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## **Item No. 12.1**

**Halifax Regional Council**  
**February 25, 2025**  
**March 25, 2025**

**TO:** Chair and Members of Halifax Regional Council and North West Community Council

**FROM:** Brad Anguish, Acting Chief Administrative Officer

**DATE:** December 11, 2024

**SUBJECT:** **MPSA-2023-00304: Amendments to the Beaver Bank, Hammonds Plains, and Upper Sackville Municipal Planning Strategy and Land Use By-law and amendments to the existing development agreement to permit a commercial office building at 1274 Hammonds Plains Road (PID 00422279), Hammonds Plains.**

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### **ORIGIN**

- Application by Zzap Consulting, on behalf of the property owner.
- August 22, 2023, Regional Council initiation of the MPS amendment process.

### **EXECUTIVE SUMMARY**

This report describes the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville and amendments to an existing development agreement at PID 40817363 and 1274 Hammonds Plains Road (PID 00422279) to enable a two-storey commercial office building at 1274 Hammonds Plains Road. Staff recommend that Halifax Regional Council approve the proposed Municipal Planning Strategy amendments and that North West Community Council approve the proposed amending development agreement for the redevelopment of the lands at 1274 Hammonds Plains Road. There are no budgetary implications as the applicant will bear all costs, expenses, liabilities, and obligations necessary to fulfill the terms of this proposed development agreement.

### **RECOMMENDATION**

**It is recommended that Halifax Regional Council:**

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as set out in Attachments A and B of this report, to allow for a two (2) storey commercial office building not exceeding a total area of 604 square metres (6,500 square feet) at 1274 Hammonds Plains Road (PID 00422279) and schedule a public hearing; and

**RECOMMENDATION CONTINUES ON NEXT PAGE**

2. Adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out in Attachments A and B of this report.

**It is further recommended that North West Community Council:**

3. Give Notice of Motion to consider the proposed amending development agreement, as set out in Attachment C of this report, to permit a two-storey commercial office building at 1274 Hammonds Plains Road (PID 00422279). The public hearing for the amending development agreement shall be held concurrently with that indicated in Recommendation 1;
4. Provisionally approve the proposed amending development agreement to permit a two-storey commercial office building at 1274 Hammonds Plains Road (PID 00422279), which shall be substantially of the same form as contained in Attachment C of this report; and
5. Require the amending development agreement be signed by the property owner within 120 days, or any extension thereof 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**

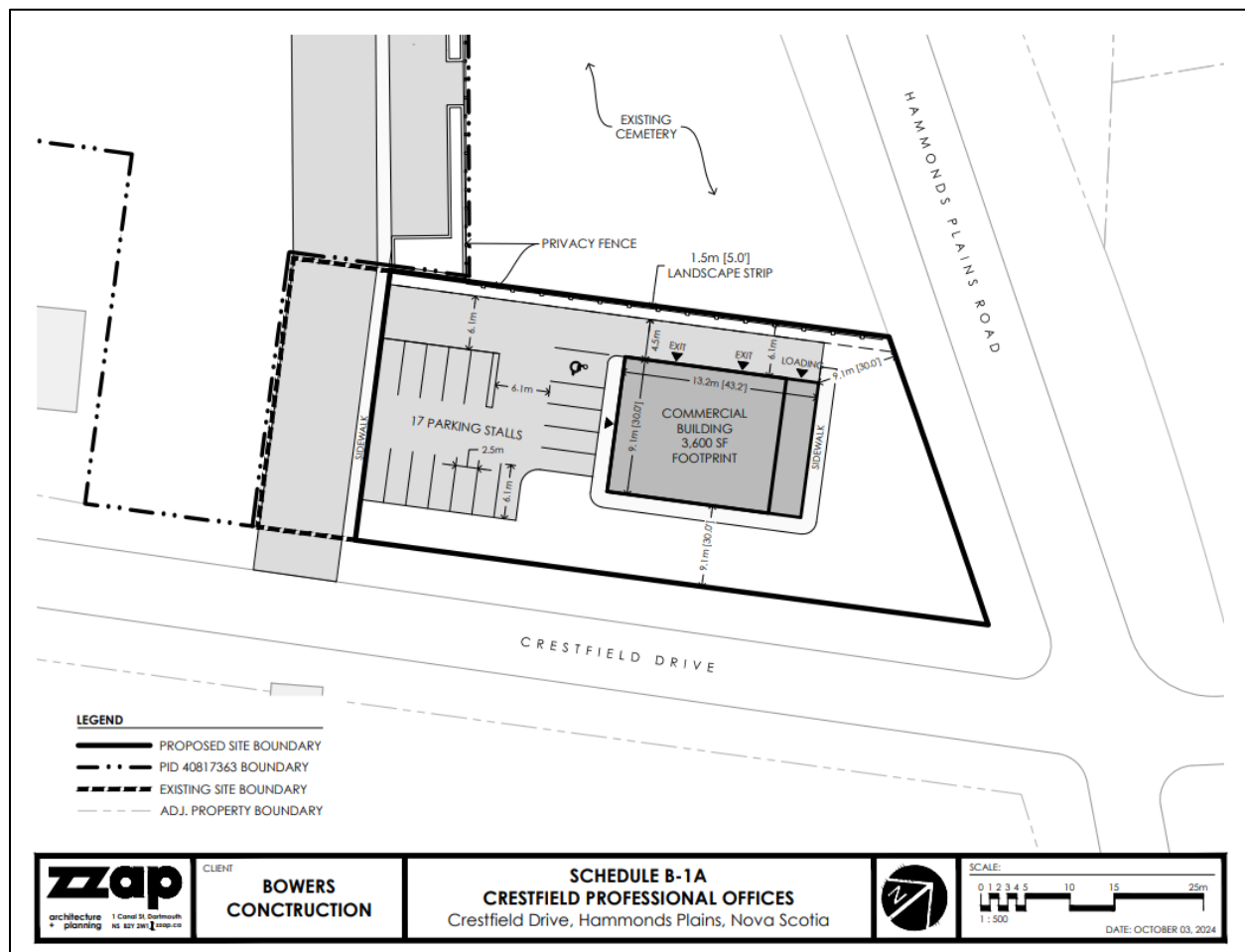
Zzap Consulting, on behalf of the property owner, has applied to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Beaver Bank, Hammonds Plains and Upper Sackville to enable amendment to an existing development agreement at PID 40817363 and 1274 Hammonds Plains Road (PID 00422279) to allow for the construction of a two-storey commercial office building at 1274 Hammonds Plains Road (PID 00422279). The site is within the community of Hammonds Plains in Uplands Park and was formerly the St. James Catholic Church. The site is designated Residential and zoned P-2 (Community Facility) which does not permit the development of a commercial office building. Consequently, Zzap has requested an amendment to the MPS and LUB to allow the proposed development.

<b>Subject Site</b>	1274 Hammonds Plains Road (PID 00422279), Hammonds Plains
<b>Location</b>	The site is situated at the corner of Hammonds Plains Road and Crestfield Drive, across from the Village of Uplands Park. It is also situated directly across the Hammonds Plains Road from the Frenchy's on Majesty Court.
<b>Regional Plan Designation</b>	RC (Rural Commuter)
<b>Community Plan Designation (Map 1)</b>	R (Residential Designation) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy
<b>Zoning (Map 2)</b>	P-2 (Community Facility) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law
<b>Size of Site</b>	The property is approximately 2,289 square metres (24,636 square feet)
<b>Street Frontage</b>	The site has approximately 81 metres (266 feet) of frontage on Crestfield Drive and 34 metres (112 feet) of frontage on Hammonds Plains Road.
<b>Current Land Use(s)</b>	The site is currently occupied by the former St James Catholic Church.
<b>Surrounding Use(s)</b>	<b>North</b> – Cemetery <b>East</b> – Hammonds Plains Road and Frenchy's on the opposite side of the Hammonds Plains Road <b>West</b> – Lands under construction for a 54-unit seniors housing development. <b>South</b> – Crestfield Drive and the Village of Uplands Park on the opposite side of Crestfield Drive

### Proposal Details

The applicant proposes to demolish the former St James Catholic Church and construct a two-storey commercial office building not exceeding a total area of 604 square metres (6,500 square feet) at the south-west corner of the Hammonds Plains Road and Crestfield Drive intersection. The applicant has indicated that the intention is to use the proposed building as the headquarters for the property owners' construction company as well to use a portion of the space as a design centre for partnering companies. The major aspects of the proposal are as follows:

- A two storey commercial office use;
- A maximum ground floor area of 334.5 square metres (3,600 square feet) and a total floor area not exceeding 604 square metres (6,500 square feet);
- Access to the commercial office building will be through a private driveway from Crestfield Drive shared with the recently approved senior citizen housing development at PID 40817363;
- Permit the reconfiguration and lot area reduction of the lands at 1274 Hammonds Plains Road provided sufficient driveway access from Crestfield Drive is maintained;
- Require a minimum of 17 parking spaces; and
- As the lands at 1274 Hammonds Plains Road are unique from others in the area as it can be serviced with central water and sewer, staff recommend limiting the use on these lands to a two-storey commercial office use only.



