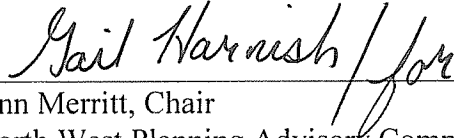


North West Community Council
April 7, 2009

TO: North West Community Council

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

RE: Case 01216: Amending Agreements - 950 Bedford Highway, Bedford

DATE: April 2, 2009

ORIGIN

North West Planning Advisory Committee meeting - April 1, 2009

RECOMMENDATION

The North West Planning Advisory Committee recommend that the application be forwarded to North West Community Council for approval with the proviso that staff prepare a supplementary report responding to questions raised by Committee members at the time of the public hearing. The Committee is recommending that North West Community Council:

1. Approve the proposed amending agreement which deals with the non-substantive matter of a second sign, as set out in Attachment A of the report dated March 17, 2009;
2. Give Notice of Motion to consider the proposed amending agreement which deals with the substantive matter of further intrusion into the natural wooded area along the Hammonds Plains Road side of the property, as set out in Attachment B of the report dated March 17, 2009, and schedule a Public Hearing;
3. Approve the proposed amending agreement for the substantive matter, as set out in Attachment B of the report dated March 17, 2009; and
4. Require the proposed amending agreements be signed and delivered within 120 days, or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North West Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

Staff has been asked to respond to the following questions in the supplementary report:

- How many trees have to be removed to install the sign?
- Can we require that new trees be planted to replace any trees removed from the site?
- Can we require that the chips from any trees being removed be left on the site?

- Is there an oil and grit separator on the site?
- Can HRM require the owner to turn off the sign at night?
- How will the sign be energized, ie., how will the power get to it and will trees have to be removed to get power to the sign?

ATTACHMENTS

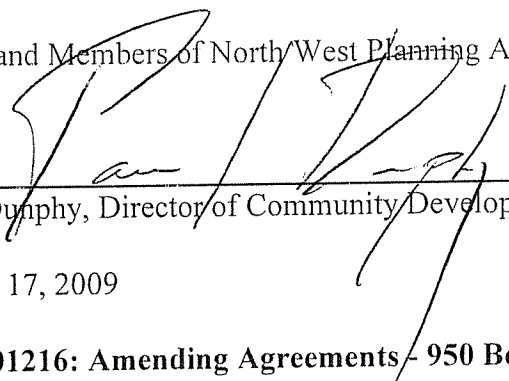
Staff report dated March 17, 2009

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
Report reviewed by: Ann Merritt, Chair, North West PAC

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: March 17, 2009

SUBJECT: Case 01216: Amending Agreements - 950 Bedford Highway, Bedford

ORIGIN

Application by Homburg Canada Incorporated (known as Homco Realty Fund 37 Ltd. Partnership) to amend the existing development agreement for 950 Bedford Highway to permit a second ground sign and intrusion into the natural wooded area along the Hammonds Plains Road side of the property.

RECOMMENDATION

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

1. Approve the proposed amending agreement which deals with the non-substantive matter of a second sign, as set out in Attachment A of this report;
2. Give Notice of Motion to consider the proposed amending agreement which deals with the substantive matter of further intrusion into the natural wooded area along the Hammonds Plains Road side of the property, as set out in Attachment B of this report, and schedule a Public Hearing;
3. Approve the proposed amending agreement for the substantive matter, as set out in Attachment B of this report; and
4. Require the proposed amending agreements be signed and delivered within 120 days, or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North West Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

The subject property, 950 Bedford Highway, is located at the corner of the Hammonds Plains Road and the Bedford Highway. In 1993, the former Town of Bedford entered into a Development Agreement with Kiel Developments Limited to enable a commercial building (retail and office use) at 950 Bedford Highway. Homburg acquired the property in 2003 and is seeking substantive and non-substantive amendments to the existing Development Agreement to enable a second ground sign along the Hammonds Plains Road. Any amendments to an existing Agreement must be approved by Council in accordance with the *Halifax Regional Municipality Charter*.

Location, Designation, and Zoning

- The property (PID 40628893) is 1.7 acres (0.69 hectares) in area, located on the north west side of the intersection of Bedford Highway and Hammonds Plains Road across from Sobeys.
- The property is known as the Hammond Centre which includes Shoppers Drug Mart, Image Spa and Salon and several practitioners.
- The property is designated and zoned Commercial Comprehensive Development District (CCDD) under the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) as illustrated on Map 1 and 2 of this report.
- The existing Agreement permits one building containing 17,900 square feet of ground floor retail and 4,500 square feet of second floor office and retail space and associated parking.

Enabling Policy

The subject property is designated as a Commercial Comprehensive Development District under the Bedford MPS. Policy C-14, included as Attachment C, provides the primary policy guidance for this particular CCDD site. The main policy intent is to enable commercial development provided it is compatible with the adjacent low density residential neighbourhood and provisions are made to retain existing vegetation within the street right-of-way between Hammonds Plains Road and the Old Hammonds Plains Road.

