

North West Community Council
March 17, 2014

TO: Chair and Members of North West Community Council

SUBMITTED BY: Original Signed

Brad Anguish, Director of Community and Recreation Services

DATE: February 24, 2014

SUBJECT: **Case 18973: Non-Substantive Amendment for 12 townhouses between Southgate Drive and Glenmont Avenue, Bedford**

ORIGIN

Application by David Harrison

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Approve, by resolution, the proposed amending development agreement as set out in Attachment A of this report, to allow reconfiguration of the 12 townhouse units at the corner of Glenmont Avenue and Bedford Highway in Bedford; and
2. Require the 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

A development agreement was approved in 2008 by North West Community Council to enable the 3.5 acre site (comprised of six parcels located between Southgate Drive and Glenmont Avenue in Bedford as shown on Map 1), to be developed with a 44-unit, 4 storey residential building, a 2-storey commercial building, a single unit dwelling and 12 townhouse units. The purpose of this application is to reconfigure the 12 approved townhouse units, from three 4-unit blocks to two 6-unit blocks. In accordance with Section 6.2.1 (b) of the development agreement, the proposed reconfiguration of the townhouse units can only be considered through the non-substantive amendment process. A non-substantive amendment may be approved through a resolution of Council without a Public Hearing.

Location, Designation, Zoning and Surrounding Land Use:

Subject Property	1 Glenmont Avenue and 820, 822, 824, 826 & 836 Bedford Highway, Bedford
Location	Western side of the Bedford Highway between Glenmont Avenue and Southgate Drive (Map 1)
Lot Area	3.5 acres (1.4 ha)
Designation	Bedford South Secondary Planning Strategy (SPS) under the Bedford Municipal Planning Strategy (MPS) (Map 1). Designated Residential Neighbourhoods under the SPS.
Zoning	BSCDD- Bedford South Comprehensive Zone (Map 2)
Surrounding Uses	Single unit dwellings on Glenmont Avenue to the south, a 79 unit multiple unit building on Southgate Drive to the north-west and the Travelers Motel across the Bedford Highway (Map 2)
Current Use(s)	Vacant- site has been excavated in anticipation of development (Map 3)

DISCUSSION

Enabling Policy

The subject site is designated Residential Neighbourhoods under the Bedford South Secondary Planning Strategy. Policy RN-3A (Attachment B) provides the primary policy guidance within the Bedford South Secondary Planning Strategy designation. The intent is to allow a mix of low density residential, medium density residential building and commercial uses by development agreement, subject to certain conditions.

When considering the application, an evaluation of the proposal against the relevant policy criteria is required (Attachment B). Staff reviewed the application based on all applicable policies. Specific attention was paid to Policy of RN-3A, subsection (e), which requires that building locations, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian scale and compatibility with the natural environment and surrounding uses.

The proposed reconfiguration of the townhouses is in part the result of the addition of garages to the front of the units. This will reduce on-street parking, improving the pedestrian experience of the new street and the aesthetics of the development. The reconfiguration also results from the clarification of one of the boundaries of the lot. Specifically, a 1946 survey identifies the boundary as being 30 feet in length but a 2010 survey plan indicates the same property line is actually 41.66 feet. Ultimately, the design of the street accessing the townhouses has been altered, the surface parking spaces moved to within the building footprint and the single unit dwelling lot's boundaries altered in the new design. The reconfiguration of the units is required in order to retain the number of approved townhouse units.

Although there is minor alteration to the access to the property, staff is of the opinion that the changes are consistent with the agreement. The architectural treatment of the reconfigured buildings has been reviewed by staff and is not changing and so remains consistent with the agreement. Further, the intent of Policy RN-3A is observed as it pertains to the siting and streetscape elements as a result of the reconfiguration.

North West Planning Advisory Committee

The North West Planning Advisory Committee (NWPAC) reviewed this application on January 8, 2014, and passed a motion in support of the proposed application to reconfiguration of townhouses from three groupings of townhouses with four units per group to two groupings of townhouses with six units per group.

FINANCIAL IMPLICATIONS

There are no budget 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 Agreement. The administration of the agreement can be carried out within the approved budget with existing resources.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

The level of community engagement was information sharing achieved through a sign on the site and information on the HRM website. A public information meeting is not required for a non-substantive amendment to a development agreement, nor is a public hearing. The decision of a non-substantive amendment is made by resolution of Council. Section 6.2.2 of the development agreement requires property owners within 500 feet of the site be notified 10 days in advance of Council's consideration of non-substantive amendment (Map 2).

