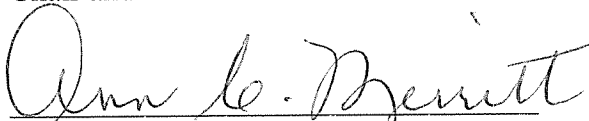




PO Box 1749
Halifax, Nova Scotia
B3J3A5 Canada

North West Community Council
September 23, 2010

TO: Chair and Members of North West Community Council

SUBMITTED BY: 
Ann Merritt, Chair
North West Planning Advisory Committee

DATE: September 2, 2010

SUBJECT: **Case 16212: Non-Substantive Amendment for 6, 8, 10, 12, 14, 16 and 18 Meadowbrook Drive, Bedford**

ORIGIN

North West Planning Advisory Committee meeting - September 1, 2010

RECOMMENDATION

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

1. Approve, by resolution, the proposed Amending Agreement, set out in Attachment A of the report dated August 17, 2010, for 6, 8, 10, 12, 14, 16 and 18 Meadowbrook Drive, Bedford, as being consistent with the intent of the existing development agreement.
2. Require the Amending Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

DISCUSSION

At its meeting on September 1, 2010, the Committee reviewed the proposed amending agreement which would allow the developer to use an alternative exterior cladding which resembles wood in appearance. The Committee is recommending approval of the proposed amending agreement.

BUDGET IMPLICATIONS

None associated with this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

As per the staff report dated August 17, 2010

ALTERNATIVES

None provided by the Committee. Alternatives are provided in the staff report dated August 17, 2010.

ATTACHMENT

Staff report dated August 17, 2010

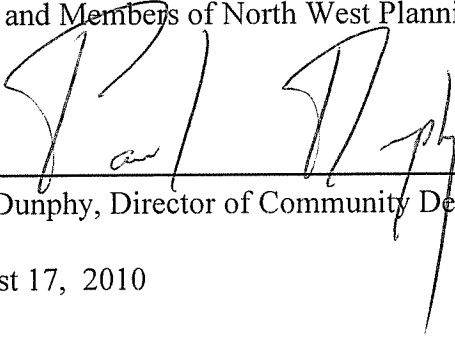
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

North West Planning Advisory Committee
September 1, 2010

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: August 17, 2010

SUBJECT: **Case 16212: Non-Substantive Amendment for 6, 8, 10, 12, 14, 16 and 18 Meadowbrook Drive, Bedford**

ORIGIN

Application from Sunrose Land Use Consulting.

RECOMMENDATION

It is recommended that North West Planning Advisory Committee recommend that North West Community Council:

1. Approve, by resolution, the proposed Amending Agreement, set out in Attachment A of this report, for 6, 8, 10, 12, 14, 16 and 18 Meadowbrook Drive, Bedford, as being consistent with the intent of the existing development agreement.
2. Require the Amending Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

The subject properties (6, 8, 10, 12, 14, 16 and 18 Meadowbrook Drive) are regulated by a development agreement. The property owner wishes to apply Hardie Plank or Hardie Shingle (a fibre cement product) to the exterior of the building. The existing agreement does not enable this renovation, however, it can be considered as a non-substantive amendment in accordance with Section 6.(2) of the existing development agreement.

Subject Properties

The subject properties are designated Mainstreet Commercial under the Bedford Municipal Planning Strategy (MPS) and zoned CMC (Mainstreet Commercial) under the Bedford Land Use By-law (LUB) (*Map 1 and 2*). The properties are located on the west side of Meadowbrook Drive in close proximity to the intersection of Meadowbrook Drive and the Bedford Highway. The property closest to the intersection is occupied by a six unit townhouse (civic numbers 6, 8, 10, 12, 14 and 16). The other property is occupied by an eight unit multiple dwelling (civic number 18).

Existing Agreement

On December 14, 1993 the Bedford Town Council approved changes to the MPS and LUB to allow the Town to (Policy C-29A see Attachment B)) enter into a Development Agreement for the lands. This agreement permitted the development of not more than six townhouse units and not more than nine multiple dwelling units. The Development Agreement was signed on December 7, 1994 and development of the site occurred in 1995. Previously, the lands were occupied by a single unit dwelling and a transmission building.