Existing Development Agreement

The existing Development Agreement permits development of one building containing 17,900 square feet of ground floor retail with 4,500 square feet of second floor office and retail space and associated parking. The agreement limits signage to the fascia signs mounted on the perimeter of the building and one free standing sign on the Bedford Highway, both of which are in place. The agreement identifies a natural wooded area (Map 3) that is to be maintained and no further intrusion is permitted along the Hammonds Plains Road side of the property.

Proposed Amendments

Homburg has submitted a proposal that is comprised of both non-substantive and substantive amendments to the existing agreement:

- Non-Substantive: The consideration of a second ground sign is identified by the existing Agreement as a non-substantive amendment and may be approved by resolution of Council. The non-substantive matter is addressed in the proposed amending agreement set out in Attachment A.
- Substantive: The placement of a ground sign along the Hammonds Plains Road side of the property is a further intrusion into the natural wooded area in accordance with the existing Agreement. This is a substantive amendment and may only be approved in accordance with the requirements set out in the *Halifax Regional Municipality Charter*, which include a Public Hearing. This matter is addressed in the proposed amending agreement set out in Attachment B.

DISCUSSION

Staff has reviewed the application based on all applicable policies of the Bedford MPS, which are included as Attachment C to this report. The following issues have been identified for more detailed discussion. Non-substantive amendments may be approved by resolution of Council while substantive amendments must be consistent with policy and only considered following a public hearing.

Non-Substantive Amendment

(I) Signage

The proposed second sign is 15 feet (4.57 m) in height and 9 feet (2.74 m) in width with the Hammond Centre name, panels for three business names, and a changeable letter sign at the bottom. The existing development agreement permits one ground sign located on the Bedford Highway side of the property as illustrated on Map 3. While signage, in the Agreement, is identified as a component of the development there are no requirements or provisions for sign placement, height, size, materials or lighting. Staff is of the opinion the general ground sign provisions established under the LUB shall provide guidance for this non-substantive amendment. The LUB permits ground signs up to a height of 15 feet (4.57m) but limits them to one per lot.

The LUB permits one ground sign per lot, however, a development agreement may relax or modify provisions of a LUB. In this instance, staff is of the opinion that the site's location at the corner of the Bedford Highway and Hammonds Plains Road warrants support of the consideration of a second sign. The traffic flow created by southeast bound vehicles on Hammonds Plains Roads and vehicles turning onto Hammonds Plains Road from the Bedford Highway requires conspicuous, readable signage to identify access to and location of the subject property. It is the opinion of staff a second ground sign is consistent with the intent of plan policy for properties' designated CCDD.

(ii) Pedestrian and Vehicular Safety

Concern with signage often relates to issues of pedestrian and vehicular movement safety. The height and width of the proposed sign conforms to LUB signage provisions. However,

appropriate placement must ensure signage of this scale does not impact on public streets by obstructing motor vehicle operator's views or creating conflict for pedestrian traffic.

The proposed amending agreement permits the sign to be located on the Hammonds Plains Road side of the property only if the applicant engages a qualified professional to provide certification the location of the sign will not impact the sight angles for drivers exiting the Hammond Centre driveway onto Hammonds Plains Road or those entering from the Bedford Highway slip lane onto the Hammonds Plains Road. Meeting the required setbacks from the street right-of-way also ensures that pedestrian safety and comfort are not hindered.

(iii)Aesthetics

One other concern with signage regulation is aesthetics. The existing Agreement contains no design requirements or guidelines for signage. The proposed sign is 15 feet (4.57 m) high by 9 feet (2.74 m) wide of steel frame construction with illuminated panels having bevelled top corners.

The MPS indicates a commitment to improve the aesthetics of commercial areas by regulating such aspects as commercial signage but does not establish attributable requirements except for the Mainstreet Commercial Zone (CMC). The CMC sets out signage provisions to ensure the compatibility with the streetscape along a specific portion of the Bedford Highway. Although the subject property is not within the CMC zone, staff is of the opinion that the compatibility standard set out in the MPS can reasonably be applied to the proposed design. Staff is of the opinion that the proposed signage is compatible with, or "looks like", the existing surrounding built environment in terms of the bulk, material and scale of the proposal. Furthermore, the placement of the proposed ground sign is at a location that is screened from adjacent residential properties.

Substantive Amendment

(i)Intrusion into Wooded Area

Homburg has requested the second ground sign be permitted as a further intrusion into the natural wooded area on the Hammonds Plains Road side of the property. The CCDD policy (C-14) emphasis on conservation of natural environment features required the retention of the existing vegetation within the street right-of-way between the Hammonds Plain Road and the Old Hammonds Plains Road.

The wooded area (tree line) illustrated on Map 3 was significantly reduced by Hurricane Juan in 2003. Several trees were damaged and uprooted resulting in reduced vegetation in the area. Presently, there are several trees, small shrubs and a sodded grass area. To meet the spirit of the Agreement and the intent of C-14 policy, the proposed amending agreement for substantive matters set out in Attachment B ensures that any further intrusion is only permitted if the developer engages a qualified professional to provide a plan and written certification to ensure there is no negative impact on the existing wooded area.