**2023 Development Agreement (Case 23720) – Senior Citizen Housing Development**

The lands at PID 40817363 and 1274 Hammonds Plains Road (PID 00422279) are subject to an existing development agreement that was [approved by the North West Community Council on March 8, 2023](#)<sup>1</sup> for a 54-unit seniors housing development. The senior citizen housing development is located solely on PID 40817363 with 1274 Hammonds Plains Road included to ensure shared driveway access under the existing agreement. This existing development agreement consists of:

- A three storey, 29-unit multiple unit dwelling;
- 24 bungalow-style single storey townhouses units in two blocks of six units and three blocks of four units;
- One community centre/guest house for the propose of providing indoor recreation activities, community events or gatherings, including an office and guest suite;
- Walkway connecting the proposed development with Crestfield Drive;
- Accessory buildings and structures; and
- A shared driveway access off Crestfield Drive.

1274 Hammonds Plains Road (PID 00422279) is the former site of the St. James Catholic Church which is proposed to be demolished and replaced with a two storey commercial office building.

**MPS and LUB Context**

The property is within the Residential Designation of the Beaver Bank, Hammonds Plains, and Upper Sackville MPS. The Residential Designation was applied to suburban-style residential subdivisions that had been developed throughout the plan area prior to the MPS being adopted in 1987. This included the subject property which is within the Uplands Park subdivision, which was developed with central water and a small-scale sewer system in the 1960s. The Residential Designation recognizes and supports the predominantly suburban residential character of these subdivision areas.

The subject property was the site of the former St. James Catholic Church and is zoned P-2 (Community Facility). The P-2 Zone permits a wide variety of institutional uses including government offices and offices for public works but does not permit the development of a commercial office use as proposed.

Therefore, amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB are necessary to consider permitting a commercial office building at this location.

**Nearby Hammonds Plains Commercial Centre**

In 2010, amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB were undertaken to redesignate and rezone the area surrounding the intersection of Hammonds Plains Road, Kingswood Drive and Gatehouse Run to create a community commercial node known as the Hammonds Plains Commercial Centre. At that time, the area was redesignated to the Hammonds Plains Commercial Designation to encourage the development of a commercial node that permits a wide range of commercial and institutional uses designed to complement the community. The Hammonds Plains Commercial Designation did not include the lands at 1274 Hammonds Plains Road as the site was used for an institutional use at that time.

**DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives, and direction for long-term growth and development in the Municipality. While the MPS provides broad direction, Regional Council may consider an amendment request to enable proposed development that is inconsistent with the policies of the MPS. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and

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<sup>1</sup>[https://cdn.halifax.ca/sites/default/files/documents/city-hall/community-councils/230308nwcc.sp\\_411i.pdf](https://cdn.halifax.ca/sites/default/files/documents/city-hall/community-councils/230308nwcc.sp_411i.pdf)

when there is reason to believe that there has been a change to the circumstances since the MPS was adopted or last reviewed. In this case, staff advise that the request is reasonable given the proposed scale, location and access to central services.

### **Proposed MPS and LUB Amendments**

While drafting the proposed MPS and LUB amendments and the amending development agreement, staff considered submitted rationale, and the existing MPS policy context. Attachments A and B contain the proposed MPS and LUB amendments. A summary of the proposed amendments are as follows:

- Permission for a commercial office use at 1274 Hammonds Plains Road (PID 00422279);
- Limitations on the permitted uses of the lands at 1274 Hammonds Plains Road;
- Limitations on the ground floor footprint and total floor area for the two-storey commercial office building; and
- Enabled lot area reduction at 1274 Hammonds Plains Road (PID 00422279) to allow driveway access for both developments at PID 40817363 and 1274 Hammonds Plains Road (PID 00422279) to be located on the lands at PID 40817363.

Of the matters addressed by the proposed MPS and LUB amendments, the following has been identified for detailed discussion.

#### *Consideration of Commercial Development*

The subject site is designated Residential and zoned P-2 (Community Facility) under the Beaver Bank, Hammonds Plains, and Upper Sackville MPS and LUB respectively. While the P-2 zone does not permit the development of commercial office uses, it is reasonable to consider a site-specific policy amendment to allow for the consideration of the proposed development. Located on the opposite side of Hammonds Plains Road, at the corners of Majesty Court and Gatehouse Run, as well as east of the subject site at the Hammonds Plains Road and Kingswood Drive intersection, are several properties designated Hammonds Plains Commercial and zoned C-5 (Hammonds Plains Commercial) which permits a wide variety of commercial uses including commercial offices. At the time that these properties were redesignated and rezoned Hammonds Plains Commercial, 1274 Hammonds Plains Road was not taken into consideration as the St. James Catholic Church was active. The church building is no longer in use and is being prepared for demolition. Under these circumstances, it is reasonable to consider the continuation of commercial development on the subject site.

As the subject property is regulated by an existing development agreement, and as the P-2 zone does not permit commercial office buildings, a site-specific policy along with an amendment to the existing agreement is required to allow for the proposed development to occur. The site-specific policy proposed as part of this application requires that the amending agreement limit the proposed development to a commercial office building up to a maximum of two-storeys that shall not exceed a total area of 604 square metres (6,500 square feet).

#### *Lot Area Reduction of 1274 Hammonds Plains Road to facilitate Driveway Access over PID 40817363*

The driveway access and pedestrian sidewalk currently located on the lands at 1274 Hammonds Plains Road (PID 00422279) are intended to also service the 54-unit senior citizen housing development. It is the desire of the developer that the driveway access over PID 40817363 serve both developments. Given that the traffic volume for the proposed redevelopment of the lands at 1274 Hammonds Plains Road is anticipated to be relatively minor, it is appropriate that the maintenance of the main driveway and sidewalk be the responsibility of the owner of PID 40817363 containing the senior citizen housing development.

In order to achieve the lot boundary alteration and have the shared private driveway located on PID 40817363, a lot area reduction is required for 1274 Hammonds Plains Road. A subdivision application will be required following the approval of the amending development agreement to adjust the existing lot boundaries.

**Proposed Amending Development Agreement**

Attachment C contains the proposed amending agreement for the subject site and the conditions under which the development may occur. The proposed amending agreement addresses the following matters:

- The permitted use at 1274 Hammonds Plains Road (PID 00422279) as a commercial office building not exceeding two-storeys with a total area of 604 square metres (6,500 square feet);
- Require a minimum of 17 surface parking spaces;
- Permit the reconfiguration of PID 40817363 and 1274 Hammonds Plains Road provided sufficient access from Crestfield Drive is maintained to 1274 Hammonds Plains Road; and
- Permit a lot area reduction for the lands at 1274 Hammonds Plains Road.

The conditions of the existing development agreement for the 54-unit senior citizen housing project remains in place. The amendments to the existing agreement are specific to the commercial office building and the shared driveway access.

