



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.1
North West Community Council
November 16, 2015

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner & Director of Planning and Development

DATE: October 28, 2015

SUBJECT: **Case 19625: Non-substantive amendments to the Bedford West Sub Area 5 development agreement, Bedford**

ORIGIN

Application by West Bedford Holdings Limited.

LEGISLATIVE AUTHORITY

Halifax Regional Municipal Charter (HRM Charter), Part VIII, Planning and Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Approve by resolution the proposed non-substantive amendments to the Development Agreement as contained in Attachment A of this report to enable an increase in building heights on Blocks E and A12, Amesbury Gate, Bedford; and
2. Require the proposed Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end;

BACKGROUND

An application by West Bedford Holdings Limited has been submitted for non-substantive amendments to the existing development agreement for Sub Area 5 of Bedford West to enable an increase in building heights on two blocks of land on Amesbury Gate in Bedford (Map 1). Within the existing agreement, multiple unit dwellings are assigned a maximum height and the applicant is requesting a change in height for two of the buildings. The existing development agreement enables a non-substantive amendment to increase building heights.

Location, Designation, Zoning and Surrounding Land Use

Subject Lands	A portion of 00417576- approximately 2.0 ha (5 acres) 41398462–1.2 ha (2.9 acres) (Map 1)
Location	Amesbury Gate, Bedford West, Sub Area 5
Regional Designation	Urban Settlement
Community Designation	Bedford West Secondary Planning Strategy (BWSPS) under the Bedford Municipal Planning Strategy (MPS) (Map 1)
Zoning	BWCDD (Bedford West Comprehensive Development District) Zone under the Bedford Land Use By-law (LUB) (Map 2)
Existing Development Agreement	Permits a mixed use (commercial and residential) subdivision.
Surrounding Uses	To the North – residential land uses / vacant land (Sub Area 5) South – Larry Uteck Boulevard, low density residential and vacant commercial land. East – Highway 102, Bedford South and residential land uses. West – residential or commercial land uses.
Current Use	Block E- approved for a 4 storey building Block A12- approved for a 6 storey building

Existing Development Agreement

Sub Area 5 of Bedford West is a 46.5 ha (115.1 acre) area of land which is regulated by an existing development agreement approved by North West Community Council on June 23, 2011. The Agreement permits a mixed use commercial and residential subdivision with a variety of residential land uses. The existing agreement permits approximately 200 low density dwelling units (single, semi-detached or townhouse) and approximately 491 high density dwelling units in a series of multiple unit dwellings.

Under Section 6.11(e) of the existing development agreement, Council can consider a non-substantive amendment for the following:

“6.11 (e) amendments to development standards in Sections 3.4.1. to 3.4.6 of this Agreement;”

Enabling Policy

Policy for the Bedford West area originates from the Bedford West Secondary Planning Strategy (BWSPS) contained within the Bedford MPS. While the BWSPS does not specifically include policies which detail with the height of multiple unit dwellings, there are general policies relating to the creation of quality neighbourhoods. Policy BW-32 is concerned with ensuring streetscapes are not of a congested design by addressing the massing and placement of buildings, that proposals are integrated with established neighbourhoods, and new neighbourhoods have a consistent identity.

Proposal

The applicant would like to amend the Bedford West Sub Area 5 development agreement to increase the height of two buildings. The two buildings contain multiple unit dwellings and are located on two separate

parcels in Sub Area 5 (Map 2). The applicant would like to increase the permitted maximum height on Block E from 4 storeys to 5 storeys and from 6 storeys to 9 storeys on Block A12. No increase in density is being proposed. The amendments are considered non-substantive under the terms of the agreement, as the height of buildings form part of development standards in Sections 3.4.1. to 3.4.6 of the Agreement.

Process

The proposed amending development agreement may be approved by motion of North West Community Council. A public hearing is not required for non-substantive amendments to development agreements.

DISCUSSION

Staff has reviewed the requested amendment relative to all relevant SPS policies and advise that it is consistent with the Bedford West SPS. A complete review of policy criteria is set out in Attachment B. The following outlines matters which have been identified for more detailed discussion.

Building Height

Block E

The proposed building on Block E is permitted to a maximum height of 4 storeys under the existing development agreement. The applicant has requested that the height of the building be increased by one storey for a total of 5 storeys. The increased height is minor and will not significantly affect the streetscape as the adjacent buildings which are 6 or 7 storeys in height. Further, the developer is currently able to build a 4 storey building with a roof structure which would have a similar final height as the proposed 5 storey building. Setbacks from adjacent low density buildings [± 61 metres (200 feet)] and an existing tree stand to the north will serve to screen and separate the building from surrounding development.

