


North West Planning Advisory Committee
September 7, 2011

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Austin French, Manager of Planning Services, Community Development

DATE: August 22, 2011

SUBJECT: **Case # 16792: Rezoning for Day Care Facility - 1040 Bedford Highway, Bedford**

ORIGIN

Application by W M Fares Group for the lands of Hage Enterprises Limited, to rezone 1040 Bedford Highway (PID # 00435032) from RSU (Single Dwelling Unit Zone) to SI (Institutional Zone) to permit a day care facility.

RECOMMENDATION

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

1. Give First Reading to consider the proposed rezoning of 1040 Bedford Highway from RSU (Single Dwelling Unit Zone) to SI (Institutional Zone) as set out in Attachment A, and schedule a public hearing;
2. Approve the proposed rezoning of 1040 Bedford Highway from RSU (Single Dwelling Unit Zone) to SI (Institutional Zone) as set out in Attachment A.

EXECUTIVE SUMMARY

W M Fares Group is seeking approval for a rezoning from RSU (Single Dwelling Unit Zone) to SI (Institutional Zone) to permit the construction of a day care facility at 1040 Bedford Highway in Bedford. The subject property, illustrated on Map 1, contains a total lot area of 1,529.9 m² (16,468 sq.ft.) and is located on the Bedford Highway with frontage on the Bedford Highway and High Street.

The proposed day care facility will consist of a main building as well as outdoor play space and parking. The building is proposed to be two stories in height with a building footprint of 245.3 m² (2,640 sq.ft.). The day care facility will accommodate 40 children and require five staff. The property will be fenced along the side and rear yards with a 1.8 m (6 ft.) tall privacy fence.

A public information meeting was held on Monday June 13, 2011 to discuss the proposed development. Attachment B of this report contains the minutes of this meeting. Staff is recommending approval of the proposed rezoning (Attachment A) as it complies with the relevant polices for the Bedford Municipal Planning Strategy (MPS).

BACKGROUND

W M Fares Group has applied to rezone 1040 Bedford Highway from RSU (Single Dwelling Unit Zone) to SI (Institutional Zone) to permit the construction of a building to be used as a day care facility in accordance with Policy S-3 of the MPS . Within the applied RSU zone, day cares are permitted provided they are operated by the resident occupant. Day cares within the RSU zone permit a maximum of 14 children and two staff. The day care facility being proposed for the subject property exceeds these requirements and is not permitted in the RSU zone. In accordance with the Bedford LUB, such a day care facility is only permitted within certain commercial, industrial and comprehensive development district zones as well as the SI zone.

Hage Enterprises Limited acquired the subject property in September 2010. At that time the subject property was two separate lots (1036 and 1040 Bedford Highway) which were both used for residential purposes. As neither lot individually had sufficient area to meet the minimum area requirements of the institutional zone the lots were consolidated. One of the dwellings (formerly 1036 Bedford Highway) has been demolished, the other dwelling (1040 Bedford Highway) currently remains on the property. If rezoned, the remaining dwelling will be demolished and a new building for the day care will be constructed.

The Proposal:

The day care facility is proposed to:

- be two stories, measuring 8.5 m (28 ft.) in height;
- have a 245.3 m² (2,640 sq.ft.) building footprint;
- include 255.5 m² (2,750 sq.ft.) of space reserved for outside play;

- be fenced by a 1.8 m (6 ft.) tall privacy fence which will enclose the side and rear yard of the property;
- include 20 regular parking spaces and 2 mobility disabled spaces, plus bicycle parking as required by the Bedford Land Use By-law (LUB);
- accommodate 40 children and 5 staff; and
- include space for parentally supervised interactive play and seminars, lectures and training.

The Property:

The subject property is generally described as follows:

- located on the corner of Bedford Highway and High Street in Bedford (Map 1 & 2);
- approximately 1,529.9 m² (16,468 sq.ft.) in size;
- approximately 46 m (151.1 ft.) of public road frontage on the Bedford Highway and 20.8 m (68.37 ft.) of public road frontage on High Street;
- serviced by municipal services;
- designated residential under the Bedford Municipal Planning Strategy (MPS) (Map 1); and
- zoned Single Dwelling Unit (RSU) under the Bedford Land Use By-law (LUB) (Map 2).

DISCUSSION

Policy S-3 of the Bedford MPS enables institutional uses to be established on any land use designation except for the Waterfront Comprehensive Development District, Commercial Comprehensive Development District and Residential Comprehensive Development District through the rezoning process subject to the criteria of implementation policy Z-3. Within Bedford no land is pre-zoned institutional and rezoning proposals for institutional are considered on a site by site basis. Depending on the particular institutional use intended either the SI (Institutional) Zone or US (Utilities) Zone could be established. As day care facilities are classified as a non-utility institutional use they appear as a permitted use under the SI zone along with uses such as churches, schools, and libraries. A full list of SI uses is presented as Attachment C. The MPS has described non-utility institutional uses as “soft services” and as a function of population growth.

An evaluation of the proposal against enabling Policies S-3 and Policy Z-3 has been completed and is presented as Attachment D. Upon review of the MPS, Staff is of the position the proposal meets the intent of the plan policies. While the proposal is consistent with policy, Staff has identified the following issues for specific discussion:

Day Care Facilities in Bedford

Large scale day cares are generally permitted within the commercial, institutional and industrial zones of the Bedford plan area and considered on a site by site basis under Policy S-3. According to Community Services there are currently eight licensed day care facilities within the community of Bedford. The total licenced capacity of all these facilities combined is 256 spaces.

There are currently three large scale day care facilities which account for 73 % of the total amount of day care spaces. One of these institutions is located on Bluewater Road, another is located on the Bedford Highway with frontage on First Avenue and the third is located within the Canada Trust Court also on the Bedford Highway. The remaining 27 % of spaces are located in small scale home based day care facilities which have a limited licence capacity of 14 children per facility. The population of Bedford has steadily increased over the past 20 years¹. As Bedford continues to grow the need for additional licenced day care spaces is also anticipated to grow as noted in the MPS.

Location and Compatibility

The subject property is located at the intersection of the Bedford Highway and High Street. This location is in close proximity to emergency services (Fire and Police station), parkland (Admiral Harry Dewolfe Park and Millview Park), and along a public transit corridor (Bedford Highway) which is serviced by buses traveling to and from major terminals in Sackville and Halifax. These characteristics provide opportunity for improved emergency response time, access to municipal playground equipment and active transportation options for parents commuting to work.

The land uses surrounding the subject property include residential properties zoned RSU and RTU in the immediate area on the north side of the Bedford Highway. The four properties which abut the subject property along the rear and right side property lines are all residentially developed and zoned RSU. On the south side of the Bedford Highway is a municipal fire and police station and vacant lands slated for mixed use development as part of the Bedford Waterfront Visioning.

In examining compatibility issues staff looked closely at the application with respect to the scale of the proposed building, scale of the use, and the site design requirements as well as the provisions of the SI zone. These factors are examined below:

Scale of Building and Use

The building requirements for a building in the SI zone are very similar to those for a building in the RSU zone. Restrictions on building height, lot coverage, front yard setback and rear yard setback are the same. Restrictions on side yard setback and flankage yard setback are more restrictive in the SI zone. See Table 1 below:

¹ Nova Scotia Community Counts Demographic Information modeled from Statistics Canada, Census of Population, 1991, 1996, 2001, 2006.

Table 1: Comparison of Zone Requirements

	RSU	SI
Front Yard Setback (from Bedford Highway)	30 ft.	30 ft.
Flankage Yard Setback (from High Street)	15 ft.	20 ft.
Rear Yard Setback	20 ft.	20 ft.
Side Yard Setback	8 ft.	½ height of building (14ft. as proposed)
Maximum Building Height	35 ft.	35 ft.
Maximum Lot Coverage	35 %	35 %

Based on the regulations of the NS Department of Community Services the applicant has determined the day care facility being proposed can accommodate 40 children and will require 5 staff. The facility also includes space for parentally supervised interactive play and seminars, lectures and training. A larger facility is not possible on the subject property given the SI zone provisions and the regulations of the NS Department of Community Services (*see Site Design*). The intensity of land use is greater than that of a RSU zone, however the subject property does front along the Bedford Highway and is in close proximity to mixed uses such as the Bedford Waterfront and municipal fire and police stations. Therefore, it is the opinion of staff, institutional uses on the subject property are a reasonable transition of uses between the mixed use and residential environments on either side of the Bedford Highway.

Site Design

Aside from the zone requirements, the site must also be developed to accommodate the parking requirements (20 regular parking spaces plus two barrier free spaces) and the playground space required to satisfy provincial regulations. These areas will occupy a significant portion of the property, and are located immediately adjacent to abutting residentially developed properties. However, these areas are proposed to be fenced with a 1.8 m (6 ft.) high privacy fence and it is not anticipated that the parking area will be fully occupied during the majority of day, it would mainly be active during the hours in which child pick up and drop off occurs. The playground area would be utilized primarily during the hours of business operation and not at all during the hours in which the daycare is not in operation.

Lighting

Specific concern was raised at the Public Information Meeting held for this application on June 13, 2011 regarding the manner in which the site would be illuminated. The applicant had stated that the lighting for the day care would be affixed to the building. Part 5 Section 26 of the Bedford LUB prohibits the illumination of an area outside any building unless such illumination is directed away from adjoining properties and adjacent streets. Should lighting on the site be installed contrary to this requirement and become an issue for adjacent residents resolution can be sought through a LUB enforcement process.

Rezoning Applications

With all rezoning applications there is a certain element of trust that is involved. Once a property is rezoned any of the land uses permitted under the new zone could be established on the subject property should the property be sold to a new owner or the current owner's intentions change.

Also, with rezoning applications HRM cannot control architecture or site design beyond the standard requirements of the LUB or other relevant HRM Bylaws (HRM Streets Bylaw etc.). A full list of uses permitted in the SI zone can be found in Attachment C. It is the opinion of staff the intentions of the owner are clear and not likely to change. However, this was *not* a factor when evaluating the relevant plan policies. Given the zone requirements for the SI zone in the LUB are similar to those of the RSU zone and the location of the subject property is on an arterial roadway, it is the opinion of staff the subject property is a reasonable site for the SI zone.

Traffic

Policy Z-3 subsection 4 and Policy Z-3 subsection 5.viii) (Attachment D) directs consideration be given with regard to provisions for safe access to the project with minimal impact on the adjacent street network. As well as 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. A traffic impact statement (TIS) submitted (Attachment E) in support of this application has been reviewed HRM Traffic and Right-of-Way Services and HRM Development Engineering. Additional information was requested and supplied in an addendum to the TIS (Attachment F).

Based on the findings of the TIS and its review by HRM staff, it is staffs opinion of the proposal complies with the traffic provisions of Policy Z-3. Specifically, a safe access is provided to the site with minimal impact and the existing street network is adequate from a congestion and traffic hazard perspective.

Summary

In summary, staff is satisfied the proposal to enable SI (Institutional) uses at 1040 Bedford Highway is consistent with the intent of relevant MPS policies (Attachment D) and are recommending the approval of this application as indicated in the recommendation section of this report.

BUDGET IMPLICATIONS

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

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on Monday June 13, 2011. A public hearing has to be held by Council before they can consider approval of any amendments.

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

The proposed rezoning will potentially impact the following stakeholders: local residents, property owners.

ALTERNATIVES

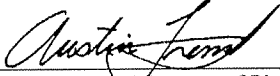
1. Council may choose to proceed with the rezoning of 1040 Bedford Highway from the Single Dwelling Unit (RSU) Zone to the Institutional (SI) Zone. This is the Staff recommendation for the reasons described above.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on conflict with the MPS in accordance with the provisions of the *Halifax Regional Municipality Charter*.

