



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

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North West Community Council  
November 21, 2007

**TO:** Chairperson and Members of North West Community Council

**SUBMITTED BY:**

Sharon Bond  
Sharon Bond, A/Director of Community Development

**DATE:** November 16, 2007

**SUBJECT:** Case 00762 - Amendments to the Bedford MPS/LUB and Development Agreement (Southgate Village)

### SUPPLEMENTARY REPORT

#### ORIGIN

An application by Caohmin Consulting on behalf of Cresco Homes Limited to amend the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable a mixed use development (residential/commercial) at 820, 822, 824, 826 and 836 Bedford Highway.

On June 14, 2005 Regional Council initiated a process to consider amending the Bedford MPS and LUB for the above noted application.

A staff report dated October 24, 2007 was forwarded to North West Planning Advisory Committee (NWPAC) for review. NWPAC recommended approval of the proposed amendments to Bedford's MPS and LUB and the proposed development agreement with amendments not contained in the report.

#### RECOMMENDATION:

It is recommended that **North West Community Council recommend that Regional Council:**

1. **Give First Reading** to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated October 24, 2007, and schedule a joint public hearing with North West Community Council;
2. **Approve** the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated October 24, 2007; and
3. **Give Notice of Motion** to consider the proposed development agreement as provided in Attachment C of the staff report dated October 24, 2007 with the addition of clause 5.1.6 as outlined in Attachment B of this report, and schedule a joint public hearing with North West Community Council. **RECOMMENDATIONS CONTINUED ON PAGE 2**

**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 as provided in Attachment C of the staff report dated October 24, 2007 with the addition of clause 5.1.6 as outlined in Attachment B of this report; 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.

**BACKGROUND**

On November 7, 2007, NWPAC reviewed the staff report (dated October 24, 2007) for Case 00762 which recommended that Regional Council consider amendments to the Bedford MPS which would permit a development agreement for a mixed use development (residential /commercial) on a number of properties situated on the west side of the Bedford Highway, between Southgate Drive and Glenmont Avenue.

Upon review of the proposal, NWPAC recommended approval of the staff recommendation with the addition of:

- i) amendments to the proposed policy and development agreement to permit all residential development in the proposal to be constructed prior to the construction of the interchange at Highway 102; and
- ii) an amendment to the proposed development agreement to require storm water treatment by oil and grit separators.

The Bedford South Secondary Planning Strategy was implemented subsequent to a master planning exercise for the Wentworth/Bedford South area. A Traffic Study (*The Final Report Traffic Impact Study Prince's Lodge/Bedford South Master Plan* prepared by Atlantic Road and Traffic Management, June 2000) was completed in support of the master planning study. The study concluded that 2,000 housing units within Wentworth/Bedford South and the Royale Hemlocks Subdivision could be developed and occupied without causing the level of service to deteriorate on the Bedford Highway below a performance level acceptable under municipal traffic guidelines.

**Existing Plan Policy**

Current MPS policy provides that no development agreement within the Bedford South Master Plan area and the abutting Royale Hemlocks subdivision shall be approved which allows for more than 2000 units unless the interchange has been constructed on Highway 102 and connected

to Larry Uteck Boulevard or the financing for the interchange and roads has been secured and a time frame for implementation agreed upon.

## **DISCUSSION**

### **Residential Development Prior to Interchange**

To date, through the Bedford South, Wentworth Estates and Royale Hemlocks development agreements, the 2000 unit threshold has been reached. An excess number of units were accommodated in order to facilitate road connections to the new interchange to be built at Highway 102). However, it is anticipated that these units will not be occupied until the interchange is operative.

In addition, many more units have been approved through the as-of-right process along the Bedford Highway outside the Royale Hemlocks/Wentworth Estates and Bedford South subdivisions.

Staff wish to identify that it is well documented that additional units on the Bedford Highway, as proposed by NWPAC, prior to the construction of the Highway 102/ Larry Uteck Blvd. interchange will have a negative impact on the Bedford Highway. As a result there could be significant congestion on the Bedford Highway. It has been the position of staff and other Community Councils that this restriction is needed to maintain safe and efficient traffic flows on the Bedford Highway. Staff's position is reflected in all development agreements negotiated in this locality including recent amendments to Royale Hemlocks, Neighbourhood A and C of Bedford South, and Neighbourhood B of Bedford South/Wentworth Estates. Further, recent requests for additional units in this area have been made. Staff have indicated in all cases, including the subject application, that additional units (beyond 2000 units) puts the functionality of the Bedford Highway at risk.

If NWCC wish to consider the proposed request, staff recommend that Regional Council:

- i) process the application as stated in the "Recommendation" section of this report; and
- ii) request staff to prepare an initiation report on amendments to the Bedford South Master Plan that permits additional residential units within the development prior to the construction of the Highway 102 Interchange.

