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North West Planning Advisory Committee
December 5, 2007

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Sharon Bond, Acting Director of Community Development

DATE: November 20, 2007

SUBJECT: Case 01082: Non-Substantial Amendment and Review of Detailed Plans - Phase 1 of the Bedford Waterfront Development Project

ORIGIN

An application by Provident Development Incorporated, on behalf of Waterfront Development Corporation Ltd., to amend the development agreement for Phase 1 of the Bedford Waterfront Development Project to permit a mix of residential and commercial uses on Site 3.2 and permit an increase in window openings and glazing. Provident has also submitted detailed plans for the two undeveloped buildings on Site 3.2 for Council's review as set out in the existing Agreement.

RECOMMENDATION

It is recommended that North West Community Council:

1. Approve the proposed amending development agreement, set out in Attachment A of this report, to permit a mix of residential and commercial uses and an increase to the maximum amount of wall openings devoted to windows and window glazing for the two undeveloped buildings on site 3.2 of the Bedford Waterfront lands;
2. Require the proposed amending development 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 amendments, approve the detailed plans submitted by Provident as being consistent with the intent of the development agreement, as set out in Attachment A of this report.

BACKGROUND

In 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 Development Project (Map 1). Phase 1 is designated and zoned Waterfront Comprehensive Development District under the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) (Maps 2 and 3 respectively). The main policy intent for the WFDC designation is to promote development of the waterfront as an active mixed use urban area that includes public open space and access to the water's edge. The relevant MPS policies are included in Attachment B.

Phase 1 is comprised of four parcels of land including the subject property, identified as Site 3.2 (PID 40601676). The undeveloped portion of site 3.2 is a 2.2 acre parcel of land which is located adjacent to Bedford Basin and across Waterfront Drive from the Mill Cove Sewage Treatment Plant.

Existing Development Agreement

Section 3 (b) of the existing development agreement enables development of three commercial buildings on Site 3.2. One of these, an office building at 200 Waterfront Drive, is already developed. The existing Agreement enables Provident to develop a 5 storey and a 6 storey building on the remainder of the site.

Proposal

Provident has applied for a non-substantial amendment to the existing Agreement to permit residential development on top of ground floor commercial uses in both undeveloped buildings on Site 3.2. Further, the proposed amendment also includes a greater degree of window glazing and window openings than identified in the existing Agreement. A Resolution of Council is required to approve the non-substantial amendment. A Public Hearing is not held to consider a non-substantial amendment although Council's decision can be appealed to the Nova Scotia Utility and Review Board.

Aside from the proposed change in use and window provisions, Provident shall comply with all other requirements of the existing Agreement. These include, but are not limited to, the maximum height of the buildings, the range of commercial uses permitted on the site, and a requirement that, prior to the issuance of permits, Council review the detailed plans of all buildings to ensure compliance with the intent of the Agreement. In this regard, Provident has submitted the detailed plans (site plan and building elevations) concurrently with the non-substantial amendment application to enable Council and North West Planning Advisory Committee to review the proposal in a comprehensive manner.

Although both the non-substantial amendments and detailed plan review are included in the same application, Council must make a decision regarding the proposed amendments first. After the appeal period for the proposed amendments has expired Council can then make a decision as to whether the detailed plan are consistent with the intent of the Agreement, as amended. Council's decision regarding the detailed plans is not a statutory process set out under the Municipal Government Act and does not require a Public Hearing and is not subject to appeal.

Bedford Visioning Project

The Bedford Waterfront is one of the first communities to create a Community Vision through the new VisionHRM initiative. Objectives of the vision include improving public access to the waterfront; expanding residential and business activity; and providing a safe, secure, fully serviced environment for users of the waterfront including pedestrians.

Staff believe that the mixed use proposal will support the objectives of the Bedford Waterfront Vision by enabling development of two mixed use office/commercial buildings. The mix of uses will ensure activity and human presence during the evenings and on weekends. Traffic generated by the mixed use development will be significantly less than what would be expected if the site was developed commercially and the residential element ensures that amenity areas will be established as part of the development.

