

North West Community Council
June 16, 2014

TO: Chair and Members of North West Community Council
Original signed

SUBMITTED BY: Brad Anguish, Director of Community and Recreation Services

DATE: June 2, 2014

SUBJECT: **Case 18721: Substantive Amendments to the Development Agreement for 827 Bedford Highway, Bedford**

ORIGIN

Application by W.M. Fares and Associates Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipal Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Give Notice of Motion to consider the proposed amending development agreement as contained in Attachment A of this report, to allow additional commercial space, two additional residential units, and reconfigure the parking lot and access to the site at 827 Bedford Highway, and to schedule a Public Hearing;
2. Approve the proposed amending development agreement as contained in Attachment A of this report; and
3. Require that the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

In September of 2010, North West Community Council approved a development agreement enabling a three storey mixed use building at 827 Bedford Highway. The development agreement permits ground floor commercial, second floor office space, a maximum of 5 residential units on the third floor, and sub-grade and at-grade parking. The developer, W. M. Fares and Associates Inc., wishes to:

- relocate some of the proposed parking to a second underground level of parking,
- remove a breezeway, effectively expanding the ground floor commercial area by 3,800 square feet,
- increase the maximum number of residential units from 5 to 7; and
- realign the driveway access.

The proposed changes are substantive in nature in accordance with Section 6.1 of the existing development agreement and, as such, must be approved by a decision of North West Community Council following a public hearing.

Construction and Development permits were issued in March of 2013 in accordance with the existing development agreement and construction has commenced. Excavation of the property has discovered more loose fill and debris than originally anticipated. This condition has resulted in additional excavation to allow sufficient room to accommodate a second level of underground parking. The additional excavation has resulted in design changes to the building as described above.

Location, Designation and Zoning

Subject Property	827 Bedford Highway, Bedford (PID 00430538)
Location	East (basin) side of the Bedford Highway between Glenmont Avenue and Southgate Drive
Lot Area	0.71 acres (30,928 square feet)
Designation	CCDD (Commercial Comprehensive Development District) under the Bedford Municipal Planning Strategy (Map 1) and Harbour under the Regional Plan
Zoning	CCDD (Commercial Comprehensive Development District) under the Bedford Land Use By-law
Surrounding Land Uses	CN railway to the rear, adjacent the Traveler's Motel, and across the Bedford Highway from a proposed development of 12 townhouse units, a single unit dwelling, a 44-unit multi-residential building and a 2-storey commercial building
Current Use	Site is under construction as enabled by the existing development agreement (Permit issued March 7, 2013)

Enabling Policy

The Bedford MPS enables the consideration of the proposed changes to the mixed use building at 827 Bedford Highway through the development agreement process, subject to Policies C-7, C-8 and Z-3 (Attachment B). The development agreement process is intended to address land use impacts such as lot area, lot coverage devoted to residential and commercial uses, height, architectural treatment, landscaping, conservation of the natural environment and relationship with adjacent uses.

Staff have conducted a review of the proposed development relative to the applicable policy criteria and advise the proposed development agreement is consistent with the intent of the MPS. Attachment A contains the proposed Development Agreement and Attachment B contains an analysis of the applicable MPS policies.

DISCUSSION

Staff conducted a review of the proposal relative to the applicable policies of the Bedford MPS and have concluded that the proposal is consistent with all applicable policies. Attachment B provides an evaluation of the proposed amendments to the existing development in relation to these policies. It should be noted the majority of the aspects of the development discussed in policy were considered through the initial development agreement (Case 01250). Attachment B outlines only those policy statements affected by the alteration to the proposal. Aspects of the development that warrant further discussion are noted as follows:

Scale, Bulk and Form

The infilling of the breezeway adds commercial square footage to the main floor of the building. However, the height and exterior dimensions of the building remain unchanged from that approved by the existing agreement. There are no changes to the bulk or scale of the building.

Access and Parking

The removal of at-grade parking spaces and the proposed additional underground parking spaces result in an overall increase of 18 on-site parking spaces. Policy Z-3 requires that provision be made for safe access to the project and minimal impact be made to adjacent street networks. HRM Development Engineering and Traffic Services staff have reviewed the Traffic Impact Study and have determined that the proposed realigned access to the site is acceptable.

Lot Area/Density Requirements

Policy C-7 requires a minimum 2,000 square feet of lot area per residential dwelling unit. The minimum lot area required to support 7 residential units is 14,000 square feet. The site's lot area is greater than 30,000, well in excess of the minimum requirement.

North West Planning Advisory Committee

The North West Planning Advisory Committee (NWPAC) reviewed this application on October 2, 2013 and passed a motion in favour of the application with the following comment:

1. With the decrease in ground level parking, green space on the site be increased.

2. The developer consider the potential of additional accessible walkways or sidewalks being open to the general public.
3. There be no increase to the building height from the original Development Agreement.

It should be noted that the area previously devoted to the second driveway access will be landscaped. The applicant is proposing to infill the area previously allocated for parking, within the footprint of the breezeway, for additional commercial space. Due to site constraints, there is no further opportunity to provide additional green space on the property.

Section 3.9.7 of the existing agreement requires that walkways shown on the schedules and intended for public use be designed to barrier free standards. There is no increase in the building height from the original Development Agreement.

Conclusion

Staff advise that the proposed amendments are consistent with the Bedford MPS policies. Therefore, staff recommend approval of the proposed amending development agreement as contained in Attachment A of this report.

FINANCIAL IMPLICATIONS

There are no financial implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2014/15 budget with existing resources.

COMMUNITY ENGAGEMENT

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

The level of community engagement was consultation, achieved through a Public Information Meeting, held on October 17, 2013 (see Attachment C for minutes). Notices of the Public Information Meeting were posted on the HRM website, in the newspaper, and mailed to property owners within the notification area shown on Map 2.

A public hearing has to be held by Community Council before they can consider approval of any substantive amendments to the existing development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed substantive amendments to the development agreement will potentially impact local residents, property owners and adjacent businesses.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the MPS. No additional concerns were identified beyond those discussed in this report.

ALTERNATIVES

1. Community Council may choose to refuse to approve the amending development agreement, and in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. This is not recommended. A decision of Community Council to reject this amending agreement, with or without a public hearing, is appealable to the N.S. Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Community Council may choose to approve the proposed amending agreement subject to modifications. This may necessitate further negotiation with the applicant, a supplementary staff report and an additional public hearing.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Proposed Amending Development Agreement
Attachment B	Excerpts from the Bedford Municipal Planning Strategy and Policy Evaluation
Attachment C	Public Information Meeting Minutes

Staff Report(s) for Case 01250 (Existing Agreement):

Original Report:

<http://www.halifax.ca/Commcoun/nwcc/documents/Case01250NWPACReport.pdf>

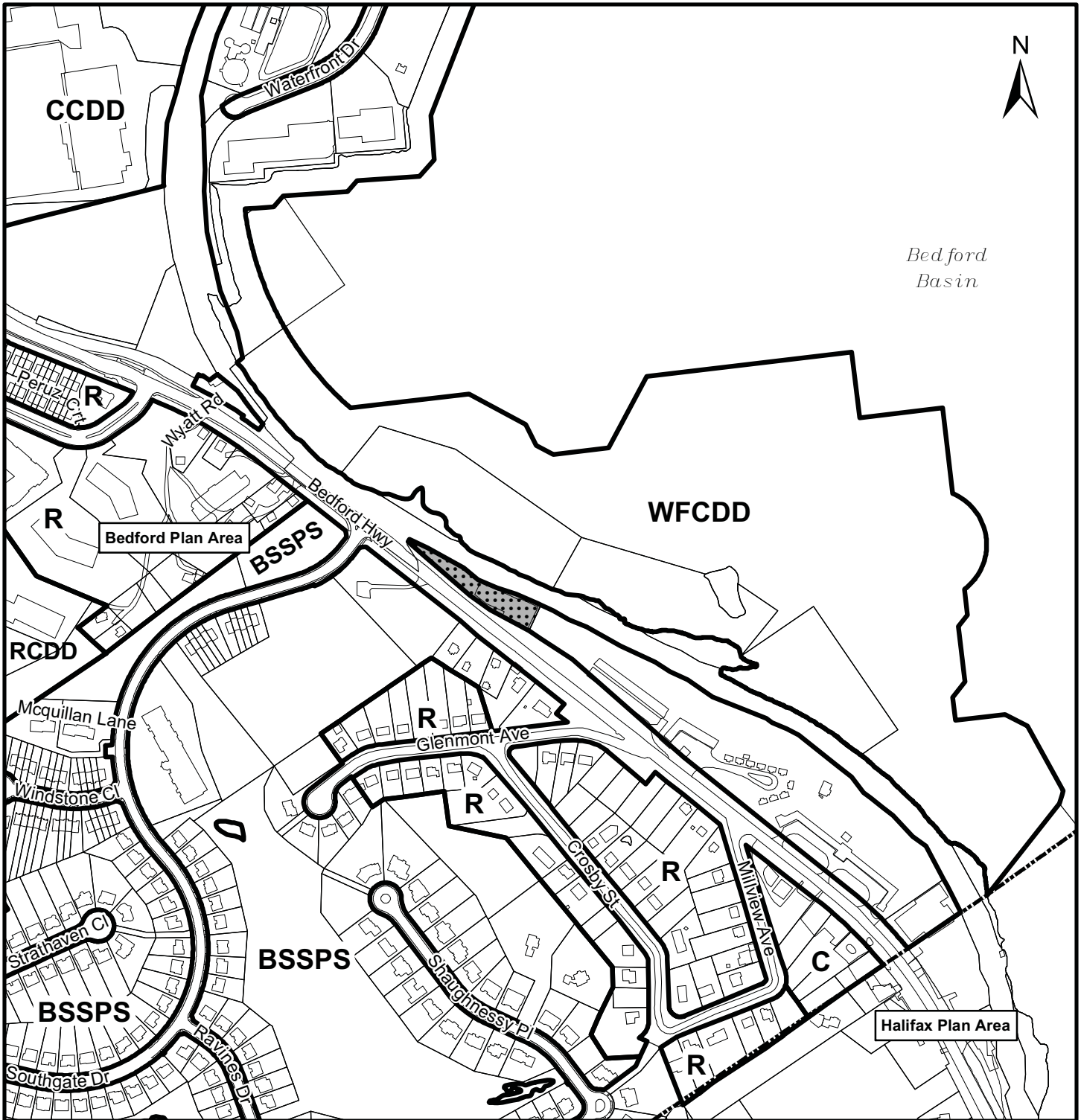
Supplementary Report:

<http://www.halifax.ca/boardscom/NWPAC/documents/Case01250Supp.pdf>

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


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

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



Map 1 - Generalized Future Land Use

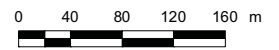
827 Bedford Highway
Bedford

 Subject Property

Designation

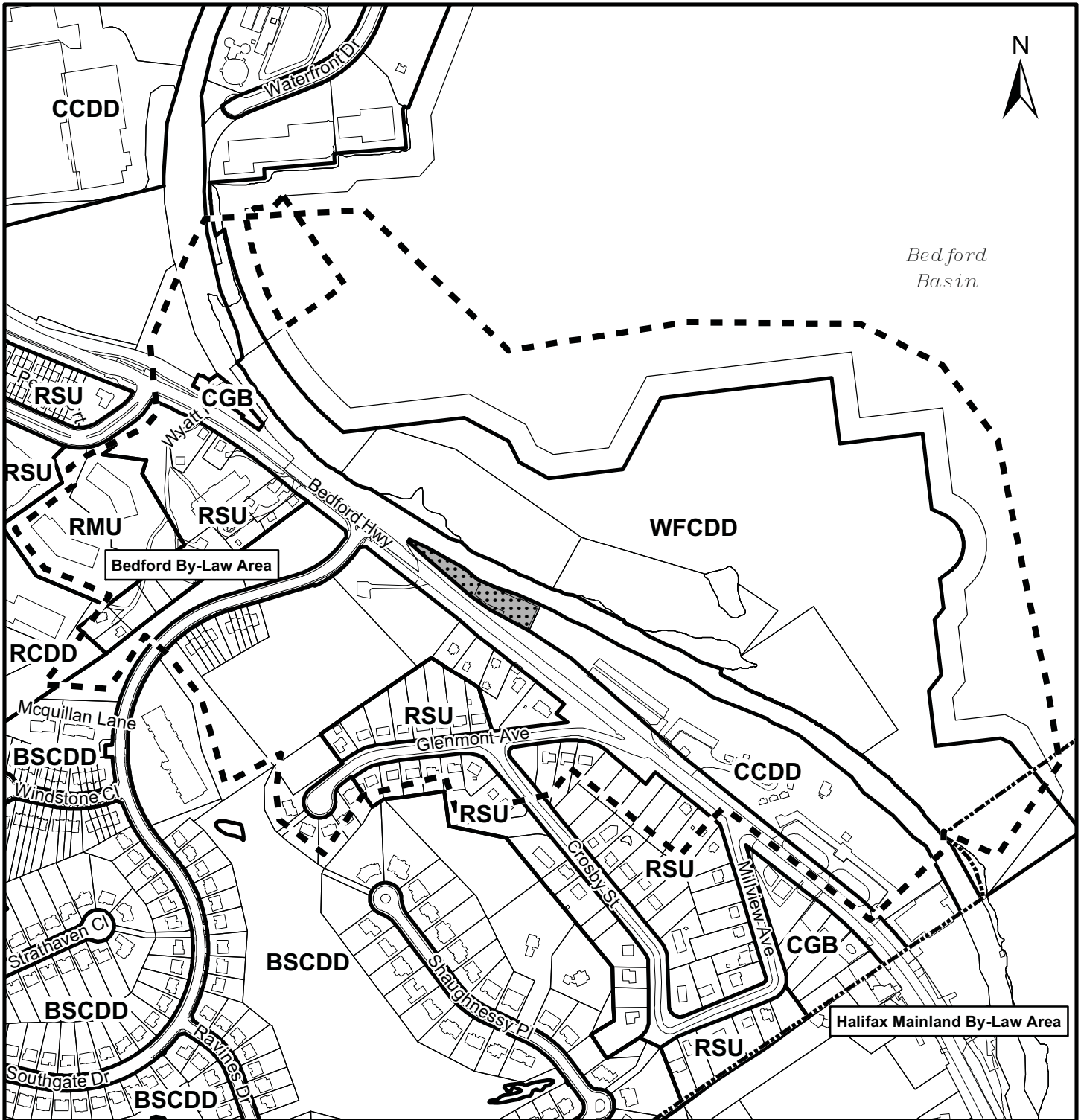
- R Residential
- C Commercial
- CCDD Commercial Comprehensive Development District
- RCDD Residential Comprehensive Development District
- BSSPS Bedford South Secondary Planning Strategy
- WFCDD Waterfront Comprehensive Development District

