

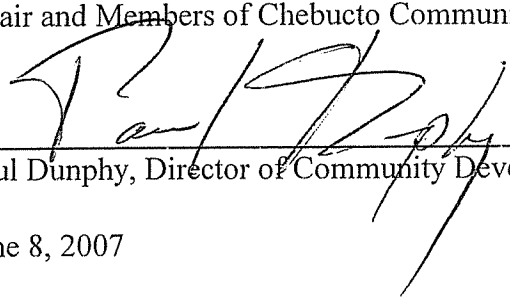


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council
June 18, 2007

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: June 8, 2007

SUBJECT: Case 00943: Amending Development Agreement - Governors Brook, Halifax

ORIGIN

Application by Kimberly-Lloyd Developments to amend the Governors Brook Development Agreement, located off Danforth Road and Drysdale Road, Halifax, to enable the replacement of 48 multi-family units with single and/or semi-detached dwelling units and to allow for an additional 32 single and/or semi-detached dwelling units within the comprehensive residential development.

RECOMMENDATIONS

It is recommended that Chebucto Community Council:

1. Give Notice of Motion and schedule a public hearing to consider the proposed amending development agreement, as described in Attachment "A", to enable the replacement of 48 multi-family units with single or semi-detached dwelling units and to allow for an additional 32 single or semi-detached dwelling units within the comprehensive residential development.
2. Approve the amending development agreement, as contained in Attachment "A".
3. Require that the development agreement be signed 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.

BACKGROUND

Site Description and Existing Development Agreement

The 351-acre subject site is located between McIntosh Run and Colpitt Lake (see Map 1). Development on the lands is subject to a development agreement that was approved by Council on January 10, 2005. This agreement permits:

- 542 single family dwelling units;
- 58 semi-detached dwellings (116 units);
- 144 multi-family units, including a 48-unit apartment building located in close proximity to Colpitt Lake;
- 68 townhouse units; and,
- One neighbourhood commercial facility.

The agreement also sets aside lands to be dedicated to the Halifax Regional Municipality for park (\pm 48.4 acres) and conservation (\pm 194 acres) purposes.

Throughout the public consultation phase of the development agreement process, there was controversy about the 48-unit apartment building that was planned next to Colpitt Lake. Some members of the public felt that any blasting necessary for the construction of the apartment building would pose an unacceptable risk to the environmental health of Colpitt Lake. Following Council's decision to approve the existing development agreement with the apartment building, members of the public launched an appeal to the Nova Scotia Utility and Review Board (NSURB) to have Council's decision overturned.

As a result of the appeal to the NSURB, Kimberly-Lloyd Developments entered into negotiations with the Williams Lake Conservation Company, the lead appellant in the matter. An agreement was reached in which the Williams Lake Conservation Company would drop its appeal if Kimberly-Lloyd Developments applied to amend the existing development agreement to remove the apartment building. This application stems from this agreement between the two parties..

The Proposal

The applicant seeks approval for an amending development agreement to:

- eliminate the 48-unit apartment building that is located next to Colpitt Lake;
- redistribute the aforementioned 48 apartment units as single or semi-detached dwelling units; and,
- introduce an additional 32 single or semi-detached dwelling units.

The new and redistributed units are proposed to be spread out along the previously approved road network. The proposal will not impact lands already set aside for parkland or conservation land.

DISCUSSION

In considering this application, Council is to be guided by the policies of the Mainland South Secondary Planning Strategy (MSSPS), which is part of the Halifax Municipal Planning Strategy (MPS). The policies that apply to this application are found in Attachment "B". From these, there are six matters that warrant particular attention as follows.

Governors Brook Development Plan

Within the MSSPS, Governors Brook is identified as being within the Residential Development District (RDD) designation (see Map 2). In this designation, MSSPS policy 1.5 calls for, "residential development areas planned and developed as a whole or in phases under a unified site design." With this, it is appropriate to consider whether the application is such a significant departure from the original development plan that it should not be supported.

The proposed changes will increase the number of single and/or semi-detached buildings and will lead to overall smaller lot sizes throughout the development. However, the proposed changes would not impact the road network, the block layout, the location and size of dedicated park and conservation lands, the phasing of the development, and site servicing. Based upon these factors, the current proposal is not a significant departure from the original Governors Brook development plan.

Density

The development agreement approved by Council on January 10, 2005, allowed for a density of 17.67 persons per acre. If the current proposal is approved by Council, the on-site density will increase to 18.59 persons per acre, a density well below the maximum density (22 persons per acre) allowed under the Guidelines for Residential Development Districts (see Attachment "B").

Watershed Impacts

The removal of the 48 multi-unit building from the existing development agreement will entail development being set further back from Colpitt Lake. This will result in a net improvement in terms of limiting watershed impacts. It is important to note that staff did consult with the Williams Lake Conservation Company on the proposed amendments and the group did indicate that it was generally in support of the proposed changes.

Impacts on Roach's Pond Pumping Station

The existing development agreement already addresses overflow issues at the Roach's Pond pumping station. According to the wording of the agreement, the issuance of development

permits is limited to a maximum of 50 dwelling units per year. It is therefore understood that the additional 32 dwelling units would not be constructed for another 18 years. At that time, the Roach's Pond situation would be resolved. As well, a review by Nova Scotia Environment and Labour prior to approval of any phase will ensure that buildings will not be permitted unless there is sufficient capacity at the Roach's Pond pumping station to handle the flows from the buildings.

Traffic Generation

Staff has determined that the net increase in traffic that will be generated due to the proposed amendments will have a negligible effect on the existing road network, especially in the context of the conversion of the Armdale Rotary into a roundabout. Therefore, staff did not require a revised traffic impact study for the additional units.

Park/Conservation Lands Dedication

The existing development agreement sets aside ± 48.4 acres of parkland and ± 194 acres of conservation lands. The proposed amending agreement will add an additional ± 2.6 acres of parkland. The total amount of lands to be dedicated to the Municipality for parkland and conservation purposes is well beyond the 5% of landscaped open space called for under the Guidelines for Residential Development Districts (see Attachment "B"). Furthermore, the total amount of park/conservation lands to be dedicated to the Municipality is well beyond the 10% park dedication called for under the Regional Subdivision By-law.