DISCUSSION

Staff have reviewed the proposed amendments and the details plans relative to the intent of the existing Agreement and all relevant policies of the Bedford MPS.

Non-substantial Amendments

It is the opinion of staff that a mixed use development is more supportive of the intent of both the WFDCC designation and the Bedford Waterfront Vision than a solely commercial development. Both the Vision and the MPS identify a mix of residential and commercial development as an objective for the Bedford waterfront. The existing Agreement includes specific requirements for density and recreation space for the other residential sites and the proposed amending agreement, set out in Attachment A, would extend these requirements to the subject property. The number, scale and height of buildings permitted on the site would not change from what is permitted by the existing Agreement. Further, Provident submitted a Traffic Impact Statement which indicates the proposed change in use for the upper floors of the undeveloped buildings would reduce traffic flow both during peak hours and over a 24 hour period

The design guidelines that constitute Schedule E of the existing Agreement indicate that window openings shall be a maximum of 40% of the area of any wall and that continuous horizontal bands of glazing will not be accepted. As shown on the proposed building elevations set out in the proposed amending development agreement as Attachments C-1 and C-2, windows and glazing figure prominently in the building design. Provident has requested an amendment that would permit window openings of up to 62.8% on the 5 storey building and up to 55.8% on the 5 storey building. The average window opening to wall area ratios for the 5 and 6 storey building would be 60% and 51% respectively and would include bands of horizontal, glazed windows on the top floor of each building. Provident contends that the additional window openings and glazing compliment the exterior of the existing office building at 200 Waterfront Drive, provide a more attractive building appearance, improve solar and daylight harvesting and provide better views for homeowners.

The proposed amendments relative to window openings and glazing are supported by the Waterfront Development Corporation Ltd. (WDCL) who inherited responsibility for development of the Bedford waterfront from BDWC including administration of the design

guidelines. Aside from the bank of windows on the top floor of each building, the proposal generally adheres to the provisions for window openings and glazing set out in the existing Agreement. Further, staff do not believe that the buildings proposed by Provident are any less aesthetically pleasing than if window openings and glazing were limited to the provisions of the existing design guidelines.

Review of Detailed Plans

Section 4 of the existing Agreement requires that separate detailed plans for each development must be submitted for the review of Council prior to the issuance of any permits. This provision is intended to ensure that the development of each site is consistent with the intent of the Agreement. Staff have reviewed the plans and determined that the proposal would comply with the intent of the Agreement if the proposed non-substantial amendments are approved by Council. Staff have provided a summary of the proposal based on the provisions of the Agreement:

Land Use Considerations

Height: The proposed buildings are 5 storeys (60 feet) and 6 storeys (75 feet) tall respectively and adhere to the maximum building height set out in Section 3 (b) of the existing Agreement.

Parking: The existing Agreement allows for up to 50% of the required parking spaces to be provided on the street adjacent to the site or in the public parking lot located across Waterfront Drive. The proposal includes a total of 156 parking spaces, (including 79 underground) which complies with the parking requirements set out in the existing Agreement without using any off-site parking spaces if the ground floor is used solely for office uses. Commercial uses that require additional parking may be permitted if Provident can verify that required parking can be provided off site in accordance with the requirements of the Agreement and has not been included as part of the parking requirements for any other development.

Density: The existing Agreement limits density for all residential developments to 35 units per net acre. Site 3.2 is approximately 3.2 acres and could contain 113 units if developed at a density of 35 units per acre. The proposed amending agreement limits the number of residential units permitted on Site 3.2 to 78.

Recreation space: The agreement requires 42,975 square feet of recreation space. The proposal contains 43,636 square feet of recreation space including an indoor clubhouse, an outdoor pool for residents of the buildings and extension of the waterfront walkway across the site, and extensive landscaping in all publicly accessible and private recreation areas as shown on Map 4.