(ii) Dead or Damaged Tree Removal

The applicant has requested to remove a wind-damaged tree from within the natural wooded area. The existing Agreement contains no provisions for maintenance. The proposed amending agreement for substantive matters set out in Attachment B provides the Development Officer discretionary approval to permit the removal of dead or damaged trees if the developer engages a qualified professional to certify in writing the tree is a danger to the public or damaged beyond repair.

Public Information Meeting

A Public Information Meeting (PIM) was held on February 9, 2009, in connection with the proposed amendments (Attachment D). Comments from the public included concern that the sign would block the view of traffic entering Hammonds Plains Road from the parking lot and traffic entering from the Bedford Highway. It was queried if the changeable letter sign could be used for community messages and the applicant supported the idea. Staff are of the opinion that these concerns are addressed by the proposed amending agreements. Should Council decide to schedule a public hearing, property owners within the notification area included on Map 2 and persons that signed the sign-in sheet at the PIM will be notified by mail.

Conclusion

It is the opinion of staff the proposed amending agreements set out in Attachments A and B are consistent with the intent of the MPS for commercial development at this location. The proposed agreements provide for a new sign comport with compatibility standards and permits its discretionary placement in the natural wooded area of the site, provided that specific locating requirements are adequately addressed and approved by HRM. Therefore, staff recommend that NWCC approve the proposed amending development agreements included as Attachments A and B of this report.

The substantive amendment is tied directly to the non-substantive amendment. Therefore, Council must consider the proposed amending agreement for the non-substantive matter, as set out in Attachment A, before it considers the substantive amendment as the non-substantive matter only requires a motion of Council.

BUDGET IMPLICATIONS

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

ALTERNATIVES

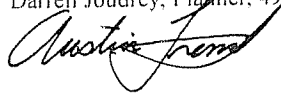
1. Council may choose to approve the proposed amending agreements as set out in Attachments A and B of this report. This is the recommended course of action.
2. Council may choose to approve the proposed amending agreements subject to modifications. This may require further negotiation with the applicant and may require a second public hearing.
3. Council may choose to refuse to approve the proposed amending agreements, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff are satisfied that the proposed amending development agreement is consistent with the policies and intent of the MPS.

ATTACHMENTS

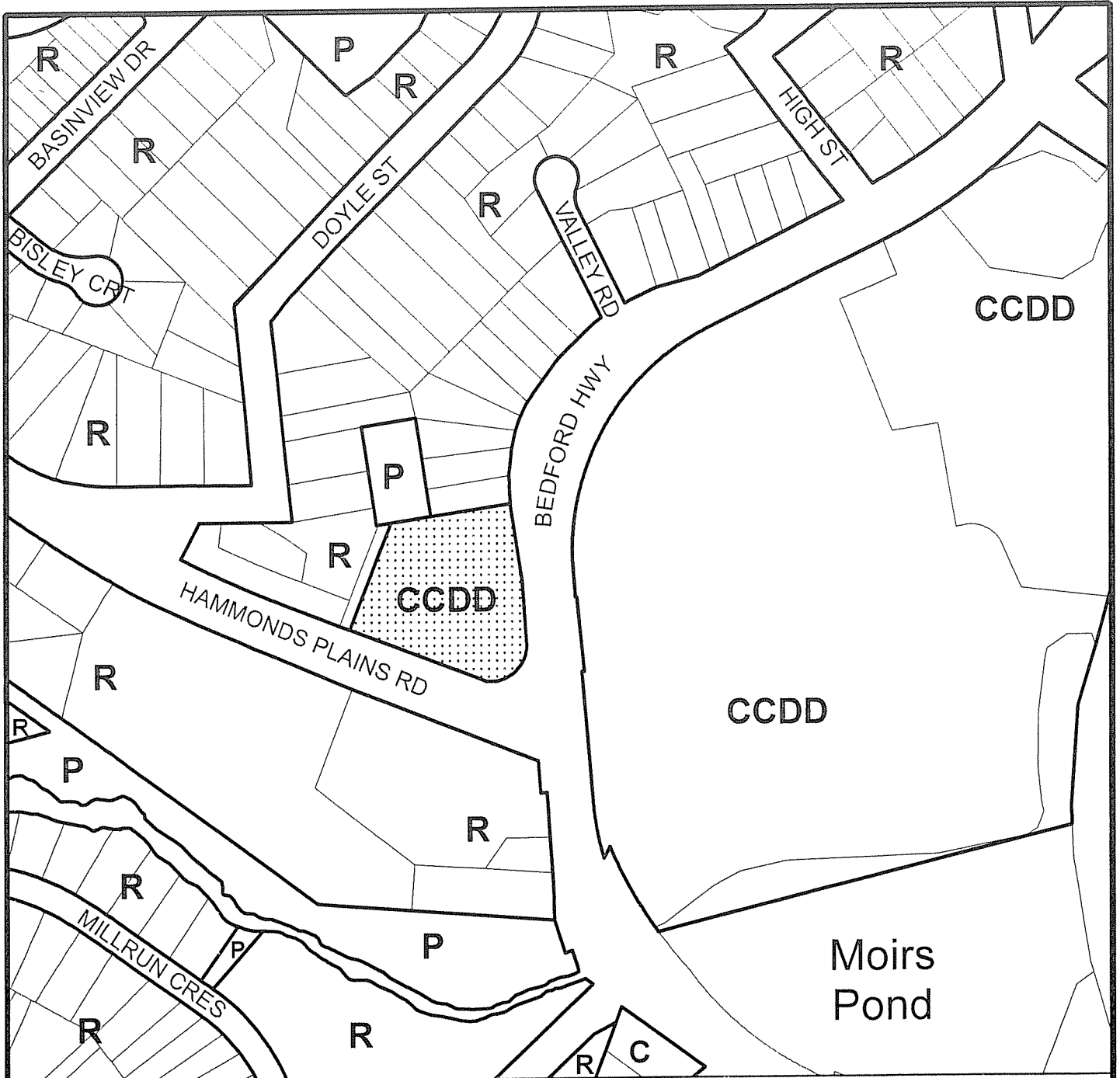
Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Map
Map 3	Natural Wooded Area
Attachment A	Proposed Amending Development Agreement - Non-Substantive Matter
Attachment B	Proposed Amending Development Agreement - Substantive Matter
Attachment C	Relevant Excerpts from Bedford MPS
Attachment 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 : Darrell Joudrey, Planner, 490-4181



