

North West Community Council
April 24, 2007

TO: North West Community Council

SUBMITTED BY: Gail Harnish / for
Ann Merritt, Chair
North West Planning Advisory Committee

RE: Case 00950 - Bedford Land Use By-law Amendment - CHWY Zone

DATE: April 17, 2007

ORIGIN

North West Planning Advisory Committee meeting - April 4, 2007

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council:

- (a) Give First Reading to the proposed amendments to the Bedford Land Use By-law to add office uses as a permitted use in the CHWY (Highway Commercial) Zone as shown in Attachment A of the staff report dated March 12, 2007, and schedule a public hearing.
- (b) Approve the proposed amendments to the Bedford Land Use By-law to add office uses as a permitted use in the CHWY (Highway Commercial) Zone as shown as Attachment "A" of the staff report dated March 12, 2007.

ATTACHMENTS

Staff report dated March 12, 2007

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.

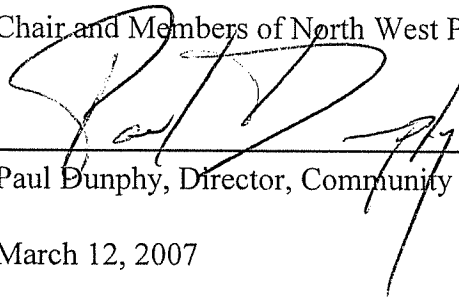
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Ann Merritt, Chair, North West PAC



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
April 4, 2007

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director, Community Development

DATE: March 12, 2007

SUBJECT: Case 00950: Bedford Land Use By-law Amendment - CHWY Zone

ORIGIN

Application by John Tolson to include offices as permitted uses in the CHWY (Highway Commercial) Zone of the Bedford Land Use By-law.

RECOMMENDATION

It is recommended that North West Community Council:

- (a) Give First Reading to the proposed amendment to the Bedford Land Use By-law to add office uses as a permitted use in the CHWY (Highway Commercial) Zone as shown in Attachment A and schedule a public hearing.
- (b) Approve the proposed amendment to the Bedford Land Use By-law to add office uses as a permitted use in the CHWY (Highway Commercial) Zone as shown as Attachment "A".

BACKGROUND

John Tolson is the owner of a property located at 1753 Bedford Highway in Bedford. The property is zoned CHWY (Highway Commercial) Zone and permits highway oriented land uses shown in Attachment B. Mr. Tolson wishes to establish office uses within a proposed building at the above noted location. The current zone on the property does not permit stand alone office uses but does permit offices which are accessory to other permitted uses. Thus a request to Council to amend the present zone (CHWY (Highway Commercial) Zone) to permit office uses has been submitted.

The Bedford Land Use By-law permits office uses in all commercial zones except the CHWY (Highway Commercial) Zone.

DISCUSSION

The Bedford Municipal Planning Strategy (MPS) does contain discussion of where office uses may be established. It primarily allows for office uses to be established in commercial zones such as General Business District (CGB) Zone, Shopping Centre (CSC) Zone, Commercial Comprehensive Development District (CCDD) Zone and Mainstreet Commercial (CMC) Zones. Policy in the Plan however, does not preclude the establishment of office uses in other zones, such as the Highway Commercial (CHWY) Zone.

The Plan contains the following preamble with regard to the Highway Commercial (CHWY) Zone:

...”d) Commercial Highway Oriented Uses

This group includes those businesses that, in order to be successful, operate long hours of the day, require large parking areas, require a high level of exposure to the travelling public, generate high volumes of traffic, and in some cases generate high volumes of noise. This category would include but is not limited to service stations, auto repair shops, hotels/motels/motor inns, drive-in and take-out restaurants, and auto or trailer sales. At present these types of uses primarily are located between the northern Town boundary and the Sackville River, where they are compatible with the surrounding office buildings and shopping centre developments and take advantage of the high traffic volumes along that portion of the Bedford Highway. Town Council shall direct further highway oriented commercial development to this area. Policy C-6 provides for the regulation of highway commercial land uses.”

This MPS is concerned with the compatibility of uses and determined that some uses may not be appropriate adjacent to other uses.

Policy C-3 (Attachment C) established the CHWY (Highway Commercial) Zone to permit highway oriented uses including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots. Further, Policy C-6 (Attachment C) limits these uses to existing highway commercial uses and to lands designated Commercial between the northern Town boundary and the Sackville River.

