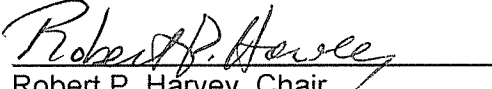

HALIFAX REGIONAL COUNCIL
MAY 28, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

FROM: 
Robert P. Harvey, Chair
North West Community Council

DATE: May 24, 2002

SUBJECT: CASE 00406 - Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-law - 961 Bedford Highway, Bedford

ORIGIN:

North West Community Council meeting held on May 23, 2002.

RECOMMENDATION:

It is recommended that:

Regional Council not approve the request to initiate the Plan Amendment process for the Bedford Municipal Planning Strategy and Land Use By-law to give consideration to allowing drive-thru restaurants within the Mill Cove Plaza area, 961 Bedford Highway, for reasons as outlined in the Bedford Municipal Planning Strategy in the Commercial Section.

ATTACHMENT:

Memorandum dated February 25, 2002 on behalf of North West Planning Advisory Committee and attachments thereto.

HALIFAX
REGIONAL MUNICIPALITY

North West Community Council
May 23, 2002

TO: North West Community Council
SUBMITTED BY: *Gail Harnish*
Gail Harnish, Admin/PAC Coordinator

DATE: February 25, 2002

SUBJECT: Case 00406 - Plan Amendment to the Bedford Municipal Planning
Strategy and Land Use By-law - 961 Bedford Highway, Bedford

ORIGIN:

- March 19, 2002 - Regional Council referred the matter to the North West Planning Advisory Committee for review
- April 22 and May 1, 2002 - Review of request by North West Planning Advisory Committee

RECOMMENDATION:

The North West Planning Advisory Committee recommended that the Committee's comments be forwarded to North West Community Council.

ATTACHMENT:

Staff report dated March 11, 2002
Excerpts from North West Planning Advisory Committee minutes

HALIFAX
REGIONAL MUNICIPALITY

Halifax Regional Council
March 19, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: March 5, 2002

SUBJECT: **Case 00406 - Plan Amendment to the Bedford MPS and LUB - 961
Bedford Highway, Bedford**

ORIGIN:

A request by Sobey's Leased Properties Limited to amend the Bedford Municipal Planning Strategy and Land Use Bylaw to enable drive-thru restaurants within the Mill Cove Plaza area.

RECOMMENDATION:

It is recommended that Regional Council:

1. Approve the request to initiate the plan amendment process for the Bedford Municipal Planning Strategy and Land Use Bylaw to give consideration to allowing drive-thru restaurants within the Mill Cove Plaza area, 961 Bedford Highway.
2. Request staff to follow the public participation program as approved by Council in February, 1997.

BACKGROUND:

Overview:

The Mill Cove Plaza, the subject property, is located at the junction of the Hammonds Plains Road and the Bedford Highway at 961 Bedford Highway. The property is in close proximity to the Bedford Waterfront, the Mill Cove Treatment Plant and the Bedford Fire Station. Several large commercial buildings containing various restaurants (i.e. Dr. Sharp's Route 2 Roadhouse Restaurant and Bar and Martha's Pizza), commercial recreation uses (i.e. Empire 6 Cinema and Brewsters Billiards), retail and service uses (i.e. Blockbuster Video, Wacky Wheatley's, and the 24-hour Sobeys) presently exist on the site and are referred to as the Mill Cove Plaza.

The property is designated Commercial Comprehensive Development District on the Bedford Generalized Future Land Use Map and zoned Commercial Comprehensive Development District (CCDD) on the Bedford Zoning Map. Within any CCDD zone all development must be by way of a development agreement in accordance with Policy C-8 of the Bedford Municipal Planning Strategy (MPS).

