

NORTH WEST COMMUNITY COUNCIL

SPECIAL COUNCIL SESSION

MINUTES

JULY 20, 2000

THOSE PRESENT: Councillor Harvey, Chair
Councillor Merrigan
Councillor Kelly

ALSO PRESENT: Thea Langille-Hanna, Planner
Sandra Shute, Assistant Municipal Clerk

1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. at the New Fire Hall in Bedford, 15 Convoy Run. The purpose of the meeting was to deal with a Non-Substantial Amendment to the Clearwater Development Agreement, Bedford to allow the fourth floor.

2. **CASE 00272 - NON-SUBSTANTIAL AMENDMENT (PHASE TWO) TO THE CLEARWATER DEVELOPMENT AGREEMENT, BEDFORD**

A Staff Report dated July 18, 2000 was before Community Council. Thea Langille-Hanna, Planner provided an overview of the Development Agreement which was approved by Community Council at its meeting held on December 9, 1999 which allowed additions to occur to the existing building in two phases. Phase One was a second and third storey to the existing building and Phase Two was the fourth storey. One of the conditions of the Development Agreement was to ensure that Phase Two would have to come back to Community Council to review the plans and ensure that everything is according to the Development Agreement.

The reason for the Special Meeting, Ms. Langille-Hanna advised, was because construction has occurred on the second and third storey but some construction did commence on the fourth storey as well. HRM has issued two stop work orders, on July 11 and July 18, 2000 respectively, because there was construction occurring on the fourth floor contrary to the Development Agreement.

Ms. Langille-Hanna advised that under the Development Agreement, there were considerations for Community Council in relation to the height of the building not exceeding 60' and adequate parking being provided. Staff having reviewed the plans, the height of the building is less than 60' and parking can be adequately provided. The second and third storey are a little smaller than originally proposed and the fourth floor is actually smaller as well. Parking can be adequately accommodated on site for the expansion and addition; however, any other type of expansion - the balance of Phase One and Phase Two - would require parking across the street. There was also consideration of landscaping - the requirement that sidewalk be placed in front of Clearwater as well as landscaping. At this time, landscaping has not commenced but the developer has applied for a Streets and Services permit to start as soon as possible.

Additionally, Ms. Langille-Hanna stated that staff is recommending that with regard to consideration of the Non-Substantial amendment for the fourth floor, Community Council request that a certified cheque in the amount of 110% of the landscaping be issued to HRM immediately to ensure that the landscaping is either completed by the developer or

by HRM. Staff was, therefore, recommending that the fourth floor, by resolution, be granted by Community Council provided the landscaping certified cheque is provided.

Councillor Kelly asked for clarification regarding the footprint. In response, Ms. Langille-Hanna advised that Clearwater began construction on the second and third floor but ran into difficulties over construction costs and, therefore, reduced the footprint for the second and third storey. Then, during construction of Phase One they realized in order to maximize some of the office space, it would be ideal to put on a portion of Phase Two right away. Over time, she understood they would complete the balance of Phase One and Phase Two.

Councillor Kelly asked for clarification on the square footage. In response, Ms. Langille-Hanna advised that the square footage exceeds by approximately 1000 sq. ft., for Phase One. Phase One was to be 9,000 sq. ft. but the combination of what is there now and the proposed fourth floor brings it to 11-12,000 sq. ft.

With regard to Phase Two and the parking across the street, Councillor Kelly asked for clarification that Clearwater could not expand on the current site unless they prepare the other areas for parking purposes. In response, Ms. Langille-Hanna advised that what was being constructed currently could be accommodated but any other expansion of Phase One or Phase Two would have to be accommodated across the street.

Councillor Harvey pointed out to members of the public present that this was not a Public Hearing as such but Community Council was willing to hear from the public if they wanted to ask a question or obtain clarification.

Ms. Barb Dowling, Millview asked if the fourth floor would be lower than 60'. In response, Ms. Langille-Hanna advised yes. From the street, Clearwater would have the appearance of three stories, the fourth is more visible on the back.

