



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

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Halifax Regional Council
May 17, 2005

June 21, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: *Linda Mosher*
Councillor Linda Mosher, Chair, Chebucto Community Council

DATE: May 10, 2005

SUBJECT: **Case 00143: Municipal Planning Strategy Amendment and Rezoning,
Williams Lake Road/Fleming Park Lands, Mainland South, Halifax.**

ORIGIN

May 10, 2005 special meeting of Chebucto Community Council and staff report dated May 5, 2005.

RECOMMENDATION

It is recommended that Regional Council:

- 1. Give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax as contained in Attachment "A" and schedule a public hearing;**
- 2. Adopt the amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax as shown in Attachment "A" of this report.**

BACKGROUND

See attached staff report dated May 5, 2005, pages 2-5.

DISCUSSION

See attached staff report dated May 5, 2005, pages 5-7.

BUDGET IMPLICATIONS

See attached staff report dated May 5, 2005, page 7.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

See attached staff report dated May 5, 2005, page 7.

ALTERNATIVES

See attached staff report dated May 5, 2005, pages 7-8.

ATTACHMENTS

See attached staff report dated May 5, 2005, page 8 and also;

Attachment "F" Report dated April 20, 2005 from Dr. Wayne Stobo, Chair, Halifax Watershed
Advisory Board.

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210 or Fax 490-4208.

Report prepared by: Chris Newson, Legislative Assistant

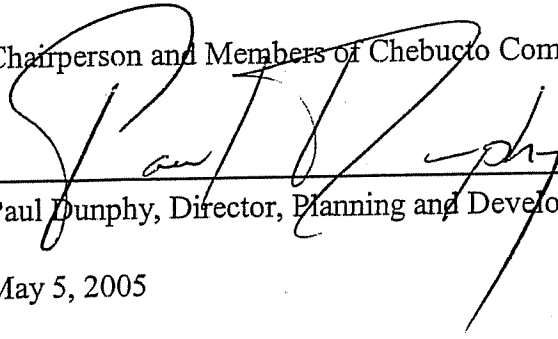
Report approved by: Councillor Linda Mosher, Chair, Chebucto Community Council



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council
May 10, 2005

TO: Chairperson and Members of Chebucto Community Council

SUBMITTED BY: 
Paul Dunphy, Director, Planning and Development Services

DATE: May 5, 2005

SUBJECT: **Case 00143: Municipal Planning Strategy Amendment and Rezoning, Williams Lake Road / Fleming Park Lands, Mainland South, Halifax**

ORIGIN

- City of Halifax initiation of a community-based planning process for the Fleming Park - Williams Lake Road lands;
- October 2, 2000 approval-in-principle by Chebucto Community Council of a Concept Plan (refer to Map 6) and to proceed on development options for non-recreational lands and to prepare MPS and LUB amendments to implement the Concept Plan for consideration by Regional Council;
- Negotiations with Polygon Fleming Park Inc. in 2004-05 to advance a subdivision concept consistent with MPS / LUB changes proposed by the October 2000 Concept Plan.

RECOMMENDATION

It is recommended that Chebucto Community Council recommend that Regional Council:

1. Give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-law for Halifax as contained in Attachment "A" and schedule a public hearing;
2. Adopt the amendments to the Municipal Planning Strategy and Land Use By-law for Halifax as shown in Attachment "A" of this report.

BACKGROUND

History of Planning Process:

- 1994 - The City of Halifax initiated a call for proposals for development of park facilities and a residential subdivision on municipally-owned lands in the Fleming Park - Williams Lake Road area (refer to Map 2). In response to community concerns, the proposal call was withdrawn.
- 1995 - The City of Halifax initiated a community-based planning process for the Fleming Park - Williams Lake Road area lands. The process was to define guidelines and criteria for the future use of the lands through preparation of a concept plan to guide their future use and development. This municipally-owned land included Parcel B, which is the subject of this report, along with a portion of Sir Sanford Fleming Park on the southwest side of Purcells Cove Road referred to as Parcel D.
- 1998 - Privately owned lands were included in the planning process. These included lands referred to as Parcel A, or the Gallinaugh/Fox lands (now owned by Polygon) and Parcel C, located at the end of Forward Avenue (United Gulf Developments Ltd.). An additional parcel, referred to as Parcel E (owned by Nikolaou), located off Williams Lake Road) was added later.
- 1999 - The Fleming Park - Williams Lake Road Land Committee, comprising ten community residents, the area Councillor and HRM staff was formed. Committee meetings were held, a terms of reference was developed and a community survey and public workshop were conducted.
- 1999 - Subsequent to the committee acknowledging that a portion of the HRM land adjacent to Joyce Avenue was suited for residential development, Council directed staff to negotiate acquisition of lands at the end of Joyce Avenue to secure future road access to the subject land. The parcel has since been acquired by HRM.
- 2000 - Land sensitivity, site opportunity and constraints analyses were conducted and development principles were adopted by the committee. Several concept plans were prepared by staff and evaluated by the committee. These concepts included ideas for protecting lake shorelines and wetlands, including buffer zones. A final concept plan was presented at a public meeting held on June 14, 2000 and to Chebucto Community Council on July 10, 2000 (see Map 6). In August, 2000, the Committee prepared a report to Chebucto Community Council recommending approval of the final concept plan.
- 2000 - On October 2, Chebucto Community Council approved in principle the Concept Plan and requested staff to proceed to Regional Council on development options for non-recreational lands and MPS and LUB amendments to implement the Concept Plan.

Implementation of Concept Plan, 2000 - 2005:

- Following approval of the concept plan by Community Council in 2000, HRM staff sought to engage potential developers to investigate development options and attempted to negotiate for the purchase of privately owned lands (Gallinaugh/Fox and Nikolaou parcels). These negotiations were not successful.
- On September 10, 2001, Chebucto Community Council approved an application by United Gulf (Parcel C) to rezone lands at the end of Forward Avenue from R-2 (Two Family Dwelling) to R-1 (Single Family Dwelling). United Gulf had decided at this point to proceed with an as-of-right subdivision which resulted in HRM acquiring the northernmost portion of these lands for parkland along with a walkway from the end of Forward Avenue to the HRM land. In this respect, part of the concept plan objectives were fulfilled.
- Staff have negotiated with Polygon Fleming Park Inc., who purchased the Gallinaugh/Fox land, since March 2004 to produce a conceptual subdivision plan in order to implement the development concept and proposed Municipal Planning Strategy and Land Use By-law amendments. The plan has been circulated to HRM staff and various external agencies and no major concerns have been identified.. Should Regional Council decide to approve the proposed MPS/LUB amendments, the plan will proceed to detailed subdivision review.

Synopsis of Proposed Development:

- As part of a proposed agreement of purchase and sale between HRM and Polygon, portions of HRM land would be conveyed to Polycorp Ravenscraig Development Inc. for single unit residential development (refer to Map 7).
- Approximately 28 lots would be subdivided from the HRM land, with a new street (Ravenscraig Drive) extending from Williams Lake Road into the proposed development.
- Including lands owned by Polygon, a total of 70 lots are proposed to be created. All lots would be serviced with municipal sewer and water services.
- In exchange for the HRM land, Polygon proposes to develop a sportsfield, parking area, trails and associated park facilities (washrooms, playground) and an engineered wetland on the HRM parcel. As well, the quarry will be in-filled for both safety reasons and to allow for a viewing slope for the sportsfield.
- The proposed conceptual subdivision plan, with more details such as proposed dwelling and driveway locations, will form part of the purchase and sale agreement.

It is proposed that the area identified for single unit residential development would be redesignated and rezoned to Low Density Residential and Single Family Dwelling (R-1) zone, respectively. The

remainder of the southern half of HRM land which is currently designated and zoned for future residential (R-2) use is proposed to be redesignated and rezoned to Major Community Open Space (P) and Park & Institutional (P) zone to ensure its future use as parkland. As part of the proposal, Polygon has agreed to re-zone its property from R-2 zone to R-1 zone. The draft MPS policy (refer to Attachment A) indicates that Council will retain the R-1 zoning and not consider future requests to rezone the land.

The Polygon proposal consists of the following:

- lot sizes ranging between 5,000 and 20,000 square feet; most are well in excess of the minimum lot size required by the Land Use Bylaw (5,000 sq. ft./ 6,000 if abutting a watercourse);
- relatively low building (lot) coverage, ranging from 15 to 20 percent (LUB allows 35%);
- Polygon will build a majority of the homes, avoiding environmentally sensitive sites to ensure integration of the built form with existing natural features;
- all houses and sites will be subject to environmental site controls and protective covenants to allow for non-disturbance zones and careful location of buildings and driveways;
- electrical service will be underground

Public Meetings, Notification and Watershed Advisory Board Review

- Two public information meetings have been held on the current subdivision proposal - one on November 15, 2004 and the other on February 24, 2005. Transcripts of these meetings are included as Attachment C.
- In addition to newspaper notice, written notification of the public meetings was sent by regular mail to properties identified on Map 5. Should Council agree to hold a public hearing on this application, similar notification will be undertaken prior to the hearing.
- A community organization called Friends of Whimsical Lake (FOWL) made presentations at the public meeting on February 24, 2005 and to Chebucto Community Council on March 7, 2005. FOWL disagrees with some aspects of the 2000 concept plan and would like to see increased buffers from lakes and wetlands, more restrictions on development and no extension of Joyce Avenue. A written submission by FOWL is included as Attachment D.
- The proposed subdivision concept was presented to the Halifax Watershed Advisory Board on March 16, 2005. The recommendations of the Board are included as Attachment F.

Final Step of Implementation Strategy:

The recommendations contained in this report represent the last step of the implementation strategy for the community-based concept plan. If Regional Council adopts these recommendations, then a report on the proposed purchase and sale agreement will come forward in-camera to Regional Council at a later date.

Current Land Use Designation and Zoning

The subject lands are designated and zoned under the Mainland South Secondary Planning Strategy (Section X), Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law.

The northern half of the HRM owned parcel is designated Major Community Open Space (P) and zoned Park & Institutional (P), except for a small portion of land on the northwestern edge which is designated Low Density Residential and zoned Single Family Dwelling (R-1). The southern portion of the site is also designated Low Density Residential, but is zoned Two-Family Dwelling (R-2)(refer to Maps 1 and 2).

The Polygon owned land is designated Low Density Residential, except for a small wedge in the northern corner of the property. The majority of the land is zoned Two Family Dwelling (R-2), with two small portions in the northern corner zoned Park & Institutional (P) and Single Family Dwelling (R-1) respectively (refer to Maps 1 and 2).

DISCUSSION

Conformity with approved 2000 Community-Based Concept Plan:

Staff have reviewed the proposal in detail and, together with Polygon, have repeatedly revised the conceptual subdivision plan in response to community input at the two information sessions and comments received during the detailed review by staff. Staff feel that the Polygon proposal conforms to the community-based concept plan which was recommended by the committee and approved-in-principle by Chebucto Community Council in 2000. In particular:

- in response to community concerns, two lots were removed on the northern side of Joyce Avenue extension adjacent to the wetland at the southern end of Whimsical Lake and have been proposed as park area to better conform to the protective buffer shown on the 2000 concept plan. As a result, the proposed lot nearest the wetland (lot J1) will have an approximate setback of 7.5 metres, with the dwelling on this lot set back approximately 16 metres from the nearest portion of the wetland;
- the 2000 concept plan identifies a buffer of approximately 25 to 30 metres between the southern shoreline of Whimsical Lake and closest portion of the proposed development. In the Polygon proposal, the nearest property line (proposed lot J2) will be 32 metres from the lake and the proposed dwelling will be 44 metres away.

- proposed lots and culs-de-sac near the end of Joyce Avenue and Ravenscraig Drive have been reconfigured / cut back in order to avoid the bog area to the east (refer to outer boundary of lots / R-1 zone on Maps 4 and 7);
- the southwestern portion of the Polygon lands shown on the 2000 concept plan as forested natural park is now proposed for single unit residential development due to the destruction of the stand of trees caused by Hurricane Juan;

Benefits of Proposal:

The proposal has benefits for both HRM and Polygon. There is value added for Polygon in the form of a developed park adjacent to their subdivision which will be marketed to prospective home buyers. HRM will have added value for our currency received from the land sale in that the sportsfield, trails and park amenities will be developed by Polygon at the same time as the subdivision is developed, resulting in cost efficiencies which HRM would not otherwise have. Since the developed park will be "paid for" by the land transaction, the community will receive these amenities sooner than what would have been the case without the transaction.

Friends Of Whimsical Lake request:

The Friends Of Whimsical Lake (FOWL) object to some of the aspects of the 2000 Concept Plan. The group would like increased buffers from lakes and wetlands, and specifically a 50 metre buffer around the edge of the wetland at the southern end of Whimsical Lake. If this request was implemented, there would be no development at the end of Joyce Avenue. It is staff's opinion that this request by FOWL is in conflict with the approved 2000 concept plan which was recommended by the committee and approved by Chebucto Community Council. Furthermore, HRM has already invested in the concept by purchasing land at the end of Joyce Avenue with the intention of extending the street for development purposes.

Proposed Regional Plan:

The draft Regional Plan has been presented to Regional Council. The plan proposes environmental measures, including buffers from watercourses, which are in excess of those provided under the current MPS and LUB.

As the Polygon land is currently zoned R-2 and thus has as-of-right subdivision potential, Polygon will have to meet whatever requirements are in place at the time of subdivision approval. This may include new regulations and policies adopted as part of the Regional Plan. If this is the case, Polygon may have to modify its conceptual subdivision proposal in order to meet any new requirements which may be adopted.

Nikolaou land (Parcel E):

As staff's previous attempts to negotiate purchase of the Nikolaou parcel (previously referred to as Parcel E) were not successful, staff recommend that no further action be taken with regard to this land at this point in time. There may be an opportunity for negotiations between Polygon and Nikolaou which could result in the land being developed in accordance with the R-2 zone requirements of the LUB.

Conclusion:

Staff feel that the proposal by Polygon Fleming Park Inc. meets the intent of existing Municipal Planning Strategy policies (Attachment B) and the 2000 community-based concept plan (Map 6). Polygon have negotiated in good faith with staff and the community and have worked diligently to gain community acceptance of their plan. The proposal has reached an advanced conceptual stage and Polygon would like to proceed with detailed subdivision design as soon as possible. The proposed MPS and LUB amendments ensure the protection and future use of the bulk of the HRM land for park and conservation purposes and results in a net increase in land area devoted to this use under municipal policy. There are benefits to both HRM and to Polygon if the proposed amendments are adopted.

BUDGET IMPLICATIONS

There are no budget implications at present. The purchase and sale agreement will provide for the transfer of the HRM owned land in exchange for the construction of a sportsfield, parking area, playground, washrooms and trails as shown on Map 7 (Conceptual Subdivision Plan).

Future trail construction and other park improvements undertaken by HRM which are not included in the purchase and sale agreement as items which the developer must undertake will be allocated under future annual park development budgets.

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. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law. This is the recommended alternative.
2. Approve the proposed amendments with modifications. Such modifications may necessitate further negotiations with Polygon and a supplementary report by staff.

