

CHEBUCTO COMMUNITY COUNCIL
&
NORTH WEST COMMUNITY COUNCIL

Joint Public Hearing
September 18, 2006

MINUTES

PRESENT: North West Community Council
 Councillor Brad Johns, Chair
 Councillor Robert Harvey
 Councillor Gary Martin

Chebucto Community Council
 Councillor Debbie Hum
 Deputy Mayor Russell Walker
 Councillor Mary Wile

REGRETS: Councillor Stephen D. Adams, Chebucto Community Council
 Councillor Linda Mosher, Chebucto Community Council

STAFF: Ms. Kirby Grant, Solicitor
 Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the cafeteria of Basinview Elementary School, 273 Basinview Drive, Bedford, NS.

2. PUBLIC HEARING: Case 00624: Development Agreement for Lands North of Larry Uteck Boulevard (Royale Hemlocks Subdivision) and to the West of the Fernleigh Park Subdivision.

A staff report dated June 22, 2006 was before Chebucto Community Council and North West Community Council for consideration.

Notice of Motion for this matter was given at a meeting of Chebucto Community Council held on August 1, 2006.

Notice of Motion for this matter was given at a meeting of North West Community Council held on July 20, 2006.

The following correspondence was submitted:

A letter dated September 18, 2006 from Philip Whitehead, Ipsescu Whitehead & Metlege in opposition to the proposed development.

A letter dated September 17, 2006 from Margaret DeVries and Kevin Woods in opposition to the proposed development.

An e-mail dated September 14, 2006 from Reg Bradley in opposition to the proposed development.

Ms. Thea Langille-Hanna, Senior Planner, outlined the joint application by Clayton Developments Limited, Cresco Limited, and Emscote Limited for Development Agreement for Lands north of Larry Uteck Boulevard (Royale Hemlocks Subdivision) and to the West of the Fernleigh Park subdivision, as contained in the submitted staff report.

Highlights of her presentation are as follows:

- Areas A and B of the Master Plan have already gone through the development agreement process, and are lands owned by Clayton Development which are currently under construction.
- Neighbourhood B is the area under consideration this evening - higher density is encouraged in this area.
- The property under consideration this evening is approximately 70 acres.
- Overall, the development agreement includes 1550 dwelling units and 32,000 square feet of commercial space.
- Neighbourhood B has three different property owners - Emscote, Cresco, and Clayton Developments Limited.
- The area for North West Community Council's consideration this evening is land owned by Clayton Developments, and includes two commercial sites,

- one nine-storey building, and a portion of one six-storey building. The maximum number of dwelling units permitted is 608; no residential units are permitted prior to the interchange construction at the Bi-centennial Highway.
- The area for Chebucto Community Council's consideration this evening is lands owned by Clayton that include a portion of a six-storey building, two full six-storey buildings, one seven-storey building, and one twelve-storey building. Includes a maximum of 608 dwelling units and no residential units can be approved prior to the completion of the interchange at the Bi-centennial Highway. Clayton has some minor flexibility in regard the overall stories but there is a maximum cap in the Development Agreement.
 - The lands owned by Cresco have three scenarios provided in the development agreement. Scenario A is three seven-storey to ten-storey multiple units, and eight acres of single-unit dwellings; Scenario B is two 10-storey multiples, and townhouses, and eight acres of single-unit dwellings; Scenario C is four ten-storey multiples. The development agreement for Cresco lands contain a maximum number of units of 468 that can be built under any of the three scenarios. The development agreement also stipulates a cap of 215 residential units being issued prior to the interchange.
 - The proposal in regard to the Emscote lands is 5 five-stories with a maximum number of 408 units. Only 432 residential units can be constructed prior to the interchange.
 - There is a proposed water line and trail location going through the three concept plans.
 - Major issues identified with the Proposal are:
 1. The Linear Trail - the development agreement will require the trail from Bedros Lane to Vanier Lake be completed.
 2. Fernleigh Subdivision - reports will be going to Council this fall in regard to the funding of the extension of municipal water and sewer services to this area.
 3. Development which may occur before the interchange is constructed - a policy in the Plan states that no more than 2000 occupied dwelling units occur in the Master Plan prior to the interchange.
 4. School and School Capacity - the School Board has clearly identified that the existing school system can accommodate the proposed development.

