



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

Item No. 10.1.2

Halifax and West Community Council
April 22, 2014

TO: Chair and Members of Halifax and West Community Council
Original Signed

SUBMITTED BY: Brad Anguish, Director, Community and Recreation Services

DATE: April 11, 2014

SUBJECT: **Case 18232: Substantive Amendments to the existing development agreement for Brunello Estates, Timberlea**

ORIGIN

Application by WSP Canada Inc.

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give Notice of Motion to consider approval of the 9th Amending Agreement, as provided in Attachment A, to change the requirements for single unit dwellings and schedule a public hearing;
2. Approve the 9th Amending Agreement, as provided in Attachment A, to amend the requirements for single unit dwellings; and
3. Require the 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

Brunello Estates (formerly known as Westgate) is a residential and golf community in Timberlea that was approved by the former Western Region Community Council on December 18, 2001 by the means of a development agreement. Since that time, there have been several amendments made to the original agreement. The applicant wishes to amend the development agreement to allow for greater variation in the requirements for single unit dwellings. To enable this amendment, the applicant has requested a substantial amendment to the development agreement.

In addition to the proposed amendment for the requirements for single unit dwellings, staff is requesting that Community Council approve a housekeeping amendment relating to a mapping error on the schedules.

Location, Designation and Zoning

The subject area is:

- is approximately 550 acres of land within Timberlea as shown on Map 1;
- designated Urban Residential in the Municipal Planning Strategy for Timberlea/Lakeside/Beechville; and
- zoned CDD (Comprehensive Development District) under the Land Use By-law (LUB) for Timberlea/Lakeside/Beechville.

Existing Development Agreement

The existing development agreement allows for mixed residential and commercial development. Features of the development agreement that specifically relate to the proposed amending agreement include the following:

- A maximum of 3,200 dwelling units are permitted within the development as follows:
 - 700 units must be developed as single unit dwellings and the majority of the dwelling units must have at least 50 feet of lot frontage and a lot area of 5,000 square feet. Up to 20% of these single unit dwellings can have a lot frontage reduced to 40 feet and a lot area reduced to 4,000 square feet; and
 - Up to 2,500 units may be developed as townhouses, alternate style housing or multiple unit dwellings;
- Single unit dwelling lots with less than 50 feet of lot frontage are not permitted on any boulevard or modified urban collector streets. Townhouse dwellings are permitted on such streets, but are subject to a traffic impact statement; and
- All alternate style dwellings and multiple unit buildings are subject to a non-substantive amendment to the development agreement.

Proposal

The applicant is requesting amendments to the requirements for single unit dwellings. The proposed amendments fall under three categories as follows:

- 1) Of the required 700 single unit dwelling lots, the applicant is requesting to increase the percentage of single unit dwelling lots with a reduced lot frontage of 40 feet and reduced lot area of 4,000 square feet from 20% to 60%;

- 2) Of the 2,500 units allocated for townhouses, alternate style housing or multiple unit dwellings, the applicant is requesting to develop single unit dwelling lots with a reduced lot frontage of 34 feet and a reduced lot area of 3,400 square feet. There would be no limit on the number of these reduced sized lots, outside of the overall 2,500 unit limit; and
- 3) Of the units permitted on boulevards or modified urban minor collector streets, the applicant is requesting that single unit dwellings with a minimum of 40 feet of frontage be permitted.

It is important to note the proposed amendments would not increase the allowable density of the development which will continue to be limited to 3,200 dwelling units.

DISCUSSION

Policies UR-27 to UR-34 of the Municipal Planning Strategy for Timberlea/Lakeside/ Beechville allow for the consideration of the mixed use development for the subject lands and it is these policies in which the development agreement for Brunello was adopted. In staff's opinion, the proposed amendments are consistent with the applicable policies of the Timberlea/Lakeside/Beechville MPS. Attachment B provides an evaluation of the proposed amendment against the applicable MPS policies. Staff has assessed each of the proposed amendments and offer the following discussion for each component.

1. Increase the Percentage of Single Unit Dwelling lots with 40 feet of Frontage and 4,000 square feet of Lot Area from 20% to 60%;

The development agreement for Brunello Estates was approved over 10 years ago. The applicant advises that the housing market has changed over this period of time and home purchasers are more interested in smaller, more affordable lots than the larger lots required under the development agreement. The applicant further noted that smaller lots are becoming more common throughout various developments in HRM. The applicant had originally requested that the limit on lots with 40 feet of frontage and with a lot area of 4,000 square feet be removed completely from the development agreement. Staff advises that there is merit in considering an increase in the quantity of reduced size lots.

Policy UR-28(a) of the MPS requires a substantial amount of the residential units to be single unit dwellings and by allowing more flexibility in the range of sizes for single unit dwelling lots, this will assist in achieving this objective. However, through staff's analysis and through public consultation, it was determined that there should be a requirement for some of the lots to be configured with 50 feet of frontage and a lot area of 5,000 square feet or larger. This will ensure the intent of the development agreement, to support diversity in housing styles, is still retained and that housing types are similar to that of the surrounding area. Therefore, staff supports increasing the percentage of single unit dwelling lots that may be developed with 40 feet of frontage and 4,000 square feet of lot area from 20% to 60%.

2. Permit Single Unit Dwelling lots with 34 feet of Frontage and 3,400 square feet of Lot Area

Within the 2,500 units allocated for townhouse, alternate style housing or multiple unit dwellings uses, the applicant has requested that single unit dwellings be permitted with a lot frontage of less than 40 feet and a lot area less than 4,000 square feet as a form of alternate housing. Similar to the rationale provided above, the applicant feels that by allowing smaller single unit lots as an option within the 2,500 units, the development can provide a greater diversity in housing styles and affordability.

It is important to note that staff considers this development to be unique as MPS policy limits the development to 3,200 dwelling units and allows for a wide range of unit types including townhouses and multiple unit dwellings. Staff believes there is merit in considering single unit dwellings with a further reduced lot size as a means to provide a further mix of residential uses.

Through staff's analysis and discussion with the applicant it was agreed that lots with a minimum of 34 feet of frontage and area of 3,400 square feet would be appropriate. Ensuring a lot width of at least 34 feet will allow the accommodation of on-street parking, reduce concerns in achieving proper setbacks and lot coverage and provide for an adequate driveway width. Therefore, staff supports the option of permitting single unit dwelling lots with 34 feet of frontage and 3,400 square feet of lot area.

3. Permit Lots with 40 feet of Frontage and 4,000 square feet of Lot Area on Boulevards and Urban Minor Collectors

The applicant has requested that the uses permitted on boulevards and urban minor collectors be expanded to include single unit dwellings with a frontage of 40 feet and a lot area of 4,000 square feet. As townhouses are already permitted on these types of streets and, as this application is already considering an increase in the amount of 40 foot lots, there is merit in considering this proposed amendment. As part of the application, the applicant provided an analysis from a traffic engineer who determined that allowing 40 foot lots on such roads would not have a significant impact on the road network for boulevards and urban minor collectors. This analysis was reviewed by HRM's Development Engineer and was considered acceptable.

Through staff's review of the provisions in the development agreement which discuss development along the boulevards and urban minor collectors, it was determined that further guidance regarding the placement of townhouses along these roads was required. As such, the amending agreement includes a provision to require paired driveways for townhouses where possible. Staff advises that permitting lots with 40 feet of frontage and 4,000 square feet of lot area on boulevards and urban minor collectors should result in a minimal impact on the street network.

Housekeeping Amendments

When the 6th Amending Agreement was approved by the former Western Region Community Council on November 9, 2010, it included a commercial property along St. Margarets Bay Road, which is not part of the development agreement (see Attachment C). This alteration was in error

and staff propose that the error be corrected through this application as shown on the Schedules of the proposed 9th Amending Agreement (see Attachment A).

FINANCIAL IMPLICATIONS

There are no 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 Agreement. The administration of the Agreement can be carried out within the approved 2014/15 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 held on January 30, 2013. Attachment D contains a copy of the minutes from the meeting. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 1.

A public hearing must be held by Community Council before they can consider approval of any amendments to the LUB or the approval of a development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 1 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 development agreement will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the Timberlea/Lakeside/Beechville MPS. No additional items have been identified.

ALTERNATIVES

1. Community Council may choose to approve the proposed amending agreement subject to modifications. This may necessitate further negotiation with the applicant and a supplementary report from staff.
2. Community Council may choose to refuse the proposed amending agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended. A decision of Council to reject this amending agreement, with or without a public hearing, is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

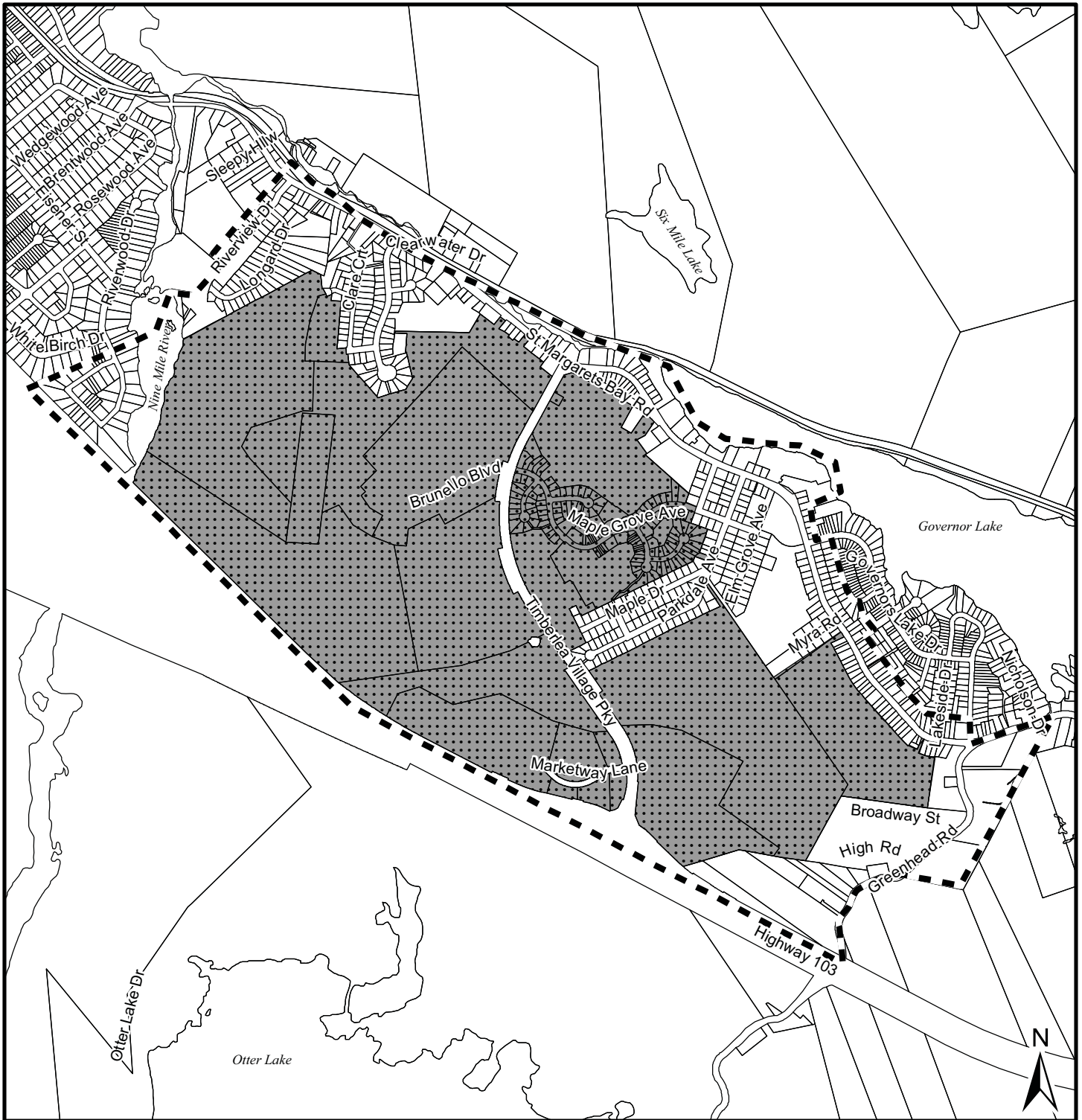
ATTACHMENTS

Map 1	Location of Brunello Estates
Attachment A	Proposed 9 th Amending Agreement
Attachment B	Review of Relevant Policies of the Halifax MPS
Attachment C	Schedule B.2.A of Existing Agreement
Attachment D	Minutes of Public Information Meeting

