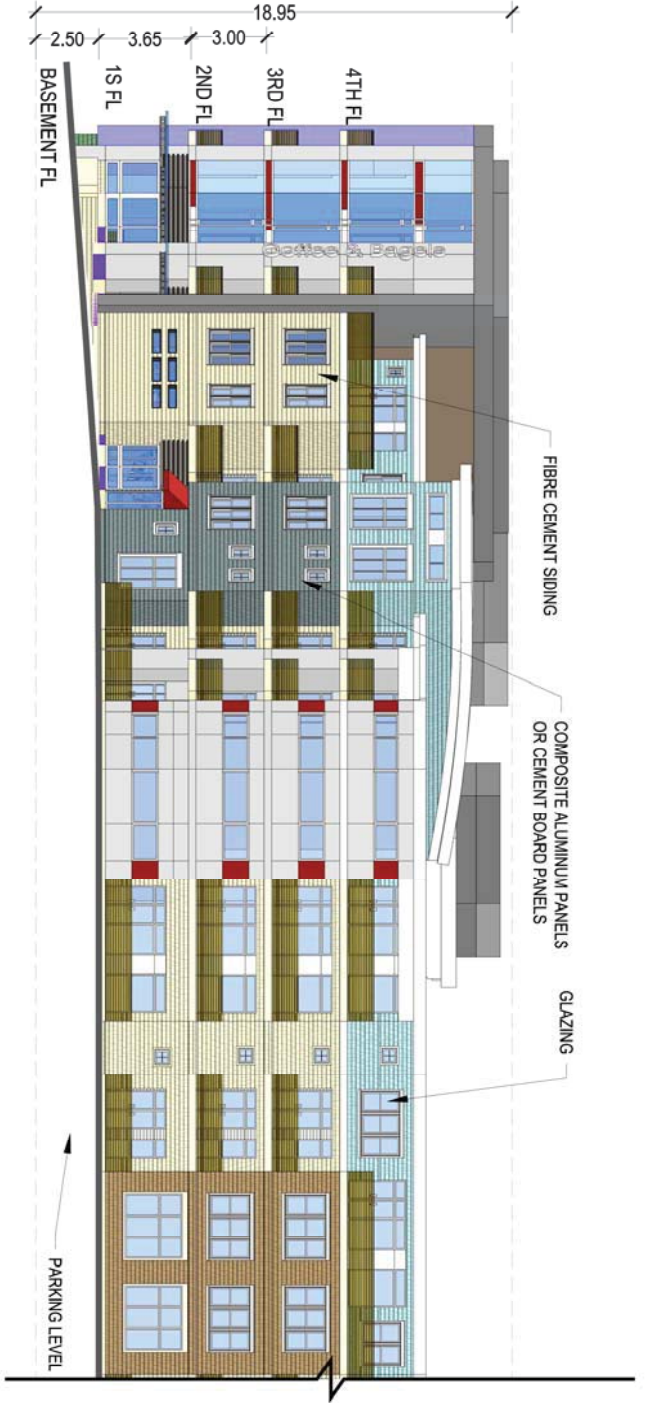
**Armo CAPITAL**

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 NEWTON, MA 02459

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Schedule F - Building Elevation C



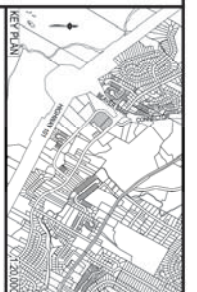


ELEVATION D



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**WM FARES GROUP**  
 PROJECT: 8 WALKER AVENUE  
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 ARCHITECT: Armo CAPITAL  
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 SHEET: 13-119