Bedford
Plan Area



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

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





Bedford Basin

Bedford By-Law Area

Halifax Mainland By-Law Area

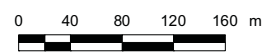
Map 2 - Zoning and Notification

827 Bedford Highway
Bedford

-  Subject Property
-  Area of notification

Bedford
Land Use By-Law Area

Zone	
RSU	Single Dwelling Unit
RMU	Multiple Dwelling Unit
CGB	General Business District
CCDD	Commercial Comprehensive Development District
RCDD	Residential Comprehensive Development District
BSCDD	Bedford South Comprehensive Development District
WFCDD	Waterfront Comprehensive Development District



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

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

Attachment "A"
Proposed Amending Development Agreement

THIS FIRST AMENDING DEVELOPMENT AGREEMENT made this day of , 2014

BETWEEN:

[INSERT DEVELOPER NAME]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 827 Bedford Highway and identified as [INSERT PID No.], Bedford and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the North West Community Council of the Halifax Regional Municipality approved an application by the Developer to enter into a Development Agreement to allow for the construction of a mixed use building (residential and commercial) on the Lands on September 23, 2010 to enter into a development agreement to allow for pursuant to the provisions of the Halifax Regional Municipal Charter and pursuant to Policy(ies) C-7 through C-14 of the Bedford Municipal Planning Strategy and Part 4, Section 3(d) of the Land Use Bylaw;

AND WHEREAS the Developer has requested that the Municipality enter into an amending Agreement to allow approximately 3800 square feet of additional commercial space, to reconfigure and add to the parking spaces, to reconfigure the vehicle access points to the site and to allow for an additional two residential units;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on [INSERT DATE], referenced as Municipal Case Number 18721;

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

The Existing Agreement is amended as follows:

1. Delete "Section 3.1 Schedules" and replace it with a new Section 3.1, as follows:

3.1 Schedules

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, conforms with the Schedules attached to this Agreement and plans filed with the Halifax Regional Municipality as Case Number 01250:

The Schedules are:

- Schedule A: Legal Description of the Land(s)
- Schedule B1: Site Plan
- Schedule C1: Underground Parking Level P2
- Schedule C2: Underground Parking Level P1
- Schedule D1: Level 1 Plan
- Schedule E: Level 2 Plan
- Schedule F1: Level 3 Plan
- Schedule G: Roof Plan
- Schedule H1: Front Elevation
- Schedule H2: Rear Elevation
- Schedule I1: Side Elevations
- Schedule J1: Building Section
- Schedule K: Lighting Guidelines

2. Remove "Schedule B" from the Existing Agreement and replace it with "Schedule B1" in this Amending Agreement;
3. Remove "Schedule C" from the Existing Agreement and replace it with "Schedule C1" in this Amending Agreement;
4. Add "Schedule C2" from the Amending Agreement immediately after "Schedule C1" in the Existing Agreement;
5. Remove "Schedule D" from the Existing Agreement and replace it with "Schedule D1" in this Amending Agreement.
6. Remove "Schedule F" from the Existing Agreement and replace it with "Schedule F1" in this Amending Agreement.
7. Remove "Schedule H" from the Existing Agreement and replace it with "Schedule H1" in this Amending Agreement;
8. Add "Schedule H2" from the Amending Agreement immediately after "Schedule H1" in the Existing Agreement;
9. Remove "Schedule I" from the Existing Agreement and replace it with "Schedule I1" in this Amending Agreement;
10. Remove "Schedule J" from the Existing Agreement and replace it with "Schedule J1" in this Amending Agreement;
11. In Section 3.3.1, delete the words 'maximum of 5 residential dwelling units' and replace with the words '**maximum of 7 residential dwelling units**';

12. In Section 3.4.4 (a), delete the number '20,000' and replace it with '**25,000**';
13. In Section 3.5 (a), delete the words 'maximum of 5 residential units' and replace with the words '**maximum of 7 residential units**';
14. In Section 3.6.1 (d), delete the words 'Schedules "B" and "C"' and replace with '**Schedules "B1", "C1" and "C2"**';
15. In Section 3.9.2, delete the words 'Commercial Space "A" and "B"' and replace with '**Commercial Space "A", "B" and "C"**';

This Amending Agreement shall be binding upon the Parties hereto and their heirs, successors and assigns.

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

SIGNED, SEALED AND DELIVERED in the presence of:

[Insert Registered Owner's Name]

Witness

Per: _____

=====

=====

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

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____

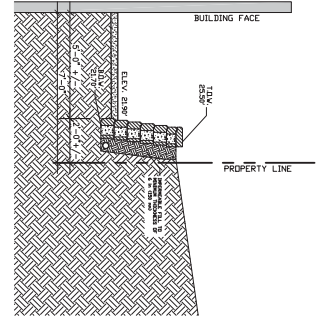
Mayor

Witness

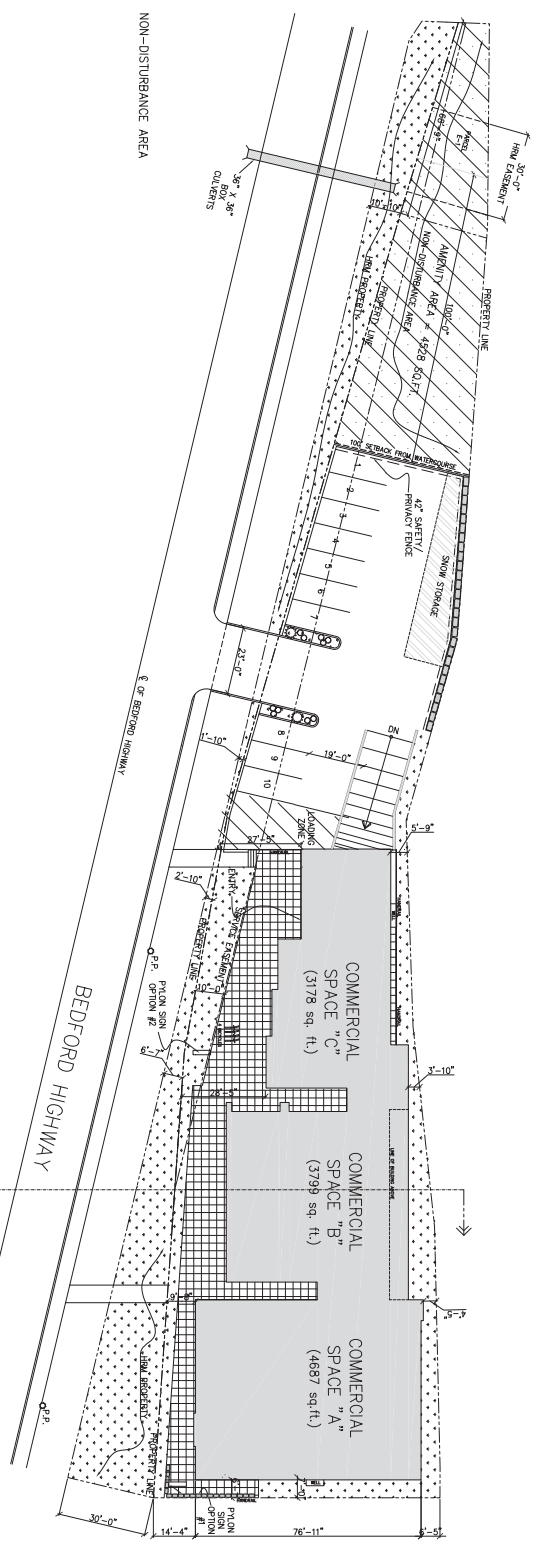
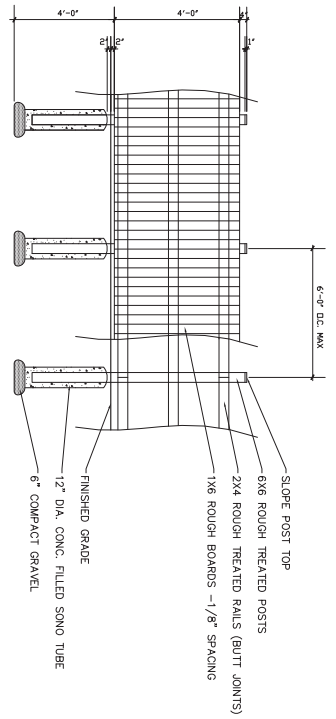
Per: _____

