



# **SPECIAL COUNCIL MEETING**

**June 9, 2009**

**7:00 p.m.**

## **Re: Public Hearing - Oulton Development – Amendments to LUB/MPS**

### **PRESENT**

Mayor David Corkum, Deputy Mayor Bernie Cooper, Councilor Nola Folker-Hill, Councilor Mark Pearl, Councilor Bill Boyd, Councilor Tony Bentley (arrived at 7:15 p.m.) CAO Keith Robicheau, Town Clerk Carol Harmes

Absent with regrets – Councilor Eric Bolland

### **MEETING CALLED TO ORDER**

Mayor Corkum called the meeting to order at 7:00 p.m.

### **INTRODUCTION BY MAYOR**

Mayor Corkum welcomed everyone and explained the format for the presentations. He noted that the purpose of the public hearing was not one for debate, but one of information seeking.

### **PLANNING & DEVELOPMENT DIRECTOR'S PRESENTATION**

Director of Planning and Development Bev Gentleman gave an overview of the rezoning process, noting that this application has been dealt with by the Planning Advisory Committee, the Council Advisory Committee, and then has gone to Town Council for First Reading. She noted that prior to Second Reading, a Public Hearing must be provided, and that is the purpose of this evening's meeting. Any feedback received at this hearing will be considered by Council when the Second Reading for the amendments is proposed at the next meeting of Town Council, June 10<sup>th</sup>.

She presented some history on the development and the status of the current uses of the property and of the zoning. She also clarified some aspects of the conformance of the development to the proposed zoning amendments.

Points from Presentation

- Property currently consists of 2 parcels – one vacant and another with a chicken barn on it. There is a total of approximately 45 acres all together.
- The application is for rezoning the property (which is Residential Futures) to one lot of 1.588 acres to Highway Commercial and a second lot from Residential Futures, to Residential Two family for 9.3 acres.
- The remaining lands would be Residential Single Family zoning
- 25 lots have been created along Fox Hollow Drive since 2004, however, to further subdivide the remaining lands, sewer and water must come in from Belcher Street.
- The intersection of Belcher Street and Fox Hollow Drive required an access permit. A Traffic Impact Study was required and completed July 2008.
- February 2009 the Department of Transportation provided a traffic mitigation report, including direction on alignments and left-hand turning lanes.
- A temporary access from Belcher Street is being used for the commercial development, however, when the new street is built and connected to Fox Hollow, the new street will be used.
- The policies under the Municipal Planning Strategy were reviewed, and the Future Land use for that property is residential; 4 residential zones are permitted on that property.
- The Future Residential designation was determined by Council years ago to allow for future development as seen appropriate at that time, considering development trends. Therefore, this type of process is required.
- Highway Commercial fits within the policies of the MPS and LUB. (lot adjacent to and/or abuts an existing commercial lot)
- The recommendation for First Reading to rezone those lands was made to Council on May 20<sup>th</sup>.

**DEVELOPER'S  
PRESENTATION**

Developer Thom Oulton noted that 29 lots have been sold in Fox Hollow, and this area is comprised of a diverse population. In March 2004 he promised to continue to provide a high level of development and shares any concerns about maintaining a high quality of life and good property values in this area.

Points from Presentation

- On May 28 the first flock of birds were placed in the new barn in Canard.
- The construction of the barn needed to be completed prior to moving the birds.
- Belcher Street is the main arterial road and he signed an agreement in March 2009 between the Department of Highways, the Town of Kentville and himself, (after 4 years of negotiating) to allow for the access permit to the subdivision.
- The County of Kings has approved multiple housing on the north side of Belcher Street.
- In 2005 a portion of the property was zone commercial and Dr. MacGillvary will soon open a dental clinic.
- Other proposed commercial development will also be reviewed to determine if it would be a good “fit” for the area.
- In May 2009, he signed a confidentially agreement regarding a proposed use for the commercial development, which would be zoned Institutional and would be for the growing of grapes.
- With the Residential Two Family development, this would allow for less costly homes in the Town for both seniors wishing to downsize, and those with families starting out as homeowners.
- These R2-semi detached units could be purchased or rented and would involve 20 lots in total. (40 homes)
- A very high quality of material would be put into these homes and he will work with some local builders to establish plans which can be taken to the market.

