

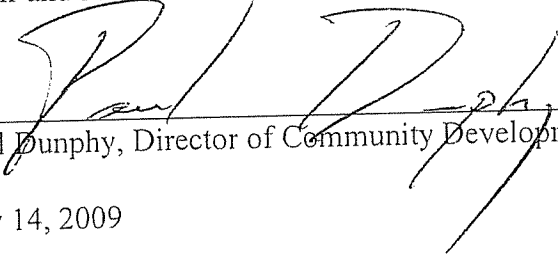


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
August 5, 2009

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE:

July 14, 2009

SUBJECT:

**Case 01282: Non-substantive DA amendment - 864 Bedford
Highway, Bedford**

ORIGIN

Application by W.M. Fares Group for a non-substantive amendment to the existing development agreement for 864 Bedford Highway, Bedford, to change the architectural requirements for the basement level of the permitted 52 unit multiple unit building.

RECOMMENDATION

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

1. Approve, by resolution, the proposed amending agreement as set out in Attachment A of this report to permit architectural changes to the 52 unit multiple unit building at 864 Bedford Highway, Bedford.
2. Require that the amending agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

On August 9, 2007, North West Community Council approved a development agreement (Case 00690) for 864 Bedford Highway to permit a 5-storey (52 unit) multiple unit building. Excavation and construction is underway at the site and the Developer is seeking architectural changes to the building. Section 6.2 of the agreement identifies architectural changes to the exterior of the building as a non-substantive amendment to the development agreement.

An application has been received for a non-substantive amendment to the existing development agreement to allow minor modifications to the architectural treatment of the basement levels of the building. The developer has indicated the proposed amendment is intended to improve the aesthetics of the building by adding more visual interest.

The proposed changes are on the basement level (Level P2) of the building. The developer would like to add a series of windows as well as a single balcony and associated doors. The majority of the changes are on the east elevation, with the exception of two windows on the north elevation.

DISCUSSION

Clause 6.2 (b) of the existing development agreement, identifies “changes to the exterior appearance of the building” as a non-substantive matter. Non substantive amendments under an agreement may be changed by resolution of Council, without a public hearing.

Staff has reviewed the revised plans and are of the opinion that the proposed changes to the exterior appearance do not impact matters which could be considered substantive under the existing agreement . A public hearing is not required on this matter.

The proposed changes do not significantly alter the look of the building as they are isolated to the basement level. Further, the addition of windows and a balcony are a positive change to the aesthetic of the building

Conclusion

The proposal satisfies the applicable non-substantive provisions of the existing development agreement, as well as the policies of the Bedford Municipal Planning Strategy and as such, it is recommended that North West Community Council approve by resolution the attached amending development agreement.

BUDGET IMPLICATIONS

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

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. North West Community Council may choose to approve the amending agreement, as contained in Attachment A. This is the recommended course of action as the proposed non-substantive amendment meets the overall intent of the existing development agreement and the Bedford Municipal Planning Strategy.
2. North West Community Council may choose to approve the terms of the amending agreement with modifications or conditions. Some modification or conditions may be outside the scope of a non-substantive amendment and may require a substantive amendment to the existing development agreement.
3. North West Community Council may choose to refuse to amend the existing 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 MPS. This alternative is not recommended, as the existing development agreement and the Bedford Municipal Planning Strategy allow for this change.

