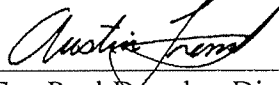


**North West Planning Advisory Committee
July 6, 2011**

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
For Paul Dunphy, Director, Community Development

DATE: June 15, 2011

SUBJECT: **Case 16924 - Non-Substantive Amendment for Signage for General Commercial in Bedford South, Bedford**

ORIGIN

Application by Lydon Lynch Architects for a non-substantive amendment to the existing Bedford South Neighbourhood D, E and Commercial area development agreement to enable additional facial wall signage for the Royal Bank of Canada within the General Commercial area.

RECOMMENDATION

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

1. Approve the proposed Amending Agreement as set out in Attachment A of this report, to enable additional facial wall signage in the General Commercial area of Bedford South.
2. Require the Amending Agreement be signed by the property owners within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Bedford South

In 2002, Regional Council approved the Bedford South Secondary Plan (the Secondary Plan) which provides guidance for the development of a new community between Bedford Highway and Highway 102 north of the Royale Hemlocks Subdivision and south of Crestview subdivision. The goal of the plan is to enable residential and commercial development which is cost effective for the municipality to service.

On March 26, 2009, North West Community Council approved a development agreement pertaining to the development of Neighbourhood D, E, General and Community Commercial areas of Bedford South. The agreement encompassed 146 acres (59 hectares) of land to the east of Highway 102 in Bedford. Specifically, the existing agreement encompasses the Peakview Way and Dellridge Lane area (new Sobeys complex), the two round-a-bouts and the nearby residential development (Maps 1 and 2).

The Proposal and the Existing Agreement:

Lydon Lynch Architects (on behalf of Royal Bank of Canada) has requested an amendment to the development agreement to permit additional facial wall signage. Specifically, the Royal Bank of Canada is under construction on the south west corner of Larry Uteck Blvd and Peakview Way and they wish to have additional signage as illustrated on Map 3.

The existing development agreement states that signage shall be in accordance with the Sign Provisions of the Bedford Land Use Bylaw (LUB) with the exception of specific shared ground signs. In accordance with the LUB, a maximum of two facial wall signs are permitted per business. The proposed signage for the Royal Bank Building exceeds facial wall sign provisions. The consideration of additional facial wall signs requires a change to Schedule Q of the existing agreement which can be considered as a non-substantive amendment in accordance with Section 6.2 of the Existing Agreement.

Section 6.2 (c) of the Agreement allows Community Council to consider amendments to the development standards through a “non-substantive” amendment provided Community Council is satisfied that such amendments are minor and conform with the intent and all applicable policies of the Community Planning Strategy and the Regional Planning Strategy. Further, a “non-substantive” amendment may be approved through a resolution of Council without a Public Hearing.

DISCUSSION

The Subject Area

While the application was made specifically for the Royal Bank of Canada at 9 Peakview Way (Map 1), staff determined that any changes with respect to signage should also apply to the entire lands identified as General Commercial on Schedule B of the Existing Agreement (Attachment B). The General Commercial area contains two properties, one owned by SDLP Bedford South Limited and the other by LUB Holding Limited.

The existing and proposed buildings within this area are surrounded by three public roadways and have internal private driveways navigating through the area as shown on Maps 1 and 2. Given the challenges of wayfinding for individuals coming to the area the need for additional signage to aid in the identification of buildings from multiple vantage points becomes greater.

Policy

The Bedford South Secondary Planning Strategy (BSSPS) as contained within the Bedford MPS sets out direction for development within the Bedford South Master Plan Area. Policy MCP-1 of the BSSPS establishes that development within Bedford South is contingent upon approval of a development agreement in conformance with the Community Concept Plan. When considering this application, an evaluation of the proposal against the relevant policy criteria of the Secondary Plan is required (see Attachment C).

