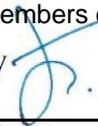


Item No. 11.2
Halifax Regional Council
April 5, 2016
May 24, 2016

TO: Mayor Savage and Members of Halifax Regional Council
Original Signed by 

SUBMITTED BY: _____
John Traves, Acting Chief Administrative Officer
Original Signed by 
Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: March 1, 2016

SUBJECT: Case 20264: Amendment to the Regional Subdivision By-law, Beaver Bank

ORIGIN

Request from WSP Canada Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development and Part IX, Subdivision

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give first reading to the proposed amendment to the Regional Subdivision By-law, as contained in Attachment A of this report, to extend to the Water Service Area to approximately 148.5 hectares (367 acres) of land located off Windgate Drive in Beaver Bank, and schedule a public hearing; and
2. Approve proposed amendments to the Regional Subdivision By-law, as contained in Attachment A of this report, to extend to the Water Service Area to approximately 148.5 hectares (367 acres) of land located off Windgate Drive in Beaver Bank.

BACKGROUND

WSP Canada Inc., on behalf of Marque Investments Ltd., has submitted an application to amend the Regional Subdivision By-law to extend the Water Service Area boundary to an approximately 148.5 hectares (367 acres) area located off Windgate Drive in Beaver Bank. The applicant wishes to develop an open space design development containing 265 residential units serviced by central water and on-site sewer services.

Subject Site	Comprised of four properties: PIDs 41043597, 40010514, 41398694 and 41401159
Location	Lands are located between Revendale Drive and Capilano Drive, Beaver Bank
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Mixed Use (MU) and Rural Resource (RR) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS)
Zoning (Map 2)	I-1 (Mixed Industrial) and MR-1 (Mixed Resource) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB)
Site Size	148.5 hectares (367 acres)
Site Conditions	Varied natural terrain including streams, wetlands, hills and valleys.
Current Use(s)	Recently logged and contains logging roads used as trails by local residents
Surrounding Uses	<u>North and South</u> : low density residential development <u>East</u> : Golf Course <u>West</u> : Sackville Lakes Provincial Park

Proposal Details

The applicant wishes to develop 265 residential units on the subject site as outlined on the concept plan submitted by the applicant (Attachment C). The main features of the proposed development include:

- Servicing the development by central water and on-site sewer services;
- 55 lots in the Hybrid Open Space Design (individual lots);
- 210 Units in the Classic Open Space Design (condominium ownership);
- Parkland and Trails; and
- The conservation of wetlands, steep slopes and riparian buffers.

Enabling Policy

Regional Plan Policy SU-14 and SU-15 enables Regional Council to consider new and expanded Water Service Areas. The applicant's request is reviewed against both policies and a detailed review is contained in Attachment B.

Site History

In 2009, Regional Council directed staff to review the feasibility of including the Monarch Estates/Rivendale subdivisions, including the subject site (identified as the Barrett lands at the time), within the Water Service Area. In 2010, Regional Council approved the expansion of the Water Service Area to the Monarch Estates/Rivendale subdivisions along with direction for related water service installation work and MPS amendments. The subject site (Barrett lands) was not included in the Water Service Area because no development was proposed for the site.

In January 2014, the applicant submitted a Stage 1 Open Space Design development agreement application. Since this application was received prior to May 31, 2014, the first notification for the adoption of the 2014 Regional Plan, this development agreement application is being considered under the policies of the 2006 Regional Plan.

Approval Process

The applicant's request concerning the Water Service Area boundary expansion and Open Space Design development were presented together at a single public information meeting. However, since the two requests follow different planning processes, the application has since been split into two separate cases. The following outlines the planning process.

1. First, Regional Council is being asked to consider the request to amend the Regional Subdivision By-law to extend the Water Service Area to the subject site. If approved, Regional Council's decision is subject to Provincial review and is not appealable to the N.S. Utility and Review Board.
2. Second, North West Community Council will consider the proposed Open Space Design development agreement. Regional Council's previous decision concerning the Water Service Area is important for informing the detailed review of this development agreement. North West Community Council's decision concerning the development agreement can be appealed to the N.S. Utility and Review Board.

DISCUSSION

The Regional Subdivision By-law establishes central water and sewer service standards for different areas of the Municipality. Amendments to this By-law are not routine undertakings and Regional Council is under no obligations to approve such requests. While the Regional Plan generally discourages the extension of urban infrastructure into rural areas, it recognizes that expansions to the Water Service Area boundary may be appropriate in certain circumstances. In this case, staff advise that, as suburban infill site, the proposal is consistent with the special circumstances identified in the Regional Plan. Attachment A contains the proposed amendment to the Regional Subdivision By-law that would enable central water services to be provided to any new development on the subject site.

Attachment B provides an evaluation of the proposed amendment to the Regional Subdivision By-law in relation to the relevant policies of the Regional Plan. Of the policies reviewed to satisfy the Regional Plan criteria, the following have been identified for more detailed discussion.

Related Development Proposal

The applicant is proposing an Open Space Design development containing a total of 265 residential units. The proposal includes both a Classic (common ownership) form of development and a Hybrid (individual lots) form of development. Regional Plan policy indicates that new water service areas may be established on lands adjacent to an existing Water Service Area that contain a proposed Classic Conservation Design Development. Since the majority of the proposed development is in the Classic form, the proposal is considered to meet this policy criteria.

Performance of Water Distribution System

The subject site is located between two existing residential subdivisions that are serviced by central water services. Halifax Water indicates that it supports the proposed expansion to the Water Service Area because it would facilitate Halifax Water's master plan to complete the looping along Windgate Drive. Currently, areas of Fall River, Waverley, Lakeside, and Windsor Junction are supplied by a single transmission main along Cobequid Road. Halifax Water indicates that this line has failed in the past and the failures resulted in the disruption of service to a large number of homes. Expansion of the Water Service Area boundary would facilitate the completion of water main looping along Windgate Drive and provide improved service and redundancy to existing homes.

Water Quantity Issues

In 2010, Regional Council approved the expansion of central water services to the adjacent Monarch Estates/Rivendale subdivisions to address water quantity issues. Similar water quantity issues could be expected if the subject site were allowed to be developed with on-site water. Therefore, expanding the

water service area to the subject site would pre-emptively address known water quantity issues in the area.

Costs

Halifax Water indicates that no new area charges would be needed to pay for growth related improvements. The applicant will be required to construct, at it's own expense, water service infrastructure within the proposal development according to Halifax Water requirements, as well as contribute base costs associated with oversizing the water main located on Windgate Drive. In addition, as with all water serviced development, Regional Development Charges will apply to all new connections at the permitting stage.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the Regional Plan. The proposal to include the subject site in the Water Service Area would improve the performance of the water distribution system and enable the proposed Open Space Design development, a suburban infill site, to be serviced by central water services in an area that is known to have water quantity issues. Therefore, staff recommends that Regional Council approve the proposed amendment to the Regional Subdivision By-law to expand the Water Service Area to the subject site.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on November 18th, 2015. The minutes from this meeting are contained in Attachment D.