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



Map 1
Generalized Future Land Use

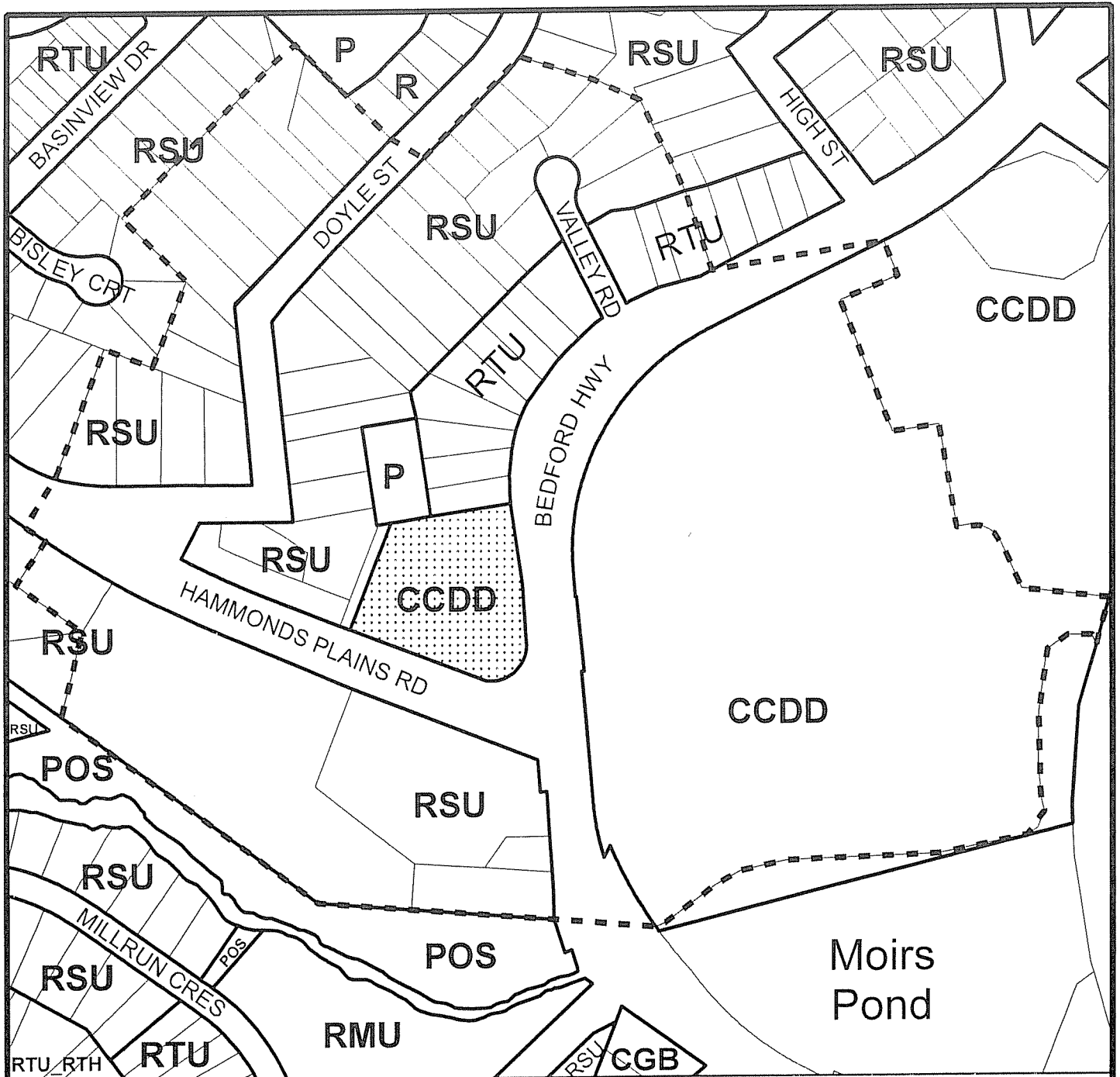


Subject Property

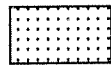
HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services