Upon review of the MPS, the proposal meets the intent of the relevant policies as presented in the proposed amending development agreement (Attachment A). While the proposal is consistent with the MPS, staff has identified the following issue for specific discussion:

Current Signage Requirements:

Schedule Q of the Existing Agreement allows for seven shared ground signs within the subject area and reverts back to Part 5 Section 38 of the Bedford LUB for requirements for other forms of signage. The LUB permits not more than two signs per business. These requirements will not permit a building to be identified on more than two sides which poses concern given the road network leading into and around the area.

Number and Size of Signs

As per the requirements of the Bedford LUB only two signs per business are permitted. For sites with single road frontage (Bedford Highway) this requirement is reasonable and adequate. However, for developments with multiple road frontages this requirement poses a greater challenge. Some land use by-laws allow additional signage for properties on corner lots to address this type of situation but this solution would not be adequate to address the extent of the concern related to this area. This situation however is not unique in Bedford. The Bedford LUB

was amended in 2006 to permit additional exterior signage for the area known as the Northgate Retail Complex (Bedford Commons) which has similar siting characteristics as the subject area. The proposed amending agreement (Attachment A) provides new regulations for the subject area which are in keeping with the amendment to the Bedford LUB that were made for the Northgate Retail Complex.

Staff recommends that Council consider allowing up to fifteen (15) percent wall coverage for facial wall signs, and that no individual sign exceed ten (10) percent wall coverage. These amendments will allow the additional facial wall signs needed to address the wayfinding concerns while limiting the impact of the additional signage through the percentage requirement. In effect leaving it to the individual business owner to determine how this percentage is best allocated for their particular site within the area. This proposed amendment will enable the signage as shown on Map 3. Both property owners within the General Commercial area support the proposed non-substantive amendment as outlined in the attached Amending Agreement.

Conclusion

It is the opinion of Staff that the existing sign requirements for the area as they relate to facial wall signs are not adequate as they do not provide sufficient identification for individual buildings given the existing road network in the area. The proposed amending agreement will address this concern by improving wayfinding within the development while still placing limits on the coverage of facial wall signs.

Further, the proposed amendment will also provide consistency with respect to how signage is regulated in the subject area with what is permitted as of right within the Northgate retail complex which shares similar site characteristics.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, 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 information sharing, achieved through the HRM Website and responses to inquiries. A public information meeting is not required for a non-substantive amendment to a development agreement, nor is a public hearing. The decision of a non-substantive amendment is made by resolution of Council.

The proposed amending agreement will potentially impact the following stakeholders but not limited to local residents, property owners.

ALTERNATIVES

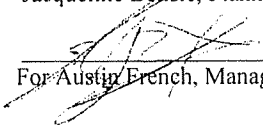
1. North West Community Council may choose to approve the proposal amending agreement, as contained in Attachment A. This is the recommended course of action as the proposed amendment meets the intent of Bedford South Secondary Planning Strategy (BSSPS) and the existing development agreement.
2. North West Community Council may choose to approve the terms of the proposed amending agreement, as contained in Attachment A, with modifications or conditions. Some modification or conditions may require additional negotiation with the developer.
3. North West Community Council may choose to refuse the proposed amending agreement. Pursuant to Section 245(6) of the *Halifax Regional Municipality Charter*, Council must provide reasons to the applicant justifying this refusal, based on policies of the BSSPS.

ATTACHMENTS

Attachment A:	Proposed Amending Agreement
Attachment B:	Schedule B of the Existing Development Agreement
Attachment C:	Policy Review with Excerpts from the MPS and LUB
Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map
Map 3:	Proposed Signage

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, Planning Services, 869-4262

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

Attachment A
Proposed Amending Agreement

THIS AGREEMENT made this day of , 2011,

BETWEEN:

[Insert Name of Corporation/Business LTD.]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

[Insert Name of Corporation/Business LTD.]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE SECOND PART

- and -

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the Developer is the registered owner of certain lands located on the east side of the Bicentennial Highway, in Bedford and which said lands are identified by P.I.D.'s 41311143 and 41311135, as described in Schedule A of this Third Amending Agreement (hereinafter called the "Lands");