A public hearing must be held by Regional Council before they can consider approval of the proposed amendment to the Regional Subdivision By-law. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact Halifax Water and the design and feasibility of the proposed Open Space Design development.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those reviewed in this report.

ALTERNATIVES

1. Regional Council may approve the proposed amendment to the Regional Subdivision By-law subject to modifications. This may necessitate further negotiation with the applicant and the need to hold a second public hearing. This may also require a supplementary report from staff.

2. Regional Council may choose to refuse the proposed amendment to the Regional Subdivision By-law. A decision of Regional Council to refuse the request is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

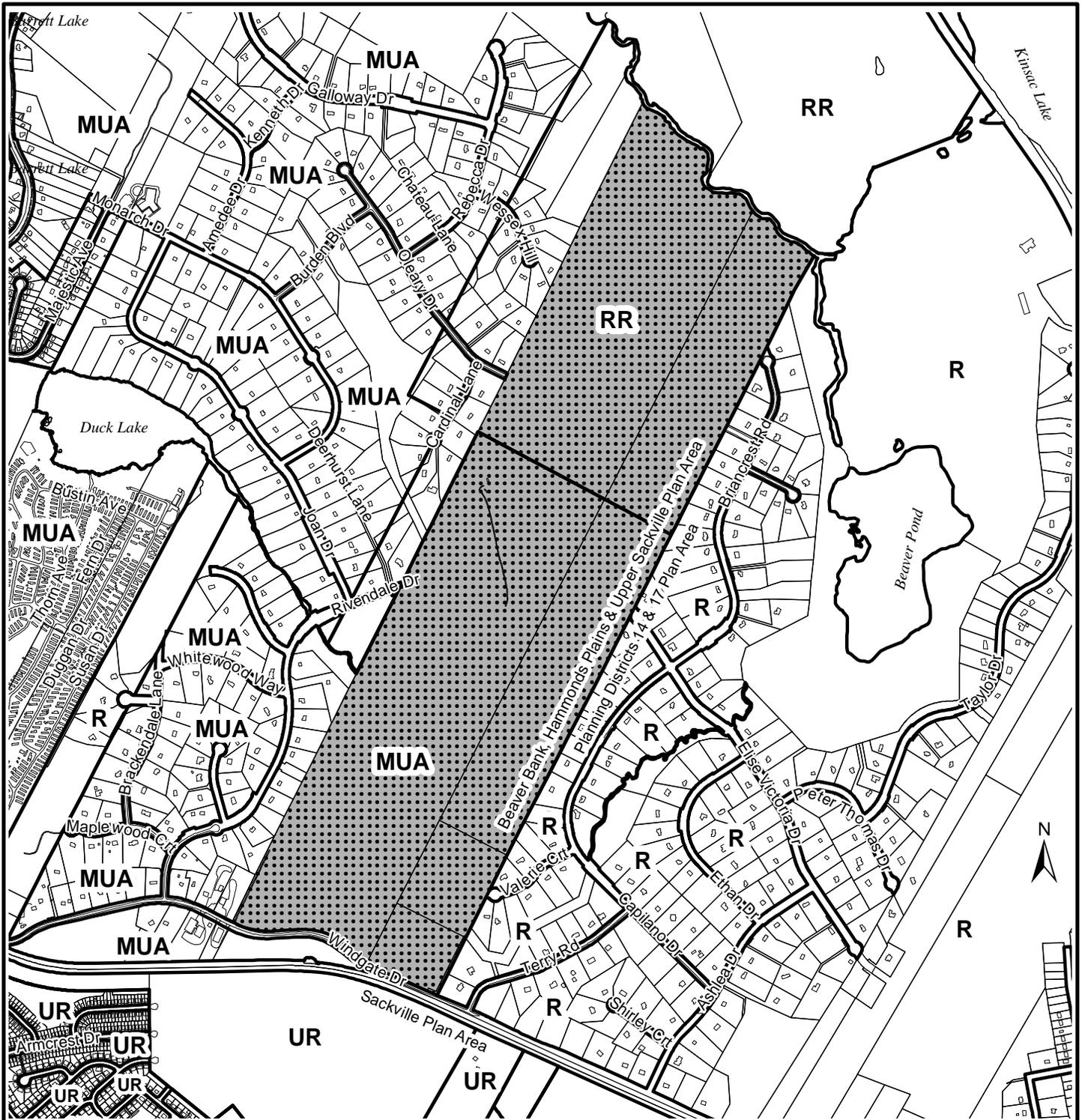
- Map 1 Generalized Future Land Use Map
Map 2 Zoning Map and Notification Area
- Attachment A Amendment to the Regional Subdivision By-law
Attachment B Review of Relevant Regional Plan Policies
Attachment C Windgate Village Concept Plan
Attachment D Public Information Meeting Minutes

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Ben Sivak, Major Projects Planner, 902.490.6573

Report Approved by: _____
Kelly Denty, Manager Development Approvals, 902.490.4800

Report Approved by: _____
Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627