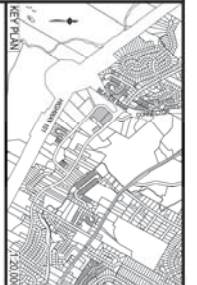
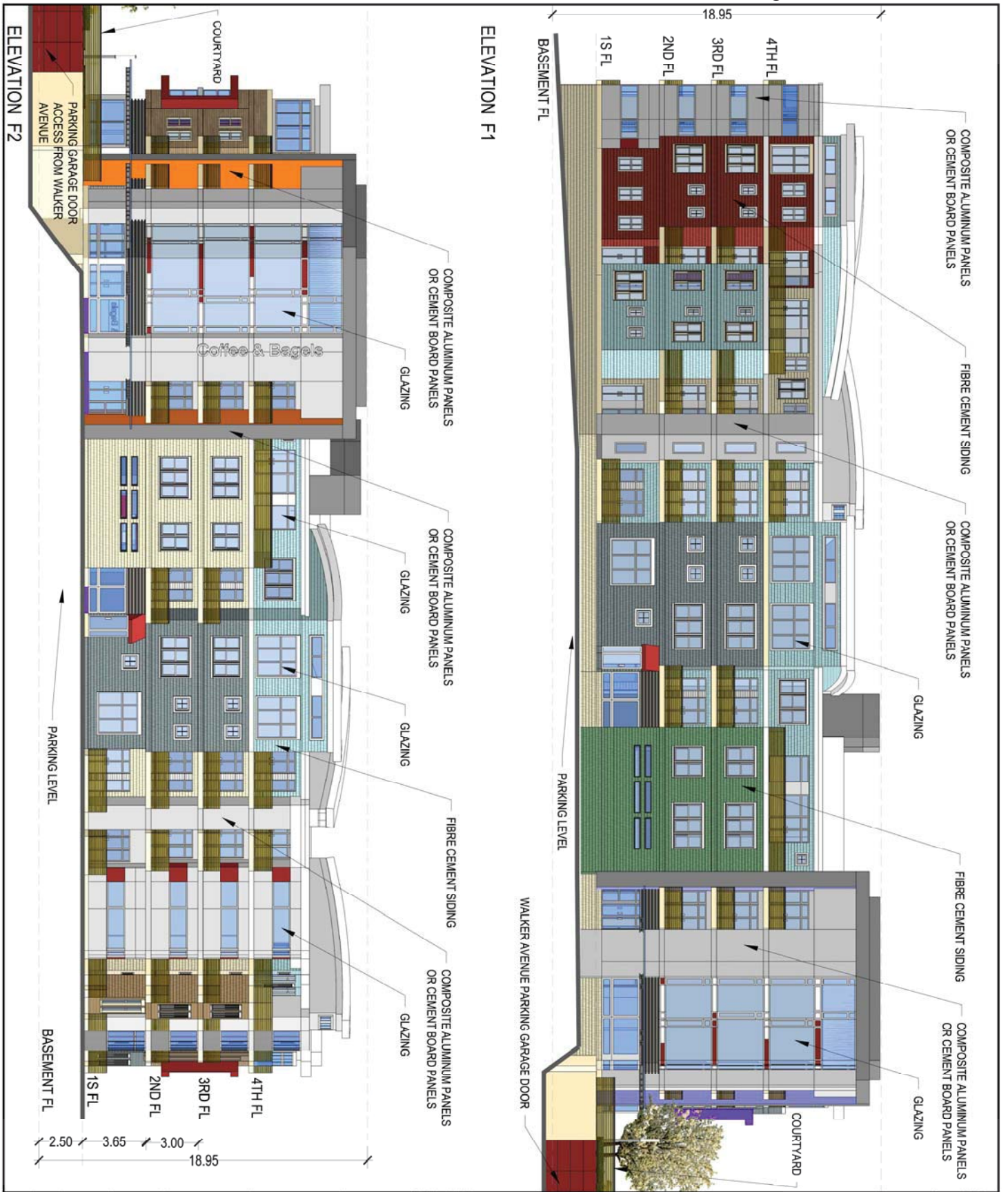
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**WM FARES**  
GROUP

**Armo**  
CAPITAL

PROJECT:  
8 WALKER AVENUE  
MOUNTAIN VIEW  
MOUNTAIN VIEW, CO  
ELEVATION

DATE: 11/00  
JOB NO: 2019/0203  
PROJECT NO: 19-719



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**Armo CAPITAL**

Schedule I - Building Elevations F1 and F2

ATTACHMENT D



**NORTH WEST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING MINUTES  
May 29, 2014**

**PRESENT:** Councillor Steve Craig  
Ms. Ann Merritt  
Mr. Brian Murray  
Mr. Kevin Copley  
Mr. Evan MacDonald

**REGRETS:** Councillor Tim Outhit  
Mr. Ross Evans  
Mr. Paul Russell

**STAFF:** Mr. Andrew Reid, Legislative Assistant  
Mr. Darrell Joudrey, Planner  
Ms. Thea Langille, Major Projects Planner

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda, supporting documents, and information items circulated to the North West Planning Advisory Committee are available online:*

<http://www.halifax.ca/boardscom/NWPAC/140529nwpac-agenda.php>

# ATTACHMENT D

NWPAC Public Meeting Minutes  
May 29, 2014

*The meeting was called to order at 7:01 p.m., and the Committee adjourned at 8:17 p.m.*

## 1. CALL TO ORDER

The Chair called the meeting to order at 7:01 p.m.