ATTACHMENTS

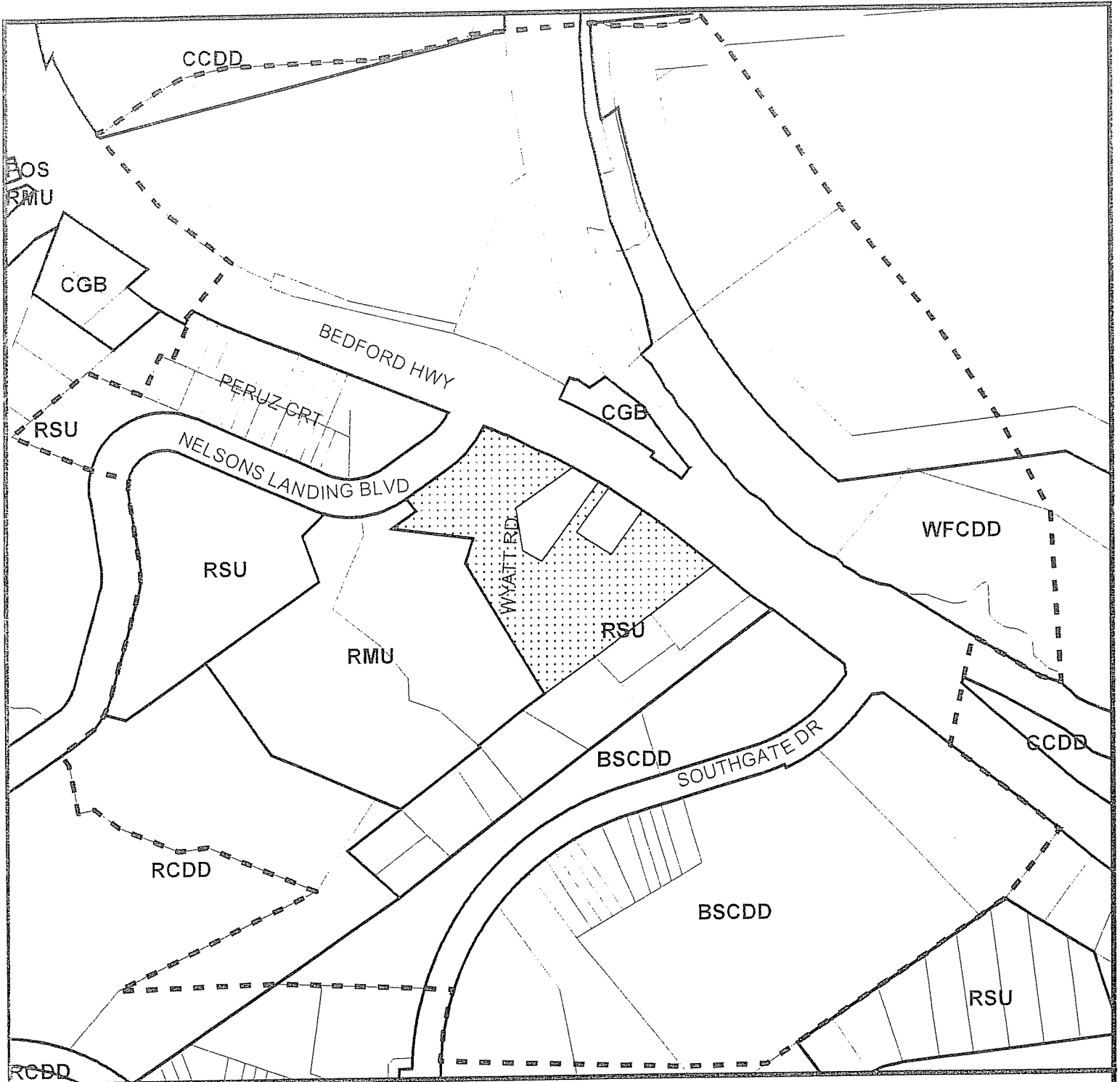
Map 1	Location
Attachment A	Draft Amending Agreement
Attachment B	Approved Elevations (Building Permit)

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/nwcc.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.

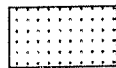
Report Prepared by : Andrew Bone, Senior Planner, 869-4226



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



Map 1
Zoning



Subject Properties



- RSU Single Dwelling Unit Zone
- RMU Multiple Unit Dwelling Zone
- CGB General Business District Zone
- POS Park Open Space Zone

- CCDD Commercial Comprehensive Development District
- RCDD Residential Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District

--- Notification Area



Attachment A - Draft Amending Agreement

THIS FIRST AMENDING AGREEMENT made this ___ day of _____, 2009,

BETWEEN:

O L L LEASING & HOLDINGS LIMITED,
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 864 Bedford Highway, Bedford, (PID# 40741480) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the North West Community Council of the Municipality approved an application by the Developer to enter into a development agreement to allow for a five storey residential building on the Lands, which said development agreement was registered at the Land Registry Office in Halifax on January 9, 2008, as Document Number 89699202 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Agreement to alter the architectural appearance of the building;

AND WHEREAS the Regional Council for the Municipality approved this request at a meeting held on [INSERT Date], referenced as Municipal Case Number 01282;

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

- 1.. The Existing Agreement is amended by deleting Schedule I and replacing it with the Attached Schedule I , attached as Schedule A.
2. All other terms and conditions of the Existing Agreement shall remain in full force and effect.