Map 1 - Generalized Future Land Use

Windgate Drive,
Beaver Bank

 Subject Properties

Designation

BBHPS	MUA	Mixed Use A
	R	Residential
	RR	Rural Resource



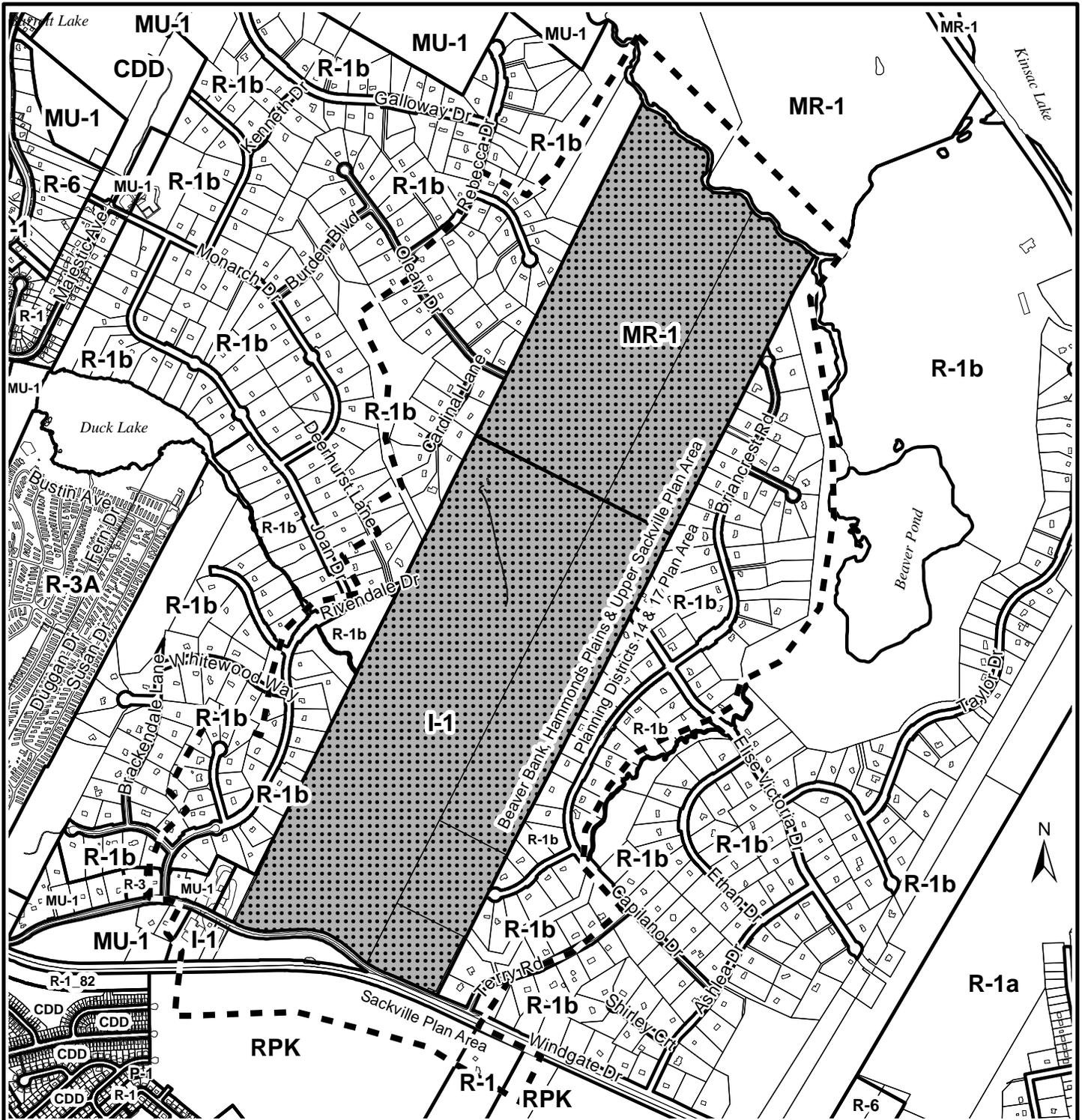
Planning Districts 14 & 17	R	Residential
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Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

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

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



Map 2 - Zoning & Notification Area

Windgate Drive,
Beaver Bank

Subject Properties

Area of Notification

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

Zone

- R-1 Single Unit Dwelling
- R-1b Auxiliary Dwelling with Home Business
- R-3A Mobile Home Park
- R-6 Rural Residential
- MU-1 Mixed Use 1
- I-1 Mixed Industrial
- MR-1 Mixed Resource
- CDD Comprehensive Development District

Planning Districts

- R-1a Single Unit Dwelling
- R-1b Suburban Residential
- R-6 Rural Residential

Sackville

- R-1 Single Unit Dwelling
- RPK Regional Park
- CDD Comprehensive Development District



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

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

ATTACHMENT A

Proposed Amendments to the Regional Subdivision By-law

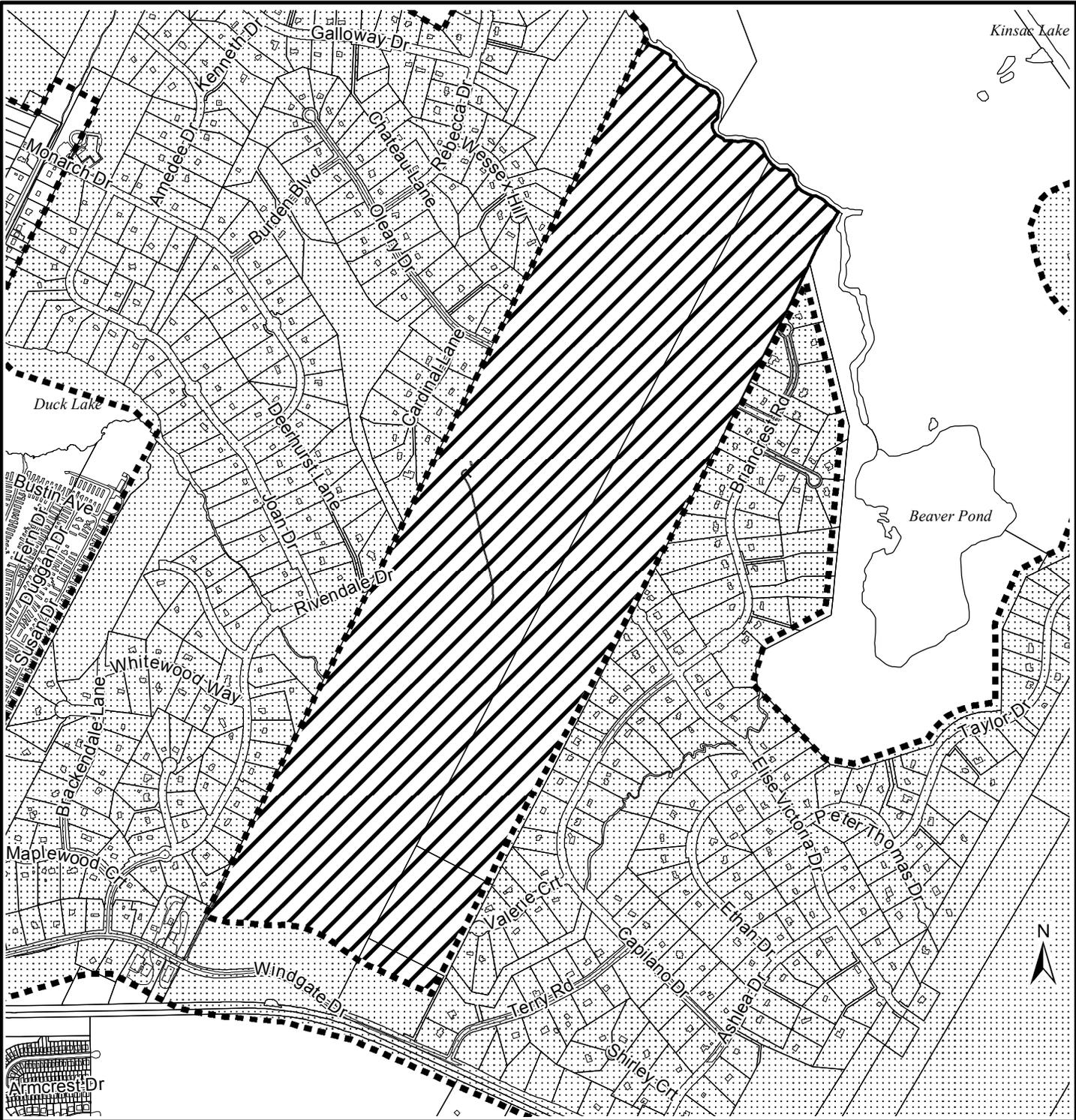
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Regional Subdivision By-law is hereby further amended as follows:

1. Amend Schedule B, Service Requirement Map, of the Regional Subdivision By-law by extending the Water Service Area to PIDs 41043597, 40010514, 41398694 and 41401159, as illustrated in Schedule A attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Regional Council of Halifax Regional Municipality held on the _____ day of _____, 20__.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 201__.

