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Item No. 07
Halifax Regional Council
September 6, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY: Peter Stickings, Acting Director, Operations Support
DATE: August 15, 2016
SUBJECT: Case 18464 – Bright Place and Normandy Drive Access Request

INFORMATION REPORT

ORIGIN

This report originates from the April 5, 2016, motion:

Moved by Councillor Watts, seconded by Councillor Mancini that:

Staff to provide an information report to Council outlining their discussions with the developer and Mr. Terry Degen, representing the adjacent property owner Chebucto Inn respecting the request around accessing the rear of the property from the public walkway and switching the sidewalk and sodding, which is part of the Construction Agreement under the Purchase and Sale Agreement.

LEGISLATIVE AUTHORITY

As this report contains no recommendations and is for information only, there is no applicable legislative authority to cite.

BACKGROUND

At the September 25, 2012, Public Hearing, Halifax Regional Municipality Council, approved Administration Order SC-68, respecting the Street Closure of a portion of Bright Place right-of-way. This facilitated the disposal process of the closed portion of the Bright Place right-of-way through the delegated authority of the Transaction Policy, as approved by Regional Council October 8, 2002.

Following the Street Closure process, Corporate Real Estate staff entered into negotiations with the abutting land owner and Closed on the sale of the former portion of the Bright Place right-of-way on January 18, 2016. As a condition of sale, the purchaser is required to construct a public walkway within the remaining twenty (20) foot public right-of-way retained by HRM. This has created concerns about access from the owners of the Chebucto Inn who abut the portion of the HRM right-of-way to be used as the proposed walkway.

DISCUSSION

Following the April 5, 2016, Public Hearing for Case 18464 respecting Municipal Planning Strategy & Land Use By-Law Amendments and Development Agreement, Bright Place, Lady Hammond Road and Normandy Drive, Halifax, Real Estate staff met on-site with Mr. Terry F. Degen and his client to discuss his client's concerns with the disposal of the former Bright Place right-of-way and the pending walkway construction. At the May 4, 2016, on-site meeting the following items were discussed:

Presence of underground pipes connecting Bright Street and Lady Hammond Road:

At the request of HRM staff, Halifax Water has conducted field inspections of the storm water collection grates and manhole covers on Lady Hammond Road and at the intersection of Bright Street and Normandy Drive. Halifax Water has also reviewed all of their records and cannot locate any on-site indications nor record drawings that can confirm there is underground pipes located where the proposed walkway is to be constructed. Staff has requested any documentation the Chebucto Inn owners may have to support their claim there is underground pipe but none has been provided to date.

Presence and purpose of a manhole cover located on Chebucto Inn property:

Halifax Water Operations staff pulled the existing manhole cover and have confirmed there are no connections of pipes from the Bright Place right-of-way. This manhole cover is for private use only of the Chebucto Inn property.

Proposed location of walkway to be constructed by the Developer of the Bright Place Redevelopment/ accessing rear and roof portions of the Chebucto Inn building:

With the use of a plan of survey prepared by HRM Survey Department (See Attachment "A" – Survey Excerpt), staff plotted the approximate location of the walkway to be constructed on-site. The predominate concern of the Chebucto Inn owners is the loss of access to the rear of the building for future maintenance. It has been suggested by staff that the final design of the walkway should consist of hard surface materials that can accommodate the occasional use of light truck crossing while also adequately handling drainage away from the Chebucto Inn building. Consultation is on-going with a final design and is subject to agreement of the Developer of the abutting residential redevelopment. The current design is as per the HRM Municipal Engineering Red Book Standards and includes asphalt with grass edges and chain link fencing. Staff is considering eliminating the use of chain link fencing and to replace the grass with stone substitute.

Accessing and refueling the existing propane tanks servicing the Chebucto Inn:

The Bright Place right-of-way survey has identified that three propane cylinder tanks and three bollards are encroaching on Municipal property. The location of the bollards appears to obstruct the center portion of the proposed walkway to be constructed. Further discussions with the owners are needed in terms of relocating the propane tanks to eliminate the encroachment issues. The owners may be interested in acquiring a five (5) foot section of the twenty (20) foot remaining right-of-way. Real Estate staff has confirmed with Active Transportation staff that the proposed walkway could be reduced down to fifteen (15) feet in width from twenty (20) feet if properly designed. If an acquisition will accommodate the Chebucto Inn, a future street closure public hearing and disposal report will be required, as that section still remains right of way.