In 1983, the Town of Bedford approved a development agreement enabling the development of the Mill Cove Plaza and surrounding properties in three phases. Each phase required a separate detailed agreement and Council's approval at the time of detailed site planning. All three phases of the development has been completed except for the following components:

- Phase 2
 - a 20,000 square foot (1,858 m²) commercial building within the Mill Cove Plaza parking lot,
 - a future commercial site between the Empire 6 Cinema and the Fire Station, and
- Phase 3
 - 150 multiple residential units off of Convoy Run (waterfront development).

Proposal:

The proposal is to develop two drive-thru restaurant(s) within the Mill Cove Plaza site on the vacant lands intended for the 20,000 square foot commercial office building as identified above as Phase Two. At present, Sobeys Leased Properties Limited has one interested tenant wishing to locate near the existing driveway to the Mill Cove Plaza. The developer views the proposal as an extension to the Mill Cove Plaza, as well as a means of utilizing the existing traffic network with minimal impact.

Drive-Thru Restaurants in Bedford:

Since 1991 the Bedford Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) have defined "restaurants" as three different types of land use; restaurant (full service), restaurant (drive-in), and restaurant (take-out). Each of which area permitted in certain zones depending on land use impacts and compatibility with other land uses.

With respect to drive-thru restaurants, the preamble within Bedford MPS defines this land use as a business which typically operate long hours, requires large parking areas, requires a high level of exposure to the traveling public, generate high volumes of traffic, and in some instances generate high volumes of noise. Given these land use requirements and potential impacts, drive-thru restaurants have been restricted to the Highway Orientated Commercial (CHWY) zone, located between the northern boundary of the Plan area and the Sackville River at Union Street. Drive-thru restaurants are also permitted within the Shopping Centre (CSC) zone applied to Sunnyside Mall and the Bedford Place Mall and the Light Industrial (ILI) zone which has been applied on portions of Rocky Lake Drive and Hammonds Plain Road. The CCDD zone which has been applied the Mill Cove Plaza area does not permit drive-thru restaurants.

DISCUSSION:

The Mill Cove Plaza and Surrounding Area:

The Town of Bedford adopted a MPS and LUB in 1982 at which time redevelopment of the subject site was anticipated. As a result, the CCDD zone was placed on the property to ensure future commercial development occurred in a comprehensive manner involving public consultation. Through the approval of several development agreements over the past twenty (20) years, this area has experienced a considerable amount of commercial growth and has developed into a major commercial node. This commercial node contains several mid-size commercial complexes: the Mill Cove Plaza, Village Centre and Hammonds Centre.

The Bedford MPS contains specific policies for all lands zoned CCDD except the Mill Cove Plaza area (*Policy C-11 to Policy C-15*) thereby giving minimal policy direction for any future development of the Mill Cove Plaza. However, as a major commercial node, the Mill Cove Plaza area does exhibit many, if not all, the land use requirements for drive-thru restaurants as identified above and in policy. Further, these land use requirements are presently being utilized by two existing drive-thru's within the immediate area; Dairy Queen and Tim Hortons. Both of these drive-thru's were permitted by way of development agreements which were approved in 1986 and 2000 respectfully.

Summary

It is the opinion of staff, the request to amend the Bedford MPS and LUB to enable drive-thru restaurant(s) within the Mill Cove Plaza area is a reasonable request to consider for the following reasons:

- the Mill Cove Plaza and surrounding area has development into a major commercial node,
- the Mill Cove Plaza and surrounding area contains many, if not all, the land use requirements identified in the Bedford MPS as being necessary for drive-thru restaurant(s) ensure compatibility with surrounding land uses and minimal impact.

- the existence of two drive-thru in the immediate area, and
- similar land uses within the immediate area.

In addition, potential issues associated with drive-thru restaurants such as traffic, aesthetics (i.e. landscaping and architecture), building bulk and scale, access and egress can be addressed through specific planning tools such as special requirements in the LUB, development agreements, or site plan approval processes, all of which can be explored in detail during the plan amendment process if initiated by Council.

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 not to initiate the MPS amendment process. This is not recommended for reasons discussed above.