Municipal Clerk



**Schedule A - Proposed Amendment to the Regional Subdivision By-law
(Schedule B- Service Requirement Map)**

HALIFAX

-  Existing Water Service Boundary
-  Area to be added to the Water Service Boundary



This map is an unofficial reproduction of a portion of the plan area indicated.
The accuracy of any representation on this plan is not guaranteed.

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

Attachment B
Review of Relevant Regional Plan Policies

SU-14 HRM may consider establishing new Water Service Areas, subject to the financial ability of HRM to absorb any related costs, provided a wastewater management plan is also considered in accordance with Policy SU-20, if:

Policy Criteria	Comments
<p>(a)</p> <p>(i) <i>the area is within a Rural Commuter, Rural Resource or Agricultural centre and it has been determined through a secondary planning process that new growth is to be encouraged in this area; or</i></p> <p>(ii) <i>the lands are adjacent to an existing Water Service Area and a Classic Conservation Design development is proposed; or</i></p> <p>(iii) <i>the lands are adjacent to an existing Water Service Area and a Classic Conservation Design development is proposed within an Urban Reserve designation, subject to the provisions of clause (d) of policy G-16; and</i></p>	<p>The proposal includes a Classic (common ownership) Conservation Design development and, therefore, the proposal is considered to meet criteria (a)(ii).</p>
<p>(b) <i>the new service area and a charge needed to pay for growth related improvements to the water or stormwater services has, where required, been approved by the Review Board.</i></p>	<p>Halifax Water indicates that no new service area charge is required.</p>

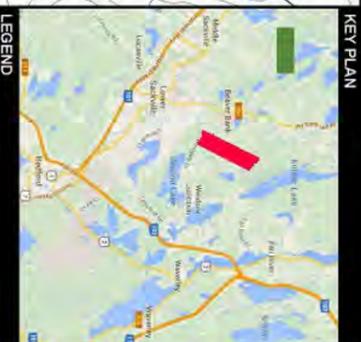
SU-15 HRM may consider expanding existing Water Service Areas to existing communities, subject to the financial ability of HRM to absorb any costs related to the expansion, if:

Policy Criteria	Comments
<p>(a) <i>the lands are in proximity to a water transmission main planned or constructed by Halifax Water to improve the performance of the water distribution system;</i></p>	<p>Halifax Water indicates that the proposal would improve the performance of the water distribution system.</p> <p>Please see the main body of the report for a discussion of the water distribution system.</p>
<p>(b) <i>a study has been prepared by a qualified person verifying that there is a water quality or quantity problem that cannot</i></p>	<p>In 2010, Regional Council gave approval to provide central water services to the adjacent Monarch Estates/Rivendale Subdivisions.</p>

<p><i>reasonably be rectified by an alternative means;</i></p>	<p>Studies prepared on behalf of the community association and a developer verified that the water table appeared to be dropping and that wells in the area were producing lower yields. The staff report recognized that there are water quantity issues in the area and recommended that central water service be provided to rectify the issue. Similar water quantify issues could be expected if the subject site were allowed to be developed with on-site water.</p>
<p><i>(c) there are environmental concerns related to the long-term integrity of on-site sewage disposal systems and a wastewater management plan is also considered in accordance with Policy SU-19; and</i></p>	<p>The proposed open space design development agreement and Provincial on-site sewer regulations adequately manage risks and, therefore, a waste management district, as considered by Policy SU-19, is not required.</p>
<p><i>(d) an area charge needed to pay for growth related improvements to the water, or stormwater services has been approved by the Review Board or Halifax Water has advised that an area charge is not required.</i></p>	<p>Halifax Water indicates that no new area charge is required.</p>

<p><i>SU-20 To protect public health and the environment, HRM shall investigate a means to ensure that private on-site sewage disposal systems are maintained. Without limiting the generality of the foregoing, consideration shall be given to adopting a private on-site sewage disposal system by-law, establishing Wastewater Management Districts and establishing a mechanism for funding and administration.</i></p>	<p>The proposed development will be controlled through the Open Space Design development agreement, which limits densities, ensures group sewage systems are managed by a condominium corporation or a single owner and, if needed, may include provisions regarding the maintenance of on-site sewage disposal systems. In addition, there are no known waste water issues in the neighbouring subdivisions and new development will be subject to current Nova Scotia Environment regulations. Therefore, an additional mechanism for managing private on-site sewage disposal systems is not required.</p>
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Attachment C: Concept Plan



LEGEND

- Site Boundary
- Adjacent Property Boundary
- Easement
- Zone Boundary Existing
- Zone Boundary Proposed
- Contour Index
- Contour Ordinary

- Proposed Land Use
- Residential Single Unit - 158.1 Ac
 - Residential Multi-Unit - 204.8 Ac
 - Commercial - 20.7 Ac
 - Mixed Industrial Zone - 5.99 Ac

- Right of Way Proposed
- Existing Trail Connections
- Trees to be Retained (When Possible)

- SITE SUMMARY:
- Land Area - 156.7 Ha (387.2 Ac.)
 - Existing Zone - Mixed Industrial (I-1) / Mixed Resource (MR-1)
 - Single Units (Hybrid) - 55
 - Single Units (Classic) - 46
 - Multiunits - 120
 - Proposed Road Length - 3,710 metres

- NOTES:
- Property lines approximate only. Site subject to survey.
 - Residential Single Unit position of site to be developed under Hybrid Open Space Design requirements.
 - Remainder of lands to be developed under Classic Open Space design requirements.
 - Water line easements from CNL Engineering Inc. Village Water Project October 10, 2015

SOURCES:

- Service Nova Scotia and Municipal Relations Property Online
- Service Nova Scotia and Municipal Relations 110,000 09/14
- Topographic series (contours, shown with a disclaimer by Air Branch of Topographic Consultants, F.W. Whiggate, Draw: WFT/LR/CS/MS, day)

Designer: I. Grant / H. Pihl
 Planner: K. RAD

VERSION
1.6

PRELIMINARY LAND USE AND ROAD NETWORK
 BEAVERBANK, NOVA SCOTIA

MARQUE INVESTMENTS LTD.
 March 27, 2016
 141-24579100_V16

SCALE
 1 : 5,000

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 NORTH



HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20110

Wednesday, November 18, 2015
7:00 p.m.
Beaver Bank Kinsac Community Centre

STAFF IN

ATTENDANCE:

Ben Sivak, Major Projects Planner, HRM Development Approvals
Holly Kent, Planning Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE:

Councillor Brad Johns, District 14
Councillor Barry Dalrymple, District 1
Councillor Steve Craig, District 15
Kourosh Rad, WSP Canada Inc.
Connor Wallace, WSP Canada Inc.
Ken O'Brien, WSP Canada Inc.
Dennis Rogers, Marque Investments

PUBLIC IN

ATTENDANCE:

Approximately 62

The meeting commenced at approximately 7:03 p.m.