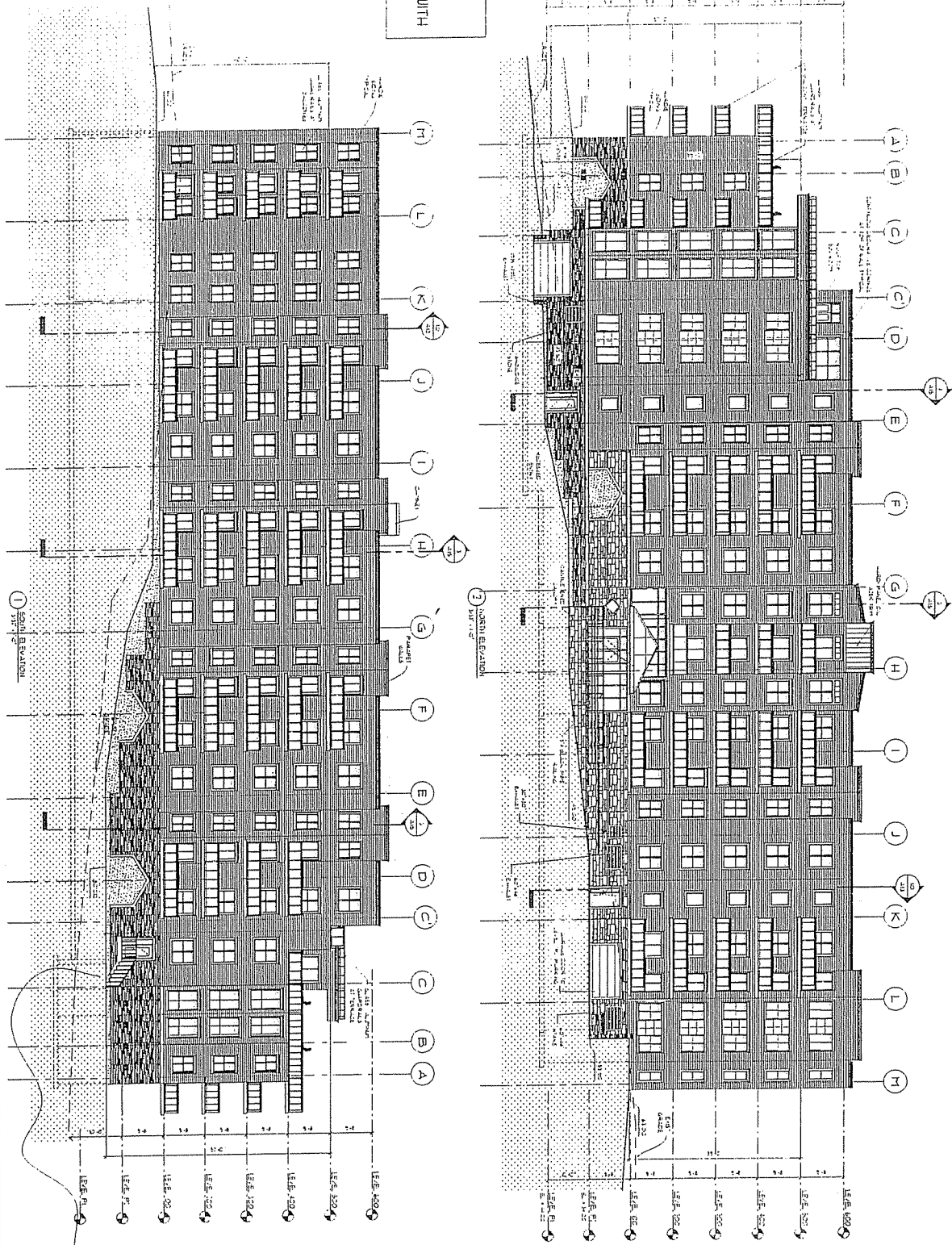
3. This First Amending Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this amending agreement until it is discharged by the Council.

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

SIGNED, SEALED AND DELIVERED)	O L L LEASING & HOLDINGS LIMITED
in the presence of)	
)	
per: _____)	per: _____
)	
)	
per: _____)	per: _____
)	
SEALED, DELIVERED AND)	
ATTESTED to by the proper)	
signing officers of Halifax Regional)	HALIFAX REGIONAL MUNICIPALITY
Municipality duly authorized)	
in that behalf in the presence)	
)	
per: _____)	per: _____
)	MAYOR
)	
per: _____)	per: _____
)	MUNICIPAL CLERK

NOTE:
 CO-ORDINATE ALL
 MECHANICAL OPENINGS WITH
 MECHANICAL DRAWINGS

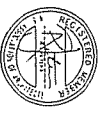
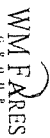
NOTE A
 SOUTH ELEVATION
 AREA OF FIRE
 COMPARTMENT 31 sqm
 AT A DISTANCE OF 10M
 ALLOWS 100% GLASS.



NOTE B:
 LIMIT OF EXPOSED
 FOUNDATION AREA IS
 20 sq.ft.