Concerns over the noise during site preparation and building construction of the multiple unit residential development located behind the Chebucto Inn:

Staff has advised that noise caused by construction activity will be limited to compliance of HRM By-law N-200 Respecting Noise. Enforcement of this By-law will be with HRM Compliance staff.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Future financial implications will be subject to a separate report and are dependent upon the direction taken by the owners of Chebucto Inn in regard

particularly with a possible acquisition of a five (5) foot portion of the remaining Bright Place public right-of-way.

COMMUNITY ENGAGEMENT

As this information report deals with specific concerns of one abutting land owner, community engagement was not obtained for this report.

ATTACHMENTS

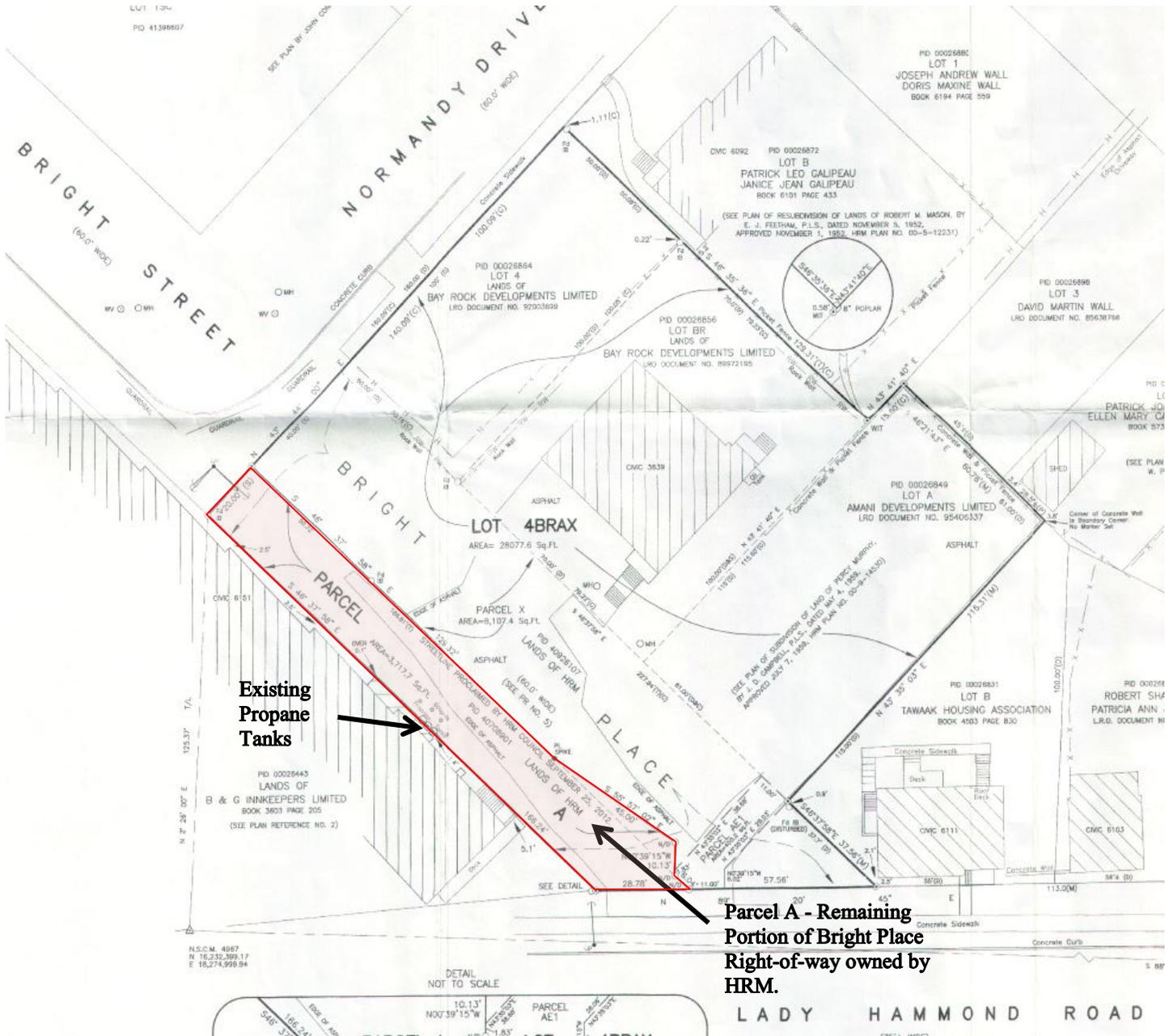
Attachment "A" – Site Plan

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.

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ATTACHMENT "A" – SITE PLAN



View of Bright Place Right-of-way from Lady Hammond Road. Chebucto Inn is at left and the Bright Place redevelopment will be to the right. The proposed walkway is approximately between the red car and trailer are parked and the rear of the Chebucto Inn.