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


Report Prepared by: Jillian MacLellan, Planner I, Development Approvals, 490-4423
Original Signed


Report Approved by: 
Kelly Denty, Manager, Development Approvals, 490-4800



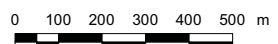
Map 1 - Location

Brunello Estates
 Timberlea

 Area under development agreement

 Area of notification

Timberlea/Lakeside/Beechville
 Plan Area



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

Case 18232
Attachment A – Proposed 9th Amending Development Agreement

THIS 8th AMENDING AGREEMENT made this day of , 20__,

BETWEEN:

[INSERT Name of Corporation/Business LTD.]
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 within Timberlea which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into a development agreement to allow for a mixed use community with a golf course on the Lands (municipal reference number 00265), which said Development Agreement was registered at the Halifax County Land Registration Office on February 14, 2011 as Document Number 6552 (hereinafter called the "Existing Agreement");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to allow changes to the road network on the Lands, (municipal reference number 00590), which said Development Agreement was registered at the Halifax County Land Registration Office on August 22, 2003 as Document Number 37295 (hereinafter called the "First Amending Agreement");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to modify the approved road network (municipal reference number 00623) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on April 21, 2004 as Document Number 75364217 (hereinafter called the "Second Amending Agreement");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into an amending development agreement (municipal reference number 00536) on the Lands, which said development agreement was registered at the Halifax County Land

Registration Office on July 15, 2004 as Document Number 75884560 (hereinafter called the "Third Amending Agreement");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into an amending development agreement (municipal reference number 01040) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on January 22, 2008 as Document Number 91321258 (hereinafter called the "Fourth Amending Agreement");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into an amending development agreement (municipal reference number 01312) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on November 9, 2010 as Document Number 97179270 (hereinafter called the "Fifth Amending Agreement");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to modify the road layout, parkland size and configuration and to complete minor text changes (municipal reference number 16934) on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on November 9, 2010 as Document Number 97179270 (hereinafter called the "Sixth Amending Agreement");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to develop Blocks 1, 2 and 3 for alternate housing (municipal reference number 17521 on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on September 26, 2011 as Document Number 100119404 (hereinafter called the "Seventh Amending Agreement");

AND WHEREAS the Western Region Community Council of the Municipality approved an application to enter into an amending development agreement to alter the Commercial Use boundary along Market Way Lane and clarify standards for commercial development on Ca lands (municipal reference number 17826 on the Lands, which said Development Agreement was registered at the Halifax County Land Registration Office on January 22, 2014 as Document Number 104497863 (hereinafter called the "Eighth Amending Agreement");

AND WHEREAS the Developer has requested further amendments to the Existing Agreement and Amending Agreements to alter lot frontage requirements for single unit dwellings;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 18232;

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

1. Section 2.1 of the Existing Agreement as amended is further amended by:
 - (a) deleting “Schedule B1.B: Golf Course Community Plan” and replacing it with “Schedule B1.C: Golf Course Community Plan”;
 - (b) deleting “Schedule B2.B: Community Concept Plan” and replacing it with “Schedule B2.C: Community Concept Plan”;
 - (c) deleting “Schedule B3.B: Building Height Areas” and replacing it with “Schedule B3.C: Building Height Areas”;
 - (d) deleting “Schedule C1.B: Public Recreation Facilities” and replacing it with “Schedule C1.C: Public Recreation Facilities”;
 - (e) deleting “Schedule C2.B: Private Recreation Facilities” and replacing it with “Schedule C2.C: Private Recreation Facilities”;
 - (f) deleting “Schedule D1.B: Road Hierarchy” and replacing it with “Schedule D1.C: Road Hierarchy”;
 - (g) deleting “Schedule F1.B: Sewer Servicing Schematic” and replacing it with “Schedule F1.C: Sewer Servicing Schematic”;
 - (h) deleting “Schedule G1.B: Water Servicing Schematic” and replacing it with “Schedule G1.C: Water Servicing Schematic”;
 - (i) deleting “Schedule H1.B: Conceptual Storm Water Management Plan” and replacing it with “Schedule H1.C: Conceptual Storm Water Management Plan”;
and
 - (j) deleting “Schedule I1.B: Major Non Disturbance Areas” and replacing it with “Schedule I1.C: Major Non-Disturbance Areas”.

2. The Existing Agreement as amended is further amended by:
 - (a) deleting all references to “Schedule B1.B” and replacing it with “Schedule B1.C”;
 - (b) deleting all references to “Schedule B2.B” and replacing it with “Schedule B2.C”;
 - (c) deleting all references to “Schedule B3.B” and replacing it with “Schedule B3.C”;
 - (d) deleting all references to “Schedule C1.B” and replacing it with “Schedule C1.C”;
 - (e) deleting all references to “Schedule C2.B” and replacing it with “Schedule C2.C”;
 - (f) deleting all references to “Schedule D1.B” and replacing it with “Schedule D1.C”;
 - (g) deleting all references to “Schedule F1.B” and replacing it with “Schedule F1.C”;
 - (h) deleting all references to “Schedule G1.B” and replacing it with “Schedule G1.C”;
 - (i) deleting all references to “Schedule H1.B” and replacing it with “Schedule H1.C”;
and
 - (j) deleting all references to “Schedule I1.B” and replacing it with “Schedule I1.C”.

3. Section 2.2.1(a) of the Existing Agreement as amended is further amended by adding “reduced frontage single unit dwellings (with a frontage less than 40 feet (12.19 metres))” after “townhouses” so the section reads as follows:

“2.2.1(a) a maximum of 3200 dwelling units of which a maximum number of 2500 may be multiple unit dwellings, inclusive of townhouses, reduced frontage single unit dwellings (with a frontage of less than 40 feet (12.19 metres)) and alternate housing types (Section 2.4.1(c) 2.4.2 and 2.4.3)”

4. Section 2.4.1(a) of the Existing Agreement as amended is further amended by changing 80 percent to 40 percent and to clarify that the required ratio for single unit dwellings does not include reduced frontage single unit dwellings so the section reads as follows:

“2.4.1(a) The following requirements shall apply to a minimum of 40 percent of single unit dwellings lots, exclusive of reduced frontage single unit dwellings (with a frontage of less than 40 feet (12.19 metres)):”

5. Section 2.4.1(b) of the Existing Agreement as amended is further amended by changing 20 percent to 60 percent, deleting “except any boulevard or modified urban collector street, and to clarify that the required ratio for single unit dwellings does not include reduced frontage single unit dwellings so the section reads as follows:

“2.4.1(b) Notwithstanding 2.4.1 a maximum of 60 percent of single unit dwellings may be approved subject to the following exclusive of reduced frontage single unit dwellings (with a frontage of less than 40 feet (12.19 metres)):”

6. The Existing Agreement as amended is further amended by the following section after section 2.4.1(b)(viii):

“2.4.1(c) Pursuant to Section 2.2.1 reduced frontage single unit dwellings (with a lot frontage of less than 40 feet (12.19 metres)) may be approved subject to the following except where the required lot frontage abuts any boulevard or modified urban collector street:

- | | | |
|-------|---------------------------------|---|
| (i) | Minimum Lot Area: | 3,400 square feet (315.87 square metres) |
| (ii) | Lot Frontage: | 34 feet (10.36 metres) except that for lots with a frontage on the outside curve, a frontage of 30 feet (9.14 metres) shall be permitted, provided that the lot width of 34 feet (10.36 metres) is provided measured at a distance 25 feet (7.62 metres) from the street line (Schedule E) at the centre point of the lot frontage. |
| (iii) | Minimum Front and Flankage Yard | 15 feet (4.57 metres) |
| (iv) | Minimum Side | 8 feet (2.44 metres) on one side, 4 feet (1.22 metres) on the other provided that there is 12 feet (3.66 metres) between each building |

- (v) Minimum Rear Yards 8 feet (2.44 metres)
- (vi) Maximum Lot Coverage 45%
- (vii) Building Height 40 feet (12.19 metres)
- (viii) Required Parking A minimum of 2 spaces per dwelling unit shall be provided. The driveway width shall be subject to the By-law S-300 Street By-law, and shall extend to provide sufficient depth for 2 parking spaces on the lot. A garage shall be considered to provide one parking space.”

7. The Existing Agreement as amended is further amended by adding the following at the end of Section 2.4.2(viii):

“To increase driveway spacing, wherever considered possible by the Development Engineer of the Municipality, driveways for adjacent townhouses on such streets shall be paired. These paired driveways shall include a landscaped strip separating the paired driveways where possible, as determined by the Development Officer.”

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

SIGNED, SEALED AND DELIVERED in the presence of:

<INSERT REGISTERED OWNER NAME>

_____ Witness

Per: _____

_____ Witness

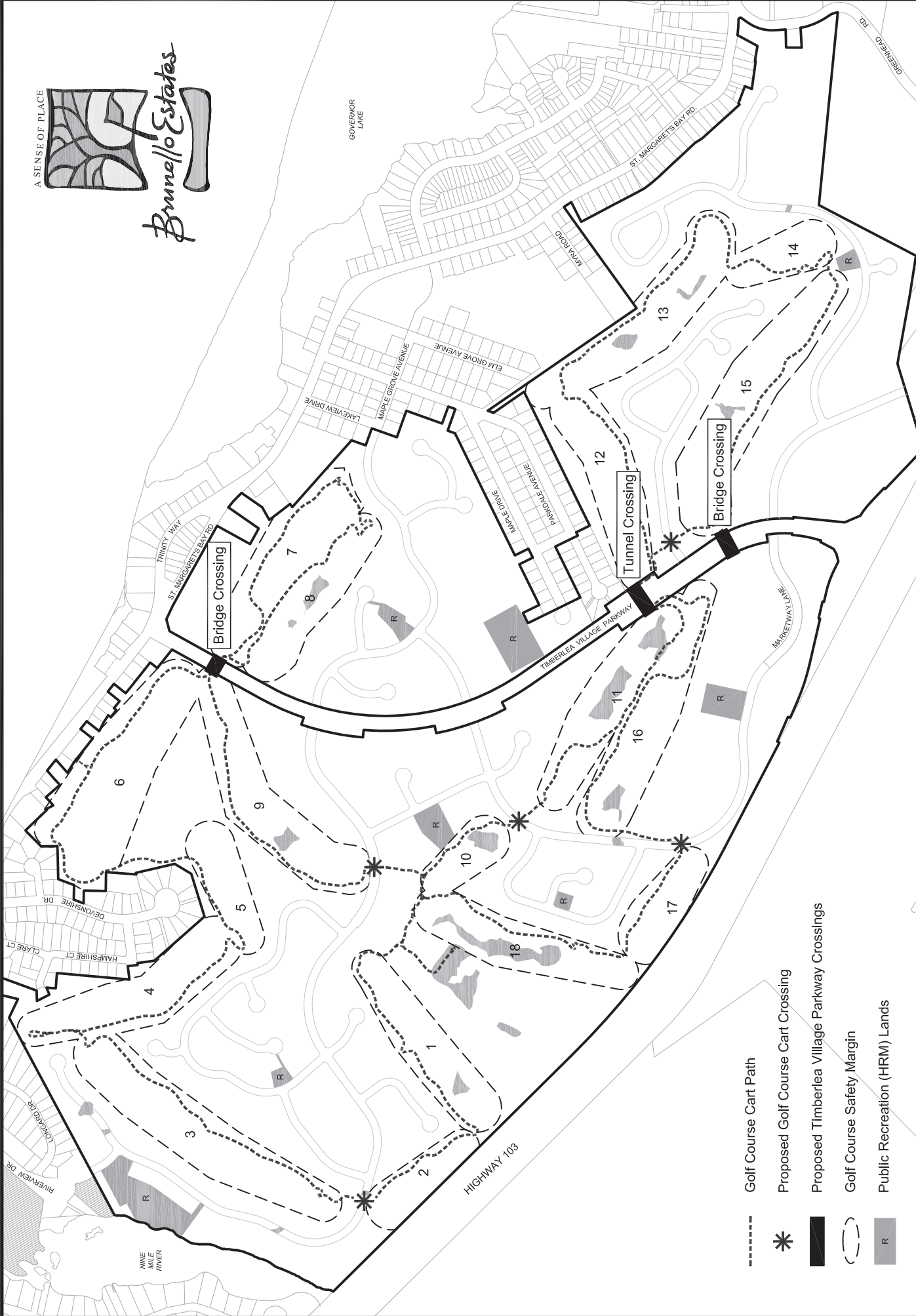
Per: _____

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

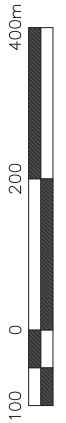
===== **HALIFAX REGIONAL MUNICIPALITY**

Per: _____ Mayor

Per: _____ Municipal Clerk



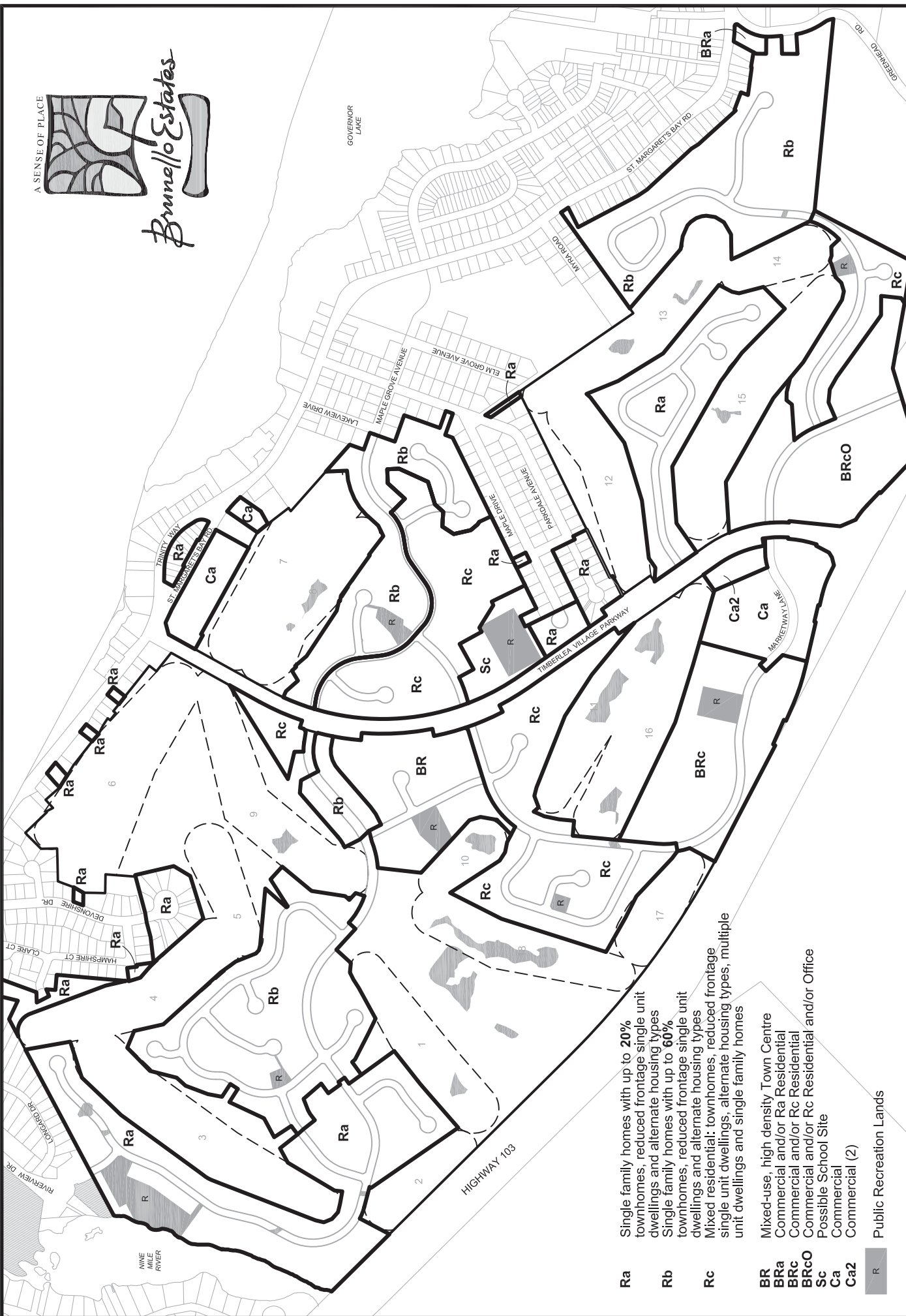
- Golf Course Cart Path
- Proposed Golf Course Cart Crossing
- Proposed Timberlea Village Parkway Crossings
- Golf Course Safety Margin
- Public Recreation (HRM) Lands



SCALE: 1:10,000 METRIC
DATE: 18-FEB-2014

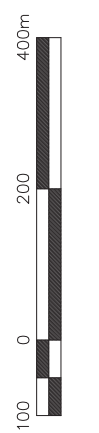
SCHEDULE B1.C: GOLF COURSE COMMUNITY PLAN
Brunello Estates, Timberlea





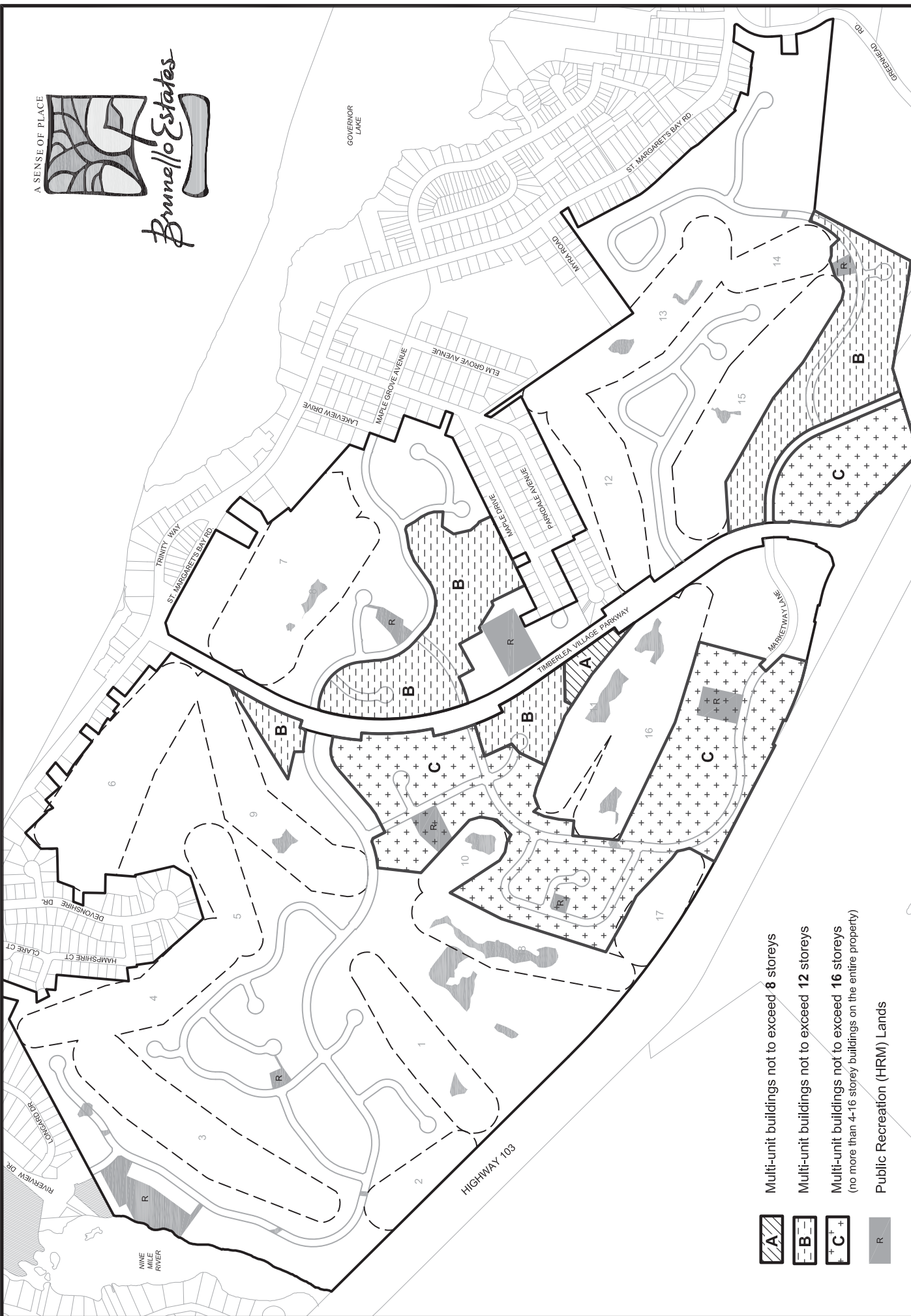
- Ra** Single family homes with up to 20% townhomes, reduced frontage single unit dwellings and alternate housing types
- Rb** Single family homes with up to 60% townhomes, reduced frontage single unit dwellings and alternate housing types
- Rc** Mixed residential: townhomes, reduced frontage single unit dwellings, alternate housing types, multiple unit dwellings and single family homes
- BR** Mixed-use, high density Town Centre
- BRa** Commercial and/or Ra Residential
- BRc** Commercial and/or Rc Residential
- BRcO** Commercial and/or Rc Residential and/or Office
- Sc** Possible School Site
- Ca** Commercial
- Ca2** Commercial (2)
- R** Public Recreation Lands





SCALE: 1:10,000 METRIC
DATE: 18-FEB-2014



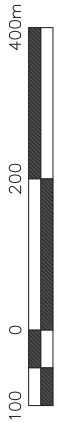
SCHEDULE B2.C: COMMUNITY CONCEPT PLAN
Brunello Estates, Timberlea





