



Public Hearing Town Council Meeting
Wednesday, October 7th, 2015 at 7:00 p.m.
Council Chambers – Town Hall

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A Public Hearing of Truro Town Council was held on Wednesday, October 7th, 2015 at 7:00 p.m. in the Council Chambers of the Truro Town Hall.

Present: Mayor W.R. (Bill) Mills, Deputy Mayor R. Tynes, D. Joseph, G. MacArthur and T. Chisholm

Regrets: Councillors B. Kinsman and C. Fritz

In Attendance: Director of Planning J. Fox, Director of Public Works A. MacKinnon, and CAO M. Dolter

a) Public Hearing – 118 Lyman Street, Development Agreement Application

The Mayor reviewed a list of concerns that were discussed at previous Town Planning Advisory Committee meetings, and advised that Council was aware of all of these concerns that included: traffic, run off/drainage/storm water management, flooding issues, building height (too high), decrease in property values, noise and dust during construction, four storey, 42 unit apartment buildings incompatible with neighbourhood of single and two storey homes, loss of wildlife habitat, no demand for apartments (high vacancy rate), lack of parking, loss of privacy for neighbours, impact on the water table, visual impact on the neighbourhood, development will overwhelm surrounding homes, tree loss will extend beyond the area, lack of imagination in design, sewer/water needs to be upgraded to handle the development, more transient population/increased safety concerns, noise/light pollution, larger treed buffer is needed, Town doesn't enforce its development agreements, lack of sidewalks/pedestrian safety, winter access will be difficult and unsafe, lack of environmental sustainable design elements, density is too high.

The CAO reviewed a letter received from the Town Planning Advisory Committee, recommending that Council establish a public hearing date to consider a proposed development agreement application for 118 Lyman Street, for two 42-unit, four storey buildings. The Town Planning Advisory Committee was recommending that Council not approve the Development Agreement Application.

The Mayor advised that a letter was delivered to Council this morning on behalf of the upper Burnyeat Street/Centennial Drive neighbourhood community watch and all members of Council have received that information.

The Director of Planning reviewed his staff report with Council and recommended that Council not enter into a development agreement for this proposal.

The developer, Blair Wallace of Brentwood Development, gave a presentation to Council on his proposed development. He stated that he believed the development would be a great opportunity to bring people closer to Victoria Park and the downtown area, which he noted is something the Town has expressed as a desire for the downtown. He noted that the property was a large piece of land that could accommodate the buildings without issue. Mr. Wallace explained that the apartments would be what the market is asking for, with better than average amenities including underground parking, elevators, and five appliances in each unit. He stated that although the staff report does not recommend the development, the body of the report seems to indicate that the development is supported by Town policies.

Mr. Wallace presented slides on the potential view planes of the development in terms of tree coverage. He stated that from Burnyeat and Adam Street, the top of the building would barely be visible. He advised that he hired land surveyors to measure the trees and properties. He stated that the elevation of his building was 210 feet, and the top of some of trees is 214 feet. Mr. Wallace noted that there would be a significant buffer between existing residences and the new development, and a large amount of distance in between.

Mr. Wallace compared other multi-residential units in the area to the proposed development. He stated that the average for the area was 8.6 units per acre, and his development would be 14 units per acre, and he did not believe that this was not compatible with the area. He noted that the area that the Town uses to mail out the survey consists of R1, R2 and R3 zoning, and that 50% of the houses on Lyman Street and Burnyeat Street were multi-unit.

Mr. Wallace compared units per acre of other large developments within the Town. He noted that the building on the corner of Glenwood and Young Street works out to 30 units per acre and abuts R1, similar to his proposed development. He noted another 5 storey building with 40 units on 1.61 acres; his property was 6.2 acres. Mr. Wallace stated that 42 Archibald Street, which is 150 meters from the proposed development, consists of 6 units which works out to 18 units per acre.

Mr. Wallace stated that there had been concerns related to parking spaces and a walkway and amenity space. He noted that he had made adjustments to add four additional parking spaces, and they are developing a plan to create a nice walking path from the development to Adam Street, and terracing an area to add amenity space and maybe a garden area.

