

North West Community Council
January 9, 2007

TO: North West Community Council

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

RE: Case 00835: Amendment to two Development Agreements on Shaffleburg
Run - Bedford

DATE: December 11, 2006

ORIGIN

North West Planning Advisory Committee meeting - December 6, 2006

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council:

1. Give Notice of Motion to consider the amendments to the Union Street and Brison Development Agreements as proposed in Attachment A of the staff report dated November 20, 2006, and schedule a public hearing;
2. Approve the amending agreement as set out in Attachment A of the staff report dated November 20, 2006 with an amendment to Map 2 to include all of Civic #37 in the Brison Development Agreement; and
3. Require the amending 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 agreement 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.

Staff will verbally respond to the requested amendment at the North West Community Council meeting.

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

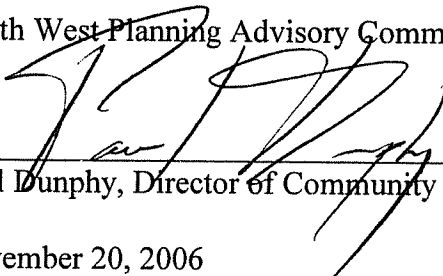


PO Box 1749
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**North West Planning Advisory Committee
December 6, 2006**

TO: North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: November 20, 2006

SUBJECT: **Case 00835: Amendments to two Development Agreements on
Shuffleburg Run - Bedford**

ORIGIN

- Application by Redden Brothers to amend the Union Street and Brison Development Agreements to enable a reconfiguration of the Agreements boundaries and permit townhouses and semi-detached dwellings on Shuffleburg Run, Bedford.

RECOMMENDATIONS

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

1. Give Notice of Motion to consider the amendments to the Union Street and Brison Development Agreements as proposed in Attachment A and schedule a public hearing.
2. Approve the amending development agreements as set out in Attachment A; and
3. 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 agreement 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.

BACKGROUND

Site Description and Location:

In 1995 the Town of Bedford entered into a development agreement with Redden Brother Development Limited to allow mixed residential development. This agreement is referred to as the Union Street Development Agreement. In 2003 North West Community Council entered into a development agreement with Gateway Investments Incorporated to allow mixed residential development. This agreement is referred to as the Brison Development Agreement. The subject area is two parcels of land on Shuffleburg Run off of Nottingham Drive (*Map 1*). The majority of the parcels are within the Union Street Development Agreement and only a small portion of the parcels are within the Brison Development Agreement.

Project Description and Proposal:

The Union Street development has been substantially completed except for the housing units permitted off Shuffleburg Run. The Union Street Development Agreement allows for a multiple unit apartment building of no more than 8 dwelling units on Site A (*refer to Map 2*) and townhouses or semi-detached dwellings on Site B (*refer to Map 2*). The applicant, Redden Brothers, has requested the following as a result of property ownership change:

- A portion of land from the Brison Development Agreement (2,115 sq ft/196 sq m) be added to Site A (*Map 2*) of the Union Street Development Agreement;
- Site A on Map 2 be permitted to develop as a 6 unit townhouse building rather than a 8 unit apartment building;
- A portion of land from the Brison Development Agreement (568 sq ft/52.8 sq m) be added to Site B (*Map 2*) of the Union Street Development Agreement;
- Site B on Map 2 be permitted to develop as townhouses or semi-detached dwelling. The Union Street Development Agreement permits a maximum of 17 townhouses or semi-detached dwellings on Site B.

Designation and Zoning:

The properties are designated and zoned Residential Comprehensive Development District (RCDD) in accordance with the Bedford Municipal Planning Strategy (MPS) and Bedford Land Use Bylaw (LUB) (*refer to Map 1*). The policy framework for RCDD's enable Council to consider this application (*refer to Attachment B*).