The Bedford Municipal Planning Strategy (MPS) aims to create a pedestrian oriented streetscape within the mainstreet commercial core through the regulation of parking, building setbacks, signage, landscaping, and architectural design. This was implemented through the Agreement. Specifically, the Agreement addressed the architectural design requirements through building design (roofline, height, trim, etc) as well as building materials (wood siding, rock and mortar surfaced foundation).

Proposal

On April 3, 2003 North West Community Council approved a housekeeping amendment to the Land Use By-law (Case 00511) to allow the Development Officer to consider acceptable equivalents to materials permitted as exterior cladding within the CMC zone. The amendment specifically excluded vinyl siding. However, due to the specific wording of the Development Agreement this LUB provision does not apply to the site and the property owner would like have the same ability under the development agreement to use a material similar in appearance to wood to reside the subject buildings.

DISCUSSION

There are new products on the market today which where not available at the time the existing agreement was approved. The applicant has suggested using a fibre cement product (Hardie Plank or Hardie Shingle) which has the appearance of wood but is more easily maintained and durable.

It is the opinion of Staff that Section (h)a) in Schedule “C” of the development agreement be amended to allow acceptable equivalents to wood siding (clapboard or shingles). This would enable the Development Officer to consider material types which are equivalent in appearance to wood. Further, not specifying in the Agreement the particular brand or material allows the Development Officer greater flexibility in the event that new products are developed over time. This amendment is also consistent with the CMC zone provisions for external appearance.

Summary

The proposed amendment is consistent with the intent of the Existing Agreement and the Bedford Municipal Planning Strategy. Staff is recommending that Council approve the proposed Amending Agreement as set out in Attachment “A”.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed in order to satisfy the terms of this Agreement. The administration of the Agreement 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, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM Website and responses to inquiries. A public information meeting is not required for a non-substantive amendment to a development agreement nor is a public hearing. The decision of a non-substantive amendment is made by resolution of Council.

The proposed amending agreement will potentially impact the following stakeholders but not limited to local residents and property owners.

ATTACHMENTS

Attachment A:	Proposed Amending Agreement
Attachment B	Enabling Policy from the Bedford Municipal Planning Strategy
Map 1	GFLUM Map
Map 2:	Zoning Map

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

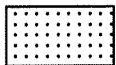
Report Prepared by : Jacqueline Belisle, Planner, 869-4262