In conclusion, Ms. Langille-Hanna advised that staff is recommending that North West Community Council approve the proposed development agreement for the Clayton Development Plan, as outlined in Attachment A of the staff report; and that staff recommend Chebucto Community Council approve the proposed development agreement for the Clayton, Cresco, and Emscote lands as outlined in Attachment A, B, and C of the staff report.

Ms. Langille-Hanna responded to questions from members of Community Council.

The Chair requested anyone wanting to speak to this matter, to come forward at this time.

Mr. Reg Bradley advised that he submitted comments to the Municipal Clerk's Office in an e-mail to the Clerk. He indicated that he was concerned about the traffic issues as there is already a major traffic problem in this area. He also noted that there is so much development going on, that the present work should be completed before there is more construction.

Mr. Bob Kerr, Bedford, advised of concerns with regard to landscaping, the aesthetics of the buildings, green space and site lines.

Mr. Bob MacDonald, a resident of Clayton Park West, advised that he was on the Executive of the North West Trails Association. Mr. MacDonald pointed out that previously, members of his group had worked with Clayton Developments on the Old Coach Road trail. He added that he is encouraged with the statement that the Linear Trail is going to be continuous with the three developments. He also advised that his group is pleased that the trail will be guided by a professional landscape architect because there are some problems with the trail, which he noted in an e-mail to staff. Mr. MacDonald pointed out that there is construction debris near the trail and should be looked at, and there has been erosion on the pressure dust surface on the trail. As well, the trail has not been constructed to prevent runoff on steeper slopes. Mr. MacDonald made reference to a report his group recently completed and that one section of it dealt with trail planning and construction and suggested that every development officer and every developer in HRM should have a copy. Mr. MacDonald questioned why no parkland dedication was associated with the proposal. He added that he would like some assurance that the sensitive areas, i.e. bogs, swamps, and wetlands will receive some protection and that appropriate setbacks will be put in place, as well as retention of the maximum amount of trees in these areas.

Ms. Wendy MacDonald, Clayton Park West advised that she was also a member of the North West Trails Association. In her remarks she advised that the Association wants to make sure that trails are on everybody's agenda in this neighbourhood. She expressed disappointment that there is not an opportunity for public education and consultation through the development process. Ms. MacDonald added that she did not see anything in the report pertaining to bicycle lanes and storage for bicycles in the buildings. She noted that the Active Transportation Plan was promised for last March but nothing has been put forward. Ms. MacDonald advised that she did not want a discontinuous trail and would like to see a turnover time for the trail built into this agreement.

Ms. Jill McGillicuddy, addressed the Councillors and advised that she was in attendance on behalf of the Halifax Regional School Board. She gave a brief review of how the School Board made its determination that the affected schools could handle additional enrollment that would result from this proposed development.

Mr. Ray Hunt, Bedford, expressed concern that the linear trail will be coming into Bedros Lane which is a private road. He explained that it appears a public road will be coming into a private road and those living on the private road will be paying for it.

Ms. Valerie Evans advised that she will be living in Bedros Lane and expressed concern that the whole hillside will look like it is covered in apartment buildings given the level of

density that is proposed. She suggested that more thought should be given to single family and townhouse dwellings rather than the high density development.

Ms. Ernestine MacDonald, advised that she lives on Amirault Court and suggested that the developers of her area have not honoured their end of the bargain and advised that she is embarrassed to tell anyone that she lives in Royal Hemlock subdivision because no one is maintaining Larry Uteck Boulevard or the properties which abut the condominiums or the Bluenose Motel. She questioned who will ensure with the proposed developments that there will be protections in place so other people will not have to deal with the same thing she has had to deal with.

Mr. Paul MacDonald advised that he was the first resident to live on Starboard Drive and has been there four years and, to date, there has been no trail system. He questioned who enforces the development agreements.