DISCUSSION

The overall policy intent allows the consideration of the proposed changes to the existing development agreements including the townhouses on Site A. Under Section 16 (2) (a) of the Union Street Development Agreement changing the site from an apartment building to townhouses would be considered non-substantive as there is a decrease in gross density from 8 to 6 dwelling units. This could have been approved by resolution of Council without a public hearing. However, the realignment of the boundary between the two development agreements is a substantive amendment which requires a public hearing. Two pieces of land, identified as lands for single unit dwellings are to be added to the Union Street Development Agreement and removed from the Brison Development Agreement (*refer to Map 2*). The Union Street

Development Agreement permits the development of semi-detached dwellings or townhouses on Site B provided the total number of units on both Site A and Site B is not increased.

Public Information Meeting/Area of Notification:

No public meeting was held. A letter was sent to notification area shown on Map 3 indicating the nature of the application. No issues or concerns were raised by the public or the area residents. Should Community Council decide to proceed with a public hearing, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified as shown on Map 3.

Summary

The changes proposed are within the framework of the existing development agreements and the policies for Residential Comprehensive Development Districts of the Bedford Municipal Planning Strategy. All other provisions of the Development Agreements remain and shall continue to apply. The proposed realignment of the Union Street and Brison Development Agreements and development changes of Site A and B are supported and recommended by staff.

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.

ALTERNATIVES

1. Council may choose to proceed with the proposed changes to the Union Street and Brison development agreements. 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. Council is required to provide reasons for refusal based on the intent of plan policy.