Passages Between Buildings: The existing Agreement indicates that two passages shall be provided between the three buildings on the site. Although there is only 1 passage between the buildings to the waterfront walkway, there are 3 entrances to the walkway on the site. As shown on the site plan, this passage shall include benches, decorative steel railings, planters, trees, shrubs as well as a piece of public art or a waterfront artifact to be located near the top of the stairs leading down to the waterfront walkway. Although the area between the 5 and 6 storey buildings does not include a public passageway it does provide a shared recreation and amenity

area for residents of the development which is also an important focus for residential development on the waterfront and in Bedford.

Waterfront Walkway: As shown on Map 4, the waterfront walkway shall be extended across the site adjacent to the Bedford Basin. The walkway shall be constructed of durable material. As illustrated on Map 4, Provident will provide benches, light standards and significant plantings and landscaping along the walkway.

Stormwater Management: Stormwater drainage shall be managed according to all applicable HRM requirements. In addition, Provident will install oil/water separators to remove contaminants from the parking areas, including the underground parking garage prior to discharging into Bedford Basin.

Building Design Considerations

Roof Design and Materials: The predominate roof slopes for both buildings are 22.5 degrees and the secondary roof form on the proposed 5 storey building is mansard as set out in the existing Agreement. Roofing material shall be provided in conformance with the Agreement and is intended to be metal. Roof elements such as bay windows, roof windows and terraces have not been provided as no units are located within the roof structure. However, balconies are provided on the top floors and the overhang provides a sense of enclosure and minimizes the vertical scale of the building while the sequence of large windows at roof level compliment the design of the adjacent office building.

Windows: Individual windows are generally square or have a height which exceeds their width but windows on the top floor of each building create a horizontal band. This would be permitted under the proposed amending development agreement.

Materials and Colours: The primary wall surfaces shall be red brick and the solarium windows and accent bands are green to compliment the adjacent office building. Trim around the balconies, railings and windows shall be white to compliment the white horizontal accent lines on the adjacent office building.

Building Lines and Orientation: The buildings are sited and oriented to be parallel and perpendicular to the shoreline and waterfront walkway as required by the Agreement.

Conclusion

It is the opinion of Staff that the proposal to permit two mixed use commercial/residential buildings on Site 3.2 is consistent with intent of the Bedford MPS and the existing Agreement. Staff support the proposal to permit an increase in window openings and glazing. A Traffic Impact Statement prepared for the applicant concludes that the proposed change in use would reduce traffic flow to and from the site. The location and scale of the buildings is limited to what is permitted by the existing Agreement and the change to residential use supports the intent of the Bedford MPS and the Bedford Waterfront Vision. Staff recommend that Council approve the proposed amending agreement, as set out in Attachment A, and approve the detailed plans as being consistent with the intent of the 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 and the work 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.

ALTERNATIVES

1. Council may choose to approve the proposed amending development agreement. This is the recommended course of action.
2. Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons for refusing the amendment. This alternative is not recommended as Staff are satisfied that the proposed agreement is consistent with the intent of the existing agreement and the MPS.
3. Council may choose to approve the proposed amending development agreement subject to modifications. This may necessitate further negotiation with the applicant.

ATTACHMENTS

- Map 1 Phase 1, Bedford Waterfront Development
- Map 2 Generalized Future Land Use Map
- Map 3 Zoning and Notification Map
- Map 4 Site Plan