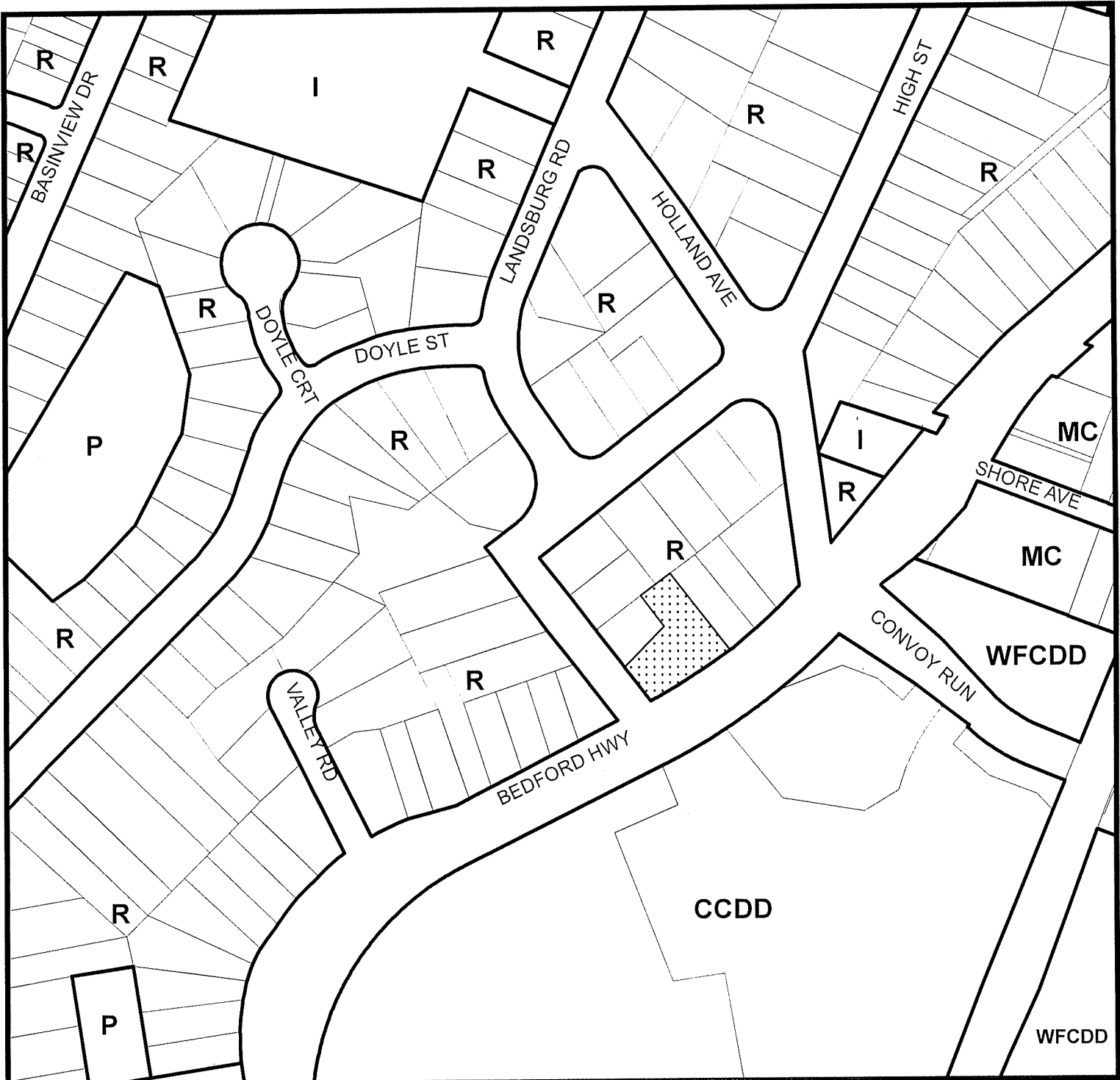
ATTACHMENTS

Map 1	Location and GFLUM Map
Map 2	Location and Zoning Map
Attachment A	Proposed Amendments to the Bedford Land Use By-law
Attachment B	Public Information Meeting Minutes
Attachment C	Excerpts from the Bedford Land-Use Bylaw
Attachment D	Excerpts from the Bedford Municipal Planning Strategy and Policy Review
Attachment E	Traffic Impact Statement
Attachment F	Traffic Impact Statement Addendum
Attachment G	Proposed Site Plan
Attachment H	Proposed Grading Plan
Attachment I	Proposed Floor Plans
Attachment J	Proposed Elevation Drawings

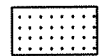
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jacqueline Belisle, Planner 1, 869-4262

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



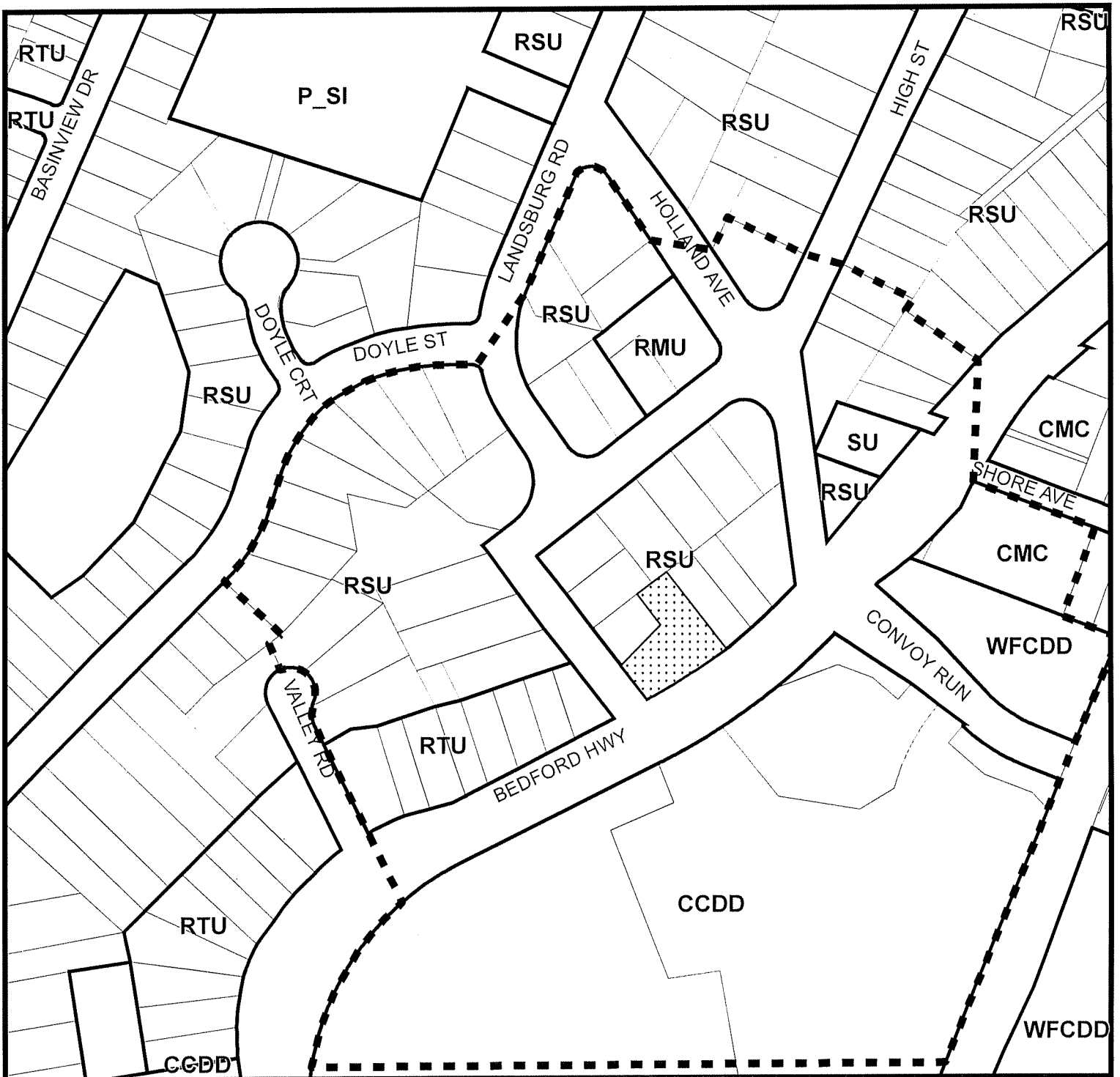
Map 1
Generalized Future Land Use

 Subject Property



- R Residential Designation
- P Park and Recreation Designation
- I Institutional Designation
- MC Mainstreet Commercial Designation
- CCDD Commercial Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District





Map 2
Zoning



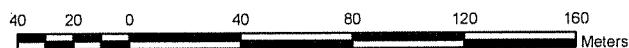
Subject Property



Notification Area



- RSU Single Dwelling Unit Zone
- RTU Two Dwelling Unit Zone
- CMC Mainstreet Commercial Zone
- P Park Zone
- SI Institutional Zone
- SU Utilities Zone
- CCDD Commercial Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District



Attachment A
Amendments to the Bedford Land Use By-law

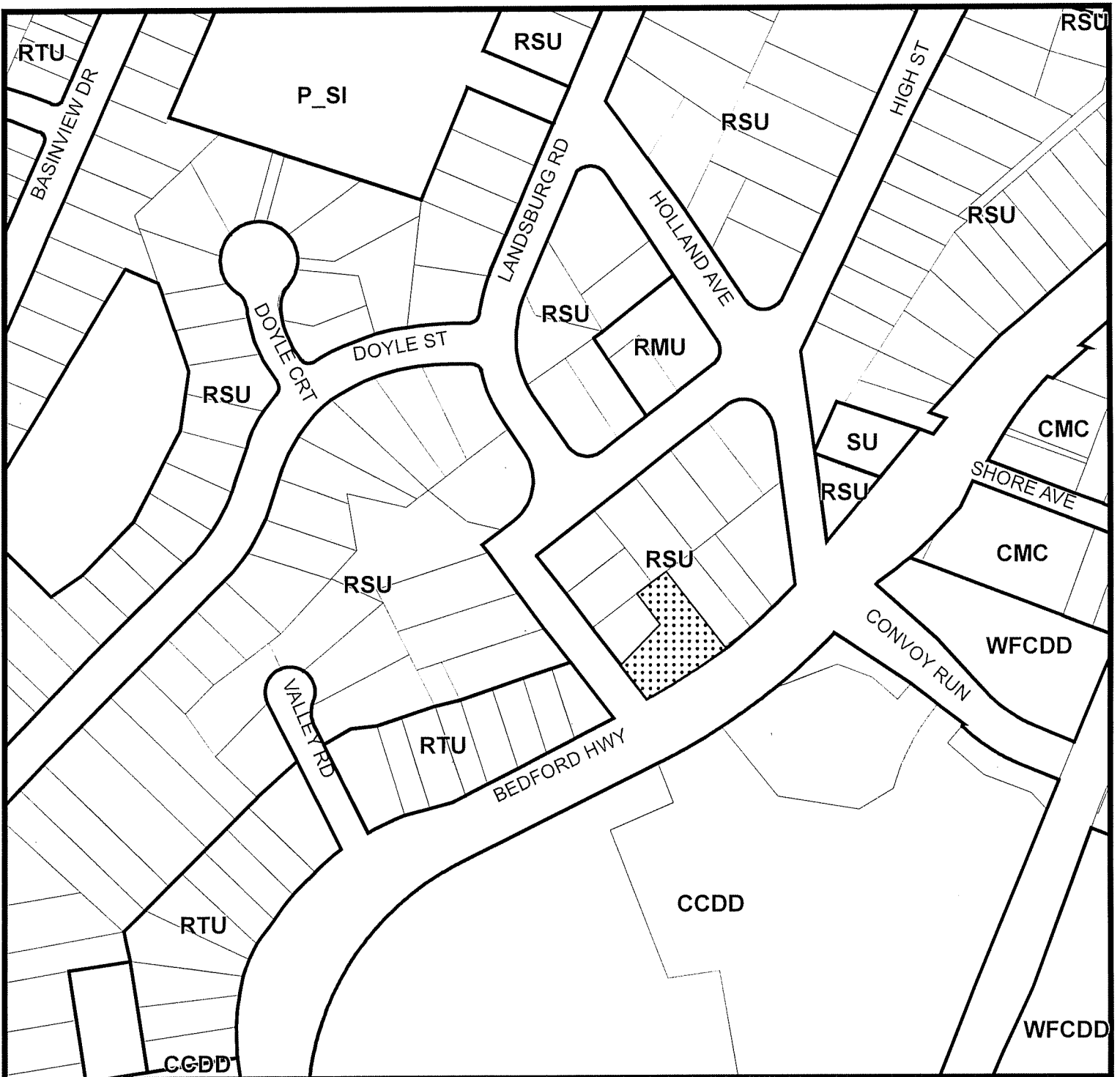
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Bedford as adopted by the Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [insert date of hearing] is hereby amended as follows:

1. Schedule A: Bedford Zoning shall be amended as shown on the attached Schedule A.

I HEREBY CERTIFY that the amendments to the Bedford Land Use By-law, as set out above, were duly passed by a majority vote of the North West Community Council at a meeting held on the day of , 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2011.