Ms. Donna Bowdridge, Millview Avenue asked for an explanation of a Non-Substantial Amendment. At the request of the Chair, Ms. Langille-Hanna provided the explanation.

Ms. Dowling asked what was the allowable building height on the waterfront in Bedford. In response, she was advised that it depended on the area of the waterfront. Some examples were given. If a developer wanted to build higher than the allowable building height, it would have to go through a public process.

Mr. Garth Chalmers, Crosby Street asked what would be the regulations governing the spaces between buildings that could be built along the waterfront in the future as well as the height. In response, Councillor Kelly advised that with regard to the motel properties,

if the public process to review the Municipal Planning Strategy for Bedford goes forward, as he has been requesting, questions such as these would be reviewed at that time. The public would also have an opportunity for input should the redevelopment of the motel properties come forward.

Mr. Chalmers referred to Crosby Island and asked if it would be absorbed as part of the building site for any possible redevelopment of the motel properties. In response, Councillor Kelly advised that the provincial government expropriated land throughout that area but part of it was owned by the owner of the motels. It would, therefore, have to be a negotiated approach through the Waterfront Development Corporation.

Ms. Kathy MacLean, Millview referred to a meeting she had attended about the Clearwater development and asked when the Public Hearing was held as she did not know about it.

Both Councillor Kelly and the Planner explained the public process. The meeting Ms. MacLean referred to was the Public Information Meeting. Councillor Kelly, during the explanation, expressed surprise that no one came to the Public Hearing to speak although it had been advertised and notices to abutters sent out. The notification process was also explained.

Councillor Kelly then requested that Community Council hear from the proponent regarding time frames.

Mr. Foster MacKenzie, Harvey & MacKenzie Architects advised that completion of the other parts of Phases One and Two depended on economic conditions. Clearwater needed the space now as they were renting space in other facilities. When all staff were centralized in one building, there would be 130 people working there, as opposed to 100 now.

Councillor Merrigan asked why Clearwater started work on the fourth floor before approval was granted. In response, Mr. MacKenzie advised there was confusion as the owner interpreted one aspect of the Development Agreement in terms of a total footprint area for Phase Two.

Councillor Merrigan asked if work has stopped. In response, Mr. MacKenzie advised they had to stabilize the building to keep water out.

Ms. Langille-Hanna clarified the two stop work orders. She stressed that HRM would continue to monitor during the appeal period to ensure that work does not progress.

Councillor Kelly asked if Clearwater clearly understands the 14 day appeal time frame and, if they work on the fourth floor, the stop work order will be reintroduced as well as injunction potential if they continue.

Mr. MacKenzie advised that the roof has not gone on; a steel deck, however, was necessary to stabilize the structure. Clearwater has a building permit application in for interior finishing which he understood would be issued tomorrow. Work, therefore, will continue on the site with Phase One.

A member of the public asked if there would be a penthouse. In response, he was told there would be a small air conditioning unit on the upper roof 4.5' high and 6' x 6'.

Mr. Chalmers asked the location of the properties owned by Clearwater across the street. These properties were identified.

MOVED by Councillors Kelly and Merrigan to approve the proposal to construct a portion of Phase Two (fourth floor) in accordance with Clearwater Development Agreement, subject to security being provided to HRM in the amount of 110 percent of the cost of completion of all outstanding landscaping, access points and sidewalks. Further that this Resolution applies only to that portion of the building addition shown on Map 1 in the Staff Report dated July 18, 2000 and that any further construction of Phase Two will first require a subsequent Resolution of Community Council pursuant to Section 3.1.2 of the Development Agreement.

Councillor Kelly stated he made this motion with the understanding the parameters were clearly understood, Clearwater was staying within the confines of the square footage overall of the already approved contract, with the commitment that before they go ahead, 110 percent of the value will be retained in the form of a certified cheque and the landscaping component be completed by March 2, 2001. If it is not done by that time, then HRM would have the capability of going in and completing.

MOTION PUT AND PASSED.

3. ADJOURNMENT

On a motion from Councillor Kelly, the meeting adjourned at 7:40 p.m.

Sandra M. Shute
Assistant Municipal Clerk

