

NORTH WEST PLANNING ADVISORY COMMITTEE

PUBLIC MEETING

MINUTES

JUNE 17, 2002

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

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

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

1. **CALL TO ORDER**

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

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

2.1 **Presentation**

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

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

2.2 **Questions from Committee Members**

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

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

2.3 **Questions/Comments from the Public**

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A gentleman from 24 Doyle Street asked for clarification regarding green space between the new and old developments and the existing parkland. In response, Andrew Bone advised there is a 20' strip proposed to add access from Doyle Street between the first property and the existing property. Councillor Goucher added that he understood that because of the existing parkland, the area would be left untouched in back of many of the homes on Doyle Street. There is no plan to develop a pathway.

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

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

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

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

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

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

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

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

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

Mr. Steve Warburton, 29 Doyle Street asked what guarantees can be asked for in terms of retention of trees. Also, he wanted to know what kind of houses would be built. In response, Councillor Goucher said that when you look at what Roycom paid for the land and what the lots have to sell for bare, the houses that will probably go on Doyle Street will be around \$300,000. People on Doyle Street could see their assessment go up.

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

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

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

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

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

A gentleman living on Bisley Court referred to placement of houses on the lots and if there will be much infilling. If a lot of fill is brought in, it could destroy the trees. In response,

Andrew Bone advised that some Basinview lots would have to have fill but the ones on Doyle Street would probably not.

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

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

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

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

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

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

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

A gentleman then asked if Roycom wanted to use the school for marketing purposes, would it require a rezoning. In response, Thea Langille Hanna, Planner advised that the

Bedford Land Use By-law has a provision allowing a temporary sales office which would be restricted to a time period. It would not require a rezoning. The sales office can remain until 30 days after the development is complete.

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

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

At 7:55 p.m., the Chair thanked those in attendance for their input on this proposal and declared a short recess.

The meeting resumed at approximately 8:05 p.m.

3. **PUBLIC PARTICIPATION - CASE 00414 - BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW AMENDMENT - 50/50 COMMERCIAL/RESIDENTIAL MIX REQUIREMENT FOR A COMMERCIAL/RESIDENTIAL MIX BUILDING IN THE COMMERCIAL MAINSTREET ZONE**

3.1 **Presentation**

Thea Langille Hanna, Planner provided an overview of the proposal with the aid of overheads. During the course of her presentation, she reviewed the zone, the uses allowed in the zone and included the following points:

- The Mainstreet Commercial zone must contain a commercial component. Within that building, residential cannot exceed 50% of the building or gross floor area and residential cannot front on the street facing Bedford Highway.
- This is for new buildings or for buildings that could possibly be renovated or expanded.
- One of the reasons this application started is because Dr. Guam of Granville Investments Limited met with Planning staff over the past few years regarding a property he presently owns between Say It With Stitches and the professional building. She described Dr. Guam's property and the struggle encountered in meeting the 50% requirement for commercial. Dr. Guam, therefore, requested reconsideration of the requirement.

- Bedford is the only community that puts a percentage requirement for residential/commercial.

Since Planning Staff has been asked to re-evaluate the requirement that dwelling units cannot exceed 50% of a commercial/residential mixed building, Ms. Langille Hanna indicated she was looking for answers to the following questions at this time:

1. Should the MPS commercial/residential mix buildings contain more than 50% residential?
2. What are the issues and concerns surrounding that?
3. Should flexibility be provided for large lot size or properties with topography constraints?
4. Should property without access to the Bedford Highway be required to have commercial?

Ms. Langille Hanna advised that once staff understood what the issues are in the community, then staff could deal with the specifics of Dr. Guam's application and come back at a later date.

3.2 Questions from Committee Members

On a question from Gloria Lowther regarding property without access to Bedford Highway, Ms. Langille Hanna advised that she wanted to know what the public thought about having a commercial requirement for Forbes Street, Shore Avenue and other streets in the back.

3.3 Questions/Comments from the Public

Mr. Tom Tucker, 6 Arthur Lismer Court noted that the Plan calls for an emphasis on pedestrian yet the east side of Bedford Highway has good chunks where there is no place to walk on the shoulder of the road. It was not pedestrian friendly and counter to the plan and should be rectified. The original intent was to make it a unique community for walking and shopping and he did not think it should be changed. There are lots of other places with residential and there was no need for multiple unit dwellings in excess of what is allowed now.

In response, Ms. Langille Hanna advised she understood there was a Mainstreet Program through the Town of Bedford that was looking at completing the sidewalk. The sidewalk ends at Meadowbrook. Councillor Goucher added that in 1988 there was provincial Mainstreet Program funding. Certain work had been undertaken but the 50/50 cost sharing ended before the gap in the middle was completed. The concept of the CMC zone was to try to bring a pedestrian oriented walking environment but also allow someone to have

a commercial facility on the bottom with somewhere to live over top. This has happened just recently.

Mr. Tucker pointed out that someone could get around the regulations by putting a Needs in the bottom and call it commercial but basically it would be an apartment building. He would object to something like this.

