

NORTH WEST COMMUNITY COUNCIL
MINUTES

October 25, 2012

PRESENT: Councillor Tim Outhit, Chair
Councillor Dalrymple, Vice Chair
Councillor Robert Harvey
Councillor Peter Lund

REGRETS: Councillor Brad Johns

STAFF: Ms. Karen Brown, Solicitor
Mr. Andrew Bone, Senior Planner
Ms. Thea Langille, Supervisor of Planning Applications
Ms. Patricia Hughes, Project Planning Coordinator
Mr. Ted Aubut, Legislative Assistant

Minutes administratively approved.

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1. CALL TO ORDER

The Chair called the meeting to order at 7:03 p.m. in the cafeteria of Basinview Drive Community School, 273 Basinview Drive, Bedford.

The Chair clarified to members of the public that the Community Council would not be discussing the Bedford Waterfront project as it is on hold. He similarly explained that the Community Council will convene in camera towards the beginning of the meeting.

2. APPROVAL OF MINUTES – September 27, 2012

MOVED by Councillor Harvey, seconded by Councillor Lund that minutes of September 27, 2012 be approved, as presented. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

The Community Council decided to defer discussion of items 10.1.1 and 10.1.2 to a special meeting to be held on Tuesday, October 30, 2012.

MOVED by Councillor Dallrymple, seconded by Councillor Lund that the order of business be approved, as amended. MOTION PUT AND PASSED.

Before proceeding to item 4, it was **MOVED by Councillor Dalrymple and seconded by Councillor Lund that North West Community Council convene in camera to discuss item 7.1. MOTION PUT AND PASSED.**

Community Council recessed at 7:08 p.m. to convene into an in camera session.

The public meeting reconvened at 7:24 p.m.

At the request of members of the public, an overview of the role of Community Councils was provided. Councillor Harvey noted that Community Councils are decentralized bodies with decision-making authority on planning matters, including development agreements, zoning amendments, and variances. He explained that North West Community Council is made up of Councillors representing Bedford, the Sackville area, Beaverbank and Hammonds Plains.

To this, the Chair added that a number of Councillors would like for Community Councils to be granted extended powers, a matter that will be before the newly-elected Regional Council and that is under the review of the Province.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

4.1.1 Park-and-Ride Pilot Project at Eisenhower Ball Field, Hammonds Plains Road

An Information Report dated August 24, 2012 was before the Community Council.

Councillor Lund confirmed that traffic lights will be installed at the intersection of Glen Arbour Way and Hammonds Plains Road in early December. With the traffic light issue soon to be rectified, he wished to know what other obstacles were delaying the park-and-ride project.

Patricia Hughes, Project Planning Coordinator for Metro Transit explained that extending Bus Route 33 to pick up passengers at the Eisenhower Ball Field would add 4 minutes of running time to the route at a cost of approximately \$3,000 in mileage and wages. Metro Transit had not budgeted for this. Unlike many other bus routes, Route 33, she noted, is already running late and therefore cannot absorb more stops without adding to the total time of the route.

Councillor Lund explained that a pilot project at this location would allow HRM to determine if it would result in higher ridership. He asked if Metro Transit supported this project.

Ms. Hughes indicated that Metro Transit is concerned about the impact of extending Route 33. The addition of 4 minutes to the route could reduce existing ridership. Moreover, she explained that Metro Transit is not convinced of the potential to gain significantly more passengers by extending the service. The costs seem minimal but the value added, in terms of increased ridership, also appears minimal.

To this, Councillor Lund replied that feedback he has received from residents suggests that there is community support for a pilot project.

The Chair asked if the pilot project was a priority for Metro Transit, to which Ms. Hughes replied that the benefits do not appear to be worth the cost. She reiterated Metro Transit's concern that a detour, to accommodate the park-and-ride, would affect existing ridership.

To gauge ridership potential, Councillor Dalrymple suggested that Metro Transit conduct a survey of residents who live near the bus route.

The Chair added that the survey should include a question to find out if the addition of 4 minutes to the route would act as a deterrent.

Ms. Hughes replied that a survey had been developed, but she was not sure if it had been circulated.

Councillor Lund reiterated his interest in the pilot project, noting that there is poor bus service along Hammonds Plains Road and that the parking lot, suitable for a park-and-ride service, has already been built.

Moved by Councillor Lund, seconded by Councillor Dalrymple that North West Community Council request that Metro Transit survey local residents to determine interest in a Park-and-Ride service at Eisenhower Ball Field.