ATTACHMENTS:

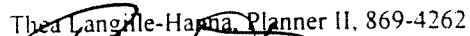
Map 1: Generalized Future Land Use Map

Map 2: Zoning Map

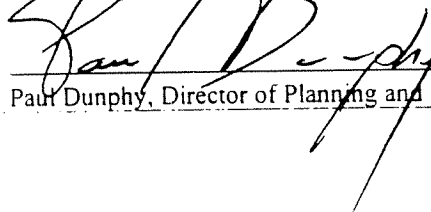
Appendix A: Excerpt from the Bedford Municipal Planning Strategy and Land Use Bylaw

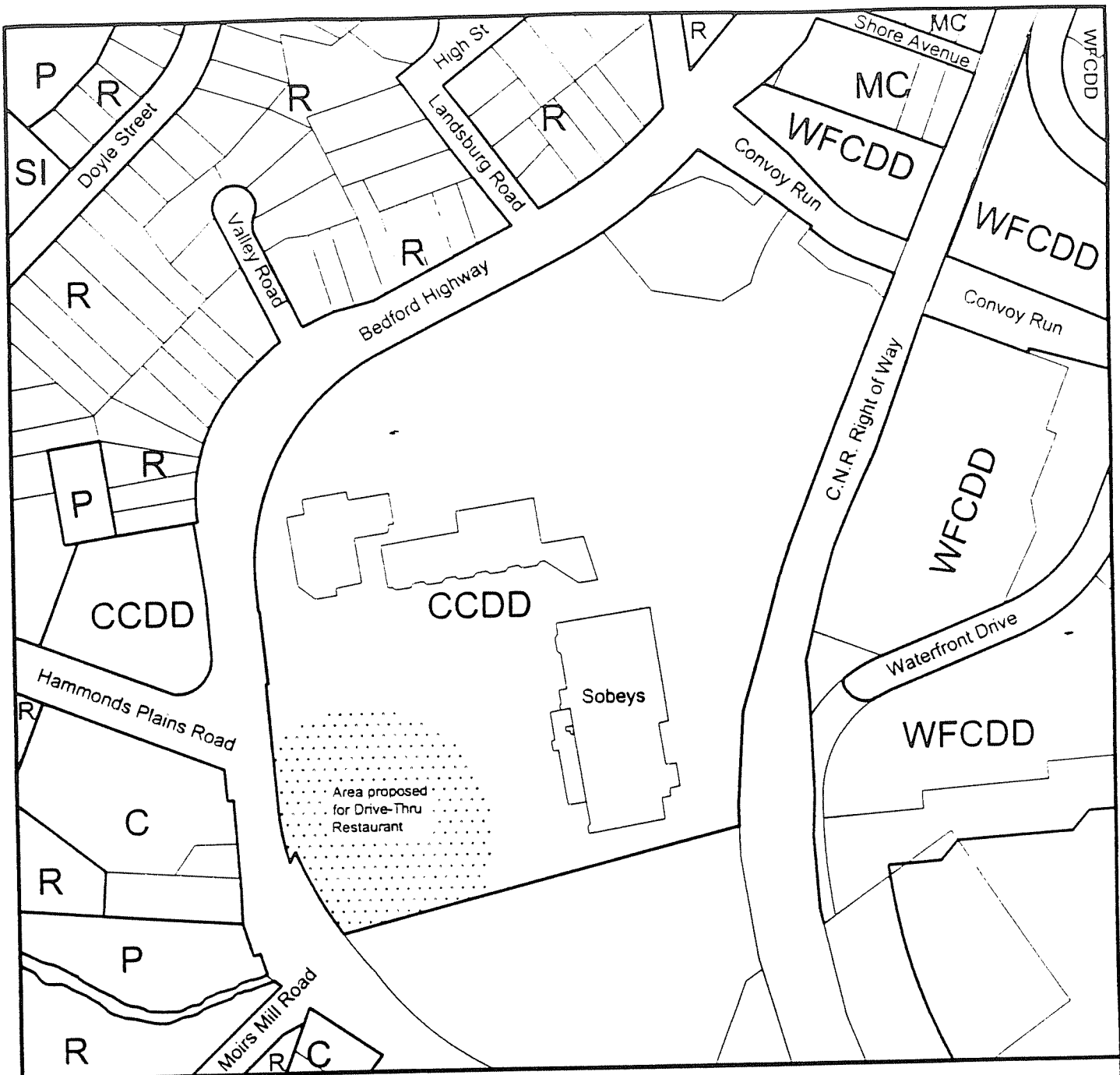
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