Staff has advises that the increase in height should not have a significant impact on surrounding development including the low density residential dwellings located to the north due to large setbacks and the retention of vegetation in the area.

Block A12

The proposed building on Block A12 is permitted to a maximum height of 6 storeys under the existing development agreement. The applicant proposes to increase the height by three storeys from 6 habitable storeys to 9 storeys. The proposed increase in height will not significantly affect the streetscape of the area as the building is proposed to be set back significantly [± 152.4 metres (500 feet)] from the street and other low density residential properties.

Staff advises that the proposed increase in height/massing should not have a significant impact on low density residential dwellings located to the south given the proposed setbacks from adjacent low density properties and the retention of trees surrounding the proposed building.

Conclusion

The proposed increase in height is modest and is not anticipated to significantly affect matters of community design and compatibility. Additionally, as the total density of the site will not change, the overall effect of the proposed increase in height will not impact other planning matters which are adequately addressed under the provisions of the existing development agreement. To enable the proposed changes, a minor text amendment and a revised concept plan (Schedule O-1) is required and are included in the proposed amending development agreement (Attachment A).

Staff has reviewed the proposed amending development agreement and advises that the proposed increase in building heights is consistent with applicable policies of the Bedford West SPS. Therefore,

staff recommends that North West Community Council approve the proposed non-substantive amendments as contained in Attachment A of this report.

FINANCIAL IMPLICATIONS

The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved C310 operating budget with existing resources. The proposal has no impact on the existing Bedford West Infrastructure charges.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on December 8, 2014 (Attachment C). No members of the public attended. Notice of the Public Information Meeting was posted on the HRM Website, in the newspaper, and mailed to property owners within the notification area as shown on Map 2.

The details of the case were reviewed by North West Planning Advisory Committee on January 7, 2015. Their report will be forwarded to North West Community Council under separate report.

A public hearing is not required to be held by North West Community Council before it can consider approval of the amending development agreement.

The proposed amending development agreement will potentially impact local residents, property owners and adjacent businesses.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the SPS. No additional concerns have been identified.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed amending development agreement subject to modifications. This may necessitate further negotiation with the Developer, a supplementary staff report and may require a public hearing. A decision of Council to approve the development agreement is appealable to the NS Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed amending development agreement and, in doing so, must provide reasons why the development agreement does not reasonably carry out the intent of the SPS. A decision of Council to reject the Development Agreement is appealable to the N.S Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

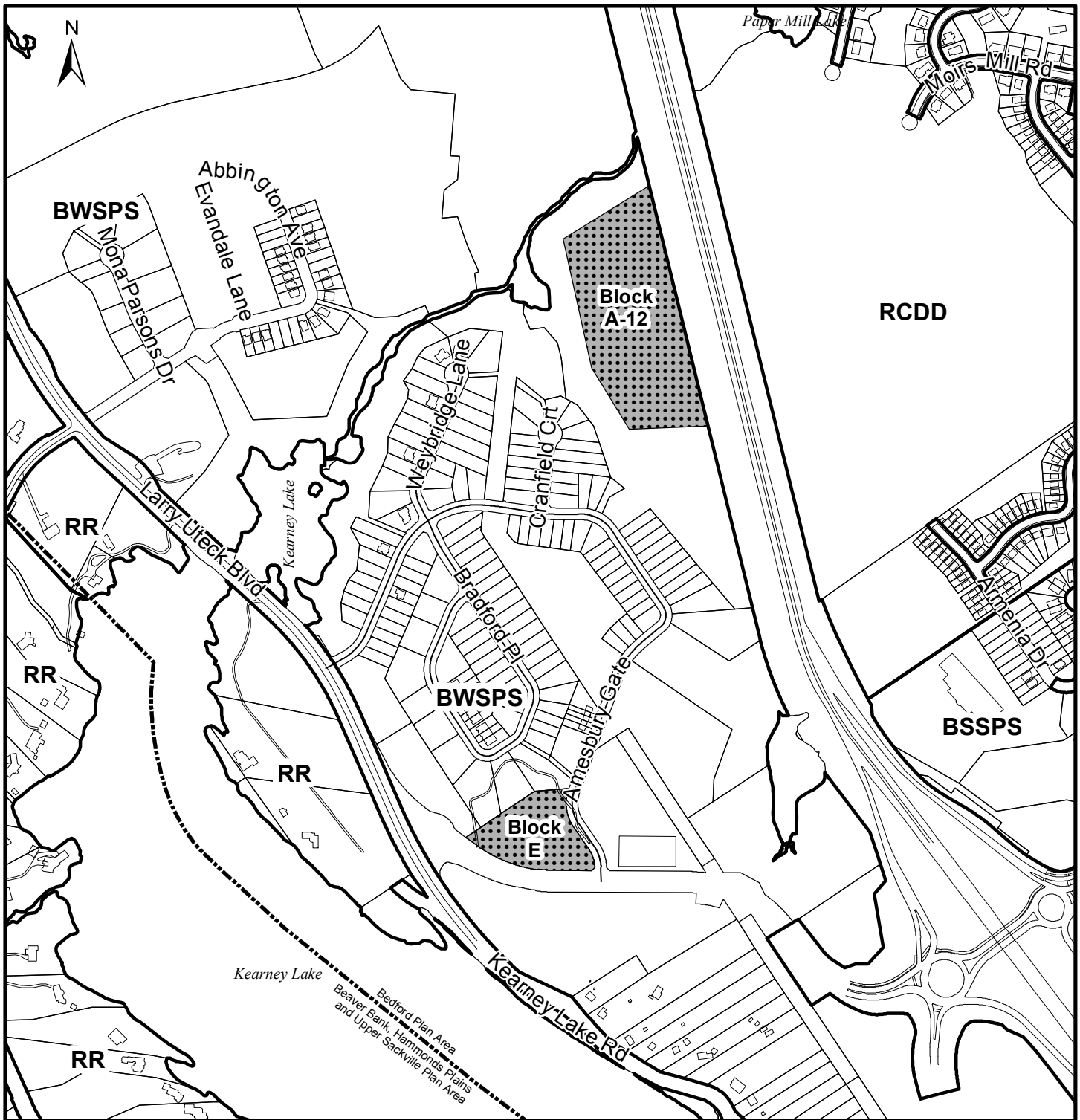
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification
Attachment A:	Proposed Amending Development Agreement
Attachment B:	Review of Relevant Bedford West SPS Policies
Attachment C:	Minutes of the Public Information Meeting (December 8, 2014)

