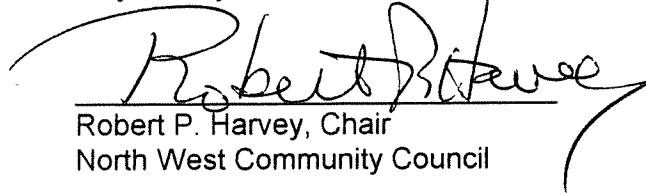

HALIFAX REGIONAL COUNCIL

July 16, 2002

Aug. 29, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

FROM:


Robert P. Harvey, Chair
North West Community Council

DATE: July 12, 2002

SUBJECT: Case 00471 - Municipal Planning Strategy and Land Use By-law Amendments - 14 Doyle Street, Bedford

ORIGIN:

North West Community Council meeting held on July 11, 2002.

RECOMMENDATION:

It is recommended that Regional Council:

1. Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment 3 of the Supplementary Report dated June 19, 2002 and schedule a Public Hearing for August 20, 2002;
2. Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment 3 of the Supplementary Report dated June 19, 2002.

ATTACHMENT:

Recommendation from North West Planning Advisory Committee dated July 4, 2002.
Supplementary Report dated June 19, 2002

North West Community Council
July 11, 2002

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

DATE: July 4, 2002

SUBJECT: Case 00471: MPS and LUB Amendments - 14 Doyle Street, Bedford

ORIGIN:

North West Planning Advisory Committee - July 3, 2002

RECOMMENDATION:

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

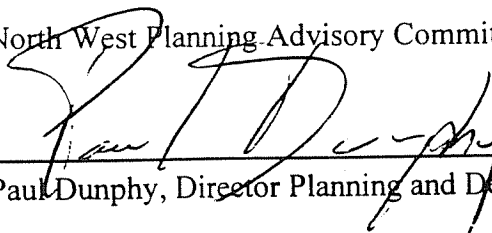
1. Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment 3 of the staff report dated June 19, 2002, and schedule a public hearing;
2. Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment 3 of the staff report dated June 19, 2002.

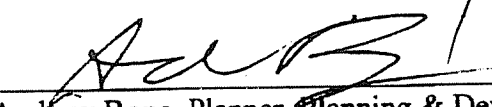
ATTACHMENT:

Staff report dated June 19, 2002

TO: North West Planning Advisory Committee

SUBMITTED BY:


Paul Dunphy, Director Planning and Development Services


Andrew Bone, Planner, Planning & Development Services

DATE: June 19, 2002

SUBJECT: Case 00471: MPS and Land Use By-law Amendments - 14 Doyle Street, Bedford.

SUPPLEMENTARY REPORT

ORIGIN:

An application by Roycom Inc. to amend the Municipal Planning Strategy and Land Use By-law for Bedford.

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 contained in Attachment 3 and schedule a public hearing;**
- 2. Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachment 3.**

BACKGROUND:

The former Glen Moir Elementary School is located at 14 Doyle Street in Bedford. It is four acres in size and traverses lands between Doyle Street and Basinview Drive. The property is currently designated Institutional (Map 1) and zoned Institutional (SI) (Map 2).

The Halifax Regional School Board has determined that this school site is no longer required for education purposes. The Glen Moir Elementary School has been transferred to HRM and subsequently declared surplus. In December of 2001, a request for expression of interest for the purchase and redevelopment of Glen Moir School was issued by the Municipality.

Council subsequently approved the following on February 26, 2002:

8.14 Property Matter - Sale of 14 Doyle Street, Bedford - Former Glen Moir School Site

MOVED by Councillor Goucher, seconded by Councillor Hetherington, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Roycom Inc., for 14 Doyle Street, former Glen Moir School Site, subject to the terms and conditions set out in the February 11, 2002 Private and Confidential staff report with the addition that a provision for a minimum 60 foot lot frontage consistent with the neighbourhood be included and further, this report not be released to the public until this transaction has closed.