Municipal Clerk



**Schedule A
Zoning**



Area to be Rezoned
from RSU to SI



- RSU Single Dwelling Unit Zone
- RTU Two Dwelling Unit Zone
- CMC Mainstreet Commercial Zone
- P Park Zone
- SI Institutional Zone
- SU Utilities Zone
- CCDD Commercial Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District



Attachment B
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 16792

Monday, June 13, 2011
7:00 p.m.
Lebrun Centre (Lion's Den), Bedford

STAFF IN

ATTENDANCE: Jacqueline Belisle, Planner, HRM Planning Services
Alden Thurston, Planning Technician, HRM Planning Services
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Tim Outhit, District 21
Cesar Saleh, WM Fares Group

PUBLIC IN

ATTENDANCE: Approximately 8

1. Call to order, purpose of meeting – Jacqueline Belisle

Ms. Belisle introduce her colleagues, Cara McFarlane and Alden Thurston; and on behalf of the applicant, Cesar Saleh of WM Fares.

The purpose of the Public Information Meeting (PIM) is to identify any issues or concerns that the residents may have. The PIM is for information exchange only and no decisions are made tonight.

2. Overview of planning process – Jacqueline Belisle

The process begins with tonight's PIM. HRM staff will then do an evaluation of the proposal based on the criteria of Policy Z-3 and then a staff report is written which will go to North West Planning Advisory Committee (NWPAC). NWPAC will give a recommendation to North West Community Council (NWCC). NWCC will give first reading and schedule a public hearing. At the public hearing NWCC will make their decision as to whether or not they support this rezoning. This planning application will be subject to a 14 day appeal period.

3. Presentation of Proposal – Jacqueline Belisle

The proposal is an application by WM Fares Group, for the lands of Hage Enterprise Limited, to rezone 1040 Bedford Highway from the RSU (Residential Single Unit) Zone to the SI

(Institutional) Zone to permit a daycare facility.

The site context was shown on the screen. This property was, until recently, two separate properties. The properties have been consolidated to form one. It is located on the corner of Bedford Highway and High Street, designated Residential under the Bedford Municipal Planning Strategy (MPS), zoned RSU under the Bedford Land Use By-law (LUB) and is approximately 1,530 square metres (16,468 square feet) in size.

Policy S-3 in the MPS enables a zoning change on this property. Policy Z-3 lists some of the criteria that Planning staff will be looking at and council will consider when evaluating this proposal. Some of the considerations of the proposal are: a) in conformance with the intent of the Plan; b) is compatible with adjacent uses and existing development in terms of use, bulk and scale; c) there is safe access to the site and traffic impact on the site. A traffic impact statement was submitted as part of this application and will be reviewed by the HRM Development Engineer; d) the adequacy of sewer and water servicing to the proposal; e) environmental impact; f) any natural features and historic buildings, etc.

This proposal is for a daycare; however, the property is subject to a rezoning which would enable any of the permitted SI Zone uses as long as it met all the requirements of the Bedford LUB. A list of permitted uses was shown: churches; schools; cemeteries; fire stations; libraries; police stations; public buildings; post offices; private recreational facilities and clubs; museums; park and park open space uses, subject to the P and POS Zone requirements; special care facilities; daycare facilities; recycling depot; and any uses accessory to the foregoing uses.

Presentation of proposal – Cesar Saleh

WM Fares Group is an engineering architectural firm in Halifax. Some commercial, residential, community and hospitality projects were listed.

The consolidated parcel was shown highlighted in red. The purpose of the consolidation was to meet the LUB requirements of SI Zone in order to permit a daycare.

The proposed site plan was shown with the two storey daycare building situated on the site, the footprint shown in grey and access off the Bedford Highway. There are currently two accesses to the site. One is proposed to be closed and the other one modified to meet the national building code. The setbacks from the building to the property lines are shown as well.

The first floor plan was shown. It consists of a combination of rooms, a play area, bathrooms and a kitchen, all utilities, an area where the director welcomes people when they drop off their kids every morning, the entrance, and an area for the kids' jackets. By code, the building requires an elevator.

The second floor plan was shown. It consists of two interaction play rooms (parents can bring their children to socialize under their own supervision), a multipurpose room (for seminars, lectures and training), a seating area where the parents will have visibility into both rooms, a second access from the second floor in the back of the building (required by code for emergency

purposes).

The front elevation was shown. The siding will be either fibrous cement or cape cod and the color has yet to be determined. The building will be two storeys with the highest point being 28 feet (maximum height for a single family dwelling is 35 feet). The right side, rear, left side elevations and roof plan were shown.

The site in total is 16,800 square feet. The client had to purchase and consolidate both sites in order to meet the LUB requirements of a minimum of 10,000 square feet under the SI use. The building area (building footprint) is 2,640 square feet and the coverage is 15.6% (requirement for a single family dwelling is 35%). There are 21 parking spots required by the LUB for this type of use and a six foot privacy fence will be placed around the property.

A few perspectives of the site were shown to show how this building relates to the surroundings. A model was built and placed in perspective. There are two things to keep in mind, the grade is elevated going up High Street (homes are quite a bit higher than what is proposed). There is supposed to be a house on the map but HRM mapping did not show that house; therefore, the applicant was not able to model that house specifically.

The SI Zone does allow other uses; however, many other uses would require a relatively large piece of land. The applicant feels that what is being proposed is compatible with both the use, mass, bulk and scale and the daycare will be good for the area.

4. Questions and Comments

Ted Devonport, Bedford – The drawing is inaccurate. His house is directly beside that parking lot (Lot 25). The existing trees aren't shown. The house that is shown on the mapping does not exist like that. Mr. Saleh said that the HRM plan that was used did not show the footprint of the house next to the parking lot; therefore, he was unable to show it. Mr. Devonport said according to the map all of those trees out front won't exist either. Mr. Saleh explained that the trees exist on the proposed lot which is allocated for development. If a client wishes to redevelop this lot, whether for a single family dwelling or a daycare, the trees are on their lot. Mr. Devonport said the applicant is showing a proposal to the public about these nice trees that don't exist. Ms. Belisle mentioned that what is shown in the architectural renderings is not necessarily part of the proposal. Mr. Devonport said if this is a proposal to make the residents in the area like the daycare idea, then politically I have no faith in my councilor to allow this to be shown. If a proposal is going to be presented then make it factual as well as the renderings. Ms. Belisle thanked him for his comment.

Ted Devonport – Is also concerned about the lighting in the parking lot. Will the lighting be kept away from the homes? Will the lot be lit up at night? Mr. Saleh said the lighting for the proposed daycare would be on the building itself. The daycare's hours of operation are from 7:00 am to 5:00 p.m. or 6:00 p.m. All of these issues will be responded to as part of the building permit process. Mr. Devonport believes at that point, it's too late to ask these questions. This has to be dealt with now under the rezoning process. Once the rezoning is granted, it's too late. As long as the building meets code, there is no recourse.

Ted Devonport – The applicant can change the use. Once the zoning is changed to SI, any use under that zoning would be permitted as long as all requirements of the Bedford LUB are met. Ms. Belisle said that is the nature of rezoning.

Ms. Belisle – As part of the staff report that goes forward, staff will make sure that all the mapping is as accurate as HRM mapping can possibly be. Councillor Outhit clarified that this is the initial stage of the process and the things brought up tonight are going to be addressed. He would like to see a more accurate artist rendering, the lighting issues, etc. Councillor Outhit said that Mr. Devonport would like some of these issues dealt with in time for Council to discuss them again and that is exactly what will happen. Ms. Belisle offered that this is a rezoning not a development agreement; therefore, HRM does not have the same kind of controls.

John Luckhurst, Bedford – Commented on the renderings. The maps shown aren't even close to each other. It doesn't line up. It shows a property in between a house that doesn't exist. The parking lot is all wrong. Mr. Saleh mentioned that in his presentation he said there is actually a house on that lot. Mr. Luckhurst said there is no house there. The parking lot would actually lean up against the property in behind that house. The pictures aren't even close. Mr. Saleh said this is based off a survey. Ms. Belisle went back to her aerial photo.

John Luckhurst – Asked why the applicant thinks this proposal would be great for the area. Mr. Saleh believes a daycare use is always friendly and a positive thing for an area. The hours of operation are controlled. Mr. Luckhurst wondered how he came up with that conclusion. Mr. Saleh has lived next to daycares before. Mr. Luckhurst asked if he is comparing this from daycare to another commercial property or a daycare versus a residence. Mr. Saleh is comparing a residential use to a daycare use. Mr. Luckhurst wondered how a daycare can be more neighbourhood friendly than a residence. We are discussing commercial versus residential not commercial versus commercial. Would you stick with that statement? Mr. Saleh said absolutely. A daycare use (institutional use) is viewed as a complimentary use that works well with residential uses. That is his statement.

Ms. Belisle – Drew everyone's attention to the aerial photos. The site was shown in blue. Councillor Outhit asked if the aerial shot was from Google Earth. He asked Mr. Devonport if there were any more comments he would like to make after looking at this photo. Mr. Devonport said the photo shows his house, the houses around it and all the trees. According to the rendering, all the trees will be gone. Also, the lighting has to be there. Councillor Outhit committed to Mr. Devonport that he will look at the site again as part of the process. Mr. Devonport said there was a long range forecast at one time to do the whole area with the Waterfront and this part of the Bedford Highway. What direction are we moving forward? Considering we get all this commercial every which way, it's time to reign it all in.

Tom Weekes, Bedford – Believes it should be residential. The traffic will increase. At times, he waits ten minutes to make a left hand turn at the lights from Convoy Run onto the Bedford Highway. The proposed site is in the curve of the road. People drive 70 or 80 km/hr instead of 50 along that corner and all of sudden there will be three cars waiting to get into the parking lot. There will be nothing but problems. Traffic will be slowed down which is already a nightmare on the highway. He suggested building the daycare in the business park near Walmart. This

property should remain residential. Maybe the client should put two big homes there where they will only have one or two cars. There will be twenty cars coming and going. The highway is just a nightmare to start with trying to turn. He can imagine the problems and how the people living beside the site will feel. Ms. Belisle reiterated that a traffic impact statement was submitted and will be reviewed by the Development Engineer.

John Luckhurst – The privacy will be taken away when the trees are cut down and the property opened up. His biggest concern with the traffic is that currently it is almost impossible to make a left-hand turn on the Bedford Highway. During peak times, traffic will build up because of this being off the Bedford Highway. People will use the side streets to access this property off of High Street instead of the Bedford Highway. A lot of traffic will be created on a street that is not built for that. There are no lights and very little on that street is conducive to traffic. The left hand turn onto the Bedford Highway from High Street is a blind corner (pointed out on the screen). Even without traffic it's a dangerous place to come to. Pedestrians cannot be seen until they are almost immediately in the crosswalk which is a huge concern. This is a problem without a lot of the traffic. There are numerous times when cars are just crawling to get through the intersection. He asked for the Councillor to drive down High Street, come to that crosswalk and see how easy it is to hit a pedestrian if they are not paying attention.