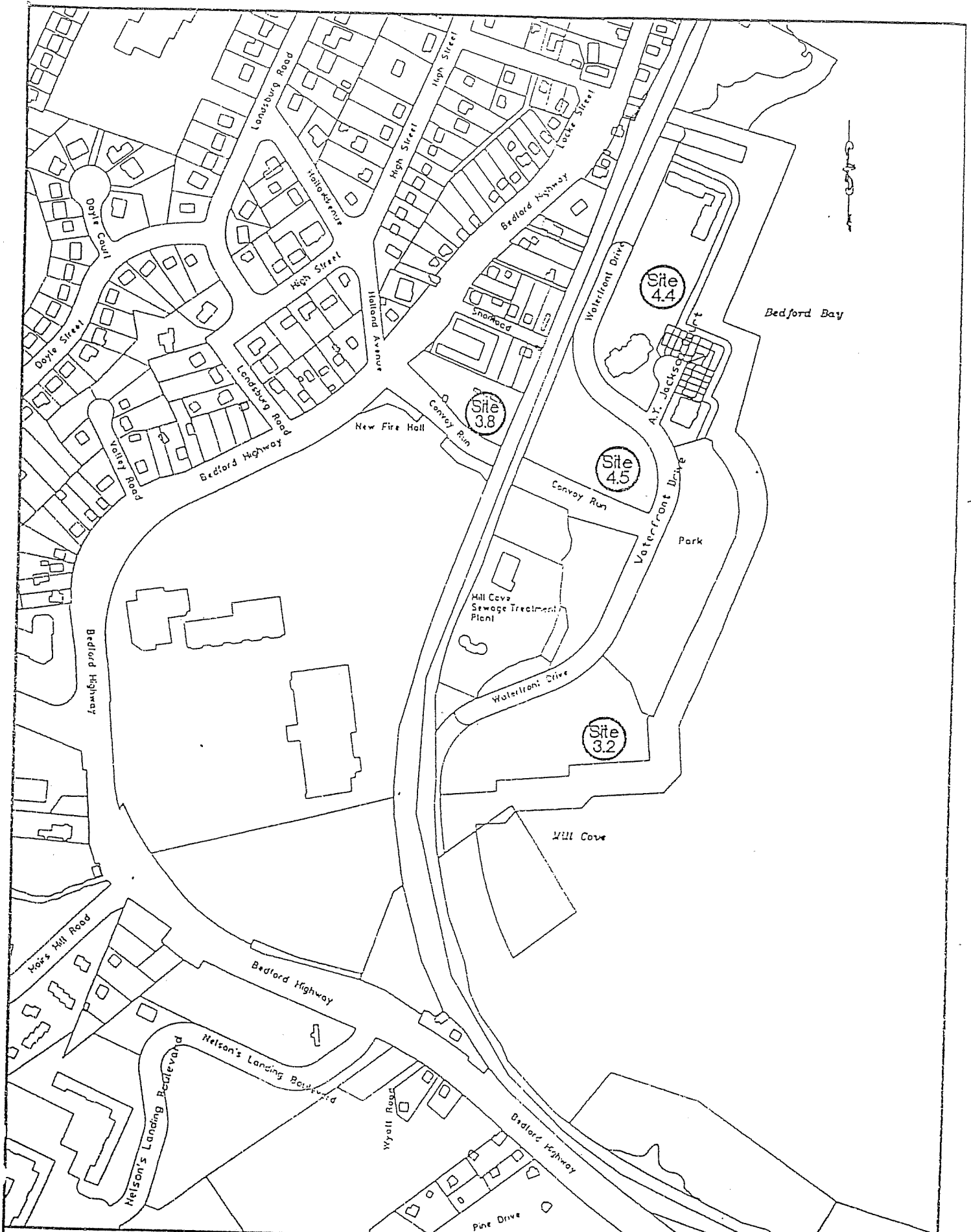
- Attachment A Proposed Amending Development Agreement
- Attachment B Excerpts from the Bedford MPS
- Attachment C Excerpts from the Existing Development Agreement

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.