ATTACHMENTS

Map 1: Zoning

Map 2: Building Details

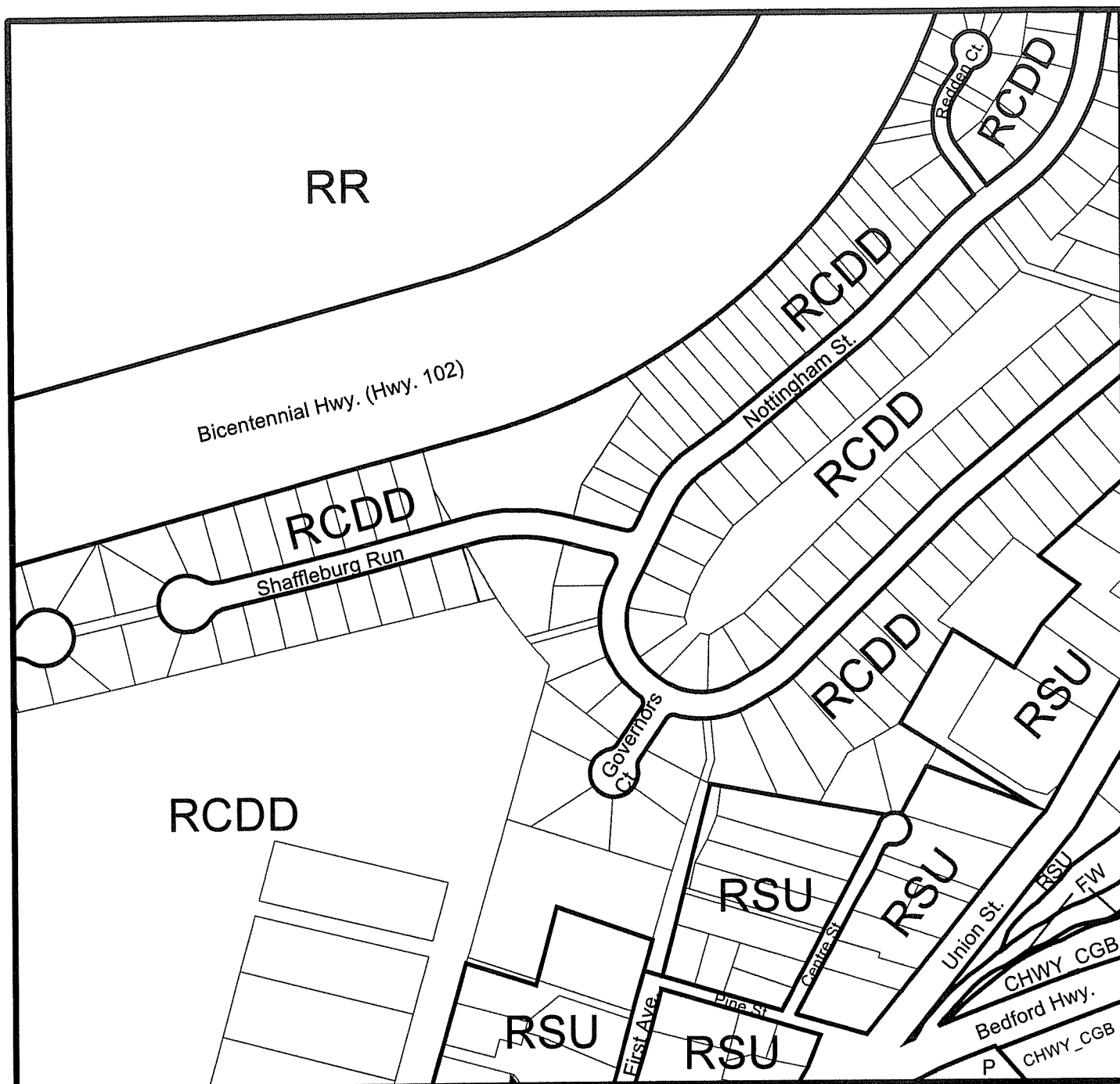
Map 3: Notification Area

Attachment "A": Proposed Amending Agreements

Attachment "B": Extracts from the Bedford Municipal Planning Strategy

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



Map 1 Zoning



Subject Areas

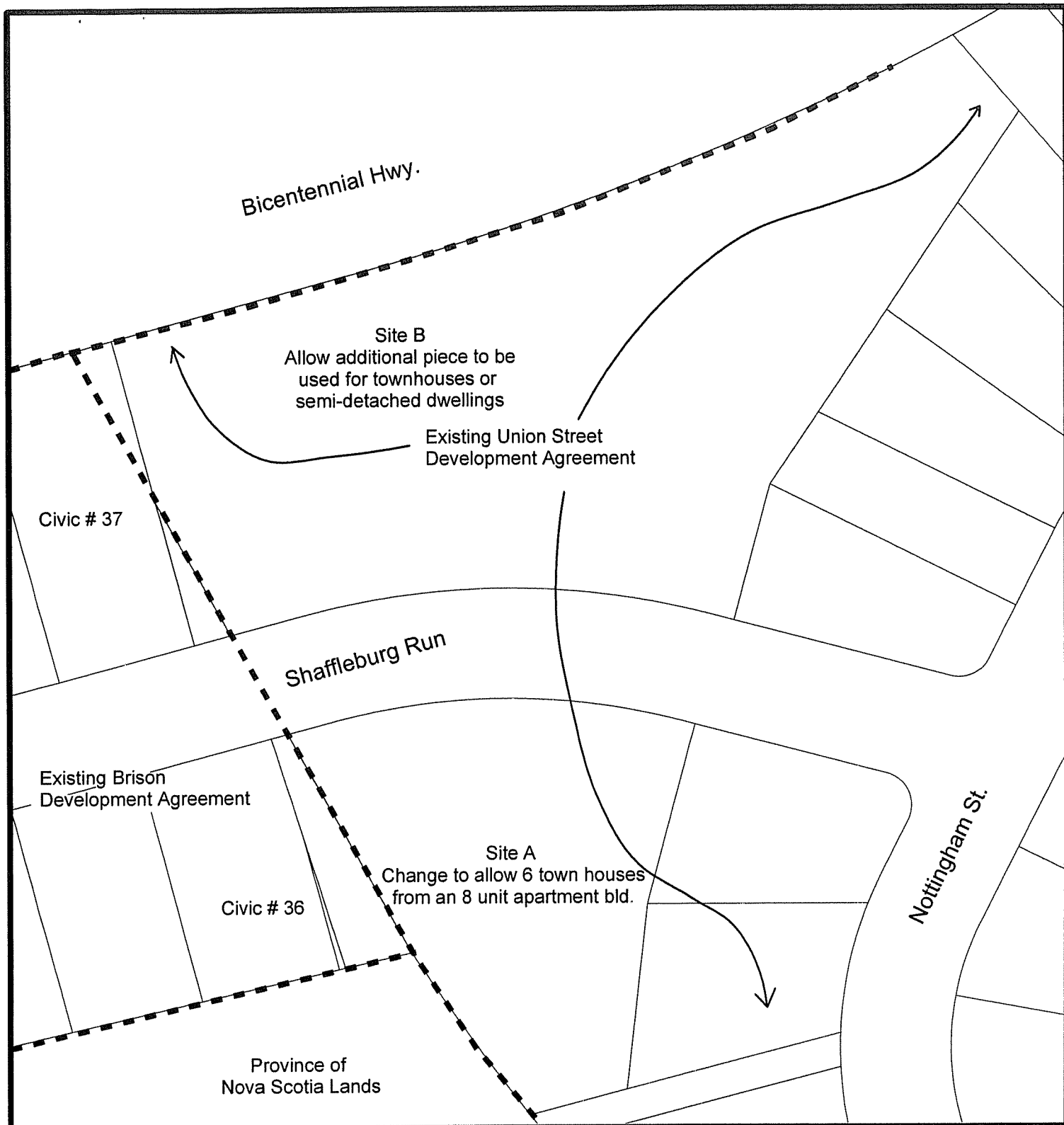
RSU Single Dwelling Unit Zone
RR Residential Reserve Zone
P Park Zone
FW Floodway Zone