Ms. Hughes, responding to Councillor Lund, explained that the current parking lot would have to be reorganized to reserve space for incoming, stationed, and outgoing buses.

MOTION PUT AND PASSED.

4.1.2 Correspondence from Peggy Godfrey, Atlantic Gardens Inc. dated September 19, 2012 regarding Maroon Hill Development left-turning lane

No update provided. Item to remain on status sheet.

4.1.3 Petition: Sandra Laforge on behalf of Armcrest Neighbourhood re: replacement playground

As funding to renovate the playground in question has been confirmed, Community Council requested that this item be deleted from the status sheet.

4.1.4 Update on Soil and Grading By-law

No update provided. Item to remain on status sheet.

4.1.5 Truck Enforcement, Hammonds Plains Road

Councillor Lund indicated that signage must be installed before enforcement measures take effect. For more details, he had contacted the Province and was awaiting their response.

Community Council agreed to keep this item on the status sheet.

4.1.6 Extension of Municipal Water Service Boundary Macabes North

No update provided. Item to remain on status sheet.

4.1.7 Request for Report – Private & Non-Accepted Roads in District 21

An Information Report dated August 30, 2012 was before the Community Council.

The Chair thanked staff for the information provided and requested that the item be removed from the status sheet.

4.1.8 Margeson Drive Update

The Chair informed the Community Council that staff will deliver a presentation on this matter at an upcoming meeting. Item to remain on status sheet.

4.1.9 Status Update – Changes to Mobile Home Park By-laws

Discussion of this matter was deferred to a special meeting scheduled on October 30, 2012.

4.1.10 MOUs re: sewer access roads for active transportation

No update provided. Item to remain on status sheet.

4.1.11 North West Transit Advisory Committee – Request for Requirement of Park-and- Ride Facilities in Existing Subdivisions

No update provided. Item to remain on status sheet.

4.1.12 Case 01311: Paper Mill Lake CCDD MPS Amendment, Bedford

No update provided. Item to remain on status sheet.

4.1.13 Bedford Waterfront Design Study

No update provided. Item to remain on status sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 17424: Application by West Bedford Holdings Ltd. to Amend the Bedford West Campus Zone of the Bedford Land Use By-Law (IN CAMERA)

A Staff Report dated October 5, 2012 was before Community Council.

MOVED by Councillor Dalrymple, seconded by Councillor Harvey that North West Community Council *not* permit the applicant's request to construct a service station in Area B of the Bedford West Campus Zone.

Councillor Dalrymple indicated that he found no reason to question the professional opinion of staff on this matter and was therefore comfortable refusing the applicant's request to construct a gas station in Area B.

Councillor Lund explained that at issue is whether a gas station constitutes an automotive service centre. He concluded that it did not because an auto service centre repairs or refits vehicles and does not sell gasoline. He asked staff to confirm that auto service centres were permitted in Area B.

Staff responded in the affirmative, noting that auto service and auto supply centres are indeed permitted in Area B of the Bedford West Campus Zone. However, service stations are not permitted in Area B.

The Chair indicated that he had struggled to reach a decision on this matter, in part because residents are keen to see more amenities in the area. Though he sees both sides of the issue, he explained that he ultimately supports the construction of a gas station on the property. He would therefore vote against the motion.

Councillor Lund observed that there are only a few gas stations in the area, on Kearney Lake Road and on Kingswood Drive. He asked if the Bedford Secondary Planning Strategy adequately addressed this issue, given that there are more and more residents in the area.

Staff explained that current policies direct gas stations towards highway commercial zones near the Larry Uteck Boulevard interchange. However, it was their opinion that a gas station is not consistent with the intent of the Bedford West Campus Zone.

The Chair recognized staff's diligence on this matter but was unclear as to why a gas station is worse than a service centre.

Staff clarified that a gas station and a service station are one and the same, while a gas station/service station is different from a service centre. Staff reiterated that current plans dictate where gas stations/service stations should and should not be. They noted, further, that if the applicant was dissatisfied with HRM's decision, he could ask for a plan amendment or appeal to the Nova Scotia Utility and Review Board.

MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 17847: Development Agreement Amendments for Bedford West – Sub Areas 3 and 4, Bedford

The following were before the Community Council:

- Correspondence from David Murphy and Fay Paddock dated October 24, 2012
- A report from the North West Planning Advisory Committee dated September 26, 2012
- A staff report dated September 17, 2012
- A report from the Bedford Watershed Advisory Board dated July 28, 2012

Andrew Bone, Senior Planner, delivered a presentation to Community Council regarding Case 17847, an application by West Bedford Holdings Limited to amend provisions of the existing agreement for Sub Areas 3 and 4.