Jennifer Tsang, the planning consultant for Brentwood Development, also made a presentation on the project. She noted that the staff planning report had several positive remarks about the project including that it would increase residential densities near the downtown core and provide increased demand for goods and services in the community. She stated that the report also says that the architectural design is consistent with traditional residential construction found in the area, and planning staff are satisfied that the size of the lot and setbacks from adjoining properties are sufficient to deal with any minor incapability issues that may be attributed to a more intensive residential use such as traffic or noise. Ms. Tsang noted that Town staff's primary concerns seemed to center around compatibility and neighbourhood integrity. She stated that in planning terms, compatibility does not mean identical; it means you have to make two land uses compatible with one another; in this case the compatibility concern was between an R1 zoned property and an R3 zone property. Ms. Tsang stated that with an R3 zone, a multiple residential project should be expected.

Ms. Tsang next spoke about density. She said that in planning terms, R1 density is typically 6 units per acre; medium density on average is 15 units per acre and high density is typically 25 units per acre. She noted that for an R3 zone, a person could expect a higher density, 25 units plus. However, this proposal was 14 units per acre which actually makes it a medium density development. Ms. Tsang stated that this would make it more compatible with the surrounding area. She also noted that in terms of bulk and scale, developments in R3 zones should be expected to be larger than that of an R1 zone. Ms. Tsang stated that the design and layout of the proposal has the short end of the building facing the adjacent R1 properties as opposed to the long end. She also noted the generous setbacks of the development in comparison to other setbacks for other developments in Town. Ms. Tsang also noted the tree buffer and that the parking lot for the buildings was situated between the buildings and would not be up against surrounding properties.

Ms. Tsang noted that the other concern of Town was neighbourhood integrity, which is not defined in the Town Land Use Bylaw. She stated that from a planning point of view, neighbourhood integrity has to do with being complete or whole, the functionality of the neighbourhood, traffic, streetscape, land use, quality of life, etc. Ms. Tsang stated that the Town's Municipal Planning Strategy is clear in terms of trying to achieve intensification, which is new development and a range of housing forms at infill locations, where it does not cost the Town money in terms or services, and she believed this development fulfills those goals. She noted that the design details would also preserve the integrity of the neighbourhood: the buildings cannot be seen from the street, they are on a large lot with generous setbacks and a tree buffer, a positive traffic impact study, and the project would provide an additional form of housing for the neighbourhood which does not currently exist.

Ms. Tsang stated that this property was pre-zoned as R3 with the potential for a multiple residential development of high density and she believed the neighbourhood residents should have a reasonable expectation that the property would be developed at some point.

Ms. Tsang stated that in her professional planning opinion, the project meets the intent of the Town's Municipal Planning Strategy. She requested that if Council approved the draft development agreement today, that it be approved with two changes: the first change would be adopting the revised site plan that the developer has submitted to replace the previous site plan submitted. The new site plan has the additional parking and amenity space. The second change being requested is to the non-substantial amendments section, the addition of a clause that would allow for modifications to the timing of construction.

Jack Innis, the solicitor for Brentwood Developments, also made a presentation to Council. He stated that he did not believe that the conclusion of Town staff, that the proposal is not consistent with the planning policies, could be reasonably supported by the interpretation of the policies within the Town's Municipal Planning Strategy. He noted that the MPS indicates that there is an increasing demand for rental housing in Truro, which these apartments would accommodate. Mr. Innis stated that it also says that that the Town is faced with finding a balance between preserving its historic neighbourhoods and accommodating the demand for new residential housing, a change that would be achieved by placing less emphasis on density, and focusing more on built form site design and land use type as a means of regulating residential development and minimizing land use conflicts. He also noted that the MPS states that "it is the intention of Council that options are available to permit some discretion when considering development proposals" in terms of areas containing a mix of housing types.

