



**Subject:** *FH Development Group - WCDD development agreement application*  
**To:** CAO for Planning Advisory Committee, February 15, 2022  
**Date Prepared:** February 2, 2022  
**Related Motions:** PAC21(22) April and C21(137)  
**Prepared by:** Rachel Gilbert, Manager of Planning  
**Approved by:** John Woodford, Director of Planning and Development

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### Summary

FH Development Group has submitted an application for a Walkable Comprehensive Development District (WCDD) which is being considered through a development agreement application.

### Financial Impact Statement

A financial impact statement has been provided with this report. The financial analysis estimates a financial benefit to the municipality of \$479,528, based on several assumptions.

### Recommendation

That staff be authorized to schedule a public hearing.

### Recommended Motion

*Planning Advisory Committee recommends that Council authorize staff to schedule a public hearing for the application by FH Development Group to enter into a development agreement for a WCDD in Elmsdale.*

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## Background

The Municipality received an application in March 2021 from FH Development Group to consider a WCDD development for three large properties in Elmsdale. The land is zoned Two Dwelling Unit (R2) Zone but designated WCDD. Policies in the Municipal Planning Strategy require a development agreement be entered for the development of a Walkable Comprehensive Development District.

Staff presented an initial report in April 2021. Since that date the developer has amended their concept plan which includes amendments to deal with staff comments.

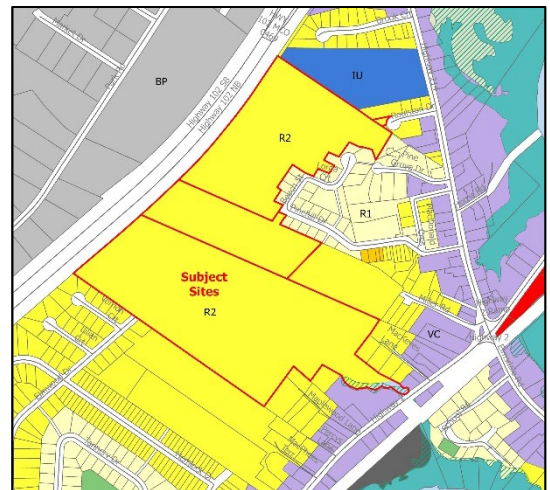
This report is intended as an update on the application now that the negotiations and staff review are nearing completion. Staff estimate that the drafting of the development agreement is about 90% complete. Approval is needed from Council to schedule a public hearing.

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## Subject Properties

The application relates to three properties (PID# 45083581, PID# 45244225 and PID# 45084399) in Elmsdale which are owned by the applicant. There is a small parcel of land at the end of Roulston Drive (PID# 45389491) which will provide access from the WCDD development to Roulston Drive and this land is owned by the applicant.

All three main sites are designated Walkable Comprehensive Development District (WCDD) but are zoned Two Unit Dwelling (R2) Zone. The WCDD designation enables this application to be considered. The WCDD zone was not applied to the lands as it provided more flexibility should the developer had planned to have developed his properties with as-of-right R2 developments. The development agreement is enabled through the designation and not the zone.



The three main properties are approximately 31 hectares in size (77 acres) and is undeveloped. The land is located between the Elmwood Drive subdivision and subdivisions accessed off Highway 214. New roads are proposed to link to the existing Roulston Drive, Pine Hill Drive, Beech Street and Elmwood Drive.

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## Development Proposal

The purpose of the application is to permit a Walkable Comprehensive Development District through a Development Agreement. Development within a WCDD Zone is permitted only by Development Agreement. A concept plan has been submitted which shows a mixture of housing types, park and open space, and stormwater management areas. A copy of that concept plan has been included as Appendix A to this staff report.



20 metre setback from the multi-unit buildings to neighbouring properties on Vernon Court and also MacKeyes Lane.

- The concepts for the multi-unit residential areas have been amended. These amendments are discussed further in the report.

The applicant has provided the following information on the proposed number of units for each type of housing.

LOT TYPE	LOTS	UNITS
Single Family:	119	119
Semi-detached	76	152
Townhouses	12	48
Multi-unit Residential	2	345
<b>Total</b>	<b>235</b>	<b>662 (8.6 UPA)</b>

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## Policy Analysis

The Planning and Development Department will review the proposed application based on the applicable policies contained in the Municipal Planning Strategy. To address potential compatibility issues with neighbouring residences, and to comply with criteria applied to consideration of this application, Staff have requested comments from internal departments and external agencies, including Nova Scotia Public Works. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies will be attached to the final report.