John Luckhurst – Is the privacy fence a guarantee and where does it go on the property? Does the privacy fence extend all the way down to the Bedford Highway? People are going to park their cars on High Street all day long waiting for their kid to cut across on High Street. Mr. Saleh showed where the privacy fence is going to go to. Mr. Luckhurst asked what the greenbelt below the fence is. Mr. Saleh said the landscaped area. Mr. Luckhurst asked if it is fenced. Mr. Saleh said that if the desire is to extend the fence, it can be done. Mr. Luckhurst said it is a plan not a desire. The corner would still allow foot traffic onto High Street from that property causing cars to park on High Street. Mr. Saleh said there is sufficient parking on site. Mr. Luckhurst said knowing that it is impossible to make a left hand turn onto Bedford Highway, people will not use the parking lot. Mr. Saleh said he is assuming that all of the traffic is coming from High Street. Mr. Luckhurst said he is assuming from great experience of living in the area where nobody makes left hand turns. Ms. Belisle thanked him for his comment. Mr. Luckhurst asked not to be brushed off. It's a question, not a comment so he didn't want to be brushed off. Ms. Belisle said that Mr. Saleh expressed his willingness to change the design based on Mr. Luckhurst's comment. Mr. Luckhurst said that this is a major concern.

Gerry Sampson, Bedford – How many children will the daycare centre hold? Mr. Saleh said the space is designed to hold 40 children. The size of the daycare has to meet the Provincial requirements. Mr. Sampson said that many children will generate quite a bit of traffic in the mornings. Mr. Saleh said that a traffic consultant was retained and a report has been tabled with HRM that can be made public.

Gerry Sampson – Another concern is safety. The children probably will be on outings in and around the area, maybe down to the park. One of the issues in that area is no sidewalk on the other side of the street from the daycare. There is a partial sidewalk. The residents in the area brought up the issue of a sidewalk for safety purposes when Lawtons was built because there is a seniors' home across the street from the fire station. There was a meeting that was chaired by a

Councillor in Sackville who shot down everybody from Bedford. The Councillor said a sidewalk wasn't needed there because there were rocks there. Now a daycare centre is proposed for the area with 35 or 40 children going on outings and there are no plans for a sidewalk. About a year after this was brought up, there wasn't a curb and gutter on that side of the Bedford Highway. About a year after Lawtons was built, a curb and gutter was built and they put a lane in there for bicycles but nothing for the elderly and now there are going to be children in there. That makes no sense at all. That is a real safety issue that needs to be addressed if doing something like this. Mr. Luckhurst said there are no sidewalks on High Street either. Councillor Outhit clarified that in this year's budget, at the taxpayers' expense, there are plans to do a sidewalk connecting Convoy Run to the Lawtons. It's about a \$200,000 project that will be done this summer.

Ted Devonport – While driving, he has almost been hit three times as cars come down Holland Road to make that right hand turn. People look up the Bedford Highway and whip on through. Nobody looks in front of them but only down the highway. How will it be dealt with when a string of kids come from the daycare to go down to the park? It's bad enough that it's on a hill.

Jan Sieliakus, Bedford – Is concerned about the traffic problem. Hammonds Plains Road connects over to First Avenue on the side streets and through that area. People are going to use the side streets to get to the daycare. Most people living in the area have families and these streets were not meant for that kind of traffic. High Street is going to be loaded with cars because people are going to be stopping. Twenty-one parking spots are not enough for 40 children in a daycare. It can take 25 minutes to make a left hand turn in the morning. Traffic solutions on the Bedford Highway should be taken care of before anymore development occurs. The side streets are going to get a lot of traffic. Right now, the area is nice and quiet without a lot of traffic. There is a blind corner when pulling out of High Street. When driving, people can't be seen coming up the sidewalk until your car is into the crosswalk and almost into the lane of traffic. This is going to create way too much traffic. With the traffic the way it is now on the Bedford Highway, it is going to cause more problems. Every side street is going to be used to get down there. Many of the residential streets are not used to that kind of traffic. Seminars in the evenings and on weekends will create traffic as well. The lighting will be an issue as well. For insurance purposes, the applicant will want lighting in the parking lot. That will create a lot more light for the people around it. Until there is a solution for the Bedford Highway, there shouldn't be any more development done because the traffic is just terrible there. From High Street, people can go right down to First Avenue and almost to Union Street, up to Bedford Highway and Hammonds Plains Road. He believes there will be a lot of traffic on the side streets especially High Street and it's not meant for that and it will cause a lot of problems. Everyone in the area will be trying to go to work and all of a sudden there will be 30 or 40 people dropping off young kids with only 21 parking spots available. It's going to be a real issue.

Gerry Sampson – How many employees? The employees will need parking as well. Mr. Sieliakus said that if there are ten employees, 21 parking spots now become 11 spots. Mr. Saleh explained that people drop off their kids between 7:00 a.m. and 9:00 a.m. and this does meet the requirements of the Bedford LUB.

Stephanie Watters, Bedford – In theory, she is not opposed to a daycare. Compared to a lot of

neighbours a person could have, a daycare is not terribly noisy, the children are usually gone home by 6:00 p.m. and are not there on weekends. Her property is on the other side of Lot 25. She understands Mr. Devonport's concern with the parking lot being practically on his door step. At the same time, if the parking was on the other side almost like a horseshoe with the entrance on the Bedford Highway and High Street, it would create a different set of problems for the residents on High Street. She has a tenant that lives in her house on Holland Road that has to back onto the sidewalk to avoid being hit by a car coming down that yield lane and not paying attention. She did herself for 12 years. This happened a couple of times a week. It is a real concern.

Stephanie Watters - The snowplows pile the snow very, very high there in the winter. Her children used to walk to school and there were times when they had to go out on the street to get to school because they couldn't get through the sidewalk.

Stephanie Watters - She's not trying to be an alarmist but parents are in a hurry. People think they will just be a minute, park right on the Bedford Highway and run in to grab the kids and come back out. Boom someone comes along and clips the car and there is an injured child. These things happen. She is not sure if there is enough space for the proposed facility. She feels that the numbers, the size and the privacy issues really need to be considered.

Stephanie Watters - She realizes that something is going to go on that site eventually. She lived two doors down when it was a grow op, when it was a drug dealer. She wants to see an improvement because her property value has gone down and doesn't think she is being terribly greedy by expressing that concern. She is sure that people who have property in the neighbourhood doesn't want to see it dragged down any further. As a neighbor, she thinks a daycare facility can be really good as long as it is done right and done smart.

John Luckhurst – Continued on what Ms. Watters was saying about the parking and everyone stopping on Bedford Highway. That's going to happen on High Street as well. A good comparison is at Bedford Academy. In the morning and at the end of the school day, cars are parked up and down the street. Nobody uses the parking lot. He asked if the traffic impact study is done by the applicant or by HRM with the people's protection in mind. Ms. Belisle said that it is submitted by the applicant but evaluated by the HRM Development Engineer. Mr. Saleh said that it was done by a third party consultant who only does traffic design. Mr. Luckhurst said they would be a little biased. Ms. Belisle explained that HRM's Development Engineer is the one to evaluate and make sure it meets all requirements once it is submitted. Mr. Luckhurst does agree that there are some eyesores there to begin with. He doesn't think anyone is opposed to development of some sort, but commercial versus residential will open up that corner and take away from the privacy which is a nice aspect of a residential area and completely changes everything for the people that live there.

Stephanie Watters – Are the parents and drop in children included in the 35 to 40 children count? Does it include students that might be there for after school care programs for elementary students from 2:30 onwards? Mr. Saleh said the proposed daycare is for toddlers from two to six years of age and not for afterschool program. Ms. Watters said as facilities such as this grow and become more entrenched in the community there are requests from parents that may include the

afterschool program and the variety of programs these facilities offer tend to expand. Mr. Saleh could only share what he knew at this point. The client would have to conform to Provincial By-laws which is a ratio of space per person; therefore, based on what is being proposing, that is the maximum number.

Stephanie Watters – What happens if the daycare proposal is not approved but the institutional zoning is? Can it be written to exclude a facility such as an enviro or recycling depot? Ms. Belisle said on behalf of HRM Planning, this is an application for rezoning; therefore, once the site is rezoned this becomes an institutional zone and any of those permitted uses could go on that property. Ms. Watters asked if it can be customized to a specific site. Ms. Belisle said no. Mr. Saleh offered that a recycling depot would require a piece of land much larger than 16,000 square feet.

Jan Sieliakus – He wondered if after the property was rezoned, could the applicant sell it to someone else? It's great to say that it's going to be a daycare but this could be a front for someone wanting to put up anything there. Ms. Belisle said it could only be one of the institutional uses which were previously shown. Mr. Sieliakus feels that it seems to be a lot money for a daycare.

Jan Sieliakus - He is concerned that if cars were parked on both sides of High Street, a fire truck would not be able to get through. If someone dies because an ambulance is blocked on High Street, that is going to be terrible. He's concerned #1 because it seems like a lot of money for a daycare and he feels the proposal might be a front for something else. Ms. Belisle said a property can only be rezoned if there is policy to permit it. There is policy and that policy is specific to institutional uses. While it's possible that a property owner could apply to rezone once this SI Zone is put on a property, it could only be this list of uses that were previously shown. Mr. Sieliakus said that it is going to be a daycare but fears that people will start asking for afterschool programs. It will evolve, the streets won't be able to take the traffic and currently, it is a nice, quiet neighbourhood. Problems on the Bedford Highway need to be solved before adding another 30 cars in the morning and night plus maybe 20 or so during the day for people coming in and out.

Robert Barnes, Bedford – The parking lot abuts part of his property in the very back. If this area does become zoned institutional and a daycare doesn't go there, is there a height restriction on what can be built on that property? Ms. Belisle said the maximum height is 35 feet, same as a single family dwelling.

Stephanie Watters - There are drainage issues there as well. Mr. Saleh said that there would be a retaining wall and a fence.

John Luckhurst – It is known that both of those properties sold for about \$160,000. The building with an elevator will probably come in at about \$1 million not to mention all of the other expenses to start a business. There will be a fixed income in terms of what can be made. Is there anything stopping the applicant from renting the facility out at off hours which would put that parking lot in use at night? This brings up a whole new set of questions regarding lighting. Ms. Belisle said that any uses would still have to adhere to the institutional permitted uses. Mr.

Devonport asked about the hours of operation. Ms. Belisle said there are no hours of operation. Mr. Devonport said that if the daycare is for nighttime use, there go the lights. Now there would be outside parking lights all around the clock. Mr. Luckhurst believes it is unrealistic to expect with that kind of money and from 30 or 40 students that it's just not going to cover the expenses. Mr. Saleh said his client is a business person and did a marketing assessment. He couldn't comment on the finances.

Jan Sieliakus – Does the parking lot have to be done to code? Could another building or something else be constructed within the proposed parking area? Ms. Belisle said no. Parking is required under the Bedford LUB.

John Luckhurst – He lives on the property that also touches the parking lot and is on a retaining wall. What guarantees is there for damage or any kind of structural issues that might arise from construction? Ms. Belisle would have to ask the Development Engineer if there is anything under the by-laws. There is nothing under the Bedford LUB. Councillor Outhit said that building permits would include grading by-laws which include strict rules. Mr. Sieliakus said the land is pure rock. To create a level place for a building, excavation or blasting would have to take place.

Ted Devonport - Could there be a development agreement on this property. Ms. Belisle said that it is not enabled under the Bedford MPS. Mr. Devonport said it is if Council or the community group asks for it. Councillor Outhit asked what the property is zoned now. Ms. Belisle said RSU. Councillor Outhit said the application is to rezone it to SI versus commercial. Ms. Belisle explained that there was an application in 2006 in regards to making certain properties along the Bedford Highway commercial. Councillor Outhit said that is all part of a master study. Ms. Belisle said that this was a separate application through planning applications. Councillor Outhit's point is that the question is about a development agreement, not a streetscape right now. The purpose of this PIM is to discuss taking this property from RSU to SI, but by rezoning it to SI those listed uses would go there as of right.

Jan Sieliakus – By privacy fence, is it chainlink and taller so you can't see in or out? Mr. Saleh said yes.