1. Call to order, purpose of meeting – Ben Sivak

Mr. Sivak introduced himself as the Planner facilitating this application through the planning process; Councillor Brad Johns, District 14; Councillor Barry Dalrymple, District 1; Councillor Steve Craig, District 15; Kourosh Rad, Connor Wallace and Ken O'Brien, WSP Canada Inc.; Dennis Rogers, Marque Investments; and Holly Kent (Planning Technician) and Cara McFarlane (Planning Controller), HRM Development Approvals.

The Public Information Meeting (PIM) Agenda was reviewed.

The purpose of the PIM is to identify to the community that HRM has received an application, give some background on the proposal and receive feedback from the public before the staff report is prepared. This is purely for information exchange and no decisions are made at the PIM.

2. Overview of Proposal and Planning Process – Ben Sivak

Ben Sivak provided an overview of the proposal and the planning process being followed to consider the application. Overall, the proposal is for a mixed density residential open space design development for an approximately 350 acres (150 hectare) site located on Windgate Drive in Beaver Bank. Components of the proposals include:

- A request to extend the water service boundary;
- A development agreement for an open space subdivision design consisting of 55 units on individual lots (Hybrid Design) and 210 units in common ownership (classic design); and
- A request to rezone to the MU-1 (Mixed Use 1) Zone and increase the permitted size of

commercial uses.

Amendments to the Regional Subdivision By-law for extending the water service boundary would be considered by Regional Council. Consideration of the proposed development agreement and land use by-law amendment is considered through an overlapping process with the final decision made by the North West Community Council.

3. Presentation of Proposal – Kourosh Rad, Urban Planner, WSP Canada Inc.

The majority of the site (approximately 2/3) is I-1 (Mixed Industrial Use) Zone which currently permits industrial, general commercial and resource uses (agriculture and other resource activities included). The remainder (1/3 of the site) is MR-1 (Mixed Resource Uses).

The landowners and developers are from the community, are excited about this proposal and would like to enhance the community by bringing more residential and introducing some commercial uses to the area that don't currently exist while creating a walkable and safe community.

There are two types of residential requested. One is under condominium ownership where a portion of the land is bought by an individual but the services are being provided by the condominium. Nothing beyond the individual's portion of land can be disturbed. The other is the Hybrid concept where an individual buys a free-standing, traditional lot and 80% of the lot must remain undisturbed. The house and accessory uses must be within 20% of the property.

Primary conservation features on the site include: buffers and watercourse setbacks; significant habitat and endangered species; 1:100 year flood plans; rock outcroppings; slopes in excess of 30%; agricultural soils and activities; potential archaeological sites; and ground water recharge areas. At the secondary level, other features that need to be protected are considered: scenic views; heritage properties; historic features; mature forest and other vegetation; existing trails; parks and natural corridors; and current and past land uses.

The above features have been assessed for the existing property as well as a radius of 600 metres around the site. Wetlands are fairly dominant on the property (shown on slide) and the plan has to be designed to protect those wetlands. Also, there is potential for archaeological areas; therefore, a study is required. Trails run through the site and all effort is being made to preserve and possibly enhance those.

The concept plan and location of buildings were explained: an access that comes through Windgate Drive; the front portion designated for commercial uses; condominium ownership; four, four-storey buildings; free-standing, traditional looking lots; amenities – amphitheater, soccer/sports field and pocket park; the trails; and the land in between is to be protected.

Proposed residential/commercial uses: 55 single lots (Hybrid type); 46 under condominium ownership; 44 townhouses; and a total of 120 multi units; medical offices; pharmacy; neighbourhood grocery store; day care facilities; shops and restaurants. The developer did an extensive analysis that showed these services were missing in the neighbourhood.

An image of the developer's sales office current under construction was shown. Architects are hired to make sure the residential and commercial buildings design reflect the respect and vision for the neighbourhood. Examples were shown.

Presentation of Traffic Impact Study (TIS) – Ken O'Brien, Senior Engineer, WSP Canada Inc.

Mr. O'Brien pointed out that the engineer who performed the TIS was out of town and he was asked to present the information at the PIM. The TIS looks at the following: a) Existing traffic situation (available traffic count information is obtained through HRM). In this study, additional traffic counts were obtained at the intersections of Windgate Drive/Beaver Bank Road, Windgate Drive/ Windsor Junction Road, and Windgate Drive/Rivendale Drive; b) How much traffic will be generated by the development and where will it go; c) What impact it will have on the existing road system; and d) What should be done to mitigate these changes.

A chart outlining the anticipated traffic counts for the proposal during peak hours was shown. The TIS, and HRM studies, have deemed that although the intersection of Windgate Drive and Beaver Bank Road is one of the most problematic, traffic signals and left turning lanes are not warranted. It is, however, being recommended that traffic signals or a redesign of that intersection be considered due to the proximity of the railroad and restaurant.

Presentation of Proposal (cont'd) – Kourosh Rad, Urban Planner, WSP Canada Inc.

An Archaeologist assessed the site and recommended that archaeological testing needs to be done at the time of any work being done on the site for a 50 m x 50 m area. Also, that archaeological testing be done before breaking any ground on the site.

The site is surrounded by two existing watermains and is currently permitted to have serviced water. Halifax Water would like to complete the loops on both of these watermains; therefore, hopefully the development can connect to the systems as well.

It is important that communities outside of the urban core be self-sufficient when it comes to wastewater treatment. Individual onsite sewage systems for free-standing lots are considered. Mr. Rad listed three other options for the condominium units.

This development would provide the following community contributions: amenities to the community; Halifax Water network connection; preserving and/or enhancing the walking trails; and the proposed uses would provide services that are missing in the neighbourhood and would create a hub. The developer would like to create an area for young families as well as long-time residents who would like to remain living in the area with their families.

4. Questions and Comments

Bryn Weadon, Whitewood Way, is concerned about the Windgate Drive/Beaver Bank Road intersection. This is already a dangerous intersection without adding 200 plus families. This issue has to be resolved before adding density in the area. If that property has to be developed, he believes that the proposal provides a good mix and protects the existing sensitive areas and trails.

