

TO: North West Community Council

SUBMITTED BY: Barb Grant  
Barb Grant, Vice Chair  
North West Planning Advisory Committee

RE: Case 00690: Amendment to the Bedford Municipal Planning Strategy and  
Land Use By-law for Phase II of Crestview CCDD

DATE: December 11, 2006

**ORIGIN**

North West Planning Advisory Committee meeting - December 6, 2006

**RECOMMENDATION**

The North West PAC recommend that **North West Community Council:**

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachment A to A-3 of the staff report dated November 20, 2006, and schedule a joint public hearing with North West Community Council;
2. **Recommend that Regional Council** approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachment A to A-3 of the staff report dated November 20, 2006; and
3. **Give Notice of Motion** to consider the proposed development agreement and discharging the existing development agreement as provided in Attachment B and Attachment B-1 of the staff report dated November 20, 2006 and schedule a joint public hearing with Regional Council.

**Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that North West Community Council:**

1. Approve the proposed development agreement and discharge the existing agreement as provided in Attachment B and Attachment B-1 of the staff report dated November 20, 2006, with an amendment to Section 3.6.8 to state "The Multiple Unit Dwelling shall **not** have access off Wyatt Road or Nelsons Landing Boulevard..."; and
2. Require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreements by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

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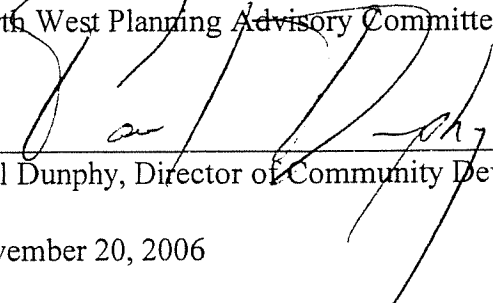
The amendment to Section 3.6.8 has been included in the attached document.

**ATTACHMENTS**

Staff report dated November 20, 2006

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.  
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937  
Report reviewed by: Barb Grant, Vice Chair, North West PAC

**TO:** North West Planning Advisory Committee

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** November 20, 2006

**SUBJECT:** **Case 00690: Amendment to the Bedford Municipal Planning Strategy and Land Use By-law for Phase II of Crestview CCDD**

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**ORIGIN**

- Request by O.L.L Leasing and Holding Limited to amend the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable a mixed use development residential/commercial multiple unit within Phase II of the Crestview CCDD at 864 Bedford Highway.
- On November 9, 2004 Regional Council initiated a process to consider amending the Bedford MPS and LUB the above noted request.

**RECOMMENDATIONS**

It is recommended **North West Community Council:**

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachment A to A-3, and schedule a joint public hearing with North West Community Council;
2. **Recommend that Regional Council** approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachment A to A-3; and
3. **Give Notice of Motion** to consider the proposed development agreement and discharging the existing development agreement as provided in Attachment B and Attachment B-1 and schedule a joint public hearing with Regional Council.

**Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that North West Community Council:**

1. Approve the proposed development agreement and discharge the existing agreement as provided in Attachment B and Attachment B-1; and
2. Require the development agreements be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreements by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

## **EXECUTIVE SUMMARY**

Staff proposes the adoption of a new site specific policy enabling a residential development within Phase II of the Crestview CCDD (Commercial Comprehensive Development District). Existing plan policy and a development agreement enable general commercial use at this location as a substantive amendment to the Crestview CCDD Development Agreement. The applicant, O.L.L. Leasing and Holding Limited, has indicated commercial development is not viable due to the site's poor access and visibility. Staff concurs with this statement. The proposed "site specific" policy is complimentary to the Regional Plan and its objectives.

A Public Meeting was held on January 19, 2005 to discuss mixed use (commercial/residential) development on the site. Many issues were raised at this meeting, and the primary concern was commercial development on the site and the development proposed near Nelsons Landing Boulevard. Consequently, the submission was revised to a 51-unit multiple unit dwelling as presented in this report. The Bedford Watershed Advisory Board reviewed the proposal on two separate occasions and does not support the proposal (*Attachment E*). A second Public Meeting was held on October 18, 2006 and many of the concerns raised have been incorporated into the proposed development agreement (*Attachment B*). It is the recommendation of staff the proposed site specific policy (*Attachment A*) be adopted by Regional Council and the proposed development agreement (*Attachment B*) be approved by North West Community Council.

## **BACKGROUND**

### ***Subject Properties and Existing Development Agreement:***

The Crestview CCDD site is approximately seven (7) acres in size and under a development agreement approved by the Town of Bedford in 1995. The development agreement (#95-04) permits:

- Phase I, comprising 4 acres on the upper portion of the site containing:
  - two multiple unit buildings with a total of 72 dwelling units;
  - natural open space; and
  - private recreation space.
- Phase II, comprising 3 acres of the lower portion of the site, is undeveloped and identified as: "a commercial component which may include residential or institutional uses." The development agreement requires the details of the Phase II commercial component be determined through an amendment to the existing development agreement.

When the development agreement was negotiated in 1995 residential/commercial projects were permitted with no restriction on the percentage of commercial or residential development on a CCDD site. However, in 1996 amendments were made to the CCDD policies which require development of commercial uses on 50% of each CCDD site and restrict multiple unit buildings shall to no more than 25% of a CCDD site. Based on current MPS Policy, commercial development is required on the undeveloped (Phase II) portion of the Crestview CCDD site as the maximum permitted residential component has already been constructed in Phase I.

***Site Description of Phase II:***

The subject site is described as follows:

- approximately 2.7 acres (1.09 ha) with limited frontage along the Bedford Highway;
- designated and zoned CCDD (Commercial Comprehensive Development District) except for a small portion along the Nelson Landing Boulevard which is designated Residential and zoned RSU (Residential Single Unit);
- regulated by the Crestview CCDD Development Agreement - described previously except for the RSU zoned lands;
- slopes northeast to the Bedford Highway;
- wooded and undeveloped with a watercourse (Wyatt Brook) running parallel to Wyatt Road through the property. Wyatt Brook is identified on the Environmental Sensitivity Map within the Bedford Municipal Planning Strategy and Land Use By-law;
- contains a private gravel road (Wyatt Road) that runs through the site connecting several adjacent properties (8 to 21 Wyatt Road) to the Bedford Highway; and
- adjacent to two residential properties (872 and 866 Bedford Highway) which are surrounded by the site but have frontage on the Bedford Highway.

***Original Proposal - November 2004:***

The original submission (*Map 3*) was for mixed use commercial/residential development with the following elements:

- two multiple unit dwellings (one with 24 units, one with 16 units);
- one (1) two-storey commercial building (8800 square feet); and
- natural open space and private recreation space.

The proposed development is not enabled by the existing plan policy and by-law provisions for Bedford. On November 9, 2004 Regional Council initiated the plan amendment process and requested staff begin a participation program.

***The Proposal:***

On January 19, 2005 a Public Meeting was held to review and discuss the original proposal. The area residents raised concerns relating to the reduction of the required watercourse setback from Wyatt Brook, impact on existing residential properties, proposed development off Nelsons Landing Boulevard, removal of significant tree stands and overall lot coverage. Following the Public Meeting and several reviews by HRM staff, the applicant made significant modifications and submitted a new proposal described as follows (*Map 5*):

- a 51-unit multiple unit dwelling with surface and underground parking;
- a multi-leveled seven storey building built into the slope (five stories of residential units and 2 stories of underground parking ,
- preservation of the 100ft (30.48m) watercourse setback requirement from Wyatt Brook with the exception of a reduction to 66ft (20m) in the southwest portion of the site;
- reduction of overall lot coverage to 29% (building and parking);
- egress and access to the site from the Bedford Highway only.

***Plan Amendment Process:***

The MPS amendments, along with the by-law amendments necessary to implement the MPS amendments are under the jurisdiction of Regional Council, while the approval of a development agreement rests with Community Council. Approval by either Council requires a public hearing. These hearings can be held jointly.

The decision on the development agreement can only be made by North West Community Council and cannot be made unless Regional Council adopts the Municipal Planning Strategy and Land Use By-Law amendments and until such amendments take effect. Should the MPS and by-law amendments be approved by Regional Council, staff will bring the development agreement to North West Community Council for a decision at the appropriate time.

**DISCUSSION**

***MPS and LUB Amendments:***

The Municipal Planning Strategy is the expression of the municipality's intent with respect to future land use patterns. Amendments to the MPS are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change in circumstances since the MPS was adopted or reviewed or where circumstances are significantly different from the situations that the Plan anticipated. Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of a MPS have changed significantly.

The circumstances are significantly different from those anticipated by the Plan. The Mill Cove/Waterfront/Bedford South area of the Bedford Highway has experienced significant growth over the past ten years. This has altered its development pattern from one characterized by scattered commercial uses and single unit dwellings relying upon on-site services to one of mixed medium density residential and convenience commercial uses serviced in part by municipal services. The existing policy supports commercial development in this area but does not support a residential development at the similar scale or density proposed. Medium density development which relies on transit, sewer and water services can be provided economically to support future growth with minimal impact on existing residential development through sympathetic policy development.

Staff have drafted site specific policy for consideration by Regional Council. The proposed policy requires the following (but not limited to) considerations (*see Attachment A*):

- residential density shall not exceed 30 units per acre;
- building height;
- impact on adjacent to residential properties and compatibility with surrounding uses;
- parking, access, amenity space;
- architectural character and massing;
- preservation of existing access for adjacent residential properties;
- no access or egress from Nelsons Landing Boulevard
- adequate municipal services; and
- environmental preservation and protect measures for Wyatt Brook.

***Development Agreement:***

The following is a highlight of the primary concerns relating to the relevant policy intent and criteria (specifically Policy R-31):

- (a) *Bulk, Scale and Massing:* Given the topography of the site, environmental constraints and proposed height of the building, concerns were raised regarding the buildings appearance (bulk, scale and massing). As means of addressing these issues and concerns, the development agreement (*Attachment B*) contains the following:
- height restrictions along Bedford Highway and overall height restrictions;
  - setbacks from existing residential properties;
  - extensive requirements for landscaping and architectural treatments designed to provide a sense of human scale;
  - a setback from the Bedford Highway and existing residential properties to ensure a sense of scale and pedestrian comfort; and
  - minimal surface parking.
- (b) *Watercourse Setback and Environmental Protection:* The original proposal included significant reductions to the required watercourse setback from Wyatt Road (Policy \*\*). This was not supported by the public nor staff, consequently the proposal was revised. The proposal now include the preservation of the 100ft (30.48m) watercourse setback requirement from Wyatt Brook with the exception of a reduction to 66ft (20m) in the southwest portion of the site. The reduction was maintained at 66ft (20m) to reflect the intent of the Regional Plan.<sup>1</sup>

The Bedford Waters Advisory Board (BWAB) reviewed the application on two occasions (May 10, 2006 and September 13, 2006) and on both made a motion to not support the proposed development. Details of BWAB discussions and motions are provided in Attachment E.

It is the opinion of staff all concerns raised by BWAB relating to environmental protection have been addressed through the development agreement (*Attachment B*). However, staff is of a different opinion that the site can not be “reasonably” developed without a reduction of required watercourse setback from Wyatt Brook.

Only a small portion is the site is “developable” for the following reasons:

- limited the access/egress to Bedford Highway;
- Wyatt Road transverses the site;
- Wyatt Brook which runs parallel to Wyatt Road;
- the location existing residential development in the immediate area such as 872 and 866 Bedford Highway;

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<sup>1</sup> This applicant is not subject to the policies of the Regional Plan because a completed application was received prior to the first public hearing for the Regional Plan.

- the 100ft (30.48m) watercourse setback requirements from Wyatt Brook encompasses over 50% of the site.

Therefore, it is the opinion of staff the site can not be reasonably developed without a reduction in the required watercourse setback. Further, the reduction is equivalent to the setback requirement of 66ft (20m) prescribed in the Regional Plan.

- (c) *Impact on Street Network:* The original proposal included a 16-unit multiple unit dwelling near Nelsons Landing Boulevard (*Map 3*). This was a specific concern for area residents and staff. Consequently, the proposal was revised to eliminate any development near Nelsons Landing Boulevard. All access for the site is required from the Bedford Highway and no access is permitted from Nelsons Landing Boulevard.

Further, a Traffic Impact Study was prepared by a professional engineer finds the proposed development to have a negligible effect on the traffic performance and volumes along the Bedford Highway. Specifically, it was determined that commercial development as permitted under the current policy and the proposed multiple unit dwelling would generate similar traffic volumes and therefore the proposal would have a minimal impact. It has also been determined the Stopping Sight Distance Time is adequate along the Bedford Highway for the proposed residential development.

The development agreement includes provisions regarding the continuing use of Wyatt Road for area residents and the realignment of driveways for 10 Wyatt Road and 866 Bedford Highway (*Attachment B and Map 5*).

- (d) *Adequate Municipal Services:* The “commercial” wastewater capacity of the site and the wastewater capacity for “the proposed residential” are equivalent. Further, this site is very close to the Mill Cove Treatment Plant and recently municipal services have been extended past this site to the Glenmont and Millview Avenue area. There is adequate municipal water.

There are several properties in the immediate area which rely of on-site well and septic. As a means of ensuring minimal impact on the these residents the development agreement requires the developer, at their cost, provide municipal services (water and septic) to 872 and 866 Bedford Highway prior to construction. Further, the agreement contains clauses relating the protect the well water quality and quantity for the residents of 8 to 21 Wyatt Road. (*Attachment B*)

- (e) *Impact on Adjacent Properties:* The impact the proposed development may have on adjacent residential properties was raised specifically by 866 Bedford Highway and 10 Wyatt Road. The following measures have been implemented in the agreement as a means of addressing these concerns:
- installation of municipal services for 866 Bedford Highway and protection of well water quality and quantity for 19 Wyatt Road;



- required setback (base of the building) of 35ft (10.7ft) to the east property line adjacent the existing single unit dwelling (10 Wyatt Road);
  - extensive landscaping provisions to provide adequate buffering and screening;
  - maximum building coverage of 15% and maximum building and parking coverage of 30%;
  - significant environmental protective measures such as detailed Stormwater Management Plans and Erosion and Sedimentation Control Plans, preservation of the watercourse setback of Wyatt Road; and
  - continuing uninterrupted use of Wyatt Road for area residents.
- (f) *Preservation of Commercial Lands:* In the past Council has expressed concern with redevelopment of commercial lands for residential purposes. This proposal does eliminate a commercial site. However, staff continues to support the staff position outlined in a supplementary report dated March 25, 1996. The position was as follows:

*It is staff's opinion that the new CCDD policies will affect amendments to the Development Agreement, and the 25% permitted multiple residential units would be calculated on the entire site. The existing development agreement exceeds this percentage. Staff have stated that due to site constraints, commercial uses are not appropriate uses for the site. If the proposed policies do not fit with the developer's plans for phase two, consideration can be given to re-designating and re-zoning the property. Staff will respond to development applications for the site when they are submitted.*

### ***Public Participation Program***

The Public Participation Program included two Public Meeting chaired by the North West Planning Advisory Committee on January 19, 2005 and October 18, 2006.

Minutes of these meetings are included as Attachments C and D. Many issues raised by the public have been addressed through proposed plan policy and incorporated into the proposed development agreement in Attachment B. Notification for the Public Meeting was distributed by standard mail to owners of properties shown on Map 4. The same notification area will be utilized for any future Public Hearing unless Council recommends changes to the notification area at First Reading.

### ***Bedford Waters Advisory Committee***

The proposal was presented to the Bedford Water Advisory Board on two separate occasions. On May 10, 2006 the Board reviewed the specific of the proposed development as it related to the protection of the watershed and the natural environment and offered the following:

**MOVED by Mr. Hattin, seconded by Mr. Pilkington that the Bedford Watershed Advisory Committee recommend that North West Community Council refuse to amend the Bedford MPS and LUB for the Crestview CCDD site Case 00690 for the following reason:**

- (a) **It has not been demonstrated that the land cannot be reasonably developed by complying with the 100 foot site disturbance provisions as per policy E-8.**
- (b) **Further that additional information be provided regarding storm runoff, down flow effects and the capacity of the ditches on the Water Commission Lands.**

On September 13, 2006 the Board reviewed revisions to the proposal attempting to address the issues and concerns raised at the May 10, 2006 meeting. The Board did not support the proposed development and provided the same negative recommendation as identified above from May 10, 2006. An outlined of BWAC's discussion is provided Attachment E.

### ***Summary***

Staff proposes the adoption of a new site specific policy which will enable a multiple unit building on the site referred to as Phase II of the Crestview CCDD located near Wyatt Road with frontage along the Bedford Highway by development agreement.

### **BUDGET IMPLICATIONS**

There are no budget implications at this time.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **REGIONAL PLANNING IMPLICATIONS**

The Regional Plan proposes a "Suburban Local Centre" designation on this area. The proposed designation supports a mix of medium density residential, grocery, and convenience commercial uses surrounded by the established neighbourhoods of low to medium density housing forms. Following the adoption of the Regional Plan, Community Planning Strategies will be reviewed through "Community Visioning" to define specific boundaries of the centre, set population targets and establish design policies. This site specific plan amendment is not being considered through a "Community Visioning" exercise given the initiation of the plan amendment began prior to the first Public Hearing Ad for the Regional Plan. However, it is the opinion of staff the proposal complies with the general intent of the Bedford MPS and Regional Plan.

### **ALTERNATIVES**

#### **Regional Council:**

1. Council approve the request to amend the Bedford MPS and LUB. This is the staff recommendation.

2. Council may choose to not adopted the proposed site specific plan amendment policy as detailed in Attachment A.
3. Council may choose to amended the proposed site specific plan amendment policy as detailed in Attachment A. Substantive amendments may require a second public hearing.
4. Council may choose to defer the decision of the proposed site specific plan amendment policy until after the "Community Visioning" project has been completed for this area. The time frame for such a project in this area is unknown as this time.

*If proposed policy in Attachment A is adopted by Regional Council*

**North West Community Council:**

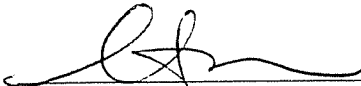
1. Council may choose to proceed with the development agreement. This is recommended for reasons described above.
2. Alternatively, Council may choose to refuse the requested amendments. This is not recommended for the reasons outlined above.