Roycom Inc. would like to redevelop the site as a single family residential subdivision of approximately 14 lots. The current zoning prohibits residential development and only allows public uses such as schools, museums and libraries (Attachment 1). The Bedford Municipal Planning Strategy does not have any policies which allow the site to be rezoned.

PUBLIC COMMENT:

On June 17, 2002, a public meeting (Attachment 4) was held to discuss the proposal to amend the MPS to allow low density residential uses on the Glen Moir School site.

Most citizens generally supported the proposed plan amendment. Concerns were not specifically related to the proposed amendment but more specifically what type of housing was going to be developed and what the impacts would be on the existing neighbourhood.

DISCUSSION:

Land Use By-law Requirements and Municipal Planning Strategy Policies

Roycom Inc. is requesting that the Bedford Municipal Planning Strategy be amended to allow for a rezoning to Residential Single Unit (RSU) (Attachment 2), the zone which permits single unit dwellings. The plan amendment to allow for this is relatively simple. The only required modification to the Plan would be to amend the Generalized Future Land Use Map by changing the designation for this property from Institutional to Residential and amend the Zoning Map of the Land Use By-law to rezone the property from Institutional to Residential Single Unit.

In order for planning services to recommend considering a change to the Municipal Planning Strategy, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated.

The Bedford Municipal Planning Strategy identified the Glen Moir School parcel as Institutional on the Generalized Future Land Use Map. The plan anticipated that this property would be used as a public school. The closure of the school and disposal of the lands was not anticipated by the Plan. This would qualify this property for consideration for a plan amendment based on staff's review criteria.

Analysis of the requested Change

The Glen Moir School site is surrounded by single family residential homes on Basinview Drive, Doyle Street and Bisley Court. The proposed land use, single family homes is the same as the adjacent land use and thus is considered compatible. The scale of the proposed development is similar to the surrounding land uses. The proposed lots on Basinview Drive are approximately 9000 square feet in area and the lots on Doyle Street are approximately 19,000 square feet in area. The proposed lot sizes are significantly larger than the minimum required by the Land Use By-law and larger than the neighbourhood average. The difference in lot size with the adjacent neighbourhood is considered desirable from a community perspective as it decreases the density of development.

In terms of the impact of the proposed subdivision, there will be minimal impact on the adjacent services. No new roads are proposed and the redevelopment of the site will use existing municipal services including streets, water and sewer. Traffic from the proposed development of approximately 130 trips per day is likely lower than what would be generated if the school was still in operation. The proposed land use is also anticipated to generate less traffic than any other possible land use. The access points to the residential lots must meet engineering requirements as normally required by the Municipality.

There are no known watercourses on the property, and thus this application was not forwarded to the Bedford Waters Advisory Committee for comment. However, there is some overland water flow during storms which is accommodated on site with a natural swale. Drainage on the site will be addressed as part of the permitting process.

Conclusion

Staff recommends that Regional Council amend the Bedford Municipal Planning Strategy to designate the former Glen Moir School site, at 14 Doyle Street in Bedford, Residential on the Generalized Future Land Use Map of the Bedford MPS and concurrently amend the Bedford Land Use By-law to rezone the site Residential Single Unit (RSU) Zone.

BUDGET IMPLICATIONS:

None.

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. Refuse the requested amendment. A request to amend a Municipal Planning Strategy is completely at the discretion of Council. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as Staff feels that the amendments to the Bedford Municipal Planning Strategy are appropriate.

