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Halifax, Nova Scotia  
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## MEMORANDUM

**TO:** Chair and Members of North West Planning Advisory Committee

**FROM:** Andrew Bone, Senior Planner, Planning and Development

**DATE:** December 31, 2014

**SUBJECT:** **Case 19625: Application by West Bedford Holdings Limited to amend the development agreement for Sub Area 5 of Bedford West to a) increase the height of the multiple unit dwelling at Block E from four storeys to five storeys; b) increase the height of the multiple unit dwelling at Block A12 from six storeys to nine storeys; c) transfer 80 dwelling units from Sub Area 8 of Bedford West to Sub Area 5, Block A12; and d) enable flexibility in the housing mix (percentage of low density homes to higher density uses).**

**Background:** West Bedford Holdings Limited has submitted an application to amend several sections of the existing development agreement for Bedford West Sub Area 5 (Map 3). Sub Area 5 is generally located north and east of Larry Uteck Boulevard (formerly Kearney Lake Road) and west of Highway 102. It is bounded in the north by Kearney Run. The Sub Area 5 development agreement was approved in 2012. Sub Area 5 is approximately 115 acres in size and a residential subdivision with a mix of lower density (single unit, semi-detached unit and townhouse units) and multiple unit dwellings is enabled under the current development agreement. Staff are currently reviewing the proposed amendments and, pending any revisions, will be included as part of a development agreement amendment which will be considered by Council at a later date. A Public Meeting for Case 19105 was held on December 8, 2014. A copy of the meeting minutes is included as Attachment B.

**Existing Use** The subject lands currently are currently under development and public streets are being constructed and municipal services are being installed. Further the land is also being prepared for subdivision.

**Designation** Bedford West Comprehensive Development District under the Bedford West Secondary Planning Strategy (SPS) contained in the Bedford MPS and Urban Settlement under Regional MPS (Map 1).

**Zoning** BWCDD (Bedford West Comprehensive Development District) under the Bedford Land Use By-law (LUB) (Map 2).

**Proposal**

The application is to amend four sections of the existing development agreement to:

- Increase the height of the multiple unit dwelling on Block E from 4 to 5 storeys.
- Increase the height of the multiple unit dwelling on Block A12 from 6 to 9 storeys.
- Transfer 80 multiple unit dwelling units from Sub Area 8 to Sub Area 5, Block A12.
- Enable flexibility in the housing mix (percentage of low density homes to higher density units).

**SPS / MPS Policy** Policies of the Bedford West SPS are broad and provide general direction for the creation of residential neighbourhoods. The policy does not specifically speak to the issue of building height but does speak to the transfer of dwelling units from one sub area to another. A copy of the relevant policies is attached for the Committee's reference as Attachment C.

**Non-Substantive Amendments to Existing Development Agreements**

Existing development agreements set out matters which are considered to be non-substantive. One or more of the proposed amendments are non-substantive. Non-substantive amendments are approved through a resolution of Community Council without a Public Hearing.

**Input Sought from North West Planning Advisory Committee**

Feedback is sought from NWPAC relative to these proposed amendments to the 2012 Development Agreement. NWPAC's recommendation will be included in the staff report to Community Council.

