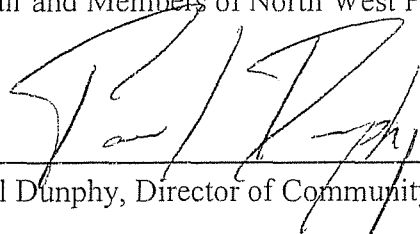




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
February 3, 2010

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: January 8, 2010

SUBJECT: Case 15826: Non-Substantive Amendment - Bedford Waterfront Development

ORIGIN

Application from Provident Holdings Ltd.

RECOMMENDATION

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

1. Approved the proposed Amendment Agreement, set out in Attachment A of this report, for Site 3.2 of the Bedford Waterfront lands;
2. Require the proposed Amending Agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, 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 any obligations arising hereunder shall be at an end; and
3. Upon expiration of the appeal period for the proposed Amending Agreement, approve the building elevations contained in Map 2, as being consistent with the intent of the development agreement, as set out in the Existing Agreement.

BACKGROUND

On March 26, 2009 North West Community Council approved a non-substantive amendment to the development agreement for Site 3.2 of the Bedford Waterfront (Case 01239). This amending agreement permitted architectural changes to the proposed building at 600 Waterfront Drive (Attachment B). Specifically, the construction plans for 600 Waterfront Drive (Map 2) showed more window openings and different window proportions than permitted by the existing Agreements. As the elevations do not meet the current standards, the non-substantive amendment was necessary.

Following the approval by Council, the amending agreement (Attachment A) was not signed within the required 120 days which Council requires that an agreement be signed by a Developer, making the amendment agreement void. Council is therefore requested to reconsider the application for the amending agreement (Attachment A).

DISCUSSION

Information about the proposal and analysis of the Bedford Municipal Planning Strategy and intent of the existing agreement is contained in the original staff report (Attachment B). The information, circumstances or evaluation has not changed.

Detailed Plan Review

Part 4 of the 1991 Agreement states that construction cannot begin until Council has review the detailed plans. In the interest of efficiency, this review has been included as part of this case. If Council approves the proposed amendments and once the appeal period has passed, they can then review the plans. Council must determine if the plans are consistent with the intent of the Agreements. Council's decision regarding the detailed plans is not a statutory process set out under the Halifax Charter, does not require a Public Hearing and nor is it subject to appeal.

Summary

In summary, the proposed amendments are consistent with the intent of the existing Agreements and the Bedford Municipal Planning Strategy. The 600 Waterside Drive (Building B) elevations have been approved by WDCL as being compatible with the Bedford Waterfront design goals. Further, the proposal was reviewed and supported by staff, North West Planning Advisory Committee and Council in March of 2009. Staff is recommending that Council approve the amending agreement (Attachment A) again.

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, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.


ATTACHMENTS

Map 1 Zoning
Map 2: Building Elevations for 600 Waterfront Drive (Building B)
Attachment A: Proposed Amending Agreement
Attachment B: Staff Report dated March 4, 2009

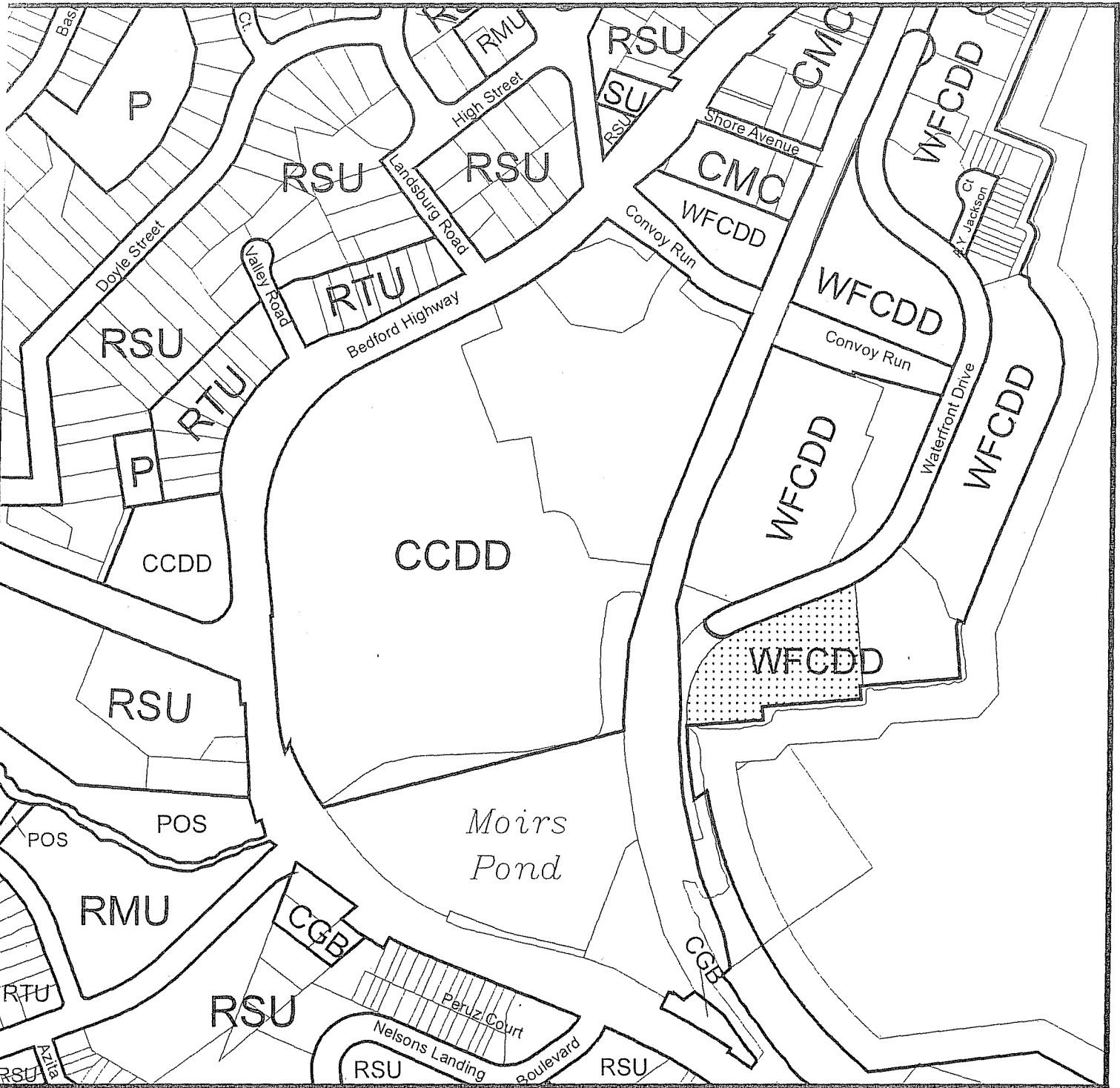
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Tyson Simms, Planner, Planning Applications, 869-4747