 Thea Langille-Hanna, Planner II, 869-4262

Report Approved by:


Paul Dunphy, Director of Planning and Development, 490-4933

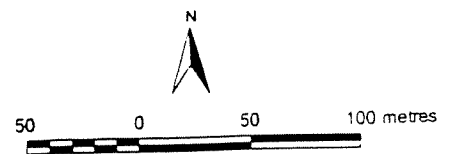


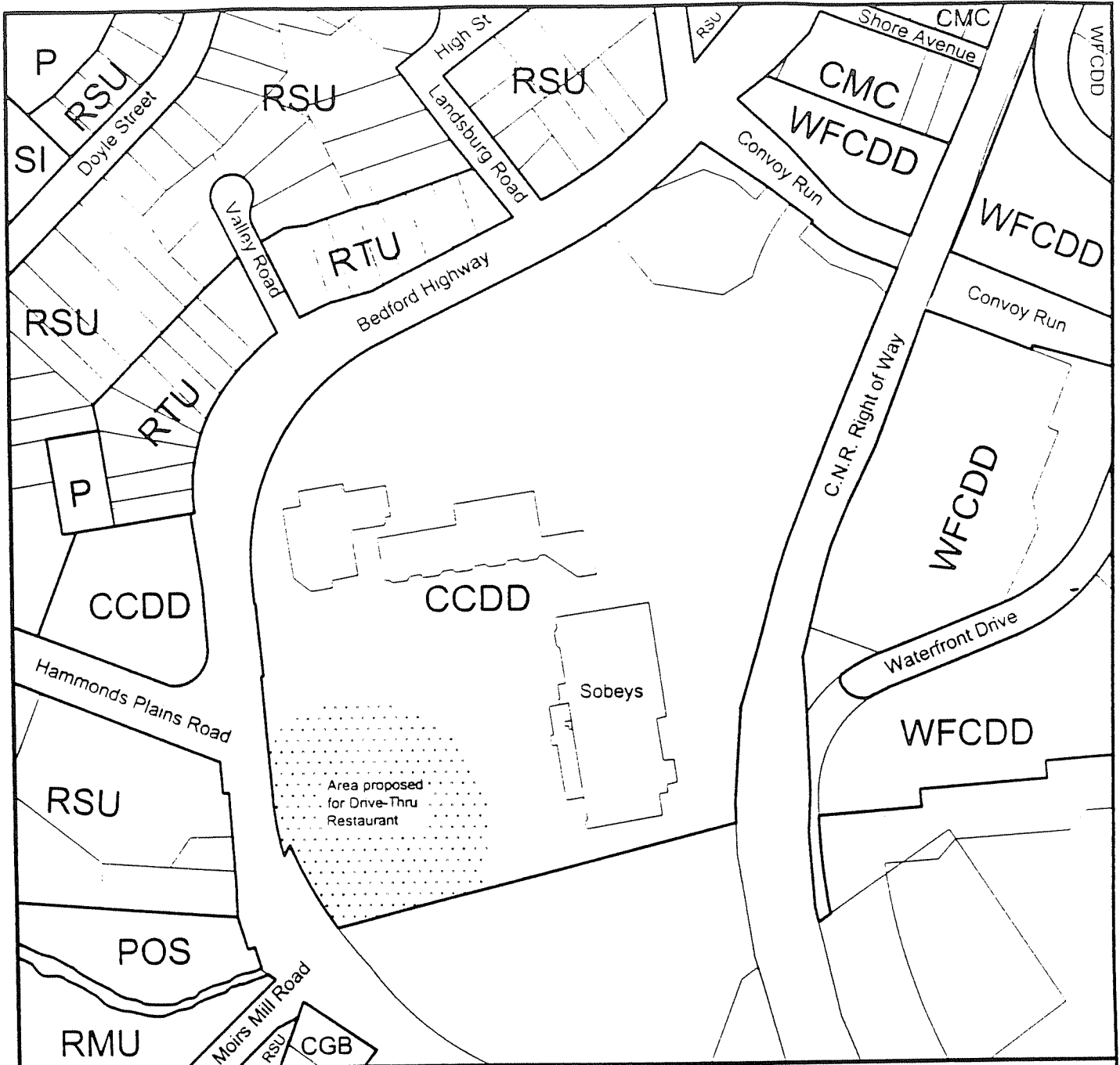
Map 1
 Generalized Future Land Use
 Mill Cove Plaza