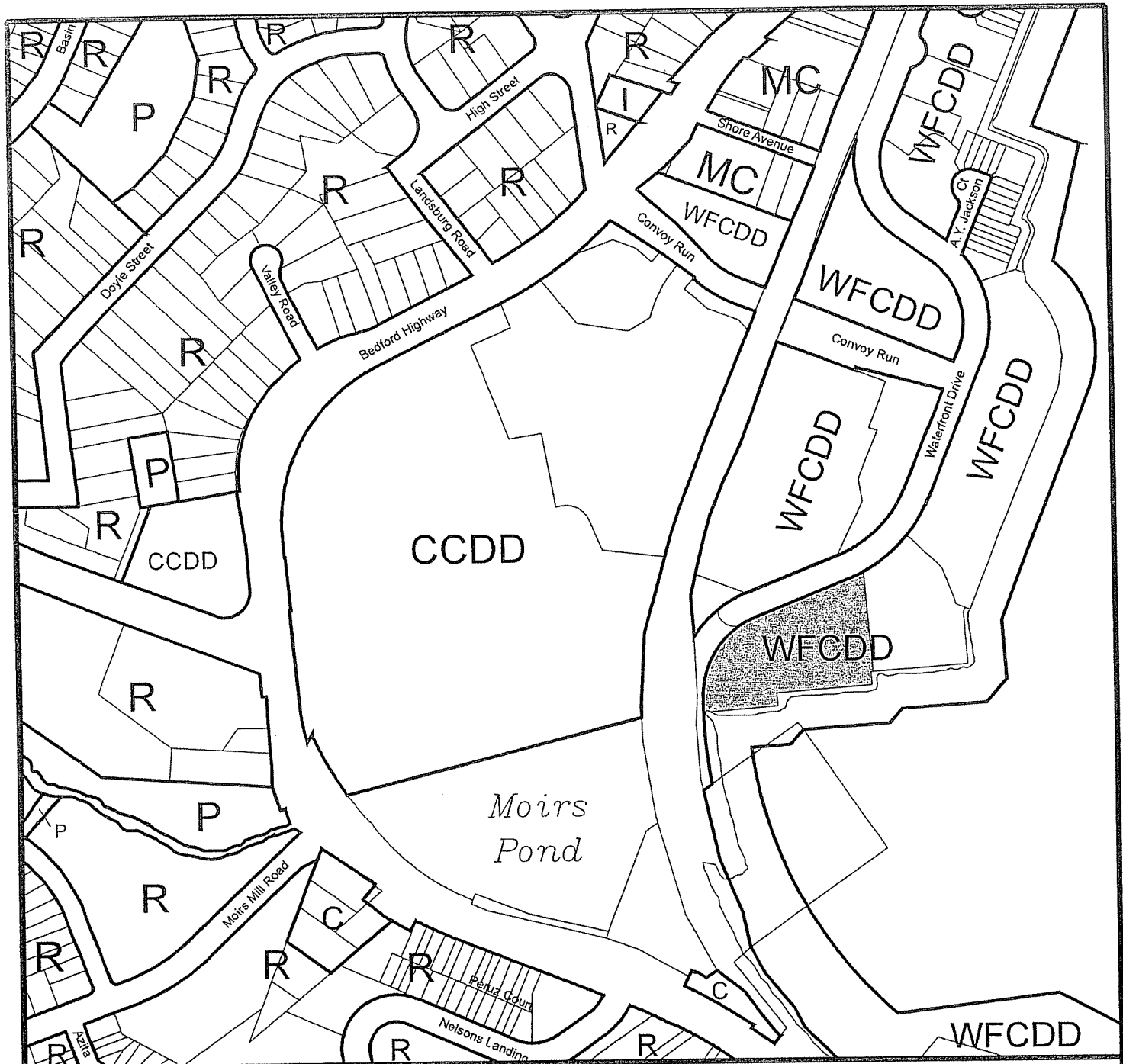
Report Prepared by : Joseph Driscoll, Planner, 869-4262



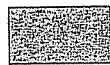
Report Approved by: Austin French, Manager of Planning Services, 490-6717