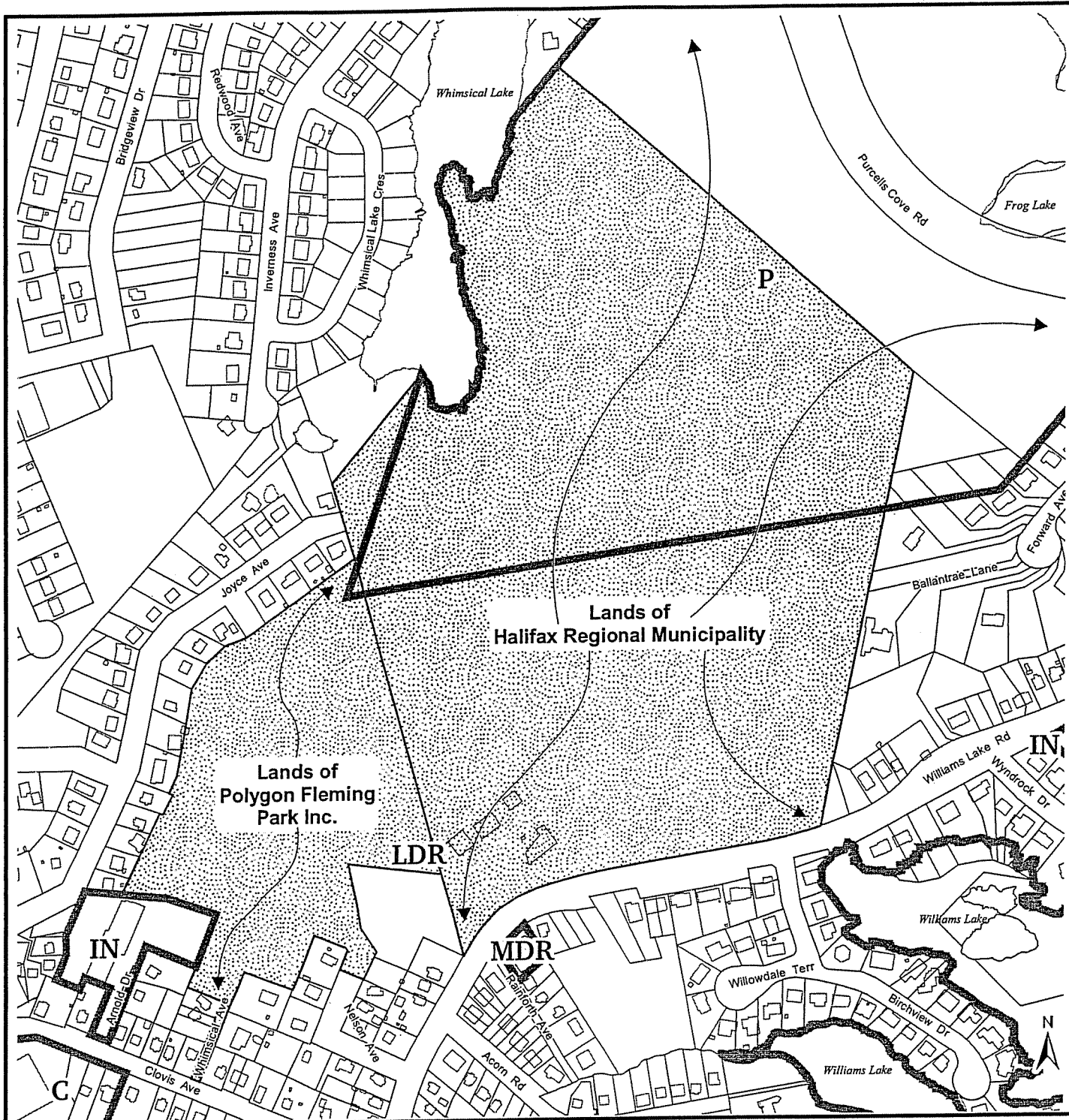
3. Request staff to implement MPS policy and LUB amendments which would enable a development agreement to be negotiated between HRM and the developer. Due to the previous recommendation of the Committee and “approval in principle” of Chebucto Community Council, the detailed negotiations to date between staff and the developer, the proposed retention by HRM of land abutting Whimsical Lake and the abutting wetland, and conditions imposed by the future purchase and sale agreement, this alternative is not recommended by staff.
4. Refuse the proposed MPS and LUB amendments. This alternative is not recommended for the reasons outlined in this report.

ATTACHMENTS

Map 1	Existing Generalized Future Land Use
Map 2	Existing Zoning
Map 3	Proposed Generalized Future Land Use
Map 4	Proposed Zoning
Map 5	Notification Area
Map 6	Concept Plan - October 2000
Map 7	Conceptual Subdivision Plan - Polygon
Attachment A	Proposed Amendments to Halifax MPS and LUB
Attachment B	Relevant Sections of Existing MPS and LUB
Attachment C	Minutes of Public Information Meetings - Nov. 2004 and Feb. 2005
Attachment D	Written submission from FOWL
Attachment E	August 29, 2000 Committee Report to Chebucto Community Council
Attachment F	Halifax Watershed Advisory Board Recommendations

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

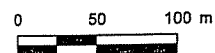
Report Prepared by: Paul Sampson, Planner I, Planning & Development Services, ph. 490-6259
Peter Bigelow, Manager, Real Property Planning, RPAM, ph. 490-6047



Map 1 - Generalized Future Land Use

 Subject property

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



**Williams Lake Road
Halifax**

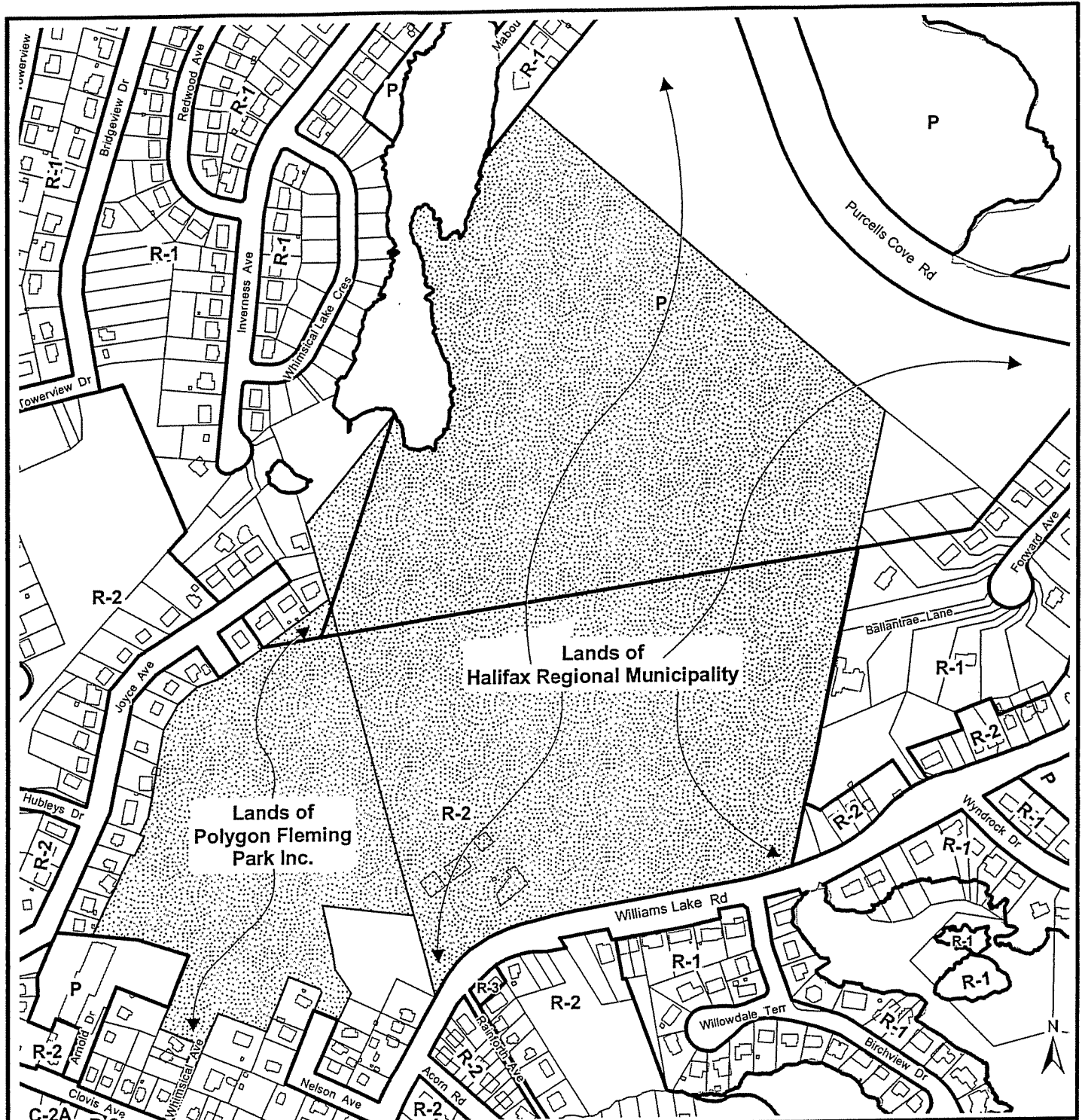
Designation

- LDR Low Density Residential
- MDR Medium Density Residential
- P Major Community Open Space
- IN Institutional
- C Commercial


This map 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.

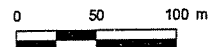
Halifax Plan Area



Map 2 - Location and Zoning

 Subject property

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



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

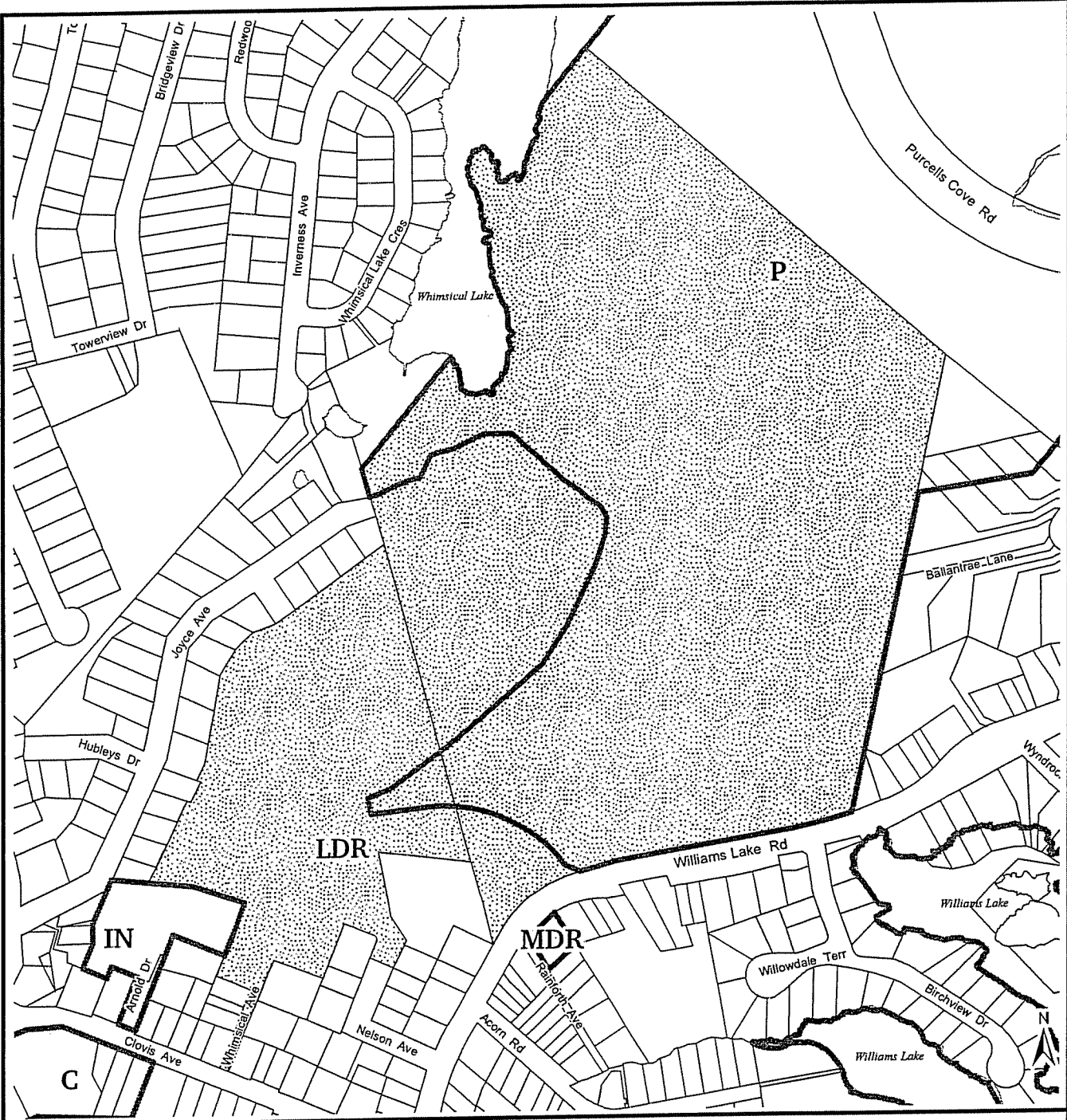
HRM does not guarantee the accuracy of any representation on this plan.

**Williams Lake Road
Halifax**

Zone


- R-1 Single Family
- R-2 Two Family Dwelling
- R-3 Low-Rise Apartment
- P Park and Institutional

Halifax Mainland By-Law Area



Map 3 - Proposed Generalized Future Land Use

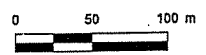
**Williams Lake Road
Halifax**

 Subject property

Halifax Plan Area

Designation

- LDR Low Density Residential
- MDR Medium Density Residential
- P Major Community Open Space
- IN Institutional
- C Commercial



This map 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.



Map 4 - Proposed Zoning

**Williams Lake Road
Halifax**

 Subject property

Halifax Mainland By-Law Area



Proposed zone boundary

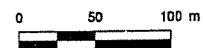


Proposed lot line

Zone

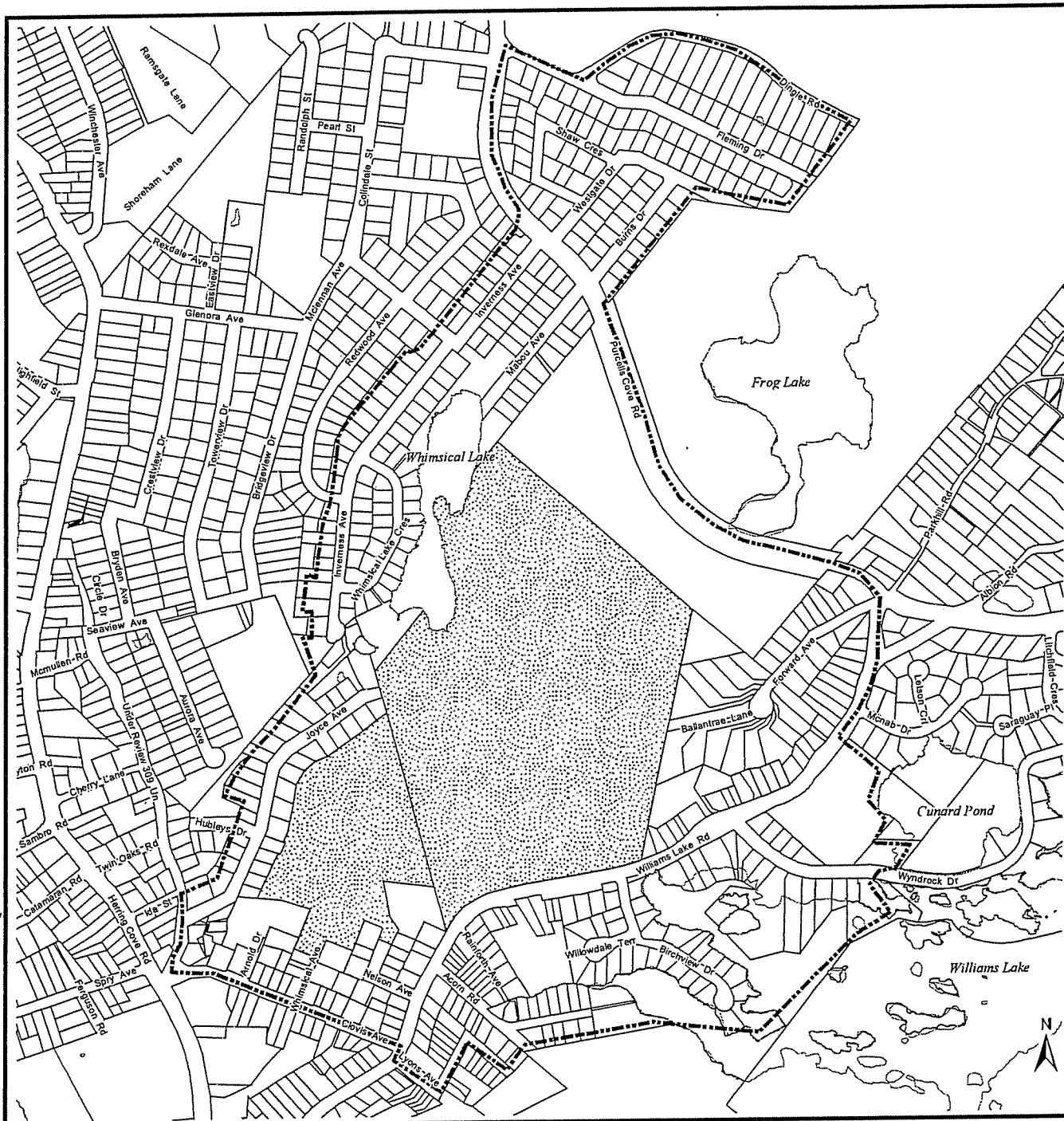
- R-1 Single Family
- R-2 Two Family Dwelling
- R-3 Low-Rise Apartment
- P Park and Institutional

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PLANNING AND
DEVELOPMENT SERVICES




This map 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.