- R Residential Designation
- P Park and Recreation Designation
- C Commercial Designation
- MC Main Street Commercial Designation

- SI Institutional Designation
- CCDD Commercial Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District

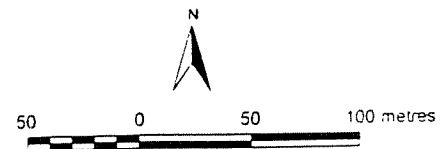




Map 2
Zoning
Mill Cove Plaza



- | | | | |
|-----|--------------------------------|-------|---|
| RSU | Single Dwelling Unit Zone | CCDD | Commercial Comprehensive Development District |
| RTU | Two Dwelling Unit Zone | CMC | Mainstreet Commercial Zone |
| RMU | Multiple Dwelling Zone | WFCDD | Waterfront Comprehensive Development District |
| CGB | General Business District Zone | P | Park Zone |
| SI | Institutional Zone | POS | Park Open Space Zone |



APPENDIX A
EXCEPT
BEDFORD MUNICIPAL PLANNING STRATEGY
COMMERCIAL

d) Commercial Highway Oriented Uses

This group includes those businesses that, in order to be successful, operate long hours of the day, require large parking areas, require a high level of exposure to the travelling public, generate high volumes of traffic, and in some cases generate high volumes of noise. This category would include but is not limited to service stations, auto repair shops, hotels/motels/ motor inns, drive-in and take-out restaurants, and auto or trailer sales. At present these types of uses primarily are located between the northern Town boundary and the Sackville River, where they are compatible with the surrounding office buildings and shopping centre developments and take advantage of the high traffic volumes along that portion of the Bedford Highway. Town Council shall direct further highway oriented commercial development to this area. Policy C-6 provides for the regulation of highway commercial land uses.

e) Commercial Comprehensive Development District

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

The first CCDD area referred to is the area general known as Cushing Hill, situated at the northern entrance to the Town. The second area is located on the Hammonds Plains Road, between Village Crescent and the Highway 102 Interchange, and was designated commercial under the Town's previous Municipal Development Plan (Policy C-11). The third area is located beside Paper Mill Lake opposite the second CCDD area (Policy C-12). The fourth CCDD area includes the sites of the Travellers' Motel and Esquire Motel located at the southern end of the Town (see Map 3 & Policy C-13). If these properties are developed in conjunction with phase two of the waterfront project, an MPS/LUB amendment can be considered to re-designate and re-zone these properties from CCDD to WFCDD which would allow these properties to be developed comprehensively within the waterfront in accordance with the WFCDD Zone. The fifth CCDD is located at the

northern corner of Hammonds Plains Road and the Bedford Highway (Map 3 and Policy C-14). The sixth CCDD is located along the Bedford Highway immediately south of Nelson's Landing Boulevard (Policy C-15).