A resident of Brigadier Court expressed concern about the amount of construction occurring in the area in question.

Mr. Michael Hanusiak, Senior Vice President and General Manager of Clayton Developments advised that tonight he was representing Clayton Developments and Cresco Developments. He added that Mr. Ralph Medjuck, Mr. Frank Medjuck, and Mr. David Nunn were in attendance and were representing Emscote Limited.

Mr. Hanusiak provided a brief review of the history of the Master Plan area and addressed the concerns and questions raised this evening. His comments are as follows:

- In terms of landscaping, in the Bedford South Plan, significant tree retention is required and in areas that are disrupted, landscaping is required; these provisions are not in the Royal Hemlocks development. Site plan approval is required by the Development Officer in the development agreements, and the developer is required to file landscaping plans. Larry Uteck Boulevard was always designed to be major collector road. There are possibilities for bike lane development.
- With regard to trail development, Clayton Developments and Cresco are required to build the trail as they develop through the various phases; last year the first part of the trail was built. The way this is done is on a one year cycle - i.e. the trail is built, and then given time to see where natural erosion occurs. Before the end of October, all the eroded areas will be fixed and maintained. He noted that the trail has been audited, and that the next section of trail has already been done, and that it was done prior to the development. There has been significant public involvement with the trails. Garbage is picked up two or three times a year and the developer will continue to pick it up even though it is the responsibility of the municipality.
- An active sports field will be located in the centre of the property and the design will follow with community consultation. The other side is passive

undisturbed land that will have a series of trails throughout connecting the neighbourhood.

- The School Board has priority on a particular site—under the Master Plan the School Board has a certain percentage of build-out to determine whether this site is required for a school. This question will probably not be answered for another three years.
- The area in question is covered by HRM's Blasting Bylaw - a pre-blast survey has to be carried out before development can proceed and done by an arms length surveyor.

Mr. Frank Medjuck, representing Emscote Limited expressed his appreciation to Mr. Hanusiak and to staff for their work on the project and requested that he be allowed to reserve speaking time later on after hearing all the comments and questions of other speakers.

The Chair asked if there were any further persons wishing to speak.

Ms. Benita Oxner, a resident of Bedros Lane advised that the landscaping was not what she was expecting for her area.

In response, Mr. Hanusiak advised that when the first development agreement for Bedford South was completed, the areas of nondisturbance (whether for parkland or private retention) had to be surveyed before they could commit to construction. He explained that those areas are now dead reckoning.

There being no further persons wishing to speak on this matter it was **MOVED by Councillor Harvey, seconded by Councillor Wile that the public hearing close. MOTION PUT AND PASSED.**

Staff responded to questions of the Community Council members.

In response to a point raised by one of the speakers, Councillor Hum advised that the Active Transportation Plan report is expected to be presented to Regional Council within the next two to three weeks.

Councillor Hum thanked Ms. McGillicuddy for attending and providing the information on behalf of the School Board.

Councillor Hum referred to an earlier concern of a speaker regarding the challenges of having a private lane and questioned if it will be a private street or public street or a driveway.

In response, Ms. Langille-Hanna advised that Attachment B of the Development Agreement states that a townhouse development will be permitted on a private driveway, and if you are not able to subdivide your townhouse, there will have to be a single entity that will do the maintenance of the individual grounds as well as the driveway. In the

situation referred to by Councillor Hum, staff would be looking at a similar situation to the condominium corporation, i.e. the condominium corporation becomes responsible for their driveway.

At the request of the Chair, the meeting recessed at 8:15 p.m.

The meeting reconvened at 8:25 p.m. with the same members present.

Staff responded to further questions of Community Council

Councillor Walker referred to the three scenarios that were presented and advised that he would prefer if only one option was presented and, if changes were required in the future, he would be open to considering that at that time. He indicated that by having one option, the public would know what to expect.

In response to a question by the Chair, Ms. Denise Schofield, A/Manager of Development Engineering indicated that staff are reviewing the engineering regulations for bike lanes.