Mr. Innis notes that the staff report states that the proposed development is compliant with most of the residential policies, with the exception of enhancement and complimenting of established and intact neighbourhoods, and compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density and bulk. He stated that the property is zoned R3 and that the introduction of the Town's policy states that "although single and two unit dwellings are covered by the limited residential designation, Council recognizes that there is a need to set aside other areas of Town in order to accommodate different types of dwelling units. More intensive residential developments are desirable because they utilize municipal services more efficiently and cost effectively than lower intensity uses and often provide an opportunity for more affordable housing". Mr. Innis stated that later in the policy it states that Council wants to accommodate more intensive residential uses in areas where the potential for land use conflicts is minimal; where there is vacant land available and where the infrastructure is in place to handle new development. He advised that he believed based on the policy, that his client's property should be so designated and considered for more intensive uses.

Mr. Innis stated that given the R3 designation of the property, planning staff should not be surprised, nor object to, the size of this proposed multi-unit development. He advised that given the proper buffer, as proposed for this project, the two forms of residential uses can be integrated and should keep land use conflicts to a minimum. Mr. Innis also noted that the staff report shows the coverage is actually less in percentage terms than the average coverage of a single family dwelling on adjacent properties.

The Mayor asked if the storm water management plan included a retention pond.

Mr. Wallace advised that it did, and the plan has been submitted to the Town.

Councillor D. Joseph took exception to the developer's counsel suggestion that the people in the neighbourhood were anti-development. He suggested that residents believe the development to be a good idea, just not for that specific area. He also noted that he was concerned about potential water and flooding issues and neighbourhood stability and density, as well as the suggestion that there would not be a substantial increase in vehicle traffic.

Deputy Mayor R. Tynes also expressed concern about storm water management and runoff. He also noted that he went and looked at the property and the surrounding neighbourhood. He believed that the other multi-unit buildings in the area were not obviously multi-unit residences and blended in well with the single dwelling units. Deputy Mayor R. Tynes stated that with such a high disapproval percentage in the returned neighbourhood surveys, that it did give him cause for concern. He was also concerned with compatibility and the potential for tree loss.

Councillor T. Chisholm noted that he did agree that there is a great demand in Town for this type of apartment and it meets a lot of the Town's future development plans. He stated that given the zoning of the property, something would be developed on that property at some point and the setbacks were some of the best he has seen in a long time. Councillor T. Chisholm stated that his issue was with regards to the residences in the neighbourhood being a lot of single family units, or small multi-unit buildings and that this development is a huge jump, where the property is surrounded by mostly R1 zoning. He advised that he would like to see a development on that property, but on a smaller scale.

Mr. Wallace stated that it was his full intention to take advantage of all the trees on the property to create a buffer zone to compliment the abutting properties, and he would guarantee the perimeter in the development agreement as much as he could, provided there were no issues with storm water management.

Mr. Robert France, of 44 Burnyeat Street, expressed concern about the trees. He advised that he had spent a decade working in forestry and trees are not static objects; they grow, they fall down, they die. He stated that removing trees or thinning out a forest exposes the remaining trees to wind throw, and it would be only a matter of time before they fell down. Mr. France noted that the traffic study does not take into account the addition of Canada Post mailboxes, of which sites have not yet been determined. He also expressed concern over the number of vehicles, perhaps 100 cars plus, being added to the streets. Mr. France stated that he is not anti-development, but that this development is just too big. He noted he had spoken to a few neighbours, none of whom recalled a separate mailout about meetings to rezone the property to R3, and that it was probably done gradually by the Town or lumped in with a series of lots.

The Director of Planning advised that in 2004, the Town went through an extensive plan review process and questionnaires were mailed out to 800 addresses within the Town, in which people were invited to several public open houses. There was extensive consultation, a consultant was hired to assist and the property was rezoned to R3. He stated that a similar process was again undertaken in 2010 and that this was not something the Town had attempted to sneak through.

A resident asked why no one in attendance at this meeting recalled receiving notice of any of these public open houses or consultations.