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Andrew Bone, Senior Planner, 902-490-6743


Original Signed

Report Approved by: Kelly Denty, Manager- Development Approvals, 902-490-4800



Map 1 - Generalized Future Land Use

Sub-Area 5 Bedford West
Bedford

 Subject Areas (Block E and Block A-12)

Bedford Designations

RR	Residential Reserve
RCDD	Residential Comprehensive Development District
BWSPS	Bedford West Secondary Planning Strategy
BSSPS	Bedford South Secondary Planning Strategy

Beaver Bank, Hammonds Plains and Upper Sackville Designations

RR	Rural Resource
----	----------------

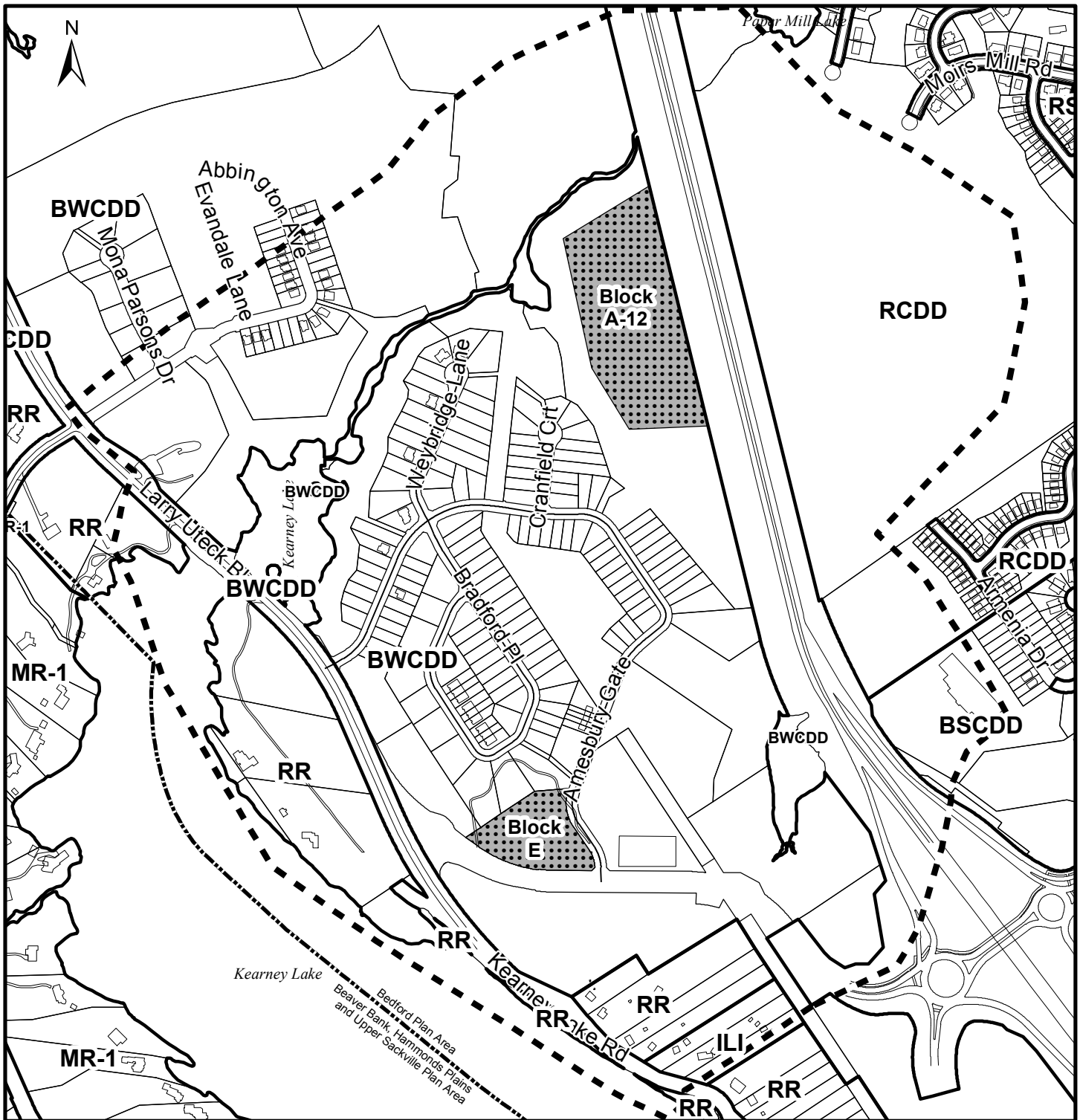
Bedford
Plan Area

HALIFAX

0 50 100 150 200 250 m


This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.


The accuracy of any representation on
this plan is not guaranteed.



Map 2 - Zoning and Notification

Sub-Area 5 Bedford West
Bedford

 Subject Areas (Block E and Block A-12)

 Area of notification

Bedford
Land Use By-Law Area

Bedford Zones

RSU	Single Dwelling Unit
RR	Residential Reserve
ILI	Light Industrial
RCDD	Residential Comprehensive Development District
BWCCD	Bedford West Comprehensive Development District
BSCDD	Bedford South Comprehensive Development District

Beaver Bank, Hammonds Plains and Upper Sackville Zones

MR-1	Mixed Resource
------	----------------

HALIFAX

0 50 100 150 200 250 m

This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
area indicated.

The accuracy of any representation on
this plan is not guaranteed.

Attachment A
Proposed Amending Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

[Insert Name of Corporation/Business LTD.]
a body corporate, in the Province of Nova Scotia

-and-

[Insert Name of Corporation/Business LTD.]
a body corporate, in the Province of Nova Scotia