## 2. PUBLIC PARTICIPATION

- 2.1** Case 19060: Application by Tri-Arm Holdings Ltd to amend the Sackville Drive Secondary Planning Strategy to allow a development agreement for a mixed use project with 124 apartment units and 10,000 square feet of commercial space in two buildings on lands located at Walker Avenue and Old Sackville Road in Sackville.

Ms. Ann Merritt, North West Planning Advisory Committee Chair, introduced the Committee members, the Councillor in attendance and staff. She provided a brief introduction to the case and introduced the Planner on the case, Mr. Darrell Joudrey.

Mr. Joudrey made a presentation to the public outlining the purpose of the meeting, status of the application and the development proposal. Mr. Joudrey outlined the context of the subject lands, and relevant planning policies.

Mr. Chris Millier, a representative from Armco, made a presentation on behalf of the applicant. He discussed the history of the site, current condition and usage of the site. Mr. Millier described the proposed mixed use designation as well as the nature of the site specific amendment as it related to the nearby park and ride. He also detailed the applicant's intent for the building design and streetscaping, as well as the traffic impact statement.

Ms. Merritt explained to the members of the public the process and ground rules for the meeting and opened the floor up to comments.

**Mr. Walter Reagan, Sackville Rivers Association**, stated his concerns regarding the site. He inquired if there was an opportunity to store storm water on the site. Mr. Reagan stated that a reduction in hard surfaces on the site would be much appreciated. Mr. Reagan asked if it was possible to store sewage on site and pump during off hours. Mr. Reagan voiced his support for the proposal, but raised concerns over the choice of wood materials in terms of longevity. Mr. Reagan stated that this development should be built to LEED standard and also that oil and grit separators be installed. Mr. Reagan inquired if it was possible to plant trees over the site's retaining wall. Mr. Reagan outlined that there was a large deficit of play areas in the area and asked if the applicant could contribute funds towards creating a play area. Mr. Reagan asked HRM to rigidly enforce construction because of the site's location on a drumlin and the potential for silt to flow into the Sackville River. Mr. Reagan stated concerns over introducing uses such as drive thru commercial. Mr. Reagan inquired if there would be a sidewalk along Walker Avenue, as there would be a large number of people in the area. Mr. Reagan also asked if it was possible to increase the number of underground parking units and if a cross walk could be established between the transit hub and the development. Mr. Reagan asked about the material of the retaining wall and if it could not possess architectural detailing. He also inquired about the

## ATTACHMENT D

NWPAC Public Meeting Minutes  
May 29, 2014

applicant working with metro transit on storing storm water and if there was enough traffic coming in and out of the underground storage area to warrant a left turning storage lane on Walker Avenue.

In response, Mr. Joudrey stated that there was a possibility of reducing hard surfaces on the site, as well as the possibility of making the site greener and softer. Mr. Joudrey stated that the urban designer and parkland planner would be examining the green areas as the application proceeded. Tree retention would be encouraged where possible. A requirement for erosion and sedimentation control would be written into the development agreement. The suggestion for a sidewalk on Walker Avenue could be explored. The question of the crosswalk to the transit station would need go to traffic services at HRM. Mr. Joudrey also stated that the development agreement could specify treatment on the retaining wall and would likely have a requirement for texturing or an interesting design.

Chris Millier answered in response to storm water management that the applicant was required to meet all standards by HRM. The applicant does not have the design right now to look at a detailed design for storage. Regarding building materials, Mr. Millier stated he did not have a plan to participate in the LEED program but that this did not discount using green building methods. Mr. Millier stated that matters related to landscaping and urban design would be clarified later on through the development agreement. In regards to oil and grit separators, they were not required from the applicant.

Ken O'Brien, a Traffic Engineer on behalf of the applicant, addressed the left turn service lane question, stating that it would not be required.

**Mr. Michael Walker**, Walker Avenue, stated concerns around traffic on Walker Avenue. Mr. Walker said that current conditions would make it difficult for underground parking. Mr. Walker outlined his worry over current parking behavior in the area and his additional concerns around the potential higher rates of crime associated with new residents in the area.

**Ms. Tara Hill**, a business owner in Sackville, stated that the proposal looked beautiful and would improve the look of Sackville from the highway. Regarding underground parking and the courtyard, Ms. Hill inquired on whether they would be locked or secured. She also raised issue with crime in the area. Ms. Hill inquired whether the development would be apartments or condominiums. Ms. Hill also asked if there would be some consideration given to the senior population.

Mr. Joudrey responded that the development agreement process did not discern between condominiums and apartments. In regards to crime, Mr. Joudrey stated that HRM would send the site out for Crime Prevention Through Environmental Design (CPTED) approval.