MAP 1



Map 2
Generalized Future Land Use



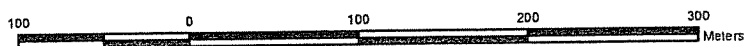
Subject Property

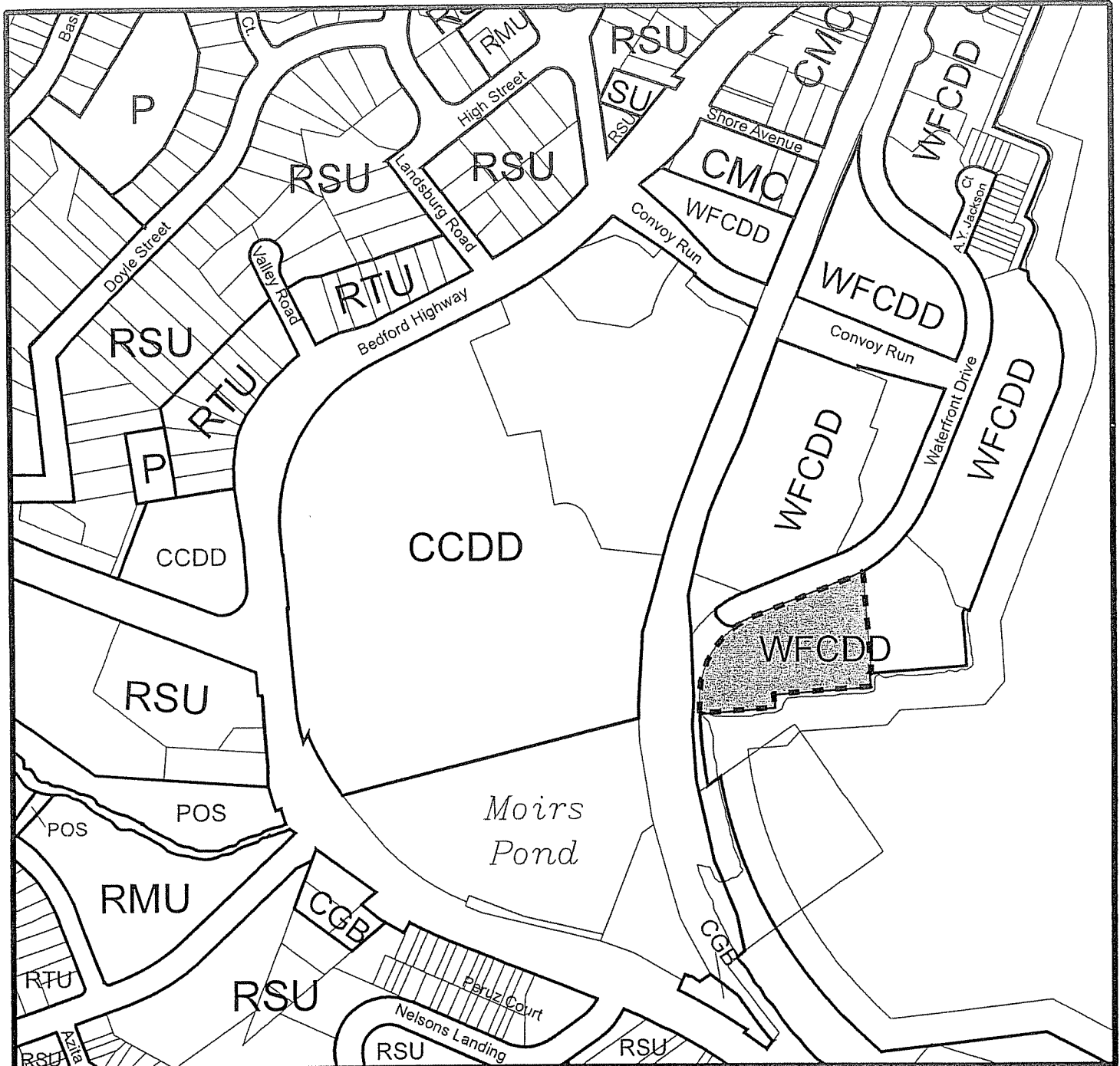
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Community Development
Planning Services

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|---|---------------------------------|-------|---|
| R | Residential Designation | MC | Mainstreet Commercial Designation |
| P | Park and Recreation Designation | CCDD | Commercial Comprehensive Development District |
| C | Commercial Designation | WFCDD | Waterfront Comprehensive Development District |
| I | Institutional Designation | | |



--- Notification Area





Map 3
Zoning



Subject Property

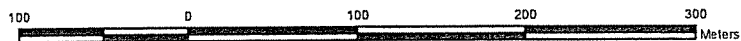
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Community Development
Planning Services

