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North West Community Council
November 4, 2010

TO: Chair and Members of North West Community Council

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

DATE: November 4, 2010

SUBJECT: **Case 16196: Bedford LUB Amendment – Cat Boarding in association with Veterinary Clinics**

ORIGIN

North West Planning Advisory Committee meeting – November 3, 2010

RECOMMENDATION

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

1. Give First Reading to consider the proposed amendments to the Land Use By-law for Bedford, as identified in Attachments A and B of the staff report dated September 20, 2010; and
2. Approve the proposed amendments to the Land Use By-law for Bedford, as identified in Attachments A and B of the staff report dated September 20, 2010.

DISCUSSION

At its meeting on November 3, 2010, the Committee reviewed proposed amendments to the Bedford Land Use By-law that would:

- (a) Allow the boarding of cats in association with veterinary clinics; and
- (b) Use a schedule to describe the Northgate Retail Complex area.

The Committee is recommending approval of the proposed amendments.

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 September 20, 2010

ALTERNATIVES

None provided by the Committee. Alternatives are provided in the staff report dated September 20, 2010.

ATTACHMENT

Staff report dated September 20, 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
October 6, 2010

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: September 20, 2010

SUBJECT: **Case 16196: Bedford LUB Amendment - Cat Boarding in Association with Veterinary Clinics**

ORIGIN

Application from Vetcetera Animal Hospital Limited.

RECOMMENDATION

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

1. Give First Reading to consider the proposed amendments to the Land Use By-law for Bedford, as identified in Attachments A and B of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Bedford Land Use By-law as identified in Attachments A and B of this report.

BACKGROUND

Vetcetera Animal Hospital is located at 1144 Bedford Highway. The existing land use regulations permit animals undergoing medical treatment to be kept at a veterinary clinic, however, the boarding of animals who do not require medical care is not permitted. The applicant is seeking the ability to allow for limited cat boarding in association with veterinary clinics. The property is 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).

Proposal

Vetcetera Animal Hospital has 3,600 sq.ft. (334.5 m²) of gross floor area and is proposing a room of approximately 92 sq.ft. (8.5 m²) for the boarding of cats. The proposed cat boarding room is located on the second floor of the building facing the Bedford Highway (Map 3).

Existing Regulations

Under the Bedford LUB the boarding of cats falls under the definition of Kennel. Kennels are not a permitted land use within any of the zones in the Bedford plan area. Further, there are currently four zones which permit veterinary clinics: the General Business District (CGB) Zone, the Mainstreet Commercial (CMC) Zone, the Highway Oriented Commercial (CHWY) Zone and the Bedford West Business Campus (BWBC) Zone.

Housekeeping: Northgate Retail Complex

In addition to this request, staff have identified an issue in the LUB which pertains to the manner in which the Northgate Retail Complex is described under Part 5 Section 38.1.f). This section deals with signage and describes the area using parcel identification numbers (PIDs). In 2006, when this section of the LUB came into effect the area consisted of only six parcels. The area has since been subdivided and now consists of 19 parcels. The PID numbers used to describe the area are no longer accurate.

DISCUSSION

Cat boarding is a service that is in demand and not enabled in the Bedford Plan. The intent of the Mainstreet Commercial designation and zone is to promote small scale, pedestrian oriented uses including professional offices which serve neighbourhood and community needs. It is staff's opinion a cat boarding facility within a veterinary clinic is in keeping with this intent. Further, a veterinary clinic has facilities in place for the care of animals and specialized staff on hand, therefore cat boarding is a use that would have a low impact on surrounding properties.

Noise Concerns

The main issue of concern that arose from the public information meeting of August 12, 2010 was the potential for noise from the cats. By-law N-200 (Noise By-law) provides the best mechanism for dealing with any noise issues that may arise. Currently, the by-law lists "persistent barking, calling, whining or the making of any similar persistent noise-making by an animal" as an activity that is prohibited at all times. Given that animals are currently present on the property it is not

expected that the boarding of cats will cause further disruption. Restricting the boarding use to cats and to the interior of the building will provide a high degree of protection. Staff are recommending the definition of veterinary clinic be amended to allow the boarding of cats.