AND WHEREAS the North West Community Council approved an application by the Clayton Developments Limited to enter into a development agreement to allow for the development of Neighbourhood D, E and Commercial Areas of the Bedford South/Wentworth Estates Secondary Planning Strategy on the Lands (as described in the Existing Agreement) which said development agreement was registered at the Registry of Deeds in Halifax as Document Number 93658731 on June 24, 2009 (hereinafter called the "Existing Agreement");

AND WHEREAS the North West Community Council approved an application by Clayton Developments Limited to amend the Existing Agreement to enable development prior to the completion of construction of an interchange at Highway 102 and Larry Uteck Boulevard on the Lands (as described in the Existing Agreement) pursuant to the provisions of the Halifax Regional Municipality Charter which said amending agreement was registered at the Registry of Deeds in Halifax as Document Number 95397072 on February 26, 2010 (hereinafter called the “First Amending Agreement”)

AND WHEREAS the North West Community Council approved an application by Clayton Developments Limited to amend the Existing Agreement to permit development of Road 21 as a private driveway to service townhouse dwellings on the Lands which said amending agreement was registered at the Registry of Deeds in Halifax as Document Number [insert document number] on [insert date] (hereinafter called the “Second Amending Agreement”);

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Agreement to permit additional exterior signage for the lands designated General Commercial (hereinafter called the “Third Amending Agreement”);

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on [insert date], referenced as Municipal Case Number 16924;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree to the following amendments to the Existing Agreement:

1. Insert text “and facial wall signs shall be permitted as follows:

Facial Wall Signs:

- a) For the purposes of Part 5 Section 38.1.c) of the Land Use By-Law for Bedford, as amended from time to time, all facial wall signs per business shall count as one sign;
- b) No facial wall sign shall have an area which exceeds ten (10) percent of the area of the wall on which it is attached;
- c) The total area of all facial wall signs on a wall shall not exceed fifteen (15) percent of the area of the wall to which it is attached;
- d) Signs on an individual building may contain more than one message per business premise

Multi-tenant ground signs” into Schedule Q: General Commercial Requirements after “Signage shall be provided in accordance with the sign provisions of the Bedford Land Use By-law, as amended from time to time. Notwithstanding these provisions, multi-tenant ground signs” and before “shall be permitted in addition to the permitted number of signs in accordance with the following:”

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 2011.

SIGNED, SEALED AND DELIVERED
in the presence of:

=====

[INSERT PROPERTY OWNER]

Per: _____

Per: _____
=====

SIGNED, SEALED AND DELIVERED
in the presence of:

=====

[INSERT PROPERTY OWNER]

Per: _____

Per: _____
=====

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

**HALIFAX REGIONAL
MUNICIPALITY**

Per: _____

Mayor

Per: _____

Municipal Clerk

Attachment C
Policy Review (Applicable Policies)
Bedford South Secondary Planning Strategy & Bedford Municipal Planning Strategy

Excerpt from the Bedford South Secondary Planning Strategy

The General Commercial Designation

The General Commercial Designation encompasses lands around Larry Uteck Boulevard adjacent to the proposed interchange at the Bicentennial Highway. With direct access to regional and community transportation roads, this area is strategically located for businesses which can provide goods and services needed by residents within the community and surrounding areas.

Objectives:

- to support businesses which provide goods and services benefitting residents within the community and surrounding region
- to create employment opportunities within the community
- to provide for higher density residential developments which could benefit from being located in close proximity to goods and services
- to provide safe and convenient access by all transport modes, including walking, cycling and transit
- to support attractive streetscapes

Policy GC-1:

The General Commercial Designation shall support a wide range of goods, services and facilities with the exception of adult entertainment uses, automobile sales and leasing or any other business requiring extensive outdoor display areas. Multiple dwelling units shall also be permitted. The following matters shall be considered in any development agreement application:

- a) Except as may be accessory to a permitted use, the outdoor storage of building or waste materials in the GC Zone shall be prohibited;
- b) the criteria of policy MUBC-1 with the exception of clause (b).