Ted Devonport – His concern is that his property is rock. Rock three or four feet deep will have to be excavated. Mr. Saleh said that slab on grade with no basement is proposed. Mr. Devonport said a lot of rock for the parking lot has to be smashed. What is going to happen to his trees? Are they going to be ripped out and half his lawn taken with them? How is he going to be protected? How is his house going to be protected from not getting smashed up by the rock? His foundation sits on the rock so when smashing away at this rock starts, his foundation will be taken up. Rock cracks travel. What protection does he have? Ms. Belisle will check. In Bedford there are regulations for lot grading and that sort of thing which is covered under Development Engineering. She doesn't know the answer at this point. Mr. Devonport works construction and has worked with these big machines. When they start smashing rocks, mistakes are made. If they take a big chunk of rock, half his lawn goes with it. What guarantee does he have that they are going to keep a safe distance so that won't happen? Trees, roots and rocks don't mix. Councillor Outhit agrees with his concerns. Originally, Vetcetera on the Bedford Highway was built and he doesn't think that disrupted the neighbours. There was drilling and pounding and it was done

very well without damages. So it can be done. He hears concerns mainly about the traffic, the parking and the flow of traffic. This will have to be looked at very seriously.

Stephanie Watters – When the senior's residence was built across the street from our block, blasting was done. An inspection of each home was done prior and post of the blasting. That is probably what would happen.

Jan Sieliakus – Traffic is his biggest concern.

Ted Devonport – A fence down to the Bedford Highway is proposed but it can only be done to the property line. There is a big buffer zone between the sidewalk and then grass. People are going to be parking on High Street and crossing the grass. Ms. Belisle agreed that a person can only put a fence on their own property. Things like vision triangles also have to be considered with corner lots and the Development Officer makes sure those are adhered to.

5. Closing Comments

Ms. Belisle encouraged the residents to sign the signup sheet and contact her with more questions or comments. Notification for future meetings will be sent by mail. She thanked everyone for coming to the meeting.

6. Adjournment

The meeting adjourned at approximately 8:10 p.m.

Comments regarding concerns raised at PIM

Parking

Concern was raised regarding the possibility of vehicles stopping on the Bedford Highway and High Street and creating a public safety hazard. HRM will review the placement of signage providing the direction for “no stopping” along the Bedford Highway frontage of the subject property. In addition to this, HRM will monitor the situation on surrounding streets to determine if additional signage is required. For either scenario, signage will be installed if deemed necessary by HRM.

Three Dimensional Building Renderings

One resident was concerned that the 3-dimensional building renderings shown by the applicant during the PIM as part of their presentation of the proposal were inaccurate. It is not uncommon for applicants to show 3-dimensional renderings in addition to standard 2-dimensional plans to provide further clarity as to what their proposed finished product will look like. It should be noted that the renderings shown were not submitted (nor required to be submitted) as part of this application and therefore have not been evaluated for accuracy by Staff. The required plans submitted by the applicant are included in this report as Attachments G, H, I and J. With rezoning applications HRM cannot control architecture or site design beyond the standard requirements of the LUB or other relevant HRM by-laws.

Potential for Other SI Uses

The concern was raised that the day care facility being proposed will not be established and another use could be established instead if this application is approved. As discussed above once a property is rezoned any of the land uses permitted under the new zone could be established on the subject property. Staff have evaluated this application with all other SI uses in mind and are of the opinion that the other SI are also reasonable for the site.

Privacy

One resident has concerns that the removal of trees from the subject property as the site is developed will negatively impact the privacy on his property. This is a common impact on adjacent neighbours whenever a property is developed or redeveloped either through a planning process or as-of-right. The applicant has made provision for a 1.8 m (6 ft.) privacy fence screen the property from neighbouring properties.

Sidewalk Connections

Currently a sidewalk is under construction on the south side of the Bedford Highway from Convoy Run to the transit stop in front of the Lawton Pharmacy. Even without this connection it is Staff's option that there is adequate pedestrian access to the subject property as there are signalled crosswalks at both the Convoy Run and Hammonds Plains Road intersections.

Site Construction and Drainage

Discussion arose regarding how the property will be developed given the existing rock on the site as well as how drainage issues will be addressed. Should this application be approved, the property owners shall be required to make the necessary permit applications for the proposed building and property development. As part of the permitting process Development Engineering

will review design drawing indicating how the site is to be developed to ensure that the works comply with HRM and Halifax Water design guidelines as well as applicable by-laws.

Attachment C
Excerpts from the Bedford Land Use By-law

PART 2 DEFINITIONS

For the purpose of this By-law all words shall carry their customary meaning except for those defined hereinafter.

DAY CARE FACILITY means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (NWCC-Sep 24/09;E-Oct 17/09)

PART 5 GENERAL PROVISIONS FOR ALL ZONES

26. Illumination

No person shall erect any illuminated sign or shall illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

GENERAL PROVISIONS: PARKING AND LOADING FACILITIES

34. Parking Requirements

- a) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

TYPE OF BUILDING

PARKING REQUIRED

Day Care Facilities
(NWCC-Apr 8/03;E-Apr 12/03)
(RC-Mar 3/09;E-Mar 21/09)

1.5 spaces per 400 square (37.2 m²) of gross
floor area

PART 20 INSTITUTIONAL (SI) ZONE

No development permit shall be issued in an Institutional (SI) Zone except for one or more of the following uses:

- a) churches;
- b) schools;
- c) cemeteries;
- d) fire stations;
- e) libraries;
- f) police stations;
- g) public buildings;
- h) post offices;
- i) private recreational facilities and clubs;
- j) museums
- k) P and POS uses, subject to the P and POS Zone requirements
- l) special care facilities
- m) day care facilities (RC-Mar 3/09;E-Mar 21/09);**
- n) recycling depot
- o) any uses accessory to the foregoing uses.

ZONE REQUIREMENTS SI

In any Institutional (SI) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	10,000 sq. ft
Minimum Lot Frontage	100 ft.
Minimum Front Yard.....	Local Street 20 ft; Collector or Arterial 30 ft.
Minimum Rear Yard.....	20 ft.
Minimum Side Yard	8 ft., or half the height of the building, whichever is greater
Flankage Yard.....	Local Street 20 ft; Collector or Arterial 30 ft.
Maximum Height of Building	35 ft.
Lot Coverage	35%

Attachment D

Excerpts from the Bedford Municipal Planning Strategy and Policy Review

INSTITUTIONAL OBJECTIVE

To promote the development of adequate institutional facilities to meet the needs of the Town and, where appropriate, to ensure that all such facilities are of high quality, durable, energy efficient, safe and attractive design.

<u>Policy S-3:</u> It shall be the intention of Town Council to permit new utility and institutional uses on any land use designation, except WFCDD, CCDD, and RCDD designation, through the zoning amendment process subject to the rezoning criteria in Policy Z-3. No lands will be rezoned for such uses.	
Policy Criteria	Staff Comment
Land use must be utility or institutional	Day care facilities are institutional uses
Land use designation cannot be WFCDD, CCDD, and RCDD	Designation is Residential

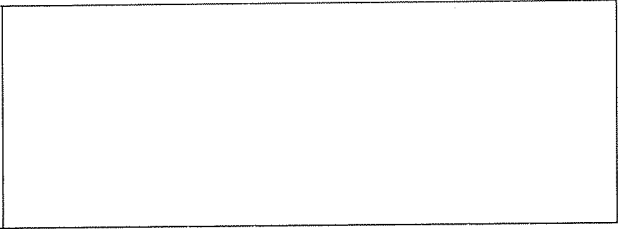
<u>Policy Z-3:</u> It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters :	
Policy Criteria	Staff Comment
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;	The application conforms to the intent of Policy S-3 (see above). Note: Policy R-16 is a policy involving the development of RCDD lands and does not apply to this application
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;	Institutional uses are considered generally compatible with residential development. These uses provide services to residents which are generally found within or in close proximity to residentially developed areas. The building requirements in the LUB of the SI zone are similar to the requirements of the RSU zone in terms of maximum lot coverage (35%), building height (35 ft.) and building setbacks with the exception that the side yard setback and flankage yard setback are increased for a building in the SI zone.

	In the case of the day care facility being proposed the side yard setback would be 14 feet and the flankage yard would be 20 feet from High Street
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;	The SI zone requires increased setbacks from abutting properties. For this proposal a privacy fence is proposed along the side and rear property lines and the building meets all required setbacks.
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;	The TIS has concluded that there is good visibility on the Bedford Highway from both directions approaching the subject property. Also provisions for pedestrian access have been made which reduce vehicle pedestrian conflict
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;	There is no anticipated cost to the municipality 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;	Property is serviced by municipal water and sewer, no issues with regard to adequacy of either of these services have been raised upon review of the development by Halifax Water
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;	Non-utility institutional land uses do not raise any specific concern with respect to air emissions or chemical discharge
v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;	Municipal storm water services are present in the area, a grade alteration permit will be required prior to any grade alterations. No watercourses are present in the immediate area
vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music	As the SI zone does not permit any residential units this would result in no increase to school age population

rooms, etc.;	
vii) the adequacy of recreational land and/ or facilities;	While nearby parkland would typically not be of any importance for most institutional uses it would be a positive feature when situating a day care facility as outings can be planned for the children. There are two parks in close proximity to the subject property, both Admiral Harry Dewolfe Park and Millview Community Park are equipped with play structures.
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;	The TIS has concluded that the development will not have a significant impact on the street network and HRM Staff concur with the findings.
ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;	N/A
x) the presence of significant natural features or historical buildings and sites;	No significant natural or historical features have been identified
xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;	N/A
xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,	Area not identifies as having watercourse, slope >20% or water retention area
xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.	Building is centered on the site, parking is to the right side of the building, play area is to the rear of the building
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:	As this application is not for a development Agreement these policy criteria do not apply
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	Day care with outdoor play area
ii) permit staff to assess and determine the impact such development would have on the	Standard required items for application must be submitted

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:	1" = 30' site plan submitted
i) an overall concept plan showing the location of all proposed land uses;	Site plan provided
ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;	N/A
iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;	NA
iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;	N/A
v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;	N/A
vi) a description of any protected viewplanes; and,	N/A
vii) an indication of how the phasing and scheduling is to proceed.	N/A
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.	N/A
c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.	1":30' plan submitted
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	No holding zone has been established and no additional lots are proposed in conjunction with this application

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)





Ref. No. DA10622

January 6, 2011

Mr. Cesar Saleh, P. Eng.
W. M. Fares & Associates Inc.
480 Parkland Drive, Suite 205
HALIFAX NS B3S 1P9

**RE: Traffic Impact Statement, Proposed Day Care Development,
1036 and 1040 Bedford Highway, Bedford, Nova Scotia**

Dear Mr. Saleh

W. M. Fares Group is preparing plans for a Day Care development on a site that now includes civic numbers 1036 and 1040 Bedford Highway at the northwest corner of Bedford Highway and High Street (Figure 1). The project will include a two storey building with a total of 5280 square feet of floor area and a surface parking lot with 17 parking spaces. This is the Traffic Impact Statement (TIS) that you require to accompany the development application.

Description of Bedford Highway-

Bedford Highway is a two-lane collector street with sidewalks on both sides as illustrated in Photos 1 and 2. There is a northbound left turn lane for the Holland Avenue / Convoy Run intersection in front of the site. Traffic control for adjacent intersections include traffic signals at the Holland Avenue / Convoy Run intersection north of the site and a STOP sign on High Street at the Bedford Highway intersection south of the site.

Site access is proposed at the existing driveway for civic number 1040 (Figure 1). There is adequate sight distance on both driveway approaches for the posted 50 km/h speed limit on the Bedford Highway. Vehicles waiting to turn left into the driveway will be able to use the south end of the existing left turn lane adjacent to the site (Photos 1 and 2).