Definition of Kennel

In addition, staff are recommending the definition of kennel be amended to ensure it is consistent with the other plan areas in the region (ie: Sackville, Sackville Drive, Hammonds Plains). The current definition of kennel encompasses a broad array of animals but does not address breeding or showing activities. The proposed kennel definition will address dogs and the full range of activities typically associated with this use. This amendment will also have administrative advantages through permitting and enforcement processes. In amending the definition of kennel it is also recommended that the wording in the zones which permit veterinary clinics be modified avoid confusion. Currently in the CMC and BWBC zones the clause "outdoor kennels associated with veterinary clinics are prohibited" follows veterinary clinic as a permitted use. This clause is not needed because a fenced area exterior to the veterinary clinic would be considered a kennel which is not permitted in either zone. (Attachment A).

Housekeeping: Northgate Retail Complex

As the PID numbers used to describe the Northgate Retail Complex area are no longer accurate and it is possible that further subdivision could occur it is suggested that the area be described by the use of a Schedule (map) in an appendix to the LUB. The proposed Schedule is included as Map 4 in this report.

Summary

The proposed amendments are consistent with the intent of the Bedford Municipal Planning Strategy. Staff is recommending that Council approve the proposed amendments to the Land Use By-law for Bedford as set out in Attachment A and B.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

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 consultation, achieved through a

Public Information Meeting held on August 12, 2010. A public hearing has to be held by Council before they can consider approval of any amendments.

For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 2. Attachment D contains a copy of the minutes from the meeting. Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on Map 2.

The proposed LUB amendment will potentially impact the following stakeholders: local residents, property owners, business and professional associations.

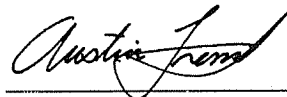
ATTACHMENTS

- | | |
|---------------|---|
| Map 1: | Generalized Future Land Use |
| Map 2: | Zoning and Notification |
| Map 3: | Proposed Floor Plan (Veterinary Clinic) |
| Map 4: | Northgate Development -Area identified in Bedford Land Use By-law for Special Signs |
| Attachment A: | Proposed Amendments to the Bedford LUB: Cat Boarding |
| Attachment B: | Proposed Housekeeping Amendments to the Bedford LUB: Northgate Retail Complex Description |
| Attachment C: | Enabling Policy from the Bedford Municipal Planning Strategy |
| Attachment D: | Public Information Meeting Minutes |

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 Property

- R Residential Designation
- C Commercial Designation
- CMC Mainstreet Commercial Designation
- I Institutional Designation
- WFCDD Waterfront Comprehensive Development District

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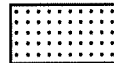