WYATT ROAD APARTMENTS
 52 UNITS

WYATT ROAD (OFF BERRARD HWY)
 BERRARD NOVA SCOTIA



**NORTH & SOUTH
 ELEVATIONS**

Schedule 1 2 of 2

DESCRIPTION:
 This drawing is a part of the contract documents for the construction of the Wyatt Road Apartments. It is to be read in conjunction with the other drawings and specifications. The contractor shall be responsible for coordinating all mechanical openings with the mechanical drawings. The area of fire compartment is 31 sqm at a distance of 10m, allowing 100% glass.

COMMITMENT:
 WYATT ROAD APARTMENTS
 52 UNITS

COMMITMENT:
 WM FARES
 U R U P

COMMITMENT:
 PROFESSIONAL ENGINEER
 PROVINCE OF NOVA SCOTIA

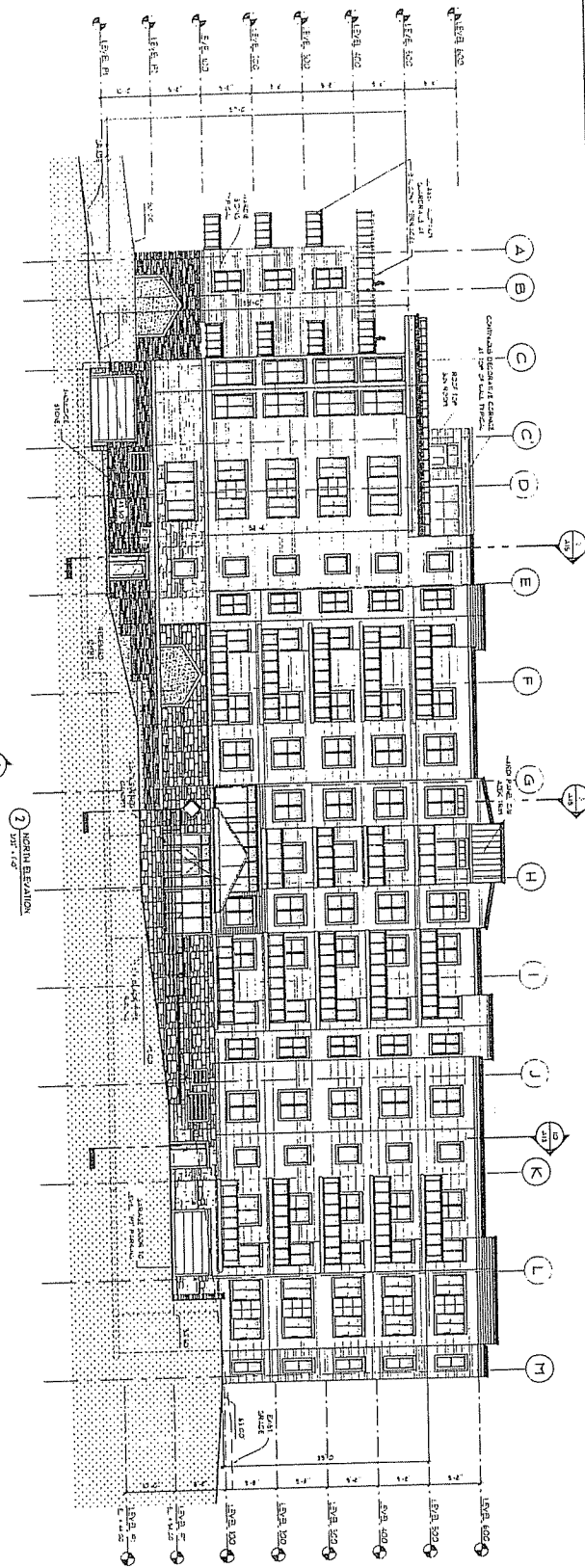
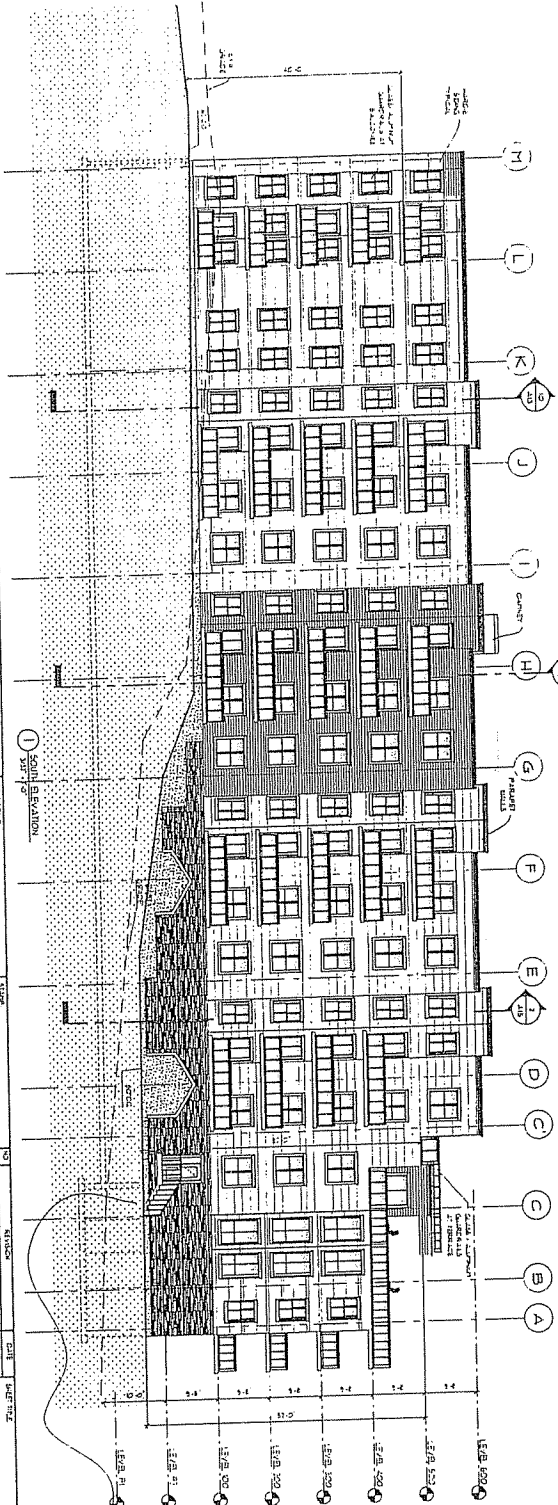
NO	REVISIONS	DATE
1	ISSUED FOR PERMITS	2008-01
2	ISSUED FOR PERMITS	2008-01
3	ISSUED FOR PERMITS	2008-01
4	ISSUED FOR PERMITS	2008-01
5	ISSUED FOR PERMITS	2008-01
6	ISSUED FOR PERMITS	2008-01
7	ISSUED FOR PERMITS	2008-01
8	ISSUED FOR PERMITS	2008-01
9	ISSUED FOR PERMITS	2008-01
10	ISSUED FOR PERMITS	2008-01