In reviewing proposals to add uses to a specific zone, Council is directed by Policy Z-3 (Attachment C) to evaluate a number of things such as conformance with the intent of the MPS, the adequacy of the adjacent street networks, congestion, traffic hazards, the adequacy of existing and proposed access routes, compatibility with adjacent uses and the existing development form, adequacy of buffers and/or separations where incompatibilities with adjacent uses are anticipated.

Based on a review of the MPS, staff have identified the following issues:

What is the intent of the Plan with regard to office uses?

The Plan directs the majority of office uses to lands designated commercial but not specifically the Highway Commercial (CHWY) Zone. The Plan however does not specifically exclude office uses from the Highway Commercial (CHWY) Zone.

Does the Plan provide more detailed guidance for the uses permitted in the CHWY Zone? The Plan provides guidance with regard to uses permitted in the CHWY Zone. The Plan permits highway oriented uses including but not limited to service stations, drive-in/take-out restaurants, hotels, auto sales and service, and recycling depots. Policy C-3 directs Council to consider highway oriented uses within this zone. The preamble to the policy identifies those uses as ones which may operate long hours, require large parking areas, a high level of exposure, generate high traffic volumes, and noise.

Are office uses addressed in the CHWY Zone? Currently only office uses which are accessory or a minor part of a permitted land use are permitted.

Limited Highway Commercial Space. Observations made by staff over the years indicate that the supply of commercial land which can be developed in Bedford is limited. Staff are of the opinion that as Bedford grows the demand for highway oriented land uses will continue to grow. Staff wished to identify that changes to the uses permitted within the CHWY Zone could impact the availability of land for existing CHWY uses.

Is the CHWY Zone an appropriate location for office uses? Currently office uses are usually permitted in most commercial zones within other Land Use By-laws outside Bedford. In general office uses are compatible with the adjacent neighbourhoods; generally hours of operation and noise are less for office uses vs. highway commercial uses. There are no obvious reasons to preclude office related uses from the CHWY Zone except to protect the land for CHWY Zone uses. Permitting office uses without restriction within the CHWY Zone could promote the location of small sale office buildings in the zone.

Can office uses be integrated in the CHWY Zone without impacting Highway Commercial uses? Yes. Uses typically permitted in the CHWY Zone need a good location to thrive, typically the first floor of a building. Other floors of a building are less desirable for these types of uses. Thus office uses could be permitted on floors above or below the ground floor without significantly affecting the availability of space for current CHWY Zone uses.

Will the addition of office uses have a significant traffic impact? Residents of the Oakmount Subdivision raised a number of concerns regarding traffic. There was a concern that the addition of office uses would have a significant impact on Oakmount Drive. None of the properties in the CHWY Zone have direct access to Oakmount Drive, and all adjacent lands are zoned for residential purposes. Thus even if adjacent residential lots were acquired for a commercial proposal, HRM would not issue commercial access permits to Oakmount Drive.

Residents also raised concerns regarding access to commercial properties along the Bedford Highway between Rocky Lake Road and Highway 102. While there are existing challenges along this section of roadway due to traffic volumes, speed and road configuration, the addition of office uses is not anticipated to create more traffic than other uses currently permitted in the zone such as take out restaurants.

Based on an analysis of the traffic issues raised, it is the opinion of staff that the proposed addition of office uses would not have a direct impact on traffic issues.

Will the addition of offices uses have a significant impact on land uses within Bedford? The addition of office uses in CHWY Zone is not anticipated to have a significant impact on land uses within the community. Many CHWY Zones are dually zoned CGB (General Business District) Zone thus office uses are currently permitted. Further, the requirements of the CHWY Zone are such that buildings of a limited size are permitted, thus limiting the impact of the proposal. Further staff is proposing that office uses not be permitted on the ground floor of a building. This requirement will ensure that the main function of commercial buildings in the CHWY (Highway Commercial) Zone remains uses that are currently permitted in the zone.

Is the addition of office uses consistent with the Bedford MPS? Although the argument can be made that office uses on their own are not specifically a highway oriented use, it is the opinion of staff that the proposed use can be added to the CHWY zone without negatively affecting current uses provided and thus is consistent with MPS policy.

Public Participation: A public information meeting was on November 2, 2006. Approximately 16 members of the public attended. Traffic issues were raised as a topic for further exploration. If Council should decide to hold a public hearing, notification, in addition to a newspaper ad will be sent to the notification area identified on Map 3.