Conclusion

The proposal satisfies the applicable policies (Attachment "B") of the Halifax Municipal Planning Strategy and as such, it is recommended that Chebucto Community Council approve the amending development agreement.

Public Information Meeting / Area of Notification

A Public Information Meeting for this application was held on February 1, 2007. Minutes of this meeting are provided as Attachment "C" of this report. Should Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

BUDGET IMPLICATIONS

There are no budgetary implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

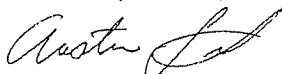
1. Council may approve the entire amending development agreement. This is the recommended course of action.
2. Council may choose to alter the terms of the amending development agreement. This may necessitate further negotiations with the applicant, and may require an additional public hearing.
3. Council may refuse the entire amending development agreement. Pursuant to Section 230(6) of the *Municipal Government Act*, Council must provide reasons for this refusal, based on the policies of the MPS. This alternative is not recommended, based on staff's finding that the proposed amending development agreement is consistent with policies of the MPS.

ATTACHMENTS

Map 1	Zoning, Location and Area of Notification
Map 2	Generalized Future Land Use
Attachment "A"	Amending Development Agreement
Attachment "B"	Relevant Halifax MPS Policies
Attachment "C"	Minutes from the February 1, 2007 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 : Luc Ouellet, Planner I, 490-3689





Report Approved by: Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

Governors Brook
Halifax

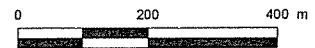
-  Subject area
-  Area of notification

Halifax Mainland
Land Use By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-3 Low Rise Apartment
- R-4 Multiple Dwelling
- T Mobile Home
- RDD Residential Development District
- C-2 General Business
- C-2A Minor Commercial
- P Park and Institutional
- H Holding
- UR Urban Reserve

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES




This is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland By-Law area

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



Map 2 - Generalized Future Land Use

Governors Brook
Halifax

 Subject area

Halifax Plan Area
Mainland South Secondary Plan Area

Designation

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- RDD Residential Development District
- C Commercial
- MJC Major Commercial
- INS Institutional
- P Major Community Open Space

HALIFAX
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PLANNING AND
DEVELOPMENT SERVICES



This is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan area

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

Attachment "A"

THIS AMENDING AGREEMENT made this day of , 2007,

BETWEEN:

KIMBERLY-LLOYD DEVELOPMENTS LIMITED,
a body corporate, in the Halifax Regional Municipality,
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located off Danforth Road and Drysdale Road (PID # 00284760 and 40089906), Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Chebucto Community Council of the Municipality approved an application by the Developer to enter into a development agreement to allow for a comprehensive residential development on the Lands, which said development agreement was recorded at the Land Registration Office in Halifax on June 10, 2005, as Document Number 82165268 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Agreement to enable the replacement of 48 multi-family units with single and/or semi-detached dwelling units and to allow for an additional 32 single and/or semi-detached dwelling units within the comprehensive residential development;

AND WHEREAS the Chebucto Community Council of the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 00943;

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

1. The Existing Agreement is amended by repealing Subsection 2.1 (a) and replacing it with the following:

2.1 (a) The Developer shall not develop or use the Lands for any purpose other than a comprehensive residential development which, in the opinion of the Development Officer, is substantially in conformance with plans filed in the Halifax Regional Municipality's Community Development as Case 00066 and Case 00943 and are attached as the following Schedules to this Agreement:

Schedule "A"	Legal Description of the Lands
Schedule "B"	Landscape Plan (Plan # 0094300006)
Schedule "C"	Servicing Schematic (Plan # 00066 017)
Schedule "D"	Concept Plan (Plan # 0094300007)
Schedule "E"	Area to be Rezoned (Plan # 00066 013)
Schedule "F"	Unit Types (Plan # 0094300008)
Schedule "G"	Phasing (Plan # 0094300009)
Schedule "H"	Road Layout in Context of GoPlan (Plan # 00066 016)
Schedule "I"	Walkway Layout (Plan # 0094300010)

2. The Existing Agreement is amended by repealing Subsection 2.1 (b) and replacing it with the following:

2.1 (b) Land use within the development shall be as follows:

- i) 60 single family dwelling units on lots with a minimum of 50' frontage (Type D);
- ii) 179 single family dwelling units on lots with a minimum of 40' frontage (Type C);
- iii) 261 single family dwelling units on lots with a minimum of 32' frontage (Type B);
- iv) 119 semi-detached dwellings (238 units) on lots with a minimum of 32' frontage unit (Type A);
- v) 96 multi-family units;
- vi) 68 townhouse units; and,
- vii) 1 neighbourhood commercial facility.

3. The Existing Agreement is amended by repealing Subsection 2.1 (e).

4. The Existing Agreement is amended by repealing Subsection 2.4 (b) and replacing it with the following:

2.4 (b) The Developer may receive final endorsed subdivision approval for a maximum of 100 dwelling units which may be located within Phases 1 and 2, prior to constructing the extension of Drysdale Road. For the purposes of this section,

constructing the extension of Drysdale Road shall include completion of the sidewalk connecting along the north side of Drysdale Road between Herring Cove Road and the extension of Drysdale Road to be constructed pursuant to this Agreement, as well as the construction of the walkway access as described in Subsections 2.7 (g) to 2.7 (i).

5. The Existing Agreement is amended by adding the following Subsections following Subsection 2.7 (f):

2.7 (g) The Developer shall construct a walkway on the lands identified by PID 40680555 and 40680548, as shown on Schedule "I".

2.7 (h) The Developer shall submit detailed design plans of the walkway described in Subsection 2.7 (g) to the Development Officer for approval prior to construction. The Development Officer in approving the detailed design plans shall consult with Parkland Planning.

2.7 (i) The walkway described in Subsection 2.7 (g) shall be designed to the following minimum standards:

- i) The 4.0 m wide walkway width shall accommodate a minimum 1.5 m travelled way with minimum 1.0 m shoulder on each side.
- ii) The travelled way shall have a 150 mm base of Type 1A gravel on compacted subgrade topped with 50 mm of compacted crusher dust. Shoulders shall be covered with bark mulch or similar material.
- iii) Walkway grade shall not exceed 8%.
- iv) Areas of the walkway adjacent 2:1 side slopes shall have post and rail fencing. All side slopes shall be hydroseeded.
- v) The walkway is to be constructed in conjunction with the adjacent bridge over McIntosh Run.