ATTACHMENTS:

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment 1	Existing Zoning - Institutional
Attachment 2	Proposed Zoning - Residential Single Unit
Attachment 3	Proposed Changes to Bedford MPS and Land Use By-law
Attachment 4	NWPAC Public Meeting Minutes-June 17, 2002

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: Andrew Bone, Planner, 869-4226



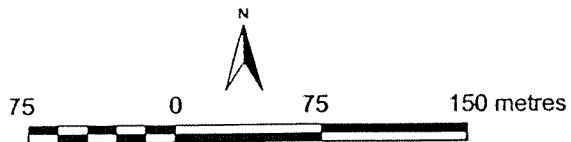
Map 1
Generalized Future Land Use

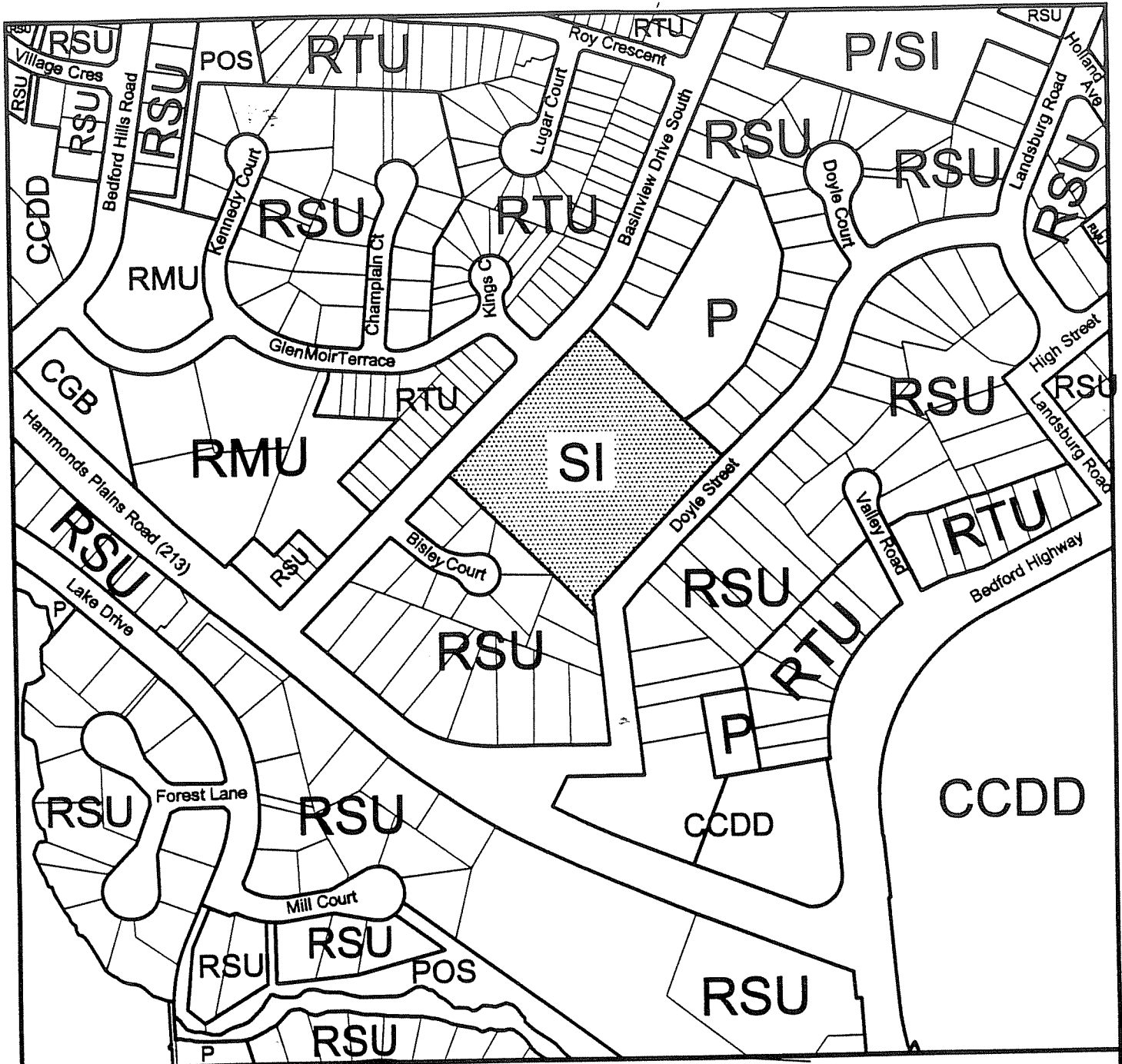
 Subject Property




- R Residential Designation
- C Commercial Designation
- I Institutional Designation