Conclusion

Based on an analysis and public input, staff is recommending that the proposed Land Use By-law amendment limit office uses to floors other than the ground floor, thereby preserving the ground floor for existing CHWY (Highway Commercial) uses. Given the limited impact of the proposal and that the use is compatible with surrounding uses, staff is recommending that Council approve the proposed Land Use By-law amendment as shown in Attachment "A" to permit office uses within the CHWY (Highway Commercial) Zone provided they are not located on the ground floor.

BUDGET IMPLICATIONS

None.

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

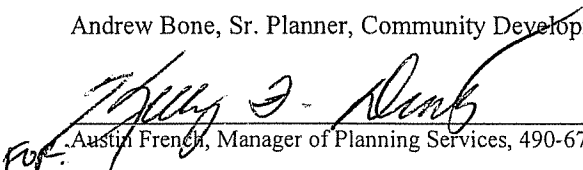
1. Council may choose to approve the proposed amendment to the Land Use By-law. This is the recommended course of action.
2. Council may choose to refuse the proposed amendment to the Land Use By-law, and in doing so, must provide reasons based on a conflict with MPS policies. This is not the recommended action.
3. Council may choose to alter the proposed amendment to the Land Use By-law. This may necessitate further report(s). In the event substantive revisions are requested subsequent to advertising for a public hearing, an additional public hearing may be required.

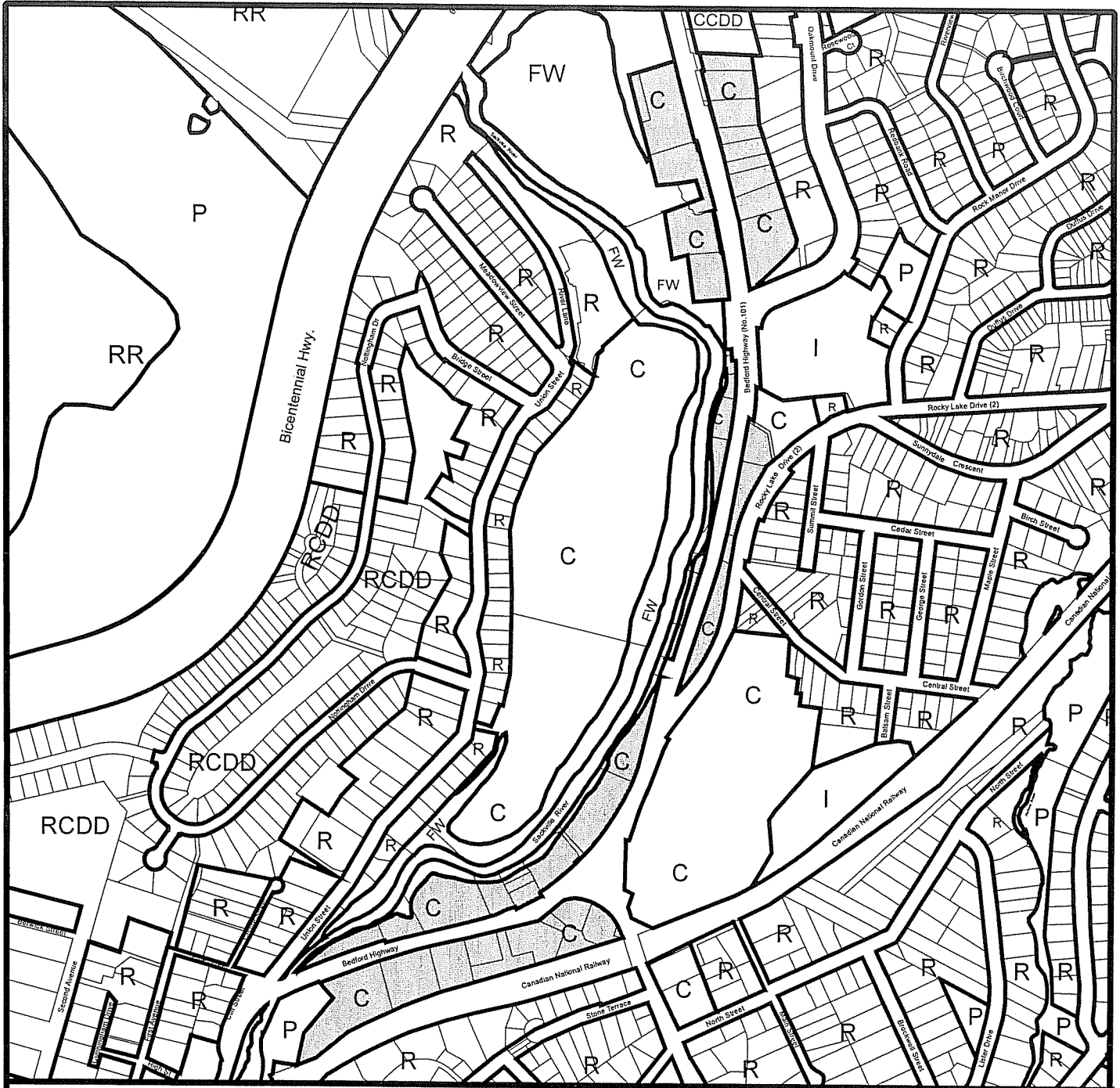
ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Notification Area
Attachment "A"	Amendments to the Bedford LUB to permit office uses within the CHWY Zone
Attachment "B"	Existing CHWY (Highway Commercial) Zone Requirements
Attachment "C"	Relevant MPS Policy
Attachment "D"	Public Information Meeting Minutes - November 2, 2006