Mr. Millier also responded, stating that the underground parking would be secure. Access control to the courtyard would be for more general public access. Mr. Millier stated that visibility in the courtyard would be handled in the detailed site plan. He also stated that the area should be lit and they were interested in good security through environmental design. In regards to apartment or

## ATTACHMENT D

NWPAC Public Meeting Minutes  
May 29, 2014

condominium design, Mr. Millier stated that it was dependent on the market but that the units would primarily be family and larger units.

**Ms. Leslie Walker**, Sackville Resident, asked why a complete traffic study was not performed on the area that would take into account the great influx caused by the nearby bus terminal. She also asked if there would be parking along the road so that shoppers did not have to drive around to the back to the rear parking lot. Ms. Walker also inquired when the last traffic study was performed by HRM.

Mr. Millier stated that parking is the authority of HRM traffic and the functioning of the street could not be influenced by the applicant. A statement instead of a study was created because HRM only requires the applicant to outline the traffic effects as per their site and not the whole area. Mr. Joudrey added that resident concerns such as transit users' inappropriate parking behaviors can be passed along to traffic services to investigate.

**Michelle Chantice**, Sackville Business Association, voiced strong support for the application, stating that it would be a huge improvement on the area.

Mr. Joudrey closed by providing further explanation regarding development agreements. He said that there would be specificities written into the development agreement regarding architecture, materials, and that the applicant would have to carry out everything within the agreement.

### 3. ADJOURNMENT

The meeting was adjourned at 8:17 p.m.

Andrew Reid  
Legislative Support

**Attachment E:**

**Sackville Drive Secondary Planning Strategy Policy Evaluation**

<b>Policy DB-2 (a)</b>	
<p><i>Within the Downsview-Beaverbank Designation a mixed use multiple unit development at 8 Walker Avenue and 732 Old Sackville Road shall be considered by development agreement in accordance with the provisions of the <u>Halifax Regional Municipality Charter</u>. The location, scale, height, building materials and architectural character of the proposed building and the existing surrounding built environment are factors to be considered in evaluating this proposal along with land use, pedestrian connections, landscape design and traffic implications. The location of the Halifax Transit terminal across Walker Avenue from the proposed development and the well-developed regional traffic network supports multiple unit dwelling development at this location. In considering any such development agreement, Council shall have regard to the following:</i></p>	
<b>Policy Criteria</b>	<b>Staff Comments</b>
<p><i>(a) building walls shall be oriented to the street(s) and main building entrances shall be safely oriented to the sidewalk system and primary pedestrian ways;</i></p>	<p>The walls of the proposed buildings are oriented to Old Sackville Road and Walker Avenue and in actuality parallel the U-shape formed by these two streets. This in turn makes the building walls, or street walls, parallel to the pedestrian movement and activity on the streets. These street walls are required by the DA to be designed and detailed as primary facades to ensure a quality building and provide interest to pedestrian and motorists. The main entrance to the buildings is located within the inner courtyard and connected to the pedestrian sidewalk system. The DA requires Landscape Architecture plan that directs the plan to provide a safe connection to the entry plaza to the building.</p>
<p><i>(b) compatible retail commercial and personal service use may be provided at main level;</i></p>	<p>The development proposes 5,000 square feet of ground floor retail commercial and personal service use in each building, to be located at a common courtyard (ground level), accessible from each building and from the inner courtyard where the sidewalk runs alongside the courtyard.</p>
<p><i>(c) compatibility with surrounding built form and lands uses. Utilization of architectural design approaches to reduce perception of visual impact of the height, scale and mass in relation to the surrounding built form;</i></p>	<p>The buildings refer to both domestic and commercial architecture in their window scheduling and materials. By utilizing this mix of design elements, and varying the balcony forms and roof edges, the perceived bulk of the building is reduced and the visual adverse effect on surrounding built environment is mitigated.</p>
<p><i>(d) pedestrian activity shall be encouraged through, but not limited to, provision of outdoor cafes, ground floor uses and landscaped amenity areas. Consideration shall be given to weather protection for pedestrians;</i></p>	<p>Pedestrian activity within the inner courtyard will be stimulated by development of outdoor uses in the common courtyard, between the commercial spaces, the plaza, or private landscaped area, and good pedestrian connections around the building. The landscape plan prepared by the Landscape Architect should consider microclimates and plan for extension of seasonal weather through use of canopies, awnings and other weather protection.</p>
<p><i>(e) landscape architectural details shall reinforce pedestrian circulation, highlight entrances, and provide shade. Landscaping features and/or street trees should be safely provided around the perimeter and</i></p>	<p>The DA requires preparation of a Landscape plan for the entire site. All portions of the lands not used for structures, parking, or driveways is to be landscaped. The plan is also to provide detailed design responses for all ground level open spaces, courtyards, the entrance to the</p>