**Traffic**

A Traffic Impact Statement (TIS) was submitted in support of the proposal and was reviewed and accepted by HRM. The proposed development is anticipated to generate relatively few new vehicle trips. It is expected that there will be limited operational impact on traffic in the study area, including Crestfield Drive and Hammonds Plains Road. Based on the TIS assessment of future developments in this area, the proposed two storey commercial office building is not expected to require traffic control upgrades at the Hammonds Plains Road and Crestfield Drive intersection. Given that there is sufficient residual capacity to accommodate the proposed development, traffic impacts to Crestfield Drive are anticipated to be limited.

**Priorities Plans**

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 in making its recommendation to Council. In this case, the proposed development does not directly conflict with any specific objectives, policies or actions of the priorities plans.

**Conclusion**

Staff have reviewed the application relative to the existing policy context and advise that the MPS should be amended to allow for the existing development agreement at PID 40817363 and 1274 Hammonds Plains Road (PID 00422279) to be amended to permit a two-storey commercial office building on the lands at 1274 Hammonds Plains Road. The proposal is appropriate for this location due its proposed scale, moderate intensity and proximity to residential dwellings. A community commercial node that permits a wide range of commercial and institutional uses is currently located at the intersection of Hammonds Plains Road, Kingswood Drive and Gatehouse Run. The proposed commercial office building would be compatible with existing development in the surrounding area.

Therefore, staff recommend that the North West Community Council recommend that Regional Council approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law. Should Regional Council approve the MPS amendments, it is recommended that North West Community Council approve the amending development agreement.

**FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this amending Development Agreement can be accommodated within the approved 2024-2025 operating budget for Planning and Development. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of the amending development agreement.

## **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on March 27, 2024, which was attended by nine people. Attachment D contains the summary from the meeting. A total of 59 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 1,799 unique pageviews over the course of the application, with an average time on page of 38 seconds. The public comments covered the following topics:

1. Concern regarding potential site line obstructions for drivers approaching Hammonds Plains Road. Through the landscaping plan design, a visibility triangle (no plantings) is required to ensure that site lines from vehicles entering and exiting Crestfield Drive are clear.
2. Concern regarding increased on-street parking along Crestfield Drive which may be a result from the proposed development. The site has historically been used as parking overflow for users of the Upland Park field facilities. The proposed development will prevent the site from being used as parking overflow, and as a result, on-street parking along Crestfield Drive may increase. Additional public parking infrastructure is not being planned as part of this application.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS amendments and before North West Community Council can consider approval of the amending development agreement. Should Council decide to proceed with a public hearing on this application, in addition to advertising on the Municipality's webpage at least seven (7) days in advance, property owners and residents within the notification area shown on Map 2 will be notified of the hearing by regular mail.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified at this time.

## **ALTERNATIVES**

Regional Council may choose to:

1. Modify the proposed amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, as set out in Attachment A of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Regional Council to approve or refuse the proposed amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

2. Refuse the proposed amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville. A decision of Regional Council to approve or refuse the proposed amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

North West Community Council may choose to:

3. Approve the proposed amending agreement subject to modifications. Such modifications may require further negotiations with the applicant and may require a supplementary report or another public hearing. A decision of Community Council to approve this amending agreement is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.
4. Refuse the proposed amending agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Community Council to refuse the proposed amending agreement is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1: Generalized Future Land Use

Map 2: Zoning and Notification Area

Attachment A: Proposed MPS Amendments

Attachment B: Proposed LUB Amendments

Attachment C: Proposed First Amending Agreement

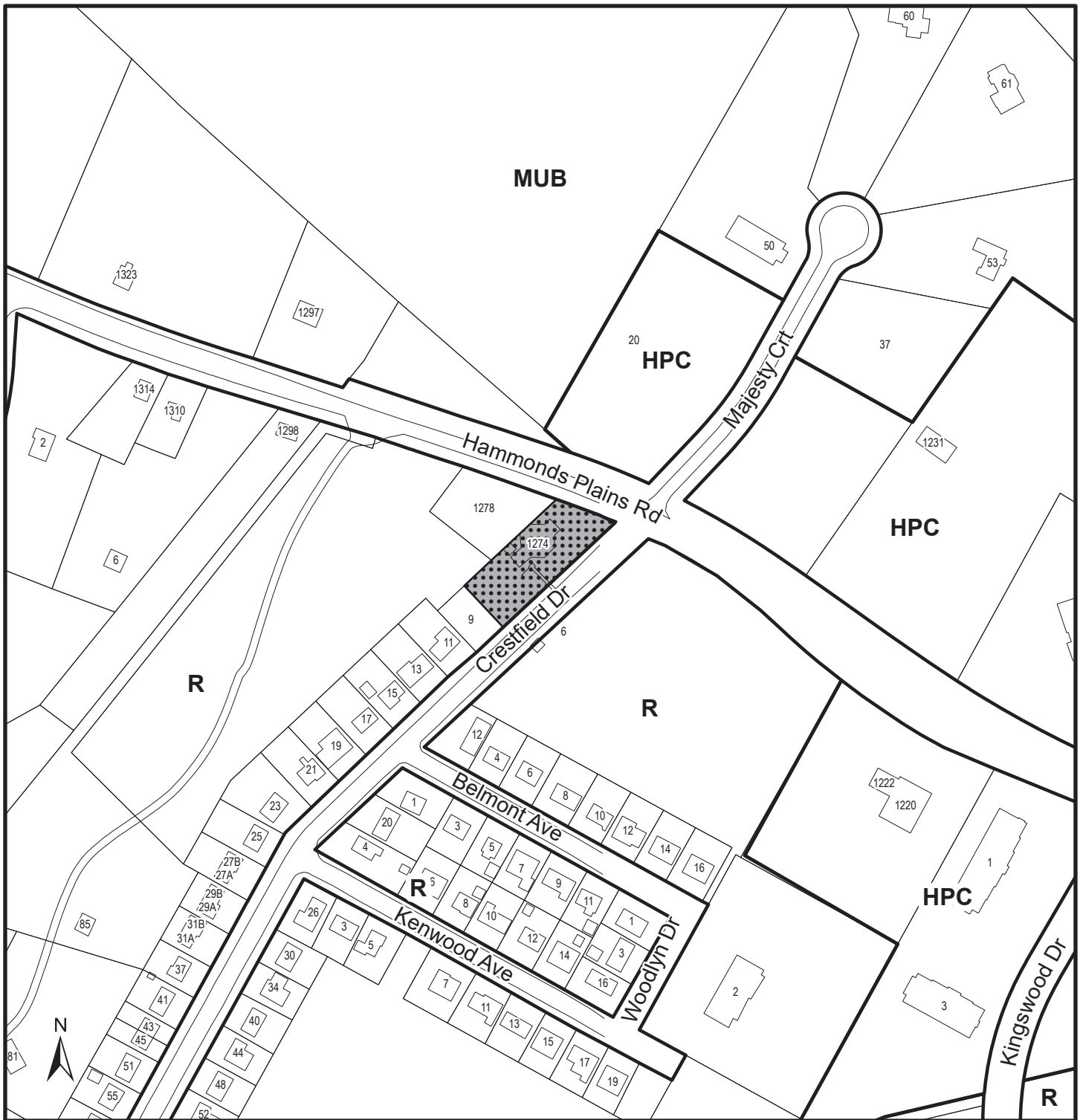
Attachment D: Summary of the Public Information Meeting Hosted by HRM

Attachment E: Review of Relevant MPS Policies

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Report Prepared by: Shayne Vipond, Planner III, – Rural Policy and Applications, 902.237.5395