The Director of Planning stated that he did not know why, as questionnaires were mailed out and notices placed in the local paper, but that for anyone interested, he could provide the information that was mailed out and explain the process that the Town undertook.

Ms. Debbie Atkinson, property owner of 121 and 125 Lyman Street, advised that her tenants were very concerned about the extra traffic, as they lived directly across the street and would have lights shining into their homes.

Councillor T. Chisholm noted that in terms of the community mailboxes, the development would have its own mailboxes in the buildings. He also stated that he, as a citizen, remembered receiving the information on the public consultation process for rezoning.

The Mayor added that the Canada Post postal boxes would be placed in consultation with the Town's Director of Public Works and the Town has not received any information yet.

Mr. Don Reid of 70 Burnyeat Street stated that most of his concerns were covered in the staff report. He did note that the Town policy states that "it shall be a policy of Town Council to require the following..." with regards to height, scale and density, so it's not a policy of the Town to possibly consider it, it is required that Council consider those issues.

The Director of Planning agreed, that the language of the policy states that Council shall require those issues be taken into consideration.

Ms. Mary Jane Elliot advised that she owns a building at 108 Lyman Street, which is directly bordering the proposed development. She stated that with regards to the traffic impact study, she had concern about the blind crest on Lyman Street and visibility with entering and leaving the property, and the traffic on the street being able to see them.

Councillor G. MacArthur stated that perhaps the Town's practice for mailouts years ago was not perfect, but it was something that has been improved over the years. He also recall the public meetings in 2010 being quite well attended.

Ms. Faye Arnfast, of 63 Burnyeat Street, expressed concern with the possibility of her backyard being used as a shortcut from the development to Adam Street, as it was a shorter route.

Mr. Alan Darby, who lives on Centennial Drive, stated that he did not believe the buffer zone would be enough for the residents of Adam Street. He also noted that there were a lot of springs on that property, and asked how future construction would affect those.

The Director of Public Works agreed that there were a lot of springs on that side of the hill, as there is across the east end of Town, but that the contractor for the property would have to look after that and take those into account.

Ms. Ruth Faulkner, of 65 Lyman Street, also expressed concern about the traffic situation and the blind crest, as well as the difficulty to navigate the hill during the winter.

Ms. Jamie Alcorn, of 38 Adam Street, noted that there was talk of extending the Lyman Street sidewalk, but if it were to come out on Adam Street, there is no sidewalk in either direction on Adam Street and no room to put one in. She also asked for clarification on the buffer zone and tree line on the Adam Street side because she thought at one point it was discussed about tearing all of it out on that side.

Mr. Wallace advised that the buffer zone of trees between the buildings and Adam Street has not changed from the initial site plan; there would be 155 feet between the building and the back of the properties on Adam Street. He stated that a lot of the properties on Adam Street have full treed backyards and the grade goes down and then back up, and those trees would not be disturbed.

Councillor D. Joseph asked the developer if he has ever thought the development was too big.

Mr. Wallace stated that no, he did not think it was too big.

Mr. Paul Arnfast of 63 Burnyeat Street stated that he had experience working in engineering and working with flood conditions and floodplains, and that any engineer stamped document should be looked at under close scrutiny by Council. He noted that there is a 30 inch inside diameter culvert that during the spring thaw is full, and he had concerns that the development and removal of trees would add water to an already overloaded culvert.

The Director of Public Works stated that there is concern for any storm system inlet pipes when it comes to new development and that is why the Town requires a storm water management plan. He noted that the storm water management plan is available if requested by an individual.

Mr. Jon Keddy advised that he owns properties in the east end and is a developer and that he believed that the right development in the right area can do amazing things. He asked the developer if there was a Plan B for the property if this development did not receive approval. From what he understand as the general consensus, the development was too large, but that the property would most likely be developed in some way at some point.

Mr. Wallace stated that with every development, there are many possible alternatives.

Adjournment

There being no further questions, the Public Hearing was adjourned at approximately 9:20 p.m.

W. R. (Bill) Mills
Mayor

M.W. Dolter
CAO