Municipal Clerk

Case 18721 Schedule B1 - Site Plan



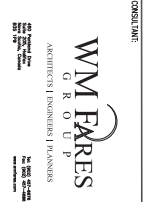
ATTACH ALL MEMBERS WITH GALVANIZED SCREENS
TREAT ALL CUT ENDS OF TREATED WOOD WITH CLEAR WOOD PRESERVATIVE
STAIN COMPLETED FENCE WITH 2 COATS CLEAR WOOD PRESERVATIVE



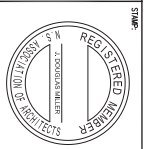
NOTE:
1. FOR ALL DIMENSIONS REFER TO DIM. LINES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

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The designer reserves the right to conduct periodic site reviews during the construction and operations phases to ensure compliance with the design and specifications. The designer's responsibility is limited to the design and specifications. The contractor shall be responsible for all construction and operations.

PROJECT:
827 BEDFORD HIGHWAY
BEDFORD, NOVA SCOTIA

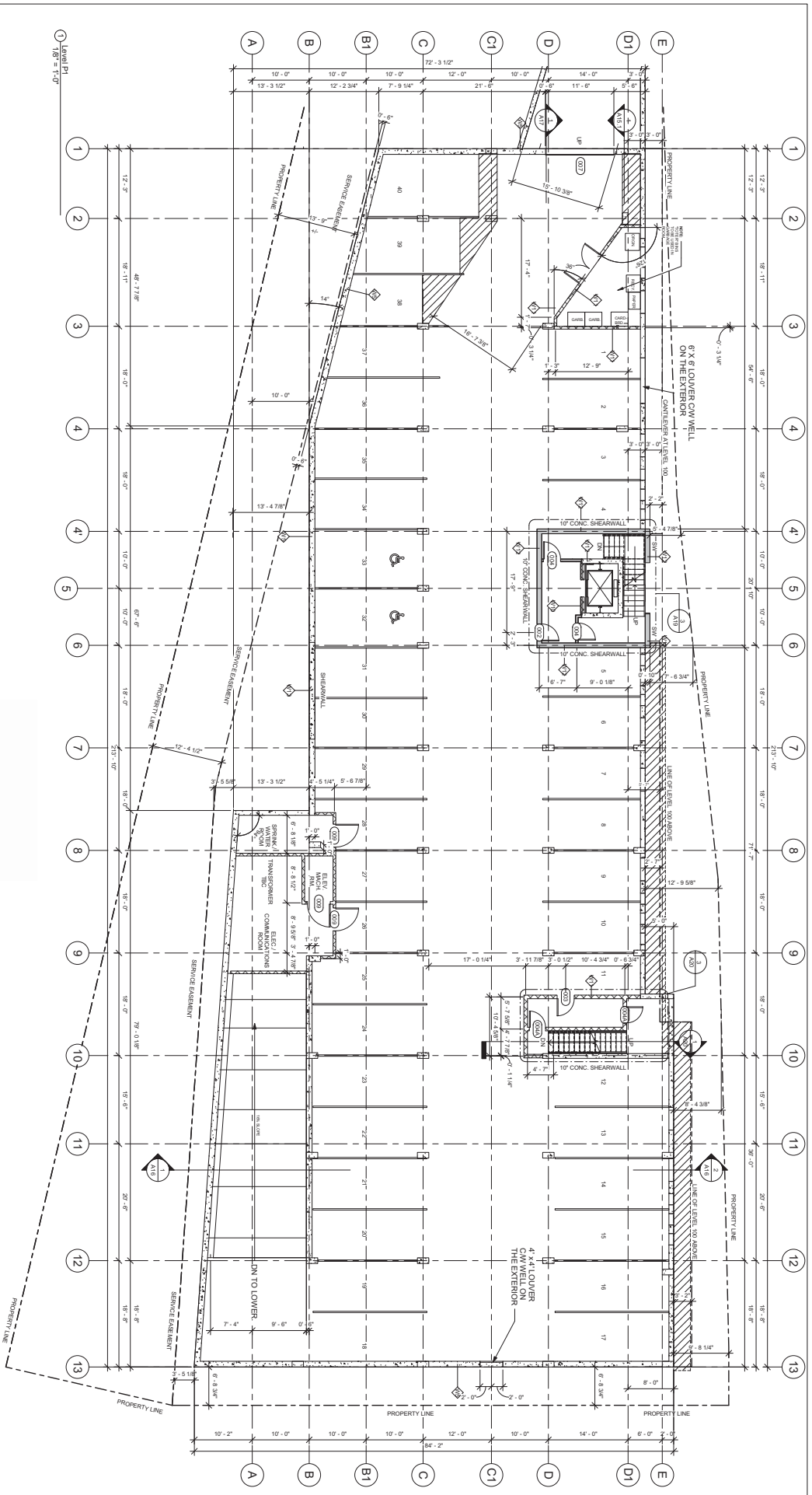


CONSULTANT:
WM/FARES ARCHITECTS ENGINEERS PLANNERS



NO.	REVISIONS	DATE
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3	ISSUED FOR PERMIT	MAY 27/12
4	ISSUED FOR PERMIT	MAY 27/12
5	ISSUED FOR PERMIT	MAY 27/12
6	ISSUED FOR PERMIT	MAY 27/12

SCALE:	DATE:
1" = 20'	SEPTEMBER 2011
PROJECT NO.:	2011-22
SHEET NO.:	SDP



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Project:
 827 BEDFORD HIGHWAY
 JEAN ALPHONSE

No.	Description	Date
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LEVEL P1 FLOOR PLAN

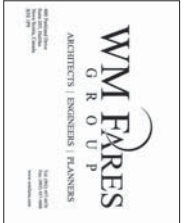
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Checked by	RM	Project number	2011-22