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

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

Types of Commercial Uses

Policy C-3:

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

- General Business District Zone (CGB) which permits general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries], and recycling depots;
- Shopping Centre Zone (CSC) which permits uses including but not limited to shopping centres, retail outlets, restaurants, drinking establishments, CGB Zone uses and recycling depots;

- Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;
- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.
- Mainstreet Commercial Zone (CMC) which permits small scale, pedestrian oriented uses including, but not limited to, general retail stores, business and professional offices, personal and household service shops, financial institutions, full service restaurants, pubs, lounges, and recycling depots.

The CGB Zone shall be applied to the Sunnyside area where most office buildings were constructed in the recent past. The CSC Zone shall be applied to the Sunnyside Shopping Centre and to Bedford Place Mall.

The CHWY Zone shall be applied in the general vicinity of the Bedford Highway in the area between the Highway 101/102 interchange and the Sackville River at Union Street as well as on a number of properties along Rocky Lake Drive. The CCDD Zone shall be applied to the Cushing Hill area, Sobeys Shopping Centre at Hammonds Plains Road, areas east and south of the Highway 102/Hammonds Plains Road interchange, and east of the Bedford Highway at the municipal boundary with Halifax. The extent and purpose of the CMC Zone is explained in Policies C-19 to C-29B.

Commercial Comprehensive Development Districts

Policy C-7:

It shall be the intention of Town Council to designate the lands shown on Map 3 as Commercial Comprehensive Development Districts, and in the Land Use By-Law the lands shall be zoned Commercial Comprehensive Development District (CCDD). The CCDD Zone will permit mixed use, residential/ commercial projects, including single unit dwellings, two unit dwellings, multiple-unit buildings, senior residential complexes, neighbourhood commercial, office buildings, CGB Zone uses, convention facilities, recycling depots, park uses, and institutional uses. Existing uses within the CCDD Zones shall be considered as permitted uses and be allowed to continue operation.

It shall be the intention of Town Council to require development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be

increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

Policy C-8:

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

Policy C-9:

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

Policy C-10:

Deleted

Policy C-11:

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

Policy C-12:

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

Policy C-13:

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

Policy C-14:

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

Policy C-15:

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

6. **CASE 00406 - PLAN AMENDMENT TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW - 961 BEDFORD HIGHWAY**

Thea Langille-Hanna advised an application was received from Sobeys Leased Properties Limited requesting that the Bedford MPS and LUB be revisited to consider drive-thru restaurants within the Sobeys' complex at Mill Cove. The site is designated Commercial Comprehensive Development District (CCDD). The designation was placed on the property when the MPS was put in place in 1982. The designation and zoning was placed on the property for Food City. It was known they

were in the process of doing significant development so it made sense to apply that CCDD zone there. There have been several phases of development agreements since then. A majority of the development is completed. There is a residential component not done yet. Also, for the parking area in front of Sobeys and Empire Theatres there is a development agreement in place that would permit a commercial office tower. Sobeys has requested a revisit of that concept and the MPS to consider a restaurant with a drive-thru function. Staff has done some research into the context. The intersection of Hammonds Plains Road and Bedford Highway has developed as a commercial node. In that immediate area there are two drive-thru's - Tim Hortons and Dairy Queen. Given the activity and development pattern in this area and that there are existing drive-thru's, it is not unreasonable to consider that there is some merit in going through the plan amendment process.

Ann Merritt questioned why a MPS amendment was required. Thea advised that the drive-thru restaurant is not a permitted use in that zone. Staff does not feel that a drive-thru restaurant is appropriate in some of the other areas in Bedford with the CDDD zoning.

George Murphy questioned whether two drive-thru's were being recommended. Thea responded possibly. One drive-thru is being recommended but there is enough room for two.