RCDD Residential Comprehensive Development District
CHWY Highway Oriented Commercial Zone
CGB General Business District Zone

HALIFAX
REGIONAL MUNICIPALITY
Planning Services



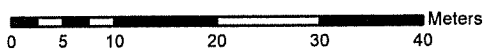
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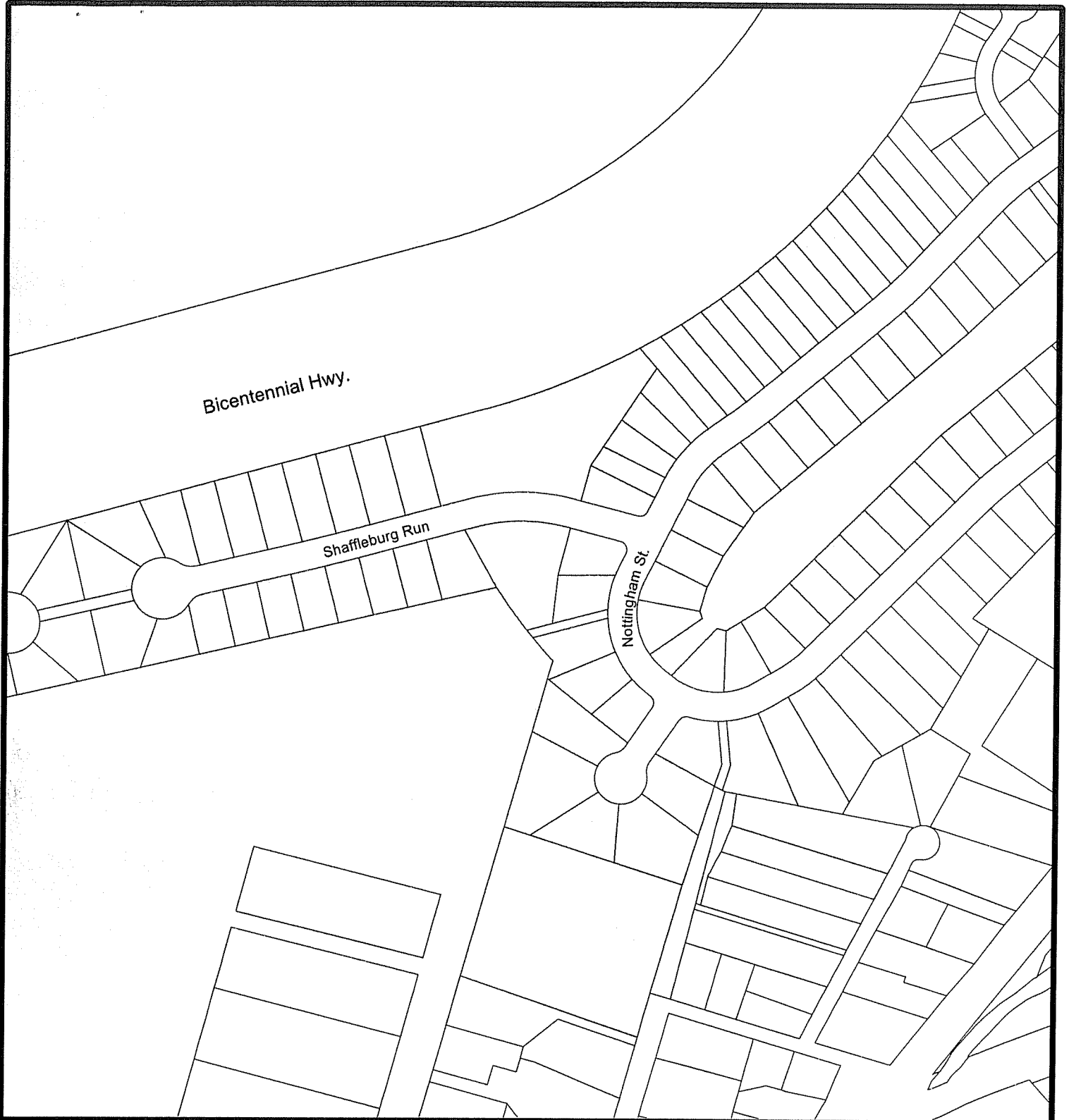
Map 2