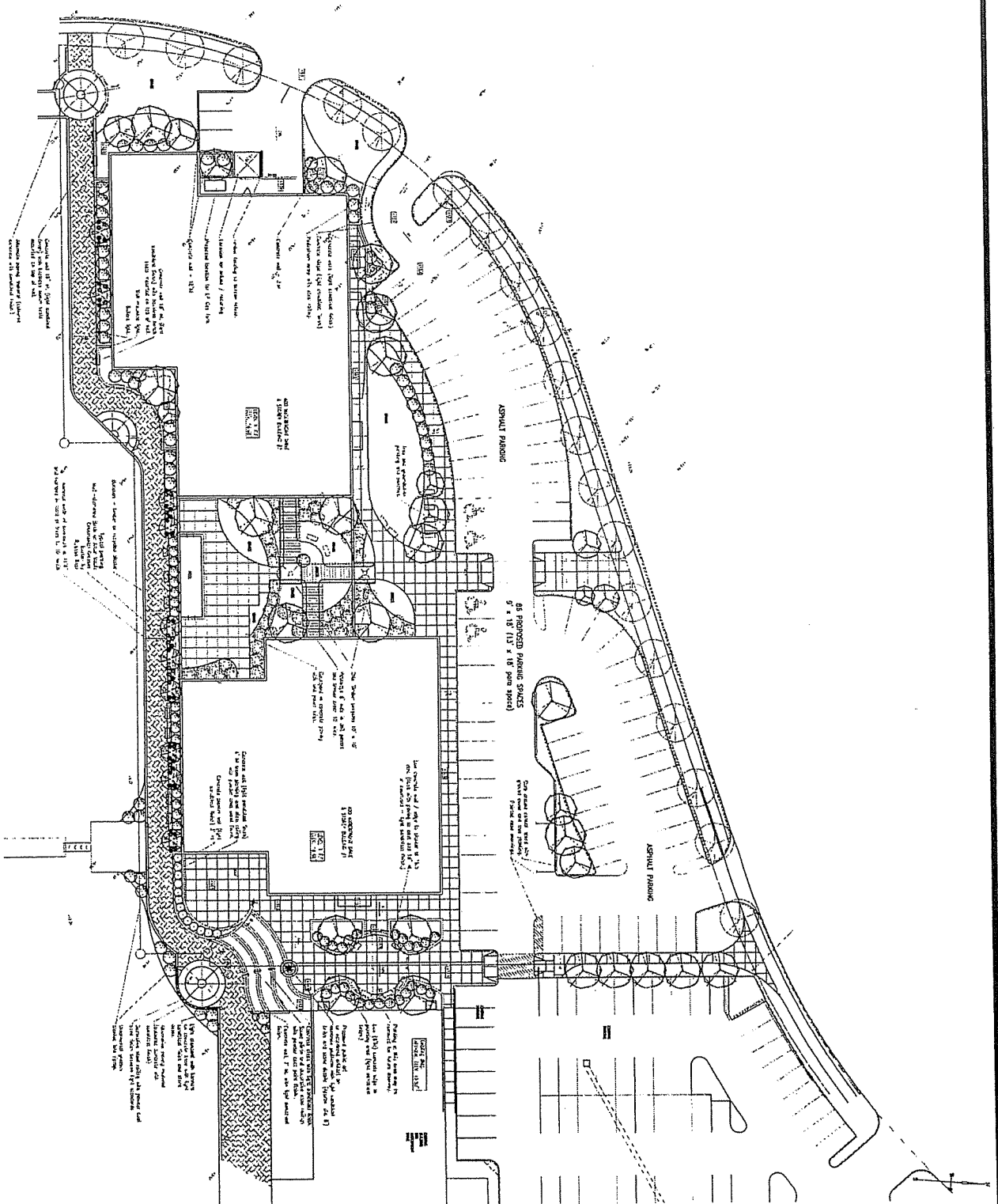
- RSU Single Dwelling Unit Zone
- RTU Two Dwelling Unit Zone
- RMU Multiple Unit Dwelling Zone
- CMC Mainstreet Commercial Zone
- CGB General Business District Zone

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



--- Notification Area





Map 4
Site Plan

Oct. 22, 2007

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1. The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conform with the Schedules attached to this Agreement and the plans filed in the Halifax Regional Municipality as Case Number 01082.