Mr. Boone advised that the impact would be less than 10%. If you look at the configuration, it is utilizing an area that is well removed. He confirmed that the interest is from Burger King.

Jan Gerrow questioned whether the drive-thru land was in exchange for the 20,000 sq.ft. commercial building. Thea responded it could be. She understood that Sobeys is no longer interested in developing that commercial office building.

Mr. Boone stated it would impede the opportunity to do that. The community was a different place when the zoning was put in place.

Jan Gerrow questioned what was left to be built on the site if the drive-thru is built. It was responded that there is a residential development which would be accessed off Convoy Run.

Jan Gerrow indicated her concern related to traffic and questioned whether a traffic impact study would be required. Thea responded that based on the description and its location within the parking lot configuration, particularly where it would be using the controlled intersection, Traffic Services advised that a traffic study is not needed for that one drive-thru.

Jan Gerrow questioned whether Traffic Services looked at the intersection of Moirs Mill Road. Thea responded she hoped so. One of the comments made by Traffic Services was that they anticipated it was going to be existing traffic volumes in the area using the facility, ie., people going to the grocery store or the movies. They did not anticipate an increase in traffic. Traffic Services would do a further evaluation through the plan amendment process.

Jan Gerrow indicated she was concerned about traffic flow and referenced the Tim Hortons' drive thru in Clayton Park as an example of where the traffic flow is bad.

Gloria Lowther questioned whether the existing driveways would change. Thea responded the proposal is to utilize existing driveways and access point.

Gloria Lowther referenced the drive-thru at the Dairy Queen where it is in behind and less visible. A fast food store in this location is very visible and unattractive which is why it is not a permitted use since 1982 in the CCDD Zone.

Mr. Boone indicated that because of the small size of what could be there, it would be a relatively small building. Traffic engineering is an evolving science, the same as planning. Compared to a few other sites in this evolving traffic world, what they are telling us is that for convenience types of service, ie., Tim Hortons, their drive-thru's create 75% of their business in some locations. Specifically, Tim Hortons are fueled from drive-thru's. Unfortunately in some locations it does cause problems. The advantage to their site is that Dairy Queen is not a comfortable drive-thru because of its location. From a functional and safety point of view, it has elements that make it less convenient.

Mr. Boone stated that the fast food people have become very good at making their buildings look good and they landscape better than any other commercial type of building. They are trying to attract people to their business. Their property, which is a neighbourhood shopping centre, is controlled from a signalized entrance. It is getting those people off the highway. The other thing that science is telling them is that 60-80% of the traffic is already on the network. There is not going to be a huge volume created.

Jan Gerrow noted there are no sidewalks on that side of the street. She saw any kind of drive-thru as a magnet for the kids in the area. It is an unsafe crossing. The sidewalk is only on the other side of the road. Also, the traffic in this area is quick. There needs to be a sidewalk on the other side of the bridge and to continue across. The adjacent neighbourhood is full of younger people and teenagers.

Gloria Lowther noted that it says in the development agreement for Phase 3 that a 1.1 acre site was to be deeded to the Town of Bedford. She questioned where the site was.

Thea Langille-Hanna advised that the Phase 3 agreement is for the fire station and some residential development. She believed it is the rock area. There is some recreational land further down toward the residential on Convoy Run.

Mr. Boone indicated it was the section up above or behind the theatres. There is a development agreement that allows three residential buildings in there. Within that area there is one site that is

HALIFAX REGIONAL MUNICIPALITY
NORTH WEST PLANNING ADVISORY COMMITTEE {DRAFT} MINUTES

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April 22, 2002

quite close to the highway. The small green space is a tot lot which is meant to be built into more than parkland.

Ann Merritt noted that a site specific plan amendment is being requested. Thea responded that for this particular instance, staff feel a site specific amendment is appropriate. Staff does not feel this type of use should be permitted in the other CCDD's in the area.