6. The Existing Agreement is amended by adding the following Subsection following Subsection 2.9 (d):

2.9 (e) Pedestrian street crossings shall be determined at the detail subdivision design approval stage and mid-block crossings must be minimized.

7. The Existing Agreement is amended by adding the following Section following Section 2.11:

2.12 SERVICING OF DEVELOPMENT

Apart for the townhouse units having direct frontage on Mica Crescent, all other townhouses are to be serviced by private driveways. These private driveways shall be designed and constructed to an acceptable level for multi-unit sites and shall be capable of accommodating fire and emergency apparatus. The Municipality shall be relieved of any and all responsibility respecting services, road maintenance, garbage collection and snow removal over these private driveways.

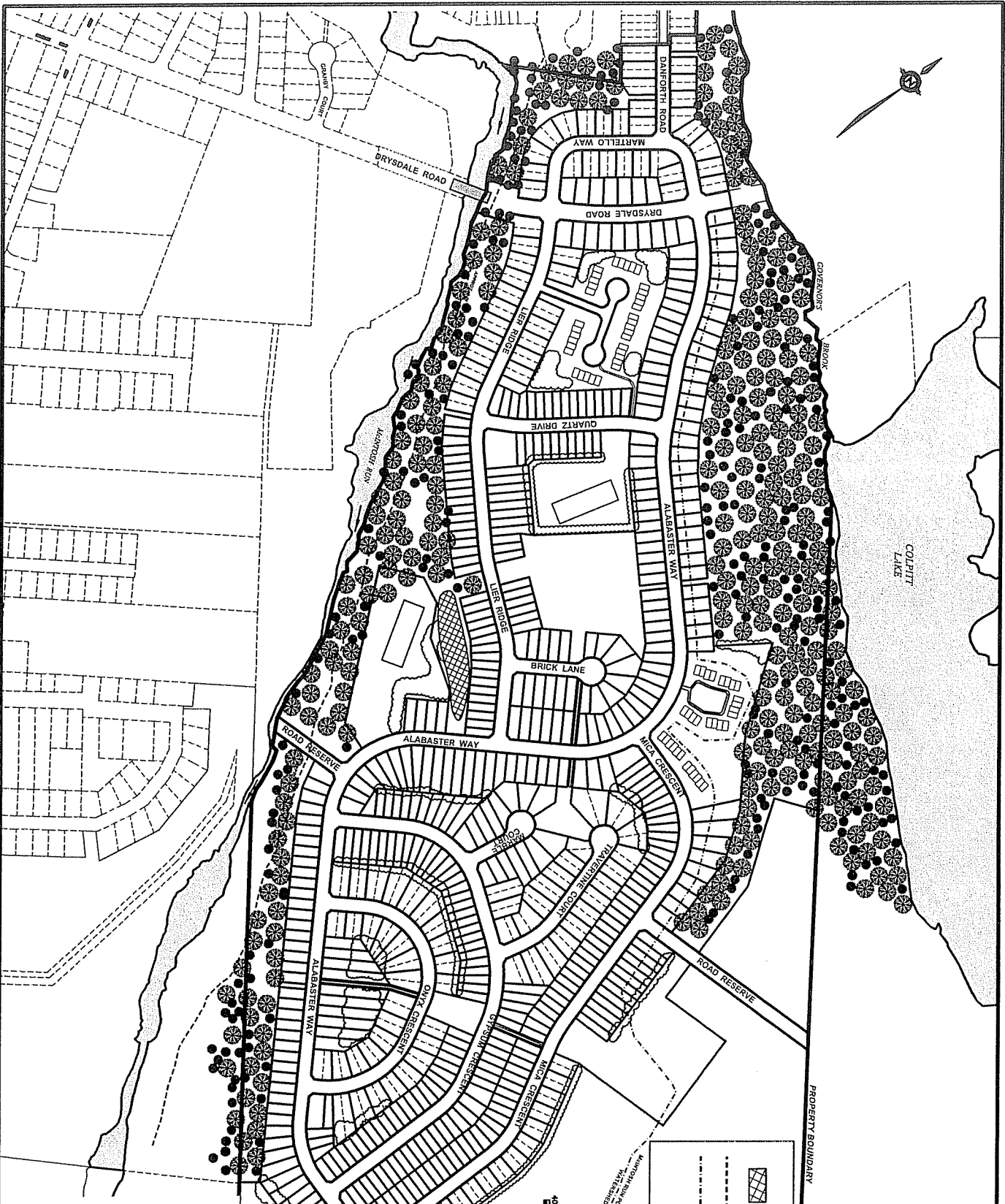
8. The Existing Agreement is amended by repealing Schedule "B" Landscape Plan and replacing it with the attached Schedule "B" Landscape Plan (Plan # 0094300006).
9. The Existing Agreement is amended by repealing Schedule "D" Concept Plan (015) and replacing it with the attached Schedule "D" Concept Plan (Plan # 0094300007).
10. The Existing Agreement is amended by repealing Schedule "F" Site Plan by Unit Type (021) and replacing it with the attached Schedule "F" Site Plan by Unit Type (Plan # 0094300008).
11. The Existing Agreement is amended by repealing Schedule "G" Phasing Plan (023) and replacing it with the attached Schedule "G" Phasing Plan (Plan # 0094300009).
12. The Existing Agreement is amended by adding Schedule "I" Walkway Layout (Plan # 0094300010) following Schedule "H" Road Layout in Context of GoPlan (Plan # 00066 016).
13. All other terms and conditions of the Existing Agreement shall remain in full force and effect.
14. This First Amending Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which is the subject of this First Amending Agreement until it is discharged by the Council.

WITNESS that this Agreement, made in triplicate, was properly executed by the
respective Parties on this _____ day of _____, A.D., 2007.