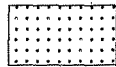
Report Approved by:



Austin French, Manager, Planning Services, 490-6717



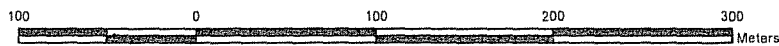
**Map 1
Zoning**



Subject Property

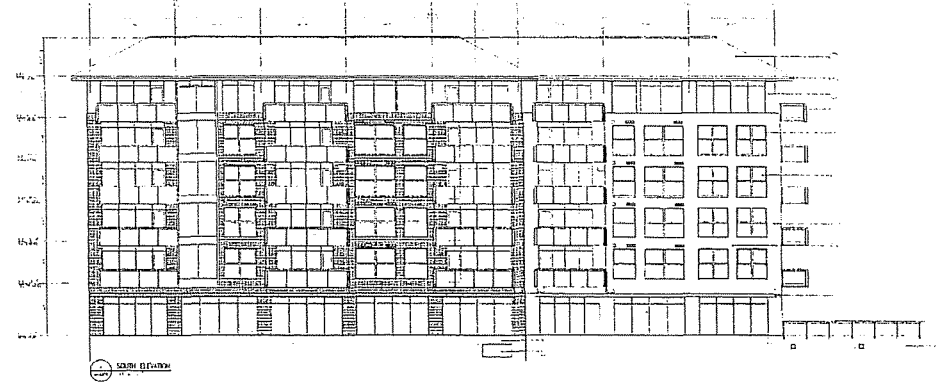
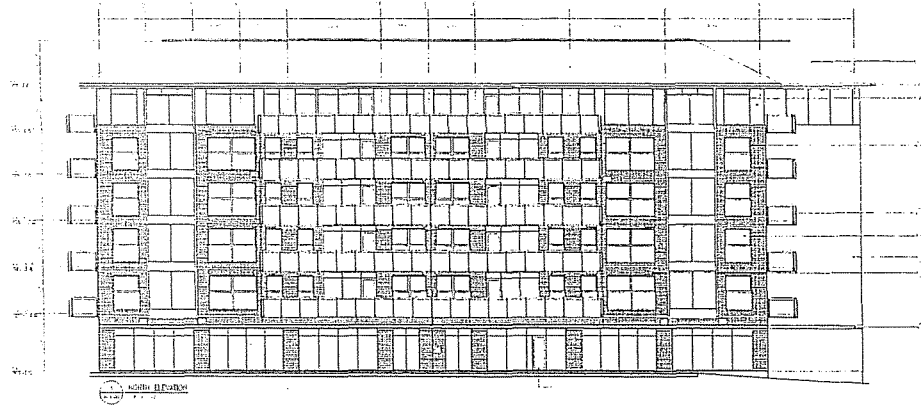
RSU	Single Dwelling Unit Zone	P	Park Zone
RTU	Two Dwelling Unit Zone	POS	Park Open Space Zone
RMU	Multiple Unit Dwelling Zone	SU	Utilities Zone
CMC	Mainstreet Commercial Zone	CCDD	Commercial Comprehensive Development District
CGB	General Business District Zone	WFCDD	Waterfront Comprehensive Development District

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REGIONAL MUNICIPALITY
Community Development
Planning Services



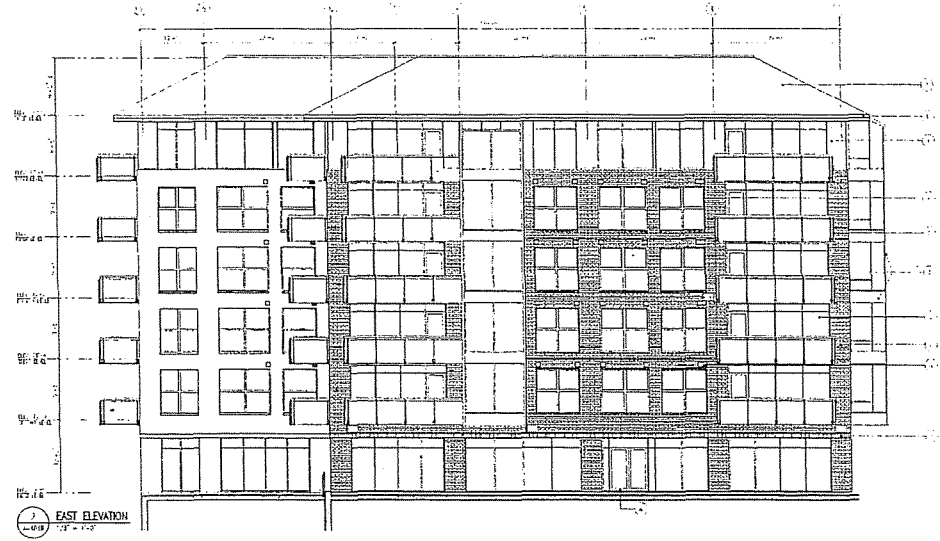
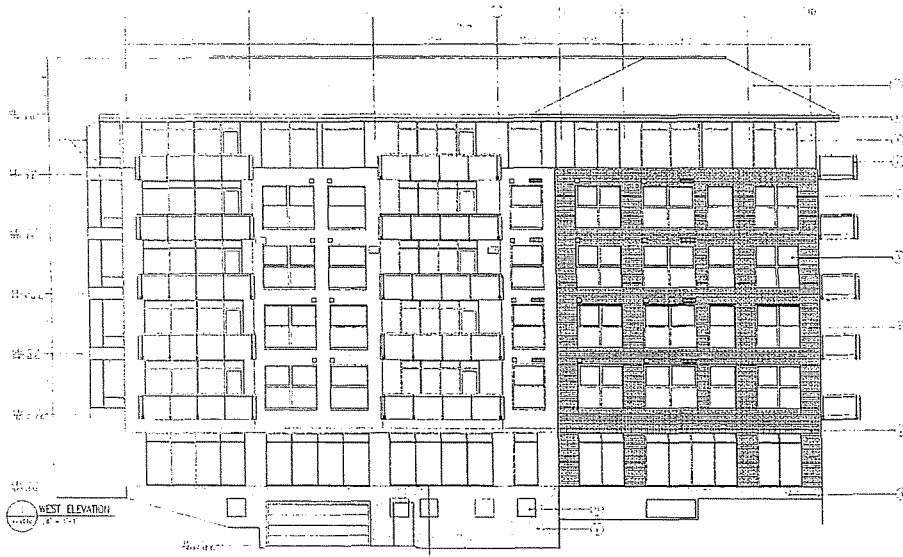
North Elevation