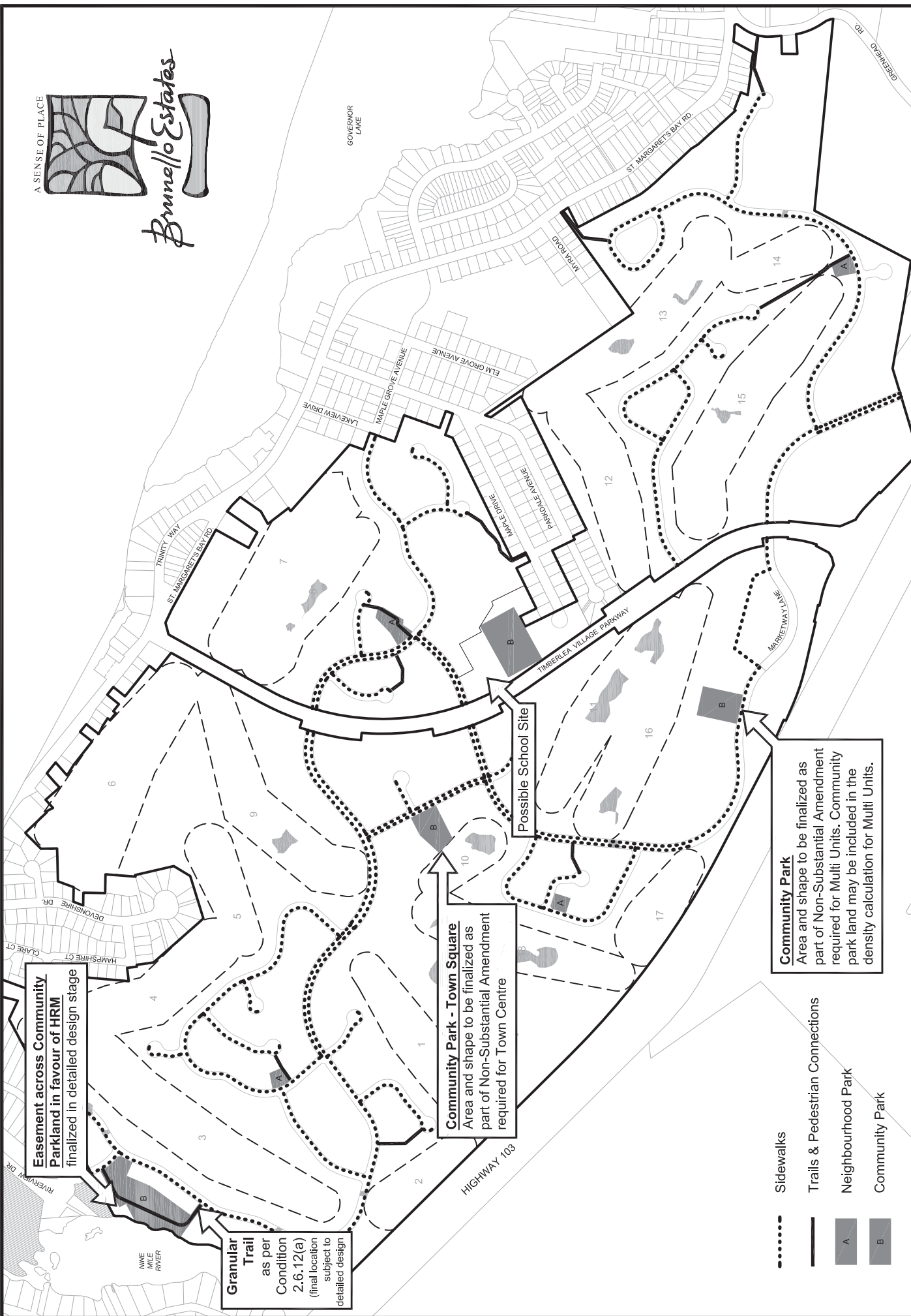
-  Multi-unit buildings not to exceed **8** storeys
-  Multi-unit buildings not to exceed **12** storeys
-  Multi-unit buildings not to exceed **16** storeys
(no more than 4-16 storey buildings on the entire property)
-  Public Recreation (HRM) Lands

SCALE: 1:10,000 METRIC
DATE: 18-FEB-2014



SCHEDULE B3.C: BUILDING HEIGHT AREAS
Brunello Estates, Timberlea









Easement across Community Parkland in favour of HRM
 finalized in detailed design stage

Granular Trail
 Trail as per Condition 2.6.12(a) (final location subject to detailed design)



Community Park - Town Square
 Area and shape to be finalized as part of Non-Substantial Amendment required for Town Centre

Possible School Site

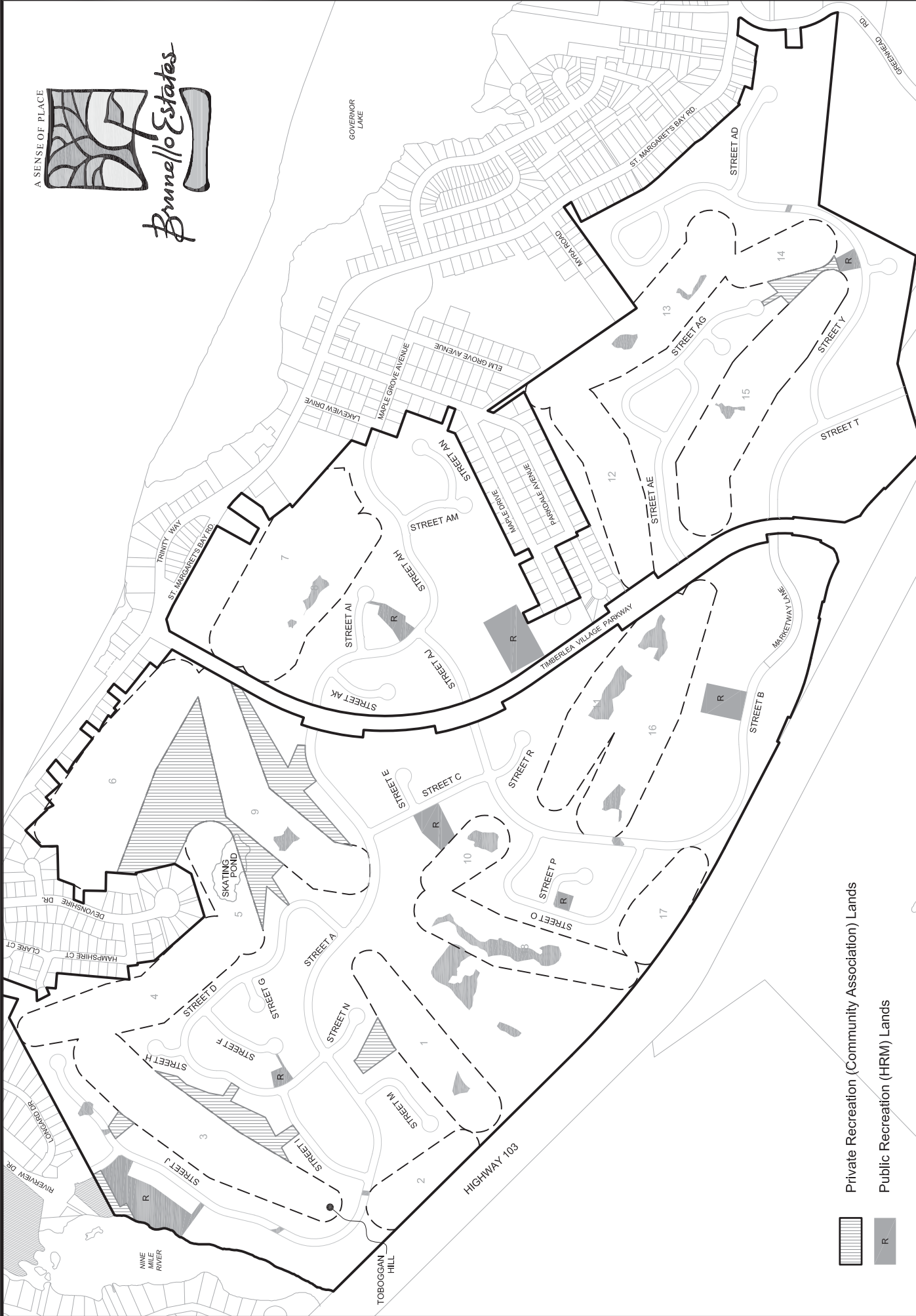
Community Park
 Area and shape to be finalized as part of Non-Substantial Amendment required for Multi Units. Community park land may be included in the density calculation for Multi Units.

-  Sidewalks
-  Trails & Pedestrian Connections
-  Neighbourhood Park
-  Community Park

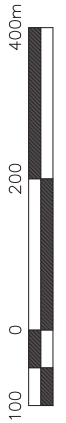
SCALE: 1:10,000 METRIC
 DATE: 18-FEB-2014

SCHEDULE C1.C: PUBLIC RECREATION FACILITIES
 Brunello Estates, Timberlea



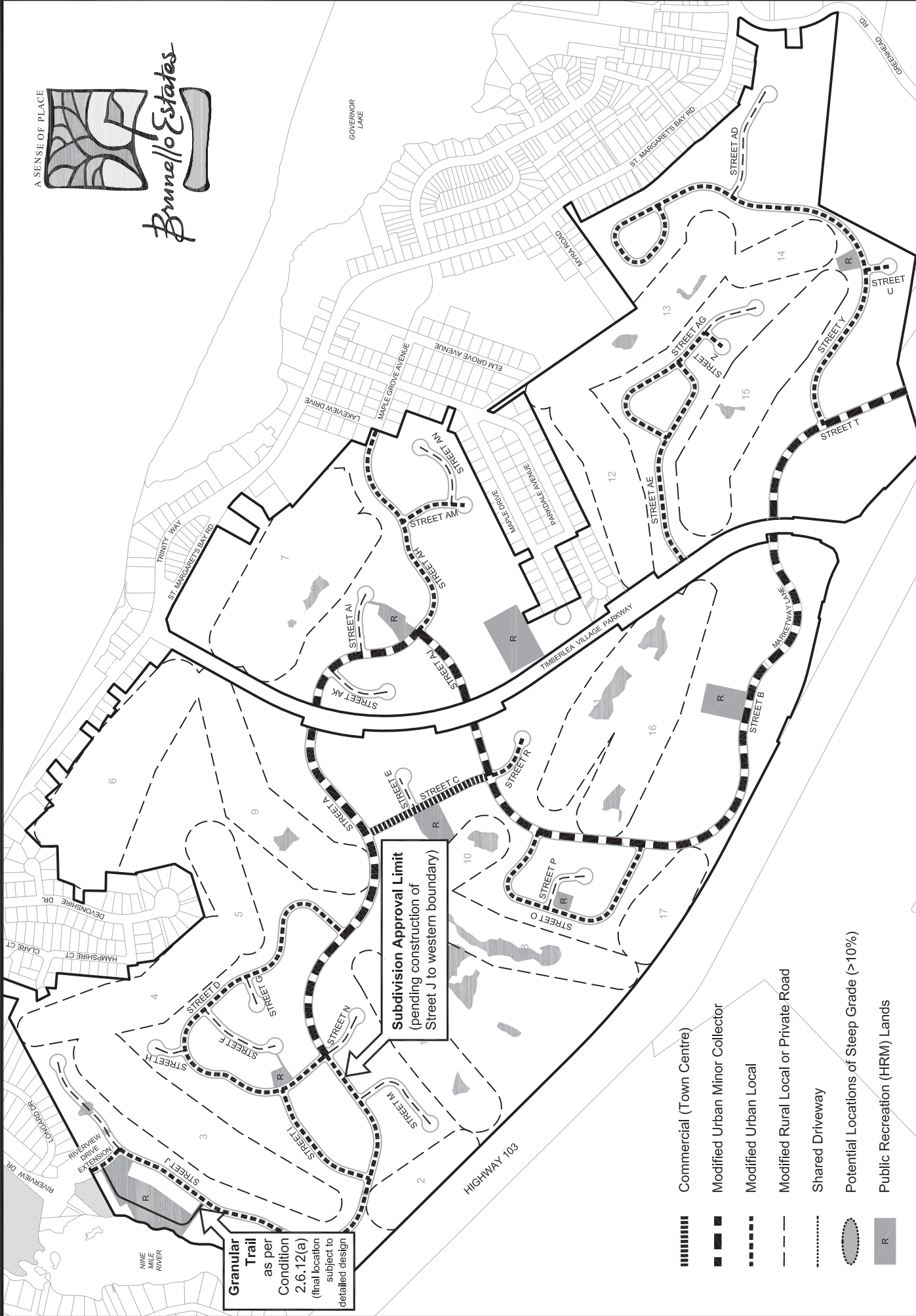
-  Private Recreation (Community Association) Lands
-  Public Recreation (HRM) Lands