Theresa Scratch, Cavalier Drive, Second Lake Provincial Trail Association, is disappointed that there has been no mention of the existing 700 acre Provincial Park, which is quite dependent upon Second Lake, directly across the street from the proposed development. She would like to ensure that Second Lake is taken into consideration. This Open Space development is supposed to be for preserving natural features onsite but it should also take into consideration the impact it would have on natural features offsite. **Mr. Rad** – 600 metres around the site was examined for natural features as well. A requirement for this development is to have pre and post development stormwater runoff assessment done to avoid damaging any

existing watercourses and wetlands on and offsite. **Ms. Scratch** has a water quality study that was done for Second Lake which she will provide to Mr. Rad.

Ms. Scratch understands that the development itself is on pyretic slates; therefore, potential damage could occur. Will pyretic slate be considered? **Mr. Rad** – Yes.

Ms. Scratch – It was suggested in the presentation that the community facilities would be for public use. In other Open Space developments, because they were owned and operated by the condominium corporation, community facilities were not available for public use. **Ms. Scratch** - Will the community facilities (amenities) be turned over to HRM? **Mr. Sivak** believes there is interest from HRM's side for connectivity with the trails and parks. **Mr. Rad** referring to Seven Lakes development, said that regulations did not allow it but in the end, it was resolved. The intention of the developer is to have the proposed facilities become public property.

Rachael Sherwood, Majestic Avenue, is a Beaver Bank resident and a coordinator for local day cares. There are 250 small business owners who run day cares in and around the Beaver Bank area for Beaver Bank and Lower Sackville residents. Day cares are shutting down due to under capacity. Is a day care centre being considered for the development? **Mr. Rad** could not say because there is nothing specific at this point. **Ms. Sherwood** can give some factual information to base their research on. If a centre comes in that is offering subsidiaries to clients, 250 small businesses could be out of business. **Mr. Rad** – 300 residential units are proposed and therefore could potentially help those small businesses.

Ms Sherwood is concerned that the amendment for the commercial use (2,000 to 6,500 square feet) is for the entire plan area not just the subject property. **Mr. Sivak** – Correct, and Staff will look at it carefully and from a global perspective rather than site specific.

Rene Melancon, Rivendale Drive – How will this impact the wastewater runoff tax charge? **Mr. Sivak** was not sure. Staff will research and provide an answer in the Staff report going forward. **Mr. Melancon** – Will there be an increase in property taxes due to more commercial and amenities in the area? **Mr. Sivak** – Staff considers the financial sustainability of the development. The developer pays for the construction of new roads and over time the servicing of the road is turned over to HRM. In an ideal situation, the tax revenue from the development pays for the infrastructure. HRM ensures that the fiscal impact on the city is neutral or better. **Mr. Rad** – Because this development is connecting to existing roads, HRM may have an interest in maintaining the roads themselves.

Mr. Melancon is on a well. How will construction impact the potable water? **Mr. Rad** – Nova Scotia has very strict rules and it is the responsibility of the developer to make sure the water table is not going to be affected in terms of quality and quantity. The water should not be affected at all, but if it is, there are ways to deal with it.

Mario Robitaille, Capilano Drive, is concerned about the traffic flow on Windgate Drive. He is also concerned about the natural beauty being taken away from the single unit dwellings in Rivendale and Capilano Subdivisions. **Mr. Rad** – The multi-unit buildings are strategically located in a place that will not be seen due to the existing vegetation and topography in the area.

Victor Cobb, Chair of the Beaver Bank Community Awareness Association, feels that the development itself is fine. Did the TIS take into account other potential developments along Beaver Bank Road? There is always a bottleneck at the bottom of the road. There is potential for the By-Pass from Burnside to Duke Street in Bedford to come onto Glendale Drive. HRM Traffic assures the vehicles will not come to Beaver Bank Road but it will happen. He asked that the whole picture be considered when looking at traffic. **Mr. Sivak** – The applicant's studies are

being reviewed by HRM engineering staff as well. Staff is aware of the other developments in the area and their conclusions will be globally based. **Mr. O'Brien** – The only intersections considered in their study was those mentioned in the presentation. In this case, the TIS was done with an annual growth rate and the background growth (the volume that occurs without this development). The TIS did not include the intersections of Beaver Bank Road/Glendale Drive or Beaver Bank Road/Sackville Drive.

Ted Malpage, Briancrest Road – What about the impact of the construction trucks and vehicles? For a project of five years or so, that could cause many concerns for people that have to use the roads during peak times. It is dangerous pulling onto Beaver Bank Road from Windgate Drive every day. **Mr. O'Brien** – The TIS did recommend, although not warranted, that HRM consider installation of signals to compensate for the high delays at this intersection during peak periods. Construction vehicles are not usually considered in traffic studies because they are spread out over a long period of time.

Moira Burhoe, Terry Road – Consideration of safety should be taken into account when looking at Windgate Drive for use by residents for active living and transportation. The road is very dangerous. She asked for an explanation on the archaeological areas and radius used. **Mr. Rad** explained that Provincial mapping is used. There is a full study online as part of our application. An Archaeologist identified a 50 m x 50 m area where any development that occurs here has to be done in the presence of an Archaeologist.

Ms. Burhoe is concerned about where the children will go to school. Already children in the Beaver Bank area are being bussed to Waverley. Where are things at in terms of discussions with Halifax Regional School Board (HRSB)? **Mr. Sivak** – HRSB is part of the internal review. Comments have yet to be received on this proposal. Staff will continue to follow up with HRSB. **Mr. Rad** – A presentation to HRSB can be provided if requested.

Denis Forin, Lucasville, is concerned with amendments to the land use by-law in regards to requirements for commercial uses of MU-1 increasing from 2,000 square feet to 6,500 square feet. The land use by-law covers Hammond Plains, Upper Sackville, Lucasville, Beaver Bank, Waterstone and more. Many of them have MU-1 Zoned properties. Why amend a by-law for one project that will affect so many communities? Why not evaluate this development as a stand-alone project? **Mr. Sivak** – The applicant was looking for site specific zoning but the site is not eligible under the current Municipal Planning Strategy (MPS); therefore, the rules under the MU-1 Zone have to be amended. Because it could potentially have a broader affect, Staff will look at it from a global point of view. Within the framework of the plan, there may be opportunities to limit the scope of it.

Natalie Downey – If the land use by-law amendment is a blanket approach, will there be further public meetings within the other communities or is that assumed with tonight's PIM? Currently, there is a development agreement proposal with HRM (Case 19860) to expand to a commercial recreation use for a property located on Lucasville Road. If the land use by-law amendment is approved, will that proposal now become null and void? **Mr. Sivak** – The two applications are very separate. The commercial recreation by development agreement is a separate policy and process under the MPS for Beaver Bank, Hammonds Plains and Upper Sackville. The change to the MU-1 Zone does have broad implications; therefore, Staff will be cautious when considering the request. **Ms. Downey** – The request of the current proposal does have broader implications than the Beaver Bank community and as a result, HRM should have a public venue that reaches out to the other affected communities. **Mr. Rad** – The developer would prefer a site specific amendment but regulations do not allow it. Currently, it is zoned I-1 and the rezoning will ensure that future landowners would not be permitted any industrial uses. The increase in square footage is due to viability of businesses.