South Elevation



West Elevation

East Elevation



Map 2
 Building Elevations for 600 Waterfront Drive (Building B)

Attachment A
Proposed Amending Agreement

THIS AMENDING AGREEMENT made this day of , 2010,

BETWEEN:

Provident Holdings Limited
a body corporate, in the Halifax Regional Municipality,
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at PID 40601676 Bedford and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Bedford Town Council approved an application by the Developer to enter into a development agreement to allow for development of Phase 1 of the Bedford Waterfront Development Project on the Lands, which said development agreement was registered at the Registry of Deeds in Halifax as Document Number 30603 in Book 5264 Pages 234 - 284 (hereinafter called the "Existing Agreement");

AND WHEREAS Bedford Town Council previously amended the Existing Agreement by entering into an amending agreement to allow development of a clock tower on site 3.2, said agreement being recorded at the Registry of Deeds at Halifax as Document Number 8826 in Book 5370 at Page 336 (hereinafter called the "First Amending Agreement");

AND WHEREAS Halifax Regional Municipality previously amended the Existing Agreement by entering into an amending agreement to enable residential development above ground floor commercial in Building A and B on Site 3.2, said agreement being recorded at the Registry of Deeds at Halifax as Document Number 90087207 (hereinafter called the "Second Amending Agreement");

AND WHEREAS the Developer has requested an amendment to the provisions of the Second Amending Agreement to permit an increase in window openings and change in window proportions of Building B, on Site 3.2 (hereinafter called the "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 15826;

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

1. Replace original Schedule C-2: "Building Elevations for 600 Waterfront Drive"

With

Schedule C-2: "Building Elevations for 600 Waterfront Drive (Building B)"

2. Remove Schedule E: "Maximum Window Openings/Wall Area Ratios"
3. Amend Part 3 by replacing the following text:

The Existing Agreement be amended to permit a window opening/wall ratio of up to 62.8% and permit a horizontal bank of glazed windows on the top floors of the 5 and 6 storey buildings as illustrated on Schedules C-1 and C-2 of this Agreement provided the following condition is met in the opinion of the Development Officer:

- (a) Window opening/wall area ratios do not exceed those indicated on Schedule E.

With

- 3.1 *Schedule E, Sub-section 1.5.2 of the Existing Agreement be amended to relax the Bedford Waterfront Development Corporation Design Guidelines for the 5 storey and 6 storey buildings on Site 3.2 (Buildings A and B, a.k.a 400 and 600 Waterfront Drive) to permit the following:*
 1. *increased window openings;*
 2. *horizontal bands of glazing; and*
 3. *width to exceed height.*
- 3.2 *The 5 storey and 6 storey buildings on Site 3.2 (Buildings A and B, a.k.a 400 and 600 Waterfront Drive) shall be as generally as shown in Schedules C-1 and C-2.*

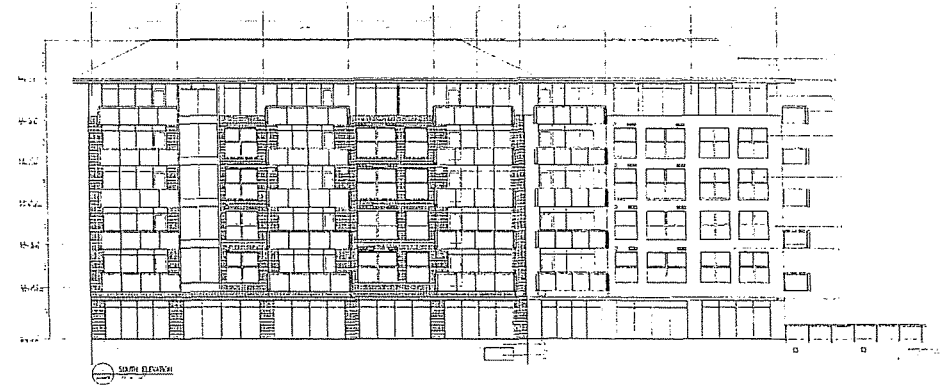
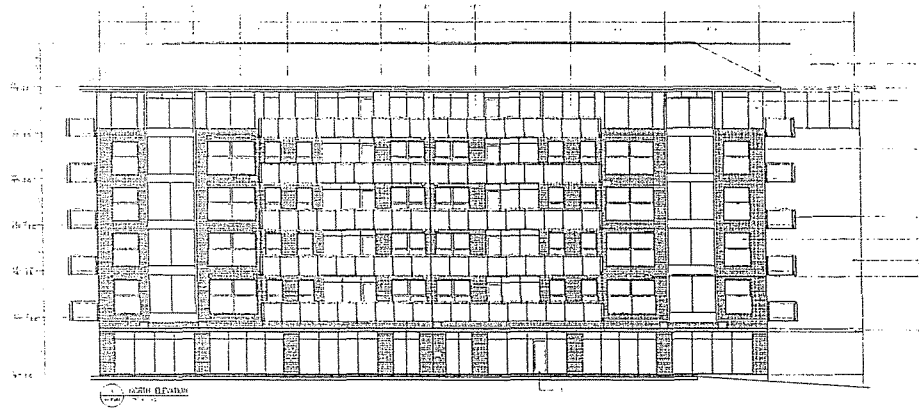
WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2010.