Staff Comment:

Policy GC-1 does not provide any evaluation criteria as no outside storage is associated with signage and the criteria of policy MUBC-1 relates to architecture, open space, landscaping, parking and other planning matters but does not include criteria with respect to signage.

Excerpt from the Bedford Municipal Planning Strategy

Aesthetics of Commercial Activities

As indicated earlier in this chapter, a number of concerns were raised during the review of the Municipal Planning Strategy regarding recent commercial development in the Town. One of the concerns focussed on the appearance of new commercial establishments. Larger buildings, larger parking lots, increased commercial signage, minimal landscaping, and in some cases, inappropriate and insensitive architectural design has resulted in comments regarding the aesthetics of new commercial buildings. Policy C-33 outlines the intention of Town Council to develop and enforce architectural design, landscaping, and parking guidelines which are intended to improve the aesthetics of new commercial developments, such that they will be an asset to the Town. Signage associated with commercial uses shall be regulated through provisions in the Land Use By-law as indicated in Policy C-34.

Policy C-34:

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

Excerpt from Part 5 Section 38 of the Bedford Land Use By-Law

38. 1. c) Not more than two signs per business shall be permitted;

38. 4. Facial Wall Signs

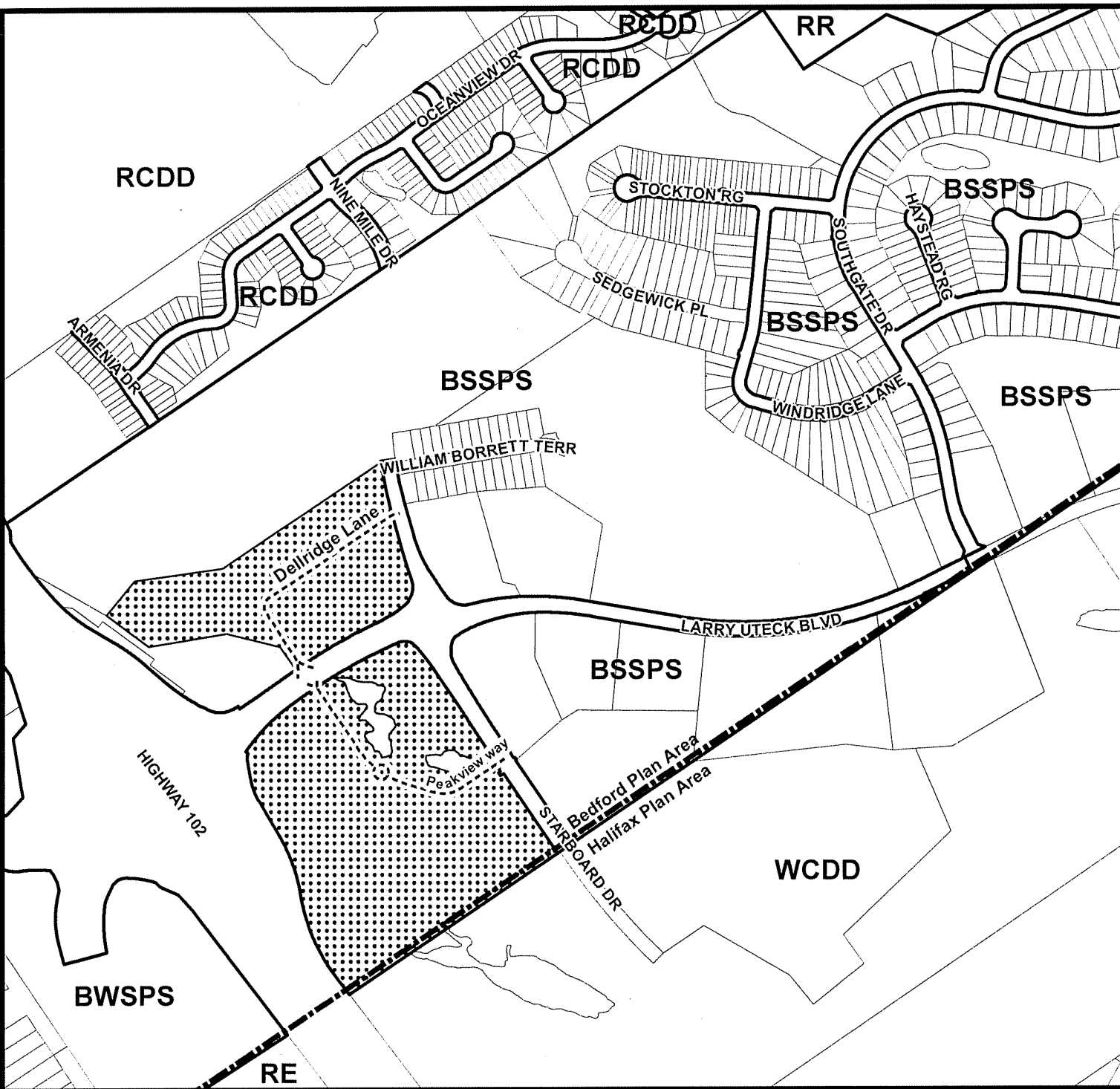
No facial wall sign shall:

- a) extend above the top of the wall on which it is affixed;
- b) extend beyond the extremities of the wall on which it is affixed;
- c) include more than one message for each business premise in the building on which it is affixed where the building contains multiple occupancies;
- d) have an area which exceeds ten (10) percent of the area of the wall on which it is attached;
- e) **within the Northgate Retail Complex, no single fascia sign shall exceed 10 percent of the area of the wall on which it is attached and the total area of all fascia signs on a wall shall not exceed 15 percent of the area of the wall to which it is attached. For the purposes of this section all fascia wall signs**



shall count as one sign. Signs on an individual building may contain more than one message per business premise. (NWCC-May 25/06;E-June 16/06)

Staff Comment:

The Plan seeks to regulate the type, size, number and location of signs through the requirements of the Land Use Bylaw. The LUB was amended in 2006 to relax the number and size of facial signs for the area of Bedford known as the Northgate Retail Complex. The staff report which addressed this LUB amendment is dated March 15, 2006 and is reference under Municipal Case Number 00868. The provisions of Section 38.4.e) which apply to the Northgate Retail Complex have been in place for over five years and have not raised any issued of concern. The proposed amending agreement recommends the same regulations for the General Commercial lands of Bedford South as what was approved by Community Council in 2006 for the Northgate Retail Complex. The proposed wording in the amending agreements is in keeping with the Bedford LUB by limiting facial signage based on proportion to the building on which signs are attached.