1-27 LAND
1/6/2011

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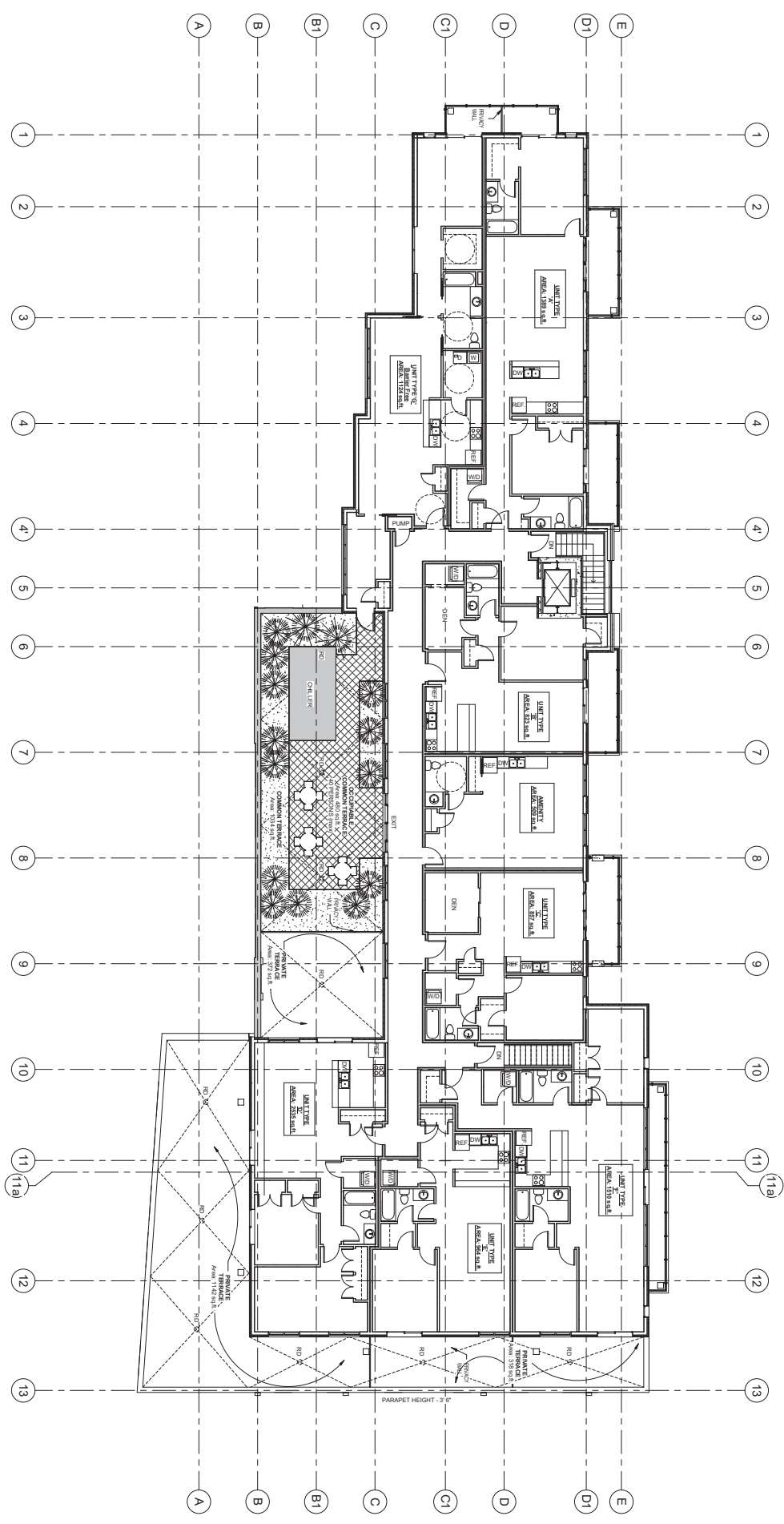
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827 BEDFORD HIGHWAY
JEAN ALPHONSE

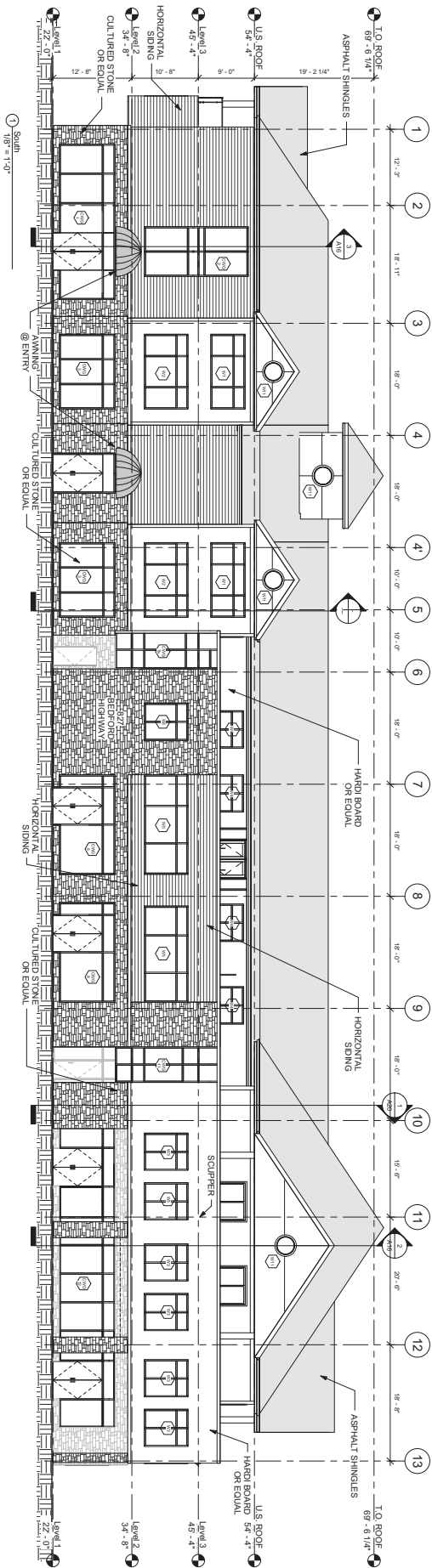
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Level 3 Floor Plan

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Checked By: CJS/af
Project number: 2011-22
Date: JUNE 2011
Draw: AZ3





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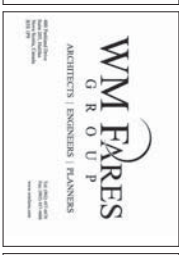
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Project