<i>throughout the development to enhance site aesthetics;</i>	underground parking and the building entry. The plan is specifically directed by the terms of the DA to address the internal plaza or private landscaped area.
<i>(f) traffic access to and from the site should be designed to safely minimize adverse impacts on the adjacent residential uses and street network;</i>	The Traffic Impact Study submitted in support of this application finds the site access points at Old Sackville Road and the 2 at Walker Avenue meet SSD (Stopping Sight Distance) warrants but cautions that the entrance to the underground parking at Walker Avenue be kept clear of vegetation and obstruction to maintain good SSD. Staff concurs with the conclusion and recommendation of the study.
<i>(g) lighting shall be designed to provide security, safety, and visual appeal for both pedestrians and vehicles while ensuring minimal impact on adjacent properties; and</i>	A lighting plan is required under the terms of the DA and should address safety concerns as well as provide aesthetic settings. Any site lighting should be of a “cut off” nature that does not allow light spill over onto adjacent sites.
<i>(h) the provisions of Policy I-5.</i>	See Policy I-5 below.

<b>Policy I-5</b>	
<i>In considering a development agreement or rezoning, Council shall have regard to the following matters:</i>	
<b>Policy Criteria</b>	<b>Staff Comments</b>
<i>(a) the proposal furthers the intent of the streetscape guidelines established within the Land Use By-law and Schedule D relating to signage, architecture, landscaping, parking and driveway entrances;</i>	The DA requires a landscape plan be prepared by a Landscape Architect and where not guided by the terms of the DA will use the established guidelines of the LUB and Schedule D. The DA permits 3 ground signs for civic address and name of the development. Commercial signage, other than that covered under the DA, are subject to the LUB.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i>	All costs associated with the proposed development are the responsibility of the Developer.
<i>(ii) the adequacy of sewer and water services;</i>	Halifax Water has reviewed the proposal and has no issues with adequacy of sewer and water; the Developer was required to prepare a study to establish if there was available sewer capacity in the existing system and was shown to be adequate.
<i>(iii) the adequacy or proximity of school, recreation and other community facilities;</i>	Adequate recreation and community facilities are located within the community to serve the future residents of this proposed development. Schools must accommodate prospective students in their catchment area under HRSB regulations.
<i>(iv) the adequacy of road networks leading or next to, or within the development; and</i>	A Traffic Impact Study (TIS) submitted in support of the application concludes that traffic from the proposed development can be accommodated within the existing street network since peak hour volumes are moderate on both Walker Avenue and Old Sackville Road and site generated trips are low, vehicle trips generated by the site are not expected to have any significant impact to the performance of adjacent streets, nearby intersections or

	<p>the regional street network.</p> <p>An addendum to the TIS was prepared to respond to staff's concerns in regards to how vehicular operations at the site's proposed accesses could potentially impact existing intersections and accesses, create back-ups of traffic on Walker Avenue/Sackville Drive or create spillback to the Beaver Bank Connector. The analysis provided in the addendum indicated that queue back-ups on Walker Avenue is not expected to occur at the parking garage driveway and the site generated trips do not have any significant impact on the performance of the Old Sackville Road and Downsview Drive/Walker Avenue intersection.</p> <p>Staff concurs with the conclusions and recommendations.</p>
<i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i>	n/a
<i>(c) that controls are placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i>	below
<i>(i) type of use;</i>	The mixed use multiple unit building proposed has a minor commercial component of 5,000 square feet associate with both buildings. The policy criteria of DB-2 (a), clause (c), above speaks to the compatibility of the proposal and the surrounding built environment.
<i>(ii) height, bulk and lot coverage of any proposed building;</i>	The medium rise height, the articulated bulk and varied roof form are controlled through the Schedules of the DA. The proposal must generally conform to the elevations, materials and proportions shown in the Schedules. Lot coverage is controlled by the site plan, also attached to the DA as a Schedule.
<i>(iii) traffic generation, access to and egress from the site, and parking;</i>	Please see DB-2(a), clause (f) and I-5 (b), clause (iv) above. There is a minimum of 124 underground parking spaces required and a minimum of 94 surface parking spaces in the inner courtyard.
<i>(iv) open storage;</i>	Open storage is addressed in the LUB.
<i>(v) maintenance; and</i>	Maintenance of the building, landscaping and lands are the responsibility of the developer under the terms of the DA.
<i>(vi) any other relevant matter of planning concern.</i>	