**Attachments**

Map 1 Generalized Future Land Use (GFLUM) Map

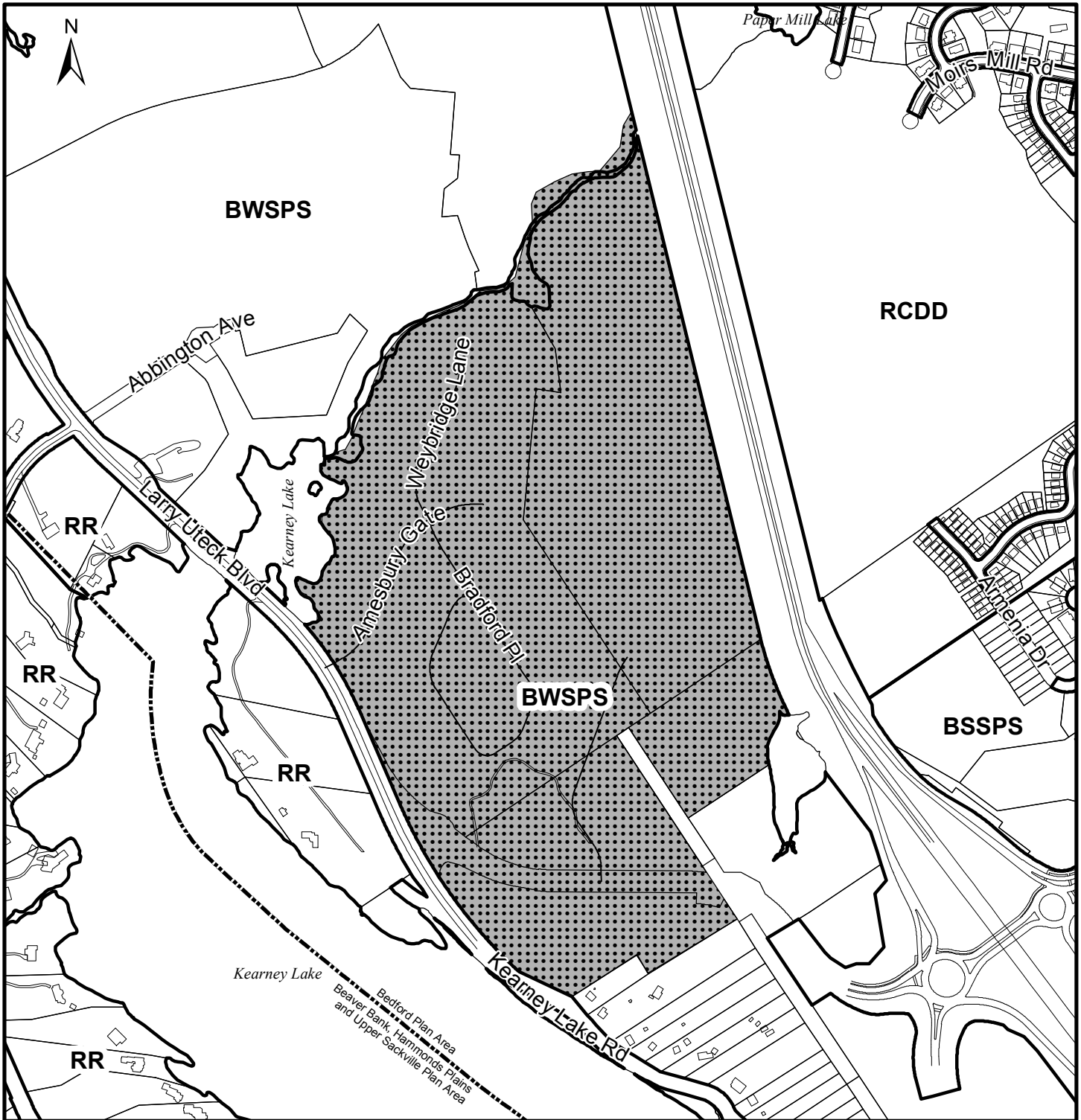
Map 2 Zoning Map

Map 3 Locations of Proposed Amendments

Attachment A Application Letter


Attachment B Draft Public Meeting Minutes

Attachment C Relevant Policies



**Map 1 - Generalized Future Land Use**

Sub-Area 5 Bedford West  
Bedford

 Subject Area

Bedford  
Plan Area

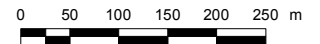
**Bedford Designations**

- RR Residential Reserve
- RCDD Residential Comprehensive Development District
- BWSPS Bedford West Secondary Planning Strategy
- BSSPS Bedford South Secondary Planning Strategy