827 BEDFORD HIGHWAY

JEAN ALPHONCE

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ELEVATION - FRONT

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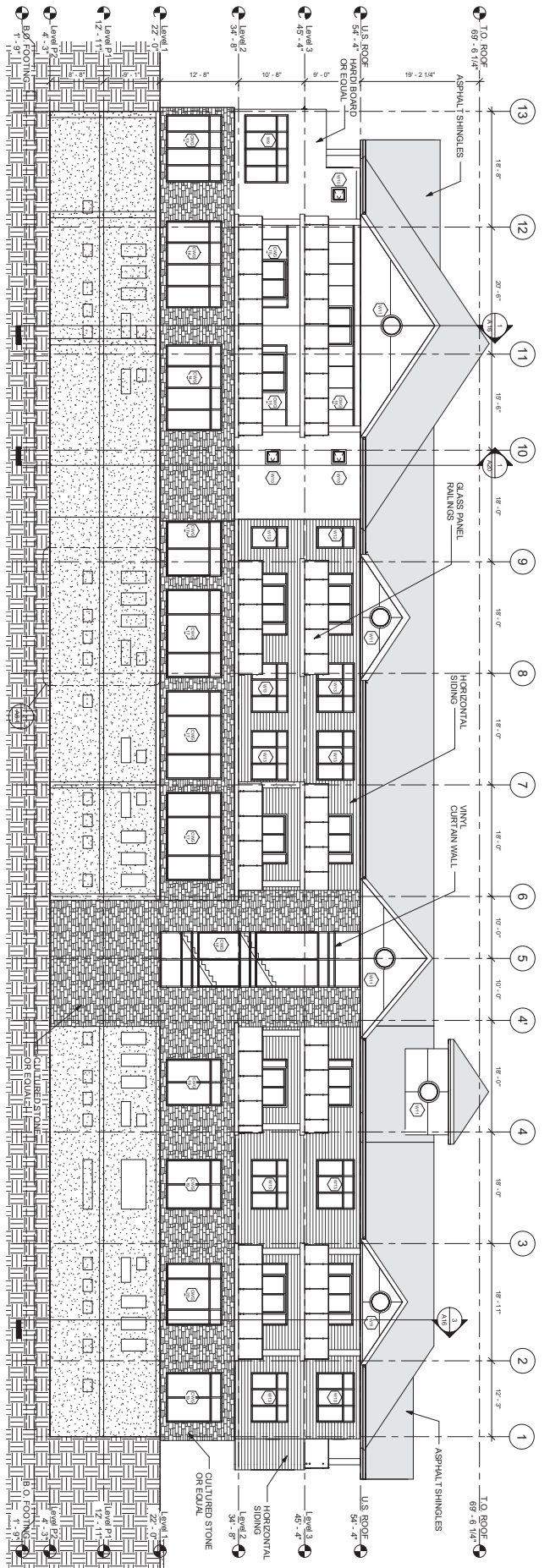
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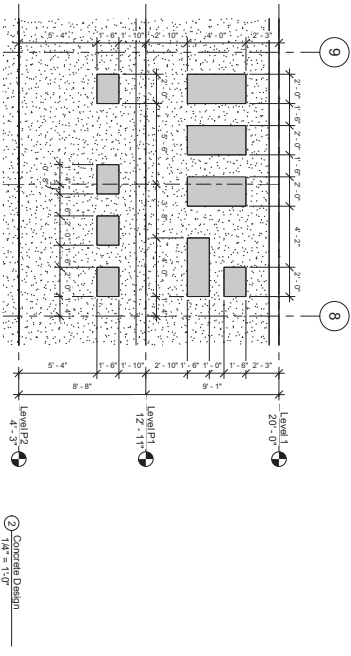
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Date: JUNE 2011

Sheet: A8



1 North - Rear Elevation
1/8" = 1'-0"



2 Concrete Design
1/4" = 1'-0"

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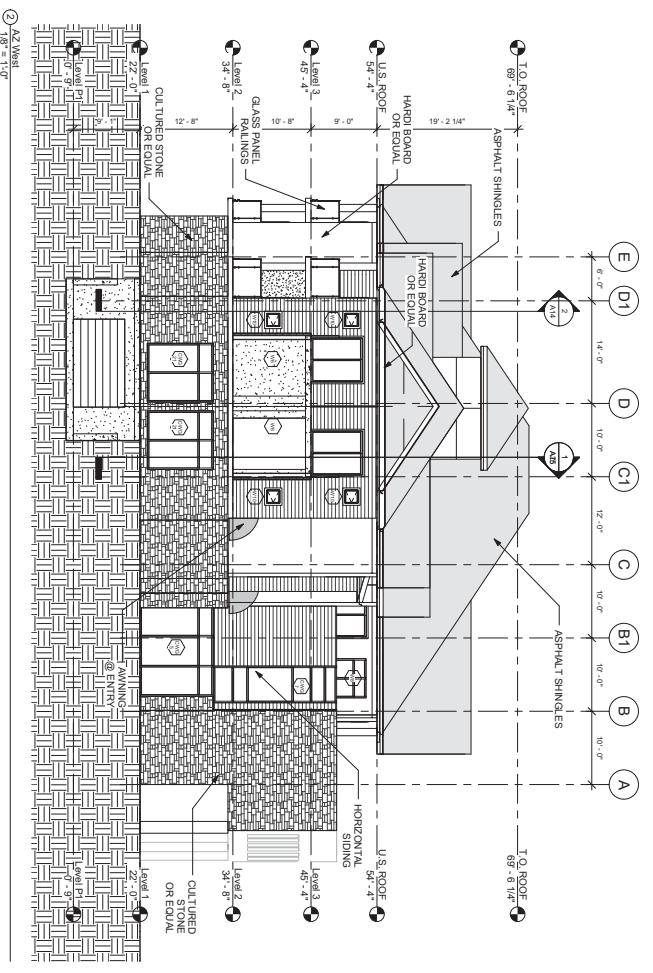
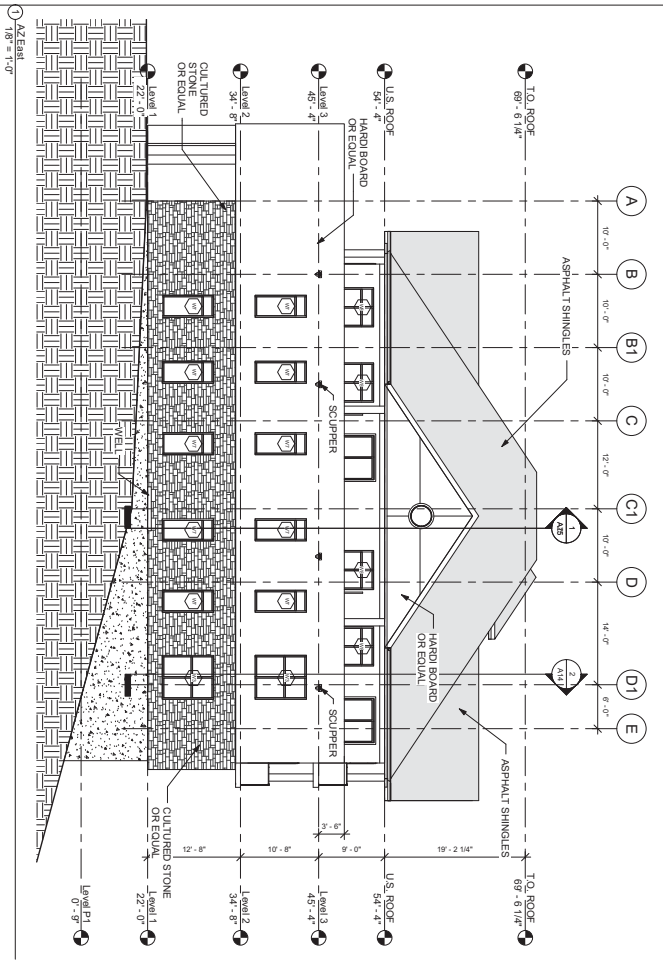
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827 BEDFORD HIGHWAY
JEAN ALPHONCE

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9	ISSUED FOR PERMITTING	06/15/11



ELEVATION - REAR

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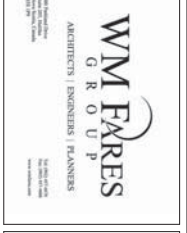