- R Residential Designation
- P Park and Recreation Designation
- C Commercial Designation
- CCDD Commercial Comprehensive Development District





Map 2
Zoning



Subject Property



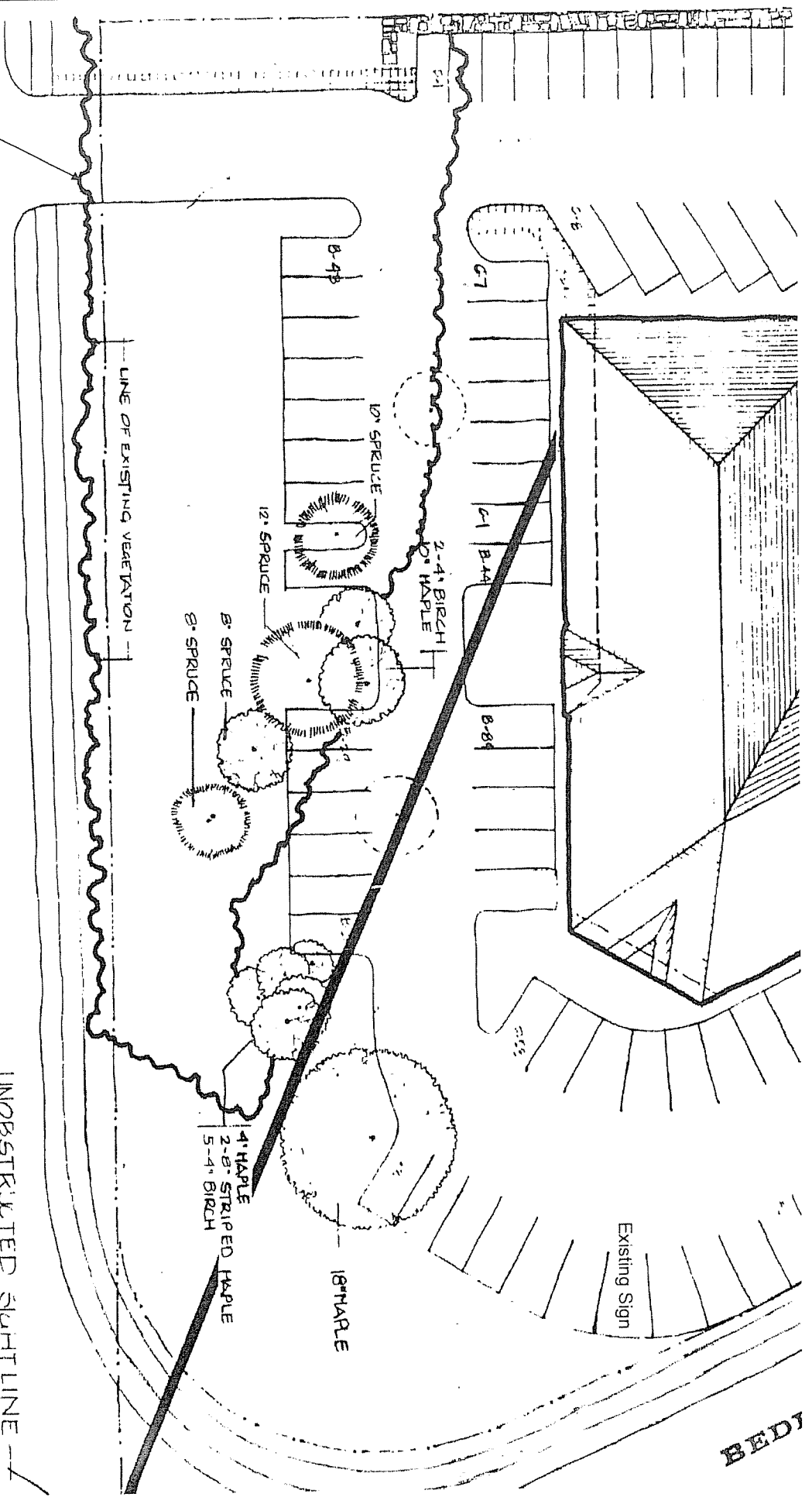
Notification Area

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services

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

P Park Zone
POS Park Open Space Zone
CGB General Business Zone
CCDD Commercial Comprehensive Development Zone





HAMMOND'S PLAINS ROAD

Map 3: Natural Wooded Area

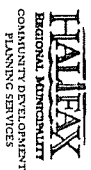
950 Bedford Highway

HRM does not guarantee the accuracy of any base map information on this map.