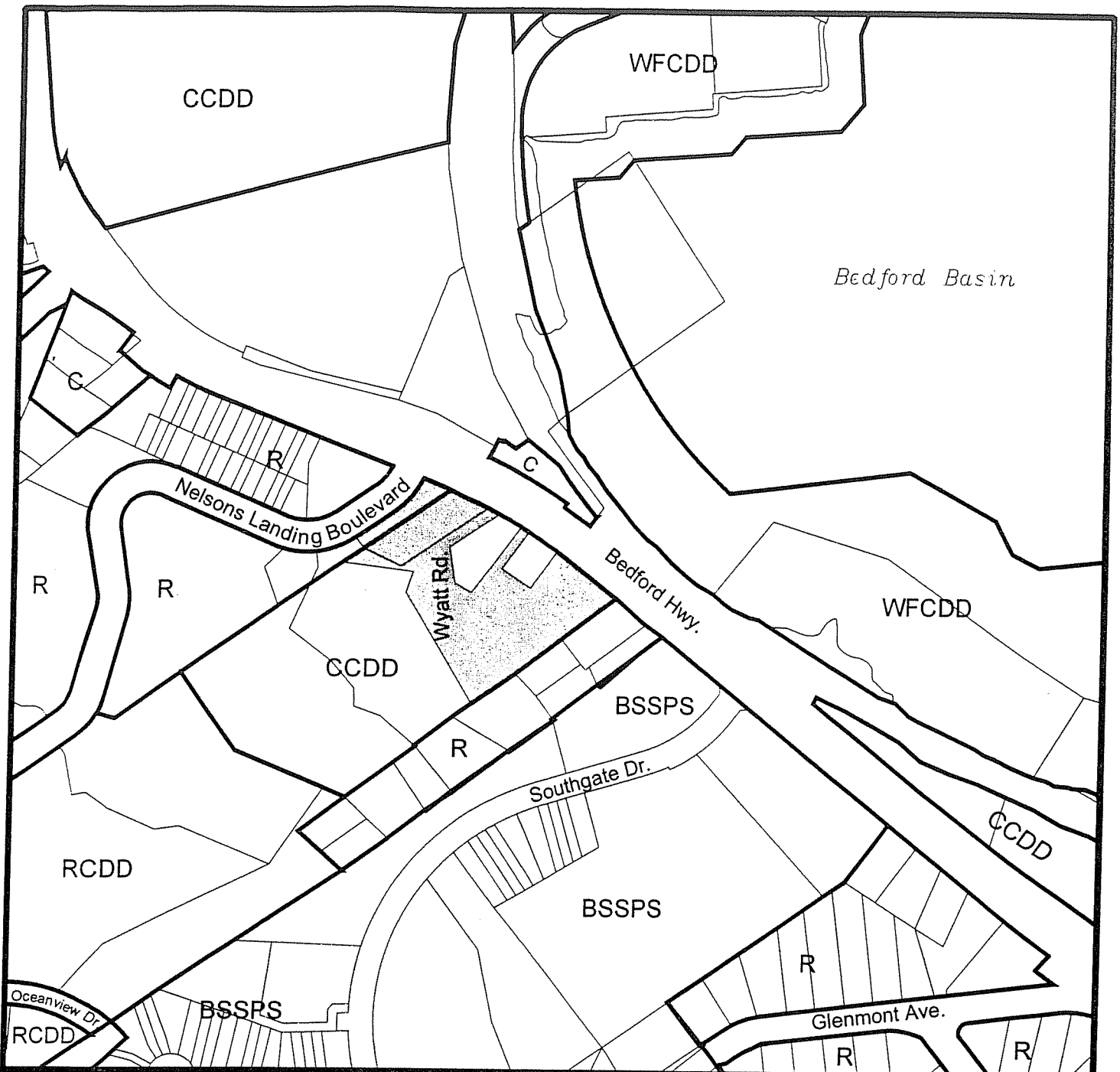
**ATTACHMENTS**

Map 1: Generalized Future Land Use Map  
Map 2: Zoning Map  
Map 3: Original Site Plan - November 2004  
Map 4: Notification Area  
Map 5: Proposed Site Plan  
Map 6: Building Elevations  
Attachment "A" and "A-1": Proposed Policy  
Attachment "A-2": Proposed Generalized Future Land Use Map  
Attachment "A-3" : Proposed Zoning Map  
Attachment "B" : Development Agreement  
Attachment "B-1" : Discharge Agreement  
Attachment "C": Minutes from Public Meeting on January 19, 2005  
Attachment "D": Minutes from Public Meeting on October 18, 2006  
Attachment "E": Bedford Waters Advisory Committee Minutes of  
Attachment "F": Relevant MPS Policies

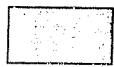
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Report Prepared by:           Thea Langille-Hanna, Senior Planner, Community Development 869-4262

Report Approved by:         
Catherine Sanderson, Sr. Manager, Financial Services, 490-1562



**Map 1**  
**Generalized Future Land Use**



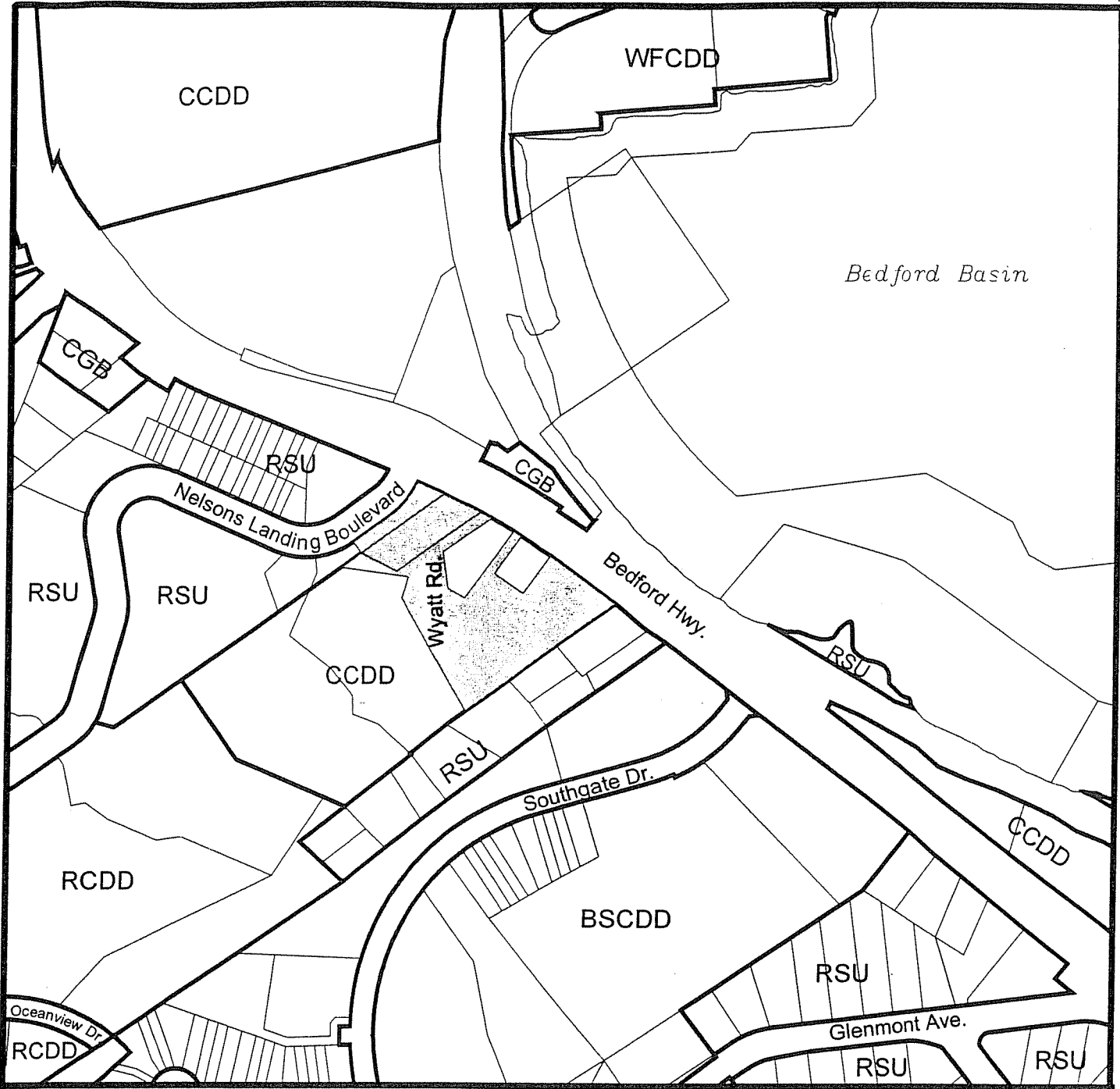
**Subject Property**



- R Residential Designation
- C Commercial Designation
- P Park and Recreation Designation

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





**Map 2  
Zoning**

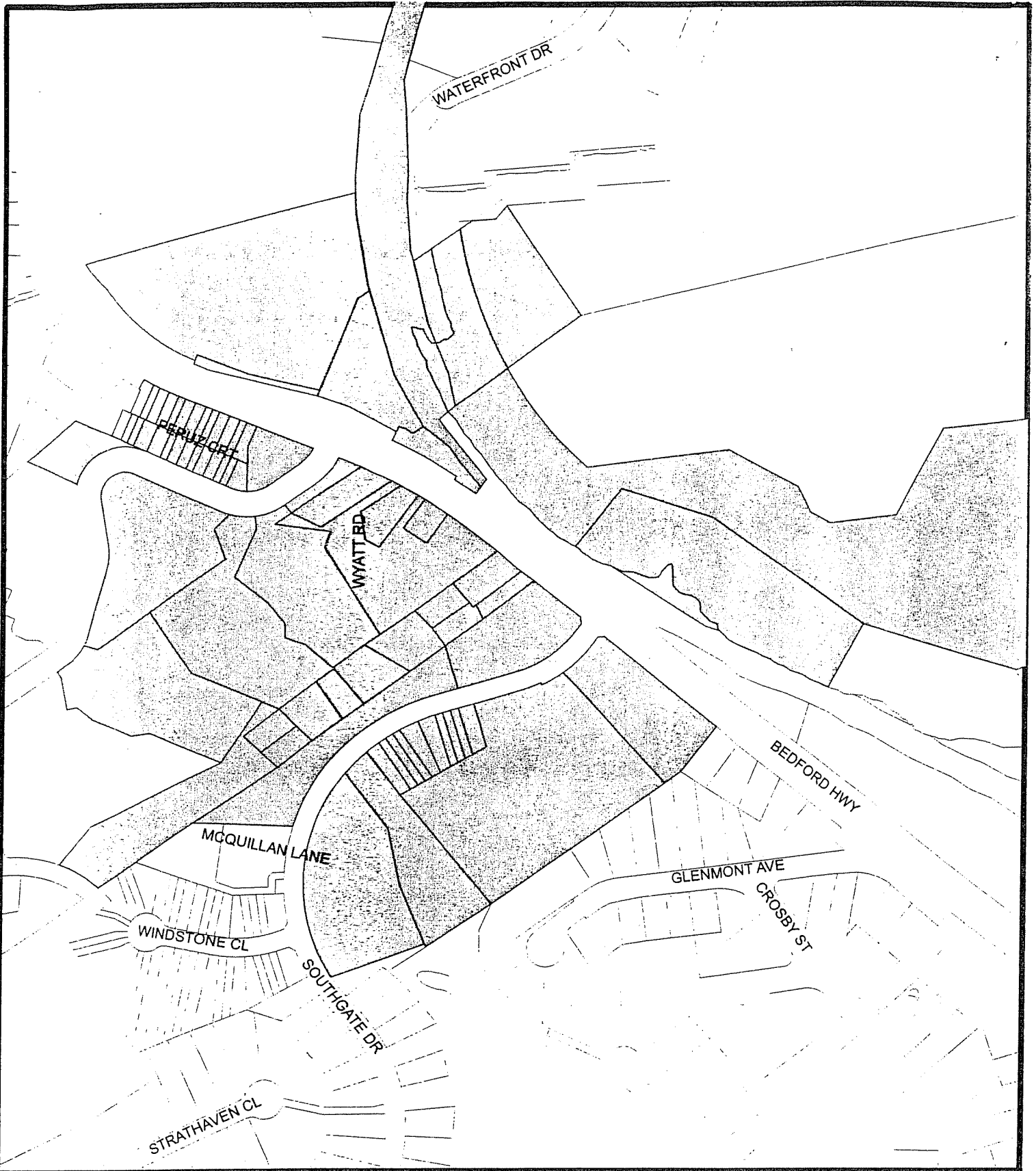
 Subject Properties



- |     |                                |       |  |
|-----|--------------------------------|-------|--|
| RSU | Single Dwelling Unit Zone      | CCDD  | Commercial Comprehensive Development District    |
| RMU | Multiple Dwelling Unit Zone    | RCDD  | Residential Comprehensive Development District   |
| POS | Park Open Space Zone           | BSCDD | Bedford South Comprehensive Development District |
| CGB | General Business District Zone | WFCDD | Waterfront Comprehensive Development District    |







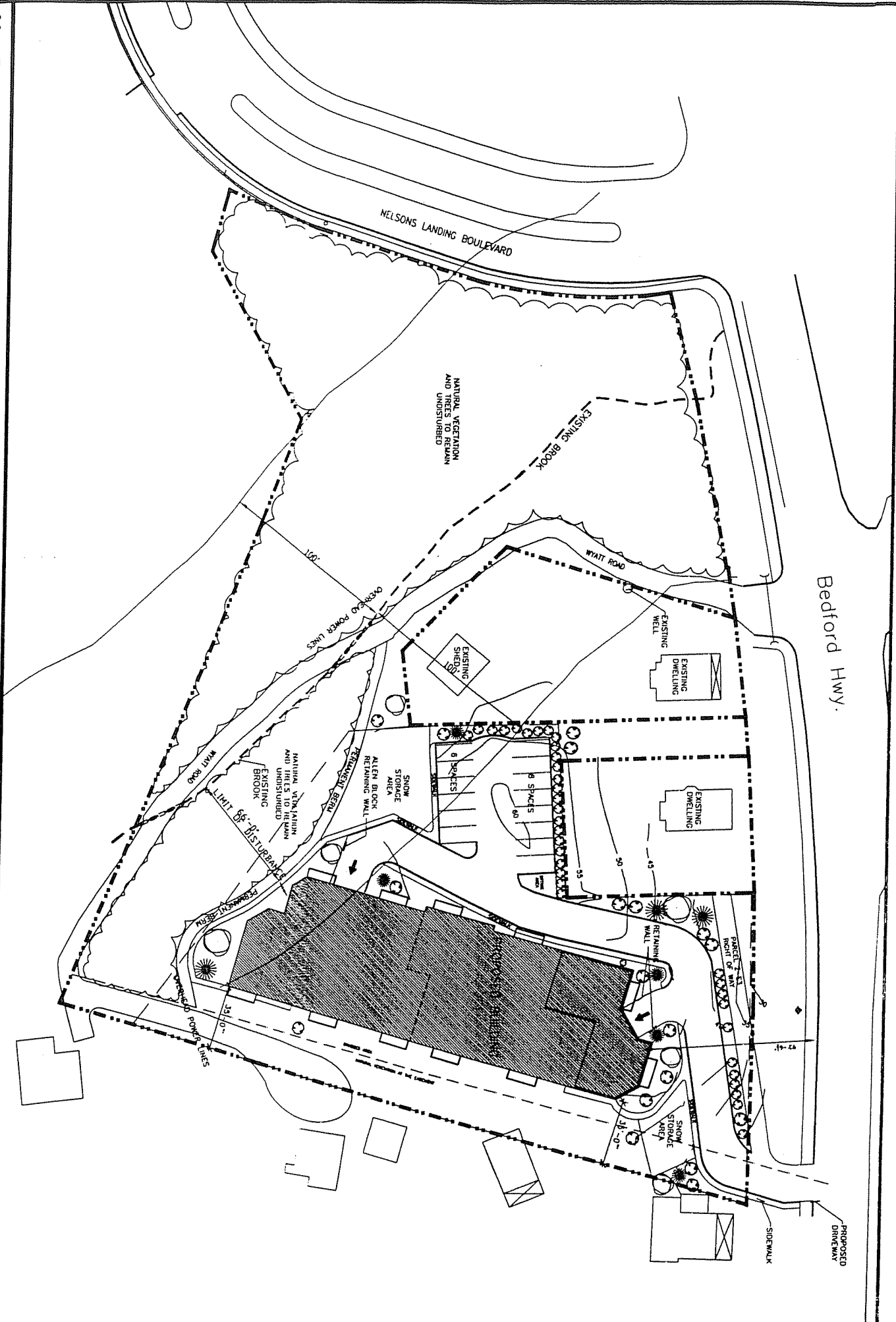
Map 4

 Notification Areas



**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services





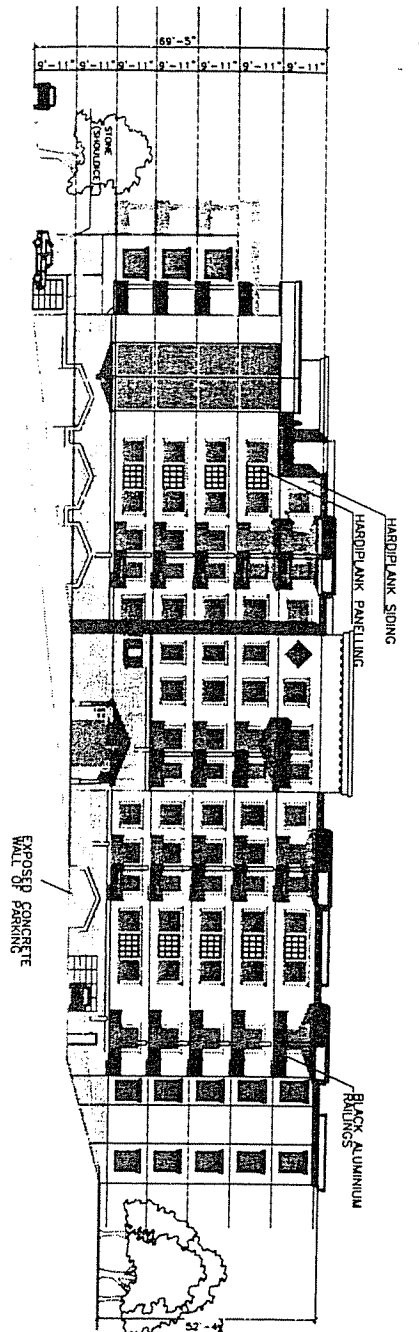
Map 5  
Proposed Site Plan

Nov. 22, 2006

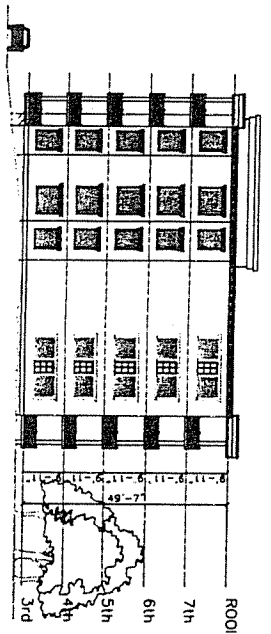
HRM does not guarantee the accuracy of any base map information on this map.