SIGNED, SEALED AND DELIVERED) **Provident Holdings Ltd.**
in the presence of)
_____) 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: _____
of) **MAYOR**
_____)
) Per: _____
) **MUNICIPAL CLERK**

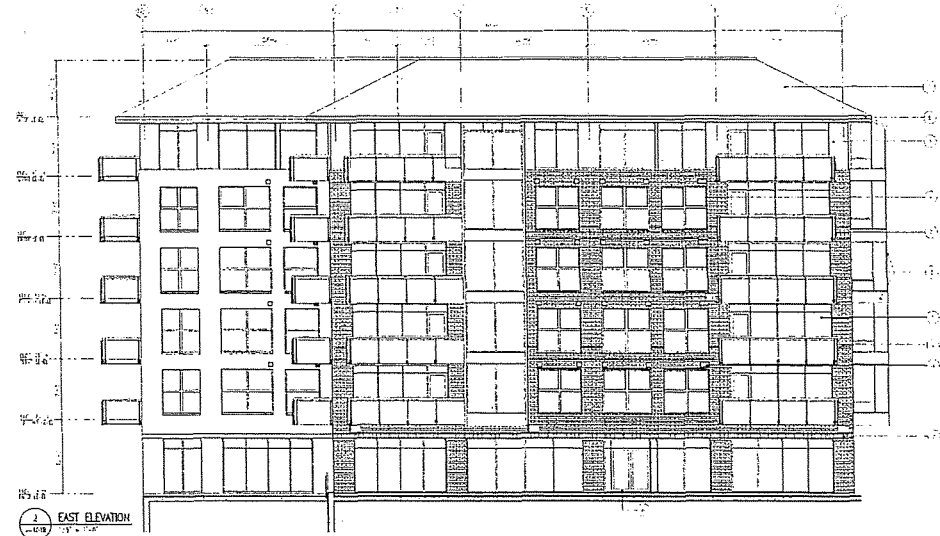
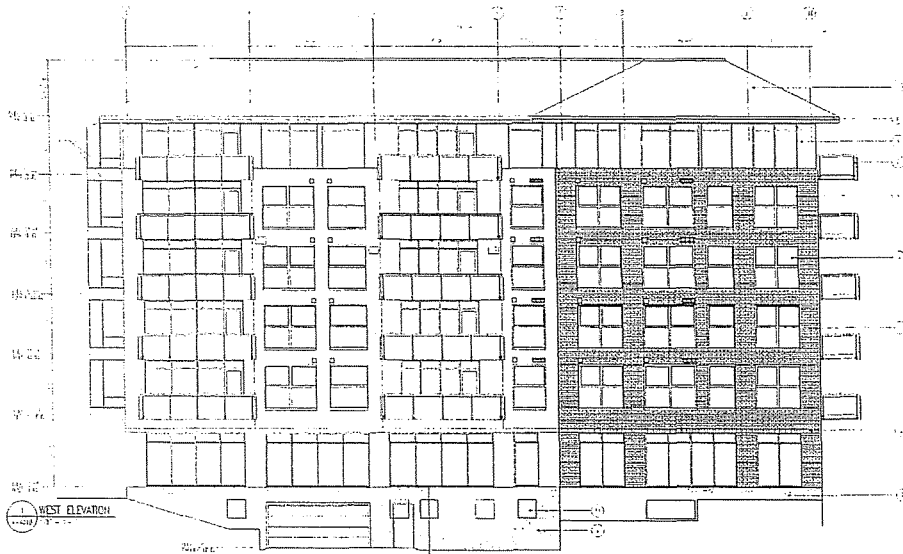
North Elevation

South Elevation



West Elevation

East Elevation



Schedule C-2

Building Elevations for 600 waterfront Drive (Building B)

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 Planning Services

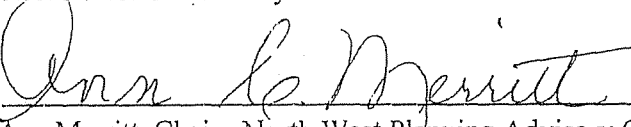
Attachment B



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Community Council
March 26, 2009

TO: North West Community Council

SUBMITTED BY: 
Ann Merritt, Chair, North West Planning Advisory Committee

DATE: March 4, 2009

SUBJECT: Case 01239: Non-Substantive Amendment - Bedford Waterfront Development

ORIGIN

The North West Planning Advisory Committee meeting held on March 4, 2009.

RECOMMENDATION

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

1. Approve the proposed Amending Agreement, set out in Attachment A of the report dated February 10, 2009, for Site 3.2 of the Bedford Waterfront lands;
2. Require the proposed Amending Agreement be signed and delivered within 120 days, or any extension thereof granted by North west Community Council on request of the applicant, from the date of final approval of said Agreement by North West Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end; and
3. Upon expiration of the appeal period for the proposed Amending Agreement, approve the building elevation contained in Map 2, as being consistent with the intenof the development agreement, as set out in the Existing Agreement.

DISCUSSION

See attached staff report dated February 10, 2009.

BUDGET IMPLICATIONS

See attached staff report dated February 10, 2009.