SCALE: 1:10,000 METRIC
DATE: 18-FEB-2014

SCHEDULE C2.C: PRIVATE RECREATION FACILITIES
Brunello Estates, Timberlea



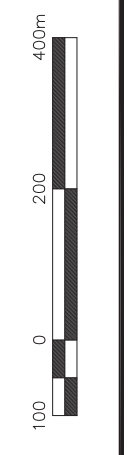


Granular Trail
 as per
 Condition
 2.6.12(a)
 (final location
 subject to
 detailed design)

Subdivision Approval Limit
 (pending construction of
 Street J to western boundary)

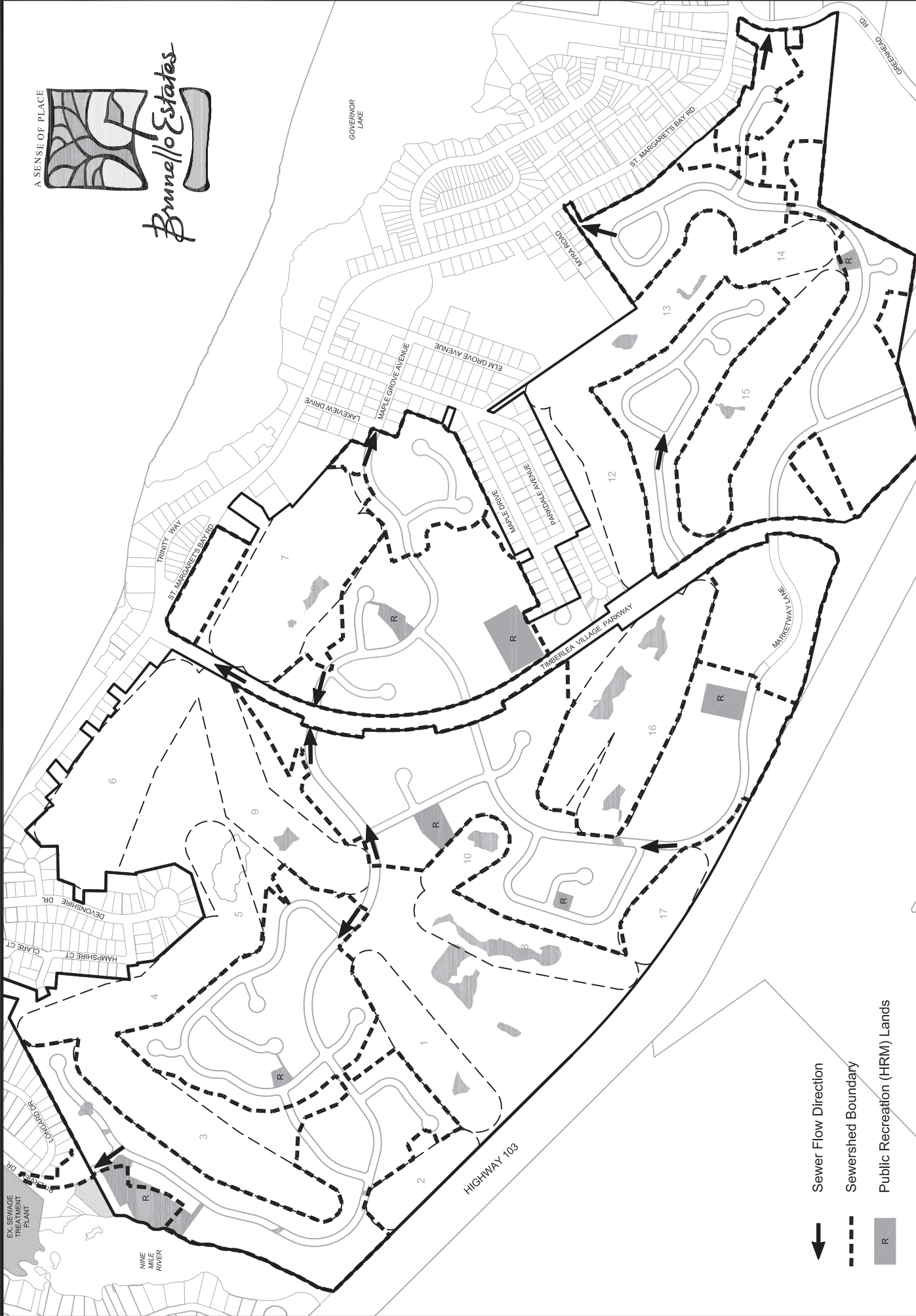
- Commercial (Town Centre)
- Modified Urban Minor Collector
- Modified Urban Local
- Modified Rural Local or Private Road
- Shared Driveway
- Potential Locations of Steep Grade (>10%)
- Public Recreation (HRM) Lands

SCALE: 1:10,000 METRIC
 DATE: 18-FEB-2014



SCHEDULE D1.C: ROAD HIERARCHY
 Brunello Estates, Timberlea





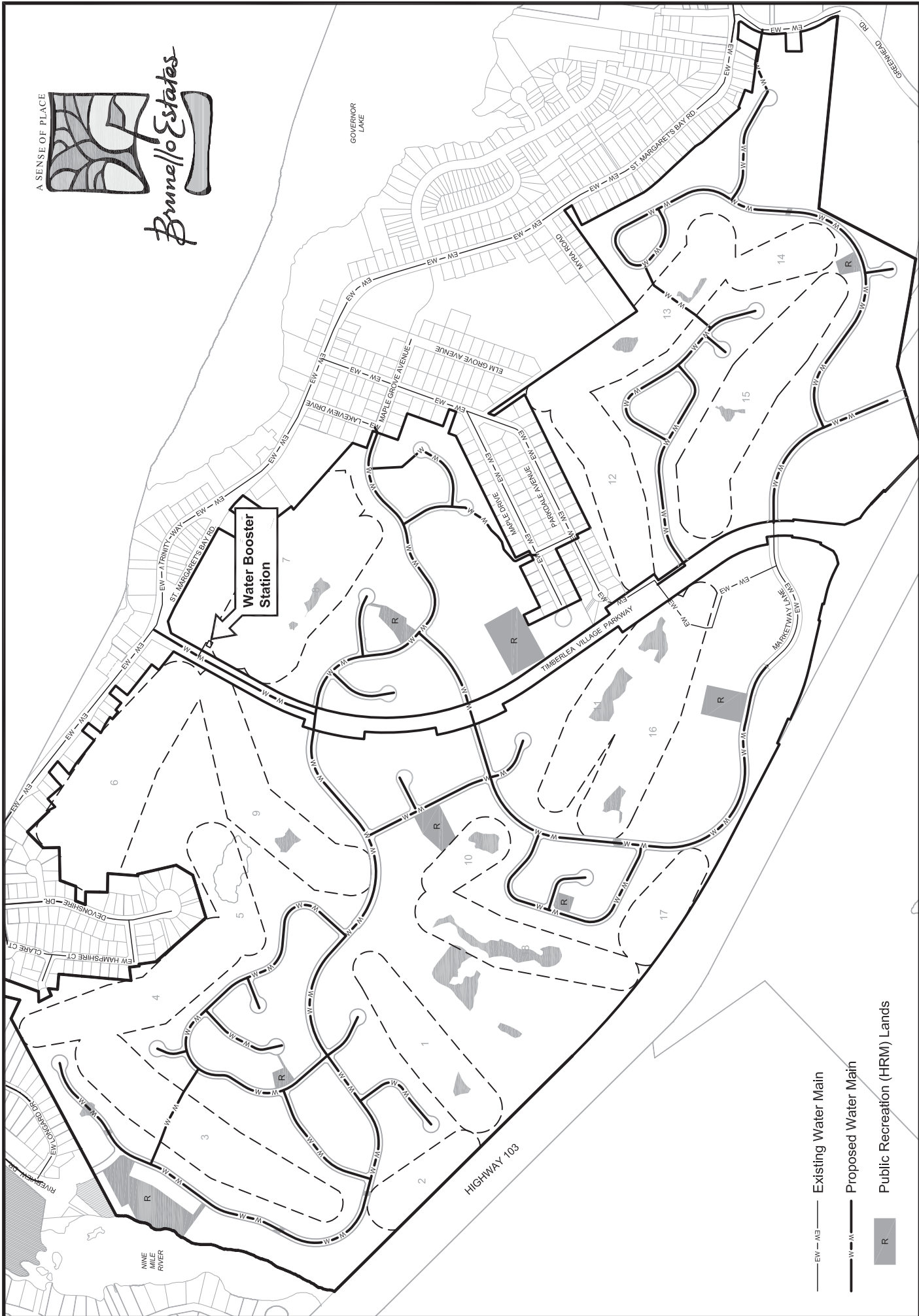
- Sewer Flow Direction
- Watershed Boundary
- Public Recreation (HRM) Lands

SCALE: 1:10,000 METRIC

DATE: 18-FEB-2014

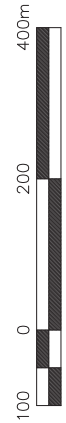
SCHEDULE F1.C: SEWER SERVICING SCHEMATIC
 Brunello Estates, Timberlea





Water Booster Station

- EW—M3— Existing Water Main
- W—W— Proposed Water Main
- R Public Recreation (HRM) Lands



SCALE: 1:10,000 METRIC
DATE: 18-FEB-2014

SCHEDULE G1.C: WATER SERVICING SCHEMATIC
Brunello Estates, Timberlea

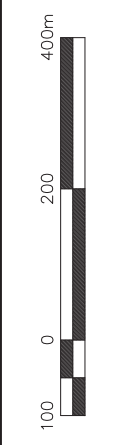




1. Excavation and backfilling work to be done in accordance with "The Erosion and Sedimentation Control Handbook for Construction Sites" as prepared by NSE. Controls to be implemented include, but are not limited to:
 - flip pap lining (1:1) in ditches
 - filter fabric barrier (silt fence) (2:9) along down slope contour of disturbed areas
 - mulch or cover stocked piled soils on site
2. Disturbed areas to be limited to new construction area
3. Where possible, stormwater flows to be directed to golf course ponds for detention, polishing and/or re-use
4. Post-construction peak flow rates for water leaving the lands to be equal to pre-development peak flow rates
5. Easements for stormwater detention ponds to be supplied as required by HRM