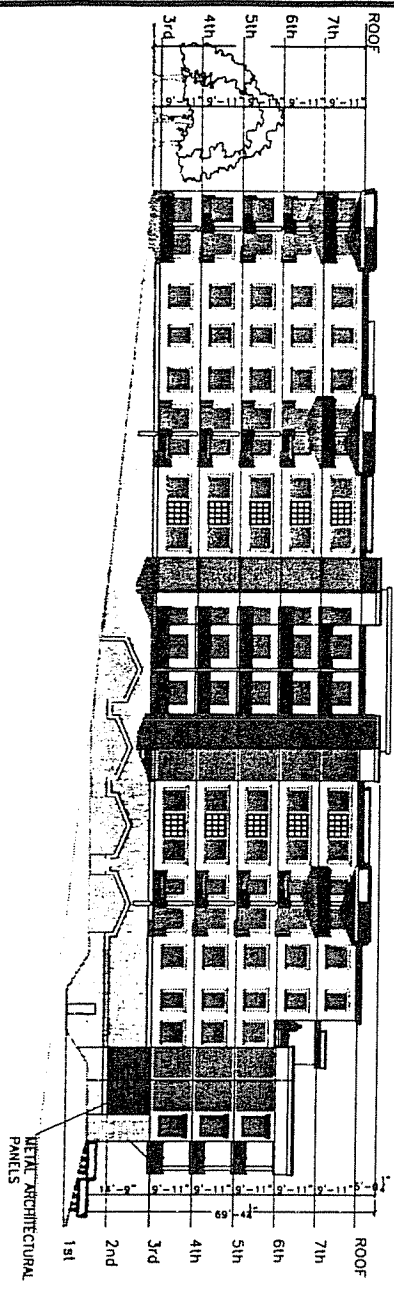
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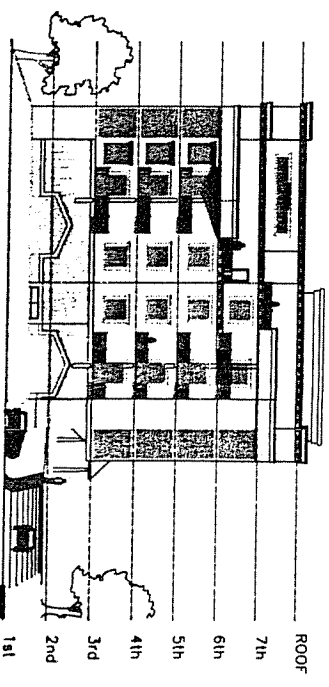
FRONT (NORTH) ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

Map 6  
Building Elevations

Nov. 22, 2006

HRM does not guarantee the accuracy of any base map information on this map.

**ATTACHMENT "A"**

Case 00690: Amendments to the Bedford MPS and LUB

The Municipal Planning Strategy for Bedford is hereby amended by adding the preamble and policy identified in **bold**:

**Policies**

**Policy R-31**

**It shall be the intention of Council to enable a multiple unit building on the lands of the former Crestview CCDD site. Commercial development is not viable due to the sites poor access and visibility. Within the Residential Designation on the former Crestview CCDD site, a multiple unit building shall only be considered by a development agreement in accordance to the provision of the Municipal Government Act. In considering any such agreement, Council shall have regard to the following:**

- a) **the residential density shall not exceed 30 units per acre (based on a two-bedroom equivalent per unit);**
- b) **controls are set on the bulk, scale, and massing of any proposed development to ensure it does not significantly alter the character of this area and ensure such development contribute to a vibrant, attractive, safe, walkable area of Bedford.;**
- c) **adequate buffers and screening should be provided for any proposed building or parking area from adjacent single unit dwellings, and attractive fencing and landscaping to enhance privacy should be provided where appropriate;**
- d) **landscaping complements the proposed buildings, reinforces circulation paths, highlights entrances, provides shade, adds seasonal interest, and outlines a maintenance plan. Landscaping shall be designed for appreciation by pedestrians, bicyclists and motorists. adequate landscaping and/or streets trees should be provided around the perimeter and throughout the site of the development to enhance the aesthetics of the site;**
- e) **areas should be characterized by open space, green space, pedestrian connections and sidewalks that create a pedestrian-friendly area adequate recreation;**
- f) **parking areas should be located so as to not dominate the site. The visual appearance of parking areas should be minimized through use of landscaping treatments, rear yards or enclosed parking, reduced parking standards or other appropriate means;**

- g) traffic circulation and access to and from the site should be designed to minimize adverse impacts on the adjacent residential uses, local road and the Bedford Highway. Access shall not be granted from Nelsons Landing Boulevard.;**
- h) adequate provisions should be made for safe and convenient pedestrian circulation on the site and to nearby amenities;**
- i) lighting shall be designed to provide security, safety, and visual appeal for both pedestrians and vehicles while ensuring minimal impact on adjacent residential properties.**
- l) measures should be proposed to mitigate impact on adjacent properties;**
- m) significant natural and cultural features on the site should be identified and protected where appropriate;**
- n) the provisions of Policy Z-3 be met.**

The Municipal Planning Strategy for Bedford is hereby amended by deleting the following:

1. Policy C-15
2. The last sentence "The sixth CCDD is located along the Bedford Highway immediately south of Nelson's Landing Boulevard (Policy C-15)" on paragraph two of the Commercial Comprehensive Development District preamble.

THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk

ATTACHMENT "A-1"

Case 00723 Amendments to the Bedford MPS and LUB

The Land Use By-law for Bedford is hereby amended by adding the provision identified in **bold** and strikeout:

3. The Municipal Planning Strategy provides that the following shall be dealt with by Development Agreement in accordance with Residential Policies R-8 to R-17, R-27, **and R-28 and R-31** and R-28; Commercial Policies C-4, **C-4a**, C-5, C-7 to C-15, C-18, C-20, C-29A, C-31 to C-32; Waterfront Policies WF-20 to WF-23; Industrial Policies I-2, I-4 and I-7; Institutional Policy S-7 ; Environmental Policies E-4 to E-8, E-11, E-14 and E-45; and Implementation Policy Z-2.
  - a) Within the Residential Designation on the Generalized Future Land Use Map, a development agreement may be considered for the following uses:
    - i) the addition of an apartment unit to a single unit dwelling within established residential areas, other housing options as identified in Policies R-18 and R-19. Apartment units added within single unit dwellings shall not exceed 700 sq. ft. in area and detached garden flats shall not exceed 700 sq. ft. in area (Policy R-8);
    - ii) construction of dwellings on existing vacant lots within the residential development boundary which do not have frontage on a public street (Policy R-28);
    - iii) to permit excavation or in-filling to within 35 feet of any watercourse or water retention identified on the map showing environmentally sensitive areas in the Town (Policy E-4);
    - iv) the creation of flag lots (Policy R-27).
    - v) a single multiple unit building in accordance with Policy R-29 on the properties known as 25, 27, and 35 Dartmouth Road that does not comply with the zone requirements. (RC-January 15, 2002, Effective-February 2, 2002)
    - iv **a multiple unit dwelling on the former Crestview CCDD site (Policy R-31)**

THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk

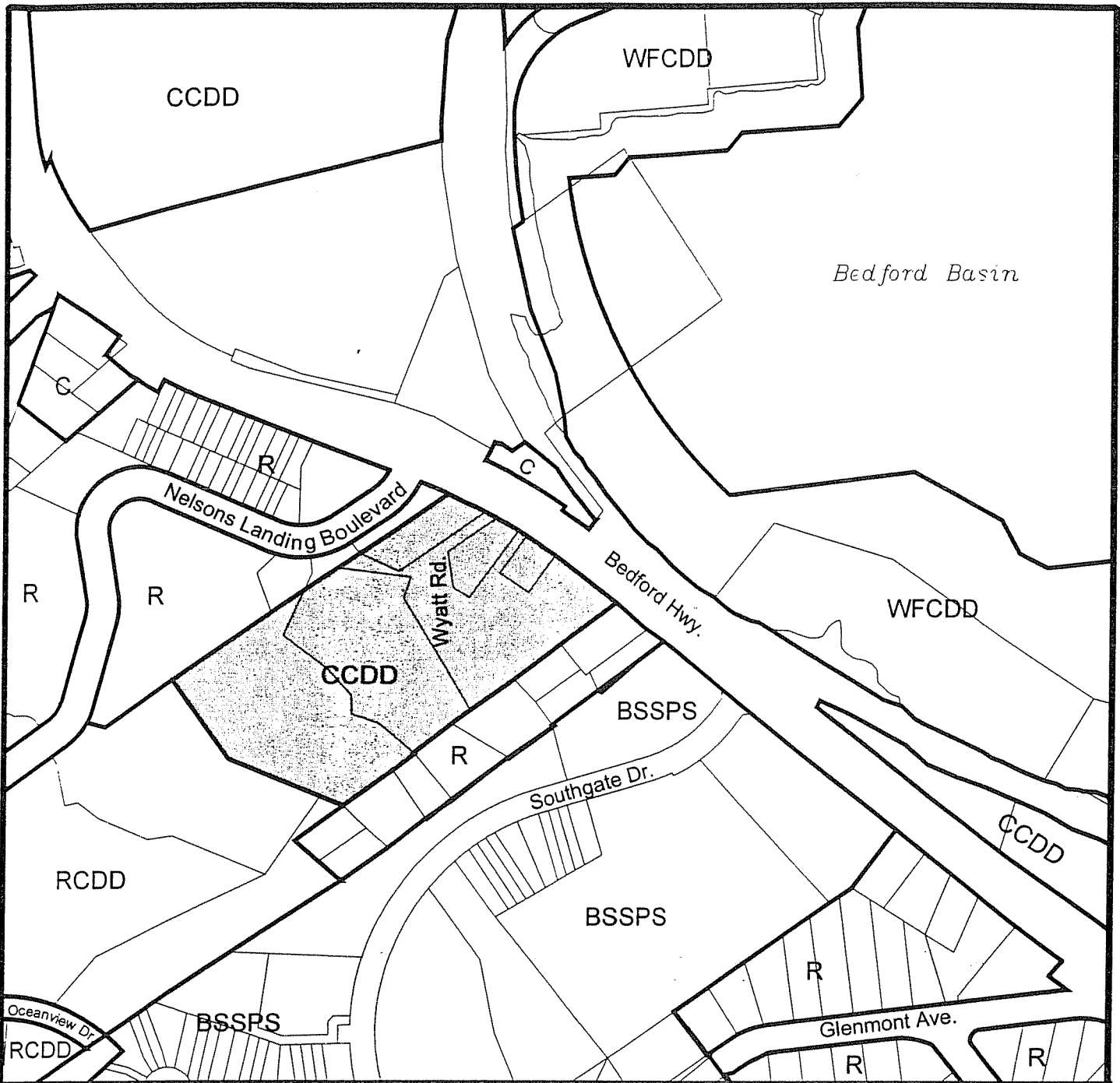
**ATTACHMENT "A-2"**  
Case 00723 Amendments to the Bedford MPS and LUB

The Generalized Future Land Use Map for Bedford is hereby amended by designating PIDs#00430298, 40787137, 40628901, 00430306, 00430363 and 40741480 from Commercial Comprehensive Development District to Residential as illustrated on the attachment map.


THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk



**Attachment "A-2"**  
**Proposed Generalized Future Land Use**

 Area to be Redesignated from CCDD to R



- |   |                                 |       |  |
|---|---------------------------------|-------|--|
| R | Residential Designation         | CCDD  | Commercial Comprehensive Development District  |
| C | Commercial Designation          | RCDD  | Residential Comprehensive Development District |
| P | Park and Recreation Designation | BSSPS | Bedford South Secondary Planning Strategy      |
|   |                                 | WFCDD | Waterfront Comprehensive Development District  |





**ATTACHMENT "A-3"**

Case 00723 Amendments to the Bedford MPS and LUB

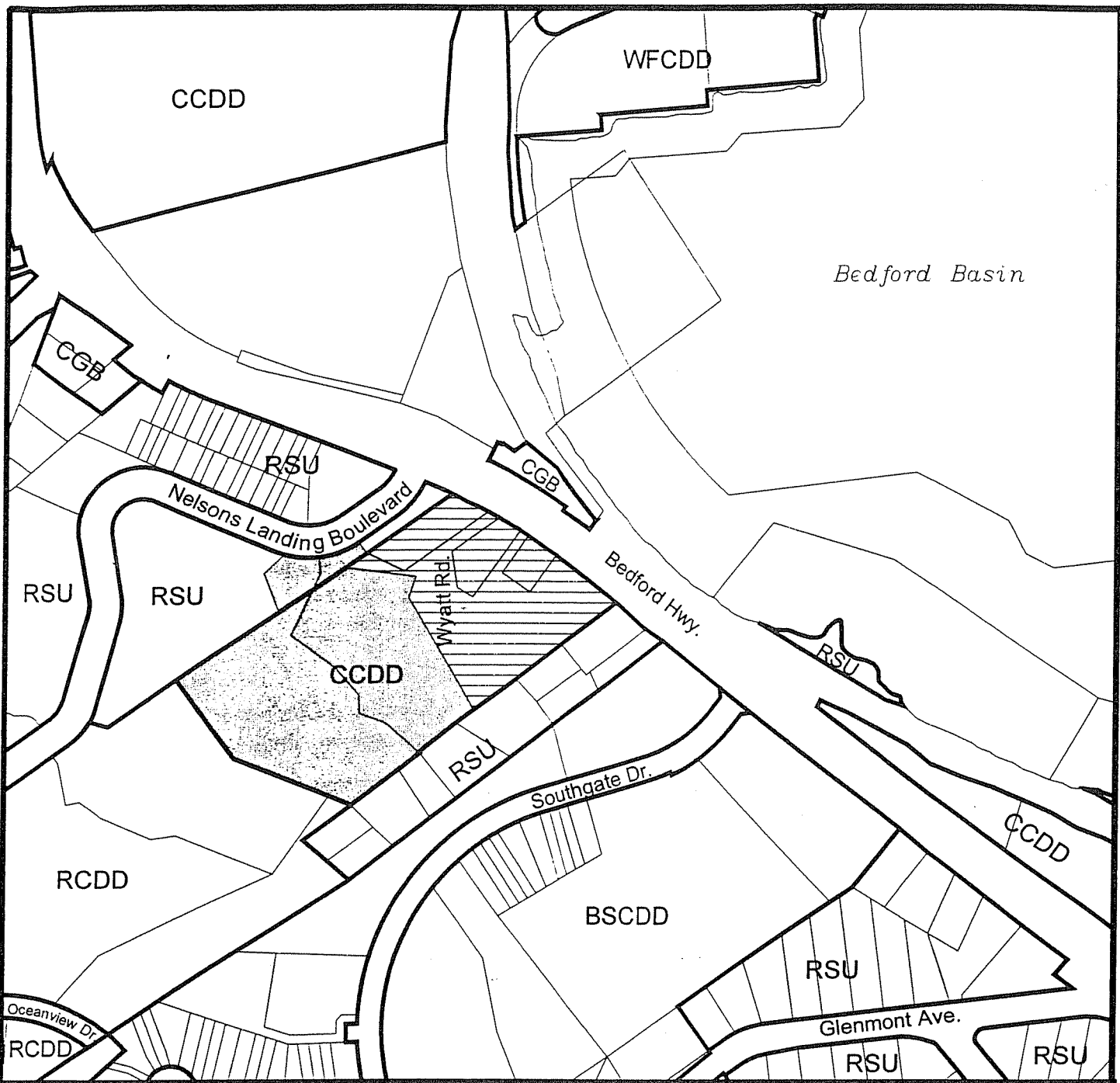
The Zoning Map for Bedford is hereby amended by rezoning PIDs#00430298, 00430306, 00430363 and 40741480 from Commercial Comprehensive Development District (CCDD) to Residential Single Unit (RSU) as illustrated on the attachment map.

The Zoning Map for Bedford is hereby amended by rezoning PIDs#40787137 and 40628901 from Commercial Comprehensive Development District (CCDD) and Residential Single Unit (RSU) to Residential Multiple Unit Dwelling (RMU) as illustrated on the attachment map.

THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Jan Gibson  
Municipal Clerk



**Attachment "A-3"  
Proposed Zoning**



Area to be rezoned to RSU



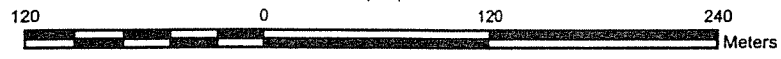
Area to be rezoned to RMU



- RSU Single Dwelling Unit Zone
- RMU Multiple Dwelling Unit Zone
- POS Park Open Space Zone
- CGB General Business District Zone

- CCDD Commercial Comprehensive Development District
- RCDD Residential Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District

- CCDD Commercial Comprehensive Development District
- RCDD Residential Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District



**ATTACHMENT B**

THIS AGREEMENT made this      day of                      , 2007

BETWEEN:

**O.L.L LEASING AND HOLDING LIMITED**  
a body corporate, in the Halifax Regional Municipality,  
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**  
a municipal body corporate,  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 864 Bedford Highway, Bedford and identified as 40741464, 00430298 and 40741480 and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a multiple unit dwelling on the Lands pursuant to the provisions of the Municipal Government Act and pursuant to Policy R-31 and Z-3 of the Bedford Municipal Planning Strategy and Part 4 Section 3(a) of the Bedford Land Use By-law;

AND WHEREAS the North West Community Council approved this request at a meeting held on [INSERT - Date], referenced as Municipal Case Number 00690;

## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

### **1.2 Applicability of Land Use By-law and Subdivision By-law**

Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Bedford Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

### **1.3 Applicability of Other By-laws, Statutes and Regulations**

Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands. The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer.

### **1.4 Conflict**

Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail. Where the written text of this agreement conflicts with information provided in the Schedules attached to this agreement, the written text of this agreement shall prevail.

### **1.5 Costs, Expenses, Liabilities and Obligations**

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands.

### **1.6 Provisions Severable**

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## **PART 2: DEFINITIONS**

### **2.1 Definitions**

All words/terms unless otherwise specifically defined herein shall be as defined in the Bedford Land Use By-law and Regional Subdivision By-law.

## **PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS**

### **3.1 Schedules**

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this agreement and plans filed with the Halifax Regional Municipality as Case Number 00690:

The schedules are:

- Schedule A: Legal Description of the Lands(s)
- Schedule B: Site Plan and Preliminary Landscape Plan (SP1)
- Schedule C: Erosion and Sedimentation Control Plan (SP3)
- Schedule D: Site Servicing Plan (SP2)
- Schedule E: Site Plan Water Shed (SP4)
- Schedule F: Limit of Site Disturbance Plan:
- Schedule G: Parking Floor Plans (A1)
- Schedule H: Floors Plans (A2)
- Schedule I: Elevations (A3)

### **3.2 Requirements Prior to Approval**

- 3.2.1 Prior to the issuance of a Grade Alteration Permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:
  - (a) Post securities in accordance with Section 5.5 of this agreement.
- 3.2.2 Prior to the issuance of a Blasting Permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:
  - (a) Written confirmation from the Development Engineer indicating municipal services have been installed and connected to PID's 00430363 and 00430306 in accordance with this agreement.
- 3.2.3 Prior to the issuance of a Construction Permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:
  - (a) Lighting Plan in accordance with this agreement;
  - (b) Landscaping Plan in accordance with this agreement;

- (c) Written confirmation from Nova Scotia Power enabling the construction and placed of the driveway for 10 Wyatt Road on the Nova Scotia Power Easement and any access/use of the Easement during construction in accordance with this Agreement.

3.2.4 Prior to the issuance of the first Municipal Occupancy permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:

- (a) Written confirmation from the Development Engineer indicating compliance with Section 4 this Agreement (i.e. secondary services);
- (b) Certification from a qualified professional engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required pursuant to this Agreement;
- (c) Certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement.
- (d) Certification from a qualified professional indicating that the Developer has complied with the Landscaping Plan required pursuant to this Agreement; and
- (e) Completion of the "Amenity and Recreation Space" required by this agreement.