Mr. Bone explained that the applicant intends to build 5 multi-unit dwellings and 1 mixed use building with limited commercial space at the corner of Gary Martin Drive and Innovation Drive. The applicant is also proposing to reconfigure the road layout and to adjust the land use pattern. The subject property, which totals 28 acres, subdivides into two sites, the first zoned Bedford West Business Campus Zone and the second, Bedford West Comprehensive Development District Zone. The Bedford West Secondary Planning Strategy applies to both.

He noted that permitted building height in the area is 52 feet. The proposed 5 storey dwellings satisfy this restriction and are comparable in size to nearby buildings. Comparable in height, they will also be comparable in bulk and scale to the BMO Centre, at 61 Gary Martin Drive, and the future high school. Mr. Bone explained that this compatibility will provide a reasonable transition between the institutional land uses and existing low density, single unit dwellings on adjacent lands. Meanwhile, proposed setbacks will likely make the adjacent parkland safer.

Mr. Bone explained that under the Bedford West Secondary Planning Strategy, 10% of land must be dedicated to parkland. The proposal meets this requirement but the addition of 363 residential units to the area led staff to believe that more parkland is needed. In response, the developer is proposing to add 2,000 square feet of new parkland at the corner of Gary Martin Drive and Innovation Drive; 40 metres of new walking trail; 2 new play areas, at a cost of approximately \$50,000 to the neighbourhood park at Hollyhock Way; a manicured play area at the community park on Gary Martin Drive; and 4,000 square feet of additional active amenity space, like tennis or basketball courts, on the north side of Innovation Drive.

Next, Mr. Bone explained that the proposed agreement reduces to 6 metres (19.8 feet) the side and rear yard setbacks of the multi-unit dwellings. On this, he continued, staff feels that the reduction is acceptable and will have a limited impact on the site given that the existing parkland provides a substantial buffer.

Mr. Bone reminded Community Council that part of the proposed residential development falls in the Business Campus Zone, which is earmarked for business use. He explained, however, that demand for said Business Campus uses is not strong and that the Municipal Planning Strategy allows for partial conversion of the Business Campus site to residential sites. Furthermore, the Business Campus has become more

of an Institutional Campus, with the construction of the BMO Centre and the soon to be constructed Bedford High School. Given this, staff is comfortable converting a portion of these lands to residential and feel that the height and scale of the proposed dwellings nicely complement existing structures.

In addition to building 6 dwellings, the developer is proposing to reconfigure Road 3-J. Mr. Bone explained that the existing agreement requires Road 3-J to form a T-intersection with Loop Road 4, with single unit, semi-detached, and townhouses on each side of the road. What is being asked by the developer is to realign Road 3-J to form a T-intersection with Gary Martin Drive, with small lot single dwellings on both side of the road. Under the proposed plan, one of the multi-unit dwellings will be moved to another location. Mr. Bones indicated that staff was comfortable with these changes.

Mr. Bone concluded by recommending that the Community Council approve the proposed development agreement as identified in Attachment A of the staff report dated September 17, 2012.

The Chair thanked Mr. Bone for his presentation and called for questions of clarification.

Councillor Lund asked staff to clarify front and side yard setbacks, specifically why they were reduced.

Mr. Bone replied that standard practice requires that setbacks represent half the height of the building. The developer, he noted, has gone well beyond this, with separations reaching 120 feet compared to a normal setback of 25 feet. He reiterated that there will be significant parkland on the site.

As there were no further questions of clarification, the Chair reviewed the Rules of Procedure for public hearings, calling three times for speakers for or against the matter to come forward at this time.

Rene Baptiste-Burns of 8 Hollyhock Way recognized the need for apartment buildings in the area and, as such, supported the construction of 4 buildings on the north side of Innovation Drive. However, what concerned her were plans to construct 2 buildings on the south side. She explained that she had purchased her lot one year ago because of the greenery, and worried that with the construction of 5 storey buildings, she would lose the parkland views she currently enjoys from her backyard. She felt that the proposed setbacks were insufficient and asked that more green space be conserved between existing homes and the proposed buildings. Ms. Baptiste-Burns recommended that family homes be constructed on the lot in lieu of apartment buildings. She asked that construction be put on hold and, if that were not possible, that the apartment buildings, at the very least, be moved closer to the street.

Mr. Bone responded that minimal parkland width had been met and that the existing walking trail would not be disturbed. He noted, too, that the parkland in question is HRM owned.