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.

ATTACHMENTS

Staff Report Dated February 10, 2009.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report Prepared by: Melody Campbell, Legislative Assistant



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
March 4, 2009

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:

Sharon Bond
Sharon Bond, Acting Director of Community Development

DATE: February 10, 2009

SUBJECT: **Case 01239: Non-Substantive Amendment- Bedford Waterfront
Development**

ORIGIN

An application by Provident Holdings Ltd. to amend the Agreement for Phase 1 of the Bedford Waterfront Development. The amendment is necessary for proposed changes to 600 Waterfront Drive (Building B) on Site 3.2 of the Bedford Waterfront Development.

RECOMMENDATION

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

1. Approve the proposed Amending Agreement, set out in Attachment A of this report, for Site 3.2 of the Bedford Waterfront lands;
2. Require the proposed Amending Agreement be signed and delivered within 120 days, or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North West Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end; and
3. Upon expiration of the appeal period for the proposed Amending Agreement, approve the building elevations contained in Map 2, as being consistent with the intent of the development agreement, as set out in the Existing Agreement.

BACKGROUND

History of Amendments

Provident Holdings Ltd's construction plans for 600 Waterfront Drive (Building B) show more window openings and different window proportions than permitted by the existing Agreements (Map 2). As the elevations do not meet the current standards, a non-substantive amendment is necessary. The history of this non-substantive amendment is as follows:

- 1991 The former Town of Bedford entered into a development agreement with the Bedford Waterfront Development Corporation (BWDC) to develop Phase 1 of the Bedford Waterfront (Map 1). The 1991 Agreement included Design Guidelines for the development. The Agreement approved three buildings on Site 3.2: 600 Waterfront Drive (Building B) is the 6 storey building; 400 Waterfront Drive (Building A) is the 5 storey building; and 200 Waterfront Drive is the existing commercial building.
- 2008 Provident Holdings Ltd. were approved for a non-substantive amendment to the 1991 Agreement to permit a mix of commercial and residential uses for Site 3.2 (HRM Case 01082). This amendment also approved increased window openings and bands of glazing for 400 and 600 Waterfront Drive (Buildings A and B).
- 2009 Provident Holdings Ltd. has applied for a further amendment. The proposed design for 600 Waterfront Drive (Building B) exceeds the window openings permitted under the 2008 amendment. The design also contains a number of windows that are wider than tall. The Design Guidelines of the 1991 Agreement require square or taller than wide windows (Attachment B).

Site Description

Site 3.2 of the Bedford Waterfront Lands is a 2.2 acre parcel of in-filled land, adjacent to Bedford Basin and across Waterfront Drive from the Mill Cove Sewage Treatment Plant (Map 1).

Non Substantive Amendment

Part 5 of the 1991 Agreement lists three changes which would be considered substantive: increase in height of buildings, increase in site coverage, and changes in commercial uses. This proposal is non-substantive as it does not involve any of these changes.

DISCUSSION

Consistent with Intent

The 2008 Agreement (Case 01082) included changes to the Design Guidelines of the 1991 Agreement and created Schedule E for Site 3.2. Schedule E limited the maximum window openings for 400 and 600 Waterfront Drive (Buildings A and B). Staff supported these changes as being consistent with the overall intent of the Bedford Municipal Planning Strategy (MPS) and

Bedford Waterfront Development. The changes to the Design Guidelines proposed in this case would still meet policy intent.

Approved by Waterfront Development Corporation Ltd.

The Bedford Waterfront Development Corporation (BWDC) generated the Design Guidelines of the 1991 Development Agreement. The intent of the guidelines was to develop consistent design elements to unite the development (Attachment B). BWDC's mandate was inherited by Waterfront Development Corporation Limited (WDCL) in 2000. WDCL has reviewed the elevations for 400 and 600 Waterfront Drive (Buildings A and B). WDCL have stated that the elevations are in keeping with the Design Guidelines of the 1991 Agreement (Attachment C). As the keeper of the Guidelines, WDCL's approval of the changes is a significant endorsement.

Ease of Administration

Staff are proposing to revamp the 2008 Agreement to enable the proposed changes. Staff recommend that Schedule E be removed. Strict percentages of window openings can be difficult to meet and administer. Staff are proposing that the building be consistent with the WDCL approved elevations. This would meet the design intent while providing some flexibility for the Developer and administrators.

Detailed Plan Review

Part 4 of the 1991 Agreement states that construction cannot begin until Council has reviewed the detailed plans (Attachment B). In the interest of efficiency, this review has been included as part of this case. If Council approves the proposed amendments, and once the appeal period has passed, they can then review the plans. Council must determine if the plans are consistent with the intent of the Agreements. Council's decision regarding the detailed plans is not a statutory process set out under the Halifax Regional Municipality Charter.

