



**Public Meeting
Case 24505**

The following does not represent a verbatim record of the proceedings of this meeting.

**Thursday, February 23, 2023
6:30 p.m.**

Chocolate Lake Recreation Centre (1014 Purcells Cove Road, Halifax - NS)

STAFF IN

ATTENDANCE:

Jenny Lugar, Planner, Planner III, HRM Planning
Aaron Murnaghan, HRM Principal Planner
Michelle McNiven, Processing Coordinator - Planning, HRM Planning
Marie Aikenhead, Planning Information Analyst, Planning Information Services

ALSO IN

ATTENDANCE:

Paul Taylor – Marterra Inc./Property Owner
Talbot Sweetapple and Matt Bishop – MacKay-Lyons Sweetapple Architects
Shawn Cleary - Councillor for District 9

PUBLIC IN

ATTENDANCE:

Approximately 64

The meeting commenced at 6:38 p.m.

1. Call to order / Acknowledgements / Introductions / Purpose of Meeting – Jenny Lugar

Case 24505: Application by MacKay-Lyons Sweetapple Architects to enter into a development agreement to allow 15 bare land condominium units on a registered heritage property at 10 Kirk Road, in the Jollimore Neighborhood, Halifax.

J. Lugar introduced herself as the Planner guiding the application through the planning process, J. Lugar explained that Elizabeth Cushing will be taking over this case when she is off. Acknowledgement that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people and that we are in the decade for people of African Descent. Introduced other staff members and mentioned that the applicant and landowner were in attendance and that the area Councillor for District 9, Shawn Cleary, was in attendance.

2. Presentation by HRM Staff– Jenny Lugar

J. Lugar's presentation included information on the purpose of the meeting, The role of HRM staff was explained through the planning process. A brief description of the application including site context, explanation of what a development agreement is as well as what a heritage development agreement is, the proposed site plan, proposed changes between the original development agreement from 2011 and this proposal, the subject policy and By-law overview, policy consideration, and status of the application. Community Council makes the final decision.

Presentation by Matt Bishop and Talbot Sweetapple, MacKay-Lyons Sweetapple Architects

T. Sweetapple spoke on the development.

M. Bishop presented details and a short power point outlining the proposal for the development agreement on the subject property and how they would like to restore the heritage building, maintain, and rehabilitate several historic landscape features on the property.

T. Sweetapple spoke about the site and the importance of keeping the footprint low and keeping the area more community like and smaller than the other developments going up in the areas.

Questions and Comments

Russell MacKinnon, could HRM explain the difference between a bare land condominium subdivision and subdivision under regional subdivision by-laws.

J. Lugar, spoke on the subdivision by law, development agreements (DA) and if subdividing a property through the regional subdivision by-law and can be done. The individual properties and the buildings on them will be owned by individual condo owners and the condo corporation will maintain and operate all the common and public areas for community.

Paul Taylor, Marterra Inc, condominiums are very straight forward, beautiful thing about this property everyone gets to share the common space.

Patricia Manuel, Forward Ave, what does the community of Jollimore get from all that preservation of greenspace and cottage field? Is this something that has public common land for the community in Jollimore or is everything that is happening in there only for the benefit of the people who will live in there.

J. Lugar, it is not a requirement of the policy, can't really speak on that. It is a private property. Not that kind of thing we would get involved in. There is a tow path that goes through there, and the intent is to keep and maintain it.

Resident, does the DA specify a time frame of when this needs to be done.

J. Lugar, typically we require that an applicant register a DA within 1 - 2 years. Typically, it is about a 5-year timeline to start and a 10-year timeline to finish. But this is something that is negotiated with the applicant in the DA process.

Resident, so that means there can be dump trucks and heavy equipment going in and out of there for up to 10 years.

Paul Taylor, Resident, this property has some history. The last time a developer came forward with a proposal it was 15 properties and then reduced that down to 13 properties. After going through all that process why are we back up to 15 properties? it seems like it got reduced was due to traffic, but traffic has gotten worst since the old DA and now it is back up to the higher number.

J. Lugar, the old DA expired so this is a new process. There was a conversation about using the old DA but because it was expired and a new applicant. HRM encouraged them to look at the site and start a whole new application so that is why it has gone back to 15 properties.

Nick Ross, 12 Kurt Road, we have a desirable community now. There is no need for a second village inside the current village that is already there. I question the density I question the traffic report, we even need speed bumps for the traffic that is already there. N. Ross stated their family was involved in creating the heritage laws. Don't restore this heritage property to condominiums out of greed and out of tokenism to heritage.

Councillor Shawn Cleary, spoke on respect in the meeting and that people can not make statements like the rules/laws are being bent. Councillor understands passion, lets keep it respectful, truthful, and correct.

Nick Ross, respects what Councillor Cleary is saying and withdrew his statement about laws and rules being bent.

Mary Jane Taylor, McManus Road, has a question related to a rather large garbage bin that sits outside the property on McManus Road. Is that usual to have a garbage bin on the outside of the gates of a community like this?