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

Report Prepared by: Andrew Bone, Sr. Planner, Community Development, 869-4226

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



Map 1
Generalized Future Land Use

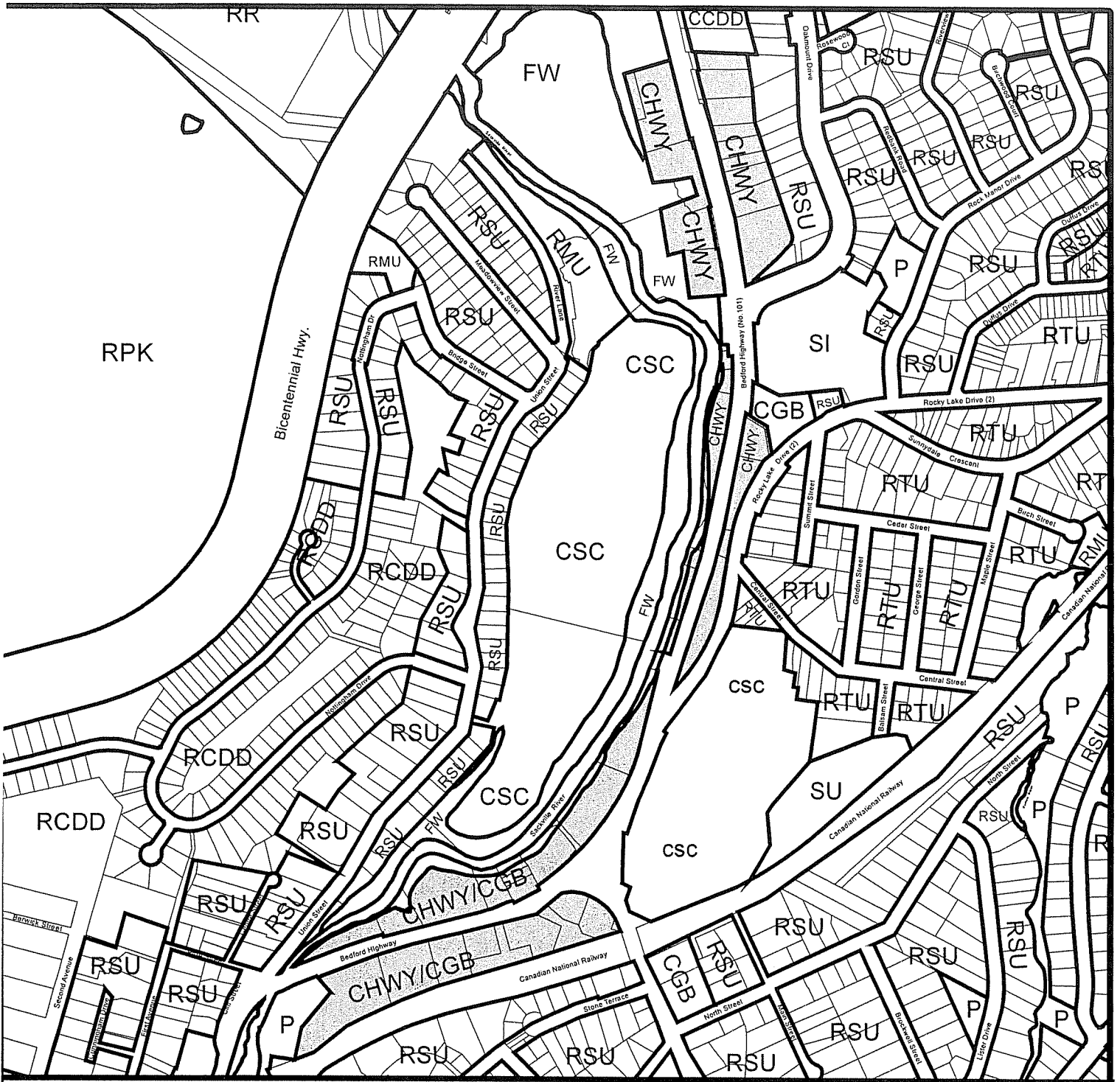
- R Residential Designation
- RR Residential Reserve Designation
- FW Floodway Designation
- P Park and Recreation Designation

