

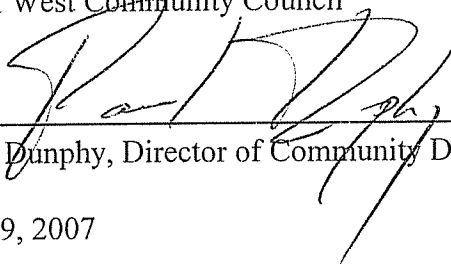
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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Community Council
August 9, 2007

TO: North West Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: July 9, 2007

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

SUPPLEMENTARY REPORT

ORIGIN

Request by North West Community Council originating from their June 28, 2007 session.

RECOMMENDATION

It is recommended that North West Community Council 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 in Attachment "A".

BACKGROUND

On May 10, 2007, North West Community Council held a public hearing to consider changes to the Bedford Land Use By-law to permit office uses within the Highway Commercial Zone in Bedford. Subsequent to the public hearing, Community Council was concerned with the existing state of earth works on the Tolson properties, specifically the safety and stability of an earthen bank. Council deferred the decision on the Land Use By-law amendment until engineering staff inspected the site, identified any issues and advised of any remedies.

DISCUSSION

The primary concern identified by Community Council was the stability of the bank located adjacent to residential properties on Oakmount Drive. This bank was created during a prior excavation several years ago.

A site visit was conducted to the subject site on the Bedford Highway on May 16, 2007 by the Development Engineer. Based on the findings of the site visit, a letter (Attachment B) was sent to the owner of the property, John Tolson. The letter identified that the Development Engineer has concerns relating to the stability of a slope between the subject property and adjacent residential properties on Oakmount Drive. The Development Engineer recommended that the property owner retain a qualified professional to determine if further action to stabilize the site is required.

In addition to HRM's actions, the Province of Nova Scotia has identified they are in communication with the property owner with regard to existing erosion and sedimentation control issues on the site. The Province has indicated that these measures may need maintenance.

The Development Engineer has indicated that HRM has little authority to require the stabilization of the slope or the maintenance of the erosion and control measures on the Tolson property. Further, the proposed amendments to the Bedford Land Use By-law do not directly impact the Tolson Property nor is the issue grounds on which Community Council can refuse the amendment. Therefore, Staff continue to recommend that North West Community Council 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 in Attachment "A".

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 Land Use By-law amendment. This is the recommended course of action.
2. Council may choose to refuse the proposed Land Use By-law amendment, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff is satisfied that the proposed amendment is consistent with the policies and intent of the MPS.
3. Council may choose to amend the proposed amendment. In the event substantive revisions are requested, an additional public hearing may be required.

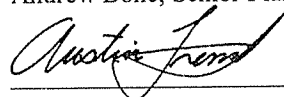
ATTACHMENTS

Attachment "A" Amendments to the Land Use By-law for Bedford
Attachment "B" Letter sent to John Tolson dated June 27, 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: Andrew Bone, Senior Planner, Community Development, 869-4226

Report Approved by:



Austin French, Manager of Planning Services, 490-6717

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



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Attachment "B"
Letter sent to John Tolson dated June 27, 2007

June 27, 2007

Fax only: 835-3779 (1 page)

Mr. John Tolson
1480 Bedford Highway
Bedford, NS B4A 1E5

Re: 1761 Bedford Highway - Soil Stabilization and Sediment Control Issues


Dear Mr. Tolson,

A recent visit to the above indicated property revealed that the erosion and sedimentation controls currently in place appear to require maintenance. Colleen Smith of Nova Scotia Environment and Labour (NSEL) has been advised and we understand there are ongoing discussions between you and her department on that matter.

In addition to the above, the existing cut into the rear of the property was also observed to have experienced some slope failure where the soil is exposed. Given the location of this cut being immediately adjacent to abutting properties and that a slope failure may cause a nuisance or damage to these properties, Development Engineering is strongly suggesting that you direct a qualified professional to examine the site, comment on the stability of the slope and any remedial action that may be required as a result.

We understand that the site has been in its current state for several months but given the existing conditions we highly recommend that there be no delay in having this investigation undertaken. Should you have any questions or comments, please contact me at your earliest convenience.

Regards,


Mark McGonnell, B.Sc., P.Eng
Development Engineer - Central Region

cc: Andrew Bone - Planner, HRM Community Development
Colleen Smith, NSEL
Councillor Gary Martin

COMMUNITY DEVELOPMENT

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