**Beaver Bank, Hammonds Plains and Upper Sackville Designations**

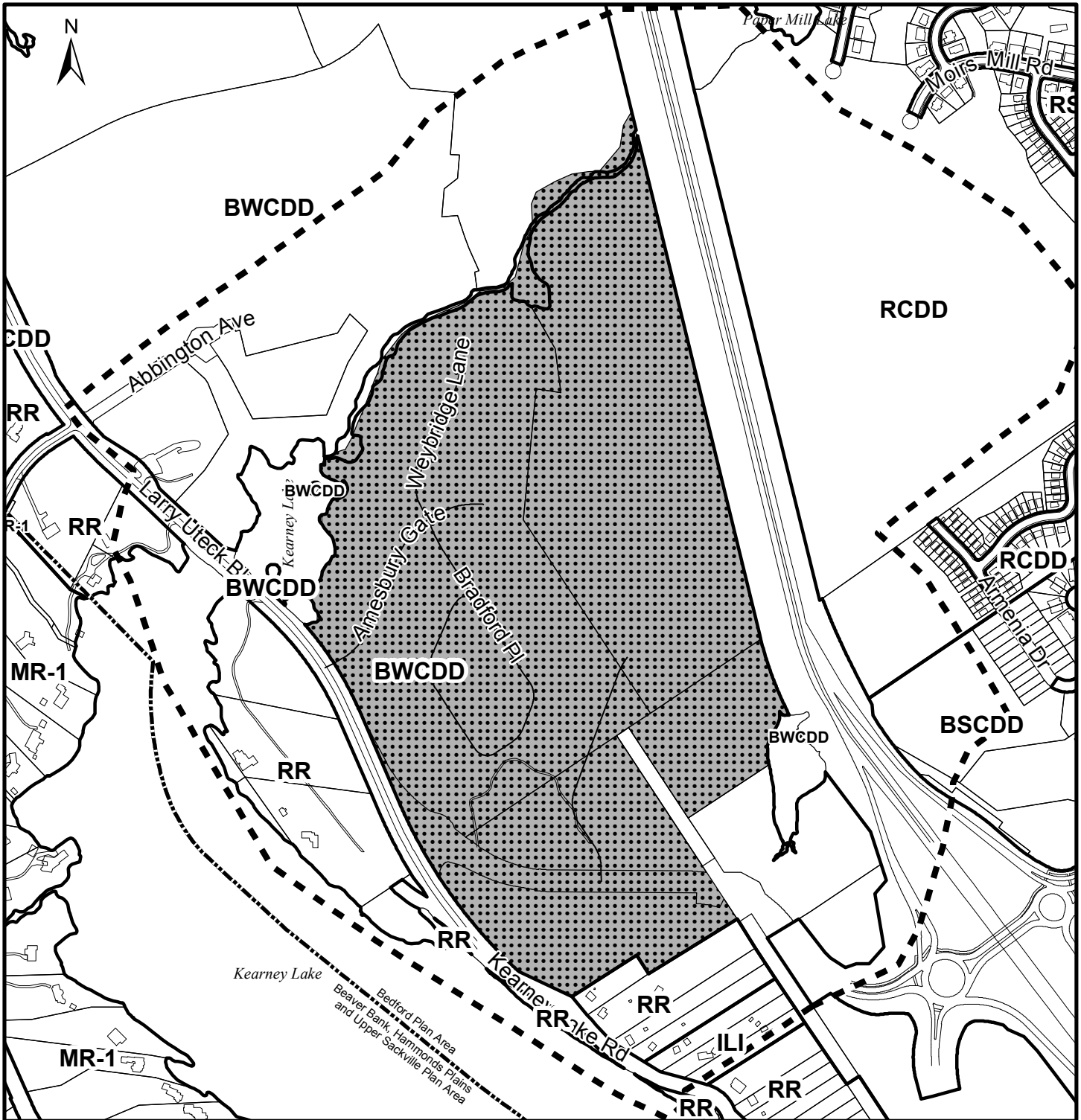
- RR Rural Resource

**HALIFAX**




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.



## Map 2 - Zoning and Notification

Sub-Area 5 Bedford West  
Bedford

 Subject Area

 Area of notification

Bedford  
Land Use By-Law Area

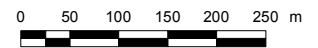
### Bedford Zones

RSU	Single Dwelling Unit
RR	Residential Reserve
ILI	Light Industrial
RCDD	Residential Comprehensive Development District
BWCCD	Bedford West Comprehensive Development District
BSCDD	Bedford South Comprehensive Development District

### Beaver Bank, Hammonds Plains and Upper Sackville Zones

MR-1	Mixed Resource
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**HALIFAX**



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

# Map 3 – Locations of Proposed Amendments



December-31-14

**HALIFAX**

September 30, 2014

Ms. Thea Langille, MCIP, LPP  
Major Projects Planner, Development Approvals  
Halifax



WEST BEDFORD HOLDINGS LIMITED  
CLAYTON PROFESSIONAL CENTRE  
255 LACEWOOD DRIVE, SUITE 100 C  
HALIFAX, NOVA SCOTIA, CANADA B3M 4G2  
TEL (902) 445-2000 FAX (902) 443-1611  
WWW.THEPARKSOFWESTBEDFORD.CA

Dear Thea:

RE: Sub-area 5 Development Agreement Amendment

Please accept this application as our formal request to amend the Sub-area 5 development agreement as approved by North West Community Council on June 23, 2011 (Case #16775). This application will impact lands owned by both West Bedford Holdings Limited (WBHL) and KDL Developments II Limited. The specific PID's are as follows: West Bedford Holdings Limited - 41368754, 00417576, 40292229; KDL Developments II Limited - 41377102, 00417808. Enclosed, please find a letter authorizing WBHL to act on behalf of KDL Developments II Limited for these amendments.