Conclusion

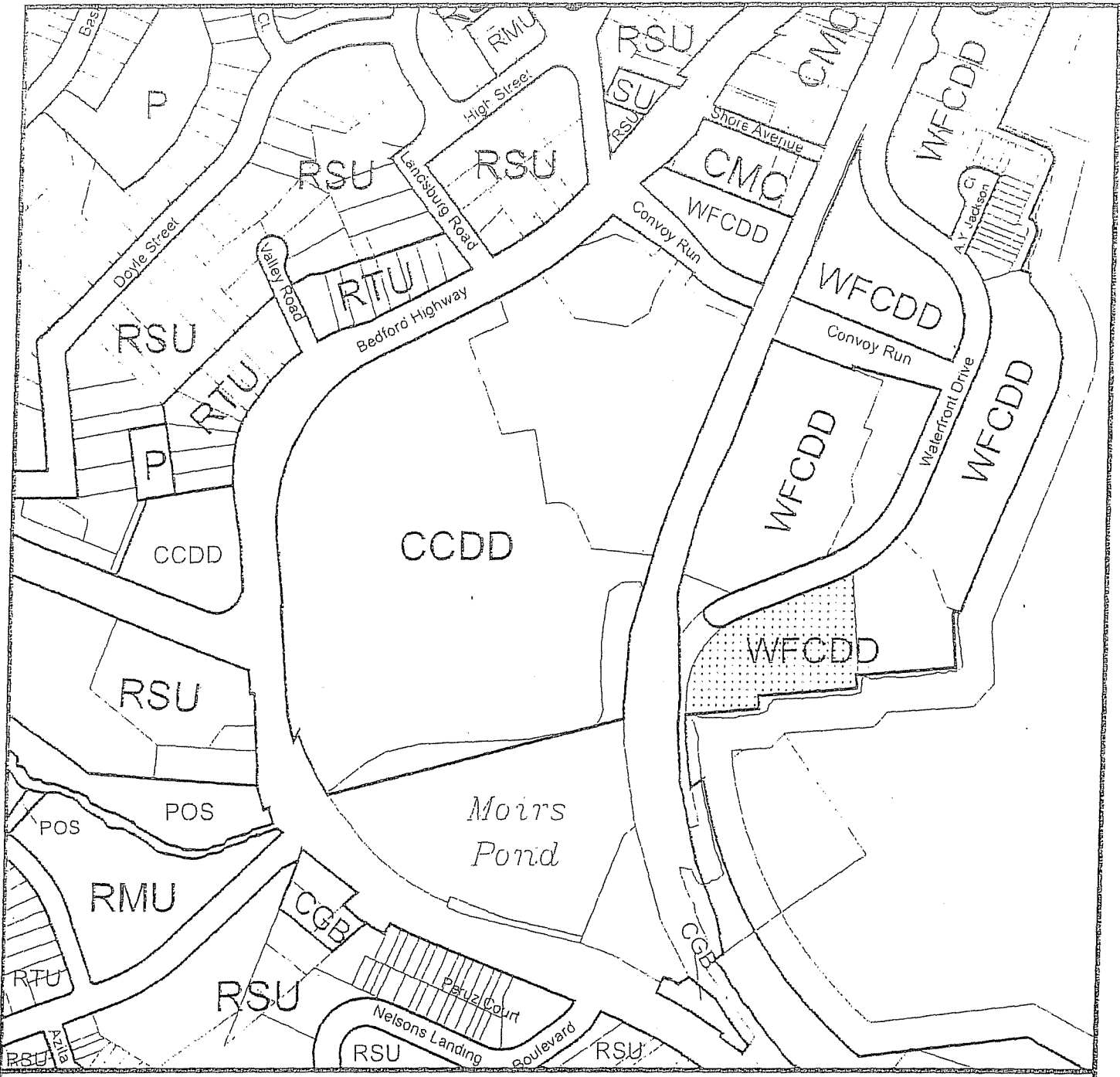
The proposed amendments are consistent with the intent of the existing Agreements and the Bedford MPS. The 600 Waterside Drive (Building B) elevations have been approved by WDCL as being compatible with the Bedford Waterfront design goals. Staff are recommending approval of the proposed non-substantive amendments.

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 administrations 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, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.



Map 1
Zoning

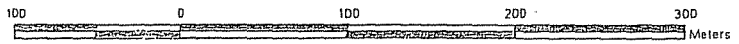


Subject Property

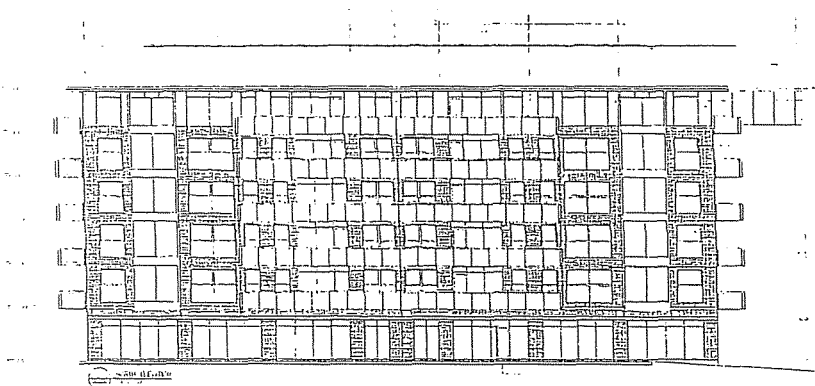
- RSU Single Dwelling Unit Zone
- RTU Two Dwelling Unit Zone
- RMU Multiple Unit Dwelling Zone
- CMC Mainstreet Commercial Zone
- CGB General Business District Zone

- P Park Zone
- POS Park Open Space Zone
- SU Utilities Zone
- CCDD Commercial Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District

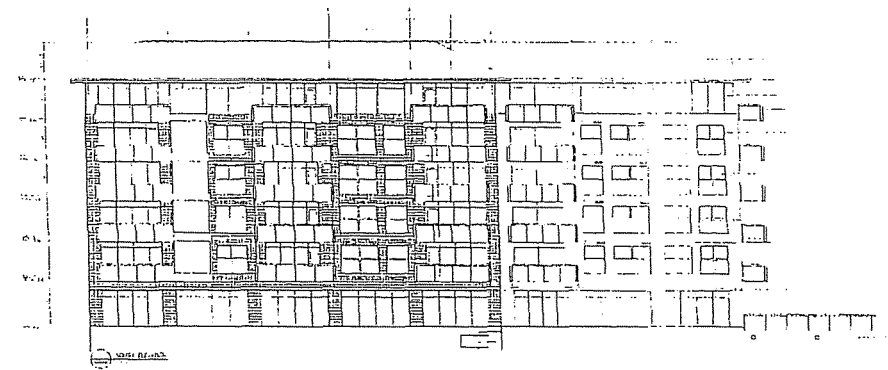
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Community Development
Planning Services