The proposed amending agreement will potentially impact the following stakeholders but not limited to local residents, property owners.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environment policies contained in the Bedford Municipal Planning Strategy and Land Use By-law. Please refer to Attachment B of this report for further information.

ALTERNATIVES

1. Council may choose to approve the proposal amending agreement, as contained in Attachment A of this report. This is the staff recommendation. A decision of Council to approve this amending agreement is appealable to the N.S. Utility & Review Board, as per Section 262 of the *HRM Charter*.
2. Council may choose to refuse to approve the amending agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. This is not recommended for the reasons discussed above. A decision of Council to reject this amending agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
3. Council may choose to approve the proposed amending agreement subject to modifications. This may necessitate further negotiations with the applicant.

ATTACHMENTS

Map 1- Generalized Future Land Use

Map 2- Zoning and Notification

Map 3- Existing Site Plan

Attachment A- Proposed Amended Development Agreement

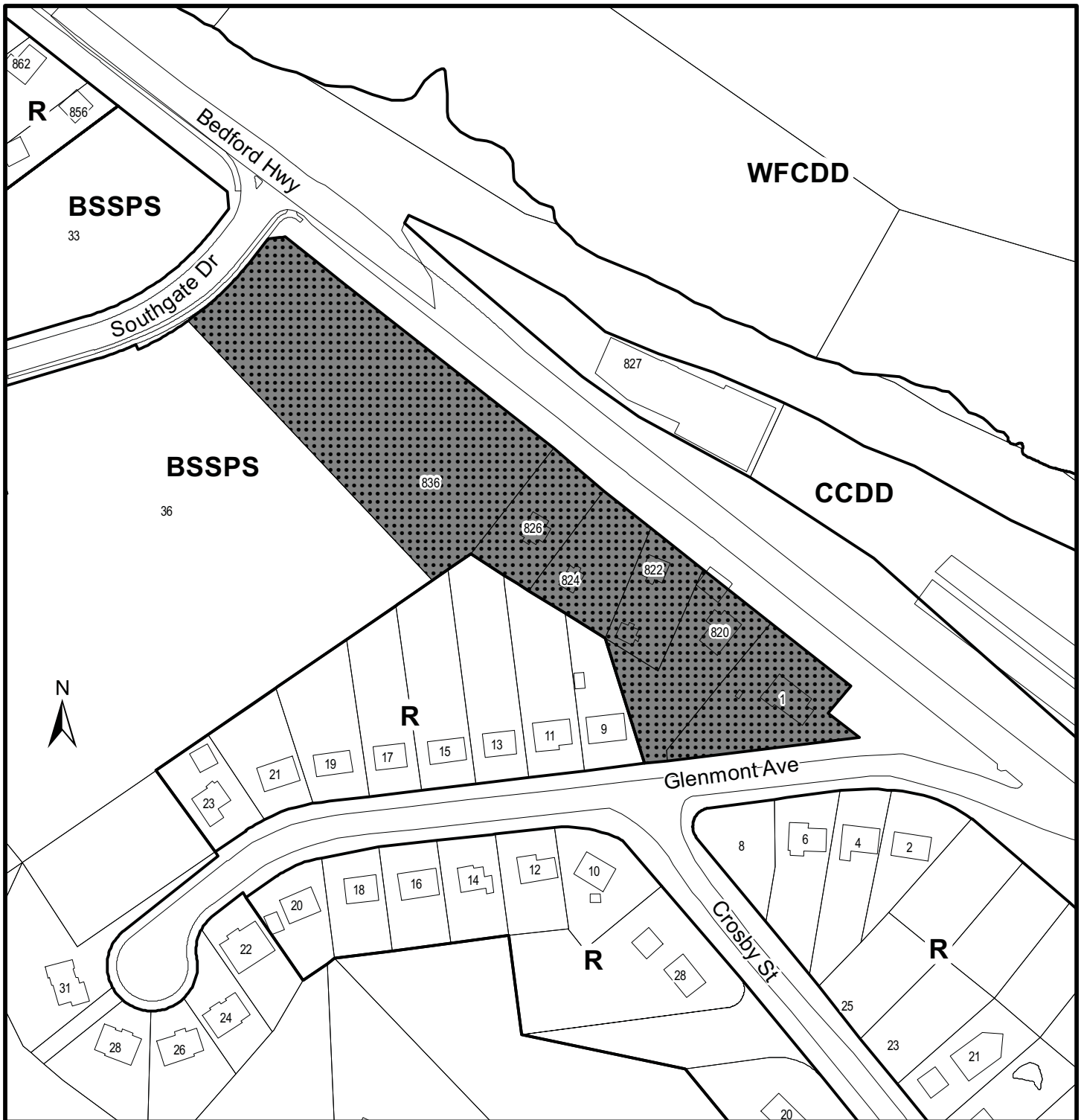
Attachment B- Relevant Policy of the Bedford Municipal Planning Strategy

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 490-4210, or Fax 490-4208.