(hereinafter together called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of two parcels lands, specifically Lot WB-13R8 and Lot KLR-R3 located at Amesbury Gate, Bedford and which said lands are more particularly described in Schedule A and illustrated in Schedule A-1 hereto (hereinafter called the "Lands");

AND WHEREAS the North West Community Council of the Municipality, at its meeting on 23rd day of June 2011, approved a development agreement to allow for residential and commercial subdivision on the Lands, and said Agreement is filed in the Land Registry as Document Number 101458348 (hereinafter called the "Existing Development Agreement");

AND WHEREAS the Developer has requested that the Municipality enter into an amending development agreement to allow for increased building height for multiple unit dwellings on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies of the Bedford West Secondary Planning Strategy and the Bedford Municipal Planning Strategy and Part 4, Section 3, Clause p) of the Bedford Land Use By-law;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 19625;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Section 3.1 of the Existing Development Agreement shall be amended by deleting Schedule O and replacing it with Schedule O-1, attached as Schedule B to this agreement; and
2. Clause (f) of section 3.4.5 of the Existing Development Agreement shall be amended by adding the following text after the words “underground parking structures” in the second sentence: “**..., except as indicated on Schedule O-1.**”

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per:_____

Witness

Per:_____

(Insert Registered Owner Name)

Witness

Per:_____

Witness

Per:_____

SIGNED, DELIVERED AND ATTESTED
to by the proper signing officers of Halifax
Regional Municipality, duly authorized in that
behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Witness