- CCDD Commercial Comprehensive Development District
- P Park and Recreation Designation



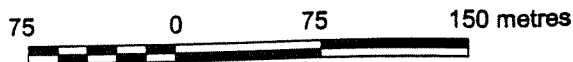


**Map 2
Zoning**

 Area to be rezoned from SI to RSU



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



Attachment 1 -Existing Zoning - Institutional (SI)

PART 20

INSTITUTIONAL (SI) ZONE

No development permit shall be issued in an Institutional (SI) Zone except for one or more of the following uses:

- a) churches;
- b) schools;
- c) cemeteries;
- d) fire stations;
- e) libraries;
- f) police stations;
- g) public buildings;
- h) post offices;
- i) private recreational facilities and clubs;
- j) museums
- k) P and POS uses, subject to the P and POS Zone requirements
- l) special care facilities
- m) Daycare facilities/nursery schools/ early learning centres;
- n) recycling depot
- o) any uses accessory to the foregoing uses.

ZONE REQUIREMENTS SI

In any Institutional (SI) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	10,000 sq. ft
Minimum Lot Frontage	100 ft.
Minimum Front Yard	Local Street 20 ft; Collector or Arterial 30 ft.
Minimum Rear Yard	20 ft.
Minimum Side Yard	8 ft., or half the height of the building, whichever is greater
Flankage Yard	Local Street 20 ft; Collector or Arterial 30 ft.
Maximum Height of Building	35 ft.
Lot Coverage	35%

Attachment 2 - Proposed Zoning - Residential Single Unit (RSU)

PART 6

RESIDENTIAL SINGLE DWELLING UNIT (RSU) ZONE

No development permit shall be issued in a Residential Single Dwelling Unit (RSU) Zone except for one or more of the following uses:

- a) single detached dwelling units;
- b) neighbourhood parks;
- c) special care facilities for up to 10 residents;
- d) uses accessory to the foregoing uses.
- e) existing two unit dwellings as follows:

Address

- 11 Olive Avenue (LRIS # 419440)
- 37 Olive Avenue (LRIS # 419465)
- 65 Olive Avenue (LRIS # 487868)
- 24 Olive Avenue (LRIS # 40566630)
- 380 & 382 Hammonds Plains Road (LRIS #s 473405, 40080616)
- 384 & 386 Hammonds Plains Road (LRIS #s 473413, 40070765)
- 388 & 390 Hammonds Plains Road (LRIS #s 473421, 417345)

ZONE REQUIREMENTS RSU

In any Residential Single Dwelling Unit (RSU) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	6,000 Sq. Ft. serviced;
Minimum Lot Frontage	60 Ft.
Minimum Front Yard	Local and Collector Streets 15 Ft.; 30 Ft. Arterial Streets
Minimum Rear Yard	20 Ft.
Minimum Side Yard	8 Ft.
Minimum Flankage Yard	15 Ft. Local and Collector Streets; 30 Ft. Arterial Streets
Maximum Height of Building	35 Ft.
Maximum Number of Dwelling Units on Lot	1
Maximum Lot Coverage	35%

Attachment 3 - Proposed Changes to the Bedford MPS and Land Use By-law

Case 00471: Amendments for Bedford Municipal Planning Strategy

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy of Bedford as enacted by Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996 as amended, is hereby further amended as follows::

1. The Bedford Generalized Future Land Use Map is further amended by redesignating 14 Doyle Street (PID 00418475) from I (Institutional) to R (Residential) as shown on the attached Map 1.