Report Prepared by: Erin MacIntyre, Planner 1, Development Approvals, 490-6704


Original Signed _____

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



Map 1 - Generalized Future Land Use

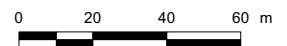
820-836 Bedford Highway
 & 1 Glenmont Avenue,
 Bedford

 Non-Substantive
 Amendment to the
 Existing Development
 Agreement

Bedford
 Plan Area

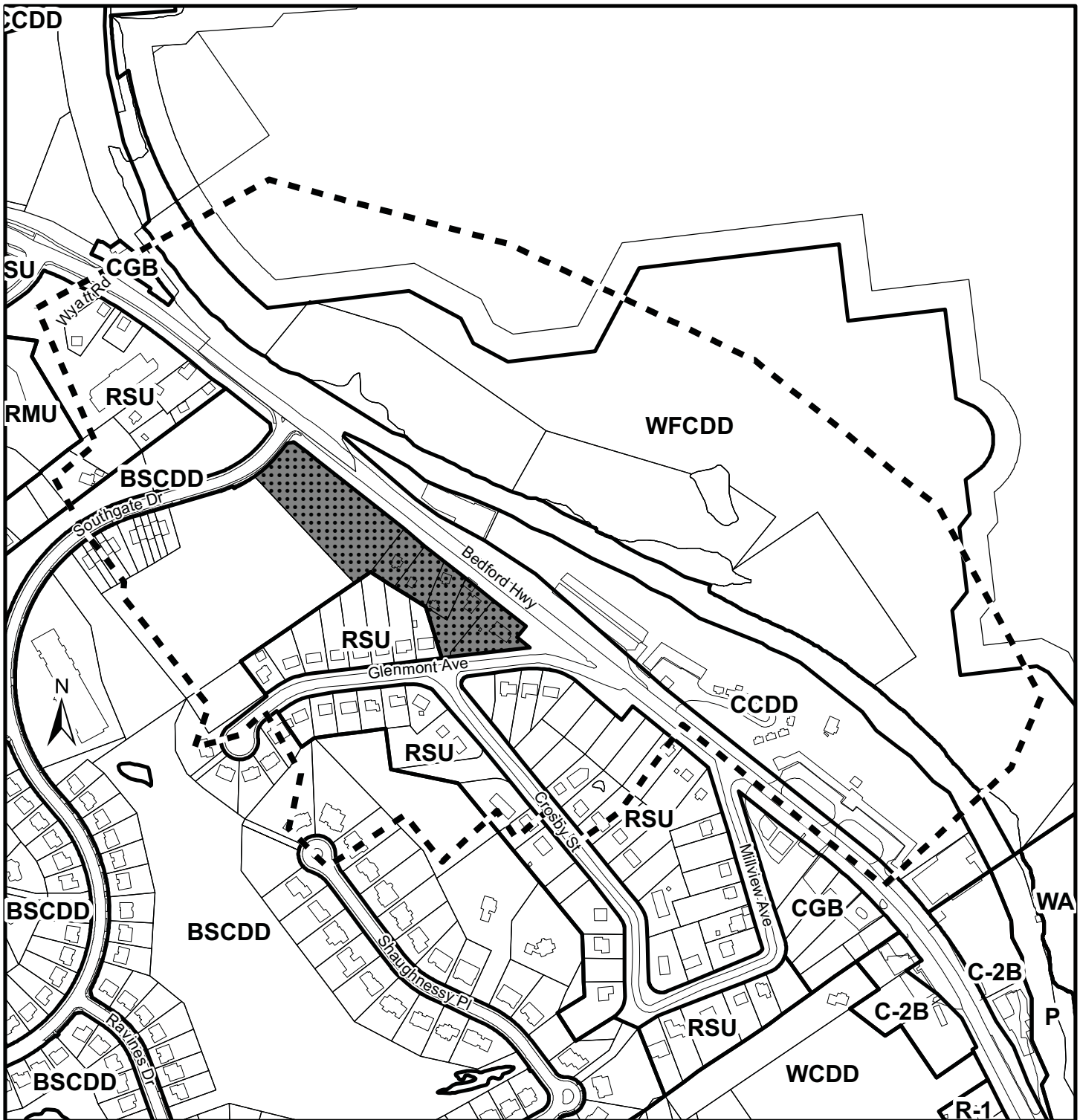
Designation

- R Residential
- CCDD Commercial Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District
- BSSPS Bedford South Secondary Planning Strategy



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



HRM does not guarantee the accuracy of any representation on this plan.