Per:_____

MAYOR

Per:_____

Witness

MUNICIPAL CLERK

Schedule O-1

Concept Plan

September 2015



Legend

- Single Family
- Townhouses
- Multiple
- Commercial
- Park/
Conservation
Land
- Trail
- 3 Building Height
(Storeys)

Attachment B
Relevant Bedford West /SPS Policy

<p>Policy BW-15: The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses¹.</p>	<p>The existing agreement complies with these requirements. No changes are proposed which affect these matters.</p>
<p>Policy BW-16: Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions:</p> <p>c) For all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted;</p>	<p>The existing agreement complies with these requirements. No changes are proposed which affect these matters.</p>
<p>Policy BW-20: A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:</p> <p>a) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;</p> <p>b) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;</p> <p>e) no municipal approval for Sub-Area 5 will be given until development agreements have been entered into for Sub-Areas 2, 3 and 4 or Sub-Areas 2, 4 and 6 but nothing will preclude allowing development to commence before completion of Sub-Areas 2, 3, 4 or 6;</p> <p>g) no development agreement shall be entered into for Sub-Areas 5 unless a servicing and phasing plan has been prepared and included in the agreement for the extension of municipal sewer and water services to both Sub-Areas 5 and 9.</p>	<p>a) The existing agreement complies with these requirements. No changes are proposed which affect these matters.</p> <p>b) The existing agreement complies with these requirements. No changes are proposed which affect these matters.</p> <p>e) Agreements have been entered into for Sub areas 2, 3, and 4.</p> <p>g) Municipal sewer and water has been extended to Sub Area 5.</p>
<p>Policy BW-23: The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the</p>	<p>The existing agreement and the proposed amendment complies with the land uses allocated in the Community Concept plan.</p>

¹ For the purposes of this Secondary Planning Strategy, all density calculations are based on gross area.

<p>lands may be used for development permitted within the abutting land use designation.</p>	
<p>Policy BW-24: To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.</p> <p>If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved.</p>	<p>Within the Bedford West area the maximum building height enabled has been 12 storeys. Within Sub Area 5, the maximum height enabled under the existing agreement is eight storeys.</p>
<p>Policy BW-32: The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:</p> <ul style="list-style-type: none"> a) the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area; b) community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops; c) sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services; d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists; e) a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes. Consideration shall be given, but not limited, to the design guidelines of policies R-12A, R-12B and R-12C of the Municipal Planning Strategy, although the limitations placed on building height and units per building under policy R-12A shall not be applied; f) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods; 	<ul style="list-style-type: none"> a) The existing agreement complies with these requirements. No changes are proposed which affect these matters. b) The existing agreement complies with these requirements. No changes are proposed which affect these matters. c) The existing agreement complies with these requirements. No changes are proposed which affect these matters. d) The existing agreement complies with these requirements. No changes are proposed which affect these matters e) The existing agreement allocated and distributes the housing types throughout the subdivision. The flexibility to allow the proposed increases in building heights will not create a congested streetscape. f) The massing and placement of buildings with increased height does not detract from a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods. The proposed increase in height on Block E is one storey and the height is lower than surrounding multiple unit buildings. The

<p>g) building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;</p> <p>h) natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;</p> <p>i) Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;</p>	<p>additional storey should not have a significant impact because of existing vegetation and setbacks from property lines (>50 feet from low density residential). Block A12 has significant setbacks and is screened by existing mature vegetation, thus the additional three storeys are not anticipated to negatively affect these matters.</p> <p>g) Sub Area 5 consists of multiple unit buildings which are not as large as other Sub-Areas. Sub Area 5 is proposed to have between 5 and 9 storey buildings while other Sub Areas typically are between 6 and 12 storeys. The proposed massing is still consistent with the lower scale massing established in the neighbourhood. Changes to building locations, site and architectural design and landscaping are not proposed.</p> <p>h) The existing agreement complies with these requirements. No changes are proposed which affect these matters</p> <p>.</p> <p>i) The existing agreement complies with these requirements. No changes are proposed which affect these matters</p>
--	--

Attachment C

**HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 19625**

**Monday, December 8, 2014
7:00 p.m.**

Bedford Hammonds Plains Community Centre

**STAFF IN
ATTENDANCE:**

Andrew Bone, Senior Planner, HRM Planning Applications
Alden Thurston, Planning Technician, HRM Planning Applications
Cara McFarlane, Planning Controller, HRM Planning Applications

**ALSO IN
ATTENDANCE:**

Councillor Tim Outhit, District 16
Kevin Neatt, West Bedford Holdings Limited

**PUBLIC IN
ATTENDANCE:**

0

No one from the public attended the public information meeting.