Properties Zoned
 CHWY (Highway Oriented Commercial)

- C Commercial Designation
- I Institutional Designation
- CCDD Commercial Comprehensive Development District
- RCDD Residential Comprehensive Development District

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 Planning Services





**Map 2
Zoning**



Properties Zoned CHWY (Highway Oriented Commercial)

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- | | | | |
|-----|---------------------------|------|--|
| RSU | Single Dwelling Unit Zone | CGB | General Business District Zone |
| RTU | Two Dwelling Unit Zone | CHWY | Highway Oriented Commercial Zone |
| RMU | Multiple Dwelling Zone | CSC | Shopping Centre Zone |
| RR | Residential Reserve Zone | SU | Utilities Zone |
| FW | Floodway Zone | CCDD | Commercial Comprehensive Development District |
| SI | Institutional Zone | RCDD | Residential Comprehensive Development District |
| P | Park Zone | | |





Map 3

 Notification Areas



HALIFAX
REGIONAL MUNICIPALITY
Planning Services

Attachment "A"

Amendments to the Land Use By-law for Bedford

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Bedford Land Use By-law as enacted by 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 as amended, is hereby amended as follows:

1. Part 15 shall be amended by deleting the words "q) uses accessory to the foregoing uses." and replacing it with the following text:

"q) office uses
r) uses accessory to the foregoing uses."

2. Part 15 shall be amended by adding the following text after the words "50%":

"SPECIAL REQUIREMENTS: OFFICE USES

Where office uses are not accessory to other permitted uses in this zone, they shall not be located on the ground floor of any building."

I HEREBY CERTIFY that the amendment to the Land Use By-law for Bedford as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2007

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2007

Jan Gibson
Municipal Clerk

Attachment "B"
Existing CHWY Zone Requirements

PART 15 HIGHWAY ORIENTED COMMERCIAL (CHWY) ZONE

No development permit shall be issued in a Highway Oriented Commercial (CHWY) Zone except for one or more of the following uses:

- a) service stations
- b) automotive vehicles, parts, & accessories sales and services
- c) clinics
- d) drive-in and take-out restaurants
- e) garden markets
- f) motels, hotels, guest homes
- g) trailer/mobile home sales
- h) neighbourhood convenience stores
- i) commercial parking lots
- j) display or model homes
- k) public garages
- l) general retail and rental shops
- m) drycleaning depots
- n) funeral homes
- o) veterinary clinics
- p) recycling depots
- q) uses accessory to the foregoing uses.

ZONE REQUIREMENTS CHWY

In any Highway Oriented Commercial (CHWY) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	20,000 sq. feet
Minimum Lot Frontage	100 ft.
Minimum Front Yard	15 ft. setback
Minimum Rear Yard	0 ft., except 40 ft. from property zoned residential
Minimum Side Yard	0 ft., except 40 ft. from property zoned residential
Maximum Height of Building	35 ft.
Maximum Number of Dwelling Units/Lot	0
Lot Coverage	50%

Attachment C Relevant MPS Policy

COMMERCIAL

Impacts of Commercial Growth

Recent commercial growth, and in particular, the growth in commercial retail activity has had a number of impacts. These have included the expansion of the commercial tax base, the development of a broader range of commercial uses to serve the Town and the surrounding region, and increased local employment. Other impacts of this growth, however, have been the increasing encroachment of commercial activities upon existing residential neighbourhoods, a substantial increase in commercial signage, and effects on the aesthetics of the Town.

New commercial developments have tended to be larger and have different impacts from the traditional small-scale individual commercial establishments: greater land requirements, higher levels of noise generation, greater height, bulk and scale, and larger parking areas. Concerns regarding these impacts were expressed during the Municipal Planning Strategy Review process. The objective and policies within this chapter reflect these concerns.