I HEREBY CERTIFY that the amendment to the Municipal Planning Strategy for Bedford as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the ____ day of ____, 2002

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2002

Vi Carmichael
Municipal Clerk

Case 00471: Amendments for Bedford Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law of Bedford as enacted by as enacted by Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996 as amended, is hereby further amended as follows:

1. The Bedford Zoning Map is further amended by rezoning 14 Doyle Street (PID 00418475) from SI (Institutional) Zone to RSU (Single Unit Dwelling) Zone as shown on the attached Map 2.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Bedford as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2002

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2002

Vi Carmichael
Municipal Clerk

Attachment 4-NWPAC Public Meeting Minutes (Not Approved)-June 17, 2002

NORTH WEST PLANNING ADVISORY COMMITTEE

PUBLIC MEETING

MINUTES

JUNE 17, 2002

THOSE PRESENT: Ann Merritt, Chair
 George Murphy
 Gloria Lowther
 Councillor Goucher

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

ALSO PRESENT: Approximately 40 members of the public
 (approximately 20 for each item)

1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Ann Merritt, Acting Chair at Basinview Drive Elementary School, 273 Basinview Drive, Bedford.

2. **PUBLIC PARTICIPATION - CASE 00471 - BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW AMENDMENT - 14 DOYLE STREET**

2.1 **Presentation**

Andrew Bone, Planner provided an overview of the application with the aid of overheads. The site is the former Glen Moir School which was declared surplus by the School Board. During the course of his presentation, he provided the following information:

- The site was turned over to the Municipality. The Municipality declared it surplus and subsequently, as the result of an expression of interest for the purchase and redevelopment of the site, Regional Council selected Roycom Inc., with the provision for a minimum 60' lot frontage consistent with the neighbourhood.
- The site is now zoned and designated Institutional. The request requires a change to the Municipal Planning Strategy. The proposal is for 13 lots, seven along Basinview Drive and six along Doyle Street. The lots will range from about 9000 sq.ft. on Basinview Drive to 18-20,000 sq. ft. on Doyle Street.
- The Plan would have to be amended to designate the area for residential use and apply the Residential Single Unit (RSU) zoning to the property. Residential is felt to have the least impact.
- 13 houses would generate less traffic than an institutional use.

2.2 **Questions from Committee Members**

On a question from George Murphy regarding parkland, Andrew Bone advised there was no proposal to change the parkland that is adjacent to the site in question.

On a question from Gloria Lowther regard a brook/swale, Andrew Bone advised there is a rock face from Basinview where, during a storm, water will flow out and down through a swale, not a brook. He understood it was dry most of the year; only in extreme rains would there be any flow. At Doyle Street there is a culvert. The proposal is to subdivide so there would not be a storm water management plan. If there are issues on site, they would have to be dealt with through subdivision permits.

2.3 **Questions/Comments from the Public**

A gentleman from 24 Doyle Street asked for clarification regarding green space between the new and old developments and the existing parkland. In response, Andrew Bone advised there is a 20' strip proposed to add access from Doyle Street between the first property and the existing property.

Councillor Goucher added that he understood that because of the existing parkland, the area would be left untouched in back of many of the homes on Doyle Street. There is no plan to develop a pathway.

Mr. Sellers, 102 Basinview Drive asked for information regarding access on Basinview Drive. In response, Andrew Bone advised the proposal is to have lots phased about every 60' fronting along Basinview.

Mr. Sellers asked if there was a guarantee that the parkland would remain that way. In response, Councillor Goucher advised that it is basically landlocked and there was never any intention to try to use it. Andrew Bone added that given the size and configuration of the parkland, it would not be developable.

Mr. Chuck Langdon, 23 Bisley Court asked for information re blasting. In response, Greg Zwicker, Wallace Macdonald & Lively, advised that blasting would only take place as required. The intent will be to save as many of the trees as possible. It was hoped to chip away rock as much as possible.

Mr. Langdon asked what protection the homeowners in the area have from blasting. In response, Councillor Goucher advised that before anyone can blast, they must, within a certain radius, perform an inspection on the home so that if something happens from an explosion, it is insured through the company and protected under the Blasting By-law.