## Map 1 - Generalized Future Land Use

1274 Hammonds Plains Rd,  
Hammonds Plains

 Subject Property

### Designation

MUB	Mixed Use B
HPC	Upper Hammonds Plains
R	Residential

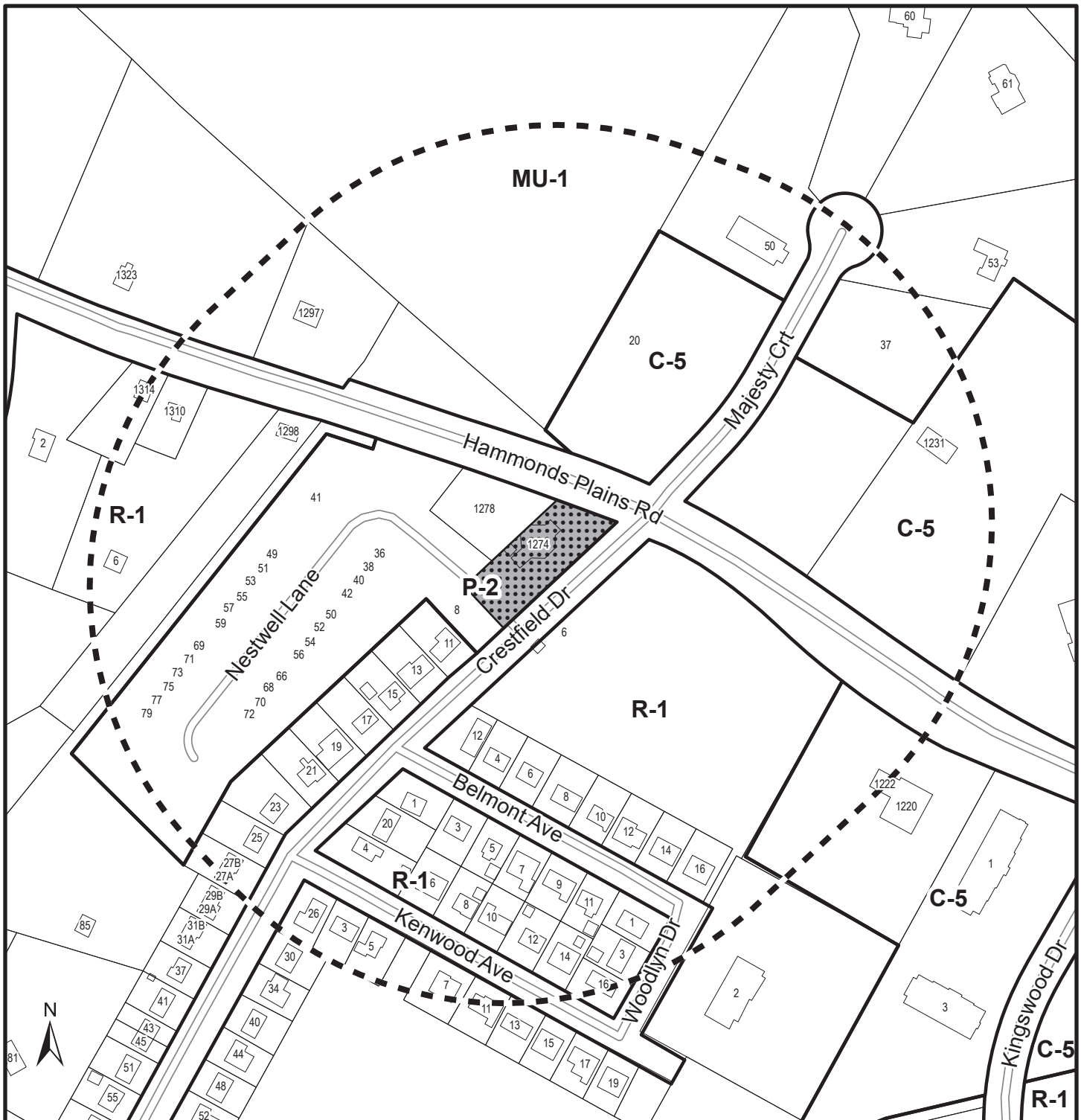
**HALIFAX**

0 40 80 m





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

The accuracy of any representation on this plan is not guaranteed.



## Map 2 - Zoning and Notification

1274 Hammonds Plains Rd,  
Hammonds Plains

-  Subject Property
-  Area of Notification

Beaver Bank, Hammonds  
Plains and Upper Sackville  
Plan Area

### Zone

- C-5 Hammonds Plains Commercial
- P-2 Community Facility
- R-1 Single Unit Dwelling
- MU-1 Mixed Use 1

0 40 80 m



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

The accuracy of any representation on  
this plan is not guaranteed.

## **ATTACHMENT A**

### **Proposed Amendment to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Beaver Bank, Hammonds Plains, and Upper Sackville is hereby further amended as follows:

1. Within the Beaver Bank, Hammonds Plains, and Upper Sackville Municipal Planning Strategy, the text shown in bold shall be added immediately following Policy P-36:

**Within the Residential Designation there is a parcel of land located at the intersection of Hammonds Plains Road and Crestfield Drive, 1274 Hammonds Plains Road (PID 00422279), which was formerly the location of the St. James Catholic Church. As the St. James Catholic Church is no longer active, and no longer used for an institutional use, redevelopment of the site shall be permitted provided controls are in place to limit the impact to the surrounding community. To limit the impact on the surrounding community, the development shall be limited to a 2-storey commercial office use. The P-2 zoning does permit a variety of institutional uses, including government offices.**

**P-36A Notwithstanding Policy P-34, within the Residential Designation Council may consider amending an existing development agreement at PID 40817363 (Lot R-1-A2) and 1274 Hammonds Plains Road (PID 00422279) to permit a commercial office building on 1274 Hammonds Plains Road (PID 00422279). In considering such an amendment to the development agreement Council shall have regard to the following:**

- (a) **subdivision of the lands at 1274 Hammonds Plains Road (PID 00422279) shall be permitted provided sufficient driveway access over PID 40817363 from Crestfield Drive is maintained;**
- (b) **the building shall be limited to two (2) storeys, excluding any mechanical space, elevator enclosures, staircases, and staircase enclosures;**
- (c) **land use shall be limited to a commercial office building that shall not exceed a total area of 604 square meters (6,500 square feet);**
- (d) **the height, bulk, lot coverage, and appearance of the commercial office building is adequately separated from and compatible with adjacent land uses, and minimizes adverse impacts to the environment;**
- (e) **the site design features, including signage, landscaping, outdoor storage and display, parking areas, loading areas, and driveways are of adequate size and design to address potential impacts on adjacent developments;**
- (f) **the impact on traffic circulation, the suitability of access to and from the site as well as the impact on the surrounding road network;**
- (g) **the general maintenance of the development; and**
- (h) **the provisions of Policy P-137.**

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Regional Council held on [DATE], 2025.

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Iain MacLean  
Municipal Clerk

## ATTACHMENT B

### **Proposed Amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby further amended as follows:

1. Within Part 3 of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law, the text shown in bold shall be added immediately following Section 3.6(i):

3.6 Other Uses Considered by Development Agreement

- (j) **In accordance with Policy P-36A, a Commercial Office Building shall be permitted at 1274 Hammonds Plains Road (PID 00422279).**

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Regional Council held on [DATE], 2025.

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Iain MacLean  
Municipal Clerk

## ATTACHMENT C: PROPOSED FIRST AMENDING AGREEMENT

THIS FIRST AMENDING AGREEMENT made this      day of **[Insert Month]**, 20\_\_,

BETWEEN:

**INSERT NAME OF CORPORATION/BUSINESS.**

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 1274 Hammonds Plains Road (PID 00422279) and PID 40817363 which said lands are more particularly described in Schedule A-1 hereto (hereinafter called the "Lands");

**AND WHEREAS** on March 8, 2023, the North West Community Council approved an application to enter into a Development Agreement to allow for a senior citizen housing development on the Lands (Case 23720) which said development agreement was registered at the Land Registration Office in Halifax on May 31, 2023 as Document Number 122519904 (hereinafter called the "Original Agreement");

**AND WHEREAS** the Developer has requested amendments to the Original Agreement to allow for a Commercial Office Building at 1274 Hammonds Plains Road pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies P-36A and P-154 of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Section 3.6 of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law;

**AND WHEREAS** access to 1274 Hammonds Plains Road from Crestfield Drive is by a private access easement over PID 40817363;

**AND WHEREAS** North West Community Council approved the First Amending Agreement at a meeting held on **[Insert – Date]**, referenced as PLANAPP-2023-00304

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

- 
1. Except where specifically varied by this First Amending Agreement, all other conditions and provisions of the Original Agreement as amended shall remain in effect.