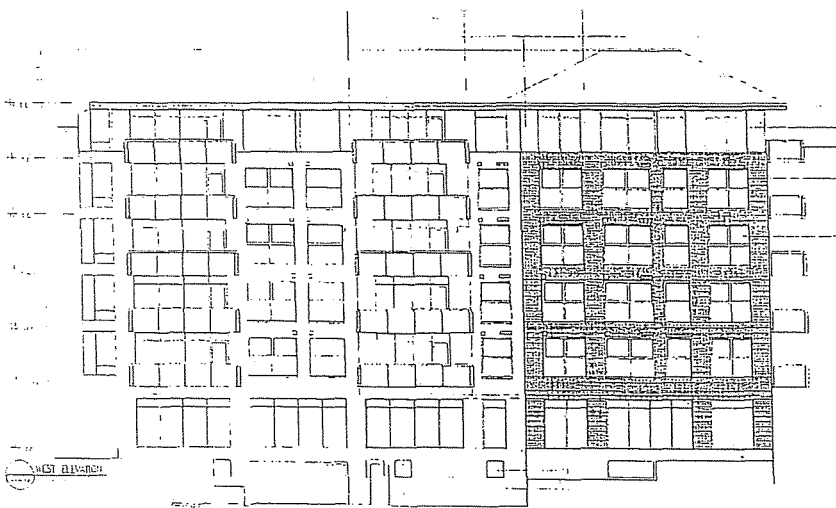
North Elevation



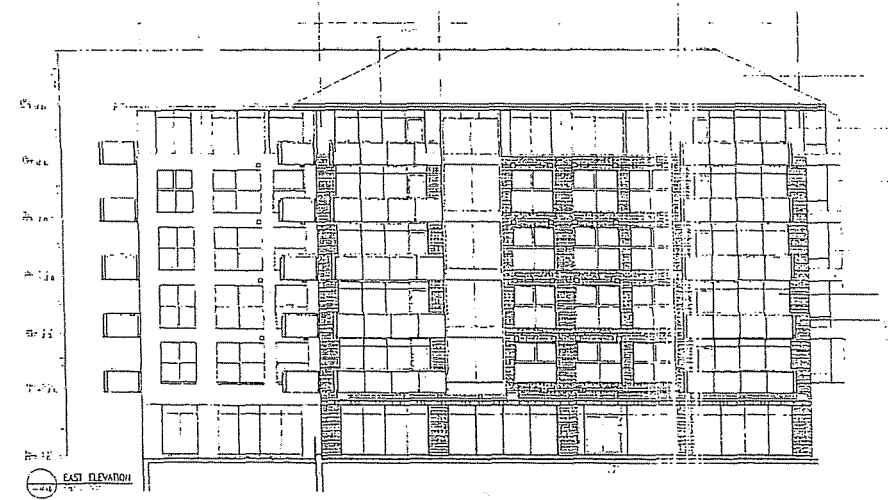
South Elevation



West Elevation



East Elevation



Map 2

Building Elevations for 600 Waterfront Drive (Building B)



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 01239,

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

1. Replace original Schedule C-2: "Building Elevations for 600 Waterfront Drive"

With

Schedule C-2: "Building Elevations for 600 Waterfront Drive (Building B)"

2. Remove Schedule E: "Maximum Window Openings/Wall Area Ratios"
3. Amend Part 3 by replacing the following text:

The Existing Agreement be amended to permit a window opening/wall ratio of up to 62.8% and permit a horizontal bank of glazed windows on the top floors of the 5 and 6 storey buildings as illustrated on Schedules C-1 and C-2 of this Agreement provided the following condition is met in the opinion of the Development Officer:

- (a) Window opening/wall area ratios do not exceed those indicated on Schedule E

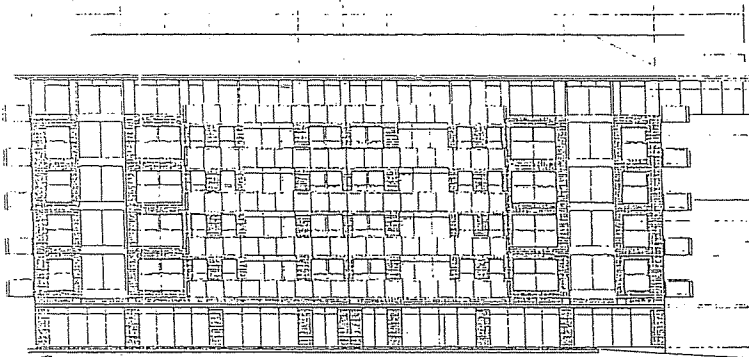
With

- 3.1 *Schedule E, Sub-section 1.5.2 of the Existing Agreement be amended to relax the Bedford Waterfront Development Corporation Design Guidelines for the 5 storey and 6 storey buildings on Site 3.2 (Buildings A and B, a.k.a 400 and 600 Waterfront Drive) to permit the following:*
 1. *increased window openings;*
 2. *horizontal bands of glazing; and*
 3. *width to exceed height.*
- 3.2 *The 5 storey and 6 storey buildings on Site 3.2 (Buildings A and B, a.k.a 400 and 600 Waterfront Drive) shall be as generally as shown in Schedules C-1 and C-2.*

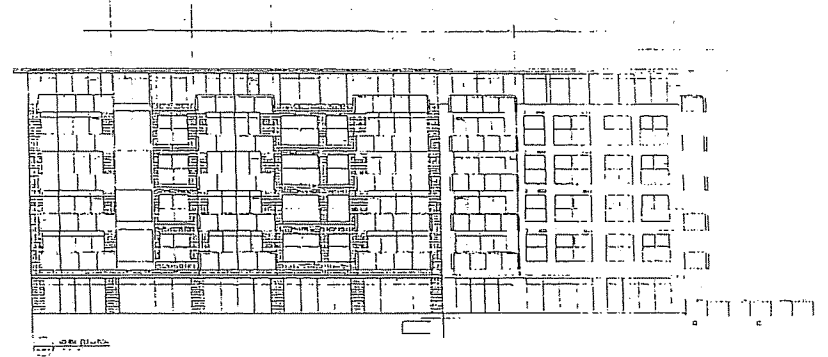
WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2009.