Mr. Langdon noted that the school has been closed about two years and when they tear down the building, there will be mayhem when rats and mice go running out. He asked what will be done in this case. In response, Councillor Goucher advised that HRM would be tearing the building down and he would make sure Mr. Langdon's comments are passed on.

Mr. Langdon also pointed out there were environmental concerns as well because of moss conditions.

Mr. Langdon then referred to the playground on the site which was well used. He asked if there was any possibility of getting Roycom to put in a playground facility on the parkland. In response, Andrew Bone advised that the Subdivision By-law does require a 5% contribution of the value of the lot for parkland use. He would pass Mr. Langdon's comments on to Parks and Recreation.

Mr. Fred Shuman, 1105 Bedford Highway asked if Roycom would be paying the 5% or donating the land. In response, Mr. Zwicker advised that the 20' strip will be part of the donation but it is not enough and a portion will be in cash.

Mr. Shuman stated he preferred increasing the parkland. It would be preferable not to have the money go to HRM coffers as it tends to end up somewhere else.

Mr. Steve Warburton, 29 Doyle Street asked what guarantees can be asked for in terms of retention of trees. Also, he wanted to know what kind of houses would be built. In response, Councillor

Goucher said that when you look at what Roycom paid for the land and what the lots have to sell for bare, the houses that will probably go on Doyle Street will be around \$300,000. People on Doyle Street could see their assessment go up.

Regarding tree retention, Mr. Greg Zwicker advised that trees will add to the value of the lots.

Mr. Robert Roy, President, Roycom stated that protective covenants will be appended to the Agreement of Purchase and Sale for the lots. Copies of these covenants are available by request. Nobody can do anything on any of the lots, even if they get their own builder, including where they site their home and the type of home or if trees can be cut down, without getting approval from Roycom. It is a matter of public record that Roycom is a responsible real estate developer. The narrowest lot on Basinview will be 63.5'. All but two of the lots on Doyle Street are 80'. When people are paying \$92,000 plus HST for the lot only, by the time the home is built, you are looking at about \$400,000.

Ms. Shirley McIntyre, Basinview Drive stated that the parkland area is quite steep and not very usable for park purposes. She asked, because the site is Institutional, was there any thought given to a bigger library for Bedford. If residential is approved, however, this is an area where people walk through from Basinview to Doyle as a short cut to Sobeys. She did not see any plans for a path.

Mr. Langdon referred to the aerial view of the proposal and pointed out that there was no view of Bisley Court, for instance, and asked how old the aerial view was. In response, a representative for Roycom advised that 1992 is the latest aerial view available.

Mr. Langdon stated that the aerial view does not give perspective in terms of placement of the lots abutting the site in question. He also expressed concern that some of the trees in the area are over 100 years old.

A gentleman living on Bisley Court referred to placement of houses on the lots and if there will be much infilling. If a lot of fill is brought in, it could destroy the trees. In response, Andrew Bone advised that some Basinview lots would have to have fill but the ones on Doyle Street would probably not.

The same gentleman stated there are other streams coming down as well, other than the one mentioned at the start of the meeting. That is why he was concerned with the amount of fill. On his property, there is a catch basin. If the terrain is changed, it could alter the water flow and people even on Doyle could experience a change in water flow. In response, Andrew Bone advised that the developer of the property and individual lot owners have to ensure that they do not discharge water onto adjacent properties.

The first gentleman from Doyle Street suggested that if there is a pathway, then it should be fenced. In response, Councillor Goucher advised that a fence would be mandatory if a pathway was built.

Ms. Phelan, 82 Basinview Drive stated that when Bisley Court was developed, the house she lived in now had its foundation cracked as a result. She asked who would come to her to inspect her foundation and who was responsible. In response, Councillor Goucher advised there is a given radius under the Blasting By-law. The developer was responsible to come to her and make arrangements to inspect her home. It is reasonable to expect that as much as possible, the chipper will be used rather than blasting.