3.2.5 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an occupancy permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

### **3.3 General Description of Land Use**

The use(s) of the Lands permitted by this Agreement are the following:

- (1) A Multiple Unit Dwelling in accordance with the provisions of this agreement.

### **3.4 Detailed Provisions for Land Use**

3.4.1 A maximum of 52 units shall be permitted within the multiple unit dwelling.

3.4.2 The Developer shall be entitled to modify the internal floor plans of the multiple unit dwelling and the configuration of internal units provided (a) the number of units and building size has not increased, (b) the exterior appearance of the building is not significantly altered, and (c) the required amenity space is not decreased and is met . These changes shall be permitted provided, in the opinion of the Development Officer, the changes are minor in nature.

### **3.5 Siting and Architectural Requirements**

The Developer agrees that the building constructed on the Lands shall comply with the provisions of this section and as generally illustrated on the Schedules.

#### Siting

- 3.5.1 The buildings siting, bulk and scale shall comply with the following:
- (a) maximum building coverage of 15% and maximum building and parking coverage of 30%;
  - (b) maximum height of 7 stories and shall comply to the maximum heights and height variations illustrated on Schedule I of this agreement;
  - (c) located a minimum of 18.3m(60 ft) from the front lot line along the Bedford Highway; and
  - (d) located a minimum of 10.7m(35 ft) from the base of the building to the east property line adjacent the existing single unit dwelling.

#### Architectural

##### Entrances:

3.5.2 The main entrances to building shall be emphasized by detailing, massing, changes in materials, or other architectural devices as approved by the Development Officer as generally illustrated on Schedule I. Entrances shall be proportional to the scale of the building. Service/delivery entrances shall be integrated into the design of the building and shall not be a predominate feature.

##### Rear and side facades:

3.5.3 The façades facing the Bedford Highway and internal driveway illustrated on Schedule I shall be designed and detailed as primary façade. Further, architectural treatment shall be continued around all sides of the building as identified on Schedule I.

##### Exposed Foundation:

3.5.4 Any exposed foundation in excess of 1.8m<sup>2</sup> (20 ft<sup>2</sup>) and parking garage and parking entrances shall be architecturally detailed, veneered with stone or brick.

##### Building Material:

3.5.5 Exterior building materials shall not include vinyl siding.

*Functional Elements:*

- 3.5.6 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.7 Buildings shall be designed such that the mechanical systems (HVAC, cooking exhaust fans, etc.) are not visible from Bedford Highway, or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented.

*Roof:*

- 3.5.8 All roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design and screened from public view along the Bedford Highway and adjacent residential properties.

**3.6 Parking, Circulation and Access**

- 3.6.1 The internal driveway layout and the number and layout of parking spaces on the Lands shall be as generally illustrated on the Schedules. The Developer agrees that the parking on the Lands shall comply with the following:
- (a) 75% of the required parking shall be provided underground. A minimum of 75% of the mobility disabled parking spaces shall be provided underground.
  - (b) All parking areas, driveways, circulation aisles and pathways shall have a finished hard surface such as asphalt, concrete, paving blocks or an acceptable equivalent in the opinion of the Development Officer. Notwithstanding, pathways shall not be finished with asphalt.
  - (c) Where parking lots are to be delineated by curbing, such curbing shall not be asphalt.
  - (d) An adequate snow storage area shall be provided on the Lands and the snow storage area shall be located where run-off can be directed through any storm water treatment system required by this agreement.
- 3.6.2 The private road "Wyatt Road" shall remain in its existing state. Notwithstanding, the Developer shall provide continued uninterrupted access to civic addresses 10 through to 21 Wyatt Road.
- 3.6.3 Prior to the construction of the driveway for the multiple unit dwelling, the Developer (at its expense), shall provide a realignment and reconstruction of the driveway access for 866 Bedford Highway (PID 00430363) with written consent from such property owner. In



addition, the Developer shall provide continued uninterrupted access to 866 Bedford Highway and ensure realignment aligns and connects with the existing driveway on such property.

3.6.4 Prior to the construction of the driveway for the multiple unit dwelling, the Developer (at its expense), shall provide a realignment and reconstruction of the driveway access for 10 and 14 Wyatt Road (PID 00430553 and 00430561) with written consent from such property owner as illustrated on the Schedules. In addition, the Developer shall provide continued uninterrupted access to 10 and 14 Wyatt Road and ensure realignment aligns and connects with the existing driveway on such property.

3.6.5 Development Officer may approve changes to the parking and circulation layout as illustrated on the Schedules provided such changes further the intent of this Section and this Agreement.

3.6.6 Bicycle parking shall be provided in accordance with the Bedford Land Use By-law as amended from time to time.

3.6.7 Written confirmation from Nova Scotia Power enabling the construction and placed of the driveway for 10 Wyatt Road on the Nova Scotia Power Easement and any access/use of the Easement during construction in accordance with this Agreement.

3.6.8 The Multiple Unit Dwelling shall have access off Wyatt Road or Nelsons Landing Boulevard. Further, no access to the site shall be provided from Nelsons Landing Boulevard.

### 3.7 **Building and Site Lighting**

3.7.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.7.2 Prior to the issuance of a Construction Permit, the Developer shall prepare a lighting plan and submit it to the Development Officer. The lighting plan shall contain, but shall not be limited to, the following:

(a) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices.

(b) Description of the illuminating devices, fixtures, lamps, supports and other devices. This description may include, but is not limited to, manufacturers' catalog cuts and drawings including sections where required.

- (c) The lighting plan and description shall be sufficient to enable the Development Officer to ensure compliance with the requirements of this section and ensure the lighting is directed to the driveways, parking areas, building entrances and walkways and, in particular, shall be arranged so as to divert the light away from the 866 Bedford Highway and 10 Wyatt Road and other residential properties in the area.
- (d) Should the applicant desire to substitute outdoor light fixtures or lamps and install them on the lands after a permit has been issued, the applicant shall submit all changes to the Development Officer for approval, with adequate information to assure compliance with this clause.

### 3.8 **Amenity and Recreation Space**

3.8.1 Amenity space shall be set aside for recreational purposes such as common recreational areas, play areas, recreational rooms, roof decks, swimming pools and tennis courts and clearly identified on plans submitted for Development Permit. For the purpose of this agreement, amenity space also include the non-disturbance area of the site. Amenity space shall have no dimension less than thirty (30) feet, except those integral to the building such as landscaped podium, roof garden, sundecks and balconies, and a minimum of 50 percent of the outdoor recreational space shall have grades between 0-8 percent (this shall exclude the lands identified in Section 3.8.2). The amenity space shall be provided based on the type of residential unit as follows:

- (a) One Bedroom/Bachelor: 18.6 square meters (200 square feet)
- (b) Two Bedroom: 53.4 square meters (575 square feet)
- (c) Three Bedroom: 88.2 square meters (950 square feet)
- (d) Four or more Bedroom: 123.1 square meters (1,325 square feet)

3.8.2 For the purposes of determining amenity space, one bedroom plus den/office units shall be considered to be a two-bedroom unit, two bedroom plus den/office units shall be considered to be a three-bedroom unit and so on.

3.8.3 A maximum of 60% percent of the required amenity space may be allocated to the watercourse setback/non disturbance area illustrated on the Schedules.

3.8.4 The Developer agrees that the "Amenity and Recreation Space" as described in this Section shall be completed prior to the issuance of the first occupancy permit

### 3.9 **Landscaping**

#### *Landscape Plan*

3.9.1 Prior to the issuance of a Construction Permit, the Developer agrees to provide Landscape Plan which comply with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule B. The

Landscape Plan shall prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with this provisions of this section.

- 3.9.2 The Development Officer may approve minor modifications to the species, size and location of plant stock, provided such modifications, in the opinion of the Development Officer are consider minor in nature.

*Landscape Plan Details*

- 3.9.3 Planting details for each type of plant material proposed on the plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety).

- 3.9.4 Landscaping greater than 0.6 metres (2 feet) in height shall not be permitted within the daylight triangle.

*Entrances*

- 3.9.5 All site entrances shall be identified by decorative walls, and landscaping, or approved equivalent. A landscaped focal area and decorative signage identifying the entrance as identified in Section 3.11 to shall be installed.

*Buffering*

- 3.9.6 Trees and shrubs, a minimum 75% of which shall be coniferous, shall be provided prior to the issuance of the first Occupancy Permit along the property line adjacent to abutting residential properties (PID's 00430579, 00430561, 00430563 and 00430363) for screening purposes. The percentage of coniferous trees and shrubs may be reduced if in the opinion of the Development Officer this reduction improves the visual screening of the building from the abutting residential properties.
- 3.9.7 Landscaping, consisting of small shrubs, trees and fencing, shall be provided along the property lines near the driveway and parking lot to ensure the headlights from automotive vehicles do not negatively impact the residential property at 866 Bedford Highway.

*Retaining Walls/Terraced Landscaping*

- 3.9.8 All proposed retaining walls or terraced landscaping shall be constructed of a decorative precast concrete or modular stone retaining wall system or equivalent.
- 3.9.9 Upright shrubs shall be located at the base of all retaining walls. Low maintenance ground covers or vines in association with shrubs and retaining walls may also be used.

*Walkways and Trails*

- 3.9.10 The walkways shall be located as shown on the Preliminary Landscape Plan and composed of any combination of poured in place concrete, decorative patio slabs, decorative interlocking precast concrete paverstones, crushed stone, pea gravel, crushed

brick or acceptable equivalent in the opinion of the Development Officer.

3.9.11 Every effort should be made to reduce pedestrian and vehicular conflict in the design of the walkway system.

3.9.12 Main walkways intended for public use (excluded maintenance pathways) shall be designed to be barrier free.

#### *Compliance with Landscaping Plan*

3.9.13 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.

3.9.14 Notwithstanding the above the first occupancy permit may be issued provided the Developer supplies a security deposit in the amount of 120 per cent of the estimated cost to complete the landscaping. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the developer not complete the landscaping within twelve months of issuance of the occupancy permit, the Municipality may use the deposit to complete the landscaping as set out in this Section of the agreement. The developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the developer upon completion of the work and its certification.

### **3.10 Maintenance**

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

### **3.11 Signs**

A maximum of one ground sign shall be permitted at each entrance to the lands to denote the building name. The location of such sign shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 10 feet (3.05 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq.m.). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures. This section shall not preclude the construction of decorative entrance gates.

### **3.12 Construction/Sales Trailer**

A trailer shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this agreement. The construction trailer shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

### **3.13 Outdoor Storage and Display**

3.13.1 No outdoor storage shall be permitted on the Lands. Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing/masonry walls with suitable landscaping.

3.13.2 Propane tanks and electrical transformers shall be located on a facade facing existing residential dwellings or the Bedford Highway less otherwise directed by the approval agencies where no alternative exists. These facilities shall be screened by means of opaque fencing/masonry walls with suitable landscaping and secured in accordance with the applicable approval agencies.

### **3.14 Blasting**

3.14.1 All blasting shall be in accordance to By-law B-300 (Blasting By-Law) as amended from time to time.

3.14.2 In the event a well is temporarily disturbed (quantity or quality) as a result of the blasting conducted in the area (the Lands) by the Developer, the Developer agrees, at its own expense, to provide the effected homeowner with trucked or bottled water until the problem is resolved as determined by a qualified professional in writing.

3.14.3 In the event a well suffers permanent damage (structural, quantity and quality) to the extend a new well is required (as determined by a qualified professional in writing) as a result of the blasting conducted in the area (the Lands) by the Developer, the Developer agrees, at its own expense, provide municipal water services or new drilled well upon the direction of HRM with written consent from the owner. In the interim, the Developer agrees that Section 3.14.2 of this Agreement shall apply.

## **4.0 STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

All construction shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work. The Development Officer may give consideration to minor changes to the street network, provided the modifications serve to maintain or enhance the intent of this Agreement.

**4.2 Off-Site Disturbance**

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer.

**4.3 Underground Services**

All secondary electrical, telephone and cable service shall be underground installation.

**4.4 Outstanding Site Work**

Securities for the completion of outstanding on-site paving and landscaping work (at the time of issuance of the first occupancy permit) may be permitted. Such bonding shall consist of a security deposit in the amount of 120 per cent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer when all outstanding work is satisfactorily completed.

**4.5 Municipal Water Distribution and Sanitary Sewers**

- 4.5.1 The water distribution system shall conform with the schematics presented on the Schedules and all design and construction requirements of the Halifax Regional Water Commission.
- 4.5.2 The sanitary sewer system shall conform with the schematics presented on the Schedules and the design and construction standards of the Municipal Service Systems Manual.
- 4.5.3 Prior to the issuance of the Blasting Permit, the Developer agrees, at its own expense, to provide a municipal services (including laterals) to 872 and 866 Bedford Highway (PID's 00430363 and 00430306) with written consent from such property owners. If consent is not given the following shall apply:
- (a) In the event a well is temporarily disturbed (quantity or quality) as a result of the blasting and development conducted in the area (the Lands) by the Developer, the Developer agrees, at its own expense, to provide the effected homeowner with trucked or bottled water until the problem is resolved as determined by a qualified professional in writing.
  - (b) In the event a well suffers permanent damage (structural, quantity and quality) to the extend a new well is required (as paid for by the Developer and determined by a qualified professional in writing) as a result of the blasting and development conducted in the area (the Lands) by the Developer, the Developer agrees, at its own expense, provide municipal water services. In the interim, the Developer agrees that Section 4.5.2 of this Agreement shall apply.

#### **4.6 Solid Waste Facilities**

- 4.6.1 The building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer.
- 4.6.2 Refuse containers and waste compactors shall be confined to the loading areas of the building, and shall be screened from public view where necessary by means of opaque fencing/masonry walls with suitable landscaping.
- 4.6.3 All refuse and recycling materials shall be contained within a building (unless otherwise directed by the Development Officer), or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal affect on abutting property owners by means of opaque fencing/masonry walls with suitable landscaping.

### **5.0 ENVIRONMENTAL PROTECTION MEASURES**

#### **5.1 Stormwater Management Plans**

- 5.1.1 Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall engage a qualified professional to prepare a Stormwater Management Plan which identifies structural and vegetative stormwater management measures such as, infiltration, retention, and detentions controls, vegetative swales, filter strips, and buffers to minimize any significant adverse impacts on receiving watercourse during and after construction. The plans shall indicate the sequence of construction, the areas to be disturbed, all proposed erosion and sedimentation control measures and stormwater management measures, including a monitoring/sampling program, which are to be in place prior to and during development unless otherwise acceptable to the Development Engineer. The Stormwater Management Plan shall conform with following:
- (a) the schematics and information presented on the Schedules;
  - (b) measures to ensure surface water flows from the development are not directed to Wyatt Brook
  - (c) measure to ensure snow storage is directed to a central collection; and
  - (b) the requirements of the Nova Scotia Department of the Environment and the Municipal Service Systems Manual.
- 5.1.2 All storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.
- 5.1.3 The Developer agrees, at its own expense, where any stormwater treatment chambers or devices are provided, such devices shall be maintained in accordance with the manufacturer's specifications until or unless such time as the warranty period expires and

such devices are the ownership of the Municipality.

5.1.4 The Developer agrees to provide written consent (from relevant land owners) to discharge stormwater onto private lands where required as a component of the Stormwater Management Plan. When approved by the Development Officer, the written consent may be provided at a later date.

5.1.5 The Developer agrees to provide written consent to cross private lands where required as a component of the Stormwater Management Plan. When approved by the Development Officer, the written consent may be provided at a later date.

## **5.2 Maintenance of Stormsceptors or Equivalent**

5.2.1 The Developer agrees to maintain in accordance with the manufacturers specifications for one year after acceptance of all streets the approved stormsceptor or equivalent system.

5.2.2 Prior to installing the stormsceptor or equivalent on the site, which is to be privately maintained, the Developer shall submit a schedule of future inspection and cleaning prepared by a professional engineer based on the manufacturer specifications. When approved by the Development Officer, this schedule shall be undertaken for as long as this agreement is in force.

5.2.3 All removed contaminants shall be disposed of according to all applicable guidelines and regulations of the Nova Scotia Department of Environment and Labour. The Developer shall submit to the Development Officer certification that the work has been done following each inspection/clean-out.

5.2.4 If the Developer fails to observe or perform this section of the Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, a penalty of five thousand dollars (\$5,000) shall be paid to the Municipality.

## **5.3 Erosion and Sedimentation Control and Grading Plans**

5.3.1 Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality for review by the Development Engineer and the Department of the Environment (if applicable) a detailed Erosion and Sedimentation Control Plan based on the provisions of the Schedules. The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by the Nova Scotia Department of the Environment and Labour. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.



5.3.2 Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality for review and approval by the Development Engineer a detailed Master Site/Grading Plan for the Lands based on the provisions of the Schedules. No work is permitted on the site until the requirements of this clause have been met and implemented unless otherwise stated in the Agreement.

#### **5.4 Non Disturbance Area**

5.4.1 Non-disturbance areas shall be provided as generally shown on the Schedules. The non-disturbance areas shall be provided for the purpose of retaining a substantial buffer of natural vegetation surrounding the existing watercourse.

5.4.2 Non-disturbance areas shall be identified at the time of detailed site and/or grading plan approval to maximize tree retention and protection of the existing watercourse. All grading plans shall indicate areas where existing vegetation is to be maintained, areas to be protected from disturbance during the installation of services, construction of streets, construction of buildings, landscaping and any future activity on an individual lot unless otherwise specified in this agreement. The non-disturbance areas shall be clearly delineated on the Site Plan and Grading Plan for each lot and in the field prior to and during construction.

5.4.3 The non-disturbance area identified on the Schedules shall be delineated on all final survey plans prior to final approval.

5.4.4 The following activities may occur within the non-disturbance areas provided that approval by the Development Officer has been granted.

- (a) removal of standing hazardous or diseased trees may be permitted by the Development Officer who may require verification in writing by a qualified professional (i.e.. Arborist, Urban Forester, Landscape Architect); and
- (b) removal of fallen timber and dead debris where a fire or safety risk may be permitted by the Development Officer who may require verification in writing by a qualified professional (i.e.. Arborist, Urban Forester, Landscape Architect). Fallen timber and dead debris shall remain on site unless other recommended by a qualified professional to further the intent of this agreement.

5.4.5 Non-disturbance/tree habitat conservation areas shall be identified by the Developer with snow fence or other appropriate continuous physical barrier or delineation and signage in the field prior to any site preparation (i.e.. tree cutting, and excavation activity). The snow fence or other appropriate continuous physical barrier or delineation and signage shall be maintained by the Developer for the duration of the construction and the snow fence or other appropriate continuous physical barrier or delineation and signage in the

field.

- 5.4.6 If trees are removed or tree habitat damaged beyond repair, with the exception of those to be removed in accordance with Section 5.4.4, the Developer or the land owner shall replace the trees, two new trees for every one removed or damaged, with trees as directed by the Development Officer.

## 5.5 Securities

Prior to the issuance of Grade Alteration Permit, the Developer shall post security in the amount of \$5,000 in addition to the securities required for the Grade Alteration Permit to ensure that all environmental protection measures, identified in this section, are properly implemented and maintained. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer at the time of issuance of the final occupancy permit or release of Landscaping security bond whichever is later, provided all measures for environmental protection have been implemented to the satisfaction of the Development Officer and that all disturbed surfaces have been permanently reinstated, and that all landscaping has become established. Should the Developer fail to complete the environmental protection measures to the satisfaction of the Development Officer shall be cashed and deposited to the Municipality.