Council has designated the land as Walkable Comprehensive Development District (WCDD) in the Municipal Planning Strategy. The designation enables the zoning to remain in place until such time as landowners come forward with a proposal to enable the WCDD through a development agreement. As the property is zoned for R2 the applicant could decide to develop as-of-right through the subdivision process and connect in the same way to existing streets, subject to Nova Scotia Public Works requirements being met. The development of the properties through a WCDD development agreement would enable a mixture of housing types which meets the needs of the wider community. In addition to the mixture of housing types, the WCDD also proposes a sidewalk plus an active transportation trail which would not be required under the subdivision bylaw.

Section C3 - Urban Design and Community Character, outlines the criteria for the consideration of development agreements in Walkable Comprehensive Development District (WCDD) designated lands. Staff will review the criteria within section C3, and other criteria within the Municipal Planning Strategy, and will present an analysis in the final staff report.

## Traffic Study & Intersection Improvements

Griffin Transportation Group Inc. has prepared a Traffic Impact Study (TIS) on behalf of the application. The study has been reviewed by Nova Scotia Public Works and they have approved and accepted the TIS findings and recommendations. A copy of the traffic study has been provided for PAC to review.

The following recommendations were developed based on the findings from the study - notes from planning staff have also been provided in *italics*.

- That the following intersection upgrades be implemented:

- Trunk 2 / Elmwood Drive intersection: The analysis results suggest this intersection is in immediate need of a northbound left turn lane (15m long, plus taper) and a southbound right turn lane (deceleration distance only). In addition, the analysis also indicates that traffic signals will eventually be warranted under the full build-out scenario. However, the installation of signals can be deferred until later in the development process. - *The developer will enter into an agreement with NSPW regarding the intersection improvements of Highway 2 and Elmwood Drive and the intersection improvements shall be completed to the satisfaction of NSPW. The development agreement indicates that a maximum of 600 units will receive a permit before the improvements are constructed. This amount is under review by NSPW and a final number will be added to the development agreement.*
  - Route 214 / Roulston Drive intersection: A new eastbound auxiliary right turn lane be installed (right turn lane from Hwy 214 into Roulston Drive). One inbound and one outbound lane will provide sufficient capacity. -*The developer will be responsible for the design and construction of the East-bound auxiliary right turn lane from Highway 214 into Roulston Drive.*
  - Route 214 / Hwy 102 NB Ramps - Sobeys Access: Traffic signal timing changes will be required in the future in order to manage vehicle queues at these two closely-spaced signalized intersections.
- In addition to recommendations regarding intersection upgrades the TIS also provided recommendations or comments regarding:
    - Roulston Drive: upgrades to this road - *municipal staff are in negotiation with the department of Public Works will be completing the upgrades of this gravel road prior to handing over the ownership of this road to the municipality.*
    - Connection of Roulston to Elmwood: timing of connection - *the connection of Elmwood Drive and the new portion of Elmwood Drive will be in the final phase of the development.*
    - There may be a need for traffic calming along Elmwood Drive - *the Developer will be responsible for the Design and Construction of traffic calming on the new section of Elmwood Drive. The Design of the traffic calming is subject to approval by the Municipality.*

## Roulston Drive

Roulston Drive is owned by NS Public Works and is a gravel road which serves four existing dwellings. If this road is to connect to the proposed WCDD development the road needs to be upgraded to municipal standards. Staff are currently in process of discussing the future upgrades and ownership of Roulston Drive with NS Public Works. An agreement has been drafted, subject to approval by Council, whereby NS Public Works upgrades the road and builds an active transportation sidewalk. The road can then be considered for take over by the municipality for future maintenance as part of future considerations.

Municipal staff had initially discussed that part of the cash open space contribution would pay for the construction of an AT sidewalk along this stretch of existing road. The developer would therefore be supporting the upgrades of Roulston Drive through part of their open space contributions. This would link to the AT sidewalk proposed by the developer and would help to build a larger AT network through the corridor. In discussing the upgrades with NS Public Works, they mentioned that they might be able to construct the AT sidewalk through a program they have to encourage active transportation through the province. If this is the case then the cost of building the 1.8 metre wide concrete sidewalk may be paid for by the developer through their open space cash contribution. The cost of constructing a 1.8 metre wide concrete sidewalk is similar to the cost of constructing an asphalt 3 metre wide AT sidewalk.

## Infrastructure

The Municipal Department of Infrastructure and Operations has commented that municipal water and waste water capacity will be allocated to this development as each phase is submitted for subdivision.



## Stormwater Management

The developer will be required to manage stormwater on their site and not increase any stormwater for adjacent properties. The concept plan shows the three stormwater management areas. At each subdivision application stage, the developer will be required to submit a details stormwater management plan, to be prepared by a professional engineer.