A gentleman from Bisley Court asked when the demolition of the school would start. In response, Mr. Roy, Roycom advised that the agreement of Purchase and Sale is conditional on the rezoning of the property. Demolition of the school will take place within 60 days of the signing of the agreement. Roycom might request that HRM not demolish it so soon as it might use it to market the lots.

Mr. John McCrossin, 105 Basinview asked for clarification regarding discussion on a pathway, fencing and a buffer zone. He asked if HRM would be putting in a walkway to connect Doyle to Basinview. In response, Councillor Goucher advised this had just been brought up tonight and there was never any plan for that.

The first gentleman who spoke from Doyle Street stated if there is no walkway, he would like to see the 20' strip landscaped on both sides of the property. Nobody would be responsible for it.

At the request of Mr. Roy, Roycom, Andrew Bone provided information on the rezoning process from this time on, ending with a Public Hearing to be held by Regional Council, probably in September.

A gentleman then asked if Roycom wanted to use the school for marketing purposes, would it require a rezoning. In response, Thea Langille Hanna, Planner advised that the Bedford Land Use By-law has a provision allowing a temporary sales office which would be restricted to a time period. It would not require a rezoning. The sales office can remain until 30 days after the development is complete.

Mr. Roy indicated, however, that the probability of using the school for display would be less than 25%. It would depend on how many lots are unsold. Once the lots are sold, the school would have to come down. To the extent that the lots under the school are sold, the school would have to come down.

A gentleman living at 15 Basinview Drive expressed support for the proposal. He indicated that the situation at the school has been less than satisfactory with drinking and carousing, tires spinning and dealing. There could have been an apartment building proposed which would be much worse.

At 7:55 p.m., the Chair thanked those in attendance for their input on this proposal and declared a short recess. The portion of the meeting dealing with 14 Doyle Street was then adjourned.

Department of
Natural Resources
Office of the Minister

MUNICIPAL CLERK'S OFFICE

PO Box 698
Halifax, Nova Scotia
B3J 2T9

Bus 902 424-4037
Fax 902 424-0594

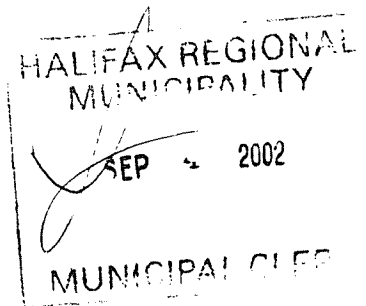
Our File Number
10400-30/US.9802

Distributed to: *D. English*

Mayor, Councillors, CAO,
Solicitor *J. O'Brien*

August 28, 2002

Oct 3/02
DATE



Ms. Julia Horncastle
Assistant Municipal Clerk
Halifax Regional Municipality
P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5

Dear Ms. Horncastle:

Your letter of June 3, 2002 to the Honourable Michael Baker, Minister of Justice and Attorney General, respecting wild animals and circuses has been forwarded to my attention.

Thank you for advising me of the motion passed by Halifax Regional Council requesting the Province to enact legislation banning the use of exotic animals in circus acts.

Nova Scotia is one of the few jurisdictions in North America to have specific standards for circuses which regulate the type of animals and the husbandry and safety practices which must be followed. I am proud of the leadership which our province has shown, and I am confident these current standards will be effective in improving animal welfare in circuses which visit Nova Scotia.

The standards were prepared by a committee with membership from the Department of Natural Resources, Department of Agriculture and Fisheries, Society for the Prevention of Cruelty to Animals and the Nova Scotia Veterinary Medical Association. A standing committee from the same group continue their participation by means of reviews and feedback of these standards to my department. A copy may be found on our web site at <http://www.gov.ns.ca/natr/wildlife/web/circus.htm>.

I understand that some individuals are opposed to the use of any animals in circuses; however, these standards are designed to provide for a reasonable level of protection.

Yours sincerely,

T. A. Olive
Minister

cc: Honourable Michael G. Baker, Q.C.