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Project
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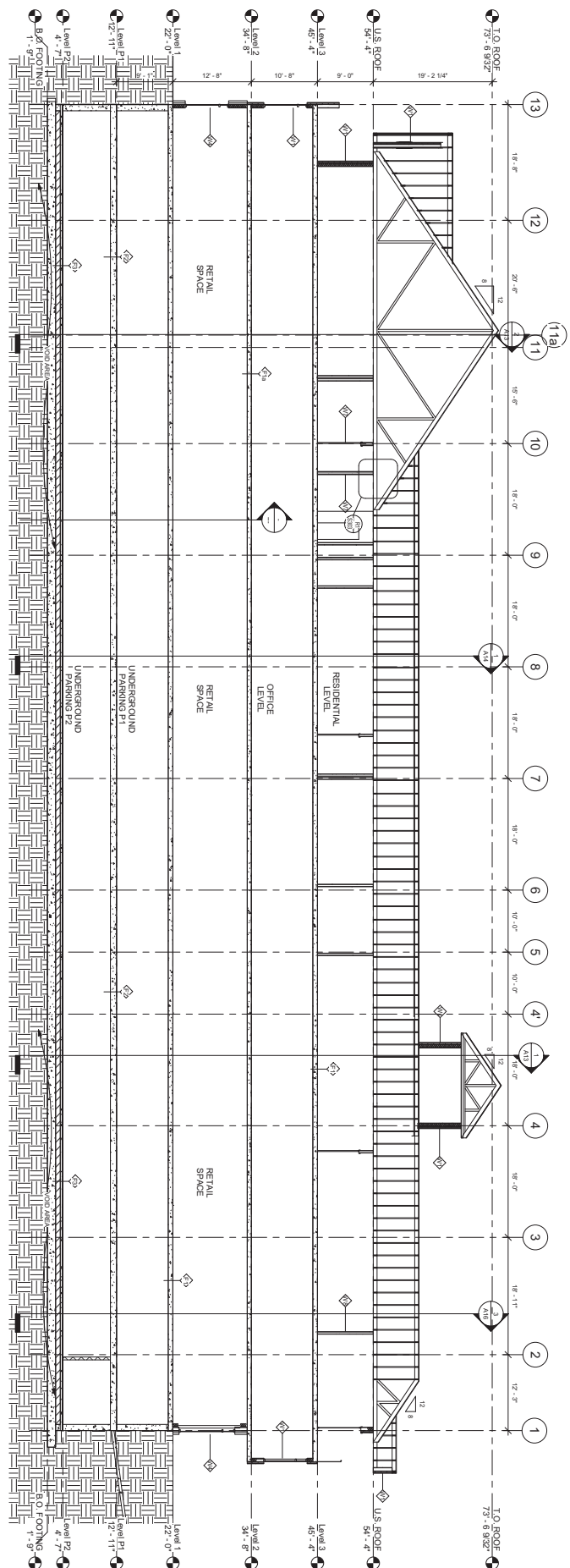
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References
 JEAN ALPHONCE



Side Elevations

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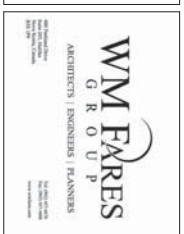


1 AZ Section E
1/8" = 1'-0"

Design Notes
 All notes and specifications related to this section are the property of W.M.F. ARES. It is the responsibility of the architect to ensure that all construction is in accordance with the approved plans and specifications. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authorities. The contractor shall be responsible for coordinating with the other trades and subcontractors. The contractor shall be responsible for maintaining the site and ensuring the safety of all workers. The contractor shall be responsible for providing all necessary materials and labor. The contractor shall be responsible for completing the work in a timely and efficient manner. The contractor shall be responsible for providing all necessary documentation and records. The contractor shall be responsible for ensuring that all work is done in accordance with the applicable codes and regulations.

Project
827 BEDFORD HIGHWAY
JEAN ALPHONCE

No.	Description	Date	Stamp



Building Section

Scale	1/8" = 1'-0"	Date	JUNE 2011
Drawn By	Alfonse	Sheet	AZ5
Checked By	Chandler	Project number	2011-22

**Attachment B:
Excerpts from the Bedford Municipal Planning Strategy and Policy Evaluation**

Policy Criteria	Comment
<p>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.</p> <p>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.</p>	<ul style="list-style-type: none"> • Proposal remains for mixed-use residential/commercial development. • No change in the permitted uses. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i> • The breezeway is being removed from the ground floor and replaced with commercial space, however, there is no change to commercial lot coverage as a result of this amendment. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i> • No change to residential lot coverage as a result of this amendment. <i>Discussed and evaluated under original Development Agreement application (Case 01250)</i> • The proposed amendments meet the RMU Zone requirements. • 3 stories in height prescribed under the existing development agreement. No change to height proposed as the result of the proposed amendments. • 7 residential units proposed would result in 14,000 square foot minimum lot size. Subject property is >30,000 square feet in area. • No change as a result of the amendment. <i>(Discussed and evaluated under original Development Agreement application (Case 01250.))</i>

Policy Criteria	Comment
<p>Policy C-8: It shall be the intention of Town Council to enter into Development Agreements pursuant to the <u>Planning Act</u> 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.</p>	<ul style="list-style-type: none"> • <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i> • Watercourse buffer with non-disturbance area required in proximity to watercourse at north end of the property.
<p>Policy Z-3 It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:</p> <p>(1) Proposal is in conformance with the intent of the plan and bylaw and regulations, Policy R-16 is met;</p>	<p>The new proposal results in no new impact or change in evaluation. <i>Original evaluation completed under Development Agreement application (Case 01250).</i></p>
<p>(2) Proposal must be compatible with adjacent uses in terms of bulk, and scale ;</p>	<p>Minimal change in bulk of building and no change in scale as a result of the amendment</p>
<p>(3) That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;</p>	<p>The new proposal results in no new impact or change in evaluation. <i>Original evaluation completed under Development Agreement application (Case 01250).</i></p>
<p>(4) That provisions are made for safe access to the project with minimal impact on the adjacent street network;</p>	<p>HRM Development Engineering and Traffic Services confirmed access is acceptable, TIS is acceptable</p>
<p>(5) That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:</p> <p>i) the financial capability of the Town to absorb any capital or operating costs</p>	<p>No premature or inappropriate financial implications for the Municipality. <i>Discussed and evaluated under original Development Agreement application (Case 01250)</i></p>

Policy Criteria	Comment
relating to the development;	
ii) Adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;	Halifax Water has confirmed the proposal is acceptable, meets the Commission's standards.
iii) Adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i>
iv) Precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i>
v) The adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;	HRM Development Engineering reviewed the Stormwater plan and advised it was acceptable, met Municipal requirements.
vi) The adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i>
vii) The adequacy of recreational land and/ or facilities;	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i>
viii) The adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i>
ix) Impact on public access to rivers, lakes, and Bedford Bay shorelines;	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i>
x) The presence of significant natural features or historical buildings and sites;	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i>
xi) Creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement application (Case 01250).</i>
xii) Impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,	The new proposal results in no new impact or change in evaluation. <i>Discussed and evaluated under original Development Agreement</i>

Policy Criteria	Comment
xiii) Suitability of the proposed development's siting plan with regard to the physical characteristics of the site.	<i>application (Case 01250).</i> Site plan was reviewed by Development Approvals, no significant change that resulted in a change in the suitability of the site relating to its physical characteristics.