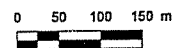


Map 5 - Notification Area

 Subject property

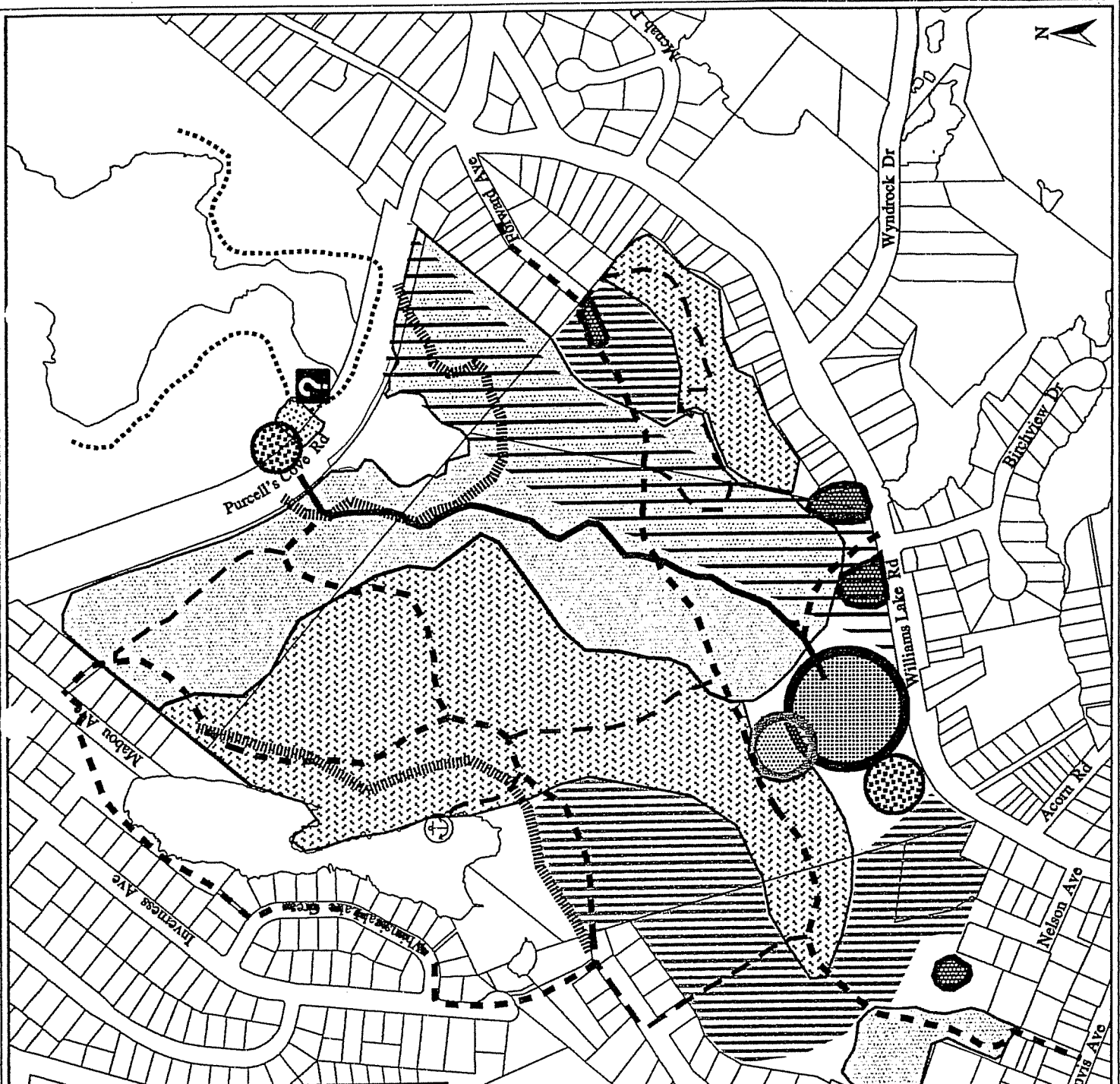
**Williams Lake Road
Halifax**

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



Halifax Mainland By-Law Area

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



HALIFAX
 REGIONAL MUNICIPALITY
 Planning and Development Services
 Project 00143
Fleming Park - Williams Lake Road Land

Proposed Concept Plan

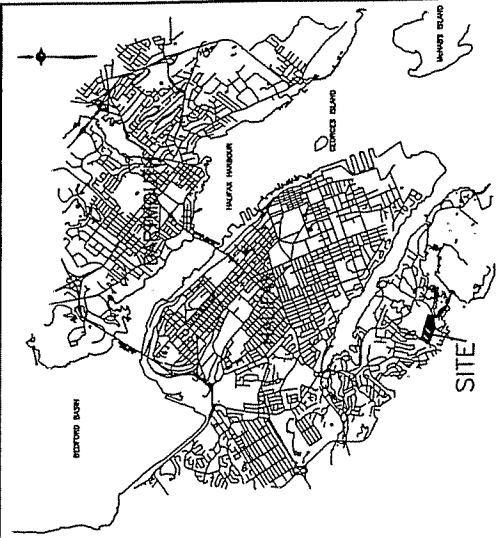
- Protective Buffer
- Trails**
- Existing Trail
- Proposed Primary Trail
- Proposed Secondary Trail
- Proposed Tertiary Trail



13 September 2000
 file: /data/production/proj/maps/williamslake/propconcept.ps

Concept features

- Existing Parking
- Proposed Parking
- Sports field
- Active play area
- Natural park - forested
- Natural park - barren ridge
- Wildlife corridor
- Stormwater retention
- Non-recreation uses
- Interpretive station
- Water access



ARCHITECTS Michael Napier & Company 1599 Gilling Road, Suite 405 Indus, New South Wales 2205 AUSTRALIA TEL: 61 61 435 1546 FAX: 61 61 435 2414	CLIENT POLYGON FLEMING PARK INC.
	PROJECT TITLE RAVENSCRAIG AT FLEMING PARK
DRAWING TITLE CONCEPT PLAN	
SCALE 1:2000	DATE 01 February 2005



Attachment A

Case 00143: Amendment to Halifax Municipal Planning Strategy

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. Amend the Generalized Future Land Use Map (Map 9) by re-designating the property at Williams Lake Road, Halifax to "Low Density Residential" from "Major Community Open Space" as shown on Map 3 attached hereto;
2. Amend the Generalized Future Land Use Map (Map 9) by re-designating the property at Williams Lake Road, Halifax to "Major Community Open Space" from "Low Density Residential" as shown on Map 3 attached hereto.
3. Add policy 1.2.4 to Section X as follows:

"1.2.4 Further to the Low Density Residential objective and policies of this section, for those municipally and privately owned lands known as the Fleming Park / Williams Lake Road lands (PID # 00310342 and 00284885) and designated "Low-Density Residential" on the Generalized Future Land Use Map, Council shall zone these lands Single Family Dwelling (R-1) zone and shall not consider future zoning amendment requests for these lands."

I HEREBY CERTIFY that the amendment to the Municipal Planning Strategy for Halifax, as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the ___ day of _____, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2005.

Jan Gibson, Municipal Clerk

REVISED

Case 00143: Amendment to Halifax Mainland Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Mainland Area Land Use By-law of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. Amend the Zoning Map ZM-1 by rezoning the property at Williams Lake Road, Halifax to P (Park and Institutional) Zone from R-2 (Two Family Dwelling) Zone as shown on Map 4 attached hereto;
2. Amend the Zoning Map ZM-1 by rezoning the property at Williams Lake Road, Halifax to R-1 (Single Family Dwelling) Zone from P (Park and Institutional) Zone as shown on Map 4 attached hereto;
3. Amend the Zoning Map ZM-1 by rezoning the property at Williams Lake Road, Halifax to R-1 (Single Family Dwelling) Zone from R-2 (Two Family Dwelling) Zone as shown on Map 4 attached hereto;

I HEREBY CERTIFY that the amendment to the Mainland Area Land Use By-law for Halifax, as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the ___ day of _____, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2005.

Jan Gibson, Municipal Clerk

Case 00143: Amendment to Halifax Peninsula Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Mainland Area Land Use By-law of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. Amend the Zoning Map ZM-1 by rezoning the property at Williams Lake Road, Halifax to P (Park and Institutional) Zone from R-2 (Two Family Dwelling) Zone as shown on Map 4 attached hereto;
2. Amend the Zoning Map ZM-1 by rezoning the property at Williams Lake Road, Halifax to R-1 (Single Family Dwelling) Zone from P (Park and Institutional) Zone as shown on Map 4 attached hereto;
3. Amend the Zoning Map ZM-1 by rezoning the property at Williams Lake Road, Halifax to R-1 (Single Family Dwelling) Zone from R-2 (Two Family Dwelling) Zone as shown on Map 4 attached hereto;

I HEREBY CERTIFY that the amendment to the Peninsula Area Land Use By-law for Halifax, as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the ___ day of _____, 2005.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2005.

Jan Gibson, Municipal Clerk

Relevant Sections of Municipal Planning Strategy

SECTION X - MAINLAND SOUTH SECONDARY PLANNING STRATEGY OBJECTIVES AND POLICIES

1. RESIDENTIAL ENVIRONMENTS

Objective The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

1.1.1 "Residential Environments" in terms of this secondary strategy means:

- (a) Low-Density Residential;
- (b) Medium-Density Residential;
- (c) High-Density Residential;
- (d) Residential Development District.

1.2 In areas designated "Low-Density Residential" on the Generalized Future Land Use Map, which are predominantly single-family dwellings in character, residential development consisting of detached (single-family) dwellings shall be permitted, and neighbourhood commercial uses may be permitted pursuant to Policies 2.1.1 and 2.1.2 of this Plan.

1.2.1 In areas designated "Low-Density Residential" on the Generalized Future Land Use Map, which are predominantly two-family dwellings in character, residential development consisting of detached (single-family) dwellings, semi-detached dwellings and duplex dwellings shall be permitted, and neighbourhood commercial uses may be permitted pursuant to Policies 2.1 and 2.1.2 of this Plan.

1.6 The City shall maintain zoning regulations which encourage stability and maintenance of the prevalent character and integrity of residential neighbourhoods.

4. RECREATIONAL

Objective The provision of recreation facilities in Mainland South at the same level as obtained throughout the City.

4.1 Recreational facilities may comprise indoor or outdoor areas providing opportunities for active and passive recreation.

- 4.6 The City shall develop a strategy for and seek to establish a continuous passive or active recreational open space system in the Mainland South area; such a system would include public parks, walkways, nature trails and water-oriented activities. The principal components of such a system shall be located adjacent to or in association with the Northwest Arm and shoreline, Williams Lake, Colbart Lake, Long Lake, Kidston Lake, and McIntosh Run.
- 4.7 The City should negotiate the acquisition of Provincially-owned land west of Purcell's Cove Road adjacent to Fleming Park for recreation purposes.

Attachment C

**Public Information Meeting
November 15, 2005
Case 00143**

In attendance: Peter Bigelow, Real Property Planning
Gail Harnish, Planning & Development Services
Paul Sampson, Planning & Development Services
Jan Skora, Real Property Planning
Randa Wheaton, Planning & Development Services
Councillor Adams
Councillor Mosher
Peter Polley, Polygon Developments

Mr. Paul Sampson called the public information meeting to order at approximately 7:10 p.m. at the Cunard Junior High School. He apologized for having to reschedule the meeting previously scheduled for September 9th. The plans were submitted and reviewed by staff but there were some technical problems. Instead of going to a public meeting with those technical issues unresolved, it was decided to postpone the meeting until tonight so the concept you see here is workable.

Mr. Peter Bigelow advised that Paul Sampson represents the regulatory side whereas his department is responsible for the overall management of all HRM's assets, excepting for streets and what is underneath them. The planning and the environmental protection for the Fleming Park/Williams Lake lands fall under their responsibility. He was going to go over the community plan that was developed beginning in 1999 to refresh their memories. A lot of the people here were involved with the community planning process starting in 1999 and ending with Council approval in 2000. Also, they want them to have some information so they can compare the community plan to what Polygon Developments is proposing. He would talk about the location, property history, and the community plan developed (principles and primary goals) and look at the plan.

Mr. Bigelow pointed out the location of the North West Arm, Fleming Park, Frog Pond, and Williams Lake Road. As part of this process, they looked at the lands which were part of the original Fleming Park Designation made by Sir Sanford Fleming. They will be looking at Fleming Park; the former N.S. Public Works site (known as the quarry and the backlands associated with it); the tiny piece of land at the end of Joyce Avenue that is owned by HRM; and an overview of the planning process for some privately owned lands.

Mr. Bigelow advised that Mr. Fleming designated the lands to the City for use as a park. That is important. That was the purpose of those lands associated with that original designation. The Municipality has a responsibility and that is to stay as park.

Mr. Bigelow indicated the former N.S. Public Works' lands were transferred to the City in 1994. In 1995, City Council authorized staff to go out and call for a request for developers to submit proposals to look at how those lands might be utilized. Also, in 1995, this community got together and said they were not comfortable with a developer taking this task on and they thought they should have a say on this and that prior to a developer coming in they wanted to have a chance. This community and the area councillor was successful in reversing that process and the City changed its mind and initiated a community planning process.

Mr. Bigelow advised there was a request from the landowner at the end of Forward Avenue for some of that Municipally owned land in 1998, and that was what really started the community development process.

Mr. Bigelow indicated that in 1999, as they were going through the community planning process, HRM bought that little piece of land at the end of Joyce Avenue. That was to keep their options open for access to the backlands of the former N.S. Public Works' site.

Community Based Plan

Mr. Bigelow noted the community based plan was a seventeen month process. They had members from three adjacent communities being the Jollymore area; Fleming Heights; Inverness Avenue/Mabou Avenue; the other end of Williams Lake Road; and the Spryfield area. There were four staff people involved. Over that seventeen month process, there were surveys and public meetings and updates to Council. That also included lands owned by Mr. Gallinaugh, Mr. Fox, the Nikolaou lands, and the Forward Avenue lands.

Mr. Bigelow advised the plan went to Chebucto Community Council in October of 2000. The community basically said this was the plan HRM should entertain when moving forward. The report also called for our Planning & Development Services' group to initiate the necessary municipal planning strategy (MPS) amendments and that Real Property begin negotiations with landowners to advance the plan.

Mr. Bigelow referenced a coloured zoning map from the time when the plan was developed, noting the zoning did not reflect the boundary which was one of the difficulties in this planning process. He pointed out areas zoned R-2, Park, and R-1, noting that zoning has changed slightly due to applications by developers but HRM has not advanced rezoning from R-2 to R-1 and Park.

Community Planning Principles

Sensitivities

- the primary purpose was the protection of wetlands, shorelines, and corridors. It was an interesting piece of land in that there are three watersheds. When you look at these fifty-three acres of land, you have to understand these areas are Whimsical Lake, the brook going into

Williams Lake, and the north portion of the land go into Frog Pond. The community committee determined there needed to be an environmental buffer around each waterbody and there needed to be a development buffer as well to protect the water quality and environment.

- the protection and avoidance of slopes greater than 15%. They are basically all in this particular area (pointed out on map) as well as near the Fox lands and part of the Gallinaugh lands now owned by Polygon Developments that back onto Joyce Avenue.

- the protection of significant stands of vegetation. Those areas were defined to be on the Gallinaugh lands. He understood that stand has been lost during the hurricane but there is also a significant vegetation strip that runs up through the main areas of this fifty-three acres.

-there are views they wanted to maintain.

- there is a well established wildlife corridor through there that the community felt needed to be preserved.

Development principles

- pedestrians and vehicles. How we would use the land, and pedestrian and recreational access needs to be addressed.

Mr. Bigelow indicated that in terms of pedestrian access, the idea was that this serve as an adjunct to Sir Sanford Fleming Park. This dot (pointed out on map) is located near the one spot where they think it is fairly safe for people to create a pedestrian link. When people travel through this area they will utilize driving through a park which was a principle they wanted to come out. In terms of secondary pedestrian accesses, this particular piece of land is surrounded by three different communities so they need to make sure this functions on a community level as well. They have a number of community accesses they felt were necessary, which would be considered as low. These are basically trailheads for people living adjacent to the park to access the park.

Mr. Bigelow advised that in terms of vehicle traffic for the regional park, it was recognized that the intersections of Williams Lake Road and the intersection that leads up to Clovis and Joyce Avenue and Williams Lake Road is important. In terms of a main pedestrian access, that piece at Frog Pond is very important.

Mr. Bigelow indicated that in terms of trails, once you get people in there you have to give them some place to go. There is a primary trail linking the Fleming Park lands through to the active recreation area. There is also a secondary trail from Forward Avenue immediately through the park and creating a looping system around Whimsical Lake.

Mr. Bigelow noted there are also some tertiary level trails. Those are basically connector trails to connect the main trails.

Mr. Bigelow advised that in terms of active recreation, the community plan calls for a sportsfield at the bottom of the quarry; it calls for an active play area; and it calls for a parking area (they call them trailheads). The second main park area is proposed to be located at Frog Pond. They will probably have to expand that area.

Mr. Bigelow indicated that in terms of non-recreational uses, when they did the analysis of the entire site, it became evident that either they did not control all these lands or some of the lands they did control were not really necessary for park use. The first one was the Forward Avenue area which has since been developed. The plan called for that to be developed. The second area was on the Gallinaugh and Nikolaou lands and some of the former N.S. Public Works' lands toward the end of Joyce Avenue that could be used for residential development. The residential development that was called for in the plan was for R-1. It had to respect all the municipal service and access requirements. It also said in the plan that any developer needs to respect that they will border on the parks, and the parks when finished will be something special. If there are residents here, they have to recognize this is an asset and integration of their residential development into this will be key.

Mr. Bigelow referenced an area where the majority of it will be natural, with some areas more natural than others because they want a wildlife corridor, so you will see a little less trail development.

Mr. Bigelow indicated a key component is a buffer around all of the watercourses and the lakes and they want to implement some sort of stormwater treatment before water goes into Williams Lake and any other waterbody.