2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this First Amending Agreement, and the Original Agreement.
3. Section 3.1 of the Original Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold as follows:

<del>Schedule A</del>	<del>Legal Description of the Land(s)</del>
<b>Schedule A-1</b>	<b>Legal Description of the Land(s)</b>
Schedule B	Site Plan – <b>Senior Citizen Housing Development</b>
<b>Schedule B-1</b>	<b>Detail - Commercial Office Building Site Plan</b>
Schedule C	Preliminary Landscape Plan
<b>Schedule C-1</b>	<b>Detail - Commercial Office Building Preliminary Landscape Plan</b>
Schedule D	Preliminary Elevations Multiple Unit Dwelling (A-4, A-5, A-6, and A-7)
Schedule E	Preliminary Elevations Townhouses (A002 and A300)
Schedule F	Preliminary Elevations Recreation Centre (A004)
<b>Schedule G</b>	<b>Preliminary Elevations Commercial Office Building (G1, G2, G3 and G4)</b>

4. The Original Agreement shall be amended by deleted the following Schedules shown in strikeout:

~~Schedule A~~ ~~Legal Description of the Land(s)~~

5. The Original Agreement shall be amended by inserting the following Schedules:

Schedule A-1	Legal Description of the Lands(s)
Schedule B-1	Detail - Commercial Office Building Site Plan
Schedule C-1	Detail - Commercial Office Building Preliminary Landscape Plan
Schedule G	Preliminary Elevations Commercial Office Building (G1, G2, G3 and G4)

6. The Original Agreement shall be amended by inserting Section 2.2 as shown in bold immediately following Section 2.1.1 as follows:

## **2.2 Words Defined under this Agreement**

### **2.2.1 The following definition shall apply to this Agreement:**

**“Commercial Office Building” means a two (2) storey building where business may be a service performed, or consultation given but shall not include the manufacturing of any product or the retail selling of goods.**

7. Section 3.2.3 of the Original Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold, as follows:

3.2.3 Prior to the issuance of the first ~~the~~ Occupancy Permit for the **senior citizen housing development building**, unless otherwise approved by the Development

Officer, the Developer shall provide written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the Landscape Plan in Schedule C.

8. Section 3.2 of the Original Agreement shall be amended by inserting the text shown in bold immediately following Section 3.2.4 as follows:

**3.2.5 Prior to the issuance of the first Occupancy Permit for the Commercial Office Building, unless otherwise approved by the Development Officer, the Developer shall provide written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the Landscape Plan in Schedule C-1.**

9. Section 3.3.1 of the Original Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold, as follows:

3.3.1 The use of the Lands permitted by this Agreement are the following and are as generally shown on Schedule B **and B-1**:

- (a) A senior citizen housings development consisting of:
  - (i) a three storey 29-unit multiple unit dwelling; and
  - (ii) single storey townhouses consisting of a total of 24-units with townhouse blocks of 6-units and 4-units as shown on Schedule B.
- (b) A community recreation house for the propose of providing indoor recreation activities, community events or gatherings and will include an office and guest suite; ~~and~~
- (c) Accessory buildings and structures; **and**
- (d) **A two (2) storey Commercial Office Building located at 1274 Hammonds Plains Road (PID 00422279) as generally shown on Schedule B-1.**

10. Section 3.3.3 of the Original Agreement shall be amended by deleting the text shown in strikeout:

~~3.3.3 The uses of land permitted by this Agreement for 1274 Hammonds Plains Road (PID 00422279) are as follows:~~

- ~~(a) Access for the senior citizen housing development; and~~
- ~~(b) Uses permitted in the applicable Land Use By-law, as amended from time to time.~~

11. Section 3.3 of the Original Agreement shall be amended by inserting the text immediately following Section 3.3.3, as shown in bold as follows:

**3.3.4 The uses of the land permitted by this Agreement for PID 40817363 are as follows:**

- (a) **A senior citizen housing development, as described in Section 3.3.1 (a), (b), and (c) and as generally shown on Schedule B.**



12. Section 3.4 of the Original Agreement shall be amended by inserting the following text as shown in bold immediately following Section 3.4.3 as follows:

**3.4.4 The Commercial Office Building shall comply with the following:**

- (a) **The ground floor footprint shall not exceed 334.5 square metres (3,600 square feet) with a total area not exceeding 604 square meters (6,500 square feet);**
- (b) **the building shall not exceed two (2) storeys; and**
- (c) **the building shall be located on the site as generally outlined on Schedule B-1.**

13. Section 3.5 of the Original Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold, as follows:

3.5.1 The architectural design of the Development shall be in general conformance with the elevation drawings shown in Schedules D, E, ~~and F~~ **and G**.

14. Section 3.6 of the Original Agreement shall be amended by inserting the following text as shown in bold immediately following Section 3.6.1 as follows:

**3.6.2 Notwithstanding Section 3.6.1, only one (1) main building shall be permitted at 1274 Hammonds Plains Road (PID 00422279) as generally shown on Schedule B-1.**

15. Section 3.7 of the Original Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold, as follows:

3.7.1 Parking for the development shall include the following:

- (a) a minimum of 29 underground parking spaces in the multiple unit dwelling;
- (b) one parking space per townhouse; ~~and~~
- (c) a minimum of 31 surface parking spaces as illustrated on Schedule B; **and**
- (d) **a minimum of 17 surface parking spaces at 1274 Hammonds Plains Road (PID 00422279) as generally shown on Schedule B-1.**

16. Section 3.9 of the Original Agreement shall be amended by inserting the text shown in bold as follows:

3.9 Landscaping **for the Senior Citizen Housing Development**

17. The Original Agreement shall be amended by inserting Section 3.9A as shown in bold immediately following Section 3.9.5 as follows:

**3.9A Landscaping for the Commercial Office Building**

**3.9A.1 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section and conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule C-1. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with**

Canadian Society of Landscape Architects) and comply with all provisions of this section.

- 3.9A.2 Prior to the issuance of the first Occupancy Permit, the Developer shall submit 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.
- 3.9A.3 Privacy screening shall be provided on the site, as shown on Schedule C-1 (labelled as Privacy Fence), in the form of fencing and landscaping. The privacy screening in the form of an opaque fence shall be a minimum of 1.8 metres (5.9 feet) in height. The privacy screening in the form of a landscape buffer shall be a minimum of 1.5 meters (5 feet). The fence and 1.5-metre landscape buffer shall be constructed along the property line abutting the existing cemetery, as shown on Schedule C-1.
- 3.9A.4 Privacy screening shall be provided on the site, as shown on Schedule C-1 (labelled 4.6m Landscape Strip), in the form of landscaping. The privacy screening in the form of a landscape buffer shall be a minimum depth of 4.6 metres (15 feet) for a minimum length of 25.6 metres (84 feet) along Crestfield Drive as shown on Schedule C-1. The landscape buffer shall consist of a minimum of one tree and three shrubs per 7.6 metres (25 feet) of required screening. Existing trees and shrubs may be calculated as part of the privacy screening.
- 3.9A.5 Notwithstanding Section 3.9A.2, where the weather and time of year do not allow the completion of the outstanding landscaping works prior to the issuance of the first Occupancy Permit, 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 in good standing 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 Development only upon the 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.
18. Section 3.12 of the Original Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold, as follows:
- 3.12.1 The sign requirements shall be in accordance with the applicable ~~the applicable~~ **Part 5: Signs of the Beaver Bank, Hammonds Plains and Upper Sackville** Land Use By-law. as ~~amended from time to time.~~

3.12.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.

3.12.3 A maximum of one ground sign **for the senior citizen housing development** shall be permitted at the entrance to the Development to denote the development name. The locations of such signs shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 3.05 metres (10 feet) and the face area of any sign shall not exceed 4.65 square metres (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 exterior fixtures.