SIGNED, SEALED AND DELIVERED)
in the presence of) KIMBERLY-LLOYD DEVELOPMENTS
)) LIMITED
))
)) Per: _____
_____))

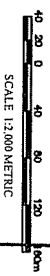
SEALED, DELIVERED AND)
ATTESTED to by the proper)
signing officers of Halifax Regional)
Municipality duly authorized)
in that behalf in the presence) HALIFAX REGIONAL MUNICIPALITY
of) Per: _____
_____)) MAYOR

))
)) Per: _____
)) MUNICIPAL CLERK



Plan# 0094300006

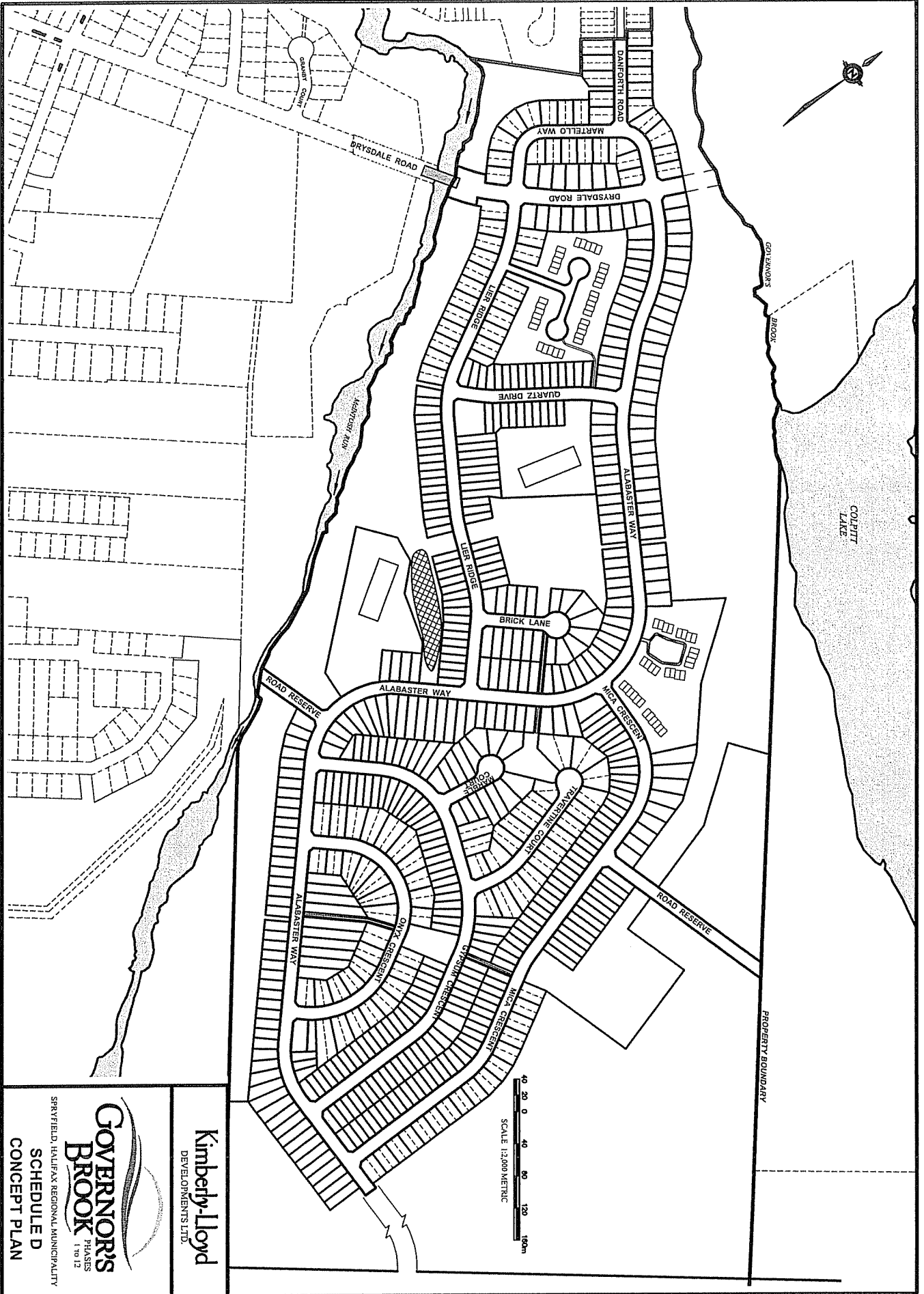
-  Ridge with Mature Stand of Jackpine
-  1 in 100 Year Flood Limit
-  Meadow Run
-  Post-Development Watershed Boundary



Kimberly-Lloyd
 DEVELOPMENTS LTD.