Zoning and Future Land Use Designation

Mr. Sampson advised the proposal before them is to retain the Park and Institutional zoning of the northern portion of the land. They would like to redesignate and rezone most of the lower half from low density R-2 zoning and Park and Institutional zoning. That will ensure the HRM lands are used for that purpose in the future. A small portion of land at the top of Joyce Avenue would be redesignated and rezoned to R-1. Polygon Developments has agreed to rezone their lands from R-2 to R-1.

Presentation of Proposal by Polygon Developments

Mr. Peter Polley stated their company, Polygon Developments, has purchased a piece of land here that was formerly known as the Gallinaugh lands which is adjacent to HRM owned land on Williams Lake Road. A lot of people probably would not recognize his name. They are a small niche developer in the City. They are not a household name but to give you a brief idea of who

they are, they are a real estate developer and housebuilder. They developed at Pine Haven Drive off Purcells Cove Road and are currently developing ? Terrace in the north end of Halifax.

Mr. Polley indicated they started looking at this piece of land five years ago. It was on and off the market a couple of times. About two years ago they took a closer look at it with HRM and they purchased it approximately one year ago. They sat down with a 6" thick stack of community meeting notes from the committee, and went through the entire stack of information to try and get a handle on what the community wanted to do with the HRM land and what they would like to see happen to the privately owned land immediately adjacent to that.

Mr. Polley advised they started working about a year ago to try and come up with a layout for a development which he thought would work for them as a developer and for the community given his newly found rather intimate knowledge of a lot of the concerns of the community and what they wanted to see done with this property. It is a bit different than the concept plan. When they started getting into some of the specific nuts and bolts and engineering requirements, some things had to be different. One of the main differences is where the access point comes in off Williams Lake Road. The development would see a new street going off Williams Lake Road, run up and connect to Joyce Avenue and continue on to create a cul de sac. Joyce Avenue would be extended and there would be a cul de sac off that. It would be called Ravens Craig which is the name of a castle in his home town in Scotland. The street comes in. It is single loaded along half the street coming up. There is about 600' of the road with no housing beside it on the HRM owned land. This allows them to get the soccer field in and maintain the rock face.

Mr. Polley said they would come in and put in the street, keep the terrain all natural on the right hand side coming up the hill, and then follow up with the street and then it would go to a more conventional layout with houses on each side of the street. The development primarily features larger than normal lot sizes. This layout has sixty-eight lots. That may be adjusted by one or two lots when they get their topographic survey in. The lots are typically 8000 - 10,000 sq.ft. They want them to be large because they want to have a higher quality development, and it is easier to put a house on a larger lot than a small lot and to maintain some trees and some of the natural features that would be on the lots. Having more elbow room would allow them to keep trees around the houses when they are doing the development.

Mr. Polley advised that in terms of the development, they would probably build half the houses themselves and one of the cul de sacs. The houses would be in the \$300,000 range. The rest of the lots would probably be purchased by people themselves so they could arrange for a builder to build on the lots.

Mr. Polley indicated that in terms of quality, their covenants would be fairly restrictive to ensure the homes are built in a coordinated fashion. They would be looking at each and every lot with their project architect and an arborist to determine what is on the lot in terms of trees and rock faces. What they would like to see when they finish is something as close as possible to the Rockwood development in the west end of Halifax or older developments in the area instead of

cutting everything down and planting small trees and waiting for them to re-grow. They have a creative idea of not cutting down the trees and trying to save a few on each lot. They have a lot of rock faces with the trees on the lots. When you drive in, it should be a very attractive development.

Mr. Polley indicated they would set up a residents association that would be entrusted with enforcing covenants when they as developers are gone and they would also be responsible for the monitoring of the community and establishing a sense of community and looking after the continuing requirements for tree retention and respecting certain areas would have no cut zones and put the infrastructure in place. That has been done in several areas of the Municipality such as Rockwood and it works very well.

Mr. Polley advised that the soccer field on the front would be developed very early on in the development and the street would go in pretty much all at once.

Mr. Polley said they would start building houses on probably eight to ten lots immediately. They would expect that it would take three to four years before the entire development is done and all the houses are built on the property.

Ms. Stella Lord, 26 Whimsical Crescent, indicated her house backs onto Whimsical Crescent. They bought the house without realizing there was a development right behind the lake which she thought in some ways has compromised the lake. A few of them in the area have been getting together to form an organization that would conserve. One of their concerns has been the wetland at the end of the lake adjacent to Joyce Avenue. She was very concerned to see in this development that it is proposed to extend Joyce Avenue into the area adjacent to the wetland. That area is a very fertile nesting area for birds in migration and was very concerned that development would compromise that. That area has already been compromised by development. It was certainly not in the plan put forward by the community group who spent several years working on this plan and pressuring HRM to actually recognize the development of a community plan. She would like the developer to go back and look at that. She questioned what the circumstances of buying that land were and why it was transferred to the developer.

Mr. Polley responded the lands have not been transferred. That is why they are holding the public information meeting. The lands will only be transferred upon approval of Council. They want to get their feedback on this development.

In response to a member of the public, the lands currently owned by Polygon Developments as well as HRM were pointed out on the map.

Referencing the map, Mr. Polley noted that land on the east side of Joyce Avenue was designated for non-recreational uses while still maintaining the setback from the lake and the marsh area. When you go up here (pointed out on map), it is quite clear where the marsh ends. They cannot go down anywhere near the marsh area under N.S. Department of the Environment (DOE)

regulations nor do they intend to or want to. They want to stay on the hard dry land because they know it is an important feature to the community and for the protection of Whimsical Lake.

Mr. George Mencher, 15 Birchview Drive, said he was concerned about increased traffic flows on Williams Lake Road and on Purcells Cove Road coming out of the housing area and the soccer field. He questioned what, if any, provision is being made to handle additional traffic flow and the danger to the children from the junior high school.

Mr. Polley stated the Williams Lake Road is classified as a minor collector road. From speaking with Traffic Services, because Williams Lake Road is a minor collector, it has a defined capacity of 12,000 vehicles per day (vpd). It has a traffic count of 3000-4000 vpd based on seventy houses at an average trip generation of 3.5 trips per day. They are looking at approximately 300 more vehicle trips. Given that Williams Lake Road is a huge road and over-designed for the use that it currently has, he understood from his traffic consultant and HRM that it is not envisioned that an undue stress will be put on Williams Lake Road. The exact location of the intersection has to meet the sightline requirements to ensure driver and pedestrian safety.

Mr. Polley indicated that in terms of additional crosswalks, all their plans have to be reviewed by HRM Traffic and Engineering. If people are concerned about pedestrian safety, they should submit comments to Paul Sampson if there needs to be additional crosswalks or better rationale for them. He was sure they would get looked after during the development process.

Ms. Melanie Dobson, 11 Wyndrock Drive, chair of the community planning process, questioned where the access is on Williams Lake Road.

Mr. Polley responded it is further into the municipal land. They cannot go in further down the Williams Lake Road while still maintaining adequate setbacks from Rainforth Avenue.

Ms. Dobson questioned whether the entrance is on Rainforth Avenue.

Mr. Polley responded the new entrance is in the exact spot that the driveway has been historically.

Mr. Dobson indicated their mandate was not to define what the developer needed but rather what the community wanted. She was looking at the sightlines where the houses are closer to Whimsical and questioned whether that plan is different from their plan.

Mr. Polley responded no, they are not within the buffer zone.

Ms. Dobson noted it was difficult to tell from his map. In terms of the wetland, they had only envisioned this use of municipal land in exchange for protecting wetland within the privately owned land. It is not giving away municipal land. She would like to see where the wetland is that they are getting. There are some ridges in there because it is not clear to her.

Mr. Polley referenced the ridge and indicated this area would be deeded over as part of their HRM parkland dedication. In addition to the area they would be deeding over to the City, this area here would be privately owned but it would be a non-disturbance area and that would be in the property deeds.

Referencing the map, Ms. Dobson questioned whether an area was the stream.

Mr. Polley responded no, it is a larger area of the ridge. The stream that is there now starts on the top. There is a wetland area here (pointed out on map) and it runs down through. They are working around the stream. They will need to put a cul de sac in here and here (pointed out on map) to get across. They would have one driveway crossing here (pointed out on map) that would be a cul de sac and this would be a larger cul de sac to accommodate a road across it. This wetland area has been deemed by DOE as a watercourse as opposed to a wetland. Watercourses cannot be infilled so that is preserved in perpetuity and would be maintained on the rear of some of these lots. They will be putting in place a lot of private controls. He did not think the City wants to take ownership of it because of liability and maintenance issues.

Ms. Dobson questioned whether the completed construction of the playing fields was part of the development costs. It was responded yes.

Ms. Dobson asked about the drainage.

Mr. Polley advised they have been dealing with HRM staff for months to come up with a design. They are about to take this plan out to one or two engineering firms or surveyors to get this work furthered. HRM has the land appraised and they would be doing a swap. He wanted to do the work so that he could control it would be done and of the quality.

Ms. Heather Whitehead, 6 Whimsical Avenue, referenced the property in the lower left hand corner and indicated it is a low wetland. That area acts as a natural filtration system that fills with water. It goes into the watershed and into Williams Lake. They are concerned they will disturb that if they build houses in there. They have no idea of their plans for stormwater in that area. She questioned whether they would have a pumping station. They are hoping there will not be septic field beds in that area. What about people with existing field beds in that area?

Mr. Polley responded the area is low. The reason it gets wet is because it is flat. They would be interested in anybody here who knows information. He has seen very old aerial photos and he thought it might have been a quarry at one time.

An individual responded it was not a quarry. They used to pick violets there.

Mr. Polley advised they would be installing french drains around the perimeter of the area to collect water that runs down the hill. All the roof drains will be tied into the storm sewer system.

The roof drainage and storm drainage being collected would have to be handled in accordance with DOE regulations.

Ms. Whitehead asked for confirmation that at this point they did not know where the stormwater is going.

Mr. Polley responded they have to meet DOE run-off criteria. It is not a simple calculation. You have to look at the property as a whole and it depends on the calculations for other areas.

Ms. Whitehead commented all the water that funnels down that way ends up in the lake. This is a big concern. They could have a lot of surface water ending up in the lake adversely affecting the quality.

Mr. Polley indicated there is a watercourse there now which, subject to DOE regulations, will be used to pick-up some of the stormwater run-off on the property. With respect to adjacent property owners, they are fully responsible for making sure they do not negatively affect those properties. They don't have the details worked out yet. They will put a lagoon there if they need to.

An individual from Inverness Avenue asked where the Institutional zoning was.

Mr. Polley pointed out the property line that would split HRM land from Joyce Avenue, as well as the line between current Parks and Institutional lands from the current R-2 lands.

The individual questioned from a real estate and zoning standpoint what could be constructed in an Institutional zone.

Mr. Sampson responded that the zoning is Park and Institutional which allows for a variety of things. Any institutional type of use such as a hospital, church, and school would be permitted. We are here tonight to discuss the future development for park related purposes and trails and not for things like schools and hospitals.

The individual questioned whether a cultural centre would be permitted.

Mr. Sampson noted that community centres are defined under the land use by-law.

Mr. Bigelow indicated it is allowed but the plan from this community did not foresee any type of indoor facility on this particular parcel. It was predominately natural park with an active outdoor facility component. A cultural community centre was not contemplated.

Ms. Anne Patrick, 19 Towerview Drive, asked for confirmation that R-1 is defined as free-standing single family houses and does not include duplexes or townhouses.

Mr. Sampson responded that's correct. The general future land use is Low Density Residential but the R-1 zone is strictly single family dwellings. A few other things like home businesses are permitted in that zone. In terms of dwelling units, only one unit per property is allowed.

Ms. Patrick commented their bottom end dwellings will probably be in the \$300,000 range and as they go up the hill as the lot sizes increase the properties will be in the range of \$500,000+ which is a relatively limited housing market. She questioned what process the developer would have to go through to reconfigure the site plan if the lots do not sell at the planned rate.

Mr. Polley responded it is very important to them that the whole thing be R-1 from a marketing point of view. That does a lot for their development and obviously it deals with a lot of concerns of the neighbourhood. There are several things that guarantee it could only be developed with a R-1 house on each lot. The land use by-law says you need a certain amount of road frontage. They maxed out the number of lots on the amount of front frontage they have. If a person wants to start from a clean slate, they might be able to get one to three deeper lots. Before they get started there would be a set of covenants put in place for the whole thing. It protects the developer from what the buyers would do and protects the buyers from what the developer would do. If they were to try and further subdivide, they would be opening themselves to liability from the people who bought lots for not upholding those covenants. They want to have a well organized residents association in place at an early date. They would not take kindly to a developer doubling the number of lots within the development.

Ms. Patrick commented they are all familiar with development in Mainland North where they have large houses with minimum setbacks on either side. She questioned if there was a maximum square footage that could be occupied by a building.

Mr. Polley responded the land use by-law specifies criteria for certain percentages. They would be well below those criteria. They will not be saying they cannot cover more than 20% of the lot but they will take each lot and identify where the house has to go and what trees have to be maintained. They plan to build half of these themselves so they will be able to maintain complete control over those lots. They have learned how to best deal with house builders in terms of tree-cutting. They are not looking for people to come in and build huge houses that overpower the street and the lot. They are trying to give people larger than normal City sized lots for medium sized nice houses. They are envisioning a more traditional sized home that does not overpower the trees and require them to be cut down.

Ms. Patrick questioned whether those covenants would be part of a development plan that is signed with the City which would require any future developers to abide by them.

Mr. Sampson responded no, pointing out that covenants are a legal requirement of the property owners. HRM does not enforce covenants.

Mr. Sampson noted that in terms of the number of lots, quite a proportion of them would utilize shared driveways. What that does is create the maximum number of lots with the least amount of public street length. In this case, the proportion is maximized with the use of the shared driveways. HRM regulations allow up to three lots on a shared driveway.

Mr. Jonathon Curtis, 48 Joyce Avenue, said it is very clear there is a buffer zone that extends from the end of Joyce Avenue out. Those first four houses have to be within the buffer zone and there is definitely wildlife in that area. He was glad to hear that the developer proposes to do development without felling the trees but when you see those five houses you can see how close together they are. He referred to Forward Avenue where it was a moonscape and was concerned the same thing would happen here.

Mr. Polley indicated there is a housing development at the end of Joyce Avenue with the buffer zone beyond that. That buffer zone moves a little bit on the different plan. We do not have topographic surveys done yet to say where the edge of this marsh is. When that is done, the edge of the marsh will represent the edge of the buffer zone on the first couple of lots. As you go in further, the buffer zone will get wider.

Mr. Sampson stated the plan is very conceptual in nature. There is provision for a buffer zone.

Mr. Curtis said he was taking exception to the comment that it did not cut through the buffer zone but it does.

Mr. Polley indicated there is a house at the end of Joyce Avenue now that is not into the marsh. These houses would not be any further back from Joyce Avenue than the existing houses. The developer did not have the extension of Joyce Avenue on their concept plan. That was something they had to negotiate with HRM staff. HRM engineering says we have to extend Joyce Avenue. This is being done to accommodate snowplow drivers who do not want to turn in the T intersection or the little turning area there now. This big round area (pointed out on map) is being created to accommodate snowplow drivers. He commented that was one of the reasons the meeting was rescheduled.

Mr. Sampson said he could confirm there were a number of components that were discussed, all of them from an engineering standpoint. In HRM's opinion, the extension of Joyce Avenue, in this case, a cul de sac, was one option. Another option would be extending down and looping down. The extension of Joyce Avenue down to Williams Lake Road was a possible option discussed as well as this one.

Mr. Polley stated they turned that one down. They are trying to establish a neighbourhood at a price point they want. They want to have a completely separate address.

Ms. Michele Raymond, 7 Forward Avenue, said she would like to register her personal opinion that she was completely insulted when somebody says "when this park is finished it will be

something special". As far as she was concerned, and a lot of other people, Fleming Park is already something really special. She did not think it is really necessary to integrate it to make it into something. She was wondering how many houses and how many acres it will take to turn Fleming Park into something that is special.

Mr. Bigelow responded what he was referring to was the fact that we have an unused quarry with chain link fencing and an unsafe quarry face. Fleming Park is one of the jewels in our park system. He was talking about the adjunct lands that are currently used by the neighbourhoods fairly regularly and established trails but they are not developed as a park. They are simply lands that are in their neighbourhood which are being utilized. They are talking about remedying the old quarry site.

Ms. Raymond asked about the acreage.

Mr. Polley advised that the property they own is about 13.5 acres. The land they propose to buy from HRM is about 8 acres on the back and about 1 acre in the front, for a total of about 9 acres. In terms of the number of units, the plan has sixty-eight lots on it. That may vary by one or two in either direction.

Ms. Raymond commented the community has also been given a gift of 800 homes.

Mr. Graham Read, 19 Lawnwood Avenue, said they were happy to be dealing with Mr. Polley when they were arguing about Dead Mans Island and Pinehaven Road rather than a development taking place on Forward Avenue at the time. That does not mean, however, they are in agreement with everything.