There are existing stormwater issues in the area and a recent letter to Council in October 2021 from residents identified some of the challenges they are experiencing. The Municipal Standards for stormwater management identifies how the management system addresses the downstream effects. Pre-and post development stormwater flows must be balanced through the use of stormwater management ponds, oversize pipes, flow control structures, etc. The design of these structures should limit the post development discharge for the 5, 10 and 100 year design storms.

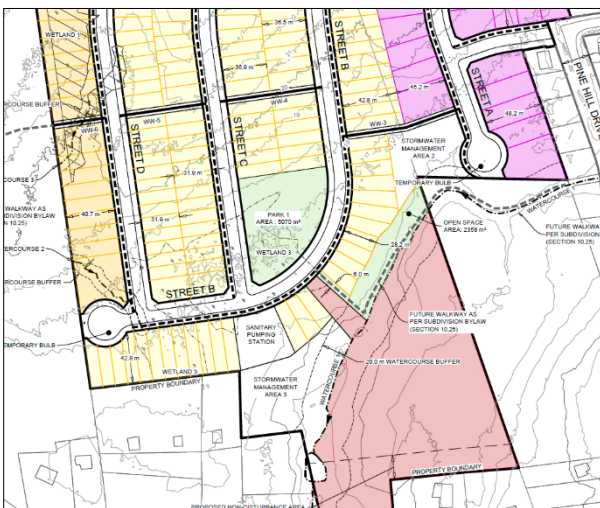
The municipality does not have a mandate to act to address the existing issues as per the Storm Drainage Policy. However, some additional stormwater management improvements could be explored further through the Storm Drainage Policy, section 6;

6. The Municipality may consider issuing credit on wastewater infrastructure charges, if stormwater management enhancements for new development proposals can quantify a benefit in reducing Inflow & Infiltration (I&I) issues for the wastewater system in neighboring developments, resulting in a net benefit to Municipal wastewater system as a whole. This would be a request made by the Municipality to a developer during the development application process.

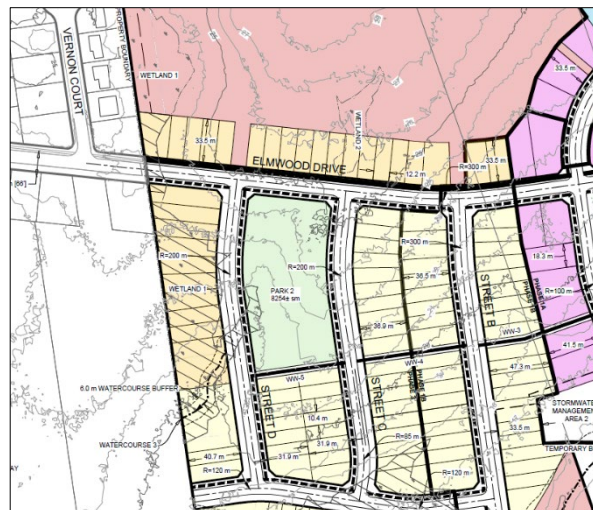
## Open Space

The image below is taken from the initial concept plan submitted with the application. The two open spaces identified, one alongside the watercourse and one between Street B and Street C have been removed and replaced with a larger area of open space located alongside Elmwood Drive.