Map 1
Generalized Future Land Use

-  Subject Area
-  Internal driveway

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services



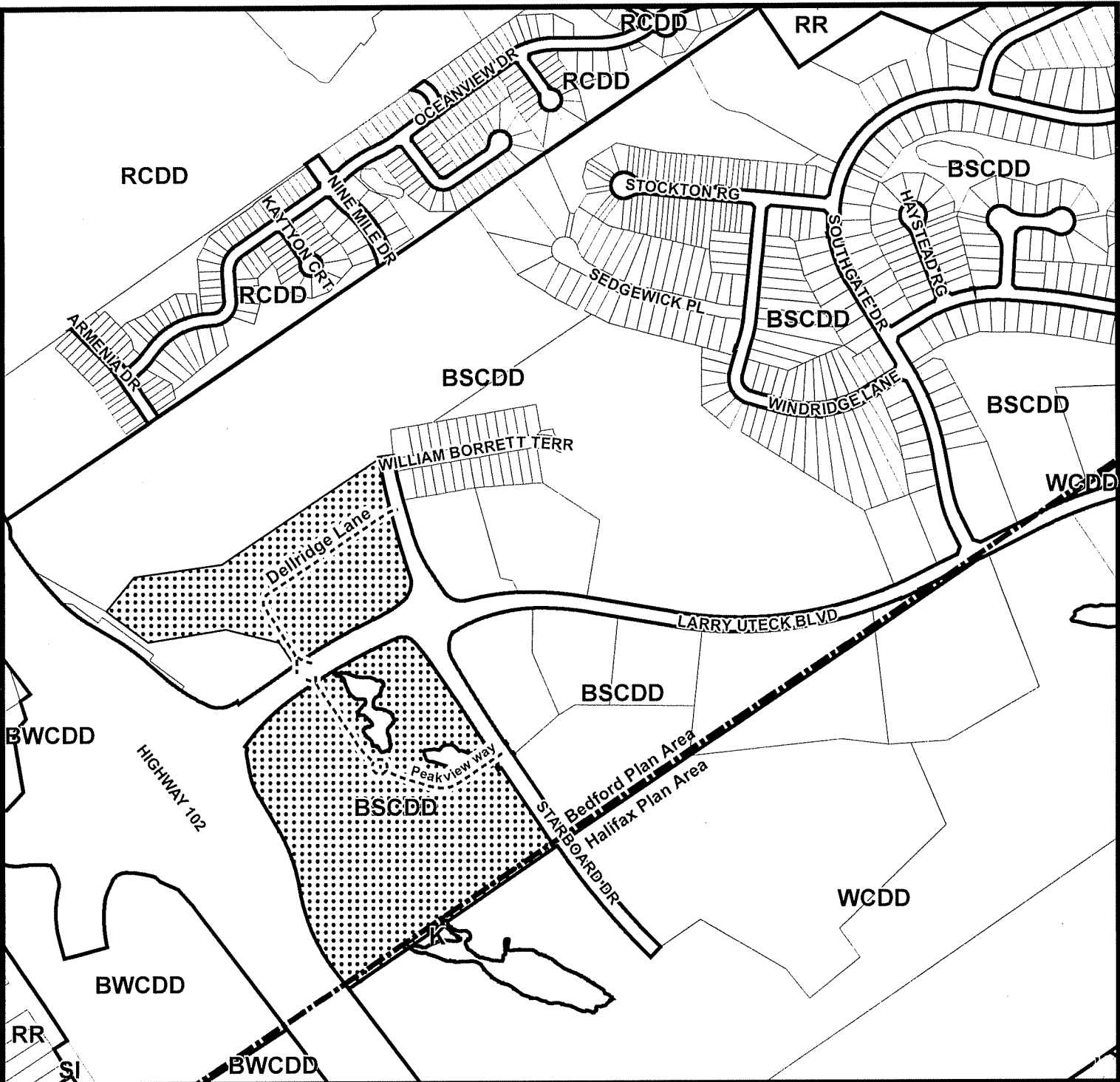
Bedford Plan Area

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

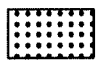
Halifax Plan Area

- RE Residential Environments
- WCDD Wentworth Comprehensive Development District