The proposed amendments are intended to address provisions of the development agreement related to residential mixture, density transfer and building height. We understand that requests dealing with residential mixture will be considered substantive; however, from our interpretation of the development agreement, amendments dealing with both building height and density transfers would be considered non-substantive.

*Multiple Residential Building Height (Non-substantive Amendment)*

The development agreement establishes a maximum height of four and six stories on Blocks E and A12, respectively.

Through consultations with our client and architect on the design of the building on Block E, the architect has requested the capability to increase the building height to five stories, citing that the net impact on adjacent homes would remain unchanged. Our architect contends that a five storey concrete building with a flat roof and parapet is the same height or less than a four story wood frame structure with a pitched roof. Sketch 1 illustrates this notion.

We are proposing an increase in the number of stories on Block A12 from six to nine as shown on Schedule 'O'. We feel nine stories are appropriate on this site as there is more than 100m of separation between the proposed building location and the single family homes. The additional three stories will allow for a more compact building footprint, maximizing vegetation retention.

Density Transfer (Non-substantive Amendment)

The current development agreement identifies Block A12 as a multiple residential site. As land use and lot sizes became solidified, Block A12 was identified as a potential site to accommodate unallocated or transferred density. As you will note from our development agreement application for Sub-area 7&8, we have unallocated density. We are proposing to transfer 80 units from Sub-area 8 into Sub-area 5, specifically Block A12. We understand that transferring density to a maximum of 1 unit per acre (upa) is permitted via Policy BW32 of the Secondary Plan. As illustrated in Table 2, Sub-area 5 will remain less than the maximum 7 upa prescribed by Policy BW32.

Residential Mixture (Substantive Amendment)

The approved development agreement includes a density allocation chart, attached as Table 1. Clause 3.3.2 of the development agreement supports this table by setting out the following land use allocation parameters:

<i>Single Unit, Townhouse or Semi-Detached</i>	<i>Minimum 200 Units (29%)</i>
<i>Multiple Unit</i>	<i>Maximum 491 Units (71%)</i>

Since Council approval, market preferences have shifted and our latest concept plans now reflect 10 fewer single units. We propose reallocating the ten units to Block A11, creating a multiple residential site with 67 units. This proposed change is represented in Table 2. The building location is depicted on the Concept Plan labeled Schedule "O" from the existing development agreement.

Reflecting the addition of the transferred density and the allocation of ten multiple units, we are requesting Clause 3.3.2 be amended as follows:

<i>Single Unit, Townhouse or Semi-Detached</i>	<i>Minimum 190 Units (27.5%)</i>
<i>Multiple Unit</i>	<i>Maximum 581 Units (84%)</i>

West Bedford								27-Jan-11
Sub Area 5								691 Residential Unit Entitlement
115.1								2,302 Residential Population Entitlement
87.6 acres		WBHL						
20.5 acres		HRYC						
7 acres		T/R Lands						
Road Name	Length in Meters	65' Lots	50' Lots	40' Bung	Bung TH	TH (22')	Bung Condo	
Road 5-A	236	23						
Road 5-B	667			38	44			
Road 5-C	1078		56			11		
Road 5-D	125		17					
BLOCK B							11	
		23	73	38	44	11	11	
Total Road Length	2,106						Total Low Density Units	200
							People	670
BLOCK A							57	128 25
							ppa	
BLOCK D							3.7 acs	30
								111
BLOCK E								139 5
BLOCK F								297
BLOCK G								153
BLOCK H								387
Total Multiple		481		71%		Total Units	691	
							0	
Density							6.0 upa	
Total Population							1,886	
Residual population							416	

Table 1 – Schedule P, from approved development agreement

West Bedford								29-Sep-14
Sub Area 5								691 Residential Unit Entitlement
115.1 Acres								2,302 Residential Population Entitlement
Road Name	Length in Meters	65' Lots	50-55' Lots	44'-55' Bung	Bung TH	TH (22')	Bung Condo	
Road 5-A	235	23						
Road 5-B	665			30	44			
Road 5-C	1076		54			11		
Road 5-D	126		17					
BLOCK B							11	
		23	71	30	44	11	11	
Total Road Length	2,102						Total Low Density Units	190
							ppa	27.5%
							People	638 5
		Units	Height					
BLOCK A11		67	6					150 75
BLOCK D (commercial)	3.5 acs							30
BLOCK E		62	5					139 5
BLOCK F		132	6					297
BLOCK G		68	7					153
BLOCK H		172	7 & 6					387
BLOCK A12 (transferred units)		80	9					387
Multiple Residential		84%		581				
Total Units							771	
							-80	
Density							6.70 upa	
Total Population							4512	
Residual population							-2210	

Table 2 – Proposed Schedule P



We trust the above information is sufficient to commence the development agreement amendment process. If you require additional information, please contact us.