**CONCERNS AND  
QUESTIONS FROM  
THE PUBLIC**

Approximately 25 citizens were present in the audience, including developer Thom Oulton and consultant Wayne Gibbons. The following questions and comments were presented with the understanding that answers would be provided following all questions.

(1) Stan Hale – Question: How will development fit into the future plans of the Nova Scotia Community College?

(2) Holly Stevenson – Question: She stated that her parents recently bought property in the subdivision and signed an agreement that all units would be for single family use. Therefore, it is unfair that the density of the subdivision has changed, as that was not implied. What is the potential for these units to be rentals? How would can the developer determine if

the tenant would be from one demographic (i.e. seniors, students from NSCC)? Concerns: Part of the property could become a vineyard. What impact would that have on people living in the area (i.e. spraying, fruit flies, etc.)? With higher density homes, comes more traffic as there would be two families in each home.

(3) Stephanie Hale – Question: Concern about increased traffic on Belcher Street, which is a very busy street. The access for the dental office is being made from Fox Hollow, however, this new development is considering putting in higher density housing, adding more traffic. There appear to be some very restrictive covenants in place for this development, however, that was also the case with Phase 1 of the development and these covenants were not upheld. (i.e. chicken barn removed).

(4) Mayor Corkum explained that covenants are between the developer and the residents, not the Town, and must be enforced by the developer.

**RESPONSES FROM  
THOM OULTON  
AND DIRECTOR  
OF PLANNING**

Thom Oulton replied:

(1) the chicken barn should have been removed in the Fall of 2008, however, difficulties arose with the contractor. Covenants in place - Clause 18 was in effect in 2004 and the intent was to allow flexibility so the developer could adjust the plan as required. (i.e. a restriction was included after, that would no allow for the construction of modular homes in this development.) The flexibility in that clause allows for that change.

(2) From the traffic study report, he learned that seniors don't drive as much, so traffic should not increase substantially, as these homes would produce the same amount of traffic as a single family home.

(3) With the left-hand turning lane, the Province has allowed for a great deal of traffic to flow into and out of the area. The cost for this lane will be recovered from the sale of lots in the subdivision. The turning lane is 350 feet long and a 90 meter storage lane, and this should hold a lot of traffic.

(4) Future plans of NSCC? He has signed a confidentiality report and cannot comment on what the effect would be.

(5) Fruit flies would not appear to be an issue, however, spraying has been carried on for years in those orchards. It is

unknown the amount of spraying that would be required for a vineyard.

(6) The vineyard may increase property values next to the vineyard and further, could be a show piece for Belcher Street.

(7) The target for the semi-detached rental is in the \$1200 per month range and it would appear that no student would be able to afford that. The extras being included are high-end and the curb appeal would be high. (i.e. 10% of frontage would be of natural stone and every semi-detached unit would require a propane fireplace .)

(8) Councilor Folker-Hill – Would growing grapes be an allowable use in Town?

(9) Director Gentleman responded that based on what she understood would be the use, it would be Institutional and therefore, an allowable use. Any proposed development on that land will be dealt with on the merit of the application for the development permit.

(10) Debbie Selig – Foxhill has existed 20 years, not 30, and the demolition of the barn has been promised for years and it's still there.

What is the difference between a commercial and institutional zone ?

(11) Director Bev Gentleman responded

- an institutional use is a permitted use and could be a church, a school, government buildings.
- the rezoning will not proceed until the barn is removed and this is expected to be done in July.
- Future Residential can allow for R1, R2 or multiple residential, depending on the needs identified.
- Once another zoning designation has been approved, it would require a Public Hearing process, in order to increase the density of housing.