J. Lugar, all garbage collections and storage will take place on the site. Staff have already informed the applicant that their proposed garbage collection facility is in the public right-of-way and must be moved onto private property.

Frank Tussy, Parkhill Road, you said that there will be one parking site per home. Does that mean only one car will be allowed per unit or can they have two.

P. Taylor, there will be a parking garage and a parking spot.

Frank Tussy, so that means thirty extra cars. The road is too crowded as it is, one lane, no sidewalks, kids walking to school, unsafe. Have asked for speedbumps.

Jennifer Gillivan, McManus Road, would like to ask that the engineers of the city re-evaluate the traffic. Safety issues need to be addressed. Two cars can't go down the lane at once, if any type of emergency vehicle had to come, we would be in trouble. Adding thirty more cars to the area is going to make it worse. The city needs to walk the streets/lane ways in the area to understand how unsafe they are.

J. Lugar, we can take this back and ask to have it looked at again. We are at an early enough stage that we can do so.

Resident, can you explain how the engineers make the assessments?

J. Lugar, they look at traffic statements, recent traffic counts, different traffic reports, as well as the adjacent streets.

Resident, do they look at adjacent streets, peak times, weekends, rush hour, holidays, summer times, special events? People coming all over the place parking in the laneways/roads. During these times it is hard to get vehicles through and there are emergency service vehicles that can't safely get through. Numbers have gone up over COVID. How can we be sure that emergency service can get in?

J. Lugar, we did have Halifax Fire come out and bring a truck out, they did not express any concerns. If there are ever unsafe situations caused by parking during special events, please call 311 to report these situations and let them know your concerns.

Councillor Cleary, spoke on the traffic impact statement and explained how it works.

Jennifer Gillivan, right now currently without any extra buildings if I have to call fire or even the garbage, they have to reverse down the street and that's with a clear roadway.

Councillor Cleary, this is pretty usual for the old county areas from Halifax, this was built as a recreation area not as homes. Questionnaires and consultation were given to the neighbours to see if they wanted curbs, gutters, widening of the road they said no.

J. Gillivan, this needs to be looked at as a safety issue and needs to be on the record.

Councillor Cleary, this has to be reviewed by Halifax Fire, police, Halifax Water and all the different folks to make sure there is capacity. They do know that they are one lane roads.

J. Lugar, I can certainly ask them look at it again.

Resident, traffic impact study said our roads are rated to be able to handle a lot more traffic than they can. There is no mention in the report that Kirk and McManus having a lower ability to handle traffic. It mentioned we were below capacity and there would be no problem with this. The reality is that the roads can't handle it now, two vehicles can't pass each other. It is dangerous when walking because we don't have sidewalks.

J. Lugar, spoke on typical local streets, the capacity and classification of streets, they understand that the streets are not built to that standard, but they would have to be 80% under built for them to be at 100% capacity.

Resident, it needs to be looked at further, it is not doable. Doesn't look like the traffic engineer looked at it correctly. It's going to be dangerous for the cars, and people.

Resident, can we do our own traffic impact study, hire an independent company?

Councillor Cleary, you can hire one yes, but all traffic studies are done the same. They must use the same guidebooks.

Sheila Kindred, asking about the foot path, toe path that goes along the shoreline. Is there intent to maintain the toe path and will there be public access?

J. Lugar, yes it will be kept for public access, it has not been written in the agreement yet because the agreement isn't written. Things are still at an early stage.

P. Taylor, Marterra Inc, property owner plans to give/gift this property to HRM. It will become city property and it will be maintained by the property owner. It will clearly be stated that it will have public access.

Heather, Parkhill, does the owner, builder have any idea how long it will take to build this development? Will it really be ten years?

P. Taylor, it wouldn't be profitable for it to take ten years, our biggest delays are the planning and getting through this process. Once we start it should be about 2- 5 years and we plan to build all the homes in the development area.

Sara, Parkhill, when there are traffic issues you asked us to call 311. Which we can do. Would it be any good for us as a community to take our own photos for the new traffic report? The last report was done before the Sikh Society was opened.

Councillor Cleary, last traffic report was done in 2022. This is two different issues. The traffic report that was done deals with this site that we are here for tonight. The Sikh Society expansion took place because it is a R1 Zone and churches are allowed in R1 zones, so they were allowed to expand their site as-of-right. That is a separate issue than what is here tonight.

Sara, the traffic report is not seeing the issues that are here. Is there a place we can direct the photos to?

J. Lugar, everything that is submitted goes on record. This is community council decision. I can ask for another report, but we can not change how they do the report.

Mary Jane Taylor, does it make sense to apply a road standard to a lane and is that normal? A regular plow can't even go down the road.

J. Lugar, explained that there is a system of road standards/classifications, and that roads are classified in a certain way to help direct services and maintenance. Then capacity is assigned based on that standard. There is awareness for engineering staff that there is nuance between different roads within the same classification.