Iris Drummond, Lucasville Road, suggested that the notices that were mailed should indicate in the title that the whole plan area would be affected. PIMs should be held in all affected communities. Will that happen? **Mr. Sivak** cannot make commitments or conclusions at this PIM but her point is noted. **Ms. Drummond** – Some development agreements proceed differently from when they were presented. **Mr. Rad** – With previous land use by-law amendments, if other communities were affected, the residents were invited to the meetings.

Kevin Copley, Beaver Bank, NWPAC Member – Will there be any units within the development drawing from a well? **Mr. Sivak** – At this time, the applicant is looking to extend the water service boundary; therefore, they are looking to connect into city water. Regional Council has to approve this portion. **Mr. Copley** – Are homes in adjacent subdivisions currently using wells? **Mr. Sivak** – From information received at tonight's PIM, there seems to be a bit of a mix. **Mr. Copley** – Is there any risk that the volume of wastewater going into those units could cross contaminate into the water supplies of some of the residents that currently use wells? **Mr. Rad** said not at all. Many different scenarios have been considered and it is pretty safe to use the systems that are available today. Technology is quite advanced and there are many backup systems.

Mr. Copley shares the same traffic concerns. The TIS, page 14, indicated that the Windgate Drive approach will experience excessive average delays and cue lengths particularly in the pm peak hour both with and without the addition of site generated trips. Is Synchro software a technology that is used to do the traffic counts? **Mr. O'Brien** – Synchro is a performance analysis package that analyses the performance of an intersection based on volumes using 15 minute increments throughout the peak period.

Lyle Mailman, Colville Court – Are the four multi-unit dwellings going to be condos or rentals? **Mr. Rad** could not answer that question at the moment. The buildings will be designed to include age sensitive, accessible units. **Mr. Sivak** - HRM can control the building design, but cannot specify who can live there.. **Mr. Rad** – Clarification for the definition of senior housing is being sought, because the developer does not want to limit the buildings only to seniors with disabilities. **Mr. Mailman** – At what stage will you know if the units will be condos or rentals? **Mr. Sivak** – At this point, the plans are conceptual. Staff and the applicant will negotiate and things may change. Before Regional Council and NWCC make a decision, advertising for a public hearing (another opportunity for the public to be heard) will be done. **Mr. Mailman** – Will the condominiums on the bottom part of the site be duplexes, semis, town houses or single units? **Mr. Rad** – It depends on demand.

Mr. Mailman – There are four buildings with 120 units in total with no connection to municipal wastewater or stormwater management services. This is very concerning and should be noted by HRM. **Mr. Rad** – Water would be self-sustaining. **Mr. Mailman** – This is a concern for people that are on existing wells not to mention the watersheds that run to Second Lake and Beaver Pond. **Mr. Rad** – The regulations within the Regional Plan are very strict. The systems are very advanced and the wastewater used within this area would be dealt with within the area. The systems can be expanded for the entire area but it is likely for this specific development that there will be several different wastewater treatment systems.

Mr. Mailman – Will there be phasing for the development? **Mr. Rad** – Not at this point. The development could be five to fifteen years, but would depend on demand.

Mr. Mailman – The bottom half of the development does not fit into the existing community and therefore, he opposes to it, along with other reasons. Is there no road connection in the middle of the development? **Mr. Rad** – To avoid shortcutting and to preserve as many natural features as possible, it was not suggested. **Mr. Mailman** – Was the intersection at Majestic Avenue considered? What about O'Leary Drive? Were they included in the TIS? **Mr. O'Brien** – Majestic

Avenue was looked at for a different study. **Mr. Mailman** – As part of the development, and several other potential and approved developments, HRM needs to evaluate the traffic for commercial services and residential and school infrastructure. Something has to happen at the Windgate Drive/Beaver Bank Road intersection. **Mr. Sivak** – The TIS noted the intersection and it has been noted tonight. Staff will work with the engineers. **Mr. Mailman** – In the Spring, he requested a traffic safety survey review be done on the Beaver Bank Road. Some of it has started. That area as a whole needs to be looked at in regards to speed restriction, safety and conflicting signage as there are two new quarries and an asphalt plant in the area. When will the Margeson Extension go through to Beaver Bank? **Mr. Sivak** couldn't answer at this time.

Sherry Johnson, Valerie Court – The proposed sewage treatment plant is located adjacent to properties existing on Valerie Court. Can you guarantee there will be no odor from the plant? Speaking on behalf of her neighbours, she would not be very happy to have a sewage treatment plant next to her property. **Mr. Rad** – The plan is to put part of the sewage treatment plant there, not all of it. He asked her to provide her email address in order for their civil engineer to answer her question directly.

Ms. Johnson avoids the Windgate Drive/Beaver Bank Road intersection by going the other way because of the danger during peak times. There are two other developments that will have an impact on traffic volumes as well.

David Barrett, Maplewood Court, is a lifetime resident of Beaver Bank and is pleased with the development and the neighbours in the area. He has been working on the Windgate Drive/Beaver Bank Road intersection indirectly for 20 plus years. A few years ago, HRM had all the underground services for lights installed. Also, he has mentioned at many meetings in the past that the road from Millwood Drive to Glendale Drive and from the Irving on Sackville Drive after Lucasville Road, need turning lanes. He informed the residents that the two lanes that run to Highway 101 from Sackville Drive are meant to be used. They are not only for passing purposes, but they cause the traffic signals to change faster. He believes this development will be a great asset for the community.

Bill Horne, Wellington, MLA for Waverley/Fall River/Beaver Bank Area – This development will increase traffic. The proposed road from Highway 101 from Mt. Uniacke to Wellington and then to the airport was approved back in 1985/87 but hasn't been developed. It may be built when the money is available but in his opinion, Transportation and Infrastructure Renewal has no intentions of building that at any time soon. He suggested underground parking for the multi-unit dwellings. Outside parking would create a large footprint with runoffs from cars including oils and gas. Catch basins, possibly oil/water separators, would be needed to collect the water so it wouldn't interfere with the treatment plants for cleaning the stormwater. The underground parking would also be advantageous in the wintertime and a lot of natural land would be preserved. Otherwise, he likes the development of multi-use with different types of affordable homes and structures plus the fact that there are existing walking trails that could probably be connected to trails heading up towards Windsor or along the old railroad bed. He suggested that the Windgate Drive and Beaver Bank Road be looked at carefully and try to make it easier for people to use. It would be nice to see transit there. **Mr. Rad** – Protective parking on the main floor of the building is being considered.