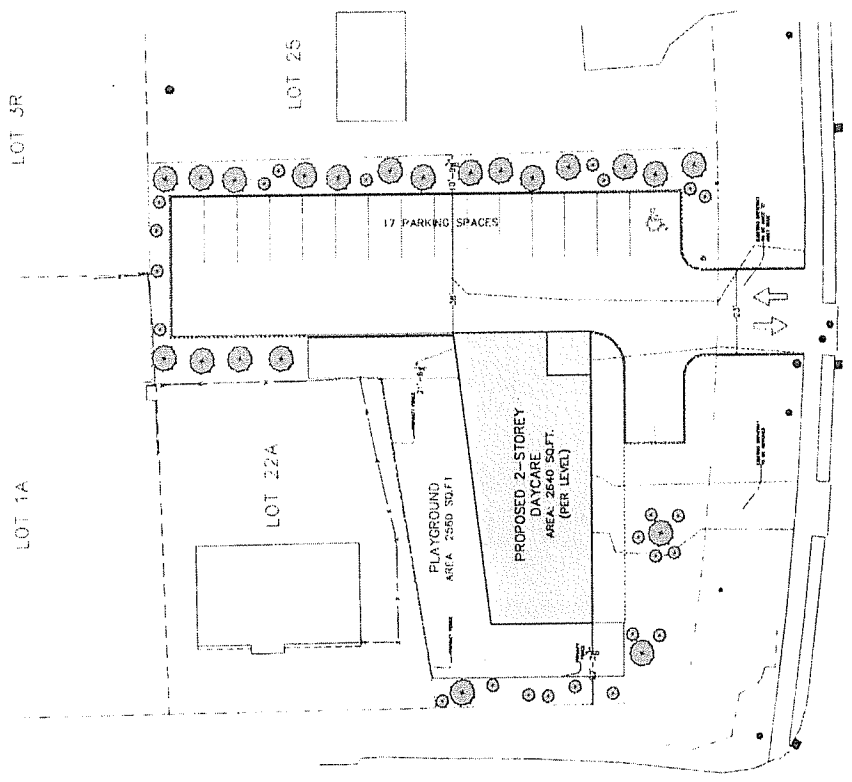
Photo 1 - Looking north on Bedford Highway towards the Holland Avenue / Convoy Run intersection from the proposed site driveway.



Photo 2 - Looking south on Bedford Highway towards the High Street intersection from the proposed site driveway. The existing driveway for 1036 Bedford Highway, visible to the right of the photo, will be closed

PROJECT DATA

LOT AREA 14,891 SQ FT
 BUILDING AREA 14,891 SQ FT
 -DAYCARE LEVEL 1: 7,446 SQ FT
 LEVEL 2: 7,445 SQ FT
 PARKING 17 SPACES
 PLAYGROUND 1,950 SQ FT
 DAYCARE PLAYGROUND 1,950 SQ FT



B E D F O R D H I G H W A Y

WM FARES
 ARCHITECTS ENGINEERS PLANNERS
 1000 ...
 ...

BEDFORD HIGHWAY

PRELIMINARY
 SITE PLAN

1"=30'-0"

DATE: 8/25/10

BY: [Signature]

PROJECT NO: 2010-21

SDP

Figure 1

Traffic Volumes Adjacent to the Site - HRM Traffic & Right of Way section obtained AM and PM peak hour turning movement volumes at the Holland Avenue / Convoy Run signalized intersection on the Bedford Highway on September 22 and 23, 2010. Bedford Highway two-way volumes adjacent to the proposed Day Care site are relatively high and include 1365 vph during the AM peak hour and 1730 vph during the PM peak hour.

Trip Generation - The proposed development includes a Day Care building with 5280 square feet of floor space. Trip generation estimates, prepared using published trip generation rates from *Trip Generation, 8th Edition*, are included in Table 1. It is estimated that the 5280 square foot development will generate about 65 vehicle trips (34 vph entering and 31 vph exiting) during the AM peak hour and 66 trips (31 vph entering and 35 vph exiting) during the PM peak hour.

Land Use ¹	Number Units ²	Trip Generation Rates ¹				Trips Generated ³			
		AM Peak		PM Peak		AM Peak		PM Peak	
		In	Out	In	Out	In	Out	In	Out
Day Care (ITE 565)	5 280	6.5	5.8	5.86	6.60	34	31	31	35

NOTES: 1 Trip generation rates are vehicles per hour per 1000 square feet gross floor area. Rates are for Day Care Center Land Use Code 565, as published in *Trip Generation, 8th Edition*, Institute of Transportation Engineers, 2008
 2 Units are '1000 square feet gross floor area'
 3 Vehicles per hour for peak hours

Summary and Conclusions -

1. The proposed Day Care development at the northwest corner of Bedford Highway and High Street will include a two storey building with a total of 5280 square feet of floor area and a surface parking lot with 17 parking spaces.
2. Site access will be from an existing driveway on the west side of the Bedford Highway about half way between the Holland Avenue / Convoy Run intersection to the north and the High Street intersection to the south. There is good visibility on both Bedford Highway approaches to the proposed driveway for the 50 km/h posted speed limit.
3. Bedford Highway two-way volumes adjacent to the proposed Day Care site, which were counted by HRM during September 2010, are relatively high and include 1365 vph during the AM peak hour and 1730 vph during the PM peak hour.
4. Trip generation estimates for the 5280 square foot development will include about 65 vehicle trips (34 vph entering and 31 vph exiting) during the AM peak hour and 66 trips (31 vph entering and 35 vph exiting) during the PM peak hour.
5. While Bedford Highway peak hour volumes are relatively high, the moderate numbers of site generated trips are not expected to have any significant impact to the level of performance of Bedford Highway, the intersections at Holland Avenue / Convoy Run and High Street, or the regional street network.

If you have any questions or comments, please contact me by email at ken.obrien@genivar.com
or telephone 443-7747

Sincerely



Ken O'Brien, P. Eng
Senior Traffic Engineer
GENIVAR Inc





Ref. No. DA10622

July 18, 2011

Mr. Cesar Saleh, P. Eng.
W. M. Fares & Associates Inc.
480 Parkland Drive, Suite 205
HALIFAX NS B3S 1P9

**RE: Addendum - Traffic Impact Statement, Proposed Day Care Development,
1036 and 1040 Bedford Highway, Bedford, Nova Scotia
: Traffic Impact Statement, GENIVAR Inc., January, 6, 2011**

Dear Mr. Saleh:

This Addendum letter is being prepared in response to comments from Mark McGonnel, P. Eng., with regards to the Traffic Impact Statement (TIS) that were included as Item 5.2 in a letter from Jacqueline Belisle, HRM Planner, to Cesar Saleh, P. Eng., July 4, 2011. The comments included an introductory paragraph concerning other possible uses for the site under the requested zoning and five 'bullets'.

Other permitted uses - The requested Institutional (SI) zone permits a number of uses which are indicated in the Bedford Land Use By-Law, including churches, schools, cemeteries, fire stations, various other public buildings, special care facilities, day care facilities, and recycling depots. It is unreasonable to expect that any other of these uses can be accommodated on this relatively small piece of land. The lot area is 16,468 square feet and the Land Use Bylaw limits development to 35%. Although a Special Care Facility might be an exception to the above, it most likely would generate less traffic than that projected for the proposed daycare. In summary, the land size and the requirements of the land use bylaw make it unreasonable to expect any other use for this land except the proposed daycare.

Street Classification (Bullet 1) - While HRM has indicated that Bedford Highway is classified as an arterial street, the cross section and land access service provided by this street is what is normally expected on a collector street.

Directional Split of Site Generated Trips (Bullet 2) - Trip generation estimates included in the TIS included 65 vehicle trips (34 vph entering and 31 vph exiting) during the AM peak hour and 66 trips (31 vph entering and 35 vph exiting) during the PM peak hour. While origins of entering trips and destinations of exiting trips are not known and trip distribution was not discussed in the TIS, it seems reasonable to assume that trips will be disturbed with approximately 50% north and 50% south on Bedford Highway. Using the assumed distribution, it is estimated that there would be an average of about 16 or 17 vehicles per hour entering and exiting for each Bedford High approach during AM and PM peak hours. As indicated in the TIS, the moderate numbers of site generated trips are not expected to have any significant impact to the level of performance of Bedford Highway.

Northbound Left Turn Lane (Bullets 3 and 4) - As indicated in the TIS, part of the Bedford Highway northbound left turn lane for the Holland Avenue / Convoy Run intersection is adjacent to the lot frontage. A turning movement count obtained by HRM Traffic and Right of Way Services during September, 2010, (Page A-1, attached) indicates that the left turn lane at the signalized intersection is used by 10 vehicles during the AM peak hour and 36 vehicles during the PM peak hour. Intersection performance evaluation completed using Synchro (Pages A-2 and A-3, attached) indicate the following intersection level of service results:

- AM Peak Hour (Page A-2)
 - Very good intersection performance with average vehicle delay of only 6.2 seconds;
 - 95th percentile queue of 1.5 meters (less than one vehicle) in the NB left turn lane.
- PM Peak Hour (Page A-3)
 - Very good intersection performance with average vehicle delay of only 9.4 seconds;
 - 95th percentile queue of 6.1 meters (about one vehicle) in the NB left turn lane.

Since the signalized intersection provides very good levels on performance during both AM and PM peak hours, and since 95th percentile queues are considerably shorter than the approximately 75 meter long left turn lane, it is unlikely that the left turn lane will be completely occupied.

Holland Avenue Right-Turn Bypass Lane (Bullet 5) - The HRM turning movement count (Page A-1) indicates that the right-turn bypass lane from Holland Avenue to Bedford Highway southbound is used by 20 vehicles during the AM peak hour and 26 vehicles during the PM peak hour. Since there is good visibility north on the Bedford Highway from the proposed site driveway to the Holland Avenue / Convoy Run intersection (Photo 1, TIS), and since volumes using the Holland Avenue right-turn bypass lane are low, vehicles using the right-turn bypass are not expected to have any significant impact on vehicles using the site driveway.

If you have any questions or comments, please contact me by email at ken.obrien@genivar.com or telephone 443-7747.

Sincerely:



Ken O'Brien, P. Eng.
Senior Traffic Engineer
GENIVAR Inc

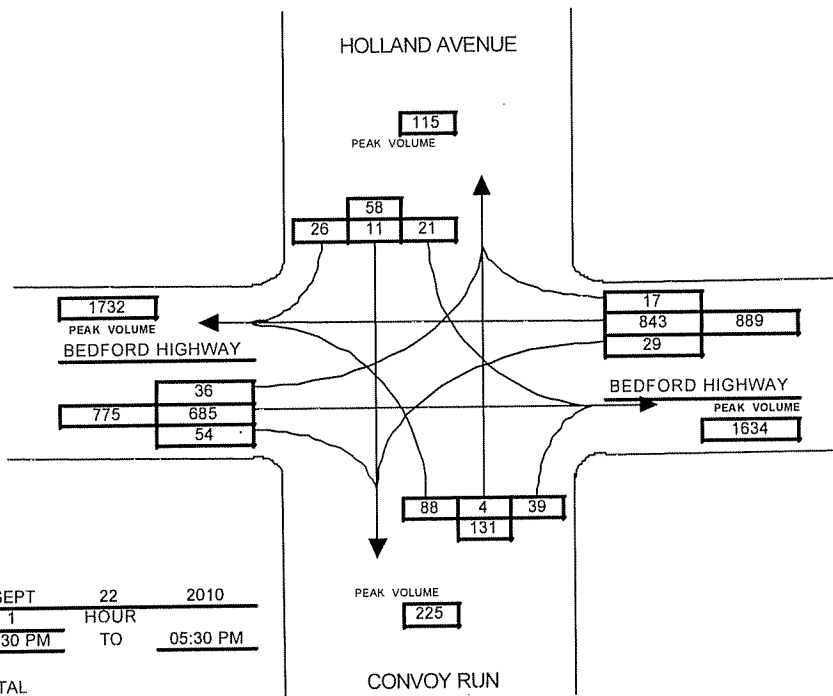
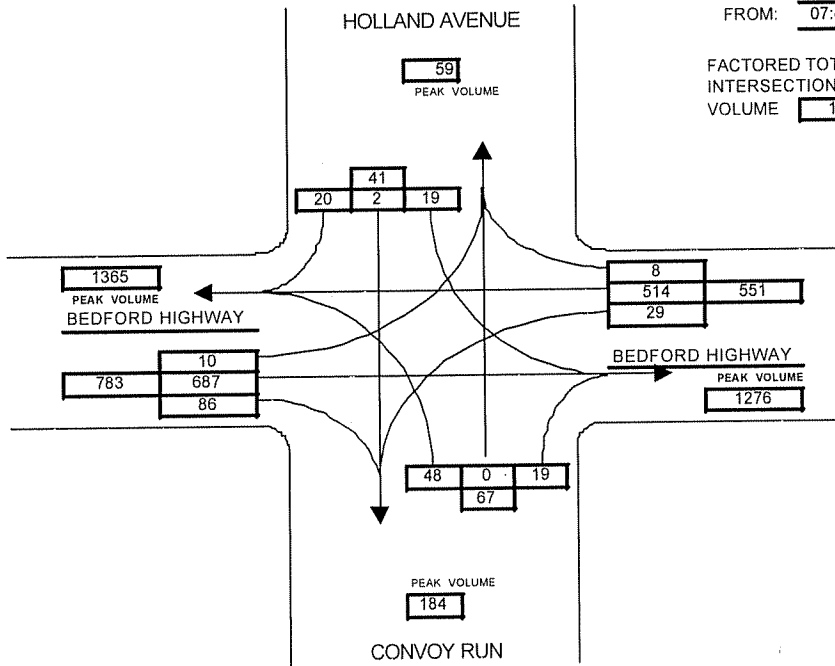