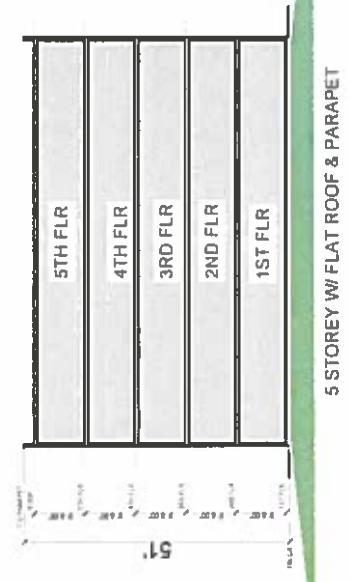
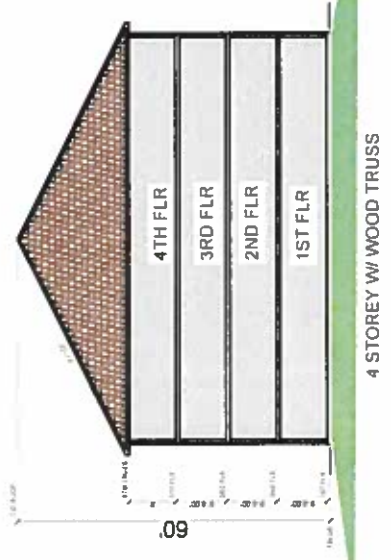
Yours Truly,

Kevin Neatt

*Original Signed*

Associate Planner  
West Bedford Holdings Limited

# Sketch 1



**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case 19625**

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**Monday, December 8, 2014**  
**7:00 p.m.**  
**Bedford Hammonds Plains Community Centre**

**STAFF IN**

**ATTENDANCE:**

Andrew Bone, Senior Planner, HRM Planning Applications  
Alden Thurston, Planning Technician, HRM Planning Applications  
Cara McFarlane, Planning Controller, HRM Planning Applications

**ALSO IN**

**ATTENDANCE:**

Councillor Tim Outhit, District 16  
Kevin Neatt, West Bedford Holdings Limited

**PUBLIC IN**

**ATTENDANCE:**

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No one from the public attended the public information meeting.

## Attachment C Relevant MPS/SPS Policy

Policy BW-15: The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses<sup>1</sup>.

Policy BW-16: Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions:

- a) a maximum density of 40 persons per acre shall be permitted for all lands to be developed as a mixed use business campus within Sub-Area 3;
- b) a maximum density of 50 persons per acre shall be permitted for all lands designated community commercial centre within Sub-Areas 2, 6, 7 and 8 as illustrated on schedule BW-7 or proposed for general commercial uses within Sub-Area 9 and 12;
- c) For all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted; and
- d) the temporary pumping station and forcemain, illustrated as "PS (TEMP)" and "FORCEMAIN (TEMP)" on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant ( as illustrated on schedule BW-4) . This requirement may be waived if:
  - i.) the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and
  - ii.) there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant.

In the event that any Sub-Area is not developed to the maximum permitted density, the Municipality may consider allowing the difference to be allocated to another Sub-Area provided that the development proposal conforms will all other policies established under this secondary planning strategy.

Policy BW-23: The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.

Policy BW-24: To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.

If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved.

Policy BW-32: The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:

- a) the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area;
- b) community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores

<sup>1</sup> For the purposes of this Secondary Planning Strategy, all density calculations are based on gross area.

- shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;
- c) sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;
  - d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;
  - e) a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes. Consideration shall be given, but not limited, to the design guidelines of policies R-12A, R-12B and R-12C of the Municipal Planning Strategy, although the limitations placed on building height and units per building under policy R-12A shall not be applied;
  - f) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;
  - g) building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;
  - h) single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;
  - i) natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;
  - j) Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;
  - k) all open space dedications proposed conform with the objectives and policies adopted for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality; and
  - l) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.