Areas to be added to the Union Street Development Agreement



HALIFAX
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Planning Services



Map 3
Notification



Notification Area



0 20 40 80 120 160 Meters

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

ATTACHMENT "A"

THIS AMENDING AGREEMENT made this day of , 2007

BETWEEN:

REDDEN BROTHERS DEVELOPMENT 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 on Shaffleburg Run described in Schedule "A" known as Parcel RL-2E and Parcel RL-1RD as shown on the Plan of Survey prepared by Kevin C. Brown dated June 29, 2005 and approved by Kevin Warner on July 20, 2005 under Subdivision File No. 12035 (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement for the development of an area consisting of approximately 33 acres located between the Bicentennial Highway and Union Street, Bedford which includes the majority of the "Lands" and said agreement was registered at the Halifax County Registry of Deeds on December 21, 1995 as Document No. 50388, Book 5819, Pages 90 to 119 (hereinafter called the "Existing Redden Brothers Agreement");

AND WHEREAS the Developer is now the owner of lands formally owned by Gateway Investments Incorporated which form a small portion of the described "Lands" and said Agreement was registered at the Halifax County Registry of Deeds on May 16, 2003 as Document No. 19340, Book 7347, Pages 1107-1130 (hereinafter called the "Existing Gateway Agreement");

AND WHEREAS the North West Community Council of the Municipality approved an amendment to the Existing Redden Brothers Agreement at a meeting on December 11, 1997 (hereinafter called the Amending Redden Brothers Agreement);

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Redden Brothers Agreement and the Existing Gateway Agreement for Lots on Shaffleburg Run, Bedford and more particularly described in Schedule A and Map 1 (attached);

AND WHEREAS the North West Community Council of Municipality at its meeting on **** day of **** 2007, approved the requested amendment (Case 00835).

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

1. The Existing Gateway Agreement is amended by deleting the parcels shown on Map 1 from the boundaries of said Agreement;
2. The Existing Redden Brothers Agreement is amended by adding the parcels shown on Map 1 to the boundaries of said Agreement. All terms and conditions of the Existing Redden Brothers Agreement to apply to these parcels except as varied in this agreement.
3. Clause 4 (17) of the Existing Redden Brothers Agreement is amended by adding the following:

Site A (known as Parcel RL-2E) on Schedule A as shown on the Plan of Survey prepared by Kevin C. Brown dated June 29, 2005 may be developed for a maximum of six townhouse units. The ability to develop an 8-unit apartment building is repealed.