Walter Regan, Sackville Rivers Association – If the service boundary is not extended, does that mean the development will be on wells? If it is extended, most people, not all, will blow their septic fields out. What happens to adjacent land owners and wells? Measures should be taken to avoid the same situation as Rivendale / Monarch Subdivision where water was piped to everyone. If water is given, it should include sewer as well. **Mr. Rad** - If the boundary is not extended, a Stage II water analysis would have to be done to make sure the water quality and quantity are fine for the intended number of units. Also, this development would look very

different.

Mr. Regan - Subdivisions of this type should automatically have sidewalks.

Mr. Regan - There should be a minimum buffer of 30 metres from all watercourses including wetlands. This development must have oil/grit separators to keep the oil and pollutants out of the watercourses. Wetland protection must be a priority including large buffers to the wetlands themselves and there should be a study of the quality of the wetlands. **Mr. Rad** – Buffers from wetlands is a point well-taken. The underlying premise of this development is protection of existing environmental features. Wetlands are one of the most important features. An area was shown where crossing a watercourse could not be avoided.

Mr. Regan – A study should be done for pyretic slates to ensure no damage occurs and Provincial regulations should be followed.

Mr. Regan - The water quality in Sackville Lakes Provincial Park must be protected. He suggested to HRM that negotiations include a five year monitoring system concentrating on no increase in phosphorus level. The lakes and parks must come first. **Mr. Rad** – The lake should be used and the developer does not want to affect the water quality in any way.

Mr. Regan – There is nothing noted about mass transit. **Mr. Rad** – The landowner approached Halifax Transit offering them land for a Park and Ride terminal but they were not interested at that time. The applicant has an interest in a terminal and will make the offer again.

Mr. Regan – At full build out, how many residents will there be? **Mr. Rad** – 1000 maybe.

Mr. Regan likes the idea of underground parking for the multi-unit buildings. Again, water quality of the lake must be protected. Direct discharge of stormwater into a watercourse or wetland must be avoided and should go into the ground for groundwater recharge especially because of adjacent landowners who are on wells.

Mr. Regan – Hard surfaces cause stormwater runoff to flow faster which usually affects the groundwater. Along with the Stage I hydrologic study, monitoring tests on adjacent lands should be done to ensure they are not affected. **Mr. Rad** will get confirmation from the engineers.

Mr. Regan hopes the development agreement includes a tree retention/planting policy.

Brenton Heighton, Rivendale Drive, raised the concern about the busses and water. He is a resident on a well. If busses are brought in, it will probably be serviced as a P1 street which means it would be serviced with salt during the Winter as opposed to sand which is being used now. This would affect the water in the area. **Mr. Rad** thanked him for the comment as he was not aware of this issue.

Ashley Morton, Duffus Street, doesn't believe this development should go ahead. He suggested that additional residential density is not what most people in the area want. Schools in the area are already overcrowded and people are concerned about cycling and walking safety on the road. New development and additional population increase density should be happening on the Peninsula. This development will add more cars meaning that no street in the area will be safer to bike or walk because this development goes ahead. Realistically, this will generate nothing but car traffic.

Mr. Morton - In regards to the trails, he pointed out that with a bareland condominium structure, our client is unable to offer the private trails and parks to HRM; therefore, they must be retained within the ownership of the condominium corporation.

Revised

Mr. Morton – There probably won't be public transit here. There are larger developments with more density that don't have public transit.

Mr. Morton – The amount of time and energy that has been put into the developing of the proposal should not be used as a justification for approving it. Too often developments go forward because of this reason. The applicant mentioned the sales office that is currently being constructed and phrases like, "then they can continue on through the development process" and Mr. Sivak used photos from their file in his presentation, making one believe that it will happen with maybe some modifications.

Mr. Morton - There was a comment that the proposal is overprotecting the site. The site has been previously logged and is not a perfectly natural environment and the best thing for protecting this site would be to avoid putting 1000 people on it.

Mr. Morton - There is a lot more than a pocket park available there and that should be preserved as much as possible in its current state.

Mr. Morton is not convinced that adding 1000 people to this area is a good idea.

Mr. Rad is a planner himself and lives on the Peninsula. He appreciates the fact that people in this area love their neighbourhood and many choose to stay here. Some are forced to move due to affordability or suitability. This development is about providing the best housing option through conservation of the land.

Tristan Cleveland, Duncan Street, is representing the HRM Alliance which is a coalition of over 50 groups from across the region for rural and suburban areas that push for the enactment of the Regional Plan. The Regional Plan hasn't been mentioned but this is a direct abrogation of the Regional Plan. This is not a growth centre and is beyond the water service boundary. The boundaries should not be extended because someone requests it. People expressing concerns about traffic getting worse, about schools being full, about the potential risks to people's well water, potential risks to waterways and lakes are all extremely relevant. There are places in this region that are looking for more growth and density. **Mr. Rad** – This proposal is completely within the rights of the landowner and it is within the Regional Plan provisions from 2011. There are people that live in these areas that have the right to an opportunity to live here if they choose to do so. **Mr. Cleveland** pointed out that a CMHC study indicated that people who are trying to sell their homes are having trouble doing so making it clear, in his opinion, that the amount of supply **does not need** to be expanded. In his opinion, this development is not in the spirit of the Regional Plan.

Councillor Brad Johns, District 14, thanked the last two speakers for taking the time and coming from downtown to the community to express many points in a global perspective that some people don't understand or are not following in regards to Regional Planning.

Councillor Johns would like some clarification in regards to the Regional Plan and Beaver Bank being in a growth restricted zone and how this impacts it.

Councillor Johns - During his time as a Councillor, he has only once seen a zoning change which was in Middle Sackville and only affected three lots. He would like to see exactly what the implications of this are in the broader context.

Councillor Johns – Over the years, there have been other locations that have requested a change in the serviceable boundaries and have been turned down. He would like a follow up on that.

Councillor Johns pointed out that this is an application that has come forward. The developer has a right to pay his money, come forward and go through the process but it does not mean that it will be approved by Council. Unfortunately, the public is not always informed if an application has not been approved or it's been withdrawn. What is being proposed and presented tonight, may not be the same at the public hearing. He suggested that everyone come out to the public hearing for another opportunity to be heard by Regional Council and NWCC.

Councillor Johns - On Monday evening past, the concerns around Windgate Drive and Beaver Bank Road were raised. It was noted that the issues there go back some 20 years. NWCC did unanimously recommend to Regional Council that this be considered as a priority in the upcoming regional budget. Staff are well aware of the issues and hopefully, regardless of the outcome of this application, something will happen there. He thanked everyone for coming this evening.

5. Closing Comments

Mr. Sivak thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 9:06 p.m.