VEHICULAR GRAPHIC SUMMARY SHEET

INTERSECTION : BEDFORD HIGHWAY AT CONVOY RUN AT HOLLAND AVENUE

DATE: SEPT 23 2010
 TIME: 1 HOUR
 FROM: 07:45 AM TO 08:45 AM

FACTORED TOTAL INTERSECTION APPROACH VOLUME **1370**



DATE: SEPT 22 2010
 TIME: 1 HOUR
 FROM: 04:30 PM TO 05:30 PM

FACTORED TOTAL INTERSECTION APPROACH VOLUME **1834**

**Intersection Performance Analysis
1: Holland Road & Bedford Highway**

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕	↗	↖	↕		↖	↕	
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Satd. Flow (prot)	0	1719	0	0	1789	1601	1789	1851	0	1789	1880	0
Flt Permitted		0.886			0.787		0.368			0.207		
Satd. Flow (perm)	0	1559	0	0	1482	1601	693	1851	0	390	1880	0
Satd. Flow (RTOR)		22				21		14			2	
Volume (vph)	19	2	20	48	0	19	10	687	86	29	514	8
Lane Group Flow (vph)	0	45	0	0	52	21	11	840	0	32	568	0
Turn Type	Perm			Perm		Perm	Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8		8	2			6		
Total Split (s)	29.0	29.0	0.0	29.0	29.0	29.0	65.0	65.0	0.0	65.0	65.0	0.0
Act Effct Green (s)		11.1			11.1	11.1	79.7	79.7		79.7	79.7	
Actuated g/C Ratio		0.11			0.11	0.11	0.83	0.83		0.83	0.83	
v/c Ratio		0.23			0.31	0.11	0.02	0.55		0.10	0.37	
Control Delay		22.0			36.0	14.1	2.7	5.2		3.4	3.6	
Queue Delay		0.0			0.0	0.0	0.0	0.0		0.0	0.0	
Total Delay		22.0			36.0	14.1	2.7	5.2		3.4	3.6	
LOS		C			D	B	A	A		A	A	
Approach Delay		22.0			29.7			5.2			3.6	
Approach LOS		C			C			A			A	
Queue Length 50th (m)		3.5			8.2	0.0	0.3	39.5		0.9	21.3	
Queue Length 95th (m)		11.8			16.9	5.9	1.5	76.3		3.5	40.2	
Internal Link Dist (m)		197.5			165.9			427.5			298.9	
Turn Bay Length (m)						60.0	75.0			30.0		
Base Capacity (vph)		372			338	381	573	1534		323	1556	
Starvation Cap Reductn		0			0	0	0	0		0	0	
Spillback Cap Reductn		0			0	0	0	0		0	0	
Storage Cap Reductn		0			0	0	0	0		0	0	
Reduced v/c Ratio		0.12			0.15	0.06	0.02	0.55		0.10	0.37	

Intersection Summary

Cycle Length: 94
 Actuated Cycle Length: 96.3
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.55
 Intersection Signal Delay: 6.2
 Intersection Capacity Utilization 58.0%
 Analysis Period (min) 15

Intersection LOS: A
 ICU Level of Service B

Splits and Phases: 1: Holland Road & Bedford Highway

↑ ø2	→ ø4
65 s	29 s
↓ ø6	← ø8
65 s	29 s

**Intersection Performance Analysis
1: Holland Road & Bedford Highway**

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Satd. Flow (prot)	0	1739	0	0	1797	1601	1789	1863	0	1789	1878	0
Flt Permitted		0.892			0.747		0.155			0.228		
Satd. Flow (perm)	0	1579	0	0	1407	1601	292	1863	0	429	1878	0
Satd. Flow (RTOR)		28				42		9			2	
Volume (vph)	21	11	26	88	4	39	36	685	54	29	843	17
Lane Group Flow (vph)	0	63	0	0	100	42	39	804	0	32	934	0
Turn Type	Perm			Perm		Perm	Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8		8	2			6		0.0
Total Split (s)	29.0	29.0	0.0	29.0	29.0	29.0	65.0	65.0	0.0	65.0	65.0	0.0
Act Effct Green (s)		14.0			14.1	14.1	73.0	73.0		73.0	73.0	
Actuated g/C Ratio		0.15			0.15	0.15	0.79	0.79		0.79	0.79	
v/c Ratio		0.25			0.48	0.15	0.17	0.55		0.09	0.63	
Control Delay		20.6			38.8	10.8	6.0	6.6		4.5	8.1	
Queue Delay		0.0			0.0	0.0	0.0	0.0		0.0	0.0	
Total Delay		20.6			38.8	10.8	6.0	6.6		4.5	8.1	
LOS		C			D	B	A	A		A	A	
Approach Delay		20.6			30.5			6.6			7.9	
Approach LOS		C			C			A			A	
Queue Length 50th (m)		4.8			14.3	0.0	1.4	44.5		1.1	59.2	
Queue Length 95th (m)		14.8			28.4	7.9	6.1	90.6		4.5	122.5	
Internal Link Dist (m)		197.5			165.9			427.5			298.9	
Turn Bay Length (m)						60.0	75.0			30.0		
Base Capacity (vph)		404			340	420	231	1472		339	1483	
Starvation Cap Reductn		0			0	0	0	0		0	0	
Spillback Cap Reductn		0			0	0	0	0		0	0	
Storage Cap Reductn		0			0	0	0	0		0	0	
Reduced v/c Ratio		0.16			0.29	0.10	0.17	0.55		0.09	0.63	

Intersection Summary

Cycle Length: 94
 Actuated Cycle Length: 92.5
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.63
 Intersection Signal Delay: 9.4
 Intersection Capacity Utilization 63.6%
 Analysis Period (min) 15

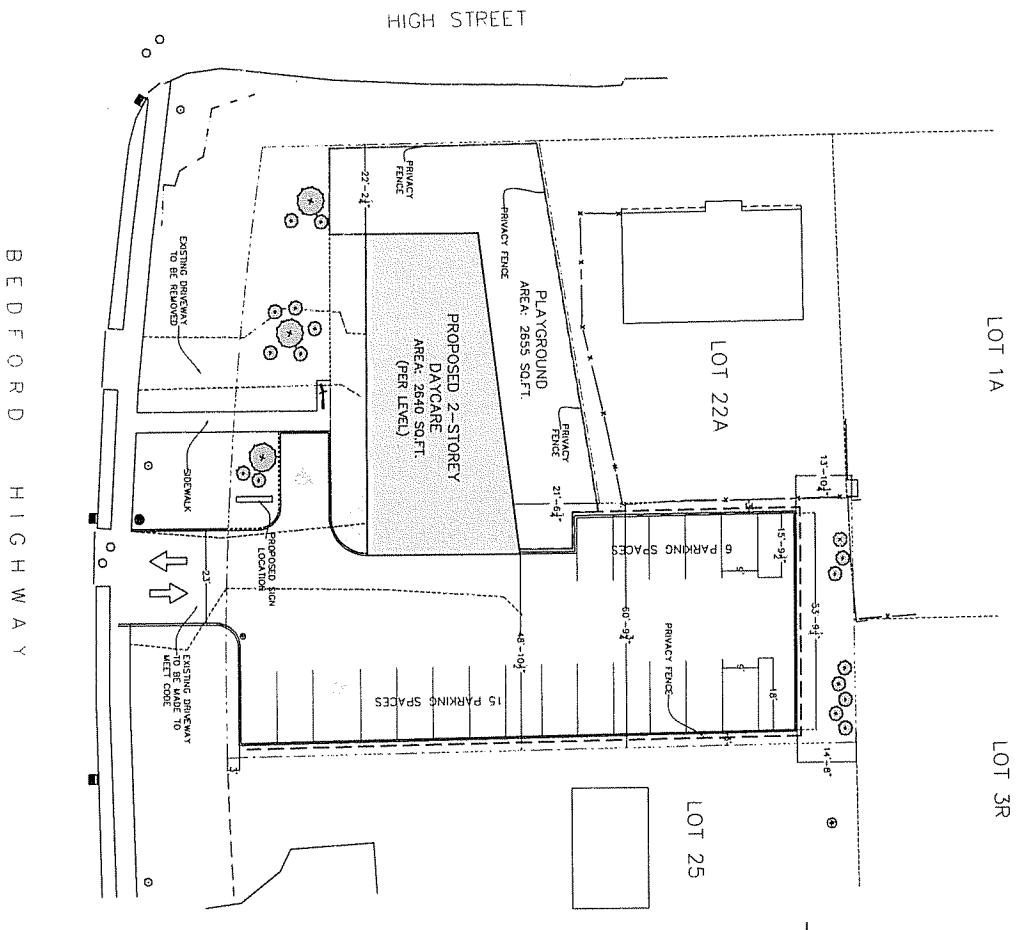
Intersection LOS: A
 ICU Level of Service B

Splits and Phases: 1: Holland Road & Bedford Highway

	ø2			ø4
65 s			29 s	
	ø6			ø8
65 s			29 s	

PROJECT DATA:

LOT AREA: 16 881 SQ.FT.
 BUILDING AREA:
 - DAYCARE: 2 540 SQ.FT.
 LEVEL 1 2 540 SQ.FT.
 LEVEL 2 2 540 SQ.FT.
 PARKING:
 - PROVIDED: 20 SPACES
 - BARRIER FREE
 DAYCARE PLAYGROUND: 2 555 SQ.FT.