19. The Original Agreement shall be amended by inserting Section 3.15 as shown in bold immediately following Section 3.14.1 as follows:

### **3.15 Subdivision of the Lands**

**3.15.1 Subdivision applications shall be submitted to the Development Officer in accordance with the requirements of the Regional Subdivision By-law and the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law with the exception that the lot area for 1274 Hammonds Plains Road (PID 00422279) shall be permitted to be reduced to less than 30,000 square feet (2,787 square meters) to allow for the shared driveway access to be located on PID 40817363.**

20. Section 4.4 of the Original Agreement shall be amended by inserting the following text as shown in bold immediately following Section 4.4.1 as follows:

**4.4.2 Notwithstanding Section 4.4.1, 1274 Hammonds Plains Road (PID 00422279) shall be serviced with municipal sewer.**

21. Section 6.1.1 of the Original Agreement shall be amended by inserting the text shown in bold as follows:

6.1.1(a) Changes to the Landscaping in Section 3.9 which, in the opinion of the Development Officer, do not conform with Schedule C **and C-1**.

22. Section 7.3.1 of the Original Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold, as follows:

7.3.1 In the event that development on the Lands has not commenced within ~~3 years~~ **5 years** from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

23. Section 7.3.2 of the Original Agreement shall be amended by inserting the text shown in bold as follows:

7.3.2 For the purpose of this section, commencement of development shall mean

issuance of a Building Permit **for the senior citizen housing development or the Commercial Office Building.**

24. Section 7.4.2 of the Original Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:

7.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit for the twenty-fourth senior citizen housing unit in the form of a townhouse dwelling, ~~and the multiple unit dwelling~~ **and the Commercial Office Building.**

**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: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

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

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

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

Date Signed: \_\_\_\_\_

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

Date Signed: \_\_\_\_\_

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, personally came and appeared \_\_\_\_\_, the 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 his/her 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, personally came and appeared \_\_\_\_\_, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Andy Fillmore, Mayor and Iain MacLean Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia

**Schedule A-1: Legal Description of the Lands at 1274 Hammonds Plains Road (PID  
00422279)**

Parcel Description

All that certain lot, piece or parcel of land situate, lying and being in the district of Hammonds Plains, County of Halifax, Province of Nova Scotia, and being shown as Lot A-3 on a plan entitled Plan Showing Lot A-2 and A-3 of the Uplands Park Subdivision as dated Dec. 7, 1960 and approved by the County Planning Board as of December 12, 1960, (which plan was not found at the Halifax County Registry of Deeds) the said plan as having been made by Nolan Bros. and Co., Provincial Land Surveyors, the said lot being more particularly described and bounded as follows:

Beginning at a point on the western side line of the Hammonds Plains Highway, the said point forming the intersection of the said western side line with the northern side line of Crestfield Drive as shown on the plan;

Thence westerly along the said northern side line of Crestfield Drive for a distance of 249.1 feet to a point forming the southeast corner of Lot A-2 as shown on said plan; (Note that on a Plan of consolidation of Lots R-1, A-2, and Cemetery Lot to Form Lot R-1A, which plan is filed at the Halifax County Registry of Deeds as document number 34242 in drawer number 376, this distance is indicated as 271.62 feet.)

Thence northerly at an angle of 90 degrees for a distance of 100 feet along the eastern boundary of Lot A-2 to the northeast corner of said Lot A-2 as shown on said plan;

Thence easterly at a counter-clockwise angle of 88 degrees and 17 minutes easterly along the southern boundary of the Saint James church property for a distance of 203.8 feet more or less to a point on the western side of the Hammonds Plains highway as shown on said plan; (Note that on a Plan of consolidation of Lots R-1, A-2, and Cemetery Lot to Form Lot R-1A, which plan is filed at the Halifax County Registry of Deeds as document number 34242 in drawer number 376, this distance is indicated as 221.42 feet.)

Thence southeasterly at a counter-clockwise angle of 117 degrees and 35 minutes along the western side line of the Hammonds Plains highway for a distance of 104.4 feet to the point of beginning as shown on said plan.

Together with a Sewer Easement in favour of the above described property, which easement is more particularly described in an Agreement which was recorded at the Halifax County Registry of Deeds on October 5, 1983 in book 3758 at Page 26.

Subject to the restrictions more particularly described in a deed from Brown Builders and Sales Limited to the Roman Catholic Episcopal Corporation of Halifax which was recorded in the Halifax County Registry of Deeds on September 12, 1961 in Book 1769 at Page 495.

Subject to and Easement in favour of Nova Scotia Power Inc., which easement is more particularly described in a document recorded at the Halifax County Registry of Deeds on the second of November, 2011 as document 89206446.

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Not Subject To:

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.

## **Schedule A-1: Legal Description of PID 40817363**

### Parcel Description

Registration County: HALIFAX COUNTY

Street/Place Name: HAMMONDS PLAINS ROAD /HAMMONDS PLAINS

Title of Plan: PLAN OF SURVEY OF LOT R-1-A2, BEING A CONSOLIDATION OF R-1 & A2,  
LANDS OF HARTIE INVESTMENTS INC., CRESTFIELD ROAD, HAMMONDS PLAINS

Designation of Parcel on Plan: LOT R-1-A2

Registration Number of Plan: 124315137

Registration Date of Plan: 2024-06-25 12:12:36

Together with an easement described in the deed recorded on June 25, 1998 in book 6234,  
page 1190 as document 18612.

Subject to an agreement with Halifax Regional Municipality recorded on May 31, 2023 as  
document number 122519904.

Subject to an easement in favor of Bell Canada described in the easement recorded on  
June 13, 2024 as document number 124259640.

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

### Compliance:

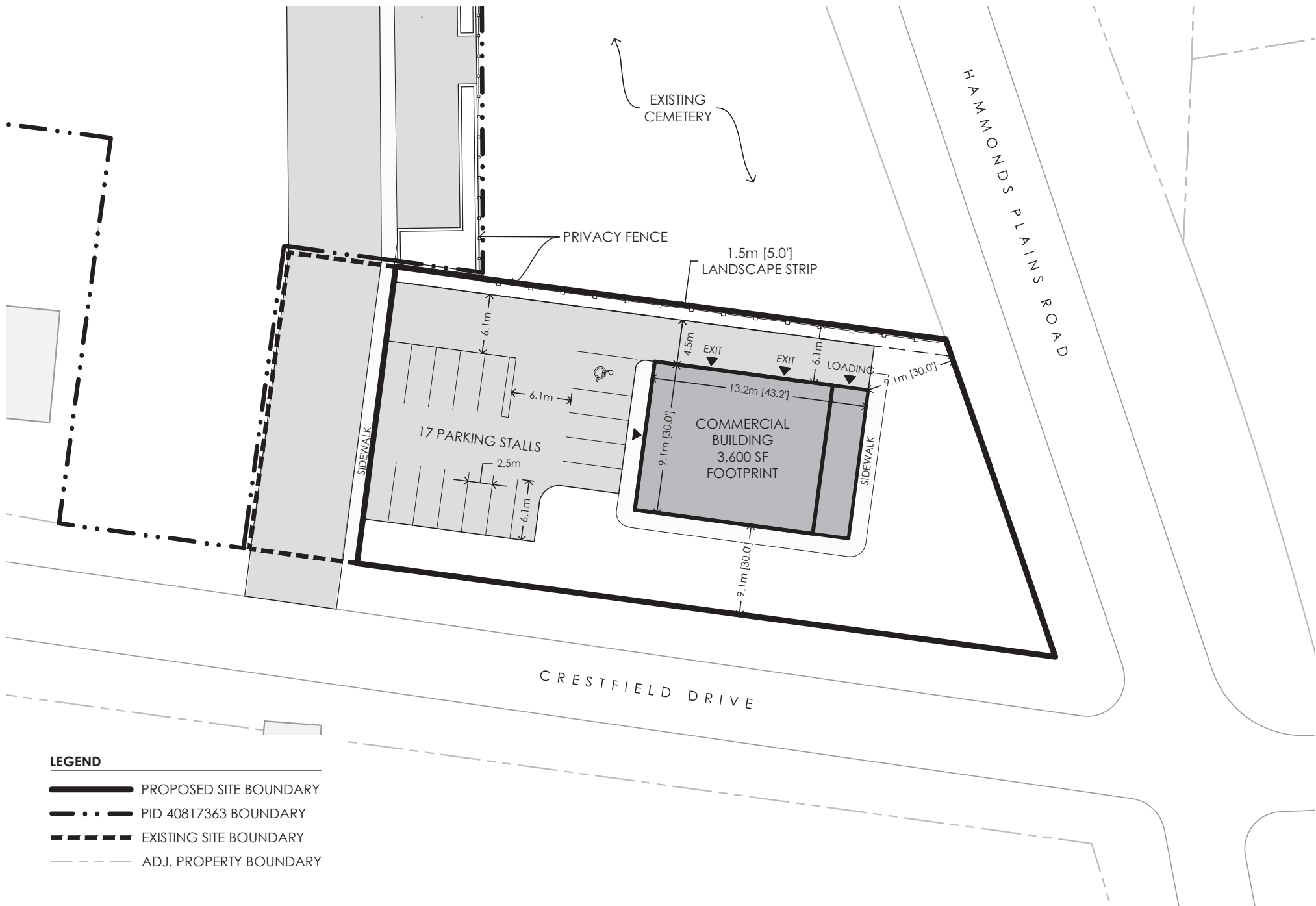
The parcel is created by a subdivision (details below) that has been filed under the Registry  
Act or registered under the Land Registration Act