The schedules are:

Schedule A:	Legal Description of the Land(s)
Schedule B:	Site Plan
Schedule C-1:	Building Elevations for 400 Waterfront Drive
Schedule C-2:	Building Elevations for 600 Waterfront Drive
Schedule D:	Recreation and Amenity Areas
Schedule E:	Maximum Window Opening/Wall Area Ratios

2. The Existing Agreement be amended to permit residential development above ground floor commercial in the two undeveloped buildings permitted on the Lands provided that the following conditions are met:
 - (a) residential development shall be limited to a maximum density of 35 units per net acre or 78 dwelling units, whichever is less;
 - (b) recreation space shall be provided as indicated in Schedule "C" of the Existing Agreement. All areas identified on Schedule D of this Agreement shall be accessible to the public except if provided as shared private recreation areas for the residential buildings;
 - (c) lot coverage (building footprint) shall not exceed 50%;
 - (d) a single public passage way shall be provided between the proposed 5 storey building and the existing office building at 200 Waterfront Drive;
 - (e) commercial uses other than office uses shall be permitted on the ground floor of the two undeveloped buildings provided that the Developer provides information, to the satisfaction of the Development Officer, indicating compliance with the parking provisions for Site 3.2 as set out in the Existing Agreement; and
 - (f) in addition to the above amendments, development of the Lands shall comply with the provisions set out in the Existing Agreement except where specifically varied by this Agreement.
3. 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.
4. Prior to the issuance of a Construction Permit, the Developer shall provide the following to the Development Officer:
- (a) A Landscaping Plan which generally conforms with landscaping illustrated on Schedules B and D of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with the Canadian Society of Landscape Architects).
5. Prior to the issuance of any Occupancy Permit, the Developer shall provide the following to the Development Officer:
- (a) Certification from a qualified Professional Engineer that the Developer has complied with the Erosion and Sedimentation Control Plan;
- (b) Certification from a qualified Professional Engineer that indicates compliance with all applicable requirements of the Municipal Service Systems Specifications. The Development Engineer shall review and verify that the information package provided by the Developer's Engineer is complete.
- (c) Certification from a qualified professional indicating that the Developer has complied with the Landscaping Plan required pursuant to clause 4 (a) of this Agreement.
6. The Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement, the Existing Agreement, and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement or the Existing Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
7. Notwithstanding Section 6, the Occupancy Permit may be issued provided the Developer supplies a security deposit in the amount of 110 per cent of the estimated cost to complete any landscaping, paving or modifications to municipal infrastructure. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the work within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the work. The Developer shall be responsible for all costs in

this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

- 8. The Developer shall install oil/water separators to treat any run-off from the parking areas and the underground parking garage prior to discharge to the Bedford Basin. Such devices shall be installed and maintained as indicated in the manufacturer's specifications.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2008.

SIGNED, SEALED AND DELIVERED) **Waterfront Development Corporation Ltd.**
 in the presence of)

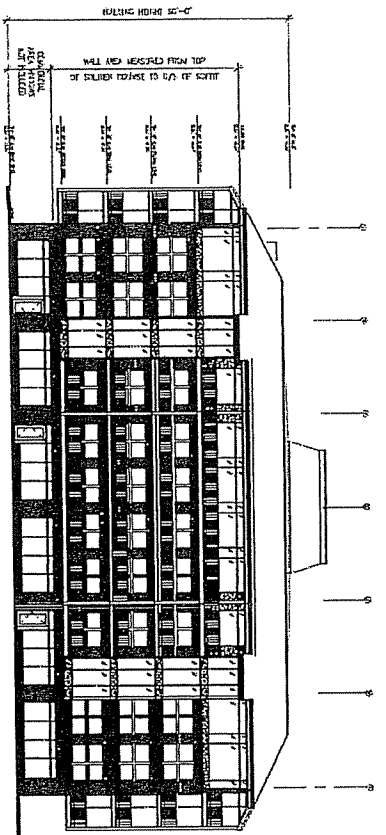
_____) Per: _____
)

SEALED, DELIVERED AND)