GOVERNOR'S BROOK
 PHASES 1 to 12
 SCHEDULE B
 LANDSCAPE PLAN

SPRYFIELD, HALIFAX REGIONAL MUNICIPALITY

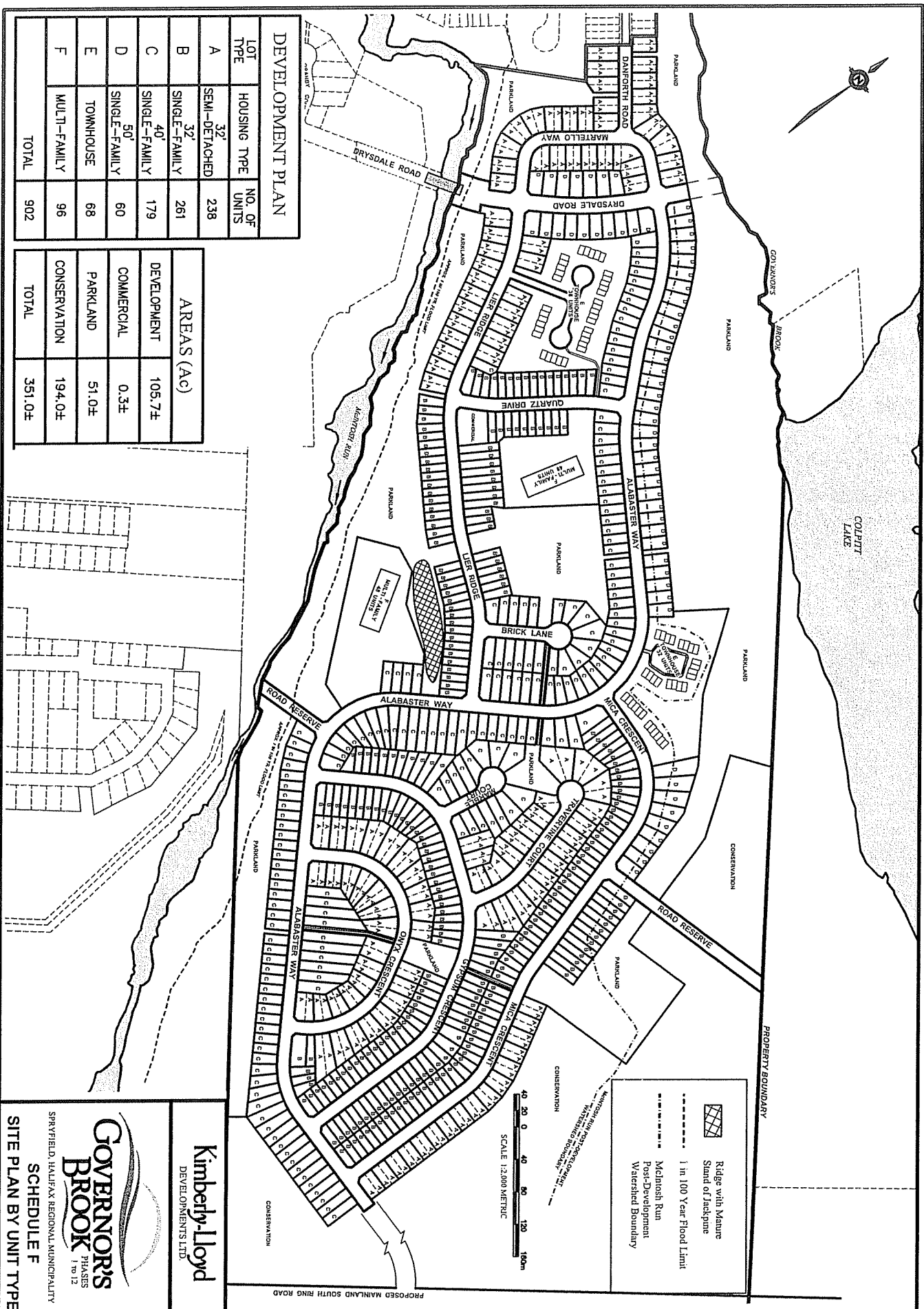


Plan# 0094300007

Kimberly-Lloyd
DEVELOPMENTS LTD.

GOVERNOR'S BROOK
PHASES 1 to 12

SPRUEFIELD, HALIFAX REGIONAL MUNICIPALITY
SCHEDULE D
CONCEPT PLAN



DEVELOPMENT PLAN

LOT TYPE	HOUSING TYPE	NO. OF UNITS
A	SEMI-DETACHED	238
B	SINGLE-FAMILY	261
C	SINGLE-FAMILY	179
D	SINGLE-FAMILY	60
E	TOWNHOUSE	68
F	MULTI-FAMILY	96
TOTAL		902

AREAS (Ac)