Staff recommend the additional amendment process due to the impact the request will have on traffic levels on Bedford Highway, development activity within Bedford South and Royale Hemlocks area, and that the proposed request is a significant amendment to existing MPS policy and engineering practices. If NWCC recommends that Regional Council consider the requested amendment under the existing application, staff are aware of at least two other developments that could be requesting the same amendment. Therefore, staff recommend a comprehensive review of the proposed amendment. Staff does not support either approach for the reasons stated in this report.

**Oil Grit Separator** - Staff concur with the recommendation of NWPAC to require oil and grit separators. The clause to be included in the development agreement is outlined in Attachment B.

### **BUDGET IMPLICATIONS**

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

### **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. Approve the proposed amendments to the Bedford MPS and LUB and the proposed development agreement, as contained in Attachments A and B of the staff report dated October 24, 2007 plus the addition of clause 5.1.6 as outlined in Attachment B of this report to the Agreement. This alternative would permit the proposed mixed use development as outlined in the original staff report with the addition of three oil and grit separators. This is staff's recommended course of action.
2. Approve the proposed amendments to the Bedford MPS and LUB and the proposed development agreement, as contained in Attachments A and B of the staff report dated October 24, 2007 plus the addition of clause 5.1.6 as outlined in Attachment B of this report to the Agreement. Further, request that staff prepare an initiation report that considers the ability to exceed the 2000 unit threshold within the Bedford South Master Plan for this development. This is not the recommended course of action as outlined in this report.
3. Approve the proposed amendments to the Bedford MPS and LUB and the proposed development agreement, as contained in Attachments A and B of the staff report dated October 24, 2007 with the replacement of wording to clause RN-3A (c) of the proposed Bedford MPS policy as outlined in Attachment A of this report and the addition of clauses 3.4.1 and 5.1.6 to the development agreement (Report of October 24, 2007) as outlined in Attachment B and C of this report. This alternative would permit the proposed mixed use development as outlined in the original staff report with the addition of oil and grit separators and the allowance for all residential units to proceed prior to the construction of the interchange. Should Council choose this option, exact wording is provided in Attachment D. This is not the recommended course of action as outlined in this report.
4. Refuse all of the requested amendments to Bedford's MPS and LUB. A request to amend the MPS is at the discretion of Council. A decision not to amend the MPS cannot be appealed to the N.S. Utility and Review Board. This alternative is not recommended as staff feel that there is merit in proceeding with amendments to the Bedford MPS and LUB.

**ATTACHMENTS**

- Attachment A           Amendment to the Bedford MPS
- Attachment B           Amendment to the proposed Development Agreement (Stormwater Treatment)
- Attachment C           Amendment to the proposed Development Agreement (Pre-Interchange Units)
- Attachment D           Alternate Recommendations

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

Report Prepared by:           Andrew Bone, Senior Planner, 869-4226

Report Approved by:             
Austin French, Manager of Planning Services, 490-6717

**Attachment A**  
**Proposed Amendment to the Bedford MPS**  
**(Revision to proposal in October 24, 2007 Staff Report)**

- RN-3A      c)      notwithstanding MS-6 and MS-7, the development agreement shall permit a maximum of 57 residential units to be constructed prior to the construction of the interchange at Highway 102;

**Attachment B**  
**Amendment to the proposed Development Agreement (Stormwater Treatment)**

- 5.1.6 The Developer agrees to treat all storm water on the site with an oil and grit separator or storm treatment chamber prior to discharging storm water from the site.

**Attachment C**  
**Amendment to the proposed Development Agreement**  
**(Residential Development Prior to the Interchange)**

- 3.4.1 All units, to a maximum of 57 units, including the Commercial Building, Multi-Unit Residential, Townhouses, and Single Unit Dwelling may be constructed and Occupancy Permits issued prior to the interchange at Highway 102 being constructed and connected to Larry Uteck Boulevard or the financing for the interchange and road has been secured. Final subdivision approval may be granted for all development prior to the interchange being constructed and connected to Larry Uteck Boulevard or the financing for the interchange and road has been secured.



**Attachment D**  
**Alternate Recommendations**

1. **Give First Reading** to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated October 24, 2007 with revised wording to clause RN-3A as outlined in Attachment A of this report, and schedule a joint public hearing with North West Community Council;
2. **Approve** the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated October 24, 2007 with revised wording to clause RN-3A as outlined in Attachment A of this report; and
3. **Give Notice of Motion** to consider the proposed development agreement as provided in Attachment C of the staff report dated October 24, 2007 with the addition of clause 5.1.6 as outlined in Attachment B of this report, 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 as provided in Attachment C of the staff report dated October 24, 2007 with the addition of clause 5.1.6 as outlined in Attachment B of this report; 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.