4. Clause 4 (18) of Existing Redden Brothers Agreement is amended by adding the following:

Site B (known as Parcel RL-1RD) on Schedule A as shown on the Plan of Survey prepared by Kevin C. Brown dated June 29, 2005 and approved by Kevin Warner on July 20, 2005 under Subdivision File No. 12035 may be developed for a maximum of 17 dwelling units in either townhouses or semi-detached dwellings in accordance with the Existing Redden Brothers Agreement

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)	REDDEN BROTHERS DEVELOPMENT 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

ATTACHMENT "C"

OBJECTIVES AND POLICIES

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-9:

It shall be the intention of Town Council to establish Residential Comprehensive Development Districts (RCDD) within the Residential Development Boundary where the predominant housing form of each residential district shall be the single-unit detached dwelling unit. These residential districts are shown on the Generalized Future Land Use Map. Council shall enter a development agreement to control the development within the area identified as RCDD. Permitted uses within RCDDs shall include, but not be limited to, single detached dwelling units, two unit attached dwellings, townhouses, multiple unit dwellings, mobile home, senior residential complexes, neighbourhood convenience stores, neighbourhood commercial uses, institutional uses, parks and recreational uses. Three RCDD areas have been identified: a) the remaining lands of Bedford Village Properties near Paper Mill Lake; b) the area between Union Street and the Bicentennial Highway; and, c) 68 acres of land south of Nelson's Landing belonging to Crestview Properties Limited.

Policy R-10:

It shall be the intention of Town Council to establish a Residential Comprehensive Development District (RCDD) Zone within the Land Use Bylaw to permit Council to: a) ensure that a comprehensive plan is prepared; b) encourage environmentally sensitive design through review and negotiations on development agreement applications; c) consider approving innovative housing forms; d) permit flexibility and economies in street and servicing standards; e) consider the need for buffering and/or separation distances; f) consider innovative subdivision designs and house siting arrangements; g) permit negotiation regarding provision of open space; h) negotiate the phasing of

development; i) encourage the use of cost effective construction technology; and, j) encourage the provision of a mix of housing types.

Policy R-11:

It shall be the intention of Town Council to limit the density of residential development within an RCDD to a maximum of 6 units per gross acre. In order to develop an RCDD at a density between 1 and 4 units per gross acre it will be necessary for Town Council to enter into a development agreement. Only single-unit dwellings will be permitted in this density range and in order for Town Council to consider this increased density the proponent must indicate methods whereby common open space (parcels which are available for use by project residents or the general public) is to be provided for such purposes as protection of existing vegetation, retention of natural features, and/or incorporation into the parks system. Development up to a maximum of 6 units per gross acre must proceed on the basis of a mix of uses. However, at least 60% of all housing shall be single unit dwellings. *Such proposals* may be considered by development agreement provided additional common open space is provided and the cluster/open space site design approach is utilized. When entering development agreements Town Council may consider reductions of up to 50% for frontage, side yard and lot area requirements as specified in the Land Use By-law for the type of housing being considered. A design manual is to be prepared to provide further elaboration on the cluster housing concept. Representation of the range of residential uses shall be provided in each neighbourhood area. Each street may have the same type of uses, however on a neighbourhood scale, a range of uses shall be required to provide a variety of housing in each neighbourhood area.

These densities shall be based on gross area calculations which include the land area consumed by residential uses, parkland, local, collector, and arterial streets, institutional and neighbourhood commercial uses, and environmentally sensitive sites. In the case of Papermill Lake RCDD, the gross area calculations shall exclude all that land under water in this lake as it exists on December 2, 1989.