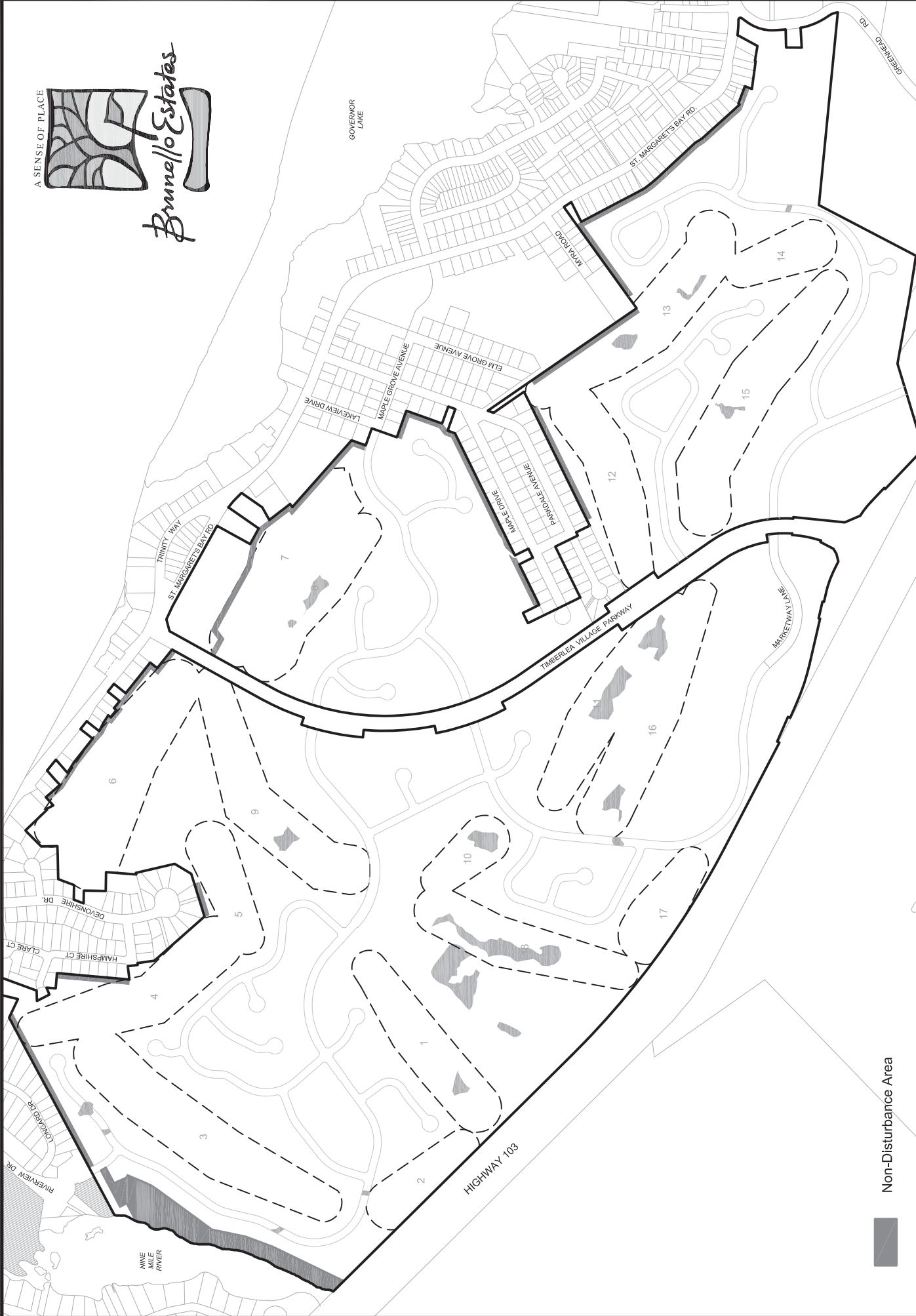
- Drainage Direction
- Watershed Boundary
- Public Recreation (HRM) Lands

**SCHEDULE H1.C: CONCEPTUAL
STORMWATER MANAGEMENT PLAN**
Brunello Estates, Timberlea



SCALE: 1:10,000 METRIC
DATE: 18-FEB-2014

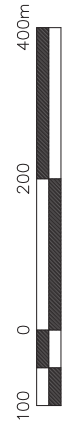




Non-Disturbance Area



SCHEDULE 11.C: MAJOR NON-DISTURBANCE AREAS
Brunello Estates, Timberlea



SCALE: 1:10,000 METRIC
DATE: 18-FEB-2014

Case 18232
Attachment B – Policy Review
Excerpt from the MPS for Timberlea/Lakeside/Beechville

Within the existing service boundary, a large contiguous undeveloped area of approximately 600 acres presents a major urban infill opportunity within the region. With the site’s proximity to existing urban development, and major government investments locally in road, sewer and water infrastructure, development of this site is critical to encouraging cost-effective, rational urban growth in the region.

These lands were rezoned from R-1 to CDD in 1992 to enable broad planning for the whole site, and a conceptual master plan for a mixed use community of up to 10,000 residents was prepared for this area in 1994. A first phase of approximately 240 units was given approval through the development agreement process, however, development did not proceed. A new landowner is now proposing a different master plan, which would provide for a mixed use community of up to 3200 homes with up to 8000 residents, in association with an 18-hole golf course, a town centre, and a commercial area. The proposal represents an innovative and efficient community design, with benefits to both the municipality and area residents. Given the unique nature and large size of the proposal, a set of site-specific policies to guide Council in considering detailed development proposals for this site is appropriate. Where there is disagreement between these site specific policies and other policies of this plan, the site specific policies shall prevail.

Given the size of the site and the length of time to reach buildout, it is reasonable to assume that any development agreement should allow flexibility, as market conditions and phasing are subject to change. Aspects of the development may require further detailed analysis prior to development proceeding. Conceptual approval can be given to certain land use components (such as the town centre, commercial areas, and multiple unit dwellings) of the project through an initial development agreement. Council would then have the ability to consider detailed site and building plans as nonsubstantial amendments to the initial agreement.

Policy Criteria	Staff Comment
<p>UR-27 Within the area as shown on Map UR-1, Council may consider permitting a mixed use development, with a range of land uses including a golf course, low density residential, townhousing, multiple unit dwellings, a town centre, various commercial development, and an office campus. Such development may only be considered through the development agreement process, and pursuant to the policies outlined specific to this site, and having regard to the provisions of Policy IM-12.</p>	<p>The Development Agreement permits a mixed use development, with a range of land uses including a golf course, low density residential, townhousing, multiple unit dwellings, a town centre, various commercial development, and an office campus was permitted by the former Western Region Community Council on December 18, 2001.</p>
<p>Under the mixed use community scenario, up to 45% of the land may be taken up by the golf course use. In order to provide for an economic density, and to ensure that existing municipal infrastructure is adequately utilized, it is appropriate to provide for a greater proportion of</p>	

higher density uses on the site. It is important, however, that a range of housing types be provided for to accommodate a range of household needs.

UR-28 Within the area shown on Map UR-1, a range of housing types to a maximum of 3200 dwelling units shall be provided for, subject to the following:

(a) That a substantial number of single unit dwellings be provided, especially adjacent to existing low density neighbourhoods;

(b) Alternative forms of single units such as clustered units, retirement cottages and live-work units may be considered as a small proportion of the total number of single units;

(c) Auxiliary dwellings, two unit dwellings and townhousing shall be permitted subject to appropriate criteria on building and site design;

(d) Medium density housing may be permitted, subject to appropriate limits on density, and with appropriate requirements for landscaping and tree retention, architectural design features to ensure a high quality appearance of buildings, variety in scale, massing and height, and provision of sufficient amenity space;

(e) That where single unit dwellings about the Westgate site, only single unit dwellings or open space uses may be considered,

(f) That a range of adequate recreation facilities is provided, pursuant to current municipal parkland planning guidelines.

The existing agreement already requires 700 of the total number of units to be single unit dwellings. The proposed amending agreement allows for further flexibility in developing single unit dwellings which will in turn encourage more single unit dwellings.

All other subsections of this policy have been addressed in the existing agreement.

The development of a golf course can provide for substantial retention of existing grades and forested areas. Diversion of storm water from developed areas to the golf course for irrigation and creation of water features is also of benefit, by reductions in peak flows leaving the site when compared to more typical developments, and providing a level of storm water treatment, provided that adequate easements are given to the municipality. However, concerns do exist with regard to the potential for erosion and sedimentation to occur during construction, and to ensure that nearby watercourses are not detrimentally affected. The potential for stray golf

balls impacting on non-golf course uses is also to be addressed, as is the potential for providing for regulated, public use in designated portions of the course in winter, in a manner that balances the public benefits with the need for course operators to protect the course from vandalism and unintentional damage to greens, tees, and other sensitive areas.

UR-29 Within the area shown on Map UR-1, development of a golf course and associated uses shall only be permitted through the development agreement process, to address the following:

Addressed in the existing agreement.

(a) potential environmental impacts of the golf course on waterbodies (namely Nine Mile River, and streams and piped systems leading into Otter Lake and Governor's Lake) during and after construction;

(b) provision of adequate separation of golf holes from existing and new housing according to current accepted standards;

(c) provisions of municipal easements for stormwater drainage from streets and residential properties onto the golf course;

(d) conditions for any use of treatment plan effluent in irrigation;

(e) regulated public use of designated portions of the course for pond skating and sledding in a manner which does not encourage damage of the golf course.

(f) The use of alternative street and access standards, grading, and private streets, can assist with tree preservation, and create a more country like character for a development, even within an urban area. However, past experience has shown that there is very often a demand from residents to upgrade to a higher street standard, and any development agreement must therefore address this to ensure that costs for such upgrading are not borne by the public. In addition, it is important that an adequate mechanism is put in place to deal with snow and ice clearing and surface maintenance of any private roads and lanes.