**Map 2
Zoning**



Subject Area



Internal driveway

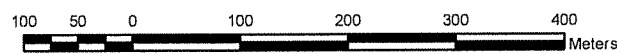


Bedford Plan Area

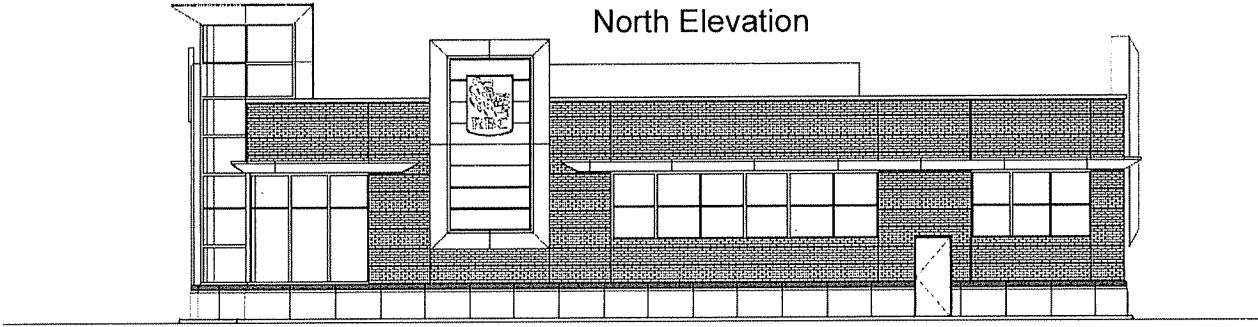
- RR Residential Reserve Zone
- RCDD Residential Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District
- BWCCD Bedford West Comprehensive Development District

Halifax Plan Area

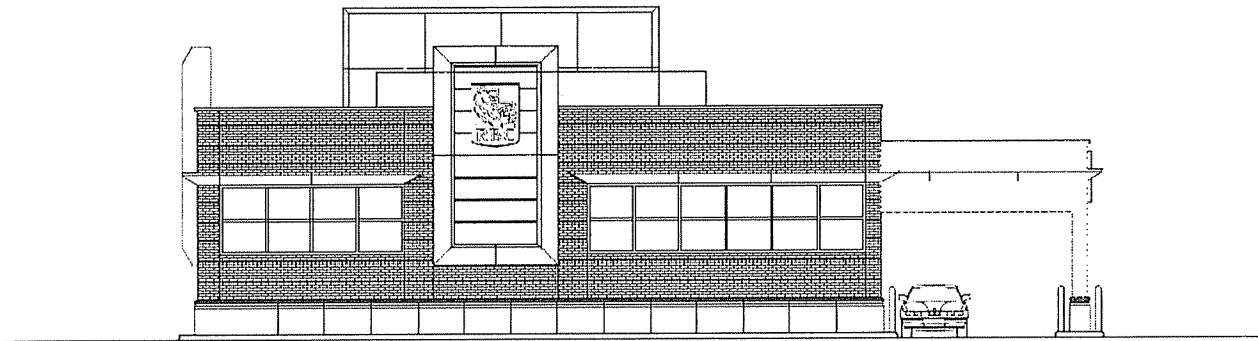
- US Urban Settlement Zone
- WCDD Wentworth Comprehensive Development District



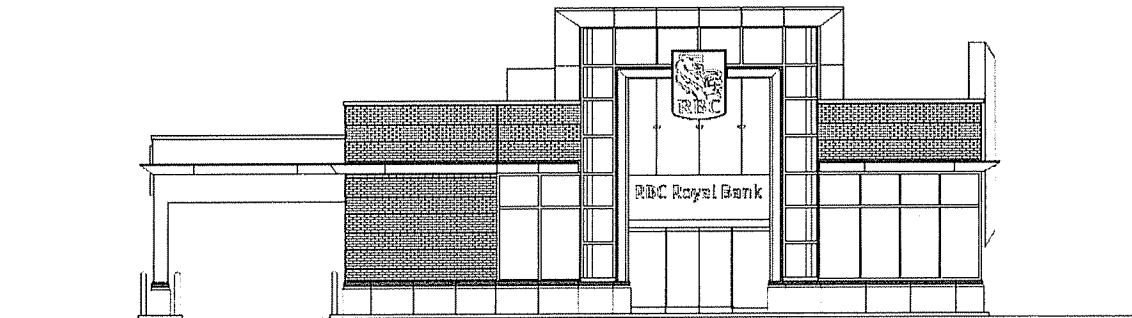
North Elevation



West Elevation



East Elevation



South Elevation