Ann Merritt commented that when you have a development agreement, there should be a less evasive way of making changes to what is allowed on the land. Thea noted that the plan amendment is required because there is not an ability to amend one of these phases to permit the use. Staff has done a detailed review of policies and this will require an amendment to an existing policy or the writing of a new policy. Staff feel the zoning placed there 20 years ago did not contemplate the zoning still to be there. It has taken quite a few years to finish off the development.

Mr. Boone noted that their internal specialist folks were not interested in a second drive-thru for this site. Most of the fast food companies have drive-thru's in the area and down towards Sunnyside.

Councillor Goucher questioned whether they were willing to amend the application for a single drive-thru restaurant. Mr. Boone responded that the chances of a second drive-thru were very slim. However, the plaza is rather outdated and there is the possibility for one at the end if they were to do a new plaza.

Jan Gerrow questioned how the infilling of land fit in with this. Thea responded that from staff's point of view there is no indication of Federal approval.

Mr. Boone noted that their original discussion started in July of last year, after which they submitted the official request in October, so it has been six months to get to this point.

4. CONSIDERATION OF DEFERRED BUSINESS

4.1 Case 00406 - Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-law - 961 Bedford Highway

Ms. Thea Langille-Hanna advised this was an application requesting Regional Council initiate a plan amendment process to enable drive through restaurants in the Mill Cove Plaza area. The report went to Regional Council on March 19th and Regional Council passed a motion requesting comments from the PAC prior to proceeding with a decision as to whether or not to initiate the process.

Mr. George Murphy noted that if there was a sidewalk provided along the pond to the entrance to Sobeys it would be a contained area where pedestrians would not interfere with traffic. He stated he does not feel this proposal would generate more traffic.

Ms. Ann Merritt noted this would not generate a lot of pedestrian traffic noting, there would be more concern with traffic congestion at the shopping centre entrance where the flow will be from one part of the shopping centre to that facility.

Mr. Glen Boone, Sobeys, advised this would be a stand alone project which would connect with the sidewalk.

Ms. Gloria Lowther indicated that she prefaced her comments with the objectives of the regional planning process to put in place measures to protect community and neighbourhood character and heritage. The development as it exists today looks nothing like any of the architectural renderings and to-date does not include many of the components that were to be developed on this site according to these development agreements. In each of the four development agreements it was stated that the developer shall not develop or use the land for purposes other than those described in the agreement and also that the uses on the site would be those listed in the CCDD Zone. The developer

is asking for a plan amendment in order to put drive-through restaurants on this site. This was not a permitted use for a CCDD zone in the original 1982 Bedford plan, the 1991 revised plan and by-law, and the 1996 revised plan and by-law. The intent of Bedford MPS and LUB is to restrict commercial highway uses such as drive through restaurants to the area from the northern boundary of Bedford to the Sackville River and to not allow them any CCDD zones. She stated that until the MPS and LUB are reviewed, objectives and policies within these documents should be enforced and not continually amended or the cumulative effect of the plan amendment will undermine the ability of the document to preserve, create and maintain an interesting livable area developed in an orderly fashion at a scale and density which preserves and enhances the quality of life of the residents.

Mr. Tony Edwards stated this is another piece meal amendment and change to the MPS. He stated the zoning is not compatible with the use that is proposed.

Mr. George Murphy stated he feels the proposal should be taken as far as public meetings.

Mr. Karen Stadnyk expressed concern that presently there is a proposal for one drive through restaurant but, if Community Council approves the proposal, there is the potential for the development of two.

Mr. Glen Boone, Sobeys, advised the HRM Traffic staff do not have concerns with regards to traffic and he stated that this would not generate new traffic.

MOVED by Gloria Lowther, seconded by Tony Edwards, that the North West Planning Advisory Committee recommend to North West Community Council that they not initiate the plan amendment process. MOTION DEFEATED.

MOVED by Gloria Lowther, seconded by Jan Gerrow, that the Committee's comments be forwarded to the Community Council. MOTION PUT AND PASSED.