(12) Debbie Selig – If the Residential 1 lots don't sell, what is the likelihood of having apartment buildings built sometime in the future?

(13) Director Bev Gentleman - The property was zoned Residential Future to allow Council the option to chose what

might be the most appropriate density for that site when a proposal was made in the future.

(14) Thom Oulton responded

- that his intent is to have nothing higher than an R2 density.
- Relating to the barn, the carpenters hadn't finished the work to allow the birds to move from the old barn. July 31, 2009 is the target date to have the barn removed.

(15) Dan Oulton noted that Thom has gone through 23 separate applications to have this barn removed, and now he has succeeded, and he deserves respect for his effort. In the County of Kings, the requirements are for 18 acres of land to erect a poultry barn and it has not been easy to find this property.

(16) Sarah Croteau – The indication that senior citizens would live in these units gives a very serene picture, however the reality is that with the \$1200 per month, shared by 4 students, \$300 month rental is very affordable to students.

(17) Tony Stevenson – The cross road on Belcher Street and Fox Hollow Drive is very dangerous and now the proposed development is preparing for increased traffic. Why can this intersection not be controlled by 4 way stop signs or traffic lights?

(18) Andrea MacIntosh – She left Mountain View Street for a more serene and a quieter neighbourhood, with less traffic. She is concerned about teenagers moving into the area and wanted to know how the types of tenants could be regulated.

(19) Mayor Corkum responded

- The types of tenants cannot be regulated (seniors vs. students)
- The Baden Powell Drive development met with similar opposition from the public and now enjoys great success.
- there is no way to rezone for seniors only.

(20) Chad Jackson commented

- The subdivision has some great people who have been wonderful neighbours, including Thom Oulton.
- He spoke to a developer for Killam Properties in Halifax and it appears that in similar developments, the property

values decreased by about 40%.

- It seems unreasonable that seniors would wish to live in the area of Kingstec, as they would not want the noise and activity of this school, but would prefer to be close to grocery stores and other conveniences.
- Students sharing the rent would be able to afford these units.

(21) Rick Bushy – Local residents are concerned about stable property values and feel that should students rent these units, the property values would decrease.

(22) Holly Stevenson commented

- She is concerned about the rental vs. purchase aspect of the duplexes.
- Even if they are sold, this could be a commercial enterprise.
- She is also concerned about why a vineyard would be next to a dental office or another professional centre.

(23) Mayor Corkum responded

- The types of tenants cannot be regulated with the preference of seniors over students, etc.
- some aspects can be included in the construction (or covenants) that would be undesirable for teens.

(24) Chad Jackson - the proposed development of the vineyard is under a confidentiality agreement, and therefore, it is difficult to have a conversation about it.

(25) Director Bev Gentleman noted that commercial and institutional development has been encouraged along main arterial roads (i.e. vet clinic, dental offices), and although the Town does not currently know what is being proposed for this property, it must be an allowable use and fulfill the zoning requirements.

(26) Christa Oulton – Can any homeowner in the Town of Kentville rent their home to whomever they prefer at whatever price?

(27) Director Gentleman answered “yes.”

(28) Councilor Bill Boyd – Has there been a public meeting held at the County of Kings regarding this development, as the

municipality of Kings is the abutting neighbours?

(29) Director Gentleman answered that the County was provided with a copy of a letter advising them of the development. They have acknowledged receipt of the letter and the application, but have not made a comment.

(30) Stephanie Hale – Any resident can rent their private home, however, this new development is high density housing. Its very nature may be investments for people to purchase, but later to rent for a profit. The current residents are uncomfortable about the future quality of their community, should this high density housing be built.

(31) Holly Stevenson – Her parents had bought property in this neighbourhood and signed an agreement (covenant) that they would not have a rental in their home. Any new homeowner would be bound to that.

(32) CAO Robicheau questioned Mr. Oulton – are any plans proposed to preclude the development of R1 homes ?

(33) Thom Oulton responded that someone could build a single family home on an R2 lot, however, two sets of services would be required to the lot, and therefore, it might not be economical to install.