Initial concept plan



Current Concept Plan

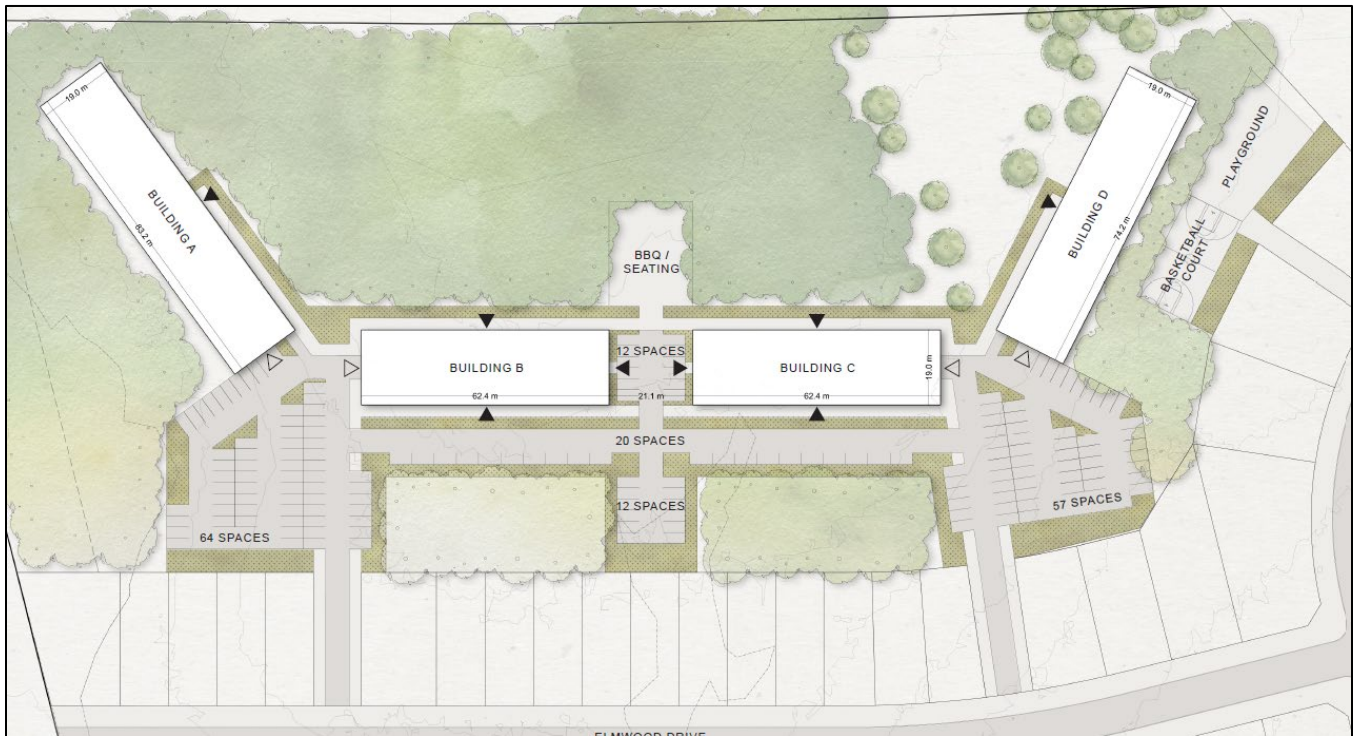


Staff in Parks, Recreation and Culture requested the developer make these changes. The placement and size of the proposed parks are in accordance with the provisions of the Parks, Open Space and Active Transportation Master Plan. They are also appropriately placed to provide walkable playground locations to the community in accordance with the draft Playground Development Strategy.

## Multi-Unit Residential

The original concept for the multi-unit residential has been amended since originally submitted. The original plans showed four storey apartment buildings, proposed to be laid out as follows.