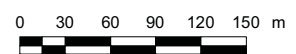
Map 2 - Zoning and Notification

820-836 Bedford Highway
& 1 Glenmont Avenue, Bedford



-  Non-Substantive Amendment to the Existing Development Agreement
-  Notification Area

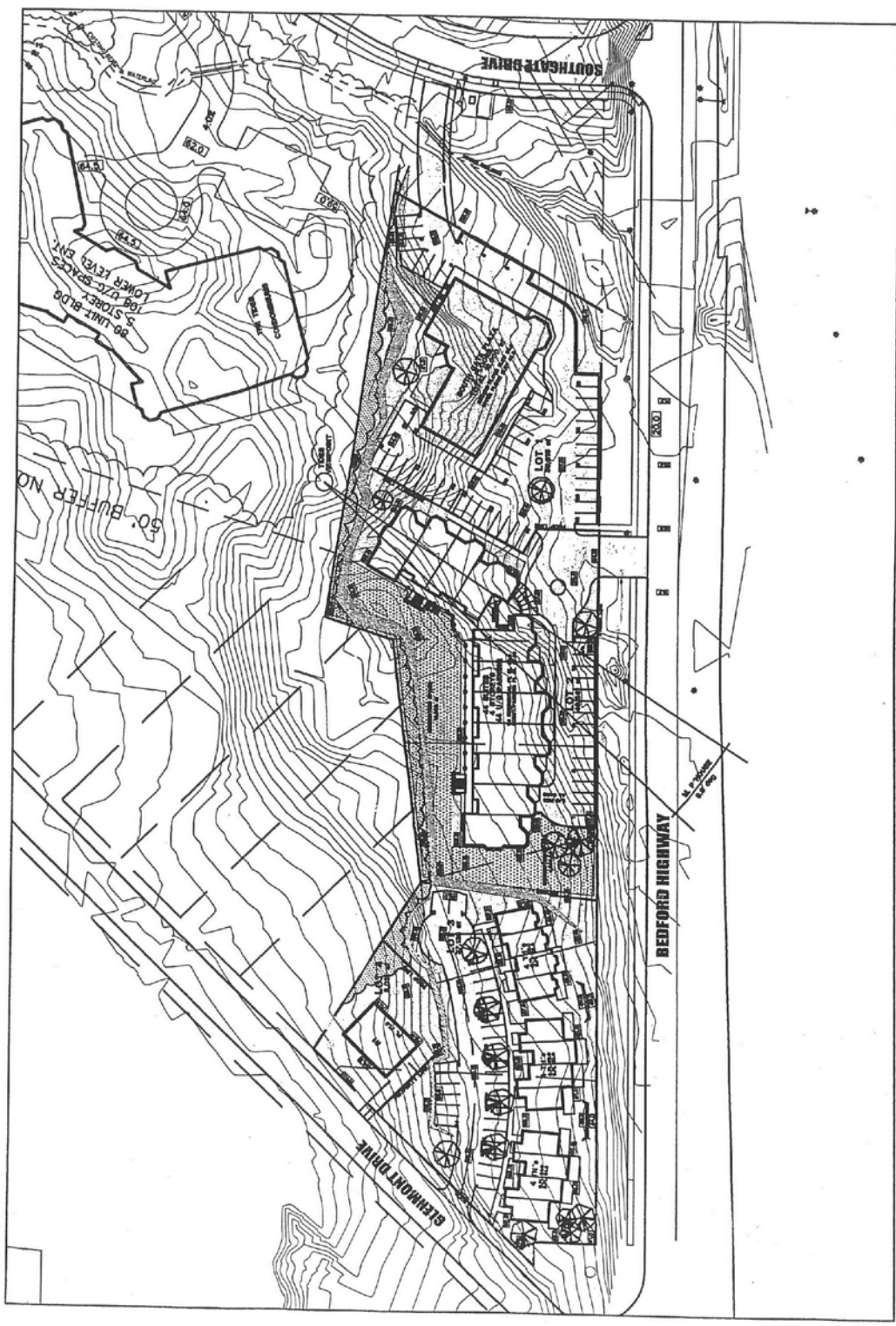
Zone	Description
RSU	Single Dwelling Unit
BSCDD	Bedford South Comprehensive Development District
WFCDD	Waterfront Comprehensive Development District



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

HRM does not guarantee the accuracy of any representation on this plan.