SIGNED, SEALED AND DELIVERED)	Provident Holdings Ltd.
in the presence of)	
_____)	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: _____
of)	MAYOR
_____)	
)	Per: _____
)	MUNICIPAL CLERK

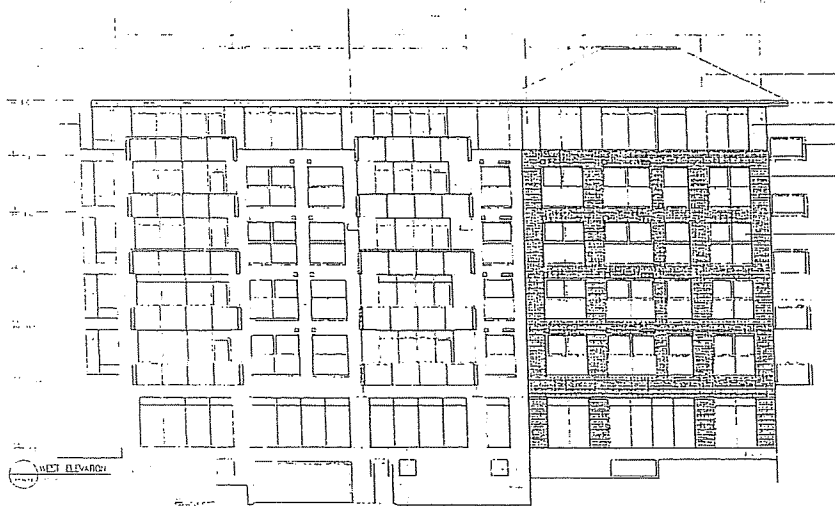
North Elevation



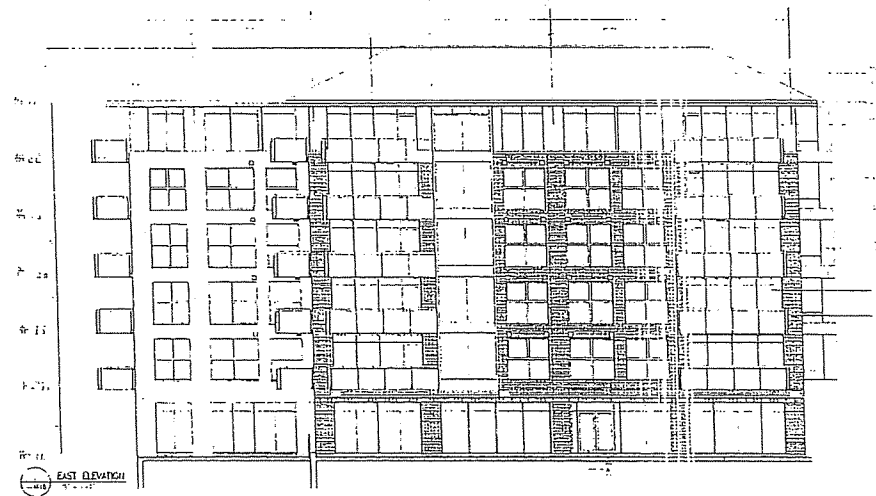
South Elevation



West Elevation



East Elevation



Schedule C-2

Building Elevations for 600 waterfront Drive (Building B)



Attachment B:
Excerpts from the 1991 Agreement

Part 4 Separate detailed plans for each development lot as shown on the plans will be submitted to Council of the Town of Bedford for approval. These plans may be submitted by the Developer, or by agents who have the written consent of the Developer (land owner) to make such application for approval.

No construction shall take place on any Development Lot without Town Council first having approved the detailed plans as being consistent with the intent of the Plans attached hereto as Schedule "B". Town Council shall seek the recommendation of the Bedford Planning Advisory Committee prior to reviewing the detailed plan.

Schedule E Bedford Waterfront Development Corporation Design Guidelines

1.3 Visual Intent

The intent of these guidelines is to encourage creative design on each development site within a set of parameters common to all sites, providing a visual continuity from project to project. Adjacent buildings are sought which complement each other in design, colour and texture, but which are not repeats or copies of other buildings in the development. Attention to detail is expected so that each building is in visual harmony with its neighbours while still expressing individuality and richness of detail. Proposals will be reviewed both on their own merits in responding to these guidelines and the individual site, as well as their relationship to adjacent developments and the overall visual character of the total project.

1.4 Design Review

Development proposals submitted for any site will be reviewed by the Bedford Waterfront Development Corporations for conformance to the design guidelines: compatibility with adjacent sites, design quality, sound planning principles and landscape design.

1.5.2 Windows, except for commercial storefronts at grade, shall be treated as individual openings in the wall surface, maintaining the visual emphasis on the wall surface. Window openings shall be a maximum of 40% of the wall area. Continuous horizontal bands of glazing will not be acceptable. Window proportions shall be either square or the height shall exceed the width. Exterior window framing shall be on of

- painted or stained wood
- prefinished metal without bright metal finishes

Window styles shall be

- fixed
- casement
- vertical sliders

Attachment C
Approval Letter from Waterfront Development Corporation

The Cable Wharf
1751 Lower Water Street
Halifax NS B3J 1S5

Telephone: 902-422-6591
Fax: 902-422-7582
info@wdcl.ca
www.wdcl.ca

Waterfront Development
Corporation Limited



January 27, 2009

David Hilchey
Provident Developments
200-200 Waterfront Dr.
Bedford, NS
B4A 4J4

Re: Request to Amend Bedford Waterfront Development Agreement July 13th,
1992 (As amended)

Dear Mr. Hilchey:

With respect to your above referenced request, the Waterfront Development Corporation Limited has reviewed the proposed changes to the window elevations and glazing ratios as submitted and find them to be in conformance with the requirements of Para 1.4 of the design guidelines in the above referenced Development Agreement (as amended).

Please advise if you require anything further.

Regards,

Eric Burchill
Director of Planning and Development