Policy R-12:

Deleted

Policy R-12A:

It shall be the intention of Town Council to require architectural design standards for RCDD projects. These standards are intended to achieve architectural variation in neighbourhoods by limiting design repetition and encouraging varying facial designs. Small multiple unit buildings shall be designed so they appear more like large single unit buildings. Large multiple unit buildings shall have bends and jogs rather than flat facades and shall be limited to a maximum of 36 units per building and three storeys in height unless site conditions justify a taller building by minimizing site disturbance, maximizing tree retention and screening from the street. In the architectural design of all buildings in RCDD projects. Consideration shall be given to the following techniques: roof slopes

with 6:12 pitch or greater; door and window trim and detailing; exterior materials of brick, masonry, clapboard or wood; exterior colours of earth and natural tones with complementary coloured trim; use of side doors on semi detached and townhouse units; garage entrances on the side rather than the front of homes; garage entrances be set back from the front facade to minimize its impact on the streetscape; decorative front facade details such as brick, shutters, awnings; utility wires, installation of underground electrical secondary services and electrical meters attached to side or back of homes. Specific architectural guidelines shall be included in development agreements. For multiple unit buildings and commercial buildings consideration shall be given to the site's location and visibility within the Town, in establishing building size and design.

Policy R-12B:

It shall be the intention of Town Council to identify non-site disturbance areas and to require landscaping for RCDD projects. Non-site disturbance areas are intended to preserve natural open space and to provide neighbourhoods with a natural or "green" environment. Landscaping requirements are intended to provide buffers between buildings, buffers between buildings and streets, and provide a visual break in parking lots. Non-site disturbance areas shall be determined by designing buildings that fit the site and utilizing construction practices that minimize site disturbance and maximize tree retention. Horticultural practices shall be utilized to maintain the health of vegetation within non-site disturbance areas and landscaped areas, such as: covering of exposed roots with adequate soil and mulch; protecting specimen trees with barriers to prevent damage from machinery; slope stabilization; planting of trees that comply the CNTA Canadian Standards for Nursery Stock etc. Consideration of storm water drainage patterns shall be considered when identifying non-site disturbance areas and landscaped areas. The "no net loss" approach shall be used for non-site disturbance areas ie: any removal or damage to a non-site disturbance area during or after construction shall be replaced via landscaping somewhere on the site so there is no net loss to the vegetated portion of the site.

Policy R-12C:

It shall be the intention of Town Council to require streetscape design standards for RCDD projects. These standards are intended to achieve an attractive streetscape upon completion of the project. In designing the streetscapes, parking for small lots shall be provided in the side yards except where a garage is provided in the front yard. In addition, for all streetscapes, consideration shall be given to: varied front yard setbacks; street patterns that utilize curves, bends and change in grades; street standards that reflect the function of the street; parking in side yards; landscaping to screen parking lots from the street for large buildings ie: multiple unit, commercial, townhouses; driveway locations for multiple unit projects considered in terms of the view from the street and to buffer these in order to minimize the impact of the parking lot and building on the streetscape; provision of street trees for both public and privately owned streets. Buffering and screening shall be provided in the form of natural vegetation and landscaping. Street patterns utilizing local through streets is encouraged over the use of cul-de-sacs to

facilitate improved traffic movement and to assist snow clearing operations. Through streets shall not be accepted in preference to cul-de-sacs in situations where it is incompatible with the physical topography and where site disturbance of environmentally sensitive areas will be increased. Sidewalks shall be required on both sides of arterial and collector streets. To minimize their impact on collector roads, small lots should be located on local streets and be dispersed throughout the development.

Policy R-13:

It shall be the intention of Town Council to permit mobile home parks and/or subdivisions in Residential Comprehensive Development Districts through the development agreement process. In assessing a proposal to include mobile home parks and/or subdivisions within an RCDD Council shall take into consideration:

- a) direct access to the collector or arterial road system;
- b) the proximity to existing or proposed recreational facilities;
- c) the adequacy of servicing capabilities in the area;
- d) the adequacy of existing or proposed school capacities;
- e) that the proposal meets all other policies contained in this plan;
- f) the criteria listed in Policy Z-3.

Policy R-14:

It shall be the intention of Town Council to require the undertaking of a public participation process in which the public, proponents, and Town staff: a) identify development constraints and opportunities pertaining to the three RCDD areas; and b) collaborate to produce the conceptual plans for the development of these areas. When negotiating provisions of the Union Street RCDD development agreement special attention shall be given to the protection of the aboriginal petroglyphs located within this area.