### Initial Plan - area next to Vernon Court and Highway 102

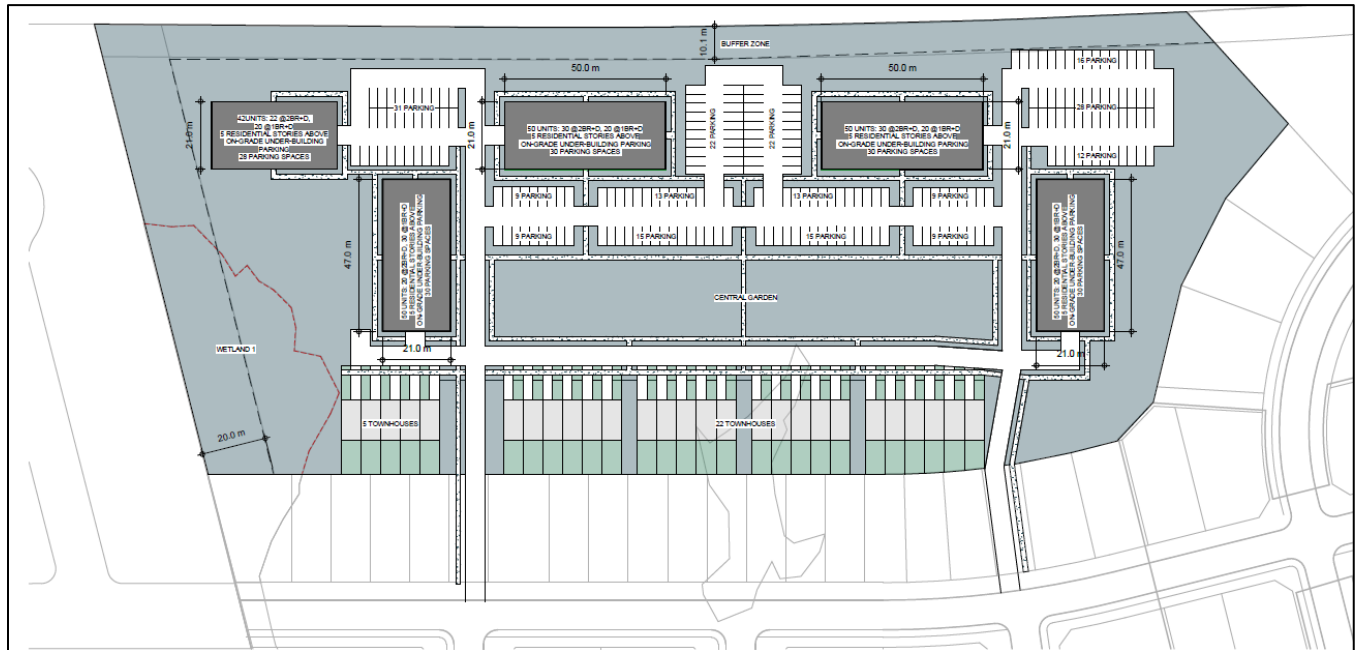


### Initial Plan - area next to MacKeyes Lane



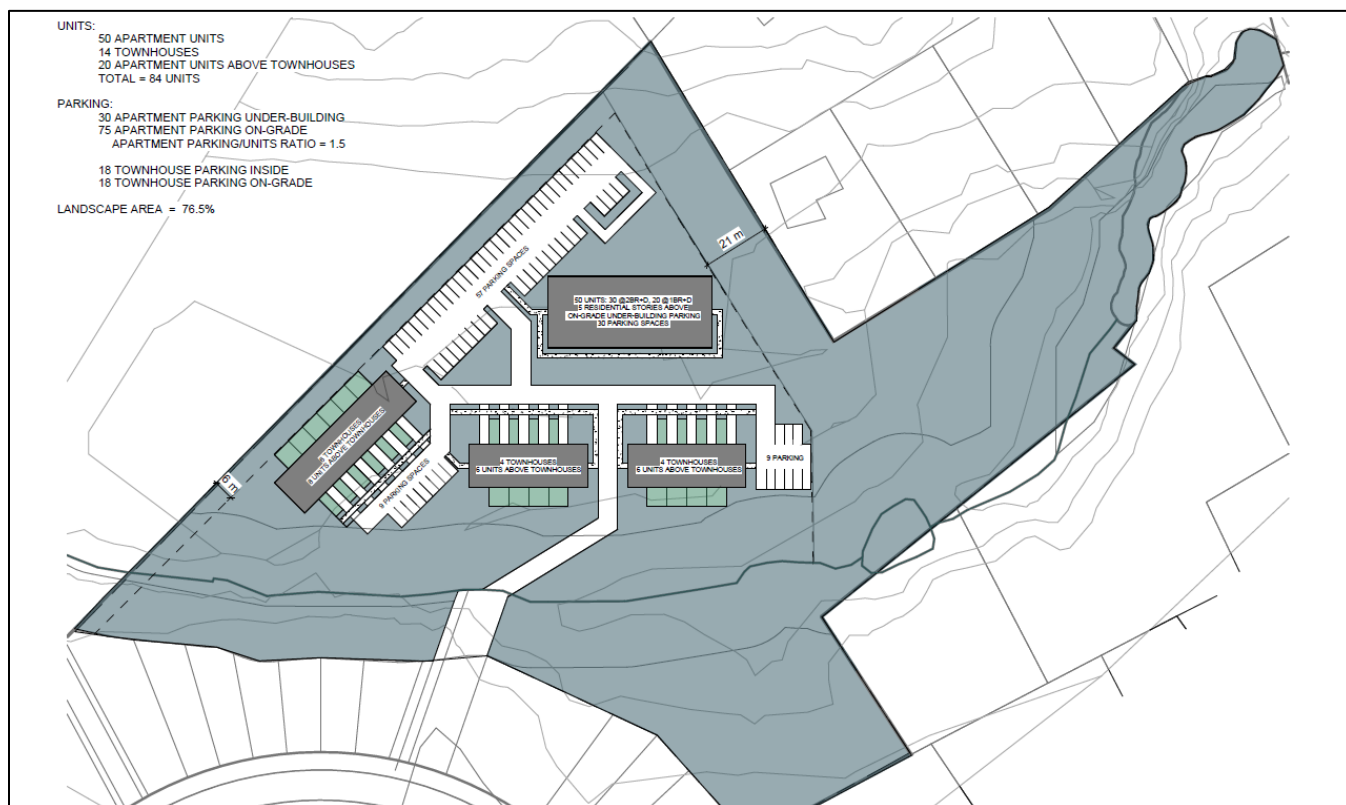
The proposed concept for the multi-unit has been amended so that there is a mixture of townhouse units, townhouse buildings with apartments above, and apartment buildings with at grade parking with 5 stories of apartments above. Staff have requested details of elevations for these buildings. See the proposed layout below.