Bedford Plan Area



SOUTHGATE VILLAGE

CONCEPT PLAN

KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5862 CORNWALLIS ST.
HALIFAX, N.S., B3K 1B6 (502) 422-1657

Map 3 - Existing Site Plan

HRM does not guarantee the accuracy of any base information.

Attachment "A"
Proposed Amending Development Agreement

THIS SECOND AMENDING DEVELOPMENT AGREEMENT made this day of , 2014

BETWEEN:

[INSERT DEVELOPER NAME]

a body corporate, in the Province of Nova Scotia
(hereinafter 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 certain lands located at 1 Glenmont Avenue, and 820, 822, 824, 826 and 836 Bedford Highway and identified as PIDs [Insert PID Number] Bedford and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the North West Community Council of the Halifax Regional Municipality approved an application on May 22, 2008 to enter into a development agreement to allow for a mixed use development (residential and commercial) on the Lands pursuant to the provisions of the Halifax Regional Municipal Charter and pursuant to Policy(ies) RN-3A of the Bedford South Secondary Planning Strategy of the Bedford Municipal Planning Strategy (Municipal Case Number 00762), which said Development Agreement was registered at the Land Registry Office in Halifax as Document Number 91203209 (hereinafter called the Existing Agreement);

AND WHEREAS the North West Community Council of the Halifax Regional Municipality approved an amendment to the provisions of the Existing Agreement to permit a time extension for the commencement of construction on June 24, 2013 as Municipal Case Number 18437, which said agreement is recorded at the Land Registration Office in Halifax as Document Number 104601415 (hereinafter is called "the First Amending Agreement");

AND WHEREAS the Developer has requested a non-substantive amendment to the provisions of the Existing Agreement to enable the reconfiguration of the approved townhouses on the Lands;

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 18973;

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

1. Delete "Schedule B" from the Existing Agreement and replace it with "Schedule B" in this Amending Agreement;
2. Delete "Schedule F" from the Existing Agreement and replace it with "Schedule F" in this Amending Agreement.
3. In Section 3.1, delete the words 'Schedule B: Site Plan (00762-22)' and replace them with the words '**Schedule B: Site Plan**';
4. In Section 3.1, delete the words 'Schedule F: Townhouses- Concept Plan (00762-16)' and replace them with the words '**Schedule F: Townhouse Concept Plan**';

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 2014.

SIGNED, SEALED AND DELIVERED in the presence of:

[Insert Registered Owner's Name]

Witness

Per: _____

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SEALED, 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

Witness

Per: _____

Municipal Clerk

Attachment B- Relevant Policy of the Bedford Municipal Planning Strategy

Policy RN-3A:

Notwithstanding Policy RN-2, RN-3, MS-1 and MS-9 the portion of Neighbourhood A containing PID# 's 00360560, 00430025, 00430017, 00430033, 00429977 and 00430058 may be developed with a mix of low density residential, medium density residential building and commercial uses by development agreement, subject to the following:

- a) total number of residential units shall not exceed 57 units;
- b) total amount of commercial space shall not exceed 16,000 square feet;
- c) notwithstanding MS-6 and MS-7, the development agreement shall permit a maximum of 13 residential units to be constructed prior to the construction of the interchange at Highway 102;
- d) 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;
- e) building locations, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian scale and compatibility with the natural environment and surrounding uses;
- f) natural vegetation, landscaping or screening is employed around parking areas for multiple unit buildings to provide screening from streets;
- g) all open space/parkland dedications proposed conform with the objectives and policies adopted for the community parkland/open space under this municipal planning strategy and any administrative guidelines adopted by the Municipality;
- h) proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services;
- i) development agreement shall exempt 13 residential units from infrastructure charges;
- j) the development agreement shall not permit the construction of greater than 13 residential units until infrastructure charges have been applied to the new portion of land being added to Neighbourhood A; and
- k) traffic generation, access to and egress from the site; and parking.

(RC-Mar 4/08;E-Apr 19/08)