DEVELOPMENT	105.7±
COMMERCIAL	0.3±
PARKLAND	51.0±
CONSERVATION	194.0±
TOTAL	351.0±

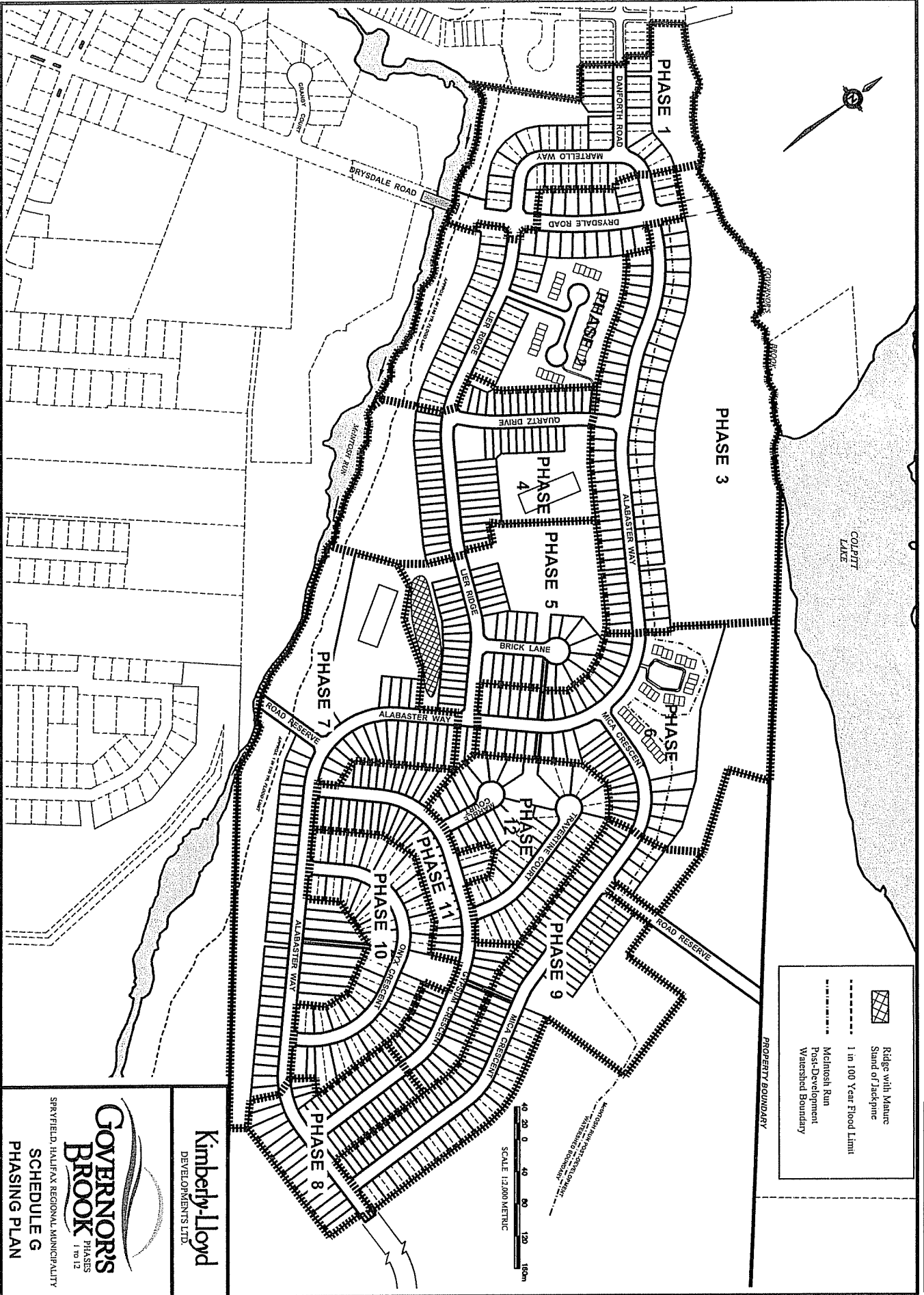
GOVERNOR'S BROOK PHASIS 1 to 12

SHRYFIELD, HALIFAX REGIONAL MUNICIPALITY





SCHEDULE F

SITE PLAN BY UNIT TYPE

Kimberly-Lloyd
DEVELOPMENTS LTD.



Plan# 0094300009

 Ridge with Mature Stand of枫pine
 1 in 100 Year Flood Limit
 McIntosh Run
 Watershed Boundary

SCALE 1:2000 METRIC

Kimberly-Lloyd
DEVELOPMENTS LTD.



 GOVERNOR'S BROOK PHASES 1 to 12
 SCHEDULE G PHASING PLAN
 SRRYFIELD, HALIFAX REGIONAL MUNICIPALITY

PID. NO.
40680530

LIMIT OF EX
SEWER
EASEMENT
APPROX LIMIT OF
2:1 CUT SLOPE

REMOVE BOULDERS IN THIS
AREA TO ACCOMODATE PROP
WALKWAY
APPROX LIMIT OF 3:1
CUT SLOPE

PROP 1.0m HIGH
BOULDER WALL
LAND TO BE
CONVEYED TO HRM

PROPOSED 4m WIDE GRAVEL
ACCESS @ 8% MAX.
150mm TYPE 1 GRAVEL
200mm TYPE 2 GRAVEL

-5B F-6A F-6B F-7A F-7B F-8A F-8B

PROP ACCESS WALKWAY

MCINTOSH RUN

PARKLAND

0+520 PP

0+540

0+560

0+580

0+600

0+620

DRYSDALE ROAD

PID. NO.
00334193

LANDS OF
HALIFAX REGIONAL MUNICIPALITY

PROP ACCESS WALKWAY

PROPOSED 4m WIDE GRAVEL
ACCESS @ 8% MAX.
150mm TYPE 1 GRAVEL
200mm TYPE 2 GRAVEL

APPROX LIMIT OF
3:1 CUT SLOPES

REMOVE
BOULDERS IN
THIS AREA TO
ACCOMODATE
PROP WALKWAY

CL OF EXISTING HRM ACCESS PATH
LIMIT OF EX SEWER EASEMENT

PARKLAND

Kimberly-Lloyd
DEVELOPMENTS LTD

GOVERNOR'S
BROOK PHASES
1 TO 12

SPRYFIELD, HALIFAX REGIONAL MUNICIPALITY

SCHEDULE I
WALKWAY LAYOUT

Attachment "B" Relevant Halifax Municipal Planning Strategy Policies

SECTION X MAINLAND SOUTH SECONDARY PLANNING STRATEGY

- 1.5 Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.
- 1.5.1 Pursuant to Policy 1.5, the Land Use Bylaw shall provide a new zone, the Residential Development District, within which "Low-Density Residential" development and public community facilities shall be permitted and other development shall be permitted only under the contract development provisions of the Planning Act and the requirements in Schedule I.

SCHEDULE I
GUIDELINES FOR RESIDENTIAL DEVELOPMENT DISTRICT

Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines:

Uses Which May be Permitted

1. Residential Uses
2. Community Facilities
3. Institutional Uses
4. Neighbourhood Commercial Uses
5. Commercial Convenience Centres.

Site Development Guidelines

5. Residential
 - a density of twenty-two persons per gross acre shall be permitted. Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers. In calculating the permissible density of any project, the capacities available to the drainage area shall be considered.

- no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping.
- the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.

6. Commercial

- neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II.

Landscaping and Open Space

7. At least 5 percent of the area of the district development must be useable, landscaped, open space.
8. No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body.
9. Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction.
10. A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, ponds, streams, shores, and wetlands should be preserved whenever possible.

Circulation

11. Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized.
12. Where common parking areas are provided, they should be so aligned as to restrict through traffic.

General

13. The minimum required site size for a contract within this area shall be three acres.
14. Municipal infrastructure must be adequate to service any proposed development.

Attachment "C"

Public Information Meeting
Case 00943
February 1, 2007

In attendance: Councillor Adams
Luc Ouellet, Planner, Planning Applications
Gail Harnish, Planning Services
Rob MacPherson, Kimberly-Lloyd Developments
Andrew Giles, Kimberly-Lloyd Developments
Brian Harvey, Kimberly-Lloyd Developments

Regrets: Councillor Mosher

Mr. Luc Ouellet called the public information meeting (PIM) to order at approximately 7:15 p.m. at the Captain William Spry Centre. He noted we are here to discuss an application to amend the development agreement for Governors Brook.

Mr. Ouellet reviewed the planning process:

- there is a preliminary review of the application
- we are now holding the PIM
- staff will do a detailed review of the application
- staff will prepare a staff report which will include a recommendation and an amending agreement
- the report is tabled with the Chebucto Community Council
- Community Council will decide to either proceed or not. If so, they will set a public hearing date
- Community Council will make a decision
- any decision of Community Council can be appealed

Mr. Rob MacPherson provided some background on their company. The reason we are here tonight is for a development agreement amendment. This project has already been approved. Tonight is about making a modification to that approval.