Mr. Read indicated he would like to highlight something Melanie raised and that is the amount of municipal land that would be transferred over to this development proposal. It was his understanding they wanted all this land to be part of this park but since there was a piece of privately owned land that perhaps there could be some land swap. If they were to sell, it would be to acquire an equivalent acreage. There were two views. One was to sell off to buy a municipal facility that could be developed. They should try to maintain the total acreage of land for park purposes rather than sell municipal land for residential development. If they are selling some land on Joyce Avenue, he would have liked to have seen them acquire an equivalent acreage somewhere else.

Mr. Read noted there are some lots that would have shared driveways. He questioned where the street frontage is for the houses in the back and whether we are getting into flag lot development. Mr. Polley confirmed this.

Mr. Read indicated these lots are very large and expressed concern should they build very large structures that would overpower the lots. Perhaps there needs to be some negotiations. Lot coverage and side yard setbacks should be addressed. There are still some details to be worked

out. He did not think this is completely consistent but he would rather be dealing with this developer than some other developer.

Mr. Polley advised there is an area they would still be willing to look at transferring to the Municipality. What was labelled as a heavily forested hill years ago is no longer the case. Two-thirds of the trees are laying flat. Between that and the liability of a steep hill area, he did not think the Municipality really wants it but in terms of doing a more even land exchange, they would be willing to look at that.

Mr. Geoff Atkinson, 22 Whimsical Lake Crescent, indicated he was also a member of the community committee. They have been at this for ten years. Yes, it got kick-started but it has been ten years. They keep trying to extract information from the City. He strongly urged them to get some references on the web page or put them in the library so they can refer to them. There is a lot of information coming out tonight. They need facts. He had received a call advising that the original meeting was being cancelled because the developer was not ready, and was wondering how many agendas are out there. The direct quote was "sorry, the developer is not ready".

Mr. Bigelow indicated it was he who called Geoff. At that particular time, the developer submitted a plan that was much further away from the one presented tonight from a technical point of view which they were not comfortable bringing forward. They had sent them back a couple of weeks before that and they were not able to bring back a plan in time for that meeting which would meet the community requirements.

Mr. Atkinson stated staff should have said "we are not ready".

Mr. Bigelow responded they are supposed to be representing what this community brought forward five years ago as best as they could. If they are not comfortable with what has been submitted, then it is our job to cancel the meeting rather than coming out here to the public and saying what we already knew and waste their time and ask Polygon Developments to go back. He did not think he was trying to misrepresent.

Mr. Atkinson commented they go through periods of intensive activity and then nothing.

Mr. Sampson advised that the original September 9th meeting date was arrived at a few weeks prior to the concept plan being in HRM's possession. The meeting was advertised and letters were sent out to people in anticipation of receiving a plan that we could move forward with. Unfortunately it was not. He took responsibility for setting up that meeting in advance because it was not the way to go. The plan at that time did not meet with HRM engineering specifications for roads and did not meet our subdivision by-law, so we could not proceed with it.

Mr. Atkinson expressed concern about the flow and access to information for members of the public to make a well informed decision.

Ms. Maureen Reynolds, 36 Inverness Avenue, commented her knowledge was based around Whimsical Lake and Tiger Lake. They saw a watershed map earlier and it was indicated what went into Whimsical Lake is separate. What goes into Whimsical Lake ends up in Frog Pond. It is important to keep Frog Lake and Whimsical Lake at an acceptable quality so they can see frogs in the lake again. There were five houses at the end of Joyce Avenue. She was concerned if there was to be ownership right to the end of the swamp.

Mr. Polley responded that was not the case. There would be a municipal walkway.

Ms. Reynolds said she was worried they could put the houses to the end and the access would be cut off. She asked for confirmation that it would be on the high ground and not the swamp. Mr. Polley responded yes.

Dave indicated the idea of a municipal walkabout was previously raised at a meeting. That was to be opened for dogs off-leash and they wanted to put a path between two houses on Mabou Avenue. There is already a park on Mabou Avenue and the street is full of kids and cars coming to the park. They all enjoy the park. It was said Mabou Avenue would be an ideal place to bring your dog, which they thought would create a traffic issue.

Mr. Polley responded that based on his involvement for the soccer field, there is a lot of parking which would be available for non-soccer use. There would be an additional fifty or so parking spots adjacent to the big parkland area so people could park beside Frog Pond.

Dave... expressed concern that the end of Mabou Avenue would become a parking lot which he was not in favour of.

Mr. Jim Chandler, 38 Joyce Avenue, indicated there was a meeting held at the John MacLeod Fleming Tower School about ten years ago concerning the development of a green area around Whimsical Lake. At the end of Joyce Avenue, there was going to be a greenbelt and now he found it would be developed. He was concerned about the traffic implications and their children. Quite a few children live on Joyce Avenue. He questioned why there is a connection to Joyce Avenue.

Mr. Polley responded it is a requirement of HRM. There is a maximum length of a cul de sac in the municipal specifications. When Joyce Avenue was developed thirty to forty years ago, there was a piece of land reserved for the purposes of putting a street connection through.

Mr. Chandler questioned what impact having sixty-eight houses in the range of \$300,000 would have on current property values.

Mr. Polley responded he would suggest it would positively impact house prices in the area.

Mr. Morris Givner, 6 Wyndrock Drive, indicated he has lived there for eight years and was deeply concerned about the traffic on Williams Lake Road. Yesterday, despite the storm conditions, there were at least three cars driving 100 kms. Their councillor has done a good job of getting a four way stop at Purcells Cove Road and Williams Lake Road. They need speed bumps on Williams Lake Road. They should not wait until the children are killed or injured.

Mr. Alan Ruffman, 202 Fergusons Cove Road, questioned whether they had a diagram showing the zoning at the same scale. What is not shown on this map is the area zoned Park and Institutional.

Mr. Polley pointed out the land zoned Park and Institutional as well as R-2.

Mr. Ruffman questioned whether any of this land is zoned Park and Institutional. A very small triangle shaped piece of land was pointed out which is zoned Park and Institutional. The rest is zoned R-2.

Mr. Ruffman questioned whether staff has done an analysis of what the community is getting in return for this sale.

Mr. Sampson responded that has not been done in any detail at this stage.

Mr. Bigelow indicated that in accordance with the plan and the Council report, the benefits of any land sale here is the development of this park. At the time of the community plan, it was well recognized it would be quite awhile before they got the opportunity through conventional means to develop this adjacent to Sir Sanford Fleming Park. That is when the lands were identified that were not available for the park and if they were sold in conjunction with one of the adjacent landowners it could levy the value and return it to the park. In this planning process, they said they would be willing to rezone this little chunk in favour of making this larger piece that the City intended for R-2 to become Park and Institutional. About twenty-five acres of land zoned R-2 would be rezoned to Park and Institutional.

Mr. Ruffman said he thought what he was responding to in part was the overall MPS which designates a lot of this land along this side of Purcells Cove to be Park and Institutional. He questioned whether we have to do an MPS amendment in terms of the change that may occur to accommodate the proposed residential development or to accommodate the change in park boundary.

Mr. Sampson responded yes. The land currently zoned R-2 was designated for low density residential development so that would have to be changed. The decision on that has to come from Regional Council. Back in 2000, Community Council approved the concept in principle but they would eventually have to go to Regional Council for approval.

Mr. Ruffman indicated what happened with the shore line on the other side of Whimsical Lake was sad and should never have occurred. There was infilling of the shoreline and a loss of habitat. This side of the lake has a fair amount of habitat. When the development agreement is negotiated, he would like to see those three properties on Whimsical Lake remain undeveloped. He would like to give Whimsical Lake as much chance as possible to continue and thrive.

Mr. Polley stated they won't have the option of extending their lawns because there will be a municipal walkway behind them.

Ms. Patricia Manuel, old section of Forward Avenue and chair of the planning committee, indicated it would be helpful to have the concept plan super-imposed onto their community based plan so that they can see how the two fit together. That would help on the discussion about the buffer. It was fairly obvious to them who knew the concept plan that there is an issue.

Ms. Dobson displayed a plan and noted those houses should not be there on their plan.

Mr. Bigelow responded that is technical information they wanted from the public information meeting. They will take this information back to Engineering and say the community does not want the T intersection and would rather see the buffer further protected.

Ms. Manuel indicated it would be helpful to have the environmental sensitivity map. There are wetlands which they would like to see super-imposed.

Mr. Atkinson stated they were looking to see the land exchanged, not sold, to protect the environmentally sensitive areas. He has been involved in this since 1995. They are pretty well nine years to the day when they met at the school and said they did not want a development driven process. It took a developer to bring the concept plan back to the community. It has been four years. The planners involved were a tremendous help, as well as the parkland planning staff. The concept plan superimposed on the committee's concept plan would be very helpful to understand how they are meshed.

Mr. Bigelow concurred it has been four years. Staff has been working to attract developers to this property. They circulated the plans and made offers on the lands and they could not come to an agreement on a price. HRM has been aggressively trying to market it, and they finally have a landowner, which is Peter Polley, coming forward with a proposal.

Mr. Erling Alstrup, 14 Nelson Avenue, said he was quite familiar with run-off coming from Clovis Avenue and Joyce Avenue, and has sent a letter to the City. If they fill it in and do not properly drain it, it could create problems for him. He spoke to Paul Sampson a number of years ago. At that time, he said there was not enough space there to put a ballfield and now there seems to be space for a ballfield and a parking area. He questioned whether there would be any blasting of that wall left by the quarry.

Mr. Polley responded there would be blasting to put the water and sewer lines in.

Mr. Alstrup indicated there is a brook which runs in the middle of that low land which the kids cross, and questioned what they would do about that brook.

Mr. Polley responded they would preserve it and make it a feature of that development. It runs into a culvert that runs the entire width of the HRM property.

Mr. Alstrup said there is a water course that runs across their property, across the next door neighbour's property, and into a culvert before it comes out into a swampy area.

Mr. Alstrup questioned whether they would be developing in behind him. Mr. Polley responded yes and pointed out the area on the map.

Mr. Alstrup indicated he was concerned about the safety of the kids. All the years he lived there, he watched the kids coming from the area of Joyce Avenue going through the trails and over to the Williams Lake Road to this school, not to mention the fact that many times he saw them set fires.

Ms. Lord said it was a surprise to the people who spent the time working on the planning committee to see the ad placed in the newspaper in September. They then had to get a hold of staff to find out what was going on. She felt the planning committee who spent a lot of time on the plan should have been given the opportunity to provide feedback on this plan.

Mr. Polley indicated they did speak to a couple of the members of the committee (Bill Campbell and Paul Connor) and in hindsight should probably have asked for a meeting. They have to rely on HRM staff to act as the community's voice in reviewing the concept plan.

Mr. Sampson noted staff was looking for feedback from the community tonight. Staff worked with Polygon Developments in order to get a detailed plan they could take to the community and we feel it reflects the community planning process undertaken to-date. This will still have to go through formal subdivision approval and a stringent review in terms of engineering, the lot layout, and traffic. That is why we are here tonight.

Mr. Atkinson stated they have a lot of information here. They have gone from 1-100. He held the City responsible for the mis-communications and not Polygon Developments.

Mr. Sampson pointed out that no decisions are being made tonight. This process may go on for a considerable number of months before it gets to Community Council and Regional Council.

Mr. Bigelow advised they would take the information they have and make sure it is placed in the local library as early as they can. Everything they have shown here this evening is public. They will also look at perhaps putting something on the web page.

Mr. Sampson cautioned that the conceptual plan is the property of the developer, the architect, and the consultant. HRM cannot make that information available when the developer still has to negotiate with HRM. It is here tonight for public scrutiny.

Mr. Bill Phillips, 9 Crestview Drive, said he felt it was appropriate that this not be the final public presentation. He would suggest that the topographical work for this development has not been done. Once that is done, he felt there should be another meeting like this before anything goes to City Council for changing the designation.

Ms. Alanna Kerr, 48 Joyce Avenue, commented she was confused. She was hearing the information cannot be shared. She felt the community planning committee should first review the information and make a recommendation to Council and then bring it back to a hearing.

Mr. Polley said he did not want the community to take this in a threatening kind of way but they have been working on this for a year. It is a multi-million dollar capital project for them. They are hoping that things can move forward. Also they have an as-of-right development which they can proceed with. They are not going to wait for one to two years or six months because things will drag. He did not want the consensus to be that they go away and come back in two to three months time. He could not wait for six to twelve months. The market is good now.

Ms. Kerr commented she could see his concerns but they all have to work together on this. There are HRM lands that need to be traded so they can have road frontage as well.

Mr. Sampson indicated the information on the concept plan is very detailed, much more detailed than what we look for when doing a rezoning.

Mr. Ruffman suggested that if the members of the committee were provided with the information on the wall they could probably provide them with their reaction within seven days.

Mr. Polley indicated he could provide the information to HRM.

An individual questioned whether it was being proposed that they go with the plan being presented without any changes being incorporated from tonight's meeting.

Mr. Sampson advised that staff will look at the minutes from tonight's meeting and will review the information. The plan is currently undergoing analysis by staff. That is underway but not complete. Changes can happen through the process, and they are still some months away from a Council hearing. Whether there will be changes to the detailed design is partly a decision of Polygon Developments as well.

It was questioned whether the extension of Joyce Avenue would be re-examined.

Mr. Sampson advised that Engineering and Traffic staff looked at that issue and indicated that an extension of Joyce Avenue in some form is necessary to meet the engineering specifications. With regard to the development of all this land, there is the requirement that Joyce Avenue be extended, whether it be a cul de sac or an extension down which is a decision of Engineering staff.

Mr. Bigelow said he was hearing tonight that there is a major concern about the lack of a buffer in the marsh area of Whimsical Lake, and they need to re-think that. They still have to find a way to meet the requirements of the snow plows. They have to look at whether they can make that accommodation in some other way that can maintain that buffer.

Mr. Polley stated that to simply put a bulb on the end to accommodate a snow plow operator has a cost but it has an effect on the overall lot layout. He would prefer to just put a bulb on it.

Mr. Bigelow indicated we would go back to Engineering staff and talk to them about their objectives as a landowner and try and find a way to meet the regulatory requirements and respect the objectives as a landowner which is to maintain the buffer. There will be a cost to that somewhere which someone will have to pay for.

Mr. Read referenced the comment that Mr. Polley did not want to wait for another six months. The committee submitted its report just over four years ago. They have been waiting for this meeting for four years. He did not think they should be rushed and say they have to follow his timeline. Several people remarked that this does not quite fit within the community based plan. This will not happen within three months' time.

Mr. Sampson advised that in some cases there is the ability to go back and have a second public information meeting prior to a public hearing if it is warranted. Normally that is only done when a proposal is changed substantially. That is something they will have to look at with the councillors. The key thing is not to treat this proposal any differently from others.

Dan..., Joyce Avenue, said he was not expecting the cul de sac at the end of Joyce Avenue. Their kids are older but there are many younger children in the area. If they can put a bulb at the end, it will give their kids a safer place to play. They are able to look out and watch the kids be kids. In terms of whether this moves forward in three weeks or three months, they are trying to develop a neighbourhood and he was trying to live in one.

Mr. Andrew Ross, 29 Wyndrock Drive, commented it was a very interesting meeting and they did a wonderful job of presenting. There does not seem to be a huge bridge between what the community plan was proposing and what they want to do. The extension of Joyce Avenue is a concern. He did not think there was a huge gap. He suggested they super-impose the two plans and sit down with the experts who looked at this and maybe it could be done quite quickly.

Mr. Bigelow indicated they would look at perhaps holding a second meeting if it is appropriate.

It was questioned whether staff would consider meeting with the planning committee who worked on a concept plan. Mr. Bigelow responded it would be looked at.

An individual questioned whether they could get an idea of the value of the land they are trading and the cost of park development.

Mr. Sampson responded that the details would form part of a future staff report.

Mr. Bill Dooley, 54 Inverness Avenue, questioned what would happen to the soccer field if Polygon Developments decides to walk away from this development and decides to do as-of-right development.

Mr. Bigelow responded that was a difficult question to answer. Capital budget items are put forward and prioritized HRM-wide and then go to Council for approval. This would be put forward as an item. It could conceivably be awhile before this would be developed to that extent. This is a very costly development from a park perspective.

Mr. Polley indicated it was his understanding that if they could not do the deal with HRM for this land, HRM cannot develop this land based on the maximum length of the street.

The meeting adjourned at approximately 9:45 p.m.

Public Information Meeting Minutes
Case 00143
February 24, 2005

In attendance: Councillor Adams
Councillor Mosher
Peter Bigelow, Real Property & Asset Management
Jan Skora, Real Property & Asset Management
Paul Sampson, Planner, Planning & Development Services
Gail Harnish, Planning & Development Services
Peter Polley, Polygon Developments
Michael Napier, Consultant
Louie Lamoine

Mr. Paul Sampson called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Captain William Spry Centre. He noted this is the second PIM; the first one was held in November. Tonight they are going to focus on the changes to the proposal that resulted from the comments made at the meeting in November.

