

July 4, 2022

Development Appeal Board
c/o City Clerk's Office
City of Yellowknife
P.O. Box 580
Yellowknife, NT X12A 2N4
BY HAND

Re: Development Permit Application No. PL-2022-0075

We are residents of [redacted] and [redacted] Niven Drive in the Niven Lake Phase V development. We have some concerns about the proposed development in Niven Phase Lake Phase V, on Block 307, Lots 12 and 11 ("proposed development"). (<https://web.archive.org/web/20220619034708/https://www.yellowknife.ca/en/doing-business/niven-lake-phase-v.aspx>). As per the *Community Planning and Development Act*, Division B – Appeals, 62 (1), this appeal is submitted on the grounds that we are adversely affected by the development, (b) there was a misapplication of a zoning bylaw, development plan and community plan, in the approval of the application.

Our main concerns are the increased traffic and density. We understand from other concerned affected residents that no traffic study has been done since 2012, and the new community development plan for Niven Phase V reduces planned road access (in the 2012 study, the recommendation was for Lemay Drive to connect to Moyle Drive, whereas currently, the proposal is for Hagel Drive to be a cul de sac, or dead-end street) while increasing the density of the proposed development site from 49 units to 70 units. The city's new plan is for more cars to use Hagel Drive than considered in the 2012 traffic study, and to reduce the planned road access to the Niven Phase V. Our position is that this requires a traffic study and reconsideration of the plan to make Hagel Drive the main ingress and egress for what will potentially be over 200 residents when Niven Lake Phase V is completed. We suggest that there will be too much traffic for a residential cul de sac. Looking at the other cul de sacs in the neighbourhood, they feature predominantly single family homes with few vehicles. Hagel Drive, on the other hand will essentially be a cul de sac leading to one stop sign with potentially over 200 vehicles once the area is fully developed (and it's difficult to say how many vehicles total since the plan for Niven Lake Phase V seems to be in some flux).

Separately, we have concerns that the development plan for Niven Lake Phase V was changed as part of the zoning bylaw reforms without notifying the residents directly affected, in order to accommodate a larger development. While this may not be an appealable ground, it is important to highlight since the city's Niven Lake Phase V website, until the week of June 25 2022, had Block 307, Lot 12 zoned for 49 units but is now zoned for 70. Although we were aware of the zoning bylaw amendments take place, and watched for changes, we were not aware that the city also intended to change the development for Niven Lake Phase V in its entirety. The amended bylaw was approved in March, 2022. The

proposed development was approved in April 2022. The community plan on the city's website was only changed within the past week or so, after the news of the development's approval was made public. This leads to us asking why the city's development plan was changed, what other changes are taking place, how many units the city now plans to build on Hagel Drive, what factors went in to these decisions and why residents were not informed? Residents should not have to keep a lawyer on retainer to monitor the city's changing plans. The city should be proactive in informing affected residents of proposed changes to development plans prior to those changes taking place. While the city did make efforts to publicize the zoning bylaw changes, we did not see any indication that the zoning bylaw changes meant that the community plan or development plan for Niven Phase V was part of that.

We submit this appeal under the Northwest Territories' *Community Planning and Development Act* Appeal Board Procedures, Evidence and Hearing notice as follows:

- (a) Reason for the Appeal - there was a misapplication of a zoning bylaw in the approval of the application.
- (b) Summary of fact supporting the reason - the Development Officer did not require a traffic Impact analysis be completed PRIOR to consideration and approving the development, and despite a reduction in access to Niven Lake Phase V by road.
- (c) Relief Sought - that the City suspend this development approval until the results of a traffic Impact analysis can be considered related to the City changing the lot configurations and original roadway/traffic projections for 2022 in the 2012 traffic Impact study
- (d) Filing Fee - a cheque for \$25 is attached to this appeal letter.

We are adversely affected by Development Permit Application No. PL-2022-0075 by the significantly increased number of vehicles that will be associated with the newly increased density of the development, the inadequate amount of off street parking planned for the development, the anticipated inadequate street parking for the anticipated number of vehicles for the development, and the movement of all of those vehicles through a single intersection access point that was not intended to handle this volume of traffic in the 2012 Traffic Impact Analysis.

We look forward to hearing from the Appeal Board within the required 30 days of this appeal being received. You may contact us via email at _____ or _____

Sincerely,



Christina and Joe Steen,
and Elizabeth Doyle,

, Justin and Lindsey MacInnes,