Registration District: HALIFAX COUNTY

Registration Year: 2024

Plan or Document Number: 124315137

















Public Information Meeting  
Case 2023-00304

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

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Wednesday, March 27, 2024

6:30 p.m.

Bedford-Hammonds Plains Community Centre (Arts & Craft Room), 202 Innovation Drive, Bedford

**STAFF IN**

**ATTENDANCE:**

Shayne Vipond, HRM Planner III, HRM Planning & Development Services  
Shannon England, Technical Coordinator, HRM Planning & Development Services  
Cara McFarlane, Planning Processing Coordinator, HRM Planning & Development Services

**ALSO IN**

**ATTENDANCE:**

Connor Wallace, Applicant, Zzap Architecture and Planning  
Councillor Pam Lovelace, District 13

**PUBLIC IN**

**ATTENDANCE:**

Approximately 9

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The meeting commenced at 6:36 p.m.

**1. Call to order / Acknowledgements / Introductions / Purpose of Meeting – Shayne Vipond**

**Case 2023-000304** – Application by Zzap Architecture and Planning, on behalf of Bowers Construction, is applying to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Beaver Bank, Hammonds Plains, and Upper Sackville to allow an office building at 1274 Hammonds Plains Road, Hammonds Plains. The site was formerly used as the St. James Church. The site is designated Residential and is zoned P-2 (Community Facility) which does not permit the development of a commercial office building. Consequently, Zzap Consulting Inc. is requesting an amendment to the MPS and LUB to allow the proposed development.

**Vipond** is the Planner and Project Lead guiding this application through the planning process. Vipond acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, that we are all treaty people and that we are in the decade for people of African Descent. Staff members, the Applicant for this application and Councillor Lovelace were introduced.

**2. Presentation – Shayne Vipond**

**Vipond** gave a brief presentation of the proposal for 1274 Hammonds Plains Road, Hammonds Plains outlining the status of the application, site context and history, the Applicant's request for plan amendments and amendments to existing development agreement on the site, concept site plan (shared driveway with 9 Crestfield Drive approved development), submissions and studies.

**Presentation – Connor Wallace, Planner and Consultant, Zzap Architecture and Planning**

**Wallace** gave some background on the site and original development agreement, a summary of the development proposal, preliminary site plan of the commercial building and overall site,

proposed images of the building and the Traffic Impact Study (TIS) which resulted in minimal impact.

### 3. Questions and Comments

**Alex Etin, Crestfield Drive, Hammonds Plains** is concerned about the construction noise from the two developments. **Vipond** explained that the development for 9 Crestfield Drive has already been approved by Council. There is a noise by-law which limits the ability to develop during certain hours of the day. **Wallace** – The office hours will be typical (8:00 a.m. to 5:00 p.m., Monday to Friday). **Etin** asked about the timeframe of the construction. **Wallace** – The development would be done as quickly and time efficiently as possible.

**Ron Browne, Kenwood Avenue, Hammonds Plains** has concerns that the trees along the perimeter of the property shown on the concept plan will impede the view vehicles when exiting Crestfield Drive onto Hammonds Plains Road. **Vipond** – The plantings would have to be limited to a certain height to maintain visibility. **Wallace** – The site distance when turning left was noted when the TIS for the seniors' housing was completed. The contents of the landscape buffer will be very low and the development agreement will require the owner to maintain the landscaping.

**George Hudson, Belmont Avenue, Hammonds Plains** is head of the neighbourhood association. The viewpoint at the corner of that site (especially turning left) has always been a concern due to the brush. There's always been a good relationship when voicing concerns with the previous owner and the neighbourhood hopes for the same with the new owner. On-street parking on Crestfield Drive is a concern because it then becomes a one-way street which may impede emergency vehicles. More than half of the population of Uplands Park uses the parkland. Construction vehicles will also be an issue. Hudson suggested a temporary access for construction vehicles be granted on the other side of the cemetery. Residents have talked to the Councillor about a permanent second access to the neighbourhood. **Wallace** – There are a lot of challenges with parking around the parkland and now with the former church parking lot disappearing, people will park on Crestfield Drive. HRM requires a construction mitigation plan for the development. There will be room on-site for the construction vehicles to maneuver during construction.

**Linda Romkey, Woodlyn Drive, Hammonds Plains** is concerned about parking for the busy playground. **Vipond** will consult with HRM Parks about the issue and see if there is an alternative to offset the parking difficulties. The TIS submitted by the applicant determined there was excess capacity on the road. Hammonds Plains Road is a different issue. The TIS was completed recently. **Councillor Lovelace** – People come from all over the Municipality to play baseball and use the park which created a lot of vehicles parking in the area. There has been conversation with HRM Parks to see if additional parking could be provided, but the property owners need to be consulted. **Hudson** – Parking will be affected when the church lot is gone.

**Steve Gray, Crestfield Drive, Hammonds Plains** agrees with what has already been discussed and believes there should be an alternate access point for construction traffic. The former church parking lot is, and has been for many years, used for carpooling as well which will result in more on-street parking when it's gone. **Vipond** – The entirety of the neighbourhood is viewed when evaluations of proposals are done. Traffic is an issue here and will be discussed further. **Gray** asked about a set of lights and **Lavesque** asked about an amber light. **Wallace** – A signal warrant analysis was performed for the area but they are not justified. There were some recommendations given for the turning lanes. **Vipond** – There may be an active study on how growth in the area is managed, but not as a result of this development. **Lovelace** hopes to see a functional plan for the area in June. **Wallace** – The property owner is invested in the area and intends to help resolve the issues.

**Hudson** is concerned about drainage of stormwater as there are already issues. There are no ditches, and none proposed for the new development. **Vipond** – A stormwater plan (pre-/post-flows, catchments, direction of flow) is required at the permitting stage and needs to be approved



by an engineer and be monitored throughout construction. **Wallace** – The property owner has been working with a civil engineer for managing onsite systems and they are working closely with Halifax Water. Wallace will mention about using the existing pipe between the park and Belmont Avenue as long as all the current standards are met.