Attachment C: Public Information Meeting Notes

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 18721

Thursday, October 17, 2013
7:00 p.m.
Basinview Drive Community School

STAFF IN

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

ALSO IN

ATTENDANCE: Councillor Tim Outhit, District 16
Cesar Saleh, WM Fares Group

PUBLIC IN

ATTENDANCE: Approximately 10

The meeting commenced at approximately 7:03 P.M.

1. Call to Order, Purpose of Meeting – Andrew Bone

Mr. Bone, HRM Development Approvals, introduced himself as the Senior Planner facilitating this Application through the Planning Process; Councillor Tim Outhit, District 16; Cara McFarlane and Alden Thurston, HRM Development Approvals; and Cesar Saleh, WM Fares Group (Applicant).

Case No. 18721 is an Application by WM Fares Group to amend the existing Development Agreement for 827 Bedford Highway to increase the permitted commercial space by approximately 3,800 square feet, decrease the number of driveway accesses from two to one, reduce the number of above ground parking spaces from 25 to approximately 10 and add one level of underground parking.

The purpose of the Public Information Meeting (PIM) is to advise that HRM has received an Application, give background on the proposal and receive feedback from the public. No decisions are made during the PIM.

The PIM Agenda was reviewed.

2. Overview of Planning Process – Andrew Bone

The Planning Process is as follows: a) The PIM is held; b) the Application goes before North West Planning Advisory Committee (NWPAC); c) a technical review will be done; d) a Staff Report will be prepared, including the draft Development Agreement, which will go before North West Community Council (NWCC); e) NWCC will hold a First Reading and schedule a

Public Hearing; f) a decision will be rendered at the Public Hearing; g) there is a 14-day appeal period when either the Developer or members of the general public could appeal to the Nova Scotia Utility and Review Board (NSUARB); and h) assuming there are no appeals, the Development Agreement would then be signed and registered to the property and a subdivision or, in this case, altered building permits could be issued.

3. Presentation of Proposal – Andrew Bone

The 30,000 square foot site is located at 827 Bedford Highway and currently, there is a building being construction which is permitted under the existing Development Agreement from 2010. The property is zoned CCDD (Commercial Comprehensive Development District) Zone.

A Development Agreement is a legal agreement between the property owner and Municipality to allow for certain land uses on the property. It typically overrides the Land Use By-law (LUB) and provides special provisions for a site. The Municipal Planning Strategy (MPS) or Secondary Planning Strategy (SPS) for an area lays out when and where a Developer can ask for a Development Agreement. In this particular case, a commercial development on this site triggers the requirement for a Development Agreement. Things that can be considered in a Development Agreement are laid out in the HRM Charter. Also, our MPS lays the ground work for the Planning Process. Council's decision must be consistent with MPS Policy.

The existing Development Agreement permits a three-storey building with five residential units, one floor of office space, one floor of commercial space and one level of underground parking.

Elevations of the building were shown. A unique feature of the building was a breezeway to accommodate above-ground parking.

HRM has issued permits for construction of the building under the existing Development Agreement. Geotechnical tests (soil testing) indicated that the ground at the original elevation was not stable. Further digging would have to happen before putting the footings in place. The Developer had two choices: a) fill the site back in with stable material and build at the footing level originally anticipated; or b) put in footings at the solid ground level and put in another level of basement. HRM did issue permits for another level of basement because it did not affect the way the building sat on the site. The extra level of basement could provide for additional parking.

The CCDD Policy allows for a mix of commercial and residential development on the site. Criteria for the Policy is as follows: a) where the entrance will be in relation to the waterfront; b) public views of the waterfront through this entrance; c) setbacks from the entrance; d) building height in around the entrance specifically; e) relationship to adjoining uses; f) protection of natural feature; and g) general planning matters.

From the proposed Site Plan perspective, there would be one driveway access and the access to the underground parking is in the same location. The access to the bottom level of underground parking would be within the building. From the Bedford Highway side, the only visible change would be the infill of this surface parking area. Shown on the slide was an area of greenspace (shown in green). This is a non-disturbance area that was required in the original Agreement because of a watercourse and that would remain in place.

Presentation of Proposal – Cesar Saleh

The client has a building permit for the site. During pre and current construction, the soil conditions were much worse than anticipated; therefore, the Developer had to dig deeper. A second level of underground parking was not initially contemplated because economically it is not warranted for a small building but makes sense now because of the site conditions and limitations. In doing so, the surface parking is not needed. By closing the breezeway, 3,800 square feet is available for a commercial unit. Also, there will be only one access to/from the Bedford Highway. The Developer believes both amendments are positive ones. Aesthetically, the building will look nicer without the surface parking in between and from the streetscape point of view, one entry off the Bedford Highway is more desirable than having two. The closing in of the building would help economically to counter some of the extra costs that the Developer has faced because of the challenges on the site. It is important to note that the building is not changing in height, mass, quality or location.

4. Questions and Comments

Councillor Outhit, District 16 – Reiterated that with this application there will not be any changes to the size or height of the building. The only change is to the open parking area. NWPAC suggested more greenspace because of the removal of above-ground parking. What has changed, if anything, from a traffic perspective with the one entrance as opposed to two? Is there a downside to the change in the parking design? Has Traffic Services looked at the change? NWPAC also debated about the Developer putting in a sidewalk or path along the front of the site or paths connecting the building to the parking lots particularly now that there is going to be more commercial. Mr. Bone said that Traffic Services would be part of the technical review. He explained to Mr. Saleh that NWPAC wondered if there was any opportunity to ensure the best access possible along the front of this building. Possibly a gravel trail to ensure pedestrians are able to get from one end to the other without difficulty. Mr. Saleh will take these suggestions back to their Engineer but the site is challenging and part of it is undevelopable. The Traffic Engineer has commented that one access to the Bedford Highway is better than two.

John Harrison, Bedford – The property value will increase with no cost to the Developer if this request is granted. Is the Developer willing to do something for the community for the increased value that is being added to this property (sidewalk/greenspace)? Mr. Bone said this discussion will take place at a later point. The current greenspace is to be undisturbed because there is a watercourse adjacent to it but if there are other opportunities, Staff will explore those with the Developer. Through the Development Agreements, HRM does not have the ability to ask for off-site work. In 2010, there was a discussion about the sidewalk but the sidewalk issue on the Bedford Highway is not a result of development on this site. It's a general area issue. Mr. Saleh said increasing greenspace is something they will look into.

John Kernaghan, The Tides – He is concerned about the business and employee parking overflowing onto Southgate Drive. If the underground parking is free to customers and employees, there won't be an issue. Mr. Bone explained that the number and use of parking spaces will be part of the technical review. The nice thing with a mixed use building is there is some synergy in their uses. Businesses operate at different hours and residents have visitors at different hours. Generally, parking for a mixed use site works better than a purely residential

setting. Mr. Saleh added that the proposed parking is an increase from the existing Agreement and exceeds the LUB requirements.

Dave Arthur, Bedford – What is the difference in parking spaces? Mr. Saleh said parking spaces have increased from 64 to 86. Mr. Arthur said there will be more cars coming out of one driveway than there would be two accesses. Mr. Bone said, as with all Applications, Traffic Services will review the proposal.

5. Closing Comments

Mr. Bone thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 7:40 p.m.