The following overall objective shall be used as a general guideline in providing direction for new commercial development:

COMMERCIAL OBJECTIVE

To encourage the development of business and commercial uses to serve the Town and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to promote attractive commercial areas within the Town through the regulation of commercial signage, parking, and building design; to foster the development of a pedestrian oriented commercial core to provide the Town with a commercial focus which relates to its heritage and will foster the development of a Town identity.

The three designations, Commercial, Mainstreet Commercial, and Commercial Comprehensive Development Districts, are established in Policy C-1. Policy C-2 confirms Town Council's intent to limit commercial development to the lower portion of Dartmouth Road to preserve the residential character of the remainder of this road which serves as one entrance to the community.

In assessing the commercial component of the Town, commercial uses have been grouped into categories based on the following factors:

- Scale of the business
- Level of noise generated
- Traffic generation
- Outside storage
- Parking Requirements
- Land area requirements

- Hours of operation
- Visual appearance
- Height and bulk of building
- Compatibility with adjacent uses

Analysis of commercial uses based on these categories forms the basis for the commercial zones established in the Land Use By-Law as enabled by Policy C-3. The categories can be summarized as follows:

d) Commercial Highway Oriented Uses

This group includes those businesses that, in order to be successful, operate long hours of the day, require large parking areas, require a high level of exposure to the travelling public, generate high volumes of traffic, and in some cases generate high volumes of noise. This category would include but is not limited to service stations, auto repair shops, hotels/motels/motor inns, drive-in and take-out restaurants, and auto or trailer sales. At present these types of uses primarily are located between the northern Town boundary and the Sackville River, where they are compatible with the surrounding office buildings and shopping centre developments and take advantage of the high traffic volumes along that portion of the Bedford Highway. Town Council shall direct further highway oriented commercial development to this area. Policy C-6 provides for the regulation of highway commercial land uses.

Policy C-1:

It shall be the intention of Town Council to consider proposals for commercial development in areas designated Commercial, Mainstreet Commercial, and Commercial Comprehensive Development District on the Generalized Future Land Use Map provided that all applicable policies of this strategy are met.

Types of Commercial Uses

Policy C-3:

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

- General Business District Zone (CGB) which permits general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries], and recycling depots;
- Shopping Centre Zone (CSC) which permits uses including but not limited to shopping centres, retail outlets, restaurants, drinking establishments, CGB Zone uses and recycling depots;
- Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;
- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.

- Mainstreet Commercial Zone (CMC) which permits small scale, pedestrian oriented uses including, but not limited to, general retail stores, business and professional offices, personal and household service shops, financial institutions, full service restaurants, pubs, lounges, and recycling depots.

The CGB Zone shall be applied to the Sunnyside area where most office buildings were constructed in the recent past. The CSC Zone shall be applied to the Sunnyside Shopping Centre and to Bedford Place Mall.

The CHWY Zone shall be applied in the general vicinity of the Bedford Highway in the area between the Highway 101/102 interchange and the Sackville River at Union Street as well as on a number of properties along Rocky Lake Drive. The CCDD Zone shall be applied to the Cushing Hill area, Sobeys Shopping Centre at Hammonds Plains Road, areas east and south of the Highway 102/Hammonds Plains Road interchange, and east of the Bedford Highway at the municipal boundary with Halifax. The extent and purpose of the CMC Zone is explained in Policies C-19 to C-29B.

Highway Oriented Uses

Policy C-6:

In regulating highway oriented commercial uses, Town Council shall zone existing highway commercial uses CHWY. Town Council shall limit further highway oriented development to lands designated Commercial between the northern Town boundary and the Sackville River.

Policy Z-1:

It shall be the policy of Town Council that the land uses indicated on the Generalized Future Land Use Map shall be considered as the generalized future land use pattern for the Town based on the policies within this MPS.

Policy Z-2:

It shall be the intention of Town Council to indicate on Table III the land uses which may be permitted in each Generalized Future Land Use category as-of-right, or by rezoning or development agreement consistent with all other policies. Council shall consider these uses through the zoning amendment or development agreement process, subject to the criteria in Policy Z-3 and all other applicable policies in this Strategy. The procedure to be followed for all rezoning applications or requests for development agreements is in accordance with the Planning Act. Except within residential areas, within any zone, a development that would not normally be permitted by the zone, but falls within the potentially permitted uses of the Generalized Future Land Use category as shown on Table III may be considered by Town Council through the application of development agreements as provided for under Section 55 of the Planning Act.