**Ruth Hudson, Belmont Avenue, Hammonds Plains** is concerned about on-street parking especially on Crestfield Drive with new residents moving in. With no parking signs, on-street parking is pushed further up and at the bottom of Belmont Avenue. During certain activities in the area, numerous cars park in the area (former church parking lot and on the street). People tend to park at the end of people's driveways' exits making it dangerous to get out. People need accessibility to the parkland and ballfield. **Levesque** – School busses have difficulty getting around the bottom of Belmont Avenue. **Vipond** – Parking and traffic will be part of the Staff Report that goes before Council.

**Lovelace** appreciated the turnout and the feedback. It's good see some action with the Functional Plan. Discussions continue with the school about student drop-offs/pick-ups on Crestfield Drive. Consultation with Halifax Water needs to take place when moving the stormwater pipe because more drainage will be added to it over the next 5 years and there are no ditches on Crestfield Drive.

#### 4. Closing Comments

**Wallace** appreciated everyone coming out and sharing their thoughts. Concerns raised will be considered.

**Vipond** thanked everyone for attending and their participation in the meeting.

#### 5. Adjournment

The meeting adjourned at approximately 7:30 p.m.

## Attachment E – Review of Relevant MPS Policies

Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy	
RESIDENTIAL DESIGNATION	
Policy	Staff Comments
<b>Policy P-36A</b> <i>Notwithstanding Policy P-34 within the Residential Designation, Council may consider by amendment to an existing development agreement at PID 40817363 (Lot R-1-A2) and 1274 Hammonds Plains Road (PID 00422279), the redevelopment of the lands at 1274 Hammonds Plains Road (PID 00422279) to permit a commercial office building. In considering such an amendment to the development agreement Council shall consider the following:</i>	
<i>(a) subdivision of the lands at 1274 Hammonds Plains Road (PID 00422279) shall be permitted provided sufficient driveway access over PID 40817363 from Crestfield Drive is maintained;</i>	The proposed amending agreement permits the reconfiguration of 1274 Hammonds Plains Road (PID 00422279) through a subdivision application to allow for the shared driveway access to be located on the adjacent parcel (PID 40817363). Currently driveway access is located on the subject property.
<i>(b) the building shall be limited to two (2) storeys, excluding any mechanical space, elevator enclosures, staircases, and staircase enclosures;</i>	The proposed amending agreement restricts the proposed commercial office building to a maximum of two (2) storeys as generally shown on the schedules. The proposed agreement also contains a definition for the “Commercial Office Building” which reiterates the maximum height of two (2) storeys.
<i>(c) land use shall be limited to a Commercial Office Building that shall not exceed a total area of 604 square meters (6,500 square feet);</i>	The proposed amending agreement limits the development to one (1) main building on the lot with the permitted use restricted to a commercial office building. The maximum permitted ground floor footprint in the agreement for the proposed commercial office building is restricted to 334.5 square meters (3,600 square feet) and a total area not to exceed 604 square meters (6,500 square feet).
<i>(d) the height, bulk, lot coverage, and appearance of the commercial office building is adequately separated from and compatible with adjacent land uses, and minimizes adverse impacts to the environment;</i>	The proposed amending agreement contains controls which limit the height and footprint of the proposed commercial office building; include preliminary elevations of the proposed development and require the building to be setback as shown on the schedules. This will ensure that the proposed development is separated and compatible with adjacent land uses. Further the amending agreement restricts the use on the property to a commercial office building, no additional land use is permitted on the subject property.

<i>(e) the site design features, including signage, landscaping, outdoor storage and display, parking areas, loading areas, and driveways are of adequate size and design to address potential impacts on adjacent developments;</i>	No outdoor storage or display is proposed as part of this application and signage is regulated through Section 3.12 of the proposed amending agreement and through the provisions of the Land Use By-law. The proposed amending agreement requires a minimum of 17 surface parking spaces as generally shown on the schedules.
<i>(f) the impact on traffic circulation, the suitability of access to and from the site as well as the impact on the surrounding road network;</i>	A Traffic Impact Statement was submitted by the applicant and accepted by HRM Engineering. The findings of the traffic analysis suggest the traffic volumes generated by the proposed development will be limited and is expected to have a marginal impact on the operations during peak travel periods.
<i>(g) the general maintenance of the development; and</i>	The original agreement and the proposed amending agreement require the Developer to keep all parts of the development on the property in good condition. This includes maintaining the buildings, fences, walkways, parking lots, driveways, and landscaping. They are also responsible for replacing damaged or dead plants, litter control, garbage removal, and snow and ice management, including salting walkways and driveways.
<i>(h) the provisions of Policy P-137.</i>	See below.
<b>IMPLEMENTATION</b>	
<b>Policy P-137</b> <i>In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i>	
<i>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i>	The proposal generally conforms with the intent of the MPS and other by-laws and regulations.
<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>  <i>(ii) the adequacy of central or on-site wastewater and water services;</i>	(i) No costs to the Municipality are expected. The developer will be responsible for all costs associated with the development.  (ii) The proposed development will be serviced with central water and sewer services. No concerns with service adequacy have been identified by Halifax Water.

<p><i>(iii) the adequacy or proximity of schools, recreation and other community facilities;</i></p> <p><i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i></p> <p><i>(v) the potential for damage to or for destruction of designated historic buildings and sites</i></p>	<p>(iii) The proposed development is for a commercial use and is not anticipated to impact schools, or recreation/community facilities.</p> <p>(iv) A Traffic Impact Statement was submitted by the applicant and accepted by HRM Engineering. The findings of the traffic analysis suggest the traffic volumes generated by the proposed development to be limited and is expected to have a marginal impact on the operations during peak travel periods.</p> <p>(v) No historic buildings or sites have been identified within proximity of this site.</p>
<p><i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p><i>(i) type of use;</i></p> <p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking;</i></p> <p><i>(iv) open storage;</i></p> <p><i>(v) signs; and</i></p> <p><i>(vi) any other relevant matter of planning concern.</i></p>	<p>(i) The proposed amending agreement limits the development to one (1) main building on the lot with the permitted use restricted to a commercial office building.</p> <p>(ii) The proposed amending agreement contains controls which limit the height and footprint of the proposed commercial office building and require the building to be setback as generally shown on the schedules.</p> <p>(iii) A Traffic Impact Statement was submitted by the applicant and accepted by HRM Engineering. The findings of the traffic analysis suggest the traffic volumes generated by the proposed development to be limited and is expected to have a marginal impact on the operations during peak travel periods.</p> <p>(iv) There is no open storage proposed as part of this application.</p> <p>(v) Signage is regulated through Section 3.12 of the amending agreement and through the provisions of the Land Use By-law.</p> <p>(vi) No other matters of planning concerns have been identified at this time.</p>
<p><i>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i></p>	<p>The proposed site is suitable in terms of the steepness of slope. The subject site is not impacted by any watercourse, marsh, swamp, or bog. Staff is not aware of any soil or geological conditions on the subject site that would negatively impact the proposed development or abutting properties.</p>

<p><i>(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.</i></p>	<p>N/A – The subject site is not located within a holding zone.</p>
<p><b>Halifax Regional Municipal Planning Strategy (Regional Plan)</b></p>	
<p><b>9.6 PRIORITIES PLANS</b></p>	
<p><i>Since the adoption of this Plan in 2014, Regional Council has approved several priority plans including the Integrated Mobility Plan, Halifax Green Network Plan, HaliFACT, and Halifax’s inclusive Economic Strategy 2022-2027. The second review of this Plan began in 2020 and is expected to be readopted by Regional Council in 2023. The review will revise the policies of the Plan to ensure they are consistency with the priorities plans as approved. In the interim, this Plan supports the priorities plans which are actively used by staff to guide ongoing work.</i></p>	
<p><b>G-14A</b> <i>In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including:</i>  <i>(a) The Integrated Mobility Plan;</i>  <i>(b) Halifax Green Network Plan;</i>  <i>(c) HaliFACT;</i>  <i>(d) Halifax’s Inclusive Economic Strategy 2022-2027; and</i>  <i>(e) any other priority plan approved by Regional Council while this policy is in effect.</i></p>	<p>The objectives, policies, and actions in the Priorities Plans outlined in G-14A do not appear to impact or be affected by this proposal.</p>