Mr. Fred Shuman, 1105 Bedford Highway said his property, Say It With Stitches, was next door to Dr. Guam's proposed development. He was opposed to changing the residential/commercial mix. One of the deciding factors when he bought his property was the commitment on the part of the Town of Bedford to develop the promenade along to the current Fire Department. Small unique businesses would be located along there and it would be a pleasant place to shop and walk. The height restrictions would be kept at two storeys which was the theme.

Mr. Shuman went on to say that if residential development is allowed, the property in question has a deep back and a number of residential units can be put in with cars for each. Right now the traffic on Bedford Highway is difficult. There is no proper access to the 102. Development of this nature, with 18 additional units proposed, in addition to traffic visiting the commercial site, would make it more difficult for his customers to get in and out of his business. The aim was to keep a small town character. He appreciated Dr. Guam's problems with making the property economically viable but anyone could have the same point of view for any piece of property you buy. Dr. Guam would have been well aware of the requirements when he purchased the property.

Mr. Shuman also referred to the concept for a three storey residential mix. He stated that two stories were the maximum height along Bedford Highway and he would be opposed to anything that would extend beyond two stories. It would throw out the ambiance of the street. He was opposed to a change in the 50/50 mix.

With regard to Dr. Guam's initial proposal, Ms. Langille Hanna clarified that it was for two stories in the front and three in the back. Staff, at this time, has not done a detailed review of Dr. Guam's proposal because it was important to find out what the issues are this evening first - the answers to the bigger questions.

Mr. Johan Koppernaes advised he has owned 1248 Bedford Highway since 1971 and has three bedrooms upstairs. He was in favour of a change because there are too many restrictions. The concept of the Mainstreet - it is fine to think of what it might be but the fact is that there are 20,000 cars going each way on the Bedford Highway. The property used to be Bank of Nova Scotia and it was changed over. He has tried to do many things with the building. The bank and post office moved and the so-called concept of a Mainstreet is a fairy tale and has no reality in fact. Every plan he came up with for the property was

rejected. The back is 30' above the building. The building has been for sale for 10 years. The land is worth nothing because it would cost too much to develop. The whole north side of Bedford, the ground is higher than two stories. He gave 20' of right of way to the properties in the back. The Rockaway went broke; the pizza store went broke.

A gentleman living at 19 Locke Street stated he was opposed to the proposal. He had concerns with traffic and the huge population influx to Bedford. The gridlock along Bedford Highway is getting worse. The population is predicted to expand over the next five years. He was concerned that no plans have been made to widen what is already there to allow for the increase in traffic. In the five years he lived here, he saw a complete change in the face of the waterfront with 20 storey buildings. If any flexibility is allowed, those who live in Bedford because they want to live near the water will be threatened.

Mr. Ferenc Stefani, 16 Locke Street stated it is a pipe dream to make Mainstreet out of the Bedford Highway. As time passes, it will be more and more dangerous on the section in question. There is no sidewalk. It is very dangerous to walk along the Bedford Highway when there is snow on the ground. Traffic will not diminish. From the new building to the very end, it is dead and commerce has gone by the wayside. He was not against Dr. Guam's development but wanted to have traffic and sidewalk concerns addressed first.

Mr. Issam Kadray advised he was Dr. Guam's business partner on the project. There are two properties of about 15,000 sq. ft. They looked at developing each by itself or both together. A much better development would result by putting both properties together. There would be only one driveway in this case. They could put two 5,000 sq. ft. buildings on each property with 5000 sq. ft. of residential. The problem with residential above commercial is that the quality of residential is limited. They wanted to put in a high quality development with condominiums on the back and a limited commercial component in front. The commercial would be small retail or offices which would not aggravate traffic.

Mr. Kadray continued that residential limits the type of commercial use. They were not interested in a tavern or restaurant. They wanted high quality apartments in the back with underground parking and not have them above a commercial space. If you have a commercial space of 10,000 sq. ft., there will be a lot more traffic than 18 apartments.

Dr. Errol Guam, Granville Investments stated that the building he owns in place now conforms to all the By-laws in the Mainstreet program, including the height restriction. The building is 6000 sq. ft. of rentable space. There are 25-30 cars going in and out every day. On the proposed site, however, they could go to 16,000 sq. ft. of commercial. With the mix of 50/50, they should be looking at cutting down commercial on the highway and increasing the residential with the proper residential. They were looking for seniors to live in the 18 units. Half of the people who have approached him do not own cars because of the closeness to amenities. With the 50/50, because of the heavy traffic on the Bedford

Highway, a less commercial component should be encouraged and increase the right type of residential component.

Mr. Seymour Trihopoylos advised his family owns the property at 1067 Bedford Highway - the Stardust Motel since 1989. There has been new development beside and behind the Stardust Motel. He supported Dr. Guam's project. It would be tastefully done and he has already done a nice job on Granville Place. Dr. Guam is right when he says traffic congestion would be much greater if 16000 sq. ft. of commercial space was developed. He acknowledged it was getting more and more difficult to get out onto the Bedford Highway every day. He was in favour of having the commercial/residential mix reduced and allowing more residential. Dr. Guam would still be leaving a bit of commercial, leaving the Mainstreet look. The Bedford Highway has not developed into a Mainstreet walking/pedestrian type location. It would be nice to see it something like Mahone Bay but it would not happen.