Map 2
Zoning and Notification



Notification Area

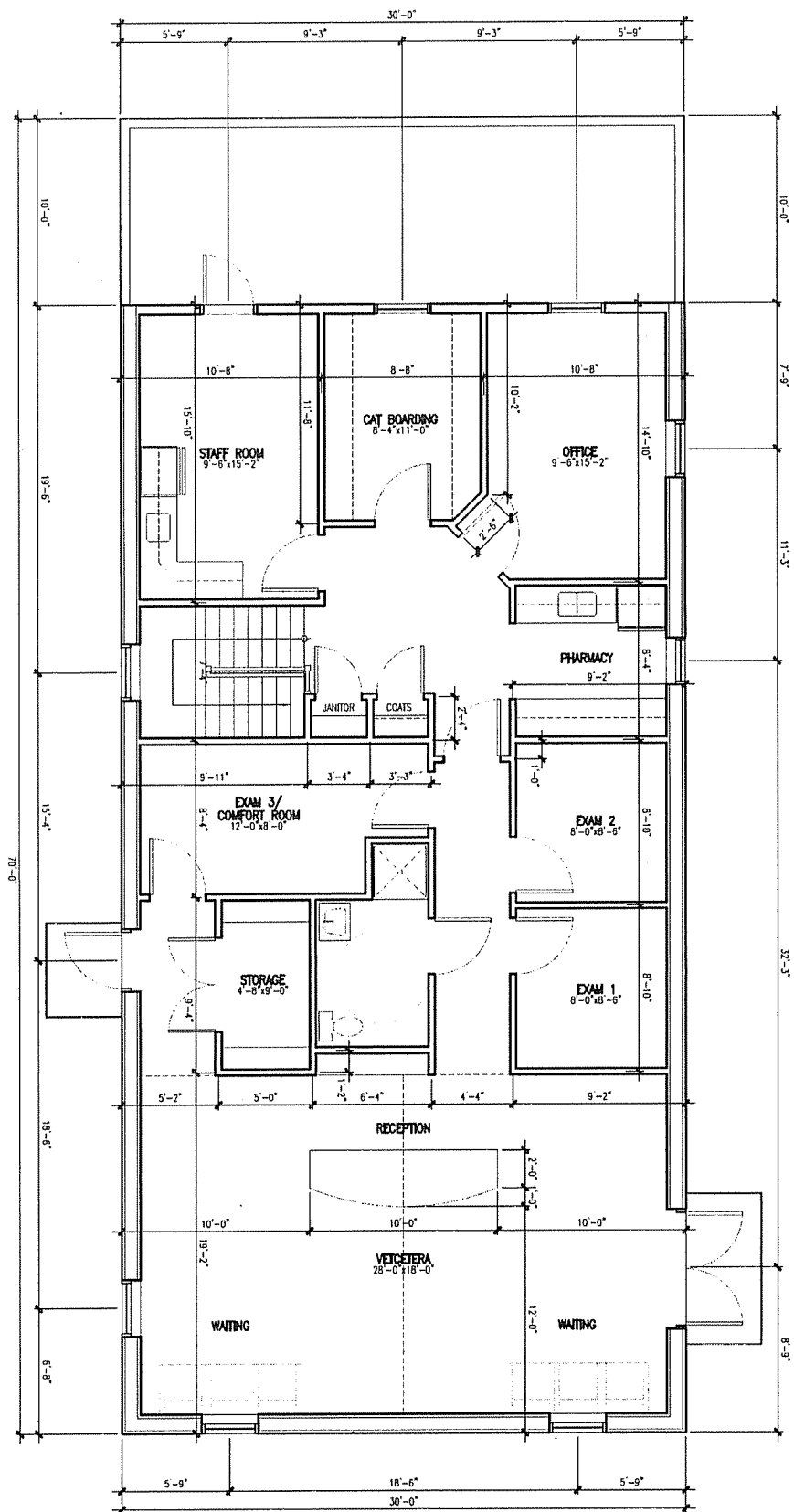


Subject Property

- RSU Single Dwelling Unit Zone
- RMU Multiple Dwelling Unit Zone
- CGB General Business District Zone
- CMC Mainstreet Commercial Zone
- SI Institutional Zone
- SU Utilities Zone
- WFCDD Waterfront Comprehensive Development District

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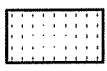


Map 3
Proposed Floor Plan





Map 4

 Northgate Development-
area identified in Bedford Land Use By-law for Special Signs

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Attachment A

**Amendments to the Land Use By-law
for Bedford**

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby amended as follows:

1. Delete the existing definition for Kennel in Part 2 and replace it with a new definition as follows:

“Kennels - means a building or structure used for the enclosure of more than two (2) dogs which are kept for the purposes of commercial breeding or showing or for commercial boarding with or without veterinary care.”

2. Delete the existing definition for Veterinary Clinic in Part 2 and replace it with a new definition as follows:

“Veterinary Clinic - means a building or portion thereof, where animals, birds or other livestock kept as domestic pets are examined, treated, groomed, or operated on and may include the indoor boarding of cats. Such use shall not include a Kennel nor be an objectionable use as defined herein.”

3. Deleting the text “outdoor kennels associated with veterinary clinics are prohibited” in Part 14 Section d) and Part 19A the second Section e) after the word “clinics”.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Bedford, as set out above, were duly passed by a majority vote of the North West Community Council at a meeting held on the ____ day of _____, 2010.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk

Attachment B

**Housekeeping Amendments to the Land Use By-law
for Bedford**

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby amended as follows:

1. Amend Part 5 Section 38.1.f) of the LUB by replacing the text “Northgate Retail Complex (Duke Street and Highway 102, PID#’s 41177312, 41177304, 00416222, 41033861, 40278509, 41208075)” with the text “Northgate Retail Complex (as shown on Schedule B)”.
2. Insert the text “Schedule B: Northgate Retail Complex” into the table of contents after the text “Schedule A: Bedford Zoning Map (RC-Jun27/06; E-Aug26/06)”.
3. Insert Schedule B: Northgate Retail Complex after table “Land Use By-Law Amendments - Bedford”

I HEREBY CERTIFY that the amendments to the Land Use By-law for Bedford, as set out above, were duly passed by a majority vote of the North West Community Council at a meeting held on the ___ day of _____, 2010.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2010.