March 17, 2009

Case 01216

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**Attachment A:
Proposed Amending Development Agreement - Non-Substantive Matters**

THIS AMENDING AGREEMENT made this day of , 2009,

BETWEEN:

HOMCO REALTY FUND 37 LTD. PARTNERSHIP

a body corporate, in the 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 PID 40628893 Bedford and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Bedford Town Council of the Municipality approved an application by the Developer to enter into a Development Agreement to allow for development of a building with ground floor retail having second floor office and retail space on the Lands, which said Development Agreement was registered at the Registry of Deeds Office in Halifax as Document Number 47071 in Book No. 5490, at Pages 1094-1104 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested a non-substantive amendment to the provisions of the Existing Agreement to enable a second ground sign;

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 01216;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. The Existing Agreement be amended to add a new section in Schedule C immediately following section (h):
 - (I) That a second ground sign be permitted provided that the following conditions are met:
 - (i)1. Prior to the issuance of any permit to enable development of the sign the

- (i)1. Prior to the issuance of any permit to enable development of the sign the Developer shall submit to the Development Officer a plan and written certification prepared by a Professional Engineer or Registered Land Surveyor that the location of the sign will not impact the sight triangles for drivers exiting the Hammond Centre driveway onto Hammonds Plains Road or those entering from the Bedford Highway slip lane onto the Hammonds Plains Road; and
 - (i)2. the sign shall not exceed 15 feet (4.57 m) in height and 9 feet (2.74 m) width.
 - (i)3. the sign shall be fabricated and appear as illustrated in Schedule C of this Agreement.
2. In addition to the above amendments, development of the Lands shall comply with the provisions set out in the Existing Agreement except where specifically varied by this agreement.

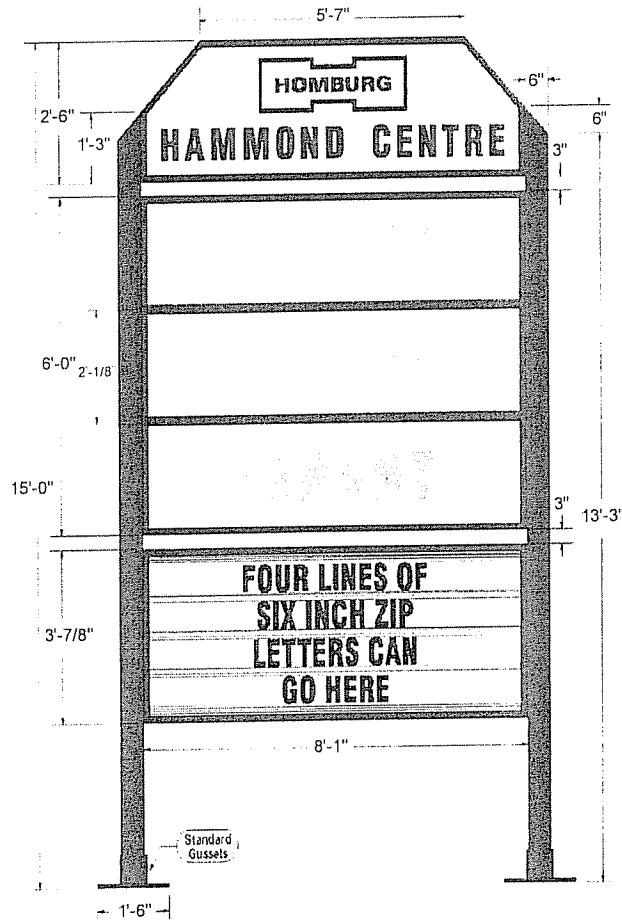
WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2009.

SIGNED, SEALED AND DELIVERED) **HOMCO REALTY FUND 37 LTD.**
 in the presence of) **PARTNERSHIP**
 per _____) per: _____

)
)
 per _____) per: _____

SEALED, DELIVERED AND)
 ATTESTED to by the proper)
 signing officers of Halifax Regional)
 Municipality duly authorized)
 in that behalf in the presence) **HALIFAX REGIONAL MUNICIPALITY**
 per _____) per: _____

) **MAYOR**
)
 per _____) per: _____
) **MUNICIPAL CLERK**



Schedule C: Sign Elevation

950 Bedford Highway

HRM does not guarantee the accuracy of any base map information on this map



Attachment B: Proposed Amending Development Agreement - Substantive Matters

THIS AMENDING AGREEMENT made this day of , 2009,

BETWEEN:

HOMCO REALTY FUND 37 LTD. PARTNERSHIP

a body corporate, in the 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 PID 40628893 Bedford and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Bedford Town Council of the Municipality approved an application by the Developer to enter into a Development Agreement to allow for development of a building with ground floor retail having second floor office and retail space on the Lands, which said Development Agreement was registered at the Registry of Deeds Office in Halifax as Document Number 47071 in Book No. 5490, at Pages 1094-1104 (hereinafter called the "Existing Agreement");

AND WHEREAS the North West Community Council approved a non-substantive amendment to the Existing Agreement on [**Insert Date**] referenced as Municipal Case Number 01216, to permit a second ground sign, said agreement being recorded at the Registry of Deeds Office in Halifax as Document Number [**Insert Document Number when available**] referenced as Municipal Case Number 01216 (hereinafter called the "First Amending Agreement");

AND WHEREAS the Developer has requested a substantive amendment to the provisions of the Existing Agreement to enable further intrusion into the natural wooded area;