Policy R-15:

It shall be the intention of Town Council to consider the recommendations contained in the Petroglyph Advisory Committee's report as part of the public consultation process for the Union Street RCDD.

Policy R-16:

Pursuant to Policy R-9 and as provided for by Sections 55 and 56 of the Planning Act, the development of any RCDD shall only be considered by Council through a Development Agreement. Council shall evaluate the appropriateness of the proposed development in accordance with the provisions of Policy Z-3 and with regard to the following criteria:

- 1. Commercial uses shall front on a collector road;
- 2. The compatibility of the height, bulk and scale of the uses proposed in the project with one another, where specific design criteria have minimized potential incompatibility between different housing forms and/or between different land uses;
- 3. The adequacy and usability of private and public recreational and park lands and recreational facilities. Proponents will be encouraged to provide one (1) acre of public parkland per 100 dwelling units within RCDDs. Where subdivision occurs

- 5% of public open space is to be provided as per the Planning Act, and Council shall seek to obtain lands which are compact, having a minimum street frontage of 60 continuous feet or one-tenth of one per cent of the total park area, whichever is greater, and; where usability is defined generally as park or recreational lands having no dimension less than 30 feet (except walkway park entrances) and having at least 50 per cent of the area with a slope between 0 and 8 per cent in grade;
4. The adequacy of provisions for storm water management;
 5. The Town will encourage development to maintain standards of water quality which will meet recreational standards;
 6. Council shall discourage the diversion of any storm water from one watershed to the detriment of another watershed;
 7. The implications of measures to mitigate the impact on watercourses;
 8. The adequacy and arrangement of vehicular traffic and public transit access and circulation, including intersections, road widths, channelization, traffic controls and road grades;
 9. The adequacy and arrangement of pedestrian traffic access and circulation including: physical separation of pedestrians from vehicular traffic, provision of walkway structures, and provision of crosswalk lights;
 10. The maintenance of the small town character by discouraging concentrations of multiple-unit dwellings (townhouses and apartment units) in any one project or area; concentrations shall be viewed as individual projects exceeding 36 units or as clustering of more than three such multiple-unit projects on abutting lots and/or lots within 100 feet;
 11. With respect to multiple-unit projects, Council shall consider, among other items, the:
 - i) access to the collector or arterial road system;
 - ii) proximity to existing or proposed recreational facilities;
 - iii) existence of adequate services in the area;
 - iv) conformance with all other relevant policies in this strategy;
 - v) preference to limit the maximum height of any apartment building to three stories except as provided for in Policy R-12A to maintain the small town character;
 - vi) density limitation of 30 units per net acre;
 - vii) requirements of the RMU Zone, where appropriate;
 - viii) the bulk and scale of multiple-unit projects in relation to abutting properties; and,
 - ix) a maximum of 36 units per building
 12. The adequacy of school facilities to accommodate any projected increase in enrolment.
 13. The adequacy of architectural design;
 14. The adequacy of non-site disturbance areas, landscaping areas, and horticultural practices to ensure the survival of these areas;
 15. The adequacy of streetscape design.

Policy R-17:

It shall be the intention of Town Council to consider discharging the agreements made pursuant to Policies R-9 and R-10 upon the completion of the development. Upon discharging the agreement Council shall zone the RCDD in such a manner as to be consistent with the development agreement by applying the appropriate zoning or 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 R-19A:

Pursuant to policies R-9 and C-7; C-20, WF-22 and applicable criteria in R-16 and as provided by sections 55 and 56 of the Planning Act, seniors residential complexes shall be considered by Council through a development agreement. Council shall evaluate any proposed seniors residential complexes according to the applicable provisions of policy Z-3 and with regard to the following:

1. integration within established communities, i.e. residential in character and scale;
2. proximity to public transportation, shops, health and social facilities;
3. provision of primary paths to main entrance and from main parking area with minimum width of 1.67 metres (5.5 feet) wide for wheelchair accessibility;
4. provision of walkways with non-slip finish and provided with sitting areas to one side of walkway, complete with bench, back support and arm rests; and
5. parking space requirements shall be 1 space for every three units.