#### New Plan - area next to Vernon Court and Highway 102



#### New Plan - area next to MacKeyes Lane





These new plans have recently been submitted and the community has not had the opportunity to comment on them. Unless directed otherwise, staff will be requesting comments through a questionnaire mailout regarding the amended plans for the multi-unit residential. Planning staff have not had the opportunity to review these plans and there may be some changes requested following that review.

### Financial Impact Analysis

Municipal staff have undertaken an analysis of the financial impact of the proposed development. Details of the financial impact has been appended to this staff report as Appendix E which provides details on the estimated revenue to the municipality from taxes and breakdowns of costs associated with providing services to the development. The following estimated amounts have been calculated:

Total Annual Tax Revenue from Development	\$1,365,950.40
Total Annual Cost of Providing Services to the Proposed Development per Year	\$886,422.23
Annual Financial Benefit to the Municipality	\$479,528.17

The Elmsdale Volunteer Fire Department will receive an estimated \$156,000 per year from this development.

The infrastructure charges generated by this development is estimated at almost \$3 million.

### Chignecto Regional Centre for Education

A letter regarding the application and requesting comments on any school capacity issues has been sent to the Chignecto Regional Centre for Education (CCRCE). No response has been received. Previously, municipal staff met with staff at the CCRCE talk about the large increase in development occurring in East Hants, specifically in the corridor area. The Regional Centre for Education have explained that they cannot commit to capacity

until they see the need for it. This means that they don't proactively monitor potential student numbers and plan for increases or declines but they deal with student numbers when they see the changes.

The most recent Long Range Outlook document on the CCRCE website is dated December 2019. This information indicated capacity at the elementary schools in Enfield and Lantz, plus the Riverside Education Centre and the Hants East High School. The Elmsdale Elementary School is indicated as having very little capacity (94% school utilization). Planning staff have requested updated information from the regional centre for education. Any updated information will be provided in the final staff report.

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## Citizen Engagement

Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal and indicating that it is under review by staff has been placed in the *Chronicle Herald*. A letter and questionnaire has been mailed to all property owners within 300 m of the subject property asking for comments on the proposed development.

The Municipal Planning Strategy does not require a public information meeting (PIM) for development agreement applications, however, Policy CE5 of the MPS encourages other forms of community engagement, especially when dealing with issues of significant community impact. Due to the development of the WCDD land having a significant impact on the local community due to the size and scale of the development a public information meeting was held on (date). Due to Covid-19 restrictions, the public information meeting was held as a digital meeting that residents could join digitally or call and listen to the presentation. Residents had an opportunity to ask questions at the PIM. Notes from the meeting have been added as appendix D of this report.

Questionnaires were mailed to 335 properties. Responses were received from 42 property owners. Copies of the returned questionnaires and correspondence has been provided to PAC for review. Staff have summarized the questionnaires and this summary is provided in appendix C of this staff report. The majority of the comments were raising objections or concerns; there was a small number of responses which were in support and these have also been summarized; and there were some that were asking questions but did not suggest they were in support or objected.

Some of the concerns that had the most comments on were:

- Concern with increase in traffic and its impact
- Concern with impact on existing infrastructure
- Concern with pedestrian safety with the increased traffic
- Concern with impact on schools
- Concern with increasing stormwater flooding and its impact on areas already struggling with this issue

Amended plans have been received for the multi-unit residential areas of the site. The community has not had the opportunity to review and comment on these amended plans. Staff feel that the community should be given an opportunity to comment on the amendments for the multi-unit residential areas, so consider that a questionnaire, along with information on the amendments, should be mailed to property owners within 300 metres of the application site. These questionnaires will be mailed out, unless staff are directed otherwise by Council.

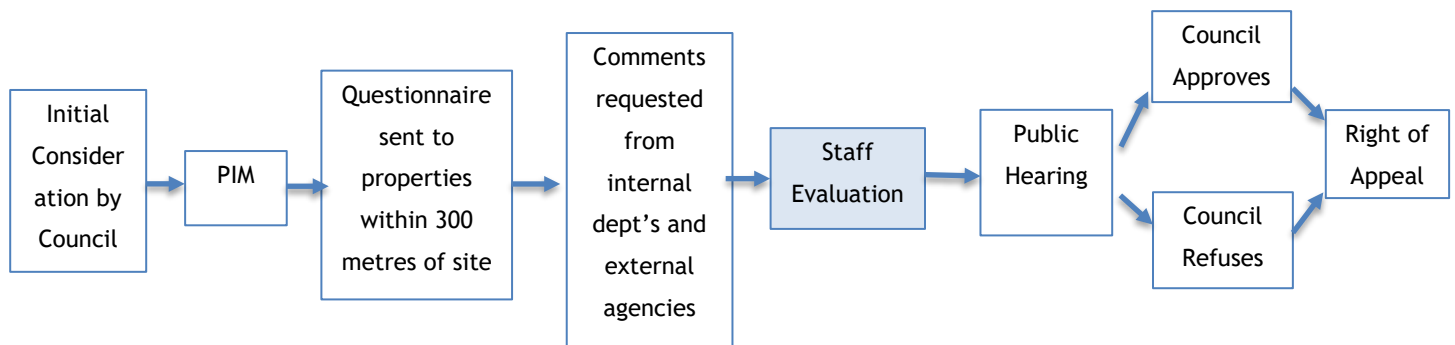
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## Conclusion