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



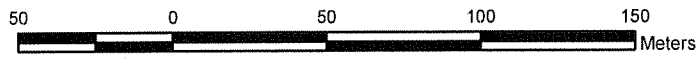
Map 1
Generalized Future Land Use

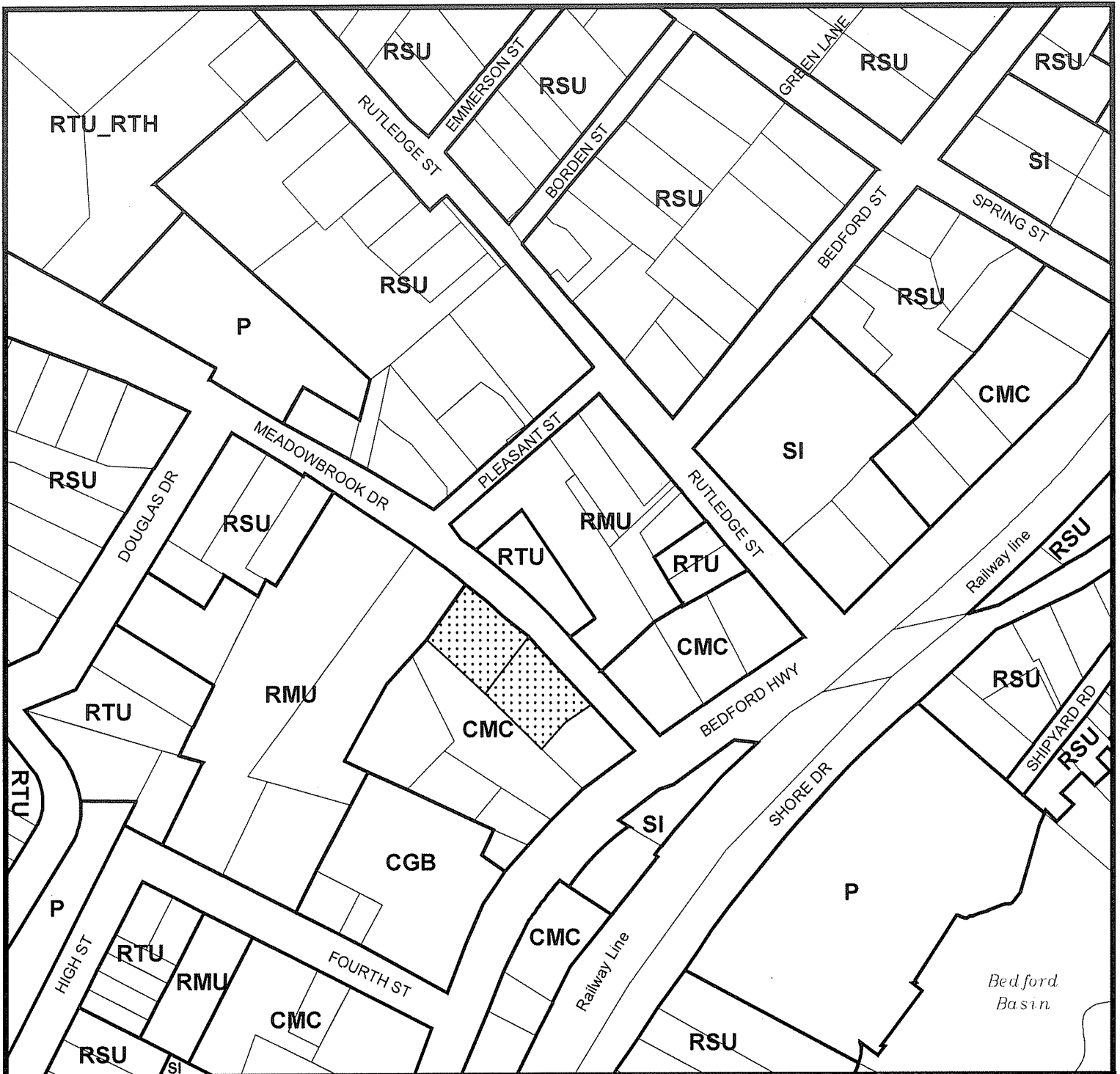


Subject Properties

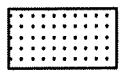


- R Residential Designation
- MC Mainstreet Commercial Designation
- C Commercial Designation
- P Park and Recreation Designation
- I Institutional Designation





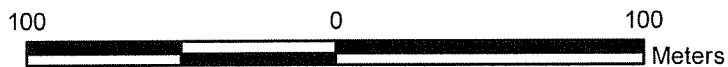
**Map 2
Zoning**



Subject Properties

- RSU Single Dwelling Unit Zone
- RTU Two Dwelling Unit Zone
- RMU Multiple Dwelling Unit Zone
- RTH Townhouse Dwelling Zone

- SI Institutional Zone
- CMC Mainstreet Commercial Zone
- CGB General Business District Zone
- P Park Zone



Attachment A
Proposed Amending Agreement

THIS AMENDING AGREEMENT made this day of , 2010,

BETWEEN:

Esther Ghosn and John Paul Ghosn
individuals, 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, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 6, 8, 10, 12, 14, 16 and 18 Meadowbrook Drive, Bedford and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Bedford Town Council approved an application to enter into a development agreement to allow for a six unit townhouse and nine unit multiple dwelling and said development agreement is registered at the Registry of Deeds in Halifax as Document Number 5964 in Book 5683 on Page 1150 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Agreement to permit an acceptable equivalent to wood to be used as a material for external cladding on the buildings on the Lands (hereinafter called the "Agreement");

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on [insert date], referenced as Municipal Case Number 16212;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree to the following amendments to the Existing Agreement:

1. Amend Schedule C Section (h)a) by adding "or an acceptable alternative which resembles wood in appearance" after the text "wood siding (clapboard or shingles)".

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 2010.

SIGNED, SEALED AND DELIVERED

Esther Ghosn and John Paul Ghosn

in the presence of

Per: _____

Per: _____

=====

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality duly authorized in that behalf in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Per: _____

Mayor

Per: _____

Municipal Clerk

Attachment B
Enabling Policy from the Bedford Municipal Planning Strategy

Policy C-29A:

Council shall consider residential uses on the rear portion of 1254 Bedford Highway and the property known as 10 Meadowbrook Drive through a Development Agreement. In considering a Development Agreement Council shall give consideration to the CMC zone requirements with regards to architectural guidelines. Multiple unit buildings shall not contain more than nine (9) units.