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 01216;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. The Existing Agreement be amended to add a new section in Schedule C immediately following section (I):
 - (j) In addition to section (I) the Developer be permitted further intrusion into the natural wooded area along the Hammonds Plains Road side of the property provided that the following conditions are met:
 - (j)1. development shall be limited to the erection of a second ground sign; and
 - (j)2. Prior to the issuance of any permit to enable development of the sign the Developer shall submit to the Development Officer a plan and written analysis, prepared by a Certified Arborist, Landscape Architect, Landscape Technologist, or Urban Forester, certifying that the proposed location will ensure no negative impact on or any interference with the natural wooded area:
2. In addition to the above amendments, development of the Lands shall comply with the provisions set out in the Existing Agreement except where specifically varied by this agreement.
3. The Existing Agreement be amended to provide for the removal of a tree that is dead, dying or in decline and that represents a danger to private property, public infrastructure or other natural trees and vegetation within the natural wooded area. Prior to granting approval for the removal of such a tree, the Development Officer shall have the discretion to require that the Developer engage a Certified Arborist, Landscape Architect, Landscape Technologist, Urban Forester or other person with equivalent credentials to certify in writing that the tree poses a danger to people or property or is in severe decline.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2009.

SIGNED, SEALED AND DELIVERED)
 in the presence of)
 per _____) per: _____
)
)
 per _____) per: _____
)

**HOMCO REALTY FUND 37 LTD.
PARTNERSHIP**

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

HALIFAX REGIONAL MUNICIPALITY

MAYOR

MUNICIPAL CLERK

Attachment C: Relevant Excerpts from the Bedford MPS

Commercial Comprehensive Development Districts

Policy C-7:

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

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

Policy C-8:

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

Policy C-9:

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

Policy C-14:

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

Aesthetics of Commercial Activities

Policy C-33:

It shall be the intention of Town Council, in areas designated Commercial, to improve the aesthetics of such commercial areas by encouraging rear yard parking, discouraging large front yard setbacks and parking in front and side yards, regulating commercial signage, requiring landscaping, and regulating the architectural design of new and redeveloped commercial buildings through requirements in the Land Use By-law.

Policy C-34:

It shall be the intention of Town Council to include in the Land Use By-law provision for the general regulation of signage in all zones, except the Mainstreet Commercial Zone, including prohibition on certain types of signs, as well as type, size, number and location. Within the Mainstreet Commercial Zone it shall be the intention of Town Council to include specific sign regulations to ensure that signage in this zone is compatible with the small scale, pedestrian orientation of the area. These provisions shall relate to the nature, size, location, number, and type of signs (including signboards, projecting signs, canopies, and window signs) as well as their illumination. (RC-Sep26/06;E-Nov18/06)

Commercial Development Adjacent to Residential Areas

Policy C-35:

It shall be the intention of Town Council to minimize the impact of commercial uses, commercial traffic and parking areas, and commercial refuse containers on abutting existing residential uses or on lands which are designated and/or zoned for residential uses through regulations in the Land Use Bylaw, and through the development and subsequent enforcement of a property maintenance by-law.

Mainstreet Improvement District

Policy C-36:

It shall be the intention of Town Council to complete streetscape improvements, consistent with the former Provincial Mainstreet Program, along the Bedford Highway from the Halifax City boundary to the northern boundary, as well as that portion of Dartmouth Road designated and zoned for commercial uses, along the eastern side as far as Main Street and as far as Parkers Brook along the western side (Map 3).

IMPLEMENTATION POLICIES

Policy Z-3:

It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters :

1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;
2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;
3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;
5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:
 - i) the financial capability of the Town to absorb any capital or operating costs relating to the development;
 - ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;
 - iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;
 - iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;
 - v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;
 - vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;
 - vii) the adequacy of recreational land and/ or facilities;
 - viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;
 - ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;
 - x) the presence of significant natural features or historical buildings and sites;
 - xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;
 - xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,
 - xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.

6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:
 - i) type of use, density, and phasing;
 - ii) traffic generation, access to and egress from the site, and parking;
 - iii) open storage and landscaping;
 - iv) provisions for pedestrian movement and safety;
 - v) provision and development of open space, parks, and walkways;
 - vi) drainage, both natural and subsurface;
 - vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,
 - viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.
7. Any other matter enabled by Sections 73 and 74 of the Planning Act.
8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:
 - i) provide Council with a clear indication of the nature of the proposed development; and
 - ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.
9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:
 - a) a plan to a scale of 1":100' or 1":40' showing such items as:
 - i) an overall concept plan showing the location of all proposed land uses;
 - ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;
 - iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;
 - iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;
 - v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;
 - vi) a description of any protected viewplanes; and,
 - vii) an indication of how the phasing and scheduling is to proceed.
 - b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.
 - c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.
10. **Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-July 2/02; Effective-Aug 17/02)**

Attachment D

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING

CASE NO. 01216 - Application by Homburg Canada Incorporated to amend the existing
development agreement

7:00 p.m.

Monday, January 26, 2009

Basinview Drive Community Elementary School

STAFF IN

ATTENDANCE: Darrell Joudrey, Planner, HRM Planning Services
Alden Thurston, Planning Technician, HRM Planning Services
Alana Hines, Planning Controller, HRM Planning Services
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Tim Outhit, District 21
Brenda Ruggles, Representative of Homburg Canada

PUBLIC IN

ATTENDANCE: 2 people

The meeting commenced at approximately 7:15 p.m.