<p>UR-30 The use of private roads which function as minor local streets within the development may be considered by Council. Private lanes for lot access for up to 6 dwelling units may further be considered. In considering such developments, Council shall have regard to the following:</p> <p>(a) That the width of the traveled way meets applicable requirements for emergency vehicle access;</p> <p>(b) That the roads are capable of being upgraded to a public street standard, provided that any such upgrading shall be wholly at the cost of the developer and/or abutting property owners; and</p> <p>(c) That an adequate mechanism through a body such as the developer, a condominium corporation or homeowners' association is set up to administer regular road maintenance and repairs in the long term.</p>	<p>Addressed in the existing agreement.</p>
<p>A major component of the community proposal is the concept of recreating a traditional town centre. This would consist of buildings placed at the street line with minimal sideyards to encourage pedestrian use, on street parking, wide sidewalks, greater lot coverages and densities, with a goal of replicating those features and characteristics of successful town centres. The ultimate population of the development, and of Timberlea/Lakeside as a whole, will be of a size which can support such a concept. Attention to detail and careful consideration of all aspects of land use, architecture and urban design is needed, if the goal of creating a mixed use core with an attractive, traditional town character is to be properly achieved. Land uses in the town centre should cover a broad range of categories, and may be directed at the local, neighbourhood or regional market. The volatility of the office and retail market dictates that there be flexibility, however, no uses which are unacceptable by reason of noise, dust, odour or the need for outdoor working or storage areas should be considered.</p>	
<p>UR-31 Within the area as shown on Map UR-1, it shall be the intention of Council to permit the development of a mixed use town centre, inclusive of medium to high density residential development, retail, hotel, commercial, office and personal service uses, and community and open space uses. Such an area must be carefully designed in order to function as intended, and to be aesthetically pleasing, therefore any</p>	<p>Addressed in the existing agreement.</p>

<p>development agreement for the site shall require a design study prior to issuance of development permits which will address:</p> <ul style="list-style-type: none"> (a) streetscape appearance and furniture; (b) landscaping, (c) architecture, (d) parking, (e) traffic circulation and transit, (f) pedestrian use, (g) open space provision. 	
<p>The size of the community as a whole dictates that provision be made for larger commercial developments to provide groceries, retail, service, and office uses. Under the current scenario, lands adjacent to Exit 3 are targeted for major commercial development, to include a grocery store, strip mall, offices and personal service uses, food service, gas station and similar uses. As the community grows, an expansion of this commercial area may be warranted to serve the community and larger market areas, subject to appropriate design and servicing considerations. Particular concerns relate to landscaping and means of storm water collection and treatment.</p>	
<p>UR-32 It shall be the intention of Council to consider an expansion of the commercial area adjacent to Exit 3 off Highway 103 subject to the provisions of Policy IM-12.</p>	<p>Addressed in the existing agreement.</p>
<p>The development of employment nodes in key areas can help reduce traffic congestion, by creating jobs closer to employees' homes. Within this area, there is potential for creation of a small office park adjacent to Exit 3, between Highway 103 and the planned Timberlea East Collector road.</p>	
<p>UR-33 It shall be the intention of Council to consider development of an office campus, between the proposed Timberlea East Collector and Highway 103, adjacent to Exit 3 through the development agreement process and subject to the following criteria:</p> <ul style="list-style-type: none"> (a) landscaping, 	<p>Addressed in the existing agreement.</p>

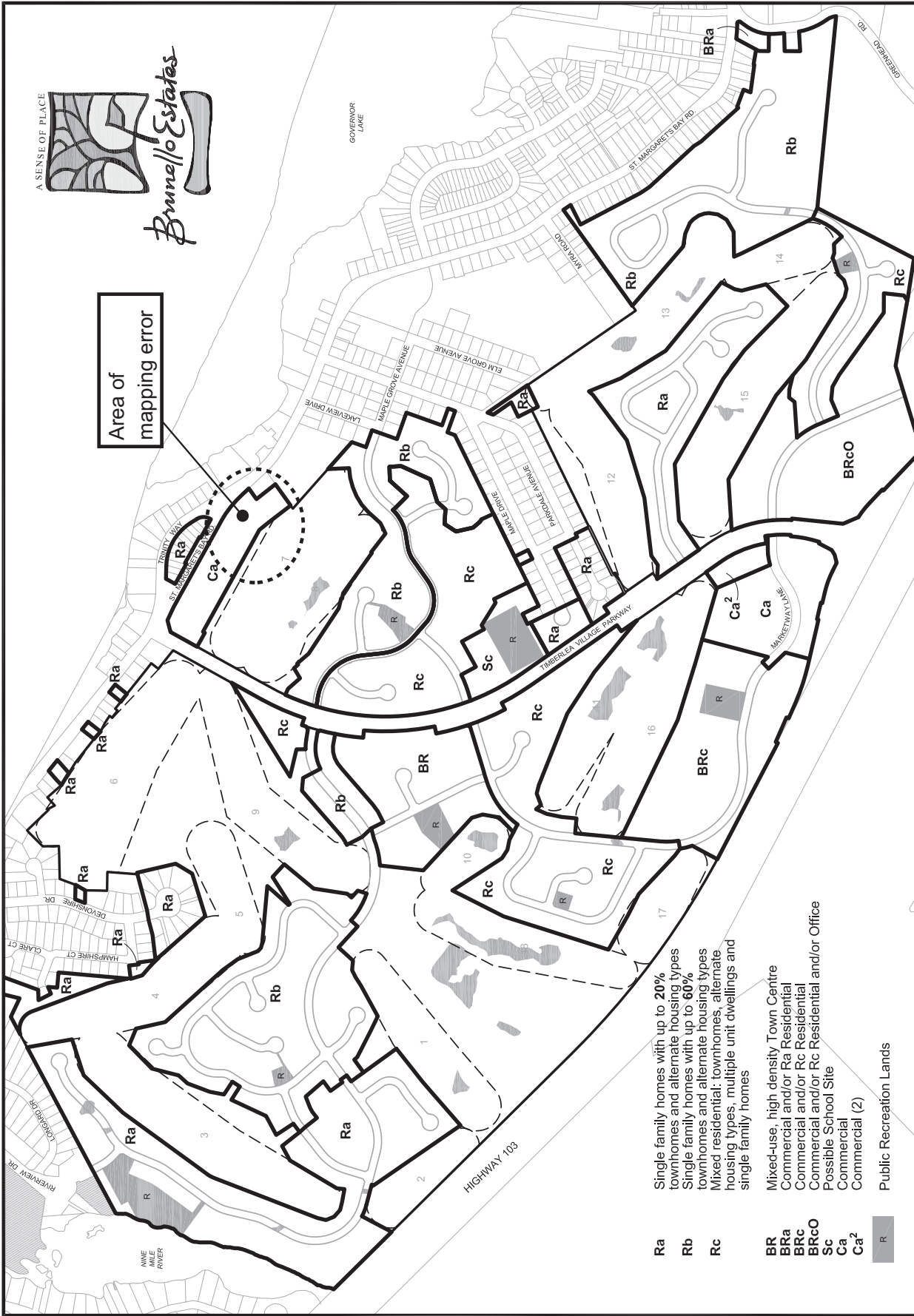
<p>(b) signage design;</p> <p>(c) provision of adequate internal roads, parking, and service areas.</p>	
<p>Timberlea Village Drive was constructed by the Municipality to help alleviate traffic volumes on Highway 3, and serve as a major access point for the larger community to Highway 103. Construction of this road at public expense has been of substantial benefit to the abutting lands, by providing ease of access to four pre-approved intersection locations. Although the road is currently below its design capacity, development of this site will likely trigger the need for upgrading. Additional municipal expenditures on this road which would support development on this site or any other are not acceptable, as such costs should be borne by the cost causer. Council should require developers to pay for any portion of future upgrading costs which are attributable to their development.</p>	
<p>UR-34 It shall be the intention of Council to require the developer of the lands as shown on Map UR-1 to contribute toward the future upgrading of Timberlea Village Drive which bisects the site. The amount of such contribution shall be determined based on the findings of a transportation study, to be undertaken at the developer's expense, which shall determine the proportion of costs attributable to the development.</p> <p>RC - October 31, 2001 / E - December 8, 2001</p>	<p>Addressed in the existing agreement.</p>
<p>SECTION IV – IMPLEMENTATION</p>	
<p>IM-12 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following:</p>	
<p>(a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations.</p>	<p>The proposal meets the intent of the MPS. The Agreement requires conformity with all other municipal by-laws and regulations.</p>
<p>(b) that the proposal is not premature or inappropriate by reason of:</p> <p>(i) the financial capability of the Municipality to absorb any costs relating to the development;</p>	<p>The provisions in the proposed amending agreement are not considered premature or inappropriate. The proposed amending agreement will not increase the allowable density of the existing agreement. A</p>

<p>(ii) the adequacy of sewer and water services;</p> <p>(iii) the adequacy or proximity to school, recreation or other community facilities;</p> <p>(iv) the adequacy of road networks leading or adjacent to, or within the development; and</p> <p>(v) the potential for damage to or for destruction of designated historic buildings and sites.</p> <p>(vi) the proposed means of handling storm water and general drainage within and from the development. RC - October 30, 2001 E / December 8, 2001</p>	<p>traffic impact statement was provided and considered acceptable by the HRM Development Engineer, which concluded that the allowing of single unit dwellings with 40 feet of frontage on Boulevards and Urban Minor Collectors will not have a significant impact to the road network.</p>
<p>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</p> <p>(i) type of use;</p> <p>(ii) height, bulk and lot coverage of any proposed building;</p> <p>(iii) traffic generation, access to and egress from the site, and parking;</p> <p>(iv) open storage and outdoor display;</p> <p>(v) signs; and</p> <p>(vi) any other relevant matter of planning concern.</p>	<p>Addressed in the existing agreement. Provisions have been included in the proposed amending agreement for single unit dwellings with a lot frontage of 34 feet and 3,400 square feet to reflect the provisions for other single unit dwellings as part of the existing agreement and to ensure the accommodation of on street parking.</p>
<p>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding.</p>	<p>Addressed in the existing agreement.</p>
<p>(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum</p>	<p>N/A</p>

<p>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. (RC July 2, 2002 / E - August 17, 2002)</p>	
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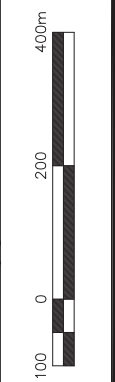


Area of mapping error



- Ra** Single family homes with up to 20% townhomes and alternate housing types
- Rb** Single family homes with up to 60% townhomes and alternate housing types
- Rc** Mixed residential: townhomes, alternate housing types, multiple unit dwellings and single family homes
- BR** Mixed-use, high density Town Centre
- BRa** Commercial and/or Ra Residential
- BRc** Commercial and/or Rc Residential
- BRcO** Commercial and/or Rc Residential and/or Office
- Sc** Possible School Site
- Ca** Commercial
- Ca²** Commercial (2)
- R** Public Recreation Lands

SCALE: 1:10,000 METRIC
DATE: 22-MAY-2013



SCHEDULE B2.B: COMMUNITY CONCEPT PLAN
Brunello Estates, Timberlea



Case 18232: Attachment D
Minutes of Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 18232

7:00 p.m.
Wednesday, January 30, 2013
Lakeside Fire Hall
26 Myra Road, Timberlea

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, Planning Applications
Holly Kent, Planning Technician

ALSO IN

ATTENDANCE: Councilor Reg Rankin, District 12
Jeffery Haggart- Genivar
Greg Zwicker- Genivar
Rob Dexter- Brunello Estates
Andrew Gilles- Brunello Estates

PUBLIC IN

ATTENDANCE: 13

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

Opening remarks/Introductions/Purpose of meeting

Ms. Jillian MacLellan, Planner, Planning Applications, called the meeting to order at approximately 7:00 p.m. at the Lakeside Fire Hall, located at 26 Myra Road, in Timberlea for Case 18232 an application to amend the existing Development Agreement.

She introduced herself as the planner guiding this application through the process and also introduced fellow staff Holly Kent, Planning Technician, Jeffery Haggart and Greg Zwicker from Genivar, and Rob Dexter and Andrew Giles from Brunello Estates. Jillian then introduced Councillor Reg Rankin who was present at the meeting tonight.

Ms. MacLellan advised the public for the purpose of this meeting, is to identify the scope of the application so is being proposed, and what the planning process is for this type of application. The second reason is to receive public feedback and looking for comments from the public about the

application, how does the community feel about the application, and if you have any concerns about the application that staff should pay particular attention to.

Ms. MacLellan reminded the public that there are no decisions being made tonight and that this is not your only opportunity to speak on behalf of this application. She reminded that her cards are located at the back of the room and that they may contact her after this meeting, and a formal public hearing will be held which will give them another opportunity to give their comments on the proposal.

Presentation on Application

Ms. MacLellan reviewed some key terms that were going to be discussed. She explained what a Development Agreement is; contract or legal agreement between a property owner and the municipality which deals with land use. Includes permitted uses; requirements for building placement; arch / design requirements; DA will include items that are considered non-substantial. These items have undergone some form of discussion, but still require a detailed review by planning staff. Often includes the design requirements for larger buildings in larger developments; variations to landscaping or building materials for smaller projects; Non-substantial amendments are amendments that require a resolution by Community Council, but does not require a public hearing; and Frontage means the horizontal distance between the side lot lines as measured along the part of the lot that abuts the street.