Municipal Clerk

Attachment C

Enabling Policy from the Bedford Municipal Planning Strategy

Policy C-20:

Town Council shall establish a Mainstreet Commercial Zone within the Land Use By-Law and apply it to the portion of the mainstreet commercial core area extending from the Sackville River south to Locke Street on the north side of the street and between the Sackville River and Shore Avenue on the south side of the street as shown on Map 2. Permitted uses within the Mainstreet Commercial Zone shall be 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, recycling depots, dwelling units within a commercial building not to exceed 50 percent of the gross floor area and not located on the street front of the first floor, and existing residential uses. In addition, senior residential complexes will be permitted by development agreement pursuant to Policy R-19A. All commercial developments shall be subject to specific signage, landscaping, parking, and architectural design controls as specified in the Land Use By-Law. Town Council shall prohibit front yard parking and deep front and side yard setbacks for new development. Town Council shall consider modification of the requirements for such items as front and side yard setbacks as well as front yard parking through a development agreement in situations involving the redevelopment of existing buildings. Those properties designated Mainstreet Commercial, but not zoned Mainstreet Commercial, shall continue to have an RSU Zone consistent with current land uses.

Attachment D

Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 16196 - Vetcetera - 1144 Bedford Highway

Thursday, August 12, 2010
7:00 p.m.
Bedford Library

STAFF IN

ATTENDANCE: Jacqueline Belisle, Planner, HRM Planning Services
Thea Langille, Planning Supervisor, HRM Planning Services
Scott LeBlanc, Planning Technician, HRM Regional Planning
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Tim Outhit, District 21
Dr. Emma Raghavan, Vetcetera Animal Hospital

PUBLIC IN

ATTENDANCE: 3

The meeting commenced at approximately 7:00 p.m.

(1) Opening Remarks/Introductions/Purpose of Meeting - Jacqueline Belisle

Ms. Belisle reviewed the agenda for the meeting.

Ms. Belisle introduced herself as the Planner facilitating the application through the planning process; Councillor Tim Outhit, District 21; Dr. Emma Raghavan, the applicant; Scott LeBlanc, HRM Regional Planning; and Thea Langille and Cara McFarlane, HRM Planning Services.

The meeting will cover two different items: a) an application made by Vetcetera Animal Hospital Limited to amend the Bedford Land Use By-law (LUB); and b) a housekeeping issue regarding the Northgate Retail Complex.

The purpose of tonight's meeting is to identify that HRM has received an application, to give some background on the proposal and to receive the community's feedback.

(2) Overview of Planning Process - Jacqueline Belisle

A flow chart of a land use by-law amendment planning process was shown: application received, public information meeting, draft staff report prepared, review by North West Planning Advisory Committee (NWPAC), proceeds to North West Community Council (NWCC), NWCC either rejects the proposal or sets a public hearing, a decision to reject or approve the application is made by NWCC at the public hearing followed by a 14 day appeal period.

(3) Presentation of Proposal

a) Vetcetera Animal Hospital

Vetcetera Animal Hospital recently relocated to 1144 Bedford Highway and is proposing to allow indoor cat boarding in association with veterinary clinics. The existing definition of veterinary clinic does not enable any kind of animal boarding whatsoever for animals who are not receiving medical care.

The location of the site was shown. The site is on the Bedford Highway, captured within the Bedford Municipal Planning Strategy (MPS), designated Commercial under the plan and zoned CMC (Mainstreet Commercial).

The proposed floor plan was shown. The footprint of the building is approximately 1,800 square feet. The room shown in blue is approximately 92 square feet which is situated upstairs and at the front of the building is the proposed room for cat boarding.