Mr. MacPherson advised they first made application on these lands in 1997. There were various revisions and changes to it and they were able to get the rezoning approved in 2003. Following that there was a development agreement. They went through some design processes and have plans to contract the work. From 1997 to 2005 is typically a long time. It typically only takes two years.

Mr. MacPherson indicated there was a lot of controversy about the project. One of the big focuses was the impact on the watersheds - McIntosh Run and the Colpitt Lake-Williams Lake watershed. Once they got through that process they made a commitment to say they don't always

get things right the first time so they are moving forward with what they have and through discussions with the Williams Lake Conservation Company. They looked at various scenarios and what they ended up with is what they are presenting tonight. They felt this was a reasonable compromise and a step in the right direction.

Mr. MacPherson noted the overall site is a 350 acre parcel of land which he pointed out. It borders McIntosh Run, Colpitt Lake and Flat Lake. He pointed out the portion of land rezoned. It is accessed by Drysdale Road as well as down through a number of streets through Herring Cove. The main entry point will be on Drysdale Road.

Mr. MacPherson indicated the main development area is 156 acres. That is now zoned Residential Development District (RDD) with an approved development agreement. The portions of land designated as conservation lands will be dedicated to the municipality as the project moves forward.

Mr. MacPherson pointed out the area they are generally talking about tonight. The amended proposal is to remove the multi-family site and modify the density from 17.67 persons per acre (ppa) to 18.75 ppa. They had a multi-family site which would have the run-off going towards the McIntosh watershed. They are proposing to take that site out and make it open space.

Mr. MacPherson stated the advantages of the amendment are that it increases the parkland dedication by 2.67 acres, reduces the impact on the Colpitt Lake watershed, and reduces the development footprint by maintaining the existing road layout.

Mr. MacPherson indicated the current development area was set at 108 acres. With this proposed development, that footprint will be reduced to 105 acres, the commercial component will remain the same, the parkland increases, and the amount of conservation remains the same.

Mr. MacPherson stated the density would change. When they talk about taking out the multi-family site, it has an impact. What they propose to do is change the density. The current mix is 17.67 ppa. The Mainland Secondary Planning Strategy permits a density up to 22 ppa. When they negotiated the development agreement, they ended up with 17.67 ppa. They propose to go back to 18.59 ppa which is still below the allowable density. They will do this by maintaining the existing road layout. The way to do that is to change the mix.

Mr. MacPherson indicated the type of housing units that was approved in the development agreement was: 32' semis, 32' singles, 40' singles, 50' singles, townhouses and multi-family. In order to keep the change in the same development footprint, they would have to add units back. They reduced the number of larger 50' lots, the multi family sites have decreased, and they had to increase the 40' and 32' singles and 32' semi-detached lots.

Glen ... said he was confused with the percentages. They do not seem to translate into something they can grapple with. He questioned how many more units have been added.

Mr. MacPherson responded it is a mix but the net difference is thirty-two additional units.

Anne ... said she understood they are redistributing those forty-eight units and questioned why they are adding an additional thirty-two units.

Mr. MacPherson responded it has to do with the density. Under the planning guidelines you can go up to 22 ppa but they felt a request to amend the agreement to go to that figure was unreasonable.

Anne commented they wanted to put more people in.

Mr. MacPherson indicated they felt the density was permitted.

Ms. Sherri Bain noted there is a little dotted line over a pretty large area on the map.

Mr. Ouellet advised that is the notification area which was used for sending notices of this meeting.

It was questioned when they would proceed with their development.

Mr. MacPherson responded they were aiming to be in there this winter. That depends on contracting and tenders and obtaining good prices and putting them on the market. The lots would be ready for the fall. Before they start they look at the pricing and the market and do some projections on where they think that is. There is quite an investment to construction so they try and time it.

Mr. John Forbes noted it was mentioned Drysdale Road would be the main entry point. Right now Theakston Avenue is. He questioned when they proposed to put the bridge in at Drysdale Road to the new development.

Mr. MacPherson responded it would happen before or with the development. The bridge is designed and approved and has been tendered separately from the subdivision design. They are ready to go on the bridge now. For the first phase the bridge will not be 100% complete. As that first phase is finished, the bridge will be finished.

Mr. Forbes questioned whether Drysdale Road would be widened to handle the additional traffic.

Mr. MacPherson responded no. It is a collector and is oversized now and designed to take the traffic capacity there. It is much wider than most of the streets.

Mr. Ouellet indicated they have an existing agreement and as long as the portion they want to change the lot sizes for does not affect Phase 1, they could start with that and in the meantime try and get their amendment approved. There is also some protection in the existing agreement which says the bridge has to be built before 100 lots can be built.

Ms. Melanie Dobson suggested it would be helpful to show where Phase 1 is.

Mr. MacPherson indicated the amendment has nothing to do with the current phases. The project is approved now. They are looking to make a change before something comes in the future. Phases 1 and 2 are completely designed and ready for construction. This amendment would relate to a future stage. He pointed out the area of Phase 1 and the area they are considering the change for.

Mr. Ouellet clarified the existing agreement says they may receive final endorsement approval for 100 lots prior to the construction of Drysdale Road. That would be maintained in the development agreement by Planning Services.

Ms. Urusula Fournier noted there is development on the left hand side of Keyworth Lane and asked if that is where the ballfield is. Mr. MacPherson responded yes.

Ms. Fournier questioned whether the ballfield is coming out. Mr. MacPherson responded no.

Councillor Adams stated the ballfield was staying and the playground is also staying as a playground.

Ms. Fournier questioned if the playground could be completed. It was responded when we get good weather.

An individual stated he sat in 1.5 miles of traffic on Herring Cove Road and questioned what improvements HRM has planned for the Herring Cove Road. Right now it's atrocious and was the worst system he has seen. Plans for big development are being approved which will mean more traffic on the road system in place. He came here tonight to talk about the road system not Governors Brook. He expressed concern that they were going to allow 500-600 homes to be built and were not going to fix up the road.

Mr. Ouellet advised part of the amendment process is to look at the traffic.

The individual questioned where the plans are to improve the Herring Cove Road. In the last thirty-five years there has been no change from the Cowie Hill Road to the rotary. The Bedford Highway is like a freeway and they have lots of entries to the city whereas they only have one entrance. He stated the Armoyans should have to kick in money to improve the road system.