Mr. Trihopoylos continued that his family owns property not fronting on Bedford Highway. Land behind the Stardust Motel is zoned CMC on 11 Shore Avenue with a very old set of flats. It does not make sense that this kind of land should have a commercial percentage requirement. It is an undeveloped part of Bedford but all high density is behind - eight stories. Two things that make a commercial business viable are visibility and direct access. There is neither for the lands not fronting on Bedford Highway.

Gloria Lowther pointed out that during Public Meetings for formulation of the Municipal Planning Strategy, there were numerous people who wanted to maintain the small town character. She acknowledged it was now not as viable commercially but they also commented at the time they did not want to see dense residential on the strip of the highway in question.

Mr. Fred Shuman again spoke stating he was not opposed to Dr. Guam developing on the Bedford Highway. What he was opposed to was to modify the existing rules that require 50/50 or more than 50% residential. He was concerned that if it is opened up, everybody could turn their properties into residential development and the entire business area would not be able to draw viable business to the area. It would end up with a wall of residential. If Dr. Guam could put in 50% residential and meet the requirements, he would be happy. The problem with the Bedford Highway not being developed the way it should was a lack of funding and foresight on the part of the Town, partly because of amalgamation.

Mr. Doug Beattie, 95 Shore Drive remembered people trying to fight for the Municipal Planning Strategy to make Bedford a small town and have it stay that way. One of the reasons why the businesses have not been successful on the Bedford Highway is that they were not changed at the time the Mainstreet was supposed to look like a small town business district. If the percentages are changed, it will end as a residential area and no

business will be viable. He was in favour of zoning properties that do not abut on Bedford Highway to residential because that would not affect the Bedford Highway. A change in the By-law will allow more variety to the buildings and a complete swing over to residential. He lived near the railway track and people will not be attracted to living near the railway track, no matter how attractive it is once they hear the first train go through. He quoted from Policy C-19 and stated it should stay that way.

Mr. Cyril Legere, 4 Locke Street asked if there was any long range plan for redirecting traffic off Bedford Highway. He indicated traffic is so bad that he can walk down to Sobeys quicker than trying to get out of his street during rush hour or if something happens on one of the bridges. In response, Councillor Goucher stated that during the MPS review, question was raised on how wide the Bedford Highway should be. Just about everyone who spoke indicated they did not want four lanes through the middle of the community. Middle ground was reached with two lanes and a turning lane. The whole concept of the CMC zone came up at the time as well. The buildings were drawn up close to the highway to be pedestrian oriented and to prevent any further widening of the road.

Mr. Legere continued by asking if traffic was going to be redirected somewhere else. In response, Councillor Goucher indicated that the BiHi is 40% utilized but the Bedford Highway is bumper to bumper. Staff is in the process of developing a Regional Master Plan for traffic where these issues will be looked at as an overlay to development in the area. This is a three year project.

Mr. Kadray indicated there would still be a commercial component in the building but it would be less than required now. The property will be developed; they just wanted to develop it to enhance the area. They did not want to develop a 5000 sq. ft. commercial space on each lot with residential upstairs. If all the commercial was up front on the street and residential in back, people would walk there.

Mr. Beattie asked for confirmation that the purpose of the meeting was not to deal with Dr. Guam's rezoning but the four questions. Hearing confirmation, he felt that properties without access to the Bedford Highway should be eliminated from the CMC zone. With regard to flexibility for topographical constraints, this should be seriously considered.

In summation, Ms. Langille Hanna advised that staff would go back and determine the next step but at this time she wanted to advise her initial thoughts on hearing the comments this evening:

- With regard to whether or not commercial/residential mix building should contain more than 50% residential, there was a concern with allowing that to happen within the Mainstreet Commercial area. There was a specific reason why that was established in 1991 and it was a vision in the MPS and should be maintained.

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- With regard to traffic, typically commercial will generate more traffic than residential.
- With respect to flexibility to provide for larger lots, when the zone was established, it concentrated on the smaller lots on the Bedford Highway parallel to Shore Drive. Smaller size lots are ideal to construct a smaller commercial building with offices on the main floor and residential on the top. This created the Mainstreet Commercial atmosphere. From a planning perspective and looking at the regulations, the question was what to do with the larger properties that extend further down and have topographical constraints. There is obviously a need to maintain the Mainstreet character but was there a way of doing that if you still have commercial on the front and residential on the back and how much.
- There might be an opportunity for larger lots to have some flexibility. At the next meeting to be held, it could focus on Dr. Guam's application. Regional Council directed staff to evaluate his application. Staff will come back at a later date in a public forum.
- With regard to the properties that do not have access onto Bedford Highway, no one spoke in opposition that the provisions are no longer Mainstreet Commercial requirement and this will be further investigated.

4. **CLOSING COMMENTS**

The Chair thanked members of the public for attending and for their comments.

5. **ADJOURNMENT**

The meeting was adjourned at 9:10 p.m.

Sandra M. Shute
Assistant Municipal Clerk