The land use by-law is the document that regulates the development and the use of the land. It shows how a property is zoned, what uses are permitted on the property, what is required for those uses and any associated buildings. In the end, the decision to amend the Bedford LUB rests with NWCC and in making their decision, NWCC will ensure that any changes are consistent with the Bedford MPS.

All the permitted uses within the CMC Zone were shown.

Dan Bevin, Bedford, asked if the property was residential and if so, would it have had to go through the public process to allow the commercial use? Ms. Belisle mentioned that the property is already zoned for the veterinary clinic.

The existing definitions of veterinary clinic and kennel in the Bedford LUB were read. Staff is considering amending the definition of veterinary clinic to allow for the indoor boarding of cats and amending the definition of kennel to make it consistent with other planning areas within HRM.

b) Northgate Retail Complex

A map of the area, aka Bedford Commons, was shown.

When the development was approved in 2006, there were changes to the Bedford LUB regarding permitted signage on the site. At that time, the property was described in the LUB using their parcel

identification (PID) numbers. Since that time, the lots have changed configuration and the PID numbers have changed. Staff wants to use the map to describe the area instead of PID numbers.

(4) Questions/Comments

Mr. Bevin asked if there is currently a kennel there. Ms. Belisle said it is not permitted under the existing regulations.

Councillor Outhit made it clear to the residents of Lindsay Hill and to Dr. Raghavan that there would be no dog boarding (kennel). The only thing the applicant is asking for is the indoor boarding of cats. He also would like to ensure that the words “**indoor** cat boarding” are included in the definition for veterinary clinic.

Mr. Bevin is concerned about the noise level of the cats at night. Is there a law for that? Ms. Belisle said there is a HRM noise by-law. During particular hours, the police can be called and they will enforce the by-law.

Dr. Raghavan said the building is also ICF construction. On the top floor, there are concrete walls to avoid any noise to the surrounding residential area boarding the property. The clinic does not intend to have dog kennels put on this property. The hope is to house roughly ten cats in small kennels in the room pointed out on the slide (blue room). In general, cats are usually pretty quiet. Ms. Belisle said this amendment would be specifically for cats. In the future, if a property in Bedford wanted to have a dog kennel, the public process would have to be followed.

Kathy Bevin, Bedford, is concerned that the amendment to the definition of kennel will allow dogs. Ms. Belisle said the intent is to make the definition of kennels in Bedford consistent with other areas in HRM. This particular proposal is to amend the definition of veterinary clinic to specifically include the indoor boarding of cats. Ms. Langille clarified that a kennel is not a permitted use within the CMC Zone.

Ms. Bevin asked if there will be an attendant while the cats are there. Dr. Raghavan said there won't be anyone there overnight, but the boarding room will be in the front of the building along the Bedford Highway and not next to the Bevin residence.

Ms. Bevin asked if more than ten cats can be boarded there at one time. Ms. Belisle said this is the opportunity for the community to express their opinion on the appropriate number of cats permitted. Councillor Outhit mentioned that it would depend on the size of the room and type of building. Ms. Langille said staff could look at having it in the definition to clearly state that it is an accessory to the veterinary clinic which therefore means that it has to be of the smaller size. Our thought to date hasn't been really to assign a number of cats. The main use of the clinic is there for the animals that need to receive medical care and the boarding of cats be a secondary use which would be incidental to the main use.

Mr. Bevin wondered if the application, once approved, could be reversed. Ms. Belisle said that once it is passed, the appeal period is over and the permits have been issued, that use would become grandfathered.

Dr. Raghavan said the clinic currently keep cats who require hospital care overnight. At this point, the clinic hasn't had anymore than two cats at one time.

Ms. Langille clarified that the definitions that HRM is suggesting would not permit dogs to stay overnight except for medical care. Mr. Bevin asked if that can change in the future for this property. Ms. Langille said anyone can ask council to give consideration to a change but it is done through a public process. The way the policy is written and speaks to kennels, it is pretty clear that they are to be pretty restricted in Bedford as to where they should go because of the potential noise impact.

(5) Closing Comments

Ms. Belisle thanked everyone for coming to the meeting and expressing their comments and concerns.

(6) Adjournment

The meeting adjourned at approximately 7:31 p.m.