SCALE:
 ALL DIMENSIONS AS SHOWN
 UNLESS OTHERWISE SPECIFIED

PROJECT NO: 2008-01
DATE: 2008-01
SCALE: AS SHOWN

Attachment B - Approved Elevations (Building Permit) 1 of 2

NOTE A:
SOUTH ELEVATION
AREA OF FIRE
COMPARTMENT 31 sq.m.
AT A DISTANCE OF 10m
ALLOWS 100% GLASS.



NOTE B:
LIMIT OF EXPOSED
FOUNDATION AREA IS
20 sq.ft.

NOTES:
1. All elevations are based on the project as shown on the approved site plan.
2. All elevations are based on the project as shown on the approved site plan.
3. All elevations are based on the project as shown on the approved site plan.
4. All elevations are based on the project as shown on the approved site plan.
5. All elevations are based on the project as shown on the approved site plan.
6. All elevations are based on the project as shown on the approved site plan.
7. All elevations are based on the project as shown on the approved site plan.
8. All elevations are based on the project as shown on the approved site plan.
9. All elevations are based on the project as shown on the approved site plan.
10. All elevations are based on the project as shown on the approved site plan.

WYATT ROAD APARTMENTS
52 UNITS
OFF ATT ROAD (OFF BEDFORD HURTY)
BEDFORD NOVA SCOTIA

WM FAYERS
ARCHITECTS
1000 1000 1000



NO	REVISION	DATE	BY
1	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
2	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
3	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
4	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
5	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
6	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
7	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
8	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
9	ISSUED FOR PERMIT	NOV 2011	WM FAYERS
10	ISSUED FOR PERMIT	NOV 2011	WM FAYERS

NORTH & SOUTH ELEVATIONS
AS APPROVED

SCALE	DATE
1/8" = 1'-0"	NOV 2011
1/4" = 1'-0"	NOV 2011
1/2" = 1'-0"	NOV 2011
3/4" = 1'-0"	NOV 2011
1" = 1'-0"	NOV 2011