Policy Z-3:

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 :

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;
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;
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;
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;
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;
 - 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;
 - 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;
 - v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;
 - vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;
 - vii) the adequacy of recreational land and/ or facilities;
 - 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;
 - ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;
 - x) the presence of significant natural features or historical buildings and sites;
 - xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;
 - xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,
 - xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.
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:
 - i) type of use, density, and phasing;
 - ii) traffic generation, access to and egress from the site, and parking;

- iii) open storage and landscaping;
 - iv) provisions for pedestrian movement and safety;
 - v) provision and development of open space, parks, and walkways;
 - vi) drainage, both natural and subsurface;
 - vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,
 - viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.
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
 - ii) permit staff to assess and determine the impact such development would have on the 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:
 - i) an overall concept plan showing the location of all proposed land uses;
 - ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;
 - iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;
 - iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;
 - v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;
 - vi) a description of any protected viewplanes; and,
 - vii) an indication of how the phasing and scheduling is to proceed.
 - 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.
 - c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.
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 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)

Attachment D
Public Information Meeting Minutes -November 2, 2006

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 00950 - John Tolson

7:00 p.m.
Thursday, November 2, 2006
Basinview Drive Community Elementary School

IN ATTENDANCE: Thea Langille-Hanna, Senior Planner II, HRM Planning Services
Cara McFarlane, Administrative Support, HRM Planning Services

ALSO PRESENT: John Tolson, Applicant

REGRETS: Councillor Gary Martin, District 21

PUBLIC IN
ATTENDANCE: Approximately 16

The meeting commenced at approximately 7:00 p.m.

Opening remarks/Introductions/Purpose of meeting

Thea Langille-Hanna introduced herself and explained to the public that she was filling in for Andrew Bone, Planner assigned to this application, as he was double-booked for the evening.

The proposal is to amend the Bedford Land Use By-law to enable office uses within the CHWY (Highway Commercial) Zone.

Ms. Langille-Hanna reviewed the agenda.

John Tolson, Applicant, was introduced as well as Cara McFarlane, Administrative Assistant; and regrets for Gary Martin, Councillor for District 21, were given.

The purpose of the meeting is to identify that HRM has received an application, to identify the scope of the proposal and look for feedback of issues and concerns.

Overview of planning process

The application was received. A public information meeting is held and completed. The comments are taken back and reviewed in terms of planning policy for the Bedford area. A staff report with a recommendation is created. This staff report is reviewed by advisory committees that are applicable

to the area and then it moves forward to community council where a public hearing date would be scheduled.

Presentation of Proposal

HRM has received an application by John Tolson who would like to explore the opportunity of having offices within the zone that is referred to as the CHWY (Highway Commercial) Zone in Bedford. The properties within Bedford that are zoned CHWY were shown highlighted on the overhead and the handout sheet. Anyone who owns a property zoned CHWY within Bedford and anyone who abuts those properties were notified.

The CHWY Zones are generally between Union Street and up to the ramp onto the Bicentennial Highway. The CHWY Zone is intended to have uses such as take out restaurants, drive-thrus, automobile related uses, etc. Should offices be considered in this zone?

Ms. Langille-Hanna went over what is currently permitted in the CHWY Zone.

Questions and Comments

Brad MacDonald, Oakmount Drive, asked how big the offices will be. Ms. Langille-Hanna explained that at this point in time HRM is looking at the land use. There would be restrictions in regards to lot size and type depending on the lot size. The maximum height would be 35 feet (generally three storeys). Lot coverage would be 50%. The lot has to be at least 25000 square feet with 100 feet of frontage with sideyard setbacks.

Mr. MacDonald wondered if traffic would be a problem where the entrance would be very close to the Bicentennial Highway. Ms. Langille-Hanna said the area is quite wide spread. Certain areas would need to meet requirements under our standard Municipal Servicing Specifications. Access would have to be provided and there would have to be approvals from Department of Transportation (DOT). This would be looked at on an individual basis. It does not affect the outcome of whether or not an office use is reasonable.

Lynda MacDonald, Oakmount Drive, finds that particular area (near the Bicentennial Highway) problematic for speed. Cars stopping to get into that area will become a big problem. Residents leaving Oakmount Drive have a hard time getting onto the Bedford Highway now and this will worsen the problem.