(34) Director Gentleman stated that the roads, sewer and water, and power would be installed to accommodate two families.

(35) Thom Oulton - Although the flexibility could be there, this development would be a higher quality than Whispering Creek in Wolfville or The Big Loop in Chester Basin.

(36) Beth Lloyd - The difference between Whispering Creek and this development is the presence of a community college in Kentville and that's huge.

(37) Daniel Oulton addressed the question of why the plan wasn't in place prior to the removal of the barn and he responded that changes to the Province of NS's Marshlands Act prevented the use of a property previously intended for that use.

(38) Councilor Tony Bentley noted that duplexes have a "dirty name" in Canada and are called semi-detached homes in England. 70% of people live in such housing. Perhaps the name

should be changed to semi-detached, as this might better describe them.

(39) Dan Oulton noted that there seems to be a lot of concern about Kingstec and the possible rental of these units to students. He asked if those members present would be interested in forming a community association housing group, which would be funded by their own dues, as this might be a way of controlling potential student rental. This would allow for some policing of the occupants of these homes.

(40) Jeff Durno – Why was the size of the commercial lot doubled? Was it to allow for different uses?

(41) Thom Oulton stated that the size of the land fit into the concept of a small yard for seniors, as they typically do not like large backyards because of the maintenance. Considerations were also given for the potential buyer.

(41) Director Gentleman commented on the use of the words “senior housing” over and over again, and wanted to clarify that demographics indicate a great need for seniors to live independently, getting away from the costs and work associated with larger homes and larger lots. Baden Powell Subdivision is an example and the developers of this area would love to have more property to support an increasing demand. The recommendation made by the Planning Department has been based on policy, although the development trends indicate more interest in buying semi-detached homes.

(42) Jeff Durno – The proposed covenants deal with options for seniors who may not want to mow their lawn or plow the driveway but this seems to contradict the smaller lot which would allow for seniors to easily maintain their property.

(43) Thom Oulton – This proposal needs flexibility and addresses such things that occupants may not want to deal with – like mowing grass and shoveling snow. He added that the Housing Association concept is one that he would be willing to assist with, should residents of Orchard Heights, Fox Hollow or Fox Hill want to seriously consider it and take on the responsibility for advertising. He added that he is unable to assume that role himself, as he has vested interest in the property. He also wants Thom Oulton Developments to continue forward in the future, long after he is gone.

(44) Director Gentleman wished to advise that if covenants conflict with the bylaws, than they cannot be enforced; details for the covenants should be worked out with a lawyer; they would typically apply to land and this is where a homeowners association should be established.

(45) Thom Oulton – He noted that with covenants, the homeowners group could deal with things like lawn mowing and snow removal, and perhaps even prohibit the availability of these units to students.

(46) Mayor Corkum – There appears to be some discussion taking place that does not involve the Town, (i.e. home owners association and covenants) and therefore, anyone who has anything further to add, or to ask, should do so now, before the meeting is wrapped up.

(47) Director Bev Gentleman announced that Second Reading is proposed for the Council meeting tomorrow evening, and if this goes forward, anyone wishing to repeal this application will have a 14 day period to do this. However, the Notice of Passing will not be made until the barn is removed, even if Second Reading is given.

(48) Councilor Mark Pearl asked what has taken place for public notification.

Director Gentleman responded that 2 notices have been placed in the local paper advertising the Public Hearing and proposed Second Reading. In addition, signs were posted in the subdivision.

(49) Thom Oulton stated that he wants to work with neighbours and his original proposal still stands, with the commercial on the highway, two-family homes and then single family, closer to existing single family homes. However, he would consider a delay with this work in order to make sure the concerns of the neighbours are addressed.

## **ADJOURNMENT**

The Mayor offered assistance from the Director of Planning and in addition, reminded everyone that Mr. Oulton is prepared to work with the residents, as well.

The meeting adjourned at 8:35 p.m.