## 5.6 Failure to conform to Plans

If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Section, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

## 6.0 AMENDMENTS

### 6.1 Substantive Amendments

Amendments to any matters not identified under this Section shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

### 6.2 Non-Substantive Amendments

6.2.1 The following items are considered by both parties to be not substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act:

- (a) granting of an extension to the date of commencement of construction as identified in Section 8.3 of this agreement;
- (b) changes to the exterior architectural appearance of the buildings or the design, layout and positioning of the buildings, provided that plans are

submitted for any changes to the building design and that such changes, in the opinion of Council, are minor in nature; and

- (c) changes to the landscaping measures as detailed in this agreement which, in the opinion of Council, are minor in nature; and
- (d) a maximum increase of 10% to the building and building & parking coverage requires as detailed in this agreement provided all other clauses of this agreement are adhered to.

6.2.2 In considering the approval of a non-substantive amendment under Section 6.2, property owners within 152m (500ft) of the site shall be informed by mail at least 10 days in advance of the proposed amendment being considered by Council.

## **7.0 ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

7.1 The Developers agree that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developers. The Developers further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developers agrees allow for such an inspection during any reasonable hour within one day of receiving such a request.

7.2 If the Developers fail to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developers 15 days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:

- (a) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developers from continuing such default and the Developers hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy; and/or
- (b) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the development agreement, whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants or remedial action, shall be a first lien on Property and be shown on any tax certificate issued under the Assessment Act.
- (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or

- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement; and/or

### **7.3 Environmental Protection**

In matters concerning environmental protection and mitigation the Municipality shall be entitled to draw in whole or in part on the security as required under this Agreement and use the proceeds therefrom to ensure that the protection measures are in place as required pursuant to the terms of this Agreement.

## **8.0 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **8.1 Registration**

A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall incur all cost in recording such documents.

### **8.2 Subsequent Owners**

8.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Council.

8.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

### **8.3 Commencement of Development**

8.3.1 In the event that a Construction Permit has not been issued within 5 years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.

8.3.2 If the Developer(s) fails to complete the development, or after 10 years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement.

### **8.4 Completion of development**

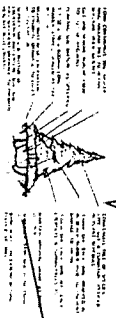
Upon the completion of the development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;

- (b) negotiate a new Agreement;
- (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Bedford, as may be amended from time to time.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

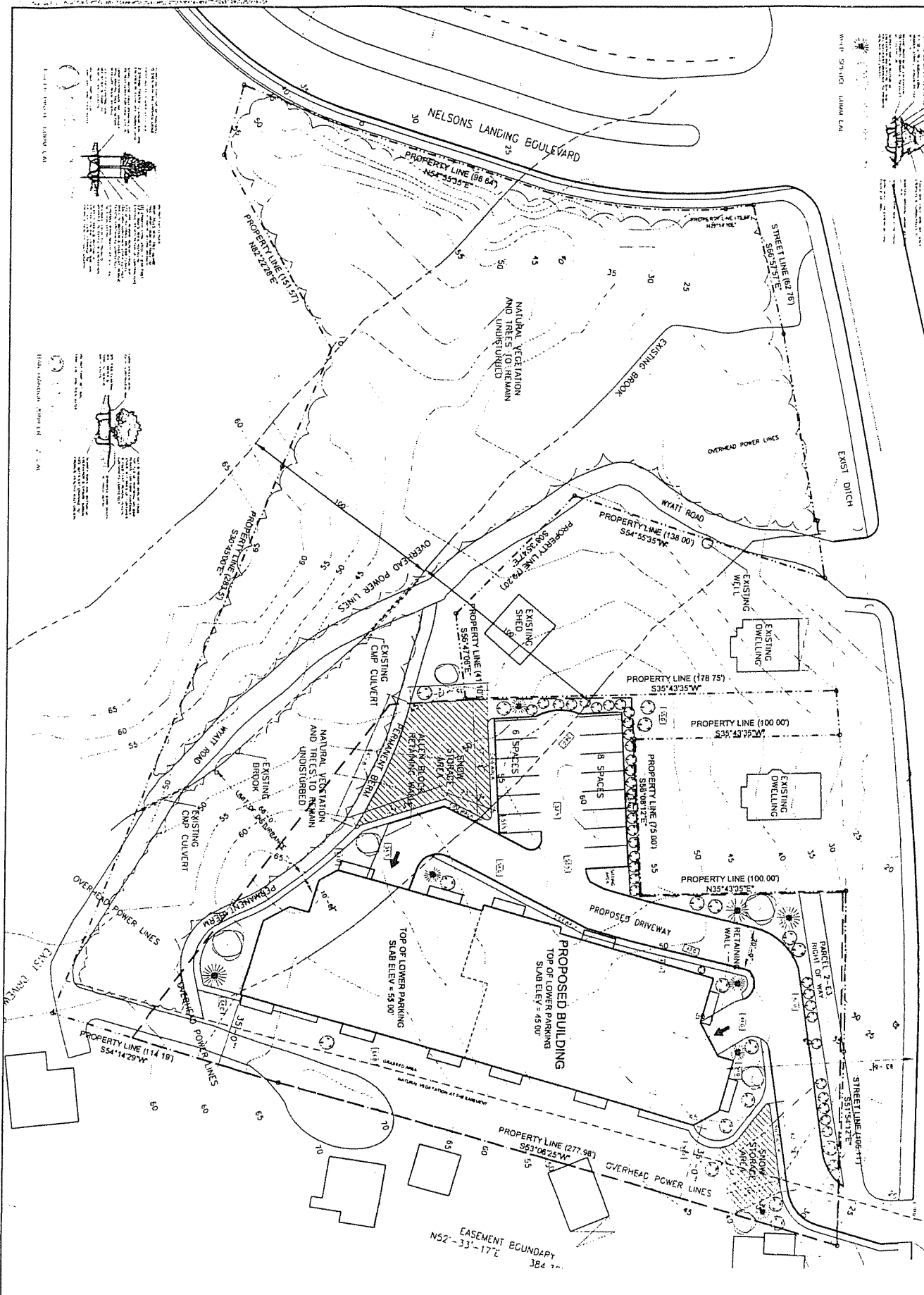
Signed, sealed and delivered	)	O.L.L LEASING AND HOLDING LIMITED
in the presence of:	)	
	)	
per: _____	)	per: _____
	)	
Sealed, Delivered and Attested	)	HALIFAX REGIONAL MUNICIPALITY
by the proper signing officers of	)	
Halifax Regional Municipality	)	
duly authorized on that behalf	)	per: _____
in the presence of	)	MAYOR
	)	
	)	
_____	)	per: _____
	)	MUNICIPAL CLERK



WYATT ROAD - LUMBA LVA

BEDFORD HIGHWAY  
TO WAJALKA

# SCHEDULE "B"



1. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF WAJALKA ZONING BY-LAW AND THE CITY OF WAJALKA BUILDING BY-LAW.

2. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% OPEN SPACE.

3. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% PERMEABLE PAVEMENT.

4. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% NATURAL VEGETATION.

5. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% TREES TO REMAIN UNDISTURBED.

6. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% OVERHEAD POWER LINES.

7. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING CMP CULVERT.

8. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING BROOK.

9. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% NATURAL VEGETATION AND TREES TO REMAIN UNDISTURBED.

10. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING DWELLING.

11. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING W/LL.

12. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING BROOK.

13. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% NATURAL VEGETATION AND TREES TO REMAIN UNDISTURBED.

14. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% OVERHEAD POWER LINES.

15. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING CMP CULVERT.

16. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING BROOK.

17. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% NATURAL VEGETATION AND TREES TO REMAIN UNDISTURBED.

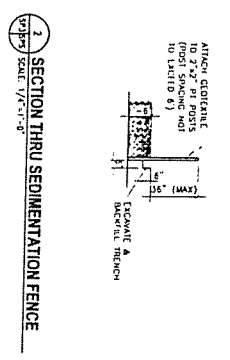
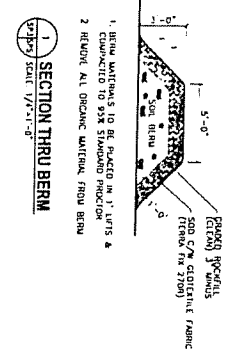
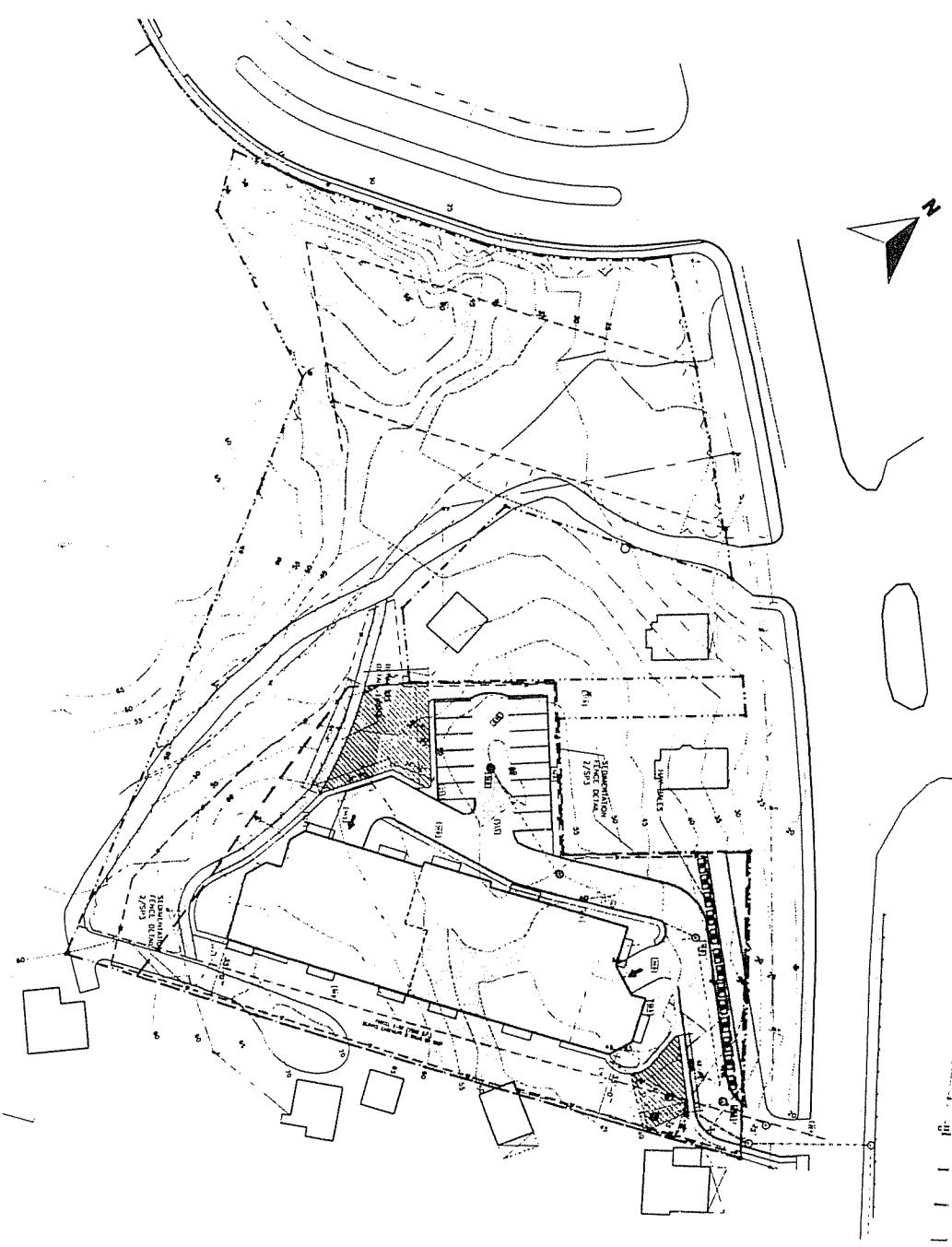
18. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING DWELLING.

19. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING W/LL.

20. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% EXISTING BROOK.

<p>101 AREA = 117029 SQ FT          BUILDING AREA = 13211 SQ FT          PARKING AREA = 16819 SQ FT</p> <p>RECREATION SPACE          RECREATION AREA = 575 X 51 METERS          PROVIDED = 29323 SQ FT          AREA = 81199 SQ FT</p> <p>PARKING PROVIDED          P1 = 25          P2 = 25          OUTDOOR = 11          TOTAL = 72 SPACES</p> <p>PARKING RATIO 1.40/SUITE</p>	<p>DATE: 1/17/2016          DRAWN BY: SP1          CHECKED BY: [Blank]          REVISIONS:</p>	<p>WYATT ROAD          51 UNIT BUILDING</p> <p>SITE PLAN</p> <p>200416</p> <p>SP1</p>
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# SCHEDULE "C"

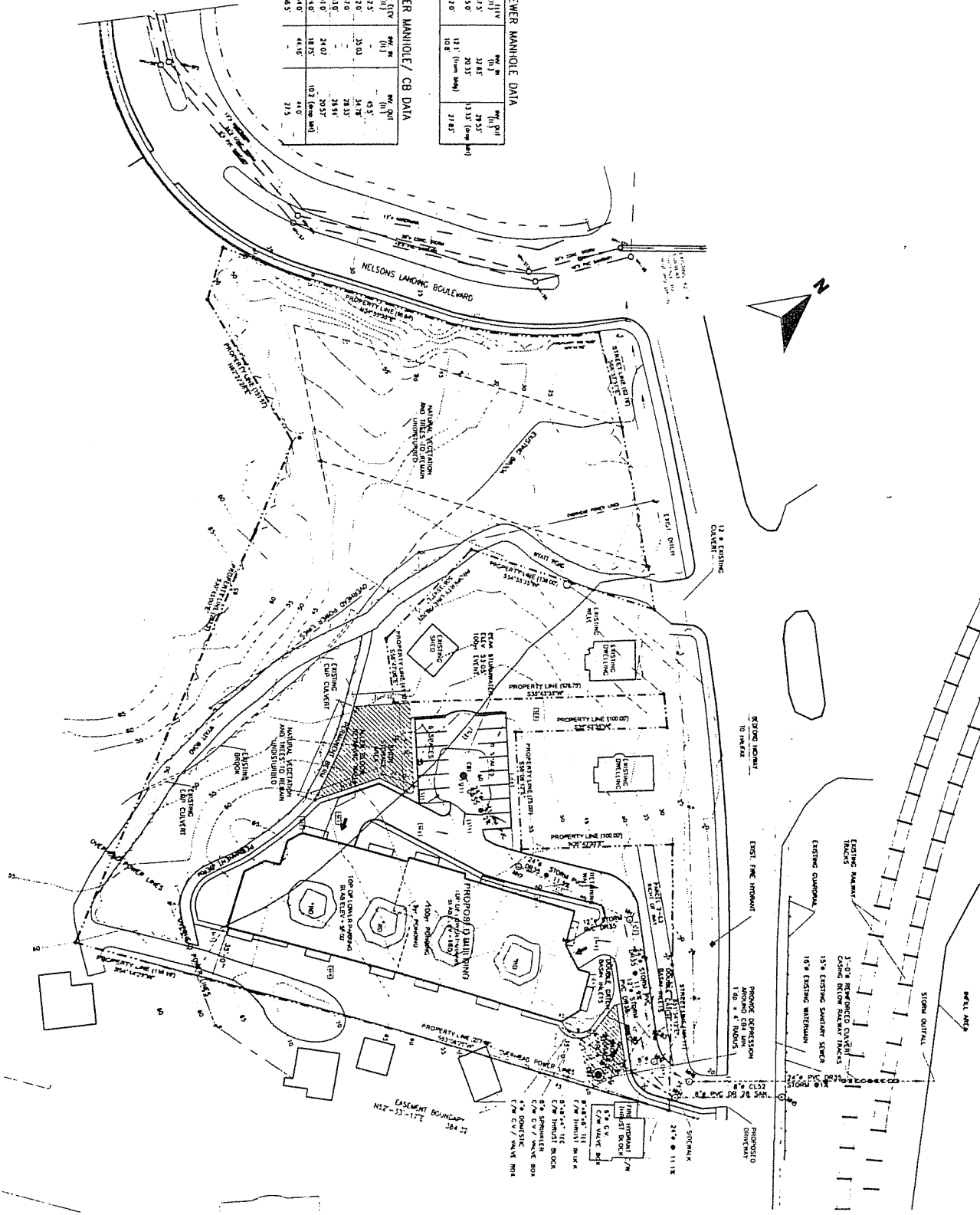


1. BERM MATERIALS TO BE PLACED IN 1' LAYS & COMPACTED TO 95% STANDARD PROCTOR  
2. REMOVE ALL ORGANIC MATERIAL FROM BERM

1. BERM MATERIALS TO BE PLACED IN 1' LAYS & COMPACTED TO 95% STANDARD PROCTOR  
2. REMOVE ALL ORGANIC MATERIAL FROM BERM

200414  
 SP3  
 MARCH 08  
 1" = 30'-0"  
 EROSION/SEDIMENTATION CONTROL PLAN  
 WYATT ROAD  
 51 UNIT BUILDING  
 MWH  
 200414

# SCHEDULE "D"



SANITARY SEWER MANHOLE DATA

Manhole	Depth (ft)	Flow (MGD)	Flow (MGD)	Flow (MGD)
MH1	2.5	1.83	2.33	2.33
MH2	2.5	1.21 (flow min)	1.33 (flow min)	2.83
MH3	2.5	1.8		

STORM SEWER MANHOLE / CB DATA

Manhole	Depth (ft)	Flow (MGD)	Flow (MGD)	Flow (MGD)
MH1	2.5	3.03	4.5	4.5
MH2	3.0	2.33	2.33	2.33
MH3	3.0	2.83	2.83	2.83
MH4	2.5	2.07	2.07	2.07
MH5	2.5	1.83	1.83	1.83
MH6	2.5	4.5	4.5	4.5
MH7	2.5	2.15	2.15	2.15



WYATT ROAD  
51 UNIT BUILDING  
SITE SERVICES PLAN



DATE: 03/06  
REVISIONS:

200414  
SP2  
MARCH 06



# SCHEDULE "E"

SEE ATTACHED INSTRUMENTS DESIGN STIPES FOR VARIOUS TYPES OF PAVED SURFACES AND FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.

**SEE ATTACHED INSTRUMENTS**  
 SEE ATTACHED INSTRUMENTS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.

**SEE ATTACHED INSTRUMENTS**  
 SEE ATTACHED INSTRUMENTS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.

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 SEE ATTACHED INSTRUMENTS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.