Mark Coffin, Redbank Road, asked if there is a possibility that the ingress/egress to the property would go through Oakmount Drive. Ms. Langille-Hanna said that all the properties within the CHWY Zone are being looked at. Oakmount Drive is a residential street. Generally speaking, if there is a use on one property and the individual wants access to an adjacent road, the use cannot travel over a zone where the use is not permitted.

Mr. Coffin wondered if a piece of property behind the commercial zone was purchased by the applicant, could it be turned into a driveway or another method of cutting behind in order to get to Oakmount Drive. Ms. Langille-Hanna understands that it could not happen. She will confirm with engineering staff. Ms. MacDonald expressed that this is a major concern for her.

Mr. Tonet is concerned about the traffic. Ms. Langille-Hanna said it is something that can be taken into consideration. In terms of the specifics of individual properties, they are looked at on their own merits. Mr. Tonet would prefer offices over having a display house on Mr. Tolson's piece of property.

Cynthia Fox, Oakmount Drive, wonders about offices that exist in the area between Union Street and the Bicentennial Highway. Ms. Langille-Hanna said the properties that Ms. Fox referred to have a different zone. They are zoned the Shopping Centre Zone where offices are permitted. Ms. Fox asked what the rationale would be by allowing the offices in those areas and deliberately excluding them from the CHWY Zones. She is against this proposal. Traffic accessing in and out of there is terrible now. Ms. Langille-Hanna explained that within the Bedford Municipal Planning Strategy (states how land is to be used and organized) the CHWY Zone has been designed for automotive type uses, drive-thru, take out restaurants, etc. When the document was drafted, it wasn't seen as an area for potential offices because offices are permitted in other zones. There is a difference. They are allowed in shopping centres as they fill up some mezzanine space in the centre plus there are large parking lots to accommodate the traffic and the traffic is typically controlled.

Mr. MacDonald is concerned as to what will happen with Cushing Hill after offices are permitted. Ms. Langille-Hanna mentioned, for information purposes, that HRM does not have an application on this site at this point in time. This property also has a different zone.

Joan Johnston, Oakmount Drive, asked if the proposal is for an office building. Ms. Langille-Hanna does not have any specifics. The application was generated because Mr. Tolson was looking at doing commercial development on one of his properties and include offices. Office uses are not currently permitted in the CHWY Zone. If Council did approve office uses within this zone, the requirements for the CHWY Zone would have to be met.

Ms. Johnston's concern is the amount of traffic. The holding/turning lane is very dangerous now. The traffic is beyond what it should be and the municipality should be correcting the problem.

Neil Sutherland, Oakmount Drive, is concerned about shortcutting. There is a new development near the high school which will increase the shortcutting.

Robert Crafer, Oakmount Drive, asked how close a commercial building can be built to a residential lot. Ms. Langille-Hanna said in this particular zone it would be 40 feet minimum.

Ms. MacDonald asked what criteria would convince the approval of such a proposal. Ms. Langille-Hanna explained that the feedback from this meeting is part of that criteria. The policy that has been established in the Bedford MPS is also looked at. The recommendations have to be evaluated against that.

Morris Nickerson, owner of Mighty Auto, is also concerned about the increase of traffic for the residents. There are many accidents coming in and out of his business.

Ms. Johnston mentioned that DOT is at the end of Oakmount Drive. There are a lot of commercial vehicles that travel on Oakmount Drive.

Ms. Fox would like to see Council put a moratorium on any other development in that area for a period of time until they see what the Duke Street development is going to do to traffic patterns. Things can't be changed once a development happens. There will be more cars shortcutting through Oakmount Subdivision which does not have any sidewalks.

John Tolson, Shore Drive, said some years ago there was no thought that in Bedford offices would be attracted so close to the Bicentennial Highway. That area has now become attractive for many things along the Bedford Highway including office spaces. Commercial uses are permitted on the property he currently owns and he would like to put offices on the second floor. Oakmount Drive cannot be accessed as it would be crossing over residential. To control the traffic problems, he suggested a set of lights at the bottom of Oakmount Drive. Ms. Langille-Hanna will check with the traffic engineers as to how close together sets of traffic lights can be. There is certain criteria that will warrant a traffic light. She will check on it.

Ms. MacDonald said it would only cure a portion of the problem. The area is overly saturated as it is.

Ms. Fox said that traffic needs to be slowed down before adding to the problem.

Ms. Lanille-Hanna thanked everyone for coming and sharing their comments and concerns.

Adjournment

The meeting adjourned at approximately 7:40 p.m.