Mr. Sampson advised it is a joint application by HRM and Polygon Developments to redesignate and rezone portions of the site. HRM lands would be redesignated and rezoned from Park and Institutional and from Low Density Residential. Polygon Developments has willingly agreed to rezone their lands from R-2 (Two Unit Dwelling) Zone to R-1 (Single Family Dwelling) Zone.

Mr. Peter Bigelow commented most of them know Fleming Park but most of them don't know that it extends across Purcells Cove Road onto the other side. When you drive on Purcells Cove Road, you're driving through the park. They also have the former N.S. Public Works' site which is the 53 acres of land formerly called the "pit". It includes a small parcel of land up by Joyce Avenue, and the private parcel of land owned by Polygon Developments.

Mr. Bigelow advised Sir Sanford Fleming donated the park initially. The N.S. Public Works' lands were transferred to the City in 1994. In 1995, staff was authorized to initiate an expression of interest for the development of those lands. In 1995, there was a petition and Councillor Henson was successful in having Council agree to change the process. Nothing happened until shortly after amalgamation. In 1999, HRM bought the Joyce Avenue property to keep access to those fifty-three acres that are by the pit and bordered by Whimsical Lake.

Mr. Bigelow indicated there was a seventeen month community based planning process that involved a lot of staff and community input. There were representatives from three adjacent communities, public meetings, and surveys. They also looked at the adjacent lands (lands owned by Mr. Gallinaugh, Mr. Fox, the Nikolaou lands, and the Forward Avenue lands). In the fall of 2000, a plan was filed with Chebucto Community Council, which was to be the plan used as the basis to move forward. Staff was to initiate the necessary MPS amendments and begin

Mr. Bigelow displayed a copy of the land use plan that came from the planning exercise. It involved lands that were owned by HRM at the time. It called for a portion of residential development, recognizing that some of these lands were desirable for residential, preferably R-1 and R-2. It was also recognized there was an area in back of this land (Polygon Developments' land) that was desirable because of their treed nature for a park, an active area (active recreational in particular), retention for wildlife, and retention of areas for passive recreation. Key to it was a connection through Fleming Park. The idea was that this was an adjunct to Fleming Park. It also recognized there needed to be a buffer around Whimsical Lake and different levels of access, which he pointed out. Each of these communities, if they so desired, would have tertiary accesses. Paramount was environmental protection for Whimsical Lake and its watershed through to Frog Pond. It also recognized there are three watersheds in this area, one through the pit, and one down into Williams Lake.

Mr. Bigelow advised that Polygon Developments purchased the Gallinaugh\Fox lands. In the spring of 2004, they approached HRM to explore purchasing some additional land for development. Staff worked with the developer to prepare a plan through the summer and into the fall of 2004. They had a public meeting in November and heard the community concerns. There were also several other community meetings since then and Polygon Developments met with a number of members from the community to hear and attempt to address some of the concerns.

Mr. Bigelow displayed the new plan, pointing out Fleming Park, the end of Frog Pond, Williams Lake, the end of Joyce Avenue, and Williams Lake. The proposed plan calls for a new street call Ravens Craig. It is winding up beginning on HRM property, over onto Polygon's property through a connection through to Joyce Avenue, and through a cul de sac that is partly on Polygon's lands and partly on HRM owned property. It basically provides seventy-one large R-1 units. The intention is to have a great deal of tree retention. The original plan called for more units on small lots which meant less tree retention. Polygon Developments feels there is a good market for this type of development. The desire is to make this R-1 even though the majority of this property is currently zoned R-2. It also involves a small cul de sac to the left off Ravens Craig with a number of small lots.

Mr. Bigelow indicated the big concern was the buffer around Whimsical Lake. The plan called for a 100' buffer but the plan was silent on recognizing this marsh (pointed out on map) was part of this lake. That was a concern for the community because the original plan had lots going very close to that lake.

Mr. Bigelow noted people were concerned about the extension of Joyce Avenue for a couple of reasons. Residents are afraid of further loading on that street. Also, the extension of Joyce Avenue currently does not have a cul de sac and there was discussion about whether or not a cul de sac was needed. We have gone back to Engineering to look at whether that is needed.

Mr. Bigelow indicated there was concern about the preservation of the bog. People were concerned they were getting a bit too close to it.

Mr. Bigelow pointed out a knot of trees that would be nice to keep. The community was concerned about the loss of trees on Polygon's lands.

Referencing the map, Mr. Bigelow pointed out an area which the plan recognizes is part of the watershed to Williams Lake. There was water retention capability for a slow feed to help regulate the flow into Williams Lake and had filtering capacity. It used to be an old pond and has been filled in and there has been some peat growth, but it still has groundwater retention.

Mr. Bigelow advised that in terms of buffer around Whimsical Lake, we agreed to take a good portion of Joyce Avenue Extension and make it park. Originally there were lots around here (pointed out on map). By making that park, we have a larger area of buffer around that marsh area.

Mr. Bigelow indicated that in terms of this extension of Joyce Avenue, this park reduces the number of lots so there will be fewer houses on Joyce Avenue.

Mr. Bigelow advised that in terms of preservation of the bog, originally we had the plan coming out to a ridge. There is a watershed here (pointed out on map) and it was getting close. They pulled those lots back and shortened them and curved the cul de sac a bit to try and bend it away from the bog.

Mr. Bigelow noted they had a few iterations since the last meeting. Instead of pushing that land out, meaning those houses were going to be more visible from down below, Polygon said they would shorten those lots.

Mr. Bigelow indicated that in terms of the treed area and the wetland capacity, the treed area is not on our property. They went in and assessed the value of those trees. The value has been diminished since the hurricane because a number of the trees have come down. They determined they needed this for parkland.

Mr. Bigelow noted that in terms of wetland capacity, this area (pointed out on map) would be the area that he talked about for recharging of Williams Lake, and it flows down into the Nikolaou property and a series of ponds and into Williams Lake.

Referencing a map, Mr. Bigelow pointed out the lot line for the development in the original community plan. They have done that in order to get further away from the marsh in this particular area. It is a good solution.

Mr. Bigelow indicated he wanted to concentrate on the Joyce Avenue piece. He pointed out the area they are intending for park, the marsh, the upper portion of Williams Lake, as well as an area of grass and sedge which would dry out each season. They are staying away from that. What they have been able to achieve by pulling this back is to be well below the watershed for the bog. They also hope they can keep the magical quality for that place.

Mr. Bigelow pointed out an area where they were not able to achieve the 100' buffer in the back of two lots where it ranges from 60' to 30' at the nearest portion. However, Polygon articulated at the last meeting that they would impose a lot of tree retention. He pointed out an area where they are improving the tree buffer at the back of the lots, even though it is on privately owned land.

Mr. Bigelow stated they have not addressed all of the community's concerns but they have a plan which they are prepared to get feedback on, which they intend to take forward to Community Council and Regional Council.

Mr. John Curtis, 48 Joyce Avenue, asked about the cul de sac.

Mr. Bigelow confirmed it is required in order to meet municipal standards. They have been advised that when they go for any kind of permit that the cul de sac would have to be part of that.

Mr. Bigelow indicated it was recognized in the community plan that if we are going to sell this land, it was the wish that the value stay in the community and go towards the development of the park and carry out the environmental protections that are articulated in the plan. We have negotiated as many environmental protections as we can into this plan. We are going to be recommending to Council that Polygon go in and construct the elements required in the plan. The return to the community is that the park would be created in an official form. There is an irrigated soccer field which they identified the community desired. There is a series of trails that will be developed over a period of time but the initial trails will go in. There is a trailhead and parking lot off Ravens Craig, which is lit, and there is a small flush washroom so the people who use the park would have some creature comforts.

Mr. Bigelow also indicated they would be using the available rock material from this development to reshape the pit and make it part of the park, as well as the water retention structures to try and offset some of the buffer capability for Williams Lake and that flow.

Mr. Sampson pointed out an area where there were a few lots created a few years ago with the small extension of Joyce Avenue. They looked at the possibility of a cul de sac but because this process had been underway and part of the plan was to develop a portion of HRM owned land in this area, staff negotiated with the owner at the time the extension of Joyce Avenue instead of a cul de sac. That was done to allow for the future extension as a result of this process. The extension of Joyce Avenue to either a cul de sac or to bring Joyce Avenue all the way around to Williams Lake Road was looked at. There were two options available, and staff and the developer talked about them and this was the option that was seen as the most beneficial.

It was questioned who it was seen to be the most beneficial to.

Mr. Sampson responded it was beneficial to this proposal. There has been a purchase and sale agreement negotiating an extension which was deemed to be necessary, not only to allow this process but to meet HRM municipal specifications.

It was questioned whether it would be encroaching on the 100' setback from the marsh.

Mr. Sampson responded no. The same issues would have been there for both options.

Mr. Bill Lord, 26 Whimsical Lake Crescent, asked for confirmation that the additional land at the end of Joyce Avenue was purchased to facilitate some future development. Mr. Bigelow responded yes.

Mr. Lord questioned whether protecting the marshland was also a consideration at that time. Moving Joyce Avenue further into that area takes you closer to the wetlands. Was it because there was money to be made in selling the land or was it to protect the wetlands?

Mr. Bigelow responded there was an effort to find a balance because we knew that in order to make this whole plan work, there had to be an economical aspect. Those lands sat vacant since 1994. In order to be able to advance the plan, the best they have been able to negotiate is an area of 35-40' where they are down to a 30' buffer rather than 100' and then it increases to 60-70' on either side. The remainder of Whimsical Lake is protected because it is park. The alternative is to take the rest of that land (the two lots) and make those park. From running the numbers, he knew that is where the currency is to make the rest of the park happen.

It was questioned what else the money was being spent on.

Mr. Bigelow responded the creation of a trail system through the park; the creation of a trailhead and parking area; and an active recreation area down below.

Mr. Sampson asked for confirmation that the buffer they're talking about is 30' to the wet area.

Mr. Bigelow responded the closest to the lake is 150'. There is a recognition that the marsh was not included in the plan. We have moved to try and rectify that as best as we can.

Ms. Stella Lord asked for clarification on the extension of the area negotiated with the previous owner.

Mr. Bigelow pointed out on the map the piece of land purchased by HRM. It became a single lot in order to keep that road access open.

Ms. Lord questioned if they had to sell the whole extension of Joyce Avenue to recoup those costs.

Mr. Bigelow responded no. The currency is in a few lots, which is needed to make the economics of the park work, such as the trails, the sportsfield, and the park amenities.

Ms. Lord stated the City is going to be spending \$3.2 million on a big recreational area in Clayton Park and therefore questioned why this area has to pay for a recreational area through this development.

Mr. Bigelow responded they did the same thing in Clayton Park. They sold surplus land as part of the Mainland Common in order to make the development of the Common happen and to put the road in and the infrastructure so they could facilitate that \$3.2 million project. That \$3.2 million project would have been many more dollars had they not sold property. They have to have a business approach to this because we do not make enough money on taxes and there are other priorities and they want to make this project happen.

Ms. Lord questioned why they need a turning circle and why couldn't they be joined together so that it would be less road.

Mr. Bigelow responded the turning circles are required.

Mr. Sampson indicated that if Joyce Avenue was extended and continued and looped around, then there would not necessarily be a need for a connected street. It would not reduce the amount of road.

Ms. Martha Leary, 21 Redwood Avenue, commented people don't tend to value marsh land much but we do have Provincial regulations which are there for a reason. She wondered about the impact building lots within 40' of the marsh.

Mr. Sampson advised this proposal has been circulated to the Provincial Department of the Environment and we are awaiting comment from them. They look at the impact on watercourses and storm drainage. Eventually, they will have to issue the permit to construct the services.

Ms. Leary questioned whether they would do an environmental assessment.

Mr. Sampson responded he did not think an environmental assessment would be required. They would do an analysis to see if it met the environmental regulations.

Mr. Jan Skora stated the distance between the back property line to the edge of the wet area is around 30'. Mr. Sampson noted that to the lake it is 150'.

Mr. Bigelow stated Polygon Developments will augment that by imposing covenants. Having a beautiful place to live brings a higher return but it is also important to retain a treed buffer.

Ms. Leary questioned whether that is a good idea for the marsh as well.

Mr. Bigelow responded yes. They were looking to achieve 100' around our portion of Whimsical Lake. Whimsical Lake is already quite a bit compromised because there is development right up

to it. They have tried to ensure they are maximizing the environmental buffer around Whimsical Lake as much as they can. They have more than achieved it around Whimsical Lake. The only place they did not achieve it is along the back of one property line for a short distance. What they have achieved there is a 30' buffer and the developer will augment that. They have reduced the back line of this lot quite substantially to pull it away and give them that 30'.

Mr. Bigelow commented he expected it to be at least another 20'.

Mr. Sampson stated they are trying to do as much as they possibly can to have setbacks from the lake. Traditional development has occurred on the lake. They are trying to come up with a solution that meets everyone's objectives and does not repeat past mistakes.

Ms. Melanie Dobson, 11 Wyndrock Drive, commented that as chair of the community ad hoc committee that worked on the concept plan, the committee wanted her to say that many of the problems raised at the last public meeting happened because they did not follow the rest of the process that was supposed to happen. The amendments to the land use were supposed to come first with a public hearing which would have allowed their concept plan to come back to the public. At that point, when they put real lines on and put in place zoning, they would have picked up some of these issues. The buffer zone was a loosely drawn line on the plan. They have been fortunate to have a good developer work with the group. The land use should have changed long before the developer came in. They are rather aggrieved that the process got rather railroaded again. The developer in very good faith has tried to work with a concept. This kind of community planning is effective but only if you have a chance to come back and put them into reality first.

Mr. Sampson responded part of the reason they were looking for a proposal was to come up with those hard lines.

Ms. Dobson indicated that things like the topography around Whimsical Lake could have been put in more firmly. Then the developer would know what lines they have to work with. They did not say this is the area they felt should be developed (yellow hatched area). They recognized it was the one place that could be exchanged for acquiring environmental protection.

Mr. Bigelow commented HRM was attending to other business and this did not get advanced. Also, one of the planners working on the case left. Real Property & Asset Management pursued the acquisition of lands over the four years and got nowhere and when Polygon Developments came along, we recognized them as a good developer and felt confident we could work with them and come up with a good plan. There is a need to develop the park and make it accessible to the public.

Mr. Bigelow stated they did talk about a residential development on these properties. The intention was residential and that it would create currency for the park and for the park in general. He thought there was a recognition that they would have to be split along environmental

and park lines. It was recognized the City did not have the capital to make this work in a timely fashion.

Mr. Sampson indicated the concept process they went through allowed them to get to this point and allowed them to come up with a hard area between the development and the park area. At the lower portion, they have the hard entrance of the road area. When we go to Council, they will know the area of lands being requested to be redesignated and rezoned. We do not want to go back after the fact and say we missed it and have to change it. The hard lines allow Council to make those decisions.

Mr. Bigelow stated it was not the intention to offend or aggrieve. The intention was to advance the intentions of staff and the community and to balance those.

Ms. Heidi Horwell, 22 Mabou Avenue, said she was told there could be a park in their back yard. They are the last house on the lake. She questioned how they would be impacted.

Mr. Bigelow responded that when they did the plan, they made the assumption that every community would like an access to this park, thinking it is a great place. Not everybody can walk out their back yard into the park. People across the street have a right to easy access. They recognized that Inverness Avenue and Joyce Avenue was a natural access but it was tertiary access. It is only for the community. They did identify that they wanted Mabou to have an access and they found the corridor associated with the stream that runs through there. It is a difficult entrance and is the only one they could find. If the community does not want it, they are okay with not putting it in.

Ms. Horwell questioned how far the fence would come and whether they would have to put a fence in.

It was commented they are protected for all time. An area of looping trails was pointed out on the map.

Ms. Horwell questioned whether it would be close to their house.

Mr. Bigelow responded they have not sited it yet. When they do the park development, they will be talking to the neighbours.

Ms. Heather Whitehead, 6 Whimsical Lake Crescent, indicated that when sewer and water services were brought through Spryfield, their street was on the plan. They were abandoned by the City at that point, so they do not have sewer and water. They were told they could not get sewer service because there was no pumping station. With the development behind them, they would like to be connected up to the water and sewer services. Some of the septic systems were put in place sixty years ago and the regulations then were much different than today. They could be looking at all kinds of problems with increased development. They have no problems with

development. They would like to be included in this and somehow be connected to the services like everybody else.

Mr. Polley advised that what he told Ms. Zurbrigg was that if there was a practical way to tie their houses into a sewer extension and it was not at their cost and they would not lose a lot, they would have no problem with it.

Mr. Sampson indicated he would look into it but cautioned it could be something HRM does not have any responsibility to pay for.

Ms. Whitehead referenced the maps and indicated the property lines are different than where their property lines are. When their properties were bought, their property lines followed a stone wall with embankments whereas their property lines here are shown at an angle to these. The property line shown on the map could be through their septic system.

Mr. Sampson responded it was possibly taken from the Provincial mapping and is not nearly as accurate as a survey.