**SEE ATTACHED INSTRUMENTS**  
 SEE ATTACHED INSTRUMENTS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.

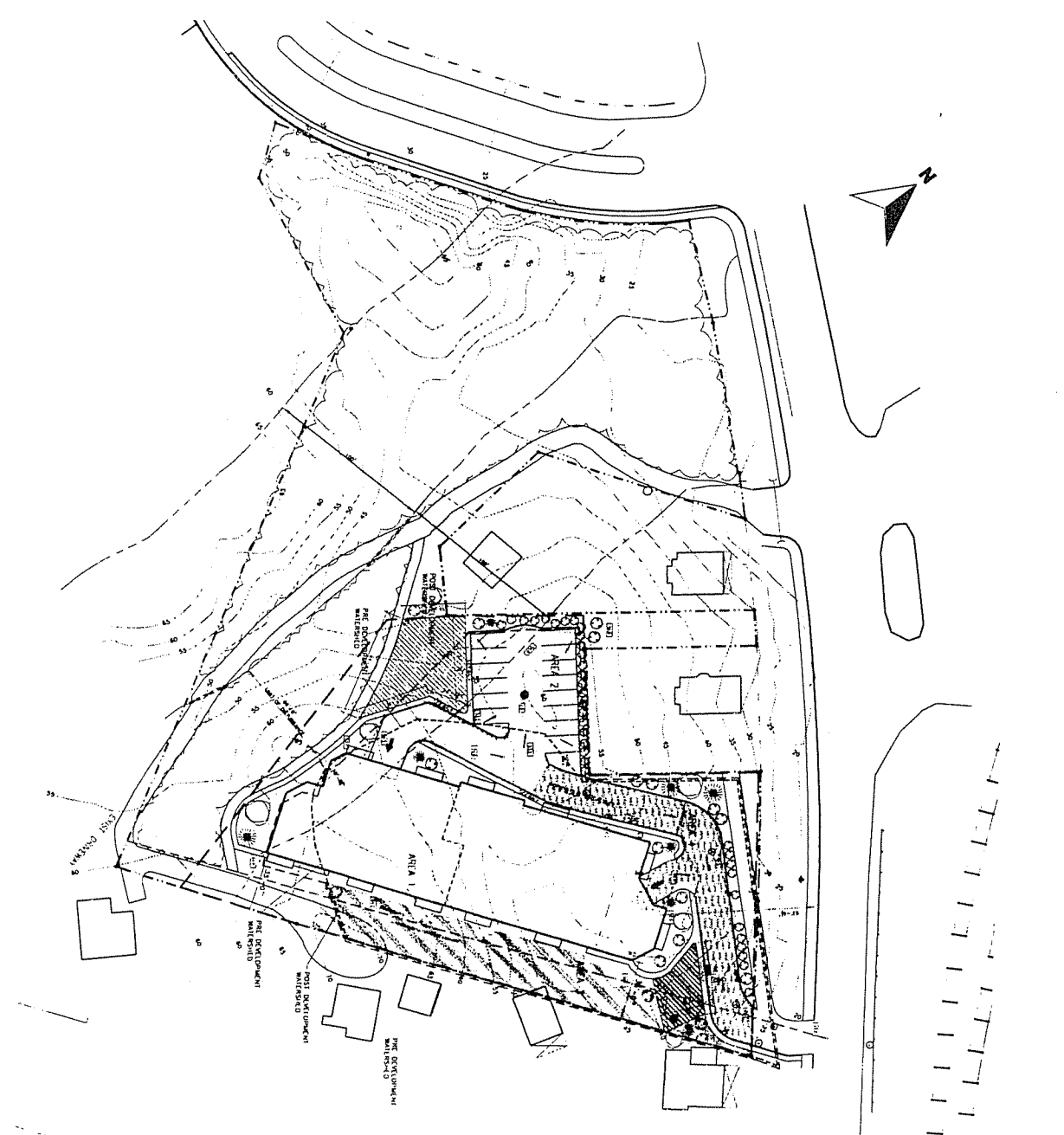
**SEE ATTACHED INSTRUMENTS**  
 SEE ATTACHED INSTRUMENTS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.

**SEE ATTACHED INSTRUMENTS**  
 SEE ATTACHED INSTRUMENTS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.

**SEE ATTACHED INSTRUMENTS**  
 SEE ATTACHED INSTRUMENTS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.

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**SEE ATTACHED INSTRUMENTS**  
 SEE ATTACHED INSTRUMENTS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED. SEE ALSO THE SPECIFICATIONS FOR THE TYPES OF CURBS AND GUTTERS TO BE USED.



LOT AREA = 117,028 SQ FT  
 BUILDING AREA = 15,241 SQ FT  
 PAVED AREA = 18,819 SQ FT  
 RECREATION SPACE  
 ROOFING = 578 ± SQ YDS  
 AREA = 27,200 SQ FT  
 PROPOSED = 83,189 SQ FT  
 AREA

NO.	DATE	REVISION
1		
2		
3		



WYATT ROAD  
 ST. JOHN BUILDING

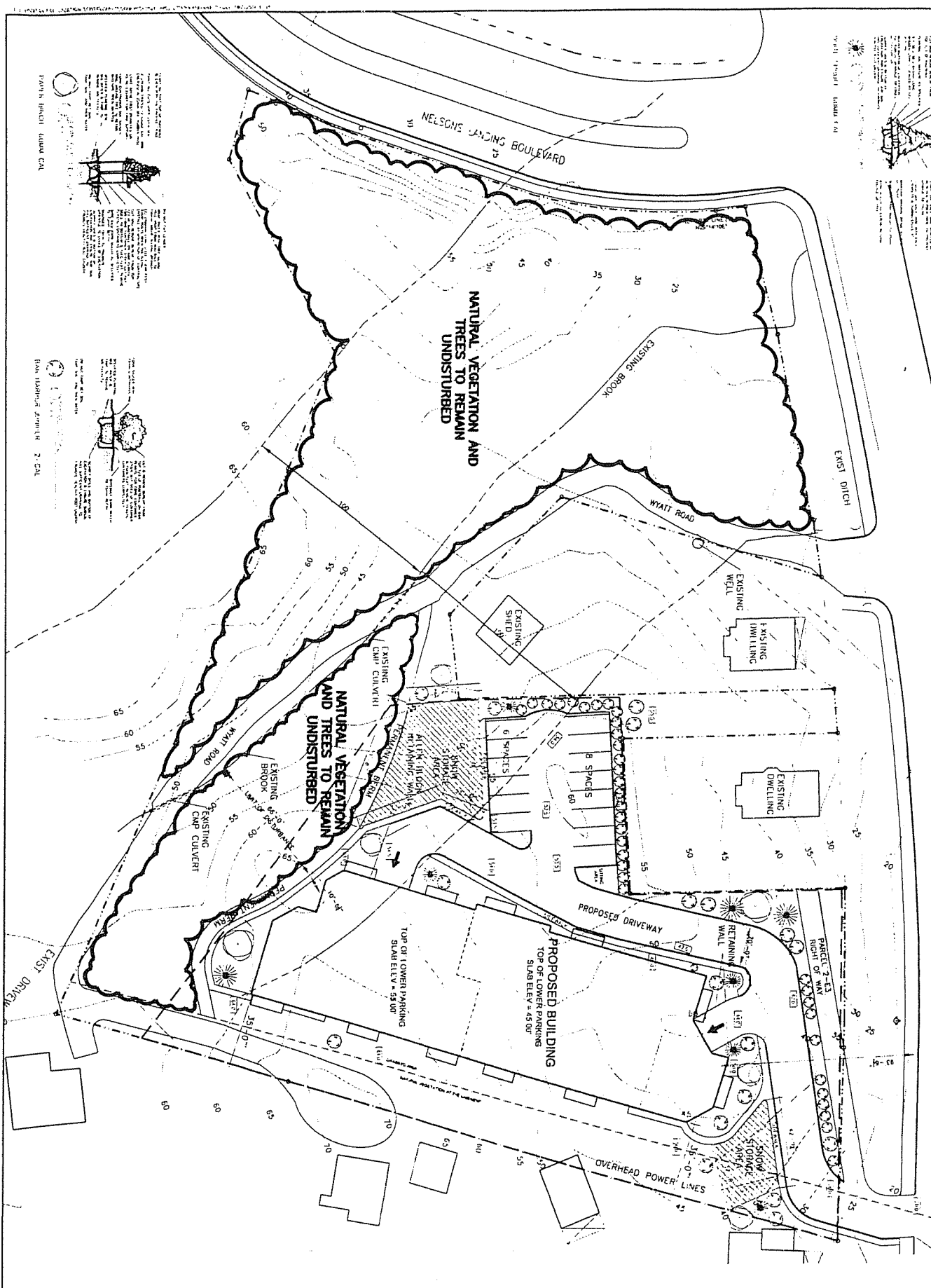
SITE PLAN WATER SHEED

1" = 30'-0" MARCH 08

200414 SP4

REDUCED HIGHWAY  
TO HALF-EX

# SCHEDULE "F"



**EXISTING DWELLING**  
 1. EXISTING DWELLING TO REMAIN  
 2. EXISTING DWELLING TO BE DEMOLISHED  
 3. EXISTING DWELLING TO BE RECONSTRUCTED

**PROPOSED BUILDING**  
 1. PROPOSED BUILDING TO REMAIN  
 2. PROPOSED BUILDING TO BE DEMOLISHED  
 3. PROPOSED BUILDING TO BE RECONSTRUCTED

**VEGETATION**  
 1. NATURAL VEGETATION AND TREES TO REMAIN UNDISTURBED  
 2. NATURAL VEGETATION AND TREES TO BE REMOVED  
 3. NATURAL VEGETATION AND TREES TO BE REPLANTED

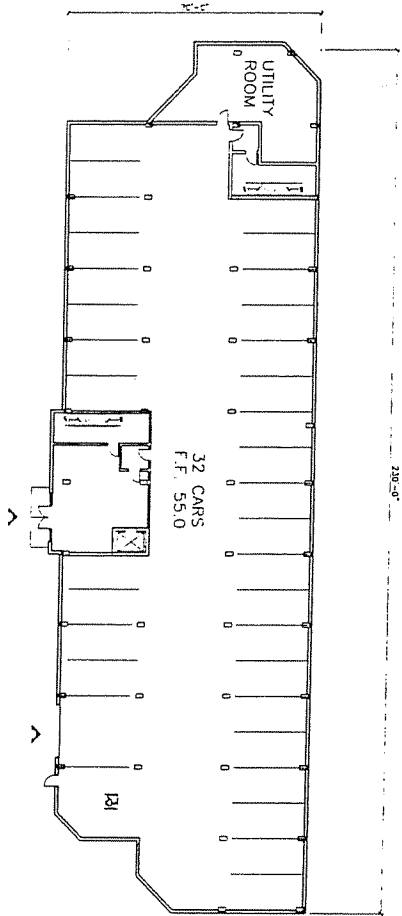
**ROADS**  
 1. EXISTING ROAD TO REMAIN  
 2. EXISTING ROAD TO BE DEMOLISHED  
 3. EXISTING ROAD TO BE RECONSTRUCTED  
 4. PROPOSED ROAD

**PARKING**  
 1. EXISTING PARKING SPACE TO REMAIN  
 2. EXISTING PARKING SPACE TO BE DEMOLISHED  
 3. EXISTING PARKING SPACE TO BE RECONSTRUCTED  
 4. PROPOSED PARKING SPACE

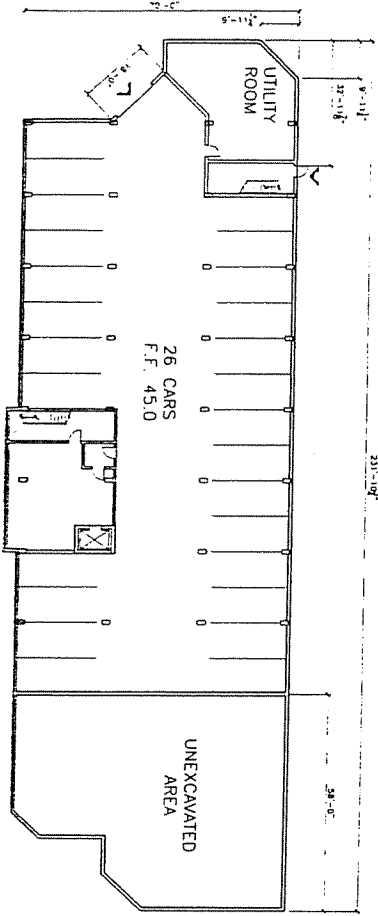
**UTILITIES**  
 1. EXISTING UTILITY TO REMAIN  
 2. EXISTING UTILITY TO BE DEMOLISHED  
 3. EXISTING UTILITY TO BE RECONSTRUCTED  
 4. PROPOSED UTILITY

<p>1" = 30'-0" 10<sup>th</sup> MARCH 06</p> <p>200416</p> <p>SP1</p>	<p>Limit of Site Disturbance Plan</p>	<p>WYATT ROAD 51 UNIT BUILDING</p>	<p>11/7/06 SUR/ARC REVISIONS        NO. DATE BY REVISIONS</p>	<p>11/7/06 SUR/ARC REVISIONS        NO. DATE BY REVISIONS</p>	<p>UTI AREA = 117,029 SQ. FT.        BUILDING AREA = 13,241 SQ. FT.        PAVED AREA = 16,619 SQ. FT.</p> <p>RECREATION SPACE        RECREATION AREA = 275 X 31 UNITS        AREA = 29,235 SQ. FT.        PROMISED = 21,119 SQ. FT.        AREA</p> <p>PARKING PROVIDED        P1 = 24        P2 = 12        OUTDOOR = 7        TOTAL = 43 SPACES</p> <p>PARKING RATIO: 1.40/UNIT</p>
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# SCHEDULE "G"



SECOND PARKING LEVEL



FIRST PARKING LEVEL

1. 1/2" = 1' SCALE  
DATE: 03/15/08  
REVISIONS

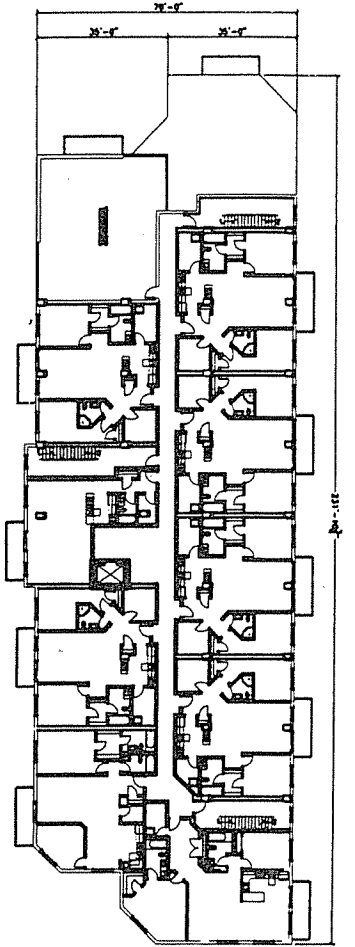


MULTI UNIT BUILDING  
31 UNITS

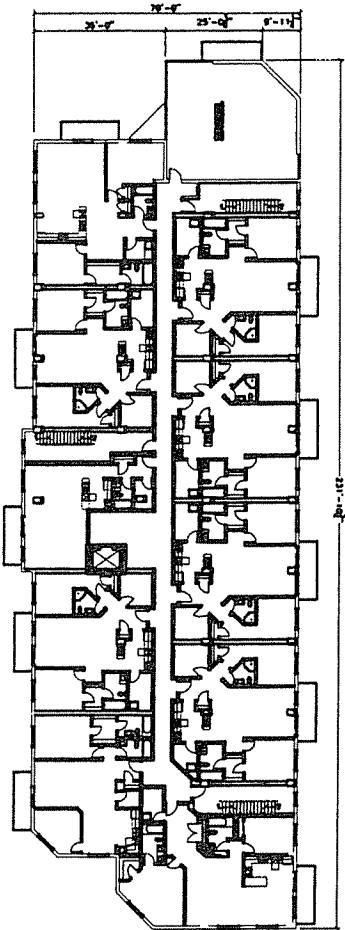
WHAT NOTED, RECORD  
PARKING FLOOR PLANS

1/16" = 1' MAR 15, 2008

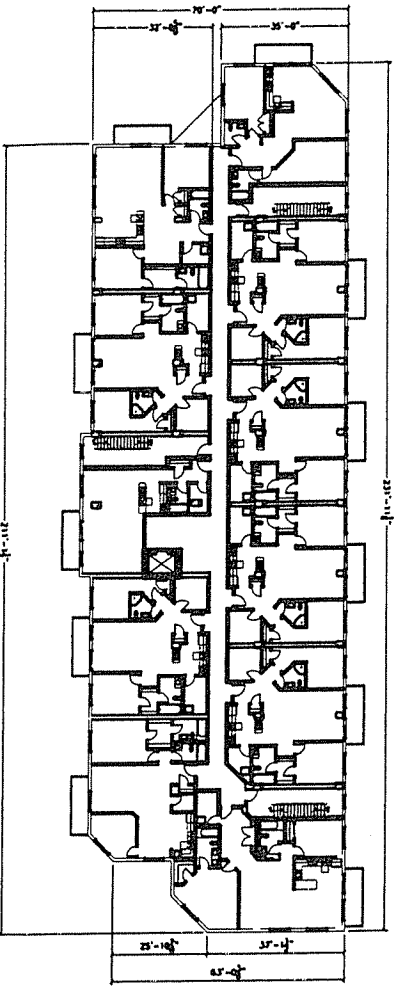
# SCHEDULE "H"



FIFTH FLOOR



FOURTH FLOOR



FIRST, SECOND AND THIRD FLOORS

NO.	DATE	REVISIONS
1	1/18/16	ISSUED FOR PERMITS
2	2/1/16	REVISIONS
3	2/1/16	REVISIONS
4	2/1/16	REVISIONS
5	2/1/16	REVISIONS
6	2/1/16	REVISIONS
7	2/1/16	REVISIONS
8	2/1/16	REVISIONS
9	2/1/16	REVISIONS
10	2/1/16	REVISIONS