Sandra Lori, Parkhill, will 6 extra guest parking spaces be enough for that many homes?

J. Lugar, that can be something we ask engineering to review again and work with the applicant on.

Karen McKendry, I understand that some of the trees are not heritage elements – character defining elements. Would like to talk about it being a park like property. This property needs to keep more of the trees for the wildlife. Would like for that to be looked at.

Rob McCullen, Will you be blasting?

T. Sweetapple, we haven't got that far yet.

P. Taylor, no we have better ways of doing things beside blasting. We want to be respectful of the land, many other things that can be done besides blasting. Really want to make this feel like a cottage community, less impact than most subdivisions. We will be working normal business hours and hopefully no weekends.

Resident, will you be building homes before they are sold?

P. Taylor, we will start to build them and sell them once they are started.

Robin, what are the price point? What does a low-density neighborhood mean?

P. Taylor, hard to say the price point at this stage.

J. Lugar, a municipal planning strategy has a series of designations, and it uses that to look at neighborhoods, how they exist and how should they exist. Designation dictates a little bit of what density exists and what should be built in that area like single family homes, duplexes, small multi units.

Nick Jupp, I understand this meeting is about this site, and the impact it will have. I also understand the growth of HRM and population has increased. Given all the factors and given the village nature of our streets is there something we can do to keep our roads safe. We need leadership to help us with this.

Amy Ruzdo, who sits on the community council? Are you able to bring our concerns forward? Is the Arts & Crafts building going to be restored?

Councillor Cleary, gave all the districts that are with Halifax West Community Council. Your concerns will be brought to council in a staff report which all will see. There is a public hearing for the DA and the community can speak at the point as well.

P. Taylor, the building will be restored, the outside will be maintained. It is not a community building. This will be part of the residences.

Resident, when is the deadline to provide feedback? If this proposal doesn't go ahead what rights does the property owner have?

J. Lugar, deadline to provide feedback is March 17, 2023. Explains this is a R1 property and would go through the subdivisions by-law if the DA did not go through.

Councillor Cleary, explained if it was a subdivision what would happen to the property.

Resident, would they not have to maintain the Heritage house at all?

J. Lugar, spoke about maintaining the heritage house and how it works. The provincial *Heritage Property Act* allows a property owner to apply to demolish a heritage property. That act has a clause that says: if council says no to demolition, they need only to wait 3 years to demolish the property. They then have a year window to demolish it.

Councillor Cleary, province can only change the heritage laws on demolishing a heritage property not the city. That is provincial legislation.

Paul Hardman, 11 Kirk Road, not clear about the size of the new homes. I think someone said earlier that they can build up to 23%. And is this defined in the report online? Sounds like the homes will be large as well as tall.

J. Lugar, the entire built area of the site would be 23%, just looking at the homes. The lot coverage for individual condominium lots on the property would be regulated by the DA, as will be height and square footage of the buildings. The intention is to stick closely to what is permitted in the Halifax Mainland Land Use By-law. DA is not written yet, so we do not have the numbers yet and it all must be approved by staff and council.

Steve Peters, 38 Albion Road, we have mixture of quality of the homes in the area. I have a concern that this is going to be a very different quality than what we have in our neighbourhood. I would ask HRM to look at the square footage of these homes.

Resident, would like to hear about a couple policies that we have not heard about this evening. The fundamental rules contract of the DA, the power to negotiate for additional parkland or public land dedication. What sort of things will you seek? Can you ask for a legal right away? What is the role of transportation, active transportation. What kind of policies are there?

J. Lugar, DA can technically negotiate and ask for things, but it is up to the applicant to say yes, or no. Only way someone would be forced to dedicate parkland is through the subdivision process and that is different than a DA. The active transportation policies don't always apply, since we're looking at an individual site, but we can send this to the active transportation planners to see if they have any feedback.

Councillor Cleary, spoke on the DA, subdivision and negotiating. Explaining how it works and what can be asked for. We are limited to what they ask for in a DA. The right of way can be asked for it.

Resident, we are trying to encourage foot traffic, keep it safe.

Trish Manuel, the community of Jollimore is giving a lot to the development. What is Jollimore getting in return?

Scott Parks, Parkhill, the city needs to look at the context. There is a playground, children running back and forth, people walking. There is no recognition of this in the plan. The traffic report was done in 2010 and updated in 2022, and there were no changes. There has been significant change.

Resident, speed limit is 50km, too high for that area. Can it be changed?

Councillor Cleary, provincial government does not allow the city to set a speed limit below 50kms unless we apply to the minister of transportation.

3. Closing Comments

Jenny Lugar thanked everyone for their participation in the meeting and will make the presentation available on the website.

Aaron Murnaghan, Principal Heritage Planner, thanked everyone and expressed that as his team carries forward the DA, they will look into the traffic issues further.

4. Adjournment

The meeting adjourned at approximately 8:38 p.m.