Ms. Sheila Zurbrigg, 36 Bridgeview Drive, said she had a question relating to the stream. It is clear there is development from Bridgeview Drive being extended straight down and did not know if any of their neighbours knew where it is going. She would also like to know the impact on the stream down below and if there has been any environmental assessments of the additional development on the wetland.

It was indicated that the plan is to put thirty-six homes underneath.

Ms. Zurbrigg commented that is a bluff and a shear drop down, and it will take an enormous amount of engineering to even make the road. What will be the impact, if any, on the wetland below?

Mr. Sampson advised the proposal referenced by Ms. Zurbrigg is being reviewed by our Development staff. The zoning permits the subdivision of the land and the new street to be put in. He thought the application is still in its early stages. As part of that process, it goes to the Department of the Environment and things like trails or park would be reviewed by Municipal and Provincial departments.

Mr. Skora referenced the application referenced by Ms. Zurbrigg and indicated it is now at the concept stage and is being reviewed for subdivision based on zoning. They are aware of the issues such as the slope and suggested to the developer that the 5% parkland dedication will be

secured in the lower section. Vegetation with some slopes would be retained as a park. He pointed out on the map where the new cul de sac would go.

Mr. Sampson pointed out the differences in the process for Polygon's development which is not zoned to permit it and has to go through a public process whereas the development referenced by Ms. Zurbrigg is going through the as-of-right process.

Ms. Zurbrigg stated it was hard to see how the preservation of the wetland below would not be potentially affected by that development. She was not saying it should not be developed but questioned how they could have an adequate environmental assessment below without taking into consideration the impact of this other development.

Mr. Sampson responded they did not know the answer because it is so early in the process. As part of the subdivision process, all those answers will be found out. The Municipality and the Province has to make sure any proposal meets those regulations.

Ms. Zurbrigg questioned whether there was an opportunity for a community organization to be notified.

Mr. Sampson responded the development referenced by Ms. Zurbrigg is an as-of-right development, for which there is no opportunity for the public and Community Council to have input. He clarified that it would have to meet all the Provincial and Municipal regulations. He urged her to contact a development officer at the West End Mall office to find out a little bit more about the application.

Mr. Graham Read, 19 Lawnwood Avenue, indicated he was a member of the planning committee in 1999/2000. The community presented the plan in the fall of 2000 and expressed disappointment that the public did not hear anything about what was going on.

Mr. Read said it was his perception of what they discussed at the time that there was a perceived potential to acquire some other lands and that there would be a swap and no significant loss of municipal land. There are the economic factors but he felt staff was emphasizing the economical aspects more than the community members. He suggested it may be better to hang onto the land for the future even if it meant the delay in the development of some of the park. In looking at it, he saw a loss of municipally owned land that has a potential for parkland and did not think that is a good thing for the long-term. If they were not giving up the land, they would not be raising the problem about proximity to Whimsical Lake and the wetlands. He did not think they are gaining a great deal for preserving potential parkland. This end of this land was intended to be a wilderness park extension of Fleming Park. Part of the wetlands are getting squeezed between a playing field and a housing development. He urged that they drop the idea of releasing any municipally owned land for housing development. There is lots of land available for development. It may mean a delay of a few years for the playing field but they would keep a larger chunk of parkland available for the longer term.

Mr. Read commented that when he looked at the significant increases in assessed value on his property in this area, he would suggest the people in the neighbourhood paid a bigger chunk in

recent years for parkland development. He felt that staff was emphasizing the economics more than the community members were.

Mr. Read referenced the comment about reconfiguring the cliffs and rock faces. When he was growing up, he lived in an area with cliff faces and one of the joys was climbing up and down them. It was a great piece of playground equipment and he would hate to see future generations deprived of that, despite the danger of some scraped knees.

Mr. Bigelow stated the plan has no statement about no net loss of park. When they went through the planning process, it was somewhat theoretical and they did not have the benefit of a market analysis. When it comes down to implement it, it comes down to market analysis. He recognized the comment about increasing taxes. HRM would have to put money in over a long-term to make this park happen and recognize its potential for the people. This is a good way to jump start it. They have a good developer and they have gone through a lot of back and forth and think they have achieved a high percentage of that theoretical land use planning exercise he wanted to capture. No planning exercise or municipal planning strategy ever achieves 100%. They are accountable for the pennies so they probably over-emphasize the economics.

Mr. Sampson indicated that staff feels we are at a point where we can take this to Council. If Council decides part of the land will not be for sale, that is their decision.

It was commented that the placement of fill requires a large amount of money.

Mr. Bigelow pointed out an area on the map which they have identified as being that piece of wetland. There is quite a bit of wetland and recharged land. He referenced a flow retention area. Most of the water flows through this pit. They had talked about using these lands to offset any capacity. They were going to put a road through the Nikolaou property and there is a wetland on the Nikolaou property. They recognized they would have to offset that. The Nikolaou lands are not included in this. There was a recognition we would have to try and do that somewhere else.

Ms. Dobson stated they have received a letter from the Department of the Environment (DOE) who recognizes there is a wetland in there.

Mr. Polley advised that DOE has been out to look at their property. DOE has indicated in writing that there is a watercourse running across their property as well as HRM's property. They did not want to assess the Nikolaou property with him but there is a watercourse on each side of it. They cannot give that information to him.

Ms. Patricia Manuel, 19 Forward Avenue, clarified how DOE would look at watercourses or wetlands. She did not think the Municipality should be coming to meetings like this and saying they do not know the regulations. There are too many of these features they are dealing with. How you get an assessment of a wetland depends upon what kind of wetland you are dealing with. If there is a wetland attached to a watercourse, it makes it easier to fight for it. DOE has

regulations controlling watercourses. They have to review applications for development for impact on any watercourses flowing on the property or any body into which watercourses have to discharge into. If the wetland is over two hectares, there will be an environmental assessment screening. If someone is concerned about a wetland and there is no immediate development to tell the impact, it makes it very hard to test for it. You have to wait for a development to come forward with a possibility for impact and then request an evaluation. If you have a sense that something is in the wing, then you need to phone DOE and alert them. For their area, it is the Bedford office. Let them know you are worried and would like them to come out. You have to keep bugging them. They are short-staffed and busy. If it is not part of a watercourse, it is a pretty hard slog.

Mr. Bill Campbell, 23 Inverness Avenue, thanked them for holding the second public meeting, which is something somewhat unique. He questioned whether any information would be put on the web page.

Mr. Sampson advised that the minutes from the last meeting are available. Our normal process is not to put minutes on the web site. They are made available in the staff report that goes to Council.

Mr. Bigelow indicated he thought they talked about putting some of the information in the reference section at the Captain William Spry Library.

Mr. Jonathon Curtis, 48 Joyce Avenue, referenced a footpath proposed at the end of Joyce Avenue and indicated people who live on Joyce Avenue have access into the woods. He asked for confirmation that the contention seems to be around those two lots. Mr. Bigelow concurred.

Mr. Curtis questioned whether Polygon Developments was prepared to deed 20' more or have it as a protected area. He questioned what the advantage was to selling that land rather than keeping it for park. These two lots should not exist and found it hard to believe the whole project rests on those two lots. To protect it as parkland would create a total buffer. He could not believe it is not in the City's power to protect for all time this marsh and the shoreline of Whimsical Lake.

Mr. Curtis, referencing the map, pointed out an area where he thought there is an informal trail marked that goes through that 30' buffer zone. It means that it is further compromised by a footpath. It seems that all these issues can be simply resolved by taking those two lots off the plan.

Mr. Bigelow stated we are still in negotiations but they have done three appraisals and are getting close to a number. They are assessing the value of the work in kind. While he did not think there would be any money left over, if there is, it would be spent on an important place like those two lots. There is a road on one side and they have to pay for the routing of that portion of the

road. The developer will absorb the costs of the sportsfield and the trailhead. They recognize this is the weak point for them.

Mr. Bigelow indicated that in terms of the pathway, the community brought forward that bog at the end which is a incredible place. It was felt because of the proximity that if that is where people enter into the park, it would quickly cease to be a wonderful place. That is where the highest use would be and they feel due to the nature it would be better not to enter at this point and came along with a tertiary point along there (pointed out on map). There is a stone ridge along there that would allow for that pathway to happen to this rock. That is where they want to direct people. Then you go over that ridge and into that incredible bog.

Mr. Curtis said he agreed with that. However, he felt they should be able to put their heads together and work out a way to save those two lots from development.

Ms. Lord commented that she thought Jon's suggestion would go a long way to the things that Friends of Whimsical Lake (FOWL) identified to be necessary to protect Whimsical Lake. She submitted a submission, prepared on behalf of FOWL. She clarified that it was on the basis of the first presentation so she would have to make a few changes based on the new plan.

Ms. Lord stated that FOWL is an organization open to anyone in the Whimsical Lake neighbourhood or the broader community who shares their goals and objectives. They believe the lake is an important resource. It is regularly used for skating and hockey in the winter. Some of the lands on the east side of that lake are used for walking. Whimsical Lake is part of a critical path for wildlife. In short, the lake is a living entity which is shared by a variety of wildlife and used by people in the community for limited recreational purposes. Whimsical Lake, however, is under stress and that is why they are concerned about the proposed development abutting the south end of the lake and specifically about the plan to extend Joyce Avenue and build several houses so close to the lake. They have noticed more lily pads and bulrushes in the lake.

Mr. Lord advised that at a meeting earlier this month, FOWL members agreed to the following criteria for acceptable development and to move the development forward:

- a buffer zone of at least 100' between the development and any peat bog, wetland, or marshy area near the lake must be respected;
- no development on slopes that provide run-off directly into the lake or into the said bog, marsh, or wetland areas near the lake;
- no extension to Joyce Avenue as currently proposed in the plan; (She clarified that in the written submission she was talking about the earlier plan. This is much better because it is still set back but she did not know why they have to have a turn around or an extension.)
- HRM should maintain a promise to develop a narrow root and branch trail along the pathway already used for recreational purposes by people in the community.

Ms Lord quoting from the letter stated:

“Between 1995 and 2000 members of this community worked diligently on the development of a joint community concept plan to ensure environmentally sensitive areas were protected, adequate habitat for wildlife was preserved, and active recreational space on Williams Lake Road was developed. All this hard work, however, will be for nought if this development plan does not demonstrate how it will achieve all these goals.

FOWL has made a commitment that in working towards our objectives we will also network with like-minded individuals and community groups in the area and collaborate with politicians, local and provincial governments and others whose decisions may have important impacts on the lake and its environment.

We know that the Community Planning Committee made similar good faith commitments with regard to this current development plan. We understand, however, that although the developer is willing to come to the table to discuss sustainable alternatives, HRM staff have been less willing to do so. We hope that HRM staff, the developer, and the community planning committee, as well as our local councillors, will find a more environmentally sustainable solution for residential development near Whimsical Lake.”

Ms. Lord stated she felt the proposal was improved but she thought they heard tonight it still is not satisfactory and does not meet their concerns about sustainable development and the idea that they want to restore the lake. There has been a bit of an attitude about Whimsical Lake having had it.

Mr. Sampson indicated that for a lot of our applications, the developer talks to people in the community and they do that on their own outside of the HRM process. That does not show that staff are reluctant to meet with them. It shows that the developer is willing to go that extra step. Many developers have done that in the past. They are here for a second meeting and this will eventually go to a public hearing at which time they can make their comments again. It is incorrect to say that HRM staff are not willing to meet. It is hard to meet with everyone and that is what these meetings are for so that everyone can have the opportunity to make comments.

The meeting adjourned at approximately 8:50 p.m.

**SUBMISSION TO HRM AT A PUBLIC INFORMATION MEETING ON RESIDENTIAL
DEVELOPMENT IN THE WILLIAMS LAKE/WHIMSICAL LAKE LANDS
BY FRIENDS OF WHIMSICAL LAKE (FOWL)**

February 24, 2005

Our Concerns

Friends of Whimsical Lake (FOWL) is a recently formed community organization open to anyone in the Whimsical Lake neighbourhood or the broader community who shares our goals and objectives. These are to work to preserve, protect and improve the overall integrity and health of Whimsical Lake and its environment (the shoreline, wetlands and watershed). The Lake is an important community resource that provides recreational and other benefits to local residents and the broader community. It is regularly used for skating and hockey in the winter. Some intrepid folks also use the city-owned lands at the east of the Lake for walking. In what is becoming an increasingly urban and built-up environment in Mainland South, Whimsical Lake is also part of a critical habitat for animals such as deer, rabbits and foxes. It is a key source of what we hope will become cleaner water for Frog Pond and eventually, for the Northwest Arm. The wetlands which surround the Lake also provide a crucial area for nesting and migrating birds. In short, the Lake is a living entity which is shared by a variety of wild-life and used by people in the community for limited recreational purposes.

Whimsical Lake, however, is under stress and this is why we are very concerned about the proposed development abutting the south end of the Lake and specifically about the plan to extend Joyce Avenue and build several houses so close to the Lake.

Background

The city-owned lands for which this development is proposed have been the subject of a community planning process since the mid-1990s when after much lobbying and a motion to Council in 1995, the City to agree to establish a joint community-staff committee to develop a concept plan for the lands. The concept plan was presented to the community in June 2000 and in accordance with the results of a survey conducted in 1999, the concept plan proposed protection for environmentally sensitive areas, recreation and park development, and a land swap to enable limited residential development for single family dwellings. The land swap was to involve re-zoning an area behind Joyce Avenue now zoned Park and Institutional to R1, and re-zoning the old quarry site on Williams Lake Road from R2 to open space activity to accommodate a soccer pitch or baseball diamond. Community members involved in the concept planning process concurred with the proposed land swap on condition that environmental protection would be provided for sensitive areas affecting both Williams Lake and Whimsical Lake. To this end, the plan stipulated that a buffer zone would be maintained between any residential development and Whimsical Lake. At a public information meeting in June 2000 residents who questioned the proposed land swap and the possible impacts of development were assured that with a protective buffer zone the set backs would be far enough from the Lake to protect the shoreline as well as marsh, critical slopes, boggy areas and wetlands.

The Issues

We now find that the proposed buffer zone in the development plan will not accomplish what was promised. It is not adequate to protect these areas. At a public meeting last October to unveil the residential development plan, community members were told that the buffer zone was to be about 100' from the Lake. Upon further investigation, however, we found that that the boundary for the start of the proposed 100' buffer was not the marsh and wetland area, but the shoreline of the lake itself, that in some instances the buffer was less than 100' and that in some areas the proposed development would impinge on the wetlands, marsh and crucial rocky slopes. We believe, therefore, that the buffer zone as proposed in the development plan is inadequate to protect the integrity and health of Whimsical Lake. It is inadequate not only because it is too close to the Lake but also because the development plan proposes to extend Joyce Avenue to accommodate several houses and a turning circle for a snow plow. The extension of the road and a turning circle is a proposal that we think is entirely unnecessary to achieve residential development in the area. It will further compromise this sensitive area and it is likely

there will be run-off from the road into the Lake. The idea for the road extension and turning circle were apparently at the insistence of HRM staff and we understand it were not the preference of the developer.

We are not anti-development as long as it is environmentally sustainable. We want assurances, however, that the health and integrity of Whimsical Lake will not be further compromised by development in the area.

We realize that Lakes do change naturally over time and that not all change is necessarily bad, but some is, and most of the changes in the Lake that residents have observed in the last few years and which we are concerned about can be attributed to human intervention often accompanied by simple neglect, ignorance, or unsustainable development practices. The water quality of the Lake and its environment have already been negatively affected by development around the Lake over the last twenty or so years. At the same time, with prudent care, foresight and adequate protection, we believe that the Lake could be restored and make a healthy and viable come-back.

There is a small park at one end of the Lake with a beach. This is a great place for children and others to play but it was once used for swimming. It has, however, been closed to swimming since about the mid-1980s because of poor water quality. Local residents who use the Lake or live nearby notice that where the water flows into the Lake from Whimsical Lake Crescent, the water rarely freezes in winter and it is very salty from street run-off. After numerous requests, the City has agreed use sand on this road instead of salt. Similar concerns have been expressed regarding overflow and water run-off from Joyce Avenue. Some residents also notice that the water level of the Lake has gone down in the last few years, possibly due to restorative work on a grid that allows the water to flow out of the Lake and into a stream that feeds Frog Pond. As a consequence of the lower water level, the changes in water quality, and siltation due to development at the south-west end of the Lake, vegetation in the lake such as Lily pads and bulrushes is increasing.

Despite these sources of stress on the Lake, however, we understand that recent tests have shown that the water quality is improving; the Lake is still home to a number of ducks; there are fish in the Lake (although mainly cat fish and no trout as there once were); kingfishers, ospreys and loons regularly stop at the Lake in the summer; the wetlands remain a nesting ground for birds in the spring and herons and bitterns migrating south stop for rest and replenishment in the fall.

Members of FOWL want to ensure that no further damage is done to this resource and that the Lake can continue to sustain itself and the wild-life that rely upon it. We want to try and reverse some of the damage that has already been done through the construction of houses around the Lake and wetland area, so that local residents and the broader community, as well as future generations, can continue to enjoy what it has to offer. Indeed, our group would like to see the Lake once again safe for swimming. The current development, if allowed to go ahead as planned, may put these goals in jeopardy. It is on unsustainable development practices which might be enough to tip the balance and end any chances that the Lake will recover or in the long run, or even survive.