Ms. MacLellan introduced the scope of the application. The applicant is Genivar, on behalf of property owner Brunello Estates. The proposal is to amend the existing development agreement for Brunello Estates to alter the lot frontage requirements for the single unit dwellings.

She at this time showed a slide of the current properties and explained the location of Brunello Estates. The subject area is in Timberlea, between St. Marg Bay Road and HWY 103, near the Nine Mile River. It is made up of several properties and is approximately 550 acres in size.

She indicated that the area is designated Urban Residential in the Municipal Planning Strategy for the Timberlea/Lakeside/Beechville (Halifax) and is zoned CDD (Comprehensive Development District). CDD Zone permits mixed use developments through a development agreement. She explained that the development agreement was originally approved by the former WRCC in Dec 2001. The first phase of the development is currently under construction.

Ms. MacLellan explained the uses currently permitted under the existing development agreement. The existing agreement permits 3,200 dwelling units (2,500 which may be multiple unit residential or alternate housing), an eighteen hole golf course, commercial uses, a Town Center (consisting of commercial, residential, institutional and open space uses), and an office campus and public and private open space uses. She explained that some development will require to be considered through a non-substantial amendment. The multiple unit dwellings, town center and the office campus will require the non-substantial amendments.

Ms. MacLellan began to explain the current proposed amendments to the agreement, and compared this to the existing agreement requirements. The current Single Unit Dwellings (SUD) requires a minimum

frontage of 50 feet, up to 20 % of these lots may have a reduced frontage of no less than 40 feet. The applicant is proposing that all single unit dwelling lots have a minimum lot frontage of 40 feet, and the applicant will explain in more details for the reasons why they are asking for this change. Another component of this section is that they would also like to have some single unit dwelling lots to have only 30 feet of lot frontage. Ms. MacLellan explained that there are 3,200 units that are permitted in this part of the development; however a maximum of 2,500 units can be considered multiple unit dwellings and alternate housing such as cluster townhouses. The applicant's proposal would allow single unit dwelling lots with a minimum frontage of 30 feet to be considered within those 2,500 units assigned to Multiple Unit Dwellings and Alternate Housing.

Ms. MacLellan went on to explain the planning process, before the applicant presented their proposal. She stated that when HRM receives an application, they first ensure that the application is complete. They then schedule a Public Information Meeting, like the one being held tonight, to get feedback from the public early on in the process to get any concerns or comments to consider when reviewing the application. Staff reviews the application by internal and external agencies for comment, and draft a development agreement and provide a report to council with a staff recommendation as to whether or not to approve the amendments to the development agreement. If council approves the amendments, there is a two (2) week appeal period where people can appeal the approval to the Utility and Review Board.

Presentation by Genivar – Greg Zwicker

Mr. Zwicker began his presentation giving an overview of the two requests and why they would like to have them approved. He began to state that within the single unit category they would like no limitations on the number of lots with 40 to 49 feet frontage, and any lot below 40 feet would be considered within the category of townhouse/multi-units zone. What we are looking for is fewer multi units or townhouses and placing single unit dwellings on them instead.

Mr. Zwicker explained the reasons for the change. He explained they are responding to market demands; providing a greater range of home prices; increasing the diversity of residential types; maintaining the forward momentum of development for their project; and supporting HRM's Regional Plan by promoting development in an Urban Growth Area. He broke down the different lot sizes and the price range of each individual lots and explaining that this allows greater access for people to the single family housing market. He explained that other developments in HRM are offering lot frontages ranging from 32 to 39 feet.

Mr. Zwicker reviewed the conditions of the current Development Agreement. The agreement currently allows for 3,200 units. Within those units, a maximum of 2,500 of those are townhouses/multi-units and a minimum of 700 single units. Of the single units; 80% are requiring a 50 to 60 feet frontage, and up to 20% can be 40 to 49 feet frontage.

He again explained the first request that within the single unit category there be no limitation on the number of lots with 40 to 49 feet frontage. That gives us the flexibility to provide more smaller lots.

The second request is that any single unit lots below 40 feet would be considered within the category of townhouse/multi-units and could include 32 to 39 feet frontages. This would allow us any combination of singles or multi-units and townhouses up to the 2,500 unit's maximum.

Mr. Zwicker presented an overview of the design guidelines and talked about the key design elements that they intend to carry through with the project. All residential design guidelines will be maintained. Landscaping; home design; and construction. Mr. Zwicker demonstrated images on slides of the various house size designs. He stated that all lots will continue to adhere to these aesthetic, material and palette guidelines. He stated that the Brunello look will be maintained.

He again reviewed the amendments proposed. He also noted that no additional units are proposed, and restated the reasons as stated as to why they are requesting these changes.

Questions and Answers

Before the question and Answer session began, Ms. MacLellan explained the ground rules of the meeting, and asked that all persons coming to the microphone state their name and address for the record, and keep all comments directed at her, and please respect everyone's opinion. She asked that all comments are about this proposal.

Al Boudreau, 25 Maple Grove – located at the entrance to the Brunello Estates. He stated that he has been plagued with storm runoff for the past 2 years. Are there any plans to look at infrastructure to the storm water from this site? Halifax Water has ordered me to pipe off my yard with 24" pipe. It is at my cost, and he appealed to the URB, but they stated that he would have to pay for this upgrade, but any further upgrades to the area, would not be at his expense. He stated that he is looking for some help to have them look after the storm water runoff. No flooding occurred before the street was completed.

Ms. MacLellan stated that might be more of a concern to take up with Halifax Water or with our development engineers. She stated that they could chat after the meeting and get his contact information to follow up with him on his concern.

Andrew Giles stated that there is a lot of background with the drainage, and HRM and Halifax Water has been involved with this for some time, and he is will to chat with Mr. Boudreau after the meeting.

Ms. MacLellan stated that they can take up that concern after the meeting, and get in touch with Halifax Water to discuss the issue.

Derek Cann, 105 North Green Road – it appears that more lot frontage will become available, with these proposed changes. If you're not changing the number of units, what is your plan for these additional frontages, or Available space?

Ms. MacLellan stated that the frontage could go towards the multiple unit dwellings, green space for those areas. The Parkland department might want some of this land towards parks. There are also private parks where this land might go towards. This is really at the beginning stages of this application.

Mr. Cann stated that he believe that there is already a compression of park lands within this development and he don't know if that will begin to grow or not.

Jeffery Haggart- As part of the design component moves forward with the application the multi-units would be replaced with single unit developments. These single unit dwellings would require more land, and would offset some of that land for frontage would basically break even.

Mr. Cann stated that some of the single units will take up more land; however they must have already currently been considering some of those conversions already?

Mr. Haggart- In regards to this application we are looking for comments on the design.

Ms. MacLellan restated that the lot frontages being considered for the 30 to 39 feet frontage they would be taken from the townhouses/multi-unit dwelling frontage that has already been considered.

Mr. Cann stated that they must have more lot frontage available on the plan, if the 50 foot lots got down to 40 frontages. More frontages will then become available, for something that might require more additional frontage in the future.

Mr. Haggart – More frontages will not become available.

Ms. MacLellan- Lots and frontages will be considered as we go forward. We will consider this aspect at the subdivision stage. I believe that the lot frontages will all work out in the end.

Mr. Cann commented that he anticipates that nothing will prohibit them from coming in and asking for additional units because they have the additional frontages space available. The second amendment was to have non-substantive amendment to have all future lots less than 40 feet?

Ms. MacLellan- stated that whether or not they would not be considered as a non-substantive amendment application. It is still something that we have to discuss in this application. There are benefits to that, and if we are just looking at the lot frontage, than a non-substantive amendments may not be needed.

Mr. Cann stated that you don't have to come back to a public meeting for a non-substantive amendment to the agreement. By asking for all lots under the 40 feet to be a non-substantive agreement, is telling us that all future public meetings are being cut out.

History tells us in this community that if you get approval to build 40-50 ft lots, that no lots will be greater than 40 ft. This happened in the Beechville Estates, 95 % of the lots were built to the minimum.

Mr. Haggart- Beechville Estates is a different developer, and different project.

Mr. Cann restated that this is how the developments in our community have repeated history. They start off with larger lots with their first proposals, and decrease the lot frontage to the minimum lot frontage of 30 to 40 feet. The developers built to the minimum amount.

Ms. MacLellan stated that that is something that staff will have to consider, the potential of what that might open up with this development.

Mr. Cann – asked if there was a correlation between the size of them homes and lot frontage?

Ms. MacLellan- Lot frontages can determine the size of the homes.

Mr. Cann – is there a correlation between the sizes of the lot to the lot frontage?

Ms. MacLellan- The amendment is to amend the lot frontage, and not he lot area, so the lot sizes are staying the same. The depth of the lot may change with a less lot frontage.

Mr. Cann – lot size is staying the same, and lot frontage is changing. Affordable housing is not something that should be stated with these types of homes. These are very nice homes that you are building. This application is to allow more lots to be put on smaller space.

Rob Dexter- With Brunello Estates – Looking at future phases, the demands for single units are there instead of townhomes. We could get more density with townhomes and multiples. We would have fewer units on lot frontage. It will depend on the location of units; look at more singles with larger lots. You are right to state that if we have 40 feet frontage we could get more units in there, however, if you go below the 40 feet, you actually would get less units. We are trying to get less townhomes because the market demands it.

Mr. Cann – stated that they currently have a 20 % cap that currently allows them to build homes with a 40 feet lot frontage, and yet none have been built. He is wondering as to why they are back here asking for this change if they have not even built on that 20 % cap. When you hear about developers trying to change from 20 % to 100% change for lot frontage, I believe that in the future, there will be a request to increase the number of units from the 3,200 currently allotted for this development. This is a concern! I do not have an issue with 32 feet frontage lots going from Multi-units to single units; I do have an issue with them becoming a non-substantive amendment.

Mr. Cann- also commented about the non-substantive amendment for the road to attach to Maple Drive in the first agreement. The road went from minor collector to minor local. Now it is attached to Maple Drive, and has changed Maple Drive. The road come through an already existing subdivision, through a minor substantive amendment, and now causes many problems within that existing community with no public input. I am opposed to this application! I would like to have those 30 foots lots not as a non-substantive agreements until you get the plans submitted.

Ms. MacLellan – those 30 feet lots may be permitted as of rights through the development agreement, still in the negotiating stages. Majority of the 2,500 units they already would have to go through a non-substantive amendment. Multi-units you have to go through a non-substantive amendment to development them. The 30 to 40 feet lot frontages may be considered as of right under the development agreement because of this.

Wayne Chappell, 35 Lakehigh Crescent – we have lived there for 20 years, we are quite concerned with these non-substantive amendments to go forward this no public consultation. There is not enough consultation. Density is a large concern for our developments in our area. We are against the

amendments and we should stand on the original proposal, and we should have future consultation if there are amendments for these particular changes.

Rick Boudreau, 21 Parkdale Ave- I am against the amendments. Potential more developments will come with the proposed changes to the lot frontages. I have a concern, with how this increase will affect storm water runoff, we currently have issues with, and I would like to hear more ideas about future non-substantive amendments.

Closing Comments

Ms. MacLellan thanked everyone for attending. She encouraged anyone with further questions or comments to contact her.

Adjournment

The meeting adjourned at approximately 8:00 p.m.