Attachment G

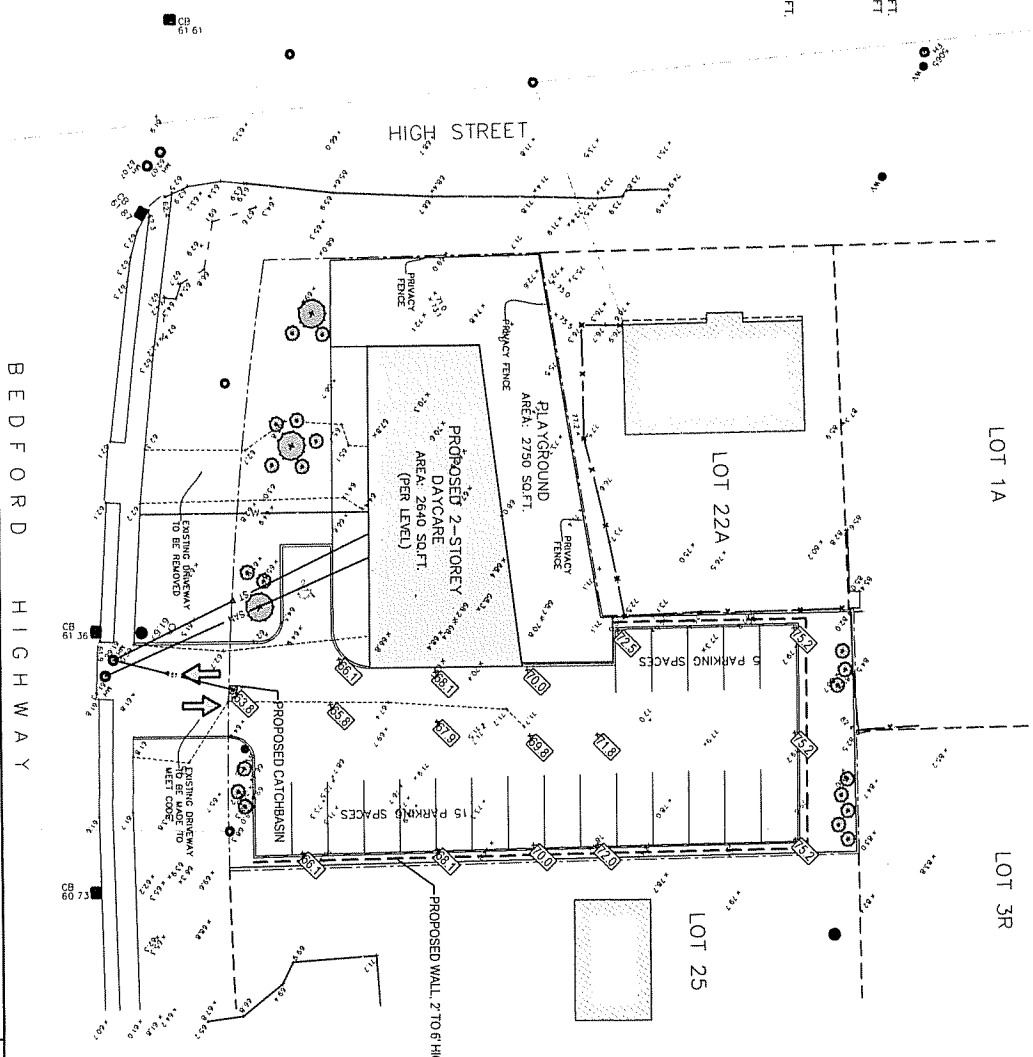
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SHEET	SDP
SCALE	1" = 30'-0"
DESIGN	STAFF
CHECKED	RM
DATE	AUG 25, 2010
PROJECT	2010-21
SHEET	SDP

WM FARES GROUP
 ARCHITECTURAL, ENGINEERING, PLANNING
 1400 Bay Street, Suite 200, Toronto, ON M5G 1S7
 Tel: (416) 593-4444 Fax: (416) 593-4444
 www.wmfares.com

PROPOSAL
 BEDFORD HIGHWAY
 PRELIMINARY SITE PLAN

PROJECT DATA:

LOT AREA: 16 881 SQ.FT.
 BUILDING AREA
 - DAYCARE: 2 640 SQ.FT.
 LEVEL 1 2 640 SQ.FT.
 LEVEL 2
 PARKING - PROVIDED: 20 SPACES
 1 BARRIER FREE
 DAYCARE PLAYGROUND: 2 750 SQ.FT.



- PROPOSED LEGEND:**
- ELEVATION
 - WATER LINE
 - SANITARY LINE
 - STORM LINE
 - WALL



amec
 AMEC Americas Limited
 AMEC Architectural Services Limited

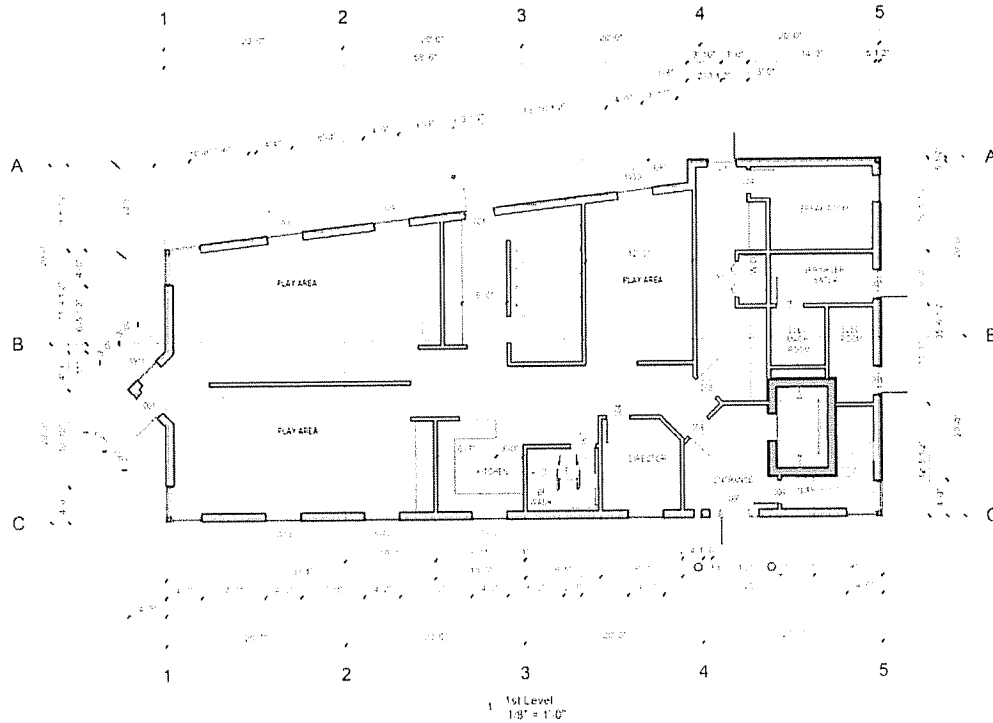
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2					
3					
4					
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7					
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9					
10					

PROJECT:
 PROPOSED DAYCARE
 BEDFORD HIGHWAY
 NOVA SCOTIA

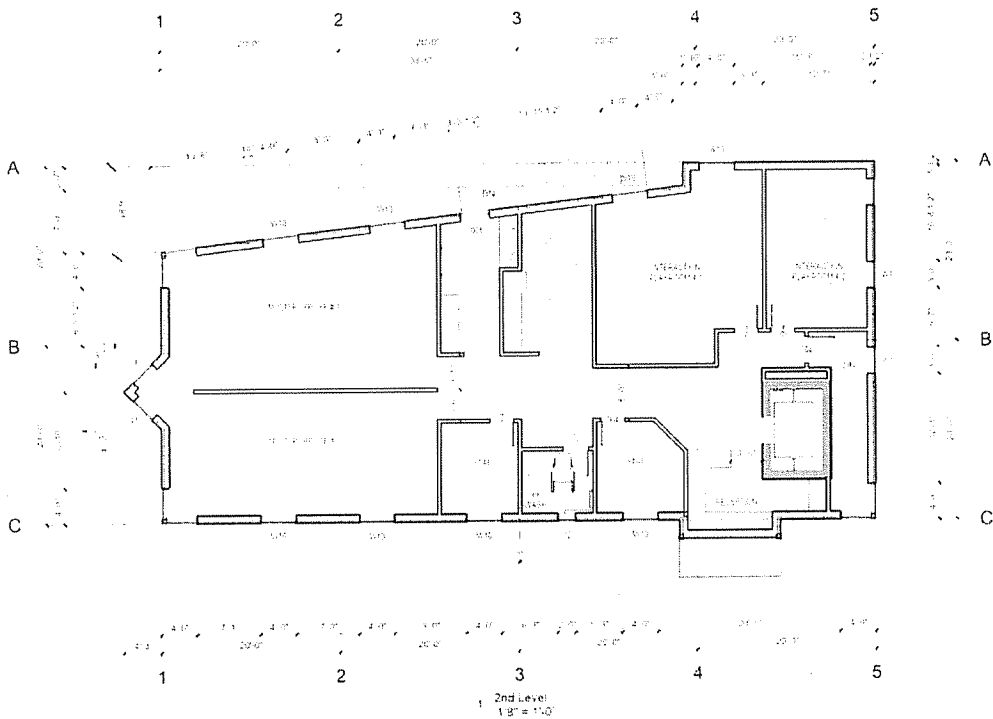
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 PROPOSED SERVICING
 AND GRADING PLAN

DISCIPLINE	DATE
CIVIL	20110 FEB 11
DESIGNED	SCALE
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DRAWN	
VH	
CHECKED	AMEC PROJECT NO.
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DRAWING NO.	RESPONSIBLE
167547-601	

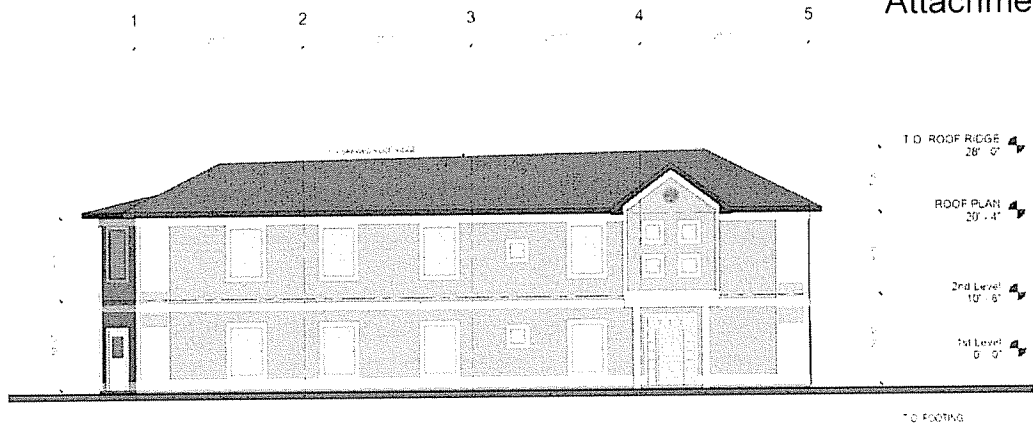
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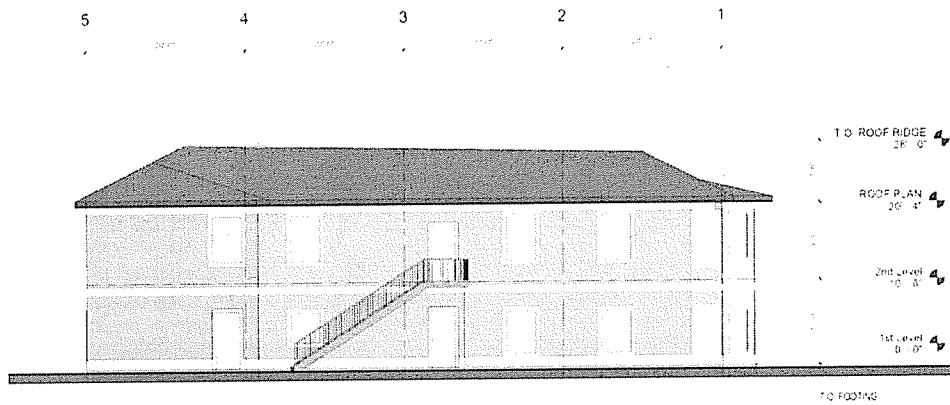
Second Level



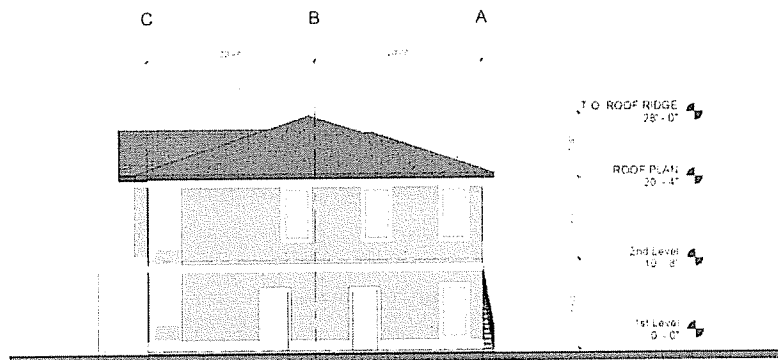
Front Elevation



Rear Elevation



Right Elevation



Left Elevation