Neal Alderson of 71 Capstone Crescent asked if a traffic study had been undertaken and, if so, what conclusions were reached.

Mr. Bone indicated that traffic survey results have been posted to the HRM website.

Mr. Anderson explained that traffic in the area is heavy at peak times and is likely to increase once the development is completed. He noted, further, that while he appreciated that the developer has a website explaining the project, he felt that it was presented in such a way to suggest that the development had already been approved.

Kevin Neatt of West Bedford Holdings Limited explained that it had not been his intention to presuppose that the project would be approved. Instead, he and his colleagues wanted to be transparent and to ensure that residents understood what was being proposed. Mr. Neatt also took this opportunity to speak to lot and building size as well as traffic. He noted the following:

- Lots for the small lot singles will be 34 feet wide. This makes them smaller than the average family home lot but larger than the average townhouse lot.
- West Bedford Holdings Ltd. closely studied what is and is not permitted on land between the BMO Centre and the future high school. He noted that the benefit of building a 5-storey residential building rather than a 5-storey commercial building is that the former can more easily adapt to topographical features.
- On traffic, engineers determined that the volume of traffic would be the same regardless of whether residential or commercial buildings were constructed.

Councillor Lund asked why the apartment buildings would be built so far back on the property, to which Mr. Neatt replied that it was to retain natural vegetation. By moving the building forward, more trees would have to be taken down.

The Chair recognized that there were concerns about traffic lights in the area and indicated that he will be working with the developer to make sure this project moves ahead as quickly as possible. As for the buffer between the existing homes and the proposed apartment buildings, he asked if it could be widened.

Ms. Baptiste-Burns clarified that she was concerned about the setback and height of the building, it being 5 storeys high and on top of a hill.

Mr. Neatt noted that Building B could be pulled an additional 9 or 10 metres from the property line but that the placement of Building A was less flexible.

Anne Snow of 28 Castlestone Drive expressed support for moving the building closer to the street as it would help solve the height issue. She noted that the proposed location is on top of a hill, the elevation adding 1, maybe 2 storeys to the 5 storey building.

Staff indicated that the proposed rear yard setback is 9.7 metres, while the minimal requirement is 6 metres. To increase the setback, provisions would have to be added to Schedule N of the development agreement.

On this, **Mr. Neatt** noted that the builders have the flexibility to go as close as 6 metres from the property line if so needed.

Staff clarified that the development agreement requires 6 metre setbacks but that the developer is proposing 9.7 metres, and would like that the text reflect this. Staff then asked Mr. Neatt if he could do 10 metre side yard setbacks.

Mr. Neatt responded that he would prefer that side yard setbacks remain at 6 metres because of the angles of the road and property lines. However, 10 metre rear yard setbacks were doable.

There being no further speakers, it was MOVED by Councillor Dalrymple, seconded by Councillor Lund that the public hearing be closed. MOTION PUT AND PASSED.

The Community Council recessed at 8:41 p.m. in order for staff to take time to compose wording for a possible amendment regarding rear yard setbacks.

At 8:51 p.m., the meeting was reconvened.

Staff proposed that the following clause be added to Attachment 11-Schedule N- Clause 1.1.1 to respond to setback concerns:

- Notwithstanding the required rear yard for parcel WBIOB as shown on Schedule M, the minimum rear yard shall be 10 metres (33 feet)

MOVED by Councillor Dalrymple, seconded by Councillor Harvey that North West Community Council:

- 1. Approve the proposed development agreement as set out in Attachment A of the staff report dated September 17, 2012 to permit amendments to the existing development agreement for Sub Area 3 and 4 of Bedford West, Bedford with the following amendment to Attachment 11 Schedule N Clause 1.1.1**
 - **Add a new clause (i) that reads “notwithstanding the required rear yard for parcel WBIOB as shown on Schedule M, the minimum rear yard shall be 10 metres (33 feet)”**
- 2. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council and any other bodies as necessary, including applicable appeal periods, whichever is**

later; otherwise this approval will be void and obligations hereunder shall be at an end.

The Chair asked if the 10 metre setback will ensure that the buffer between existing homes and future apartment buildings will be treed.

To this, staff replied that the setback would have to be larger to maintain the trees.

The Chair asked if the development agreement could require minimal tree removal.

Staff responded that they would need to add another clause to the agreement and asked for time to work out the details.

At 8:56 p.m., the Chair suggested, and **it was agreed**, that due to time constraints, the Community Council should carry on with the agenda, returning to item 8.1.1 when staff had composed suggested wording.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

The Chair acknowledged the presence of Steve Craig, Councillor-Elect for District 15 and congratulated him on his election. Community Council then proceeded to item 9.1.