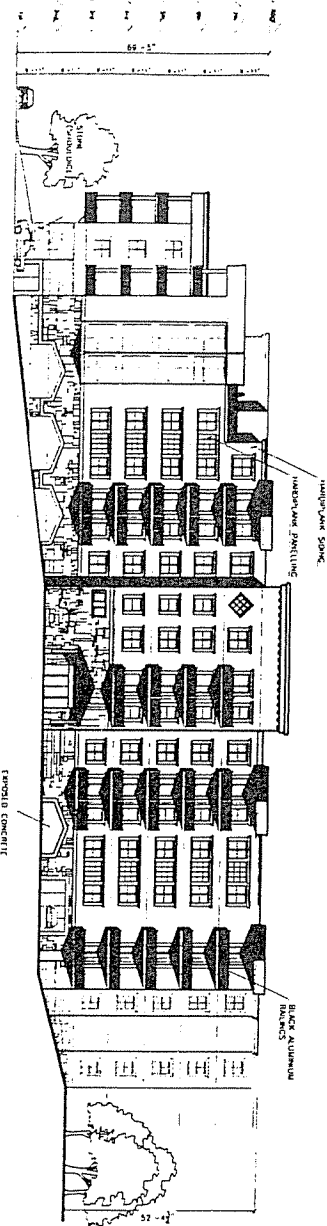


MULTI UNIT BUILDING  
51 UNITS

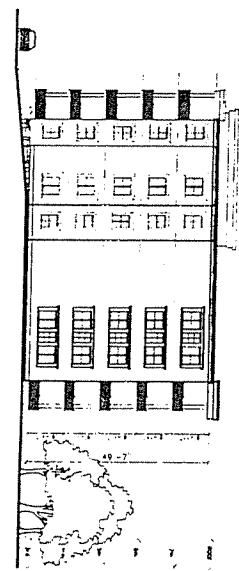
VANIT ROOMS, STAIRS  
FLOOR PLANS

Scale: 1/16" = 1'-0"  
Date: 08/15/2008  
Project: 2004-16  
Sheet: A2

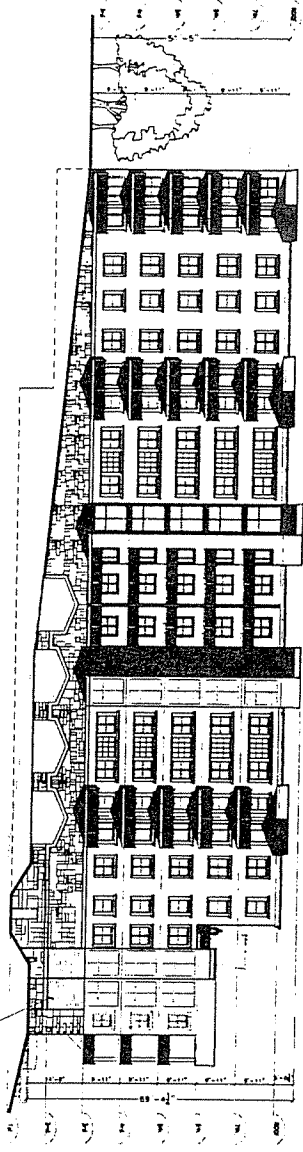
# SCHEDULE "A"



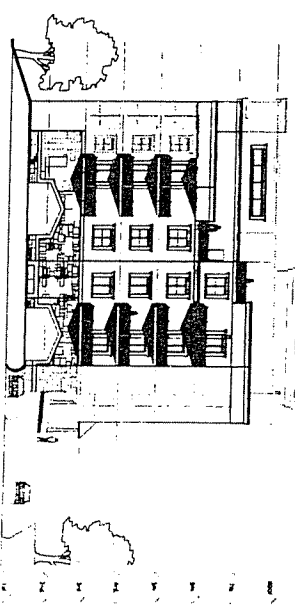
FRONT (NORTH) ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

1 11/7/06 | INITIAL RESPONSE  
DATE REVISIONS  
REVISIONS

**WVMTB**  
WEST VIRGINIA MULTIFAMILY TRADING BOARD

400 Riverside Lane, 201, Wheeling, WV 26061  
MULTI UNIT BUILDING  
51 UNITS  
17111 ROAD, RICHMOND

ELEVATIONS

1/16" = 1'-0" DATE: MAR 13, 2008  
2004-16 **A 3**

**ATTACHMENT "B-1"**

**THIS DISCHARGING AGREEMENT** made this            day of            , 2006,

**BETWEEN:**

**O.L.L LEASING AND HOLDING LIM ITED**  
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

**HALIFAX REGIONAL MUNICIPALITY.**  
a municipal body corporate,  
(hereinafter called the "Municipality")

OF THE SECOND PART

**WHEREAS** the Owner is the registered owner of certain lands located at 864 Bedford Highway in Bedford, also known PIDs 00430298 and 40741480 (hereinafter called the "Lands");

**AND WHEREAS** the Town of Bedford entered into a development agreement with the previous owners of the Lands, said agreement being recorded at the Registry of Deeds on December 21, 1995 in Book No. 5819, Pages 120-134, Document #50389 (hereinafter referred to as "the Agreement");

**AND WHEREAS** the Owner has requested that the Agreement be discharged;

**AND WHEREAS** in accordance with the requirements of the Municipal Government Act, the North West Community Council approved the discharge of the existing agreement at a meet held on \_\_\_\_\_;

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

1. The Agreement is hereby discharged and shall no longer have any force or effect.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

Signed, sealed and delivered )  
in the presence of: )

O.L.L Leasing and Holding Limited

per: \_\_\_\_\_ )

per: \_\_\_\_\_ )

Sealed, Delivered and Attested )  
by the proper signing officers of )  
Halifax Regional Municipality )  
duly authorized on that behalf )  
in the presence of )

=====  
Halifax Regional Municipality

per: \_\_\_\_\_ )  
**MAYOR**

\_\_\_\_\_ )

per: \_\_\_\_\_ )  
**MUNICIPAL CLERK**

**ATTACHMENT "C"**

**NORTH WEST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING  
MINUTES**

**January 19, 2005**

**PRESENT:** Ms. Ann Merritt, Chair  
Ms. Karen Stadnyk  
Mr. George Murphy  
Ms. Gloria Lowther  
Deputy Mayor Len Goucher  
Ms. Jan Gerrow

**REGRETS:** Councillor Brad Johns

**STAFF:** Ms. Thea Langille-Hanna, Planner II  
Ms. Sheilagh Edmonds, Legislative Assistant

**1. CALL TO ORDER/OPENING COMMENTS**

The Chair called the meeting to order at 7:00 p.m. in the cafeteria of the Basinview Drive Community School

**2. PUBLIC PARTICIPATION:**

**Case 00690: Application by O.L.L. Leasing and Holdings Limited to amend the Bedford Municipal Planning Strategy to permit an increased residential component within the Crestview CCDD and permit a mixed use development by development agreement.**

- A staff report originally prepared for Halifax Regional Council for a November 9, 2004 Council meeting was submitted.

Ms. Langille-Hanna, Planner II, reviewed the request by O.L.L. Leasing and Holdings Limited to amend the Bedford Municipal Planning Strategy and Land Use By-law to consider a mixed use residential/commercial development in Phase II for the Crestview CCDD.

Ms. Langille-Hanna began her remarks by explaining a Plan Amendment and she then gave background information on the project under consideration. She explained the CCDD zoning of this site and advised that the developer is requesting consideration of providing residential development instead of a commercial component to the site.



She concluded by advising that staff would like to get the community's feedback on the proposal to turn the commercial component into residential.

Various speakers addressed the Committee with concerns noted as follows:

- height of condominium development and if it will impact the view of the Summer Cove condominium development; preference stated of no more than two or three stories high
- any blasting would be a concern
- additional traffic on the Bedford Highway
- would want to see retention of mature trees.
- would condo development sit on top of the cliff or would the cliff be blasted

Mr. Cesar Salah, addressed the Committee members and members of the public and advised that he was a consultant for the developer. He presented a proposal for the site and noted that at this stage in the process, it was very preliminary and he would like to get the community's feedback.

Using a schematic of the site, he explained that instead of a commercial component, they are proposing a mixed use residential/commercial component, consisting of four townhouses, and a 36-unit four story building, and a small neighborhood commercial component.

Highlights of the merits of the proposal, were outlined as follows by Mr. Salah:

- they will be using only 20 percent coverage of the site. The area is three acres but because of the challenges of the site, only using 20 percent coverage of the site. An advantage in this is that a lot of mature trees can be retained
- residential is more compatible to the area
- the brook which runs through the site makes it undesirable for commercial development
- meets the MPS that deals with architectural landscaping and streetscape
- the subject parcel is serviceable
- Wyatt Road will be upgraded providing easier access for snow and garbage removal

Mr. Salah advised that the information they have yet to provide is as follows:

- elevation and floor plans
- environmental assessment of the site
- environmental study of the brook setback
- tree preservation and landscape plan
- traffic impact study
- storm/sanitary and water schematic design.

Mr. Salah and Ms. Langille- Hanna responded to questions regarding the following concerns:

- removal of trees along the highway
- the cliff and if blasting were going to be part of construction
- four stories to the condominium is too high

- Chandler's Cove development was cited as an example of good residential development to follow that would deviate from the usual condominium development.
- suggestion that surrounding community would be supportive of residential development if the view plane was lowered.

In closing, Mr. Salah thanked everyone for attending and providing their input, and pointed out that the questions raised here this evening and suggestions will be taken under advisement as the developer refines his proposal. He indicated that as they go through the refinement process there will be further public meetings. As well, Mr. Salah advised that he would provide his business card to anyone and suggested that they call if they have further questions.

Ms. Langille-Hanna concluded the meeting by advising of the next stage in the process and she thanked everyone for attending. She advised anyone to contact her should they have further questions.

The meeting adjourned at approximately 8:30 p.m.

Sheilagh Edmonds  
Legislative Assistant

ATTACHMENT "D"

NORTH WEST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING

October 18, 2006

**PRESENT:** Ms. Barb Grant  
Ms. Ann Merritt  
Ms. Gloria Lowther  
Councillor Martin

**REGRETS:** Councillor Harvey  
Mr. Walter Regan  
Mr. David Grace  
Mr. Warren Hutt  
Mr. Jim Sullivan

**STAFF:** Mr. Andrew Bone, Planner  
Ms. Stephanie Parsons, Legislative Assistant

1. Call to Order

The Vice Chair called the meeting to order at 7:05 p.m. in the Music Room of Basinview Drive Community Elementary School, 273 Basinview Drive, Bedford.

2. Case 00690 - Application by O.L.L Leasing and Holdings to amend the Bedford Municipal Planning Strategy and Land Use By-law

- A proposal fact sheet dated October 18, 2006 with an attached staff report, originally submitted at the November 9, 2004 meeting of Halifax Regional Council was circulated.

Mr. Andrew Bone, Planner, provided a presentation via power point presentation outlining why staff was considering amendments to the Bedford Municipal Planning Strategy and Land Use By-law as it relates to the application. During his presentation he advised that the proposed policy would require the following:

- Accessibility by automobiles, and pedestrians,
- Adequate buffers,
- Landscaping complements,
- Open space and green space,
- Parking,
- Appropriate lighting,
- Protection of natural and cultural features,
- That the provisions of policy Z3 are met.

In concluding his remarks, Mr. Bone stated that staff's opinion is that it is reasonable to consider a residential development due to site constraints and close proximity to residential development.

Mr. Bone introduced the Committee Members and Mr. Cesar Saleh, a representative of O.L.L. Leasing.

Mr. Cesar Saleh provided an overview of the development concept via a power point presentation. The following was noted:

- The proposal handed out does not represent what was presented in 2005,
- The site is zoned CCDD which requires a larger commercial component,
- At the previous public information meeting the public had indicated that a commercial development was not suitable,
- The new proposal is for a five-storey building which includes underground parking,
- The lot size is 117,000 square feet,
- The building coverage is 15,000 square feet,
- 57 percent of the site will remain undeveloped,
- There will be 51 units, which is less than the 80 residential units allowed under the current policy,
- The building will be constructed of non combustible materials,
- The exterior will be constructed of stone and hardiplank siding,
- The balconies will be made of concrete,
- The development is complementary with adjacent uses,
- The traffic consultant has confirmed that traffic would not be adversely impacted. It is walking distance to the proposed Ferry.

The following comments were put forward by Committee members and members of the public:

**Mr. Danny Hanson, Bedford**, asked for clarification on the cultural features and asked if there will be blasting. He also expressed concern for the safety of the children.

Mr. Saleh advised that the building is at grade level and he does not foresee any blasting.

Mr. Bone commented:

- Examples of cultural features would include plants, and the brook.
- HRM has the strictest By- law in Canada.
- A two million-dollar insurance policy must be provided and onsite surveys within 300 metres.
- There is an HRM blasting official who monitors the sites. In addition the developer has to hire someone to monitor seismic activity and within 24 hours notify HRM of any damage. The residents must be notified of the date and time of when blasting activity may occur. At this stage it is unknown if there will be any blasting.

**Mr. George Young, Bedford**, asked if there were water and sewer services and expressed concern that the wells of the adjacent homes would be damage.

Mr. Bone advised that there will be sewer and water to the site and that the development agreement would include provisions that require the developer to provide water if the water supply is damage and/or extend services to the properties at the developers cost.

**Mr. Chris Davis, Southgate**, asked if the adjacent properties are owned by O.L.L Leasing and how they propose to access the site during construction.

Mr. Bone advised that the adjacent properties are owned by Cresco Development Ltd. and that the site will be accessed from the Bedford Highway.

**Mr. Laurie Dauphine, Wyatt Road,** stated that under this proposal the building cuts through his driveway. The previous proposal indicated that his driveway would be re routed. He also stated that Mr. Young's driveway would be deeper if you are entering off his driveway.

**Mr. George Young, Bedford,** commented that there is a 10ft ride on his deed and it appears that his driveway is going to be cut off.

Responding to Mr. Dauphine and Mr. Young, Mr. Saleh advised that the driveways will remain as they are. The illustration depicts the property lines. Mr. Bone added that there is a requirement to protect access.

**Ms. Helen' Beaver, Bedford,** expressed concern that with a five story building there will be wind draft and sun blocking. She also expressed concern with the snow run off and expressed concern that Wyatt Road would be washed out. In addition she asked if there is a penalty for the loss of water and access to driveways.

Mr. Saleh commented that it is their opinion that storm run off will not be an issue given the size of the open space and green space. In addition a berm will be constructed around the site so that everything slopes away from the brook.

Mr. Bone advised that the development agreement will include provisions that state that the adjacent properties, or brook is not negatively affected. It will also require that drainage be in appropriate location.

Councillor Martin advised that issue of water drainage was also a concern of the Bedford Watershed Advisory Board.

Mr. Bone stated the following:

- HRM engineers' reviews the stormwater management plans and provides those results to staff,
- When the planner determines that the development agreement addresses the concerns they provide a staff report to Community Council outlining those issues and how they are mitigated through the development agreement,
- Once the staff report is received by Community Council, it becomes a public document.
- He also reiterated that access to driveways must be maintained and that there maybe penalties for damage to the water supply and/or there maybe a requirement for the developer to extend municipal services.

Mr. Saleh commented that the By law requires 100 ft setback from the brook. The original proposal included four townhouses which were removed. They are comfortable with including a provision in the Development Agreement that states that area B not be developed. Residents at the previous public meeting expressed their desire to maintain the area in its natural state.

**Ralph Stoddard, Summer Cove,** suggested that additional traffic lights be installed and that the developer should pay for them.

**Mr. Bill Taylor, Bedford,** commented that a left turn will create a back up in traffic as there are only two lanes.

Mr. Bone advised that the traffic study and a review by HRM Traffic Services will determine if traffic lights are warranted.

Responding to Mr. Vern Torttor, Bedford Mr. Bone advised that the Waterfront Development Corporation has not submitted any plans. However, HRM will begin a Community Visioning Project that will be considering Mill Cove and the potential of the Fast Ferry and what uses can be allowed on the Waterfront.

He further advised that this proposal and 910 Bedford Highway have been in the process for a while and the Community Visioning Process is to consider what should be allowed in the future. He further advised that the original staff report that was circulated is not the plan under consideration and has no relationship to what has been presented by Mr. Saleh.

Councillor Martin and the members of the North West Planning Advisory Committee noted that the current plan was not provided and the questions that are being asked pertain to the original concept from 2004 and have since been revised.

Mr. Saleh advised that he can be provided a current plan to staff.

Mr. Bruce Ford, Bedford, commented that he supports the concerns regarding traffic lights at Nelsons Landing to ease the congestion at Moirs Road, there is currently a three red light wait to make a left turn. He asked for clarification on the height of the building and expressed concern regarding the trend toward high rise buildings. The standard for Bedford has been three stories, in addition he requested a copy of the traffic study and advised that he is in opposition to the development his project

Mr. Saleh clarified that the building is five stories and is stepped back due to the higher grading on the southern side. He pointed out that a five-story building is not considered a high rise and further that a taller building is more friendly, not as wide and consumes less land. The building code also requires a higher standard of construction.

Mr. Bone advised that HRM does not own the traffic study and cannot release it without permission.

Mr. Laurie Dauphinee, Bedford, commented that the proposal will add 50 additional cars to the traffic and asked if there will be a 24hr contact number in the event that he loses water and his drive way is cut off to get to the site.

Mr. Bone advised that site distances will be reviewed, a contact number must be provided in the event of blasting and advised that he would advise the planner of his concerns.

Mr. Young advised that his well is shared with the neighbours and is spring fed. The water comes from where the building is being located. He also expressed concern with exiting out of his driveway as the visibility is poor.

Mr. Bill Taylor, Bedford, commented that there are difficulties exiting the Ultramar as there are only two lanes.

Mr. Saleh commented that a 51-unit building would not affect traffic more than the allowed commercial uses. The current uses allow a building the size of Walmart.

Councillor Martin asked staff to get permission from the client to release the traffic reports. He further advised that the proposal was not recommended by the Bedford Watershed Advisory Board. Mr. Bone advised the public that it is a technical document and commented that the Watershed Advisory Boards recommendation is based on the fact that they do not believe that the property could not be reasonable developed withing the normal set back requirements.

Ms. Lowther asked for clarification on the following:

- The separation distance from the street and the residences;
- Whether or not an application can be made in the future to develop the area, which is to remain in its natural state.

Mr. Saleh advised that is set back 23 ft from the street, he does not know the setback from the residences.

Mr. Bone stated:

- The remainder of the land will remain undisturbed;
- An application would have to be made for an amendment;
- Staff is currently holding all new proposals until the Community Visioning Project is complete;
- Bedford West and Royal Hemlocks have been identified as urban growth areas in the Regional Plan, some development is allowed as of right;
- Southgate is currently at capacity until the 102 interchange is complete.

**Ms. Shalene Hanson, Bedford** questioned if all the parking was underground.

Mr. Saleh advised that there are 14 visitors spaces above ground.

Responding to an unidentified speaker Mr. Bone advised that HRM does not accept land that is not suitable for parkland. To ensure the land is not developed it is best to protect it through the development agreement.

Mr. Saleh advised that part of the requirements is to have open space and they will ensure that it is maintained.

**Mr. Doug Romer, Southgate,** expressed concern that the visuals were out of context it would help the public understand the concept better if there were additional contour lines explaining the slope of the site.

**Mr. Bruce Ford, Bedford,** asked why some projects are being moved forward prior to the Community Visioning Project.

Mr. Bone explained that there are a number of applications in Bedford that has already entered the planning process, it would be unfair to hold up their plans. Bedford is at the top of a list for the Community Visioning Project as laid out by the Regional Plan.

**Mr. Laurie Dauphinee, Wyatt Road,** asked if the application is approved what is the time line for construction.

Mr. Bone advised that normally construction begins in 1-2 years however the development agreement can allow up to 5-10 years.

Mr. Saleh advised that they anticipate 10-12 months of construction time.

3. ADJOURNMENT

There being no one else wishing to speak, the Chair advised that the meeting of North West Planning Advisory Committee is open to the public and thanked members of the public and staff and the meeting adjourned at 8:55 p.m.

Stephanie Parsons  
Legislative Assistant



ATTACHMENT "E"

BEDFORD WATERSHED ADVISORY BOARD  
Wednesday, May 10, 2006  
Excerpt of Minutes

**4.1.8 Case 00690 Amendments to the Bedford MPS and LUB for the Crestview CCDD site.**

Ms. Langille- Hanna introduced Mr. Cesar Saleh, WMF Associates, who provided an overview of the building and site plan.