1. Opening Remarks/Introductions/Purpose of Meeting

Mr. Joudrey introduced himself as a Planner from the Eastern Region and identified that this is a case he is working on from the Central Region; He also introduced staff Cara McFarlane and Alden Thurston, from HRM Planning Services Central Region, and Alana Hines, HRM Planning Services Western Region.

The agenda and purpose of the meeting were reviewed.

2. Application

The applicant is Homburg Canada Incorporated and their request is to amend the existing development agreement at 950 Bedford Highway (Hammond Centre) to erect a second ground sign on the property.

The proposed signage was shown.

3. Presentation of Proposal

The subject property is in the Bedford plan area. The land use is designated and zoned Commercial Comprehensive Development District (CCDD). A map showing the subject property was shown.

Councillor Outhit asked if there was presently a sign on the Bedford Highway and none on the Hammonds Plains Road side and this was confirmed correct.

The purpose of the meeting is to identify that an application has been received by HRM, what the applicant is requesting, to inform residents and hear any concerns before the reports are prepared to go to Community Council. Mr. Joudrey identified that no decisions on this application would be made this evening.

From the Municipal Plan Strategy (MPS), the CCDD intent is to encourage the best utilization of the site, compatibility with adjacent land uses and innovation and flexibility of design. The existing development agreement, for example, includes controls for lighting, residential development on the site is not permitted, and has a protected natural treed area.

The original development agreement (signed in 1993) permits one ground sign along with other requirements. The proposed amendment is to add one additional ground sign on the Hammonds Plains Road side of the subject property. Councillor Outhit asked if the original development agreement was with HRM or the former Town of Bedford. Mr. Joudrey confirmed it was between the Town of Bedford and the applicant.

Outline of the planning process for this application

- Public Information Meeting (held tonight)
- HRM Staff Review
- HRM Staff Report
- Public Hearing - Community Council
- Decision of Community Council
- Appeal period

At this point, the presentation was turned over to Brenda Ruggles, Homburg Canada, to describe the application.

Ms. Ruggles thanked Mr. Joudrey and everyone for coming. Homburg started looking at this project approximately a year ago after speaking with their tenants. From the Bedford Highway (where the existing pylon is located), there is good visibility to the front of the building. There is an entrance/exit on the Hammonds Plains Road side of the building where there is a lot of vegetation and trees. This blocks visibility to the tenants along that side of the building.

One of the tenants, Ian Mark (in attendance) who owns Imagine Salon and Spa, had approximately 11,000 square feet of space at the Hammond Centre and has recently expanded his business to 33,000 square feet. Homburg wants to put a pylon sign on that side of the building so that the business has directional signage for its patrons coming and going.

Ms. Ruggles also mentioned that Weight Watchers, tenants who have also been in the building a long time, are on this same side. The Hammond Dental Centre fronts the Hammonds Plains Road side as well. The Dental Centre has doubled the size of their practice and requires signage as well. Quite often, clients from these three businesses go past the Hammond Centre not knowing they drove by it and call looking for directions to these businesses.

Ms. Ruggles indicated where Homburg would like to place the new sign (in the grassed area shown on the slide). Ms. Ruggles advised that none of the natural vegetation and trees would be touched, and that this proposal is in compliance with HRM's policies. She also indicated that the sign would not obstruct traffic visibility on the Hammonds Plains Road.

This was the end of Ms. Ruggles presentation and she opened the floor for questions.

4. Questions/Comments

Councillor Outhit asked what the size of the proposed sign would be. Ms. Ruggles showed and described a new sign design Homburg is now proposing, which is the same size as the original proposal of 15 feet as shown in the PowerPoint Presentation. Ms. Ruggles said that Homburg feels that this new sign would be more appealing to the eye and more the standard they wished to present of Homburg on behalf of their tenants.

Councillor Outhit asked how this newly proposed sign compares in look and size to the existing sign. Ms. Ruggles said the new sign would be smaller in size. The existing sign has every tenant on it (8 readers plus the top). The proposed sign will only have 3 readers for the tenants on the Hammonds Plains Road side: Imagine Salon and Spa, Weight Watchers, and Hammond Dental Centre. There will also be a reader board on this new sign so that the tenants can advertise. Councillor Outhit asked if community advertising would be considered. Ms. Ruggles said certainly and that Homburg does this now at some of their other rental properties. Mr. Mark had mentioned that his business and other tenants in the building would agree to this as well. Councillor Outhit said he'd support that and Ms. Ruggles said that she would too.

Councillor Outhit also asked if Homburg would get pressure from the other tenants in the building to have advertising on both sides of the property. Ms. Ruggles said no, it has already been established that the new sign would be for the tenants on that side of the building only.

Councillor Outhit asked Mr. Joudrey to indicate, as part of the presentation at the public hearing to the Community Council, that Homburg is willing to use the bottom part of the sign for public advertising.

Councillor Outhit also said he liked the design of the newly proposed sign as handed out by Ms. Ruggles.

5. Closing Comments

Mr. Joudrey thanked Ms. Ruggles and everyone for coming. His contact information was given to the public for any further questions or comments on this application.

6. Adjournment

The meeting adjourned at approximately 7:35 p.m.