Mr. MacPherson stated there have been changes. The regional plan has prioritized some growth areas and traffic improvement areas. What they have also done is allowed for capital costs. If there are improvements made and development is contributing to this, HRM can levy costs to help pay for that. He could not speak to the priorities for Herring Cove Road. It is being reviewed by HRM. A lot of the lands they own are constrained by these. The developer does not burden the cost alone. Everyone pays a share.

The individual stated this development cost him money because he was burning his gas.

It was questioned whether they were looking at installing a light at the end of Dunbrack Street.

Councillor Adams indicated he put in three requests to the Department of Transportation for this. There is enough traffic on the Old Sambro Road but not on the Northwest Arm Drive to satisfy the warrants.

Ms. Sherri Bain said she was glad more land was going to conservation. She questioned whether that land is now owned by HRM.

Mr. MacPherson responded it is a phased in approach. That is part of the original agreement.

Ms. Bain commented there was obviously some discussions about the watershed in the development area and wondered what they will be doing during their development process to respect the waterways.

Mr. MacPherson responded there was a lot of discussion about the watersheds. There are two watersheds involved in this project. They had designated through the development agreement that no dirty stormwater would discharge into the watershed. There are plans engineered for stormwater. At the pipe outfalls there are devices that are engineered and designed to clean the water by taking out the suspended solids and siltation.

Ms. Bain questioned whether they would be responsible for monitoring.

Mr. MacPherson responded they are responsible and will be sharing that with everybody working on the project. Every contractor they hire is committed to making sure all the measures are taken. They also provide a deposit to the Municipality to hold in trust in case something is not being followed and they can go out and implement the proper measures to see that it is corrected.

Mr. Ouellet stated that for every development near the watershed they require stormwater management plans to be put in place.

An individual stated there are nice walking trails in the area of the 48 multi-unit building which overlook Colpitt Lake. The history of the Armoyan developments seems to be to destroy everything and make it level. There is hilly terrain in this area with bluffs and outcroppings. He questioned whether that would all be leveled.

Mr. MacPherson responded the area of this development footprint is generally on the top of the plateau. It does not sit on the slope. There would be some filling and blasting on the top in order to put in the streets and services.

The individual asked if they were going to level it off.

Mr. MacPherson responded there would be some grading to meet specifications.

Ms. Heather Whitehead commented that all the lots in Spryfield used to be 50'x100'. She questioned what the size of the new lots would be and what the difference was in the density.

Mr. MacPherson responded it is a mix. On the list is what is currently approved as the mix. There are some 50' single lots down to the smaller 40' and 32' lots.

Ms. Whitehead questioned how deep the lots would be. Mr. MacPherson responded 100'.

Ms. Whitehead indicated the lots in the last development along Theakston Avenue were only around 32'. McIntosh Run is at the bottom of it and has very high e coli testing. If they put in these smaller lots, are they to expect ten times the normal level of e coli showing up?

Mr. MacPherson responded he did not expect that to be the case. He suggested most of the e coli comes from overflow discharges from the Roach's Pond pumping station.

Ms. Patricia Manuel stated there are two possible reasons for e coli in this area. People who do not clean up after their dogs is the biggest source of e coli pollution in our lakes in streams. The Royale Flush is at that location as well.

An individual commented they need less houses and more green spaces.

Councillor Adams stated we need people to pick-up after their dogs.

Ms. Melanie Dobson advised the Williams Lake Conservation Society has been monitoring it for the past four years. They know there is no e coli in there now.

An individual asked about traffic on the Herring Cove Road.

Mr. Ouellet stated the traffic circle has already changed because of the yielding within the traffic circle. As people get more familiar with the process, it will improve. The traffic engineers look at the circle and say there's more capacity but there are more changes coming to the circle so that the flows are better.

An individual indicated they planned on putting in another lane for the Purcells Cove Road where it merges into the Herring Cove Road. They are planning nothing for the Herring Cove Road.

Councillor Adams advised there is 3.6 million dollars in upgrades coming to the round about. With that is a reconfiguration of the entire area. He did not have it memorized but could make the information available. The property along the Herring Cove Road is mostly owned by HRM. There were some lanes widened with the help of the Province. The rest of the widening is waiting for help from the Provincial government. There will be a lot of money spent on the

round about. He was not an engineer but it is supposed to make the traffic flow more smoothly. It would help if the rotary was bigger to allow more capacity. Another issue is the Chebucto Road which fills up and does not empty. There is a public meeting on that issue scheduled for February 15th. It was looked at by a third party and they agreed that widening the Chebucto Road makes sense.

Ms. Sherri Bain questioned how many people would live in this development when it was finished.

Mr. MacPherson responded they are only allowed fifty dwelling units per year but can bank a year and go up to 100 units. There is a two to three year construction process to get the people there. The density for single family units is 3.35 and 2.25 for multiples. The current agreement allows 870 approved lots, which would increase to 902 lots with this development. It is a fifteen to twenty year project.

An individual questioned whether the decision has been made for single dwelling units versus duplexes.

Mr. MacPherson responded the zoning is RDD. Because the land is so large it is preferable to have a housing mix. Through the development agreement process they start looking at reasonable mixes.

An individual stated they have been talking about transportation. She questioned what sort of coordination they have with Metro Transit and whether bus lanes would be provided.

Mr. MacPherson responded Metro Transit will comment on the proposal to increase the density. They already provided comment on the overall development. It is an advantage for them to have busses. One of the constraints busses have is the ability to do a loop. They will have that loop in the first phase.

Mr. MacPherson clarified the number of people who would be living in the development is estimated at 2700.

Ms. Melanie Dobson commented there are so many cars because the busses are so infrequent. She questioned whether there is any way developers can pay in kind to enhance their development which would enhance bus service. Another couple of busses per hour would make a huge difference for most people.

Mr. MacPherson commented one of the things they are looking at through the capital cost contribution program is bus service.

An individual questioned whether there would be off street parking for the 32' lots. It was responded yes.

An **individual** questioned whether the multi-family dwellings would be subsidized housing. It was responded no.

The meeting adjourned at approximately 8:10 p.m.