During Mr. Saleh's presentation he advised the Board of the following:

- The recommendation before the Board is to reduce the setback requirements from 100 feet to 66 feet.
- The land cannot be developed if the 100-foot setback requirement is maintained. Only 36.7 percent of the site can be developed. Maintaining the 100-foot setback reduces the amount of land available to be developed by another 13 percent.
- 59 units are the permitted density, but the original proposal was for 54 units.
- To maintain the 100 setback requirements the building would have to be shifted toward the Bedford Highway, this would decrease the number of units by another 18 percent thus making the proposal, economically not viable.
- To soften the visual from the highway the building was moved back from the highway and the units reduced by another 15 percent to 51 units.
- There will be no impact on the well and septic systems of the adjacent dwellings.

Responding to questions posed by the Board, Mr. Eric Gledspeed, Engineer advised of the following:

- There are no existing services to the site, but there are existing services along the Bedford Highway. Their intent is to provide an 8-inch lateral for domestic service and sanitary systems.
- At this time information on storage capacity is not available. However, he believes that if the ditch is left in its current state it would flood, the ditch would require mediation.
- Alternatives for providing storage include onsite site storage, increasing the size of the catch basin and maintaining the flow of water on the upper parking lot.
- They are confident that there will be no impact on the wells, given that the rock is stable and dense. They do not anticipate any blasting, however there maybe some drilling.
- The development agreement contains a provision that requires the developer to extend municipal services if the wells are disturbed.
- A sediment fence will be installed five feet from the brook to prevent filtration.

Further discussion ensued and the following was noted by the Board:

- The increase in development along the Bedford highway poses a concern for flooding the Bedford Waterfront Property Land.
- Justification for meeting Policy E-8 has not been provided.
- It has not been proven that it is not economically viable to reduce the number of units.
- It has not been demonstrated that the land cannot be developed within the 100-foot setback .
- Concern was expressed regarding the grade and slopes.
- The existing ditch and culvert will not hold additional capacity which is a concern.
- There is the potential of flooding the Bedford Highway.

- The outflow will be greater than what it currently is.
- Permission from the adjacent property owners to discharge water onto their property should be obtained.
- All the options have not been explored.

Mr. Caesar commented that only 36 percent of the site can be developed due to the location of the brook, the quality of the proposed building and underground parking makes reducing the site by 30 percent economically not viable.

Ms. Langille - Hanna advised the Board that some issues that the Board has identified can be addressed through the development agreement at this stage some questions cannot be answered.

Responding to concerns of the Board, Mr. Gledspeed advised of the following:

- If it is determined that the ditch cannot hold the capacity, the proposal would not proceed as there is no other way to provide drainage to the site.
- In order to proceed they need to modify the existing conditions, by deepening, widening and stabilizing the bank along the Bedford Highway.

Ms. Langille Hanna advised that HRM rejected the application when the proposal was submitted within the 100-foot setback requirement due to the scale and massing along the Bedford Highway.

**MOVED by Mr. Hattin, seconded by Mr. Pilkington that the Bedford Watershed Advisory Committee recommend that North West Community Council refuse to amend the Bedford MPS and LUB for the Crestview CCDD site Case 00690 for the following reason:**

- (a) **It has not been demonstrated that the land cannot be reasonably developed by complying with the 100 foot site disturbance provisions as per policy E-8.**
- (b) **Further that additional information be provided regarding storm runoff, down flow effects and the capacity of the ditches on the Water Commission Lands.**

**MOTION PUT AND PASSED.**

**BEDFORD WATERSHED ADVISORY BOARD**  
**Wednesday, September 13, 2005**  
**Excerpt of Minutes**

**4.1.6 Case 00690 Amendments to the Bedford MPS and LUB for the Crestview CCDD site.**

- A memo dated August 28, 2006, from Thea Langille- Hanna, Senior Planner, re: Case 00690 was before the Board.

Ms. Langille-Hanna introduced Mr. Cesar Saleh, WMF Associates, who provided an overview of the building and site plan.

In reference to the minutes of June 13, 2006 Mr. Hattin, Acting Chair, reviewed the concerns of the Board and the recommendation that Community Council refuse to amend the Bedford MPS and LUB.

During Mr. Saleh's presentation he explained that the current zone is commercial which allows up to 50 percent coverage of the site. This has been considered an inefficient use of the property due to visibility and access to the site. Therefore, the developer has submitted an application for residential rezoning. The developer is requesting that Community Council reduce the setback requirements from 100 feet to 66 feet on the southern side because only 13 percent of the site is developable. He went on to explain why the property cannot be reasonably developed within the 100-ft buffer requirement due to the location of the brook.

Mr. Eric Gledspeer, Engineer provided an overview of the Stormwater Management Plan. It was noted that there are no existing services to the site, but there are existing services along the Bedford Highway. Their original intent was to divert water to a ditch along the Bedford Highway. Based on the Board's previous comments they have decided to extend services below CN Rail and up to the Waterfront Corporation property. He advised that they conducted an analysis for a five-year storm event. The analysis indicated that there will be no net increase in flow, potential for flooding or flow of water onto the Bedford Highway as the water will be stored below grade and diverted across to infill areas under the Bedford Highway. A 100-year storm event analysis indicated that it would not be enough storage underground therefore they will be installing two catch basins.

Responding to questions of the Board the Consultants and staff advised of the following:

- Although outflows will be greater than the current flow, pre-development analysis indicates that pre-development flow will be 0.8 cubic feet per second and post development flows will be 2.5 cubic feet per second. One of the conditions of HRM is that post development uncontrollable flows are decreased by 40 percent;
- The building will still be set back an additional 10 feet to allow for the construction of the berm and landscaping, which will minimize flow to the brook;
- There is an existing development agreement on the site which states that there would be future commercial development on the property however ownership has changed,
- If the owner wanted to comply with the land use it would be it would be an "as or right development";
- The size, slope and density make area "B" non developable;
- It is unknown if the developer was aware of the challenges in developing the property.

In Mr. Ceasars concluding remarks he stated that they have demonstrated that the property cannot reasonably be developed within the 100-foot setback requirement noting that to maintain the setback would require a reduction of 18 units as opposed to eight units within a 66-setback requirement.

A brief discussion ensued and it was suggested that the building be moved toward the Bedford Highway. Ms. Thea-Langille Hanna clarified that the applicant had originally submitted a proposal with the building closer to the Bedford Highway. Staff did not accept the application given the slope, the height and proximity to the highway. Staff suggested that the developer consider other alternatives. The developer argued that in order to make the development economically viable a certain number of units are required. Staff did not suggest that they reduce the buffer they had made that determination.

Responding to Mr. Reeder's comment regarding the definition of reasonableness, the Acting Chair commented that in considering reasonableness we are considering the effect of a change to the setback in terms of the total scope of the project. The Board is the public input to reasonableness. Mr. Dean added that buffer zones are important to the protection of the quality of water. Each time the buffer is reduced the accepted reasons add to the body of allowable reasons for future projects. This chips away at maintaining buffer zones.

Councillor Martins expressed concern with the maintenance of the berms, catch basins on private property and flow from snow removal flowing to the adjacent residential properties.

The Acting Chair expressed concern with the outflow of water on the Waterfront Development property without an agreement.

The Acting Chair read the motion as per the minutes of the June 19, 2006 meeting:

**MOVED by Mr. Hattin, seconded by Mr. Pilkington that the Bedford Watershed Advisory Committee recommends that North West Community Council refuse to amend the Bedford MPS and LUB for the Crestview CCDD site Case 00690 for the following reason:**

It has not been demonstrated that the land cannot be reasonably developed by complying with the 100 foot site disturbance provisions as per policy E-8.

Further that additional information be provided regarding storm runoff, down flow effects and the capacity of the ditches on the Water Commission Lands. **MOTION PUT AND PASSED.**

**MOVED BY Ms. Loney seconded by Mr. Ray that the Bedford Watershed Advisory Board recommend that North West Planning Advisory Committee and North West Community Council:**

- (i) Approve an amendment to the Bedford MPS and LUB for the Crestview CCDD site for a reduction in the buffer setback requirement from 100ft to 66ft on the southern side contingent upon the Waterfront Development Cooperation and Canadian National Railway agreeing to the Stormwater Management Plan.**
- (ii) Include the following provisions in the development agreement:**
  - 1. Provisions to address snow removal issues,**
  - 2. Certified maintenance records of Stormceptors and catch basins,**

3. That site "B " not be developed,
4. Reinstatement of 10 feet to the buffer once construction is completed.

**MOTION DEFEATED.**

- Those who voted against the motion stated they were not convinced that the property cannot be reasonably developed with a 100 ft set back requirement, although it may impact the size and slope of the building it has not been demonstrated that the site is not developable by a smaller building;
- There is always some effect to water;
- The impervious surface areas are being installed in a small concentrated area;
- They are not convinced that the run off can be reduced from 2.5 cu ft/sec to 1.2 cu ft/sec;
- The property is basically unchanged from when the developer bought it.

With no further discussion or recommendations the previous motion passed by the Board as per the June 19, 2006 meeting will go forward to Community Council.



## Attachment F

### Excerpts of the Bedford Municipal Planning Strategy

#### COMMERCIAL OBJECTIVE

**To encourage the development of business and commercial uses to serve the Town and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to promote attractive commercial areas within the Town through the regulation of commercial signage, parking, and building design; to foster the development of a pedestrian oriented commercial core to provide the Town with a commercial focus which relates to its heritage and will foster the development of a Town identity.**

The three designations, Commercial, Mainstreet Commercial, and Commercial Comprehensive Development Districts, are established in Policy C-1. Policy C-2 confirms Town Council's intent to limit commercial development to the lower portion of Dartmouth Road to preserve the residential character of the remainder of this road which serves as one entrance to the community.

In assessing the commercial component of the Town, commercial uses have been grouped into categories based on the following factors:

- Scale of the business
- Outside storage
- Hours of operation
- Visual appearance
- Level of noise generated
- Parking Requirements
- Height and bulk of building
- Compatibility with adjacent uses
- Traffic generation
- Land area requirements

Analysis of commercial uses based on these categories forms the basis for the commercial zones established in the Land Use By-Law as enabled by Policy C-3. The categories can be summarized as follows:

#### e) Commercial Comprehensive Development District

There are several large parcels of land which have been identified as appropriate locations for additional commercial activity. Through the provisions of Policy C-7 Council shall create a Commercial Comprehensive Development District (CCDD) land use designation as well as a CCDD Zone. Policy C-8 itemizes evaluation criteria for Council to consider with CCDD development agreement applications while Policy C-9 allows for the eventual discharge of these agreements.

The first CCDD area referred to is the area generally known as Cushing Hill, situated at the northern entrance to the Town. The second area is located on the Hammonds Plains Road, between Village Crescent and the Highway 102 Interchange, and was designated commercial under the Town's previous Municipal Development Plan (Policy C-11). The third area is located beside Paper Mill Lake opposite the second CCDD area (Policy C-12). The fourth CCDD area includes the sites of the Travellers' Motel and Esquire Motel located at the southern end of the Town (see Map 3 & Policy C-13). If these properties

are developed in conjunction with phase two of the waterfront project, an MPS/LUB amendment can be considered to re-designate and re-zone these properties from CCDD to WFCDD which would allow these properties to be developed comprehensively within the waterfront in accordance with the WFCDD Zone. The fifth CCDD is located at the northern corner of Hammonds Plains Road and the Bedford Highway (Map 3 and Policy C-14). The sixth CCDD is located along the Bedford Highway immediately south of Nelson's Landing Boulevard (Policy C-15).

CCDD development will require commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in draft Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

The location of these areas is such that they should be approached in a comprehensive manner to ensure the best utilization of the sites, as well as compatibility with adjacent land uses. In an effort to achieve the most appropriate development, and to allow for innovation and flexibility in design, these areas will be designated as commercial comprehensive development districts (CCDD). The purpose of a CCDD is to allow for developments which emphasize the unique characteristics of a site in terms of its location within the Town, its unique physical characteristics, its overall size and its relationship to adjoining, existing or proposed uses.

## OBJECTIVES AND POLICIES

### **COMMERCIAL OBJECTIVE:**

**To encourage the development of business and commercial uses to serve the Town and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to promote attractive commercial areas within the Town through the regulation of commercial signage, parking, and building design; to foster the development of a pedestrian oriented commercial core to provide the Town with a commercial focus which relates to its heritage and will foster the development of a Town identity.**

### **Commercial Comprehensive Development Districts**

#### Policy C-7:

It shall be the intention of Town Council to designate the lands shown on Map 3 as Commercial Comprehensive Development Districts, and in the Land Use By-Law the



lands shall be zoned Commercial Comprehensive Development District (CCDD). The CCDD Zone will permit mixed use, residential/ commercial projects, including single unit dwellings, two unit dwellings, multiple-unit buildings, senior residential complexes, neighbourhood commercial, office buildings, CGB Zone uses, convention facilities, recycling depots, park uses, and institutional uses. Existing uses within the CCDD Zones shall be considered as permitted uses and be allowed to continue operation.

It shall be the intention of Town Council to require development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

Policy C-8:

It shall be the intention of Town Council to enter into Development Agreements pursuant to the Planning Act with the owners of the lands zoned Commercial Comprehensive Development District to carry out the proposed commercial and mixed use commercial/residential development(s) provided that all applicable policies of this document are met. In considering applications Council shall have regard to whether the proposed land use emphasizes the unique features of the site in terms of its location within the Town, its unique physical characteristics, its overall size and the relationship developed with adjoining existing or proposed uses. A special emphasis on the conservation of the natural environment including features such as watercourses, lakes, trees, and the natural topography shall be highlighted in the development proposal.

Policy C-9:

It shall be the intention of Town Council to consider discharging the agreements made pursuant to Policy C-8 upon the completion of the development. Council may thereafter zone the CCDD in such a manner as to be consistent with the development, by creating a specific zone for the site which incorporates the uses provided for in the development agreement as well as provisions consistent with Sections 53 and 54 of the Planning Act.

Policy C-10:

Deleted

Policy C-11:

It shall be the intention of Council to enter into a Development Agreement for the CCDD property between Village Crescent and the Bicentennial Highway and Hammonds Plains Road (Parcel M) with a stipulation that a permanent buffer and separation distance be provided adjacent to the existing homes.

Policy C-12:

It shall be the intention of Town Council to enter into a development agreement for the CCDD area identified on Map 2 which is bounded by Paper Mill Lake, Highway 102 and the Hammonds Plains Road. Any development agreement approved must include specific measures for protection of the lake's water quality during construction.

Policy C-13:

It shall be the intention of Town Council to enter into a Development Agreement with the owners of the Travellers' Motel, Esquire Motel and Clearwater Lobster Limited properties to permit CCDD development when municipal services become available. In recognition of the site's unique position at the entrance to the Town overlooking the Bedford Basin, an agreement if entered into shall specify that two thirty foot wide separations are to be provided between the buildings on either side of the entrance road to the waterfront project to provide views from the highway and from the existing homes above the site. Buildings are to be set back 60 feet on either side of the entrance road to the waterfront project to provide a view. As well, the maximum building height is to be 75 feet.

Policy C-14:

It shall be the intention of Town Council to enter into a development agreement for the CCDD area located at the northern corner of the Hammonds Plains Road and the Bedford Highway. Any development agreement approved shall insure, through regulating the uses on the land and buffering provisions, that the project is compatible with the adjacent low density residential neighbourhood. Provisions shall also be made in the development agreement for retention of the existing vegetation within the street rights-of ways between the Hammonds Plains Road and the Old Hammonds Plains Road. The existing developed park, Millview Park, shall either be incorporated into a development proposal, or an alternate park space shall be provided by the developer to replace the existing park.

Policy C-15:

It shall be the intention of Town Council to enter into a development agreement to permit development of the Crestview Properties Limited lands, abutting Nelson's Landing, which are designated as CCDD on the Generalized Future Land Use Map. Development shall proceed in accordance with the provisions of the Commercial Comprehensive Development District Zone within the Land Use By-law.

## Commercial Development Adjacent to Residential Areas

### Policy C-35:

It shall be the intention of Town Council to minimize the impact of commercial uses, commercial traffic and parking areas, and commercial refuse containers on abutting existing residential uses or on lands which are designated and/or zoned for residential uses through regulations in the Land Use Bylaw, and through the development and subsequent enforcement of a property maintenance by-law.

## Setbacks from Watercourses

### Policy E-8:

In areas where Industrial I1 or I2 Zones, or Commercial Zones abut a watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, Town Council shall prohibit the erection of any structure, or the excavation or filling in of land within 100 feet of the watercourse or water retention area. This 100 ft. area shall be maintained with existing vegetation or landscaped. A reduction in the buffer from 100' to 50' may be considered by Town Council by a development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the 100 foot setback and site disturbance provisions. A development agreement shall be subject to the provisions of Policy Z-3, and the undertaking of an environmental study which addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction. The development agreement shall outline the specific measures to be used to ensure a no net loss in the effectiveness of the natural 100' buffer in terms of protecting the watercourse. The setback and site disturbance provisions of this policy are applicable also to commercial uses in an RCDD zone and multiple unit dwellings in all zones. Single unit dwellings, two unit dwellings and townhouses in all zones are subject to the setback provisions of Policy E-4. Policy E-8 shall not apply to properties abutting the Bedford Basin.

## RESIDENTIAL OBJECTIVE

**To make provision for a choice of housing types; to make provision for construction of affordable housing; to provide for preservation of the character of existing neighbourhoods in their present form; to permit residential development to occur in areas where the Town can economically provide services; to consider the need for permanent buffers and/or separation distances where residential uses abut incompatible land uses; to encourage the provision of housing for those with special needs; to provide for a mix of housing types in new developments consistent with the trend in starts in Bedford since 1980; to plan for supporting neighbourhood infrastructure such as schools, parkland and commercial facilities; and to encourage development that would be designed to suit the natural terrain and to minimize negative impacts to the natural environment.**



Policy R-1

It shall be the intention of Town Council to maintain a Residential Development Boundary (RDB) and direct future growth to the area within the RDB, while limiting growth in the reserve area outside the RDB. The location of the Residential Development Boundary shall be as shown on the Generalized Future Land Use Map.

### Council Report Sign-Off Sheet

<b>Subject:</b> Case 00690: Bedford MPS and LUB Amendments, Development Agreement -866 Bedford Highway			
Meeting Date:	<input type="checkbox"/> Regular Council	<input type="checkbox"/> COW	<input type="checkbox"/> In Camera
	<input type="checkbox"/> Information Report		
Prepared by: Thea Langille-Hanna, Planning & Development Services		November 20, 2006	
Name & Business Unit		Date	
<input type="checkbox"/>	<b>First Draft for Information Only</b>		
<input type="checkbox"/>	Consultation		
<input type="checkbox"/>	Approval		

√	Stakeholder -Internal	Approved By	Date & Time	Revised Date	Initial
	Not Required (unique to originating Business Unit)				
	By-Law Rationalization				
	BPIM				
	CCED				
	EMS				
	Finance - FinTrack				
	Fire				
	H R				
	Legal				
	P & D	Mark McGonnell	Nov 27/06		
	Regional Planning	Roger Wells			
	Police				
	TPW				
	Library				
	RCMP				
	Water Commission				
	Councillor (s)				
	<b>Stakeholder - External</b>				