9.1 Correspondence

9.1.1 Land Use By-Law Amendments to the Bedford West Business Zone, Service Stations in the "B" Area

A letter from Peter M. Rodgers of McInnis Cooper on behalf of client West Bedford Holdings Limited dated October 4, 2012 was before the Community Council.

The Community Council confirmed having reviewed the letter and having taken it into account during their deliberations on Case 17424.

9.2 Petitions - NONE

10. REPORTS

10.1 Reports from Members of Community Council

10.1.1 Councillor Johns – Request for Staff Report on Changes to Mobile Home Park By-Laws

Discussion of this matter was deferred to a special meeting scheduled for October 30, 2012.

10.1.2 Councillor Johns - Request for Staff Report on Possible Amendments to the MPS for Middle Sackville regarding Size of Secondary Structures

Discussion of this item was similarly deferred to the meeting of October 30, 2012.

11. MOTIONS - NONE

12. ADDED ITEMS - NONE

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

The Community Council invited the public to ask question or to provide comments.

Janet McMillan of 101 Shore Drive explained that in February 2012 a traffic study had been proposed as part of the Bedford Waterfront Design Study. She wished to know if the study had been completed.

The Chair replied that the study had gone to tender but was unsure if it had been awarded. He added that the study had been unanimously approved by Regional Council, and will address traffic and public transportation issues.

Staff confirmed that the tender is ready to be issued. Once the tender is awarded, the awardee will have 6-12 months to complete the study.

Ms. McMillan expressed her concerns over potential development along the shore and wondered why HRM was conducting a traffic study, which could be costly, before launching public consultations.

The Chair noted that the goal of the study is to end traffic problems in Old Bedford. Unlike New Bedford, which has been designed for growth and upgraded, in part by developers, Old Bedford has proven ill prepared for increased traffic. He therefore welcomed the study and believed it was money well spent.

Turning to the Bedford Waterfront Project, Ms. McMillan asked if HRM will continue to issue permits to developers before the waterfront study is complete.

Chair explained that the study will provide a framework for Council to discuss what needs to be done. As such, nothing is going forward before the waterfront project study is complete.

Staff noted that the Bedford Corridor Study had identified a number of areas that feed into the Bedford Highway, including the Bedford Waterfront area and Paper Mill Lake. Regional Council will issue no more development rights in these areas. However, staff

pointed out that developers are allowed to work within the parameters of rights previously issued to them.

The Chair noted that projects will be halted for approximately two years, with the first year dedicated to the study and the second year to public consultation. No new development rights will be issued during this period.

Staff explained that in this period they will continue to review proposals, but only those that work within existing parameters.

At 9:10 p.m., the Community Council returned to item 8.1.1.

8.1.1 Case 17847: Development Agreement Amendments for Bedford West – Sub Areas 3 and 4, Bedford (CONTINUED)

Staff explained that guaranteeing vegetation has proved difficult to write into the development agreement because the proposed apartment buildings sit on a podium, which requires that vegetation be cut back.

The Chair recommended that the motion remain as is on the expectation that the developer will save or replant vegetation in the required rear yard of parcel WBI0B.

The Chair took note of Mr. Neatt's commitment.

Ms. Baptiste-Burns repeated her request that Community Council approve 4 of the apartment buildings and then work out what to do with the remaining 2 buildings at a later date.

At this time, Community Council was prepared to vote on the motion, which is as follows:

MOVED by Councillor Dalrymple, seconded by Councillor Harvey that North West Community Council:

- 1. Approve the proposed development agreement as set out in Attachment A of the staff report dated September 17, 2012 to permit amendments to the existing development agreement for Sub Area 3 and 4 of Bedford West, Bedford with the following amendment to Attachment 11 Schedule N Clause 1.1.1:**
 - Add a new clause (i) that reads “notwithstanding the required rear yard for parcel WBI0B as shown on Schedule M, the minimum rear yard shall be 10 metres (33 feet)”**

- 2. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations hereunder shall be at an end**

MOTION PUT AND PASSED.

Public participating resumed at 9:13 p.m.

14. PUBLIC PARTICIPATION (CONTINUED)

Luciano Radelich of 21 Fleet Court expressed interest in learning about the traffic study. Staff agreed to provide him with a copy.

15. NEXT MEETING DATE - October 30, 2012

The Chair noted that a special meeting would take place on October 30, 2012.

16. ADJOURNMENT

The meeting was adjourned at 9:14 p.m.