In response to another question by the Chair, Ms. Langille-Hanna advised that there is a policy which states that if the School Board does not need the site, the property may be developed in accordance with the provisions of the Secondary Plan, which allows for the consideration of multi-unit dwellings.

Councillor Hum referred to a letter submitted from a lawyer in regard to discussions that would allow no more than six stories and requested clarification.

In response, Ms. Langille-Hanna advised that the Bedford South Wentworth Master Plan was determined as a potential growth area in 1998 by Council. This allowed staff to take a different approach to development than had been in the past. She added that this was an opportunity to look at development from a very comprehensive nature and high level, and to work with the community groups on sensitive areas that are environmental and opportunities for parks and open space and put in a policy that would direct development in the future. Ms. Langille-Hanna pointed out that the Royal Hemlocks area did not have the same advantage in terms of having an overall master plan area. She added that the Royal Hemlocks agreement is about 10 years old, but that the development is only occurring now. With regard to height issues, Ms. Langille-Hanna explained that the Master Plan allows certain areas, such as Neighbourhood B to have a maximum of 12 stories. The majority of blocks in Neighbourhoods A, B, C, D, E, and F with the exception of B are low density. The concentration of the higher density development was suggested to be placed along Larry Uteck Boulevard in Neighbourhood B where it could be accommodated by the collector road.

At 8:48 p.m. the meeting recessed, and reconvened at 8:57 p.m.

The Chair advised that he had neglected to recognize Mr. Medjuck prior to closing the public hearing. He noted that Mr. Medjuck had requested to speak once everyone had provided comments and questions, but due to an oversight he had forgotten. The Chair apologized and asked Mr. Medjuck if he would like to provide comment at this time.

Mr. Frank Medjuck addressed the concern about the various scenarios that had been put forward rather than just one scenario. He explained that on a previous application they had, there were many amendments and many public meetings. He indicated that the message that came across at the last public meeting on this matter was that the public wanted all the scenarios brought forward and presented. Mr. Medjuck explained that this was intended to prevent them from coming back time and again with amendments.

Mr. Medjuck noted that the maximum height is set out in the Master Plan. He added that the reason there is flexibility on the height is because there is not a need for the maximum height in some places, where the land rises up.

The Chair asked staff for clarification on the procedure if, during construction, something happens during blasting.

Ms. Schofield, A/Manager, Development Engineering advised as follows:

- a pre-blast survey is required;
- the blaster is required to hold sufficient insurance in case of any damage;
- the contractors are required to have insurance;
- staff requires proof that the insurance is in place before approval is issued;
- if there is an incident, the situation tends to be facilitated through staff.

There were no further questions from members of Community Council.

Decision by Chebucto Community Council:

MOVED by Councillor Hum, seconded by Deputy Mayor Walker that Chebucto Community Council:

- **Approve the proposed Development Agreement for Clayton Developments, Cresco and Emscote Limited as set out in Attachment "A", Attachment "B" and Attachment "C" of the June 22, 2006 staff report to permit a mixed use development;**
- **Require that the Development Agreement be signed and delivered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

In moving the motion Councillor Hum noted that she understood the residents frustration and that she had concerns with the density involved with this development. She advised that she spoke with staff regarding the ability to construct up to 12 stories and was informed that the Master Plan permits this, therefore, she does not have an opportunity to reduce the height. Councillor Hum pointed out that the extension of Larry Uteck Boulevard will help with traffic and safety issues, and added that the proposal provides for a very walkable development, not just in terms of residential but commercial as well.

MOTION PUT AND PASSED.

Decision by North West Community Council:

MOVED by Councillor Martin, seconded by Councillor Harvey that North West Community Council:

- 1. Approve the proposed Development Agreement for Clayton Developments as set out in Attachment "A" of the June 22, 2006 staff report to permit the mixed commercial and multi unit development**
- 2. Require that the Development Agreement be signed and delivered within 120 days or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

3. ADJOURNMENT

The meeting adjourned at 9:12 p.m.