This is why, at a meeting earlier this month, FOWL agreed on the following criteria for acceptable development and to move the development forward:

- a buffer zone of at least 100' between the development and any peat bog, wetland or marshy area near the lake must be respected
- no development on slopes that provide run-off directly into the lake or into the said bog, marsh or wetland areas near the lake
- no extension to Joyce Avenue as currently proposed in the plan
- HRM should maintain a promise to develop a narrow root and branch trail along the pathway already used for recreational purposes by people in the community

Between 1995 and 2000 members of this community worked diligently on the development of a joint community concept plan to ensure environmentally sensitive areas were protected, adequate habitat for wild-life was preserved, and active recreational space on Williams Lake Road was developed. All this hard work, however, will be for nought if this development plan does not demonstrate how it will achieve all of these goals.

FOWL has made a commitment that in working towards our objectives we will also network with like-minded individuals and community groups in the area and collaborate with politicians, local and provincial governments and others whose decisions may have important impacts on the lake and its environment.

We know that the Community Planning Committee made similar good faith commitments with regard to this current development plan. We understand, however, that although the developer is willing to come to the table to discuss sustainable alternatives, HRM staff have been less willing to do so. We hope that this intervention will be sufficient to change your minds. We would welcome the opportunity to meet with HRM staff, the developer, and the community planning committee, as well as our local Councilors, to find a more environmentally sustainable solution for residential development near Whimsical Lake.

Thank you for your attention.

Respectfully submitted:

Friends of Whimsical Lake (FOWL)

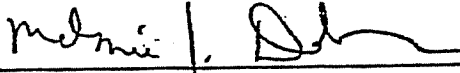
Geoff Atkinson
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Bill Campbell
Mary Crowley
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Dave Jamieson
Alanna Kerr
Martha Leary
Stella Lord
Bill Lord
Janice Stairs
Russ Wilcox

Prepared on behalf of FOWL by
Stella Lord
February, 2005.



Chebucto Community Council
October 2, 2000

TO Chebucto Community Council

SUBMITTED BY 
Melanie Dobson, Chair
Fleming Park - Williams Lake Road Land Committee

DATE August 29, 2000

SUBJECT Community-based Planning Process
for Fleming Park - Williams Lake Road Land
Halifax (District 17) - Project 00143

ORIGIN

July 10, 2000 verbal presentation to Chebucto Community Council by the Fleming Park - Williams Lake Road Land Committee on the proposed Concept Plan for the Fleming Park - Williams Lake Road Land.

RECOMMENDATION

It is recommended that:

1. Chebucto Community Council "approve in principle" the proposed Concept Plan as shown in Attachment I as the basis for future development of the Fleming Park - Williams Lake Road Land.
2. Chebucto Community Council recommend staff prepare a report based on the Concept Plan and proceed to Regional Council to initiate the necessary Municipal Planning Strategy and Land Use By-Law amendments for implementation of the proposed Concept Plan.
3. Chebucto Community Council recommend staff proceed to Regional Council for approval to investigate development options for those lands identified for non-recreational uses on the proposed concept plan as shown on the proposed Concept Plan.

BACKGROUND

This is a report on the Community-based Planning Process for the HRM owned Fleming Park - Williams Lake Road Land (Parcel B). The Planning Process also includes the land of Mr. Gallinaugh and Mr. Fox (Parcel A), the land of 3019697 Nova Scotia Limited (Parcel C), a portion of the Sir Sanford Fleming Park (Parcel D), and the land of Mr. Nikolaou (Parcel E), as indicated on the Location Map (Attachment II.)

The Fleming Park - Williams Lake Road Land Committee (hereinafter referred to as 'the Committee') was formed in May of 1999 with the purpose of defining guidelines and criteria in the use of the Fleming Park - Williams Lake Road Land. To achieve this goal, Committee Meetings were held on a regular basis, a Community Survey was conducted, Land Sensitivity Principles and Development Principles were developed, and a Site Opportunities and Constraints Analysis was conducted. Updates were periodically provided to Chebucto Community Council in the form of Information Reports and presentations.

Based on the background work completed, several concept plans were prepared by staff and evaluated by the Committee. A final concept plan was then presented to the public at a Community Meeting on June 14, 2000 as the basis for future development of the site. The minutes of the June 14, 2000 Community Meeting are attached (Attachment III.) The proposed Concept Plan (Attachment I) was also presented to Chebucto Community Council on July 10, 2000.

DISCUSSION

Current Site Conditions

The site is currently vacant, and consists of 53 acres of HRM owned land in Mainland South, Halifax. The site is bounded to the north by Whimsical Lake and Sir Sanford Fleming Park, to the south by Williams Lake Road, and to the west and east by privately owned vacant land. While the mandate of the Committee focused primarily on the HRM owned land, the Committee also considered the linkages between the private and public lands, and explored options for acceptable development of the entire area. The adjacent private lands consist of approximately 30 acres in total.

Concept Plan

The goal of the Concept Plan is to secure natural parkland as an extension of Sir Sanford Fleming Park for environmental protection and quality recreation, and to enable limited R-1 (Single Family Dwelling) development in appropriate areas for the purpose of generating funds to implement the Concept Plan. The Concept Plan proposes various recreation, preservation, and conservation land uses for the site, including trails, parking, a sports field, an active play area, water access, natural park - forested, natural park - barren ridge, a wildlife corridor, and stormwater retention. Limited non-recreation uses are proposed in areas deemed most appropriate for residential development (Attachment I.)

The Concept Plan further proposes trails, natural park - forested, natural park - barren ridge, wildlife corridor, stormwater retention and non-recreation uses for the adjacent private land

(Parcels A, C, & E.) Trails, parking, an interpretive station, forest park, and wildlife corridor are the uses proposed for the adjacent land of Sir Sanford Fleming Park (Parcel D.)

Adjacent Property Owners

Negotiations between the Committee, staff, and the owners of the private land to the east (Parcel C) resulted in the submission of a subdivision proposal for R-1 (Single Family Dwelling) development on Parcel C. The development is confined to the boundaries of the property, and provides for a public right of way connecting the development and adjacent neighbourhoods to the HRM owned land (Parcel B.) The subdivision proposal, however, does not protect the barren ridge on Parcel C, or pedestrian access to view points on the ridge, as proposed by the Committee on the Concept Plan (Attachment I.) The subdivision application is currently under review by HRM staff, and staff will continue to explore available options to realize the proposed Concept Plan as illustrated for Parcel C.

Staff have held information exchanges with representatives for the private land to the west (Parcels A & E.) Should Chebucto Community Council accept the recommendations of the Committee contained in this report, staff will continue to explore options, in consultation with the landowners of these parcels, for the purpose of implementing the Concept Plan.

Implementation Strategy

The first step of the Implementation Strategy for the proposed Concept Plan was to receive input from the public. As previously mentioned, the concept plan was presented to the public at a Community Meeting on June 14, 2000 (Minutes - Attachment III.) This report constitutes the second step of the Implementation Strategy. Adoption of the recommendations contained in this report will enable the final step of the Implementation Strategy.

The final step of the Implementation Strategy is adoption of the Municipal Planning Strategy and Land Use By-Law amendments necessary to implement the proposed Concept Plan, as outlined below. A Public Hearing before Regional Council is necessary for Council to consider the proposed amendments.

Proposed Municipal Planning Strategy and Land Use By-Law Amendments

Current Land Use Designation & Zoning:

Within the Mainland South Secondary Planning Strategy and Halifax Land Use By-Law, the northern portion of the site (Parcel B) is designated Major Community Open Space and zoned Park & Institutional (P), except for a small portion of land on the northwestern edge which is designated Low Density Residential and zoned Single Family Dwelling (R-1.) The southern portion of the site is also designated Low Density Residential, but is zoned Two-Family Dwelling (R-2) as shown in Attachments IV and VI.

The three privately owned parcels of land to the west and east of the site are designated Low Density Residential and zoned Two-Family Dwelling (R-2,) except for the upper portion of Parcel C which is designated Major Community Open Space and zoned Park & Institutional (P).

Municipal Planning Strategy Amendment & Rezoning for the HRM owned land (Parcel B):

Rezoning of the southern portion of the site from Two-Family Dwelling (R-2) to Park & Institutional (P) is necessary to reserve the property exclusively for recreation, conservation, and preservation uses, as proposed in the Concept Plan. A Municipal Planning Strategy amendment to redesignate this same portion from Low Density Residential to Major Community Open Space will ensure the future use of the land as recreational (Attachments V & VII.)

A Municipal Planning Strategy amendment to redesignate approximately 4 acres on the northwestern edge of the site from Major Community Open Space to Low Density Residential is also necessary to enable the rezoning of this portion of land from Park & Institutional (P) to Single Family Dwelling (R-1.) The rezoning is necessary to enable limited and suitable residential development (Attachment VII.) It was determined this portion of the site was not critical to achieving the Land Sensitivity Principles and Development Principles established by the Committee.

Alternative non-recreation uses were therefore considered for this 4 acre area. Single Family Dwelling (R-1) development was deemed an appropriate non-recreation use for this area, as it would potentially contribute funds to the implementation of the Concept Plan, ensure compatibility with adjacent Single Family Dwelling (R-1) development, and minimize any impacts on the proposed adjacent natural park area. Additional controls such as conditions of sale, a Development Agreement provision, and larger minimum lot sizes may also be proposed to further ensure an appropriate type of residential development. It should be noted this area was identified using limited available topographical and engineering information, which may necessitate minor boundary modifications during future detailed design.

Rezoning of the privately owned land (Parcels A, C & E):

Rezoning of the three privately owned parcels of land to the west and to the east of the site from Two-Family Dwelling (R-2) to Single Family Dwelling (R-1) is necessary to enable the type of residential development deemed most appropriate to achieving the Land Sensitivity Principles and Development Principles established by the Committee. While it is preferable to undertake such a rezoning with the consent of the affected property owners, Council may also consider rezoning the three privately owned parcels solely at the request of the Committee.

Rezoning of portions of the three privately owned parcels of land to the west and to the east of the site from Two-Family Dwelling (R-2) to Park and Institutional (P) is also necessary to implement the natural park - barren ridge, natural park - forested, and stormwater retention uses in the areas identified as critical to achieving the Land Sensitivity Principles and Development Principles established by the Committee (Attachment I.)

CONCLUSION

An extensive community-based planning process was undertaken by the Committee and staff, as directed by Halifax City Council in 1995, for the purpose of defining guidelines and criteria in the use of the Fleming Park - Williams Lake Road Land. Based on these guidelines and criteria, a proposed Concept Plan was prepared as the basis for future development of the site. The

proposed Concept Plan and an accompanying Implementation Strategy are presented in this report. As the community-based planning process carried out by the Committee and staff enabled the needs and concerns of the community to be reflected in the proposed Concept Plan, it is recommended Chebucto Community Council adopt-in-principle the proposed Concept Plan as the basis for future development of the site.

The final step of the Implementation Strategy is a Public Hearing before Regional Council to consider the Municipal Planning Strategy and Land Use By-Law amendments necessary to implement the proposed Concept Plan. Implementation of the proposed Concept Plan will secure natural parkland as an extension of Sir Sanford Fleming Park for environmental protection and quality recreation, and enable limited R-1 (Single Family Dwelling) development in appropriate areas for the purpose of generating funds to implement the Concept Plan. It is therefore recommended Chebucto Community Council request staff to prepare a staff report and proceed to Regional Council to initiate the Municipal Planning Strategy amendments outlined in this report.

It is being recommended that Chebucto Community Council recommend staff proceed to Regional Council for approval to investigate development options for those lands identified for non-recreational uses on the proposed concept plan as shown on the proposed Concept Plan.

BUDGET IMPLICATIONS

Administrative and advertising costs for the proposed Municipal Planning Strategy and Land Use By-Law amendments would total approximately \$1,000. These costs are for advertising public information meetings and the public hearing, room rental costs (if applicable), and other out-of-pocket expenses. Should Regional Council instruct staff to proceed with the amendments, these costs will be absorbed by the Planning & Development Services Operating Budget.

There are no other anticipated costs associated with the amendments to the Municipal Planning Strategy and Land Use By-law.

MULTI-YEAR FINANCIAL IMPLICATIONS

Implementation of the Concept Plan on the HRM owned land (Parcel B) is estimated to cost in the range of \$350-400,000. However, there may be potential to recoup a portion or all of these costs through options through further consultation/negotiation with adjacent property owners, and possible development of a portion of HRM land for Single Family Dwelling (R-1) development. Further exploration is required to determine the exact multi-year financial implications of the proposed Concept Plan. This matter will be discussed in a future report(s) to Council.

ALTERNATIVES

1. Chebucto Community Council may choose to not accept any or all of the recommendations contained in this report. However, should Chebucto Community Council choose not to support the recommendations of the Committee, the Motion passed by Halifax City Council in 1995 will not be properly implemented. This alternative is not recommended.

ATTACHMENTS

Attachment I	Proposed Concept Plan
Attachment II	Location Map
Attachment III	June 14, 2000 Community Meeting Minutes
Attachment IV	Current Land Use Designations
Attachment V	Proposed Land Use Designations
Attachment VI	Current Zoning
Attachment VII	Proposed Zoning

Further information regarding the contents of this report may be obtained by contacting
Maya Ray, Planner - Planning Services, at 490-4793 (TEL) or 479-4257 (FAX.)

For additional copies or for information on the status of this report, please contact the
Office of the Municipal Clerk at 490-4210 (TEL) or 490-4208 (FAX.)



PO Box 1749
Halifax, Nova Scotia
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Paul

Attachment " F "

Halifax Regional
Municipality

MAY - 2 2005

Planning Services
Heritage Property Program

TO: Chebucto Community Council

SUBMITTED BY: Shirley Edmunds
for Wayne Stobo, Chair, Halifax Watershed Advisory Board

DATE: 20th April, 2005

SUBJECT **Recommendations - Case 00143:
Municipal Planning Strategy Amendment and Rezoning,
Williams Lake Road lands.**

ORIGIN:

At the 16th March, 2005 meeting of the Halifax Watershed Advisory Board, Mr. Paul Sampson, Planner, presented an application to redesignate and rezone lands on Williams Lake Road, Halifax to Low Density Residential /R-1 (Single Family Dwelling) and Major Community Open Space/P (Park and Institutional). The majority of these lands are currently zoned R-2 (Two Family Dwelling) and a small portion, P (Park and Institutional).

RECOMMENDATIONS:

The Halifax Watershed Advisory Board does not oppose the proposed redesignation and rezoning of the Williams Lake Road lands. Although the information provided was at a preliminary, concept planning stage, the Board appreciates the opportunity to review this application and makes the following recommendations pertaining to the protection of the watershed and the natural environment - which are our primary concern:

1. In order to achieve the stated proponent's goal: *"To ensure water quality on and leaving the site remain equal to that of the existing water on the site, and that it is suitable for public health and aesthetic uses,"* it is necessary to have baseline water quality information. The Board therefore recommends that a baseline water study be completed. Further monitoring should be undertaken quarterly during development and for a period of at least three years after completion of construction.

Water sample testing should cover all the parameters listed in the Rapid Chemical Analysis program (RCAP) and, in addition:

- Total Nitrogen

Samples should be taken at the culvert leading from the final settling pond to Williams Lake.

The results of these studies should be submitted to both HRM and the Watershed Advisory Board. If water quality degradation is observed, the developer should be required to take remedial action.

2. The Board recommends that the final, detailed version of the Storm water Management and Erosion Control Plan for this site, designed by a registered professional engineer, be provided to the Board for review and comment.
3. The Board endorses the development of engineered wetlands.
4. The Board recommends that an oil/grit separator be placed at the inlet of the new engineered wetland (rather than the outlet).
5. The Board recommends that run-off from the soccer field and parking lot be directed into the wetlands system as far upstream as possible in order to reduce the amount of fertilizer, pesticides and other contaminants entering Williams Lake.
6. The Board recommends that as much of the brook as possible be exposed to daylight - as opposed to being enclosed in culverts. Where culverts cannot be avoided, these should be designed to accommodate fish passage. If it is proposed that the brook be directed under the soccer field in a culvert, the Board recommends that it be rerouted around it on the South side.
7. Due to the potential impact of blasting on wells, the Board recommends that the two wells supplying drinking water to local residents, which are situated close to this proposed area of development, be tested for quality and quantity both before and after the proposed blasting operations take place.

BACKGROUND:

The proponent seeking these rezonings proposes the development of 70 single-family lots, on the Williams Lake Road site. A sports field, parking area, trails and associated park facilities are also being planned and all remaining HRM parkland will be set aside for park use. The proposal is in keeping with the community based planning process which was approved in principle by the Chebucto Community Council in 2000.

The Watershed Advisory Board was pleased to note that efforts appear to be planned to restore natural run-off patterns and to protect natural watercourses through the establishment of vegetated buffer zones and engineered wetlands. It is also planned to make all houses and sites subject to environmental site controls and protective covenants.