FH Developments Ltd. has demonstrated a commitment to the WCDD goal by submitting a proposal that encourages walkability and active transportation. Residential development is proposed to be comprised of

varying densities and housing types. Parkland, trails and active transportation routes will not only benefit the residents of the development but will benefit the wider community. The land is zoned Two Dwelling Unit Residential (R2) which means that the developer could build out an R2 development with the same road connections and layout as proposed. This development offers elements which would not be required with an as-of-right development.

The first draft of the Development Agreement is about 85-90% complete. The main elements of open space; land use requirements; stormwater; road standards are mostly complete. Between now and the final staff report the development agreement will be completed and reviewed thoroughly internally and by the municipal lawyer. This staff report is being brought to request approval to schedule a public hearing when ready and also to explain why staff consider that a second questionnaire should be mailed out. A full analysis and final draft of the development agreement will be presented to PAC and Council at a later date.



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## Recommendation

That staff be authorized to schedule a public hearing.

## *Appendix A - Concept Plan*

Appended as a separate document.



## Appendix B - Aerial Photograph



## *Appendix C - Summary of responses received from property owners*

### With concerns

- Increase in traffic into Elmwood Drive subdivision; shortcutting; safety concerns
- Concerns with traffic in whole area
- Concern with speed limits on existing streets - keep them low for pedestrian safety
- Lack of setbacks from buildings
- Lack of proposed parks; parklands too small
- EH cannot support this type of development
- Undisturbed area should be larger
- There is wildlife in the area; impact on wildlife
- No locations for transit stops
- Design should focus on the movement of people and not vehicles
- connect bike and pedestrians but not allow vehicles from site to Elmwood Drive
- No speedbumps proposed
- Development should not connect to Elmwood Drive subdivision
- Elmwood Drive is not safe to use now
- Community does not need more multi-unit residential buildings
- Concern over multi-unit buildings overlooking existing residential properties
- Development too dense
- Other developments have bike paths and sidewalks away from the roadways
- Where will snow be stored?
- Concerns that existing infrastructure is flawed
- Existing water drainage issues in the area
- Increase strain on Volunteer Fire Department
- Development should be on the main roads and not in quiet communities
- Comments on using the existing land and concern that they will lose the use of the land
- Impact on privacy
- Existing lift station is not adequate for existing homes
- Traffic around Pine Hill Drive and Highway 214 is bad now
- Existing flooding in areas around Lorna Court & Pine Hill Drive
- How will traffic congestion at Elmwood Drive & Highway 2 be addressed?
- Increase in traffic on Hwy 214
- Will development link to the old Elmsdale School site?
- Will non-disturbance areas be enforced?
- Are the developers required to complete the entire Elmwood Drive extension to Roulston before any construction is permitted?
- Will the development be phased?
- What is the time frame for the development to be completed?
- Can the RCMP safely conduct their duties?
- Schools at capacity
- Lack of doctors
- Flooding in the area an issue
- Area used to be a great country village
- Want to see existing roads in Elmsdale paved and maintained
- Moved to the area because there were no houses behind them
- Wastewater infrastructure is not sufficient to deal with the current load

- No sidewalks on roads around the site this will put pedestrians at risk with increase in traffic
- Infestation of rats already in the area which will be made worse during construction
- Would like to have more sidewalks in existing neighbourhoods nearby
- Concern about where surface water will drain to
- Speeding vehicles in the area an issue
- Concern with increase in property taxes to cover the costs of services required for bigger community
- Changes the type of area we live in
- Request for traffic calming solutions at the Hemlock/Elmwood intersection
- Buildings too high
- Devaluing their property
- Impact on privacy and enjoyment of property
- Health impacts of dust & debris during construction
- More noise from highway due to forest behind their house
- Request that single detached homes be built in area identified for two-unit dwellings (around Pine Hill Drive/Beech St/Lorna Crt area)
- Residents using nearby properties to short cut to Hwy 2
- Concern about risk of forest fire
- Water and sewer infrastructure is old
- Requesting fencing on boundaries with adjacent properties
- Request municipality work with developer to deal with existing stormwater flooding in Pine Hill Drive area
- Lack of planning and design with current development to maintain small country community

#### In support

- Pleased to see additional exits from this subdivision as it is badly needed
- More tax dollars hopefully means more services can be provided for the community
- The location and use of this land seems appropriate
- Need more housing to support population growth
- Great idea

## Appendix D - Public Information Meeting Notes

### Digital Public Information Meeting - FH Development Group

(July 6, 2021)

Staff:	Rachel Gilbert, Manager of Planning John Woodford, Director of Planning & Development Jody MacArthur, Communications Coordinator Sheralee Mitchell-MacEwan, Assistant Municipal Clerk
Applicant:	Chrystal Fuller - Brighter Community Planning & Consulting Erin Ferguson - Brighter Community Planning & Consulting Andrew Forsyth - Design Point Faisal Al-Hammadi - FH Development Group
Call to Order:	Mr. John Woodford, Director of Planning & Development
Staff Presentation:	Ms. Rachel Gilbert, Manager of Planning
Applicant Presentation:	Chrystal Fuller, Brighter Community Planning & Consulting Andrew Forsyth, Design Point
Questions and comments from the public with answers from staff:	<ul style="list-style-type: none"><li>• What is the frontage for a building lot?<ul style="list-style-type: none"><li>○ For the R1 lots it differs from the Land Use Bylaw. Frontage of 10.3 m is proposed for R1.</li></ul></li><li>• What parking is proposed for multi-unit residential?<ul style="list-style-type: none"><li>○ Above ground and underground parking is proposed.</li></ul></li><li>• What steps are being taken to protect animals?<ul style="list-style-type: none"><li>○ NS government has regulations to protect protected species and if we are aware of any, we will notify them.</li></ul></li><li>• Any consideration to a greening strategy?<ul style="list-style-type: none"><li>○ Buffering areas are proposed</li><li>○ Multi-unit sites retain vegetation</li><li>○ Buffering will be provided around watercourses</li></ul></li><li>• Has there been any consultation with the indigenous community?<ul style="list-style-type: none"><li>○ No, unless we are aware of any archeology of areas of interest, we don't consult with them.</li></ul></li><li>• Why are traffic lights proposed at Elmwood Drive and Hwy 2 but not at Roulston Drive and Hwy 214?<ul style="list-style-type: none"><li>○ Traffic study analyses existing traffic and anticipated traffic and based on this analysis the intersection of Roulston with Hwy 214 did not warrant traffic signals.</li></ul></li></ul>



- There is flooding on Pine Hill Drive. Will the development help deal with the flooding issue?
  - Stormwater infrastructure won't make it worse
- Will the municipality take a role in overland flooding?
  - We have lot grading bylaw and lots will be graded at subdivision stage
  - Requirements for stormwater standards will be met
- What is the estimated time from start to finish?
  - Build out time is dependant on the developer
  - Looking at possible 10 year build out
  - The development agreement will include details on timelines
- The four storey apartment buildings will tower over existing residential units.
- What goes into a stormwater system?
  - A. Forsyth clarifies
- Will the municipality work with the developer to do more than not make the stormwater worse?
- There is zero drainage in Vernon Court area
- Will this bring tax dollars?
  - We do a fiscal impact analysis and present in the final report
- Very concerned about the scale of the project and impact on the community
  - We look at different elements of the proposal - parkland, roads, services, traffic
  - This land was put in the serviceable boundary 20 years ago
- Is it mandatory for Elmwood/Roulston to connect before any permits are issued?
  - Development will begin at Roulston Drive end but not connect until later in the development
- Will the development connect to MacKeyes Lane?
  - That is a private road and there are no plans to connect to it.
- Will some of the tax dollars be used to fund the police?
  - The money we take in taxes goes back into providing services
- Does anyone on the panel live in the area?
  - No, but there are Councillors in attendance tonight
- WCDD allows for commercial, will there be any commercial included?
  - No commercial proposed
- Wastewater infrastructure not sufficient for current load
  - Municipal engineering dept confirms there is capacity
- Trying to exit the subdivision is difficult at peak times
- Can apartment buildings be moved around from what is on the plans?

- It depends on the wording of the development agreement
- How will foot traffic be dealt with?
  - Sidewalk and AT trail included in the development
- Should consider consultation with indigenous community in the future
- Concern about speed of traffic
- Will there be any covenants on the land?
  - That would be for the developer to decide
  - We don't have a minimum standards bylaw
- Issues with wastewater flooding into existing nearby properties
- Could an increase in taxes be used to provide more police?

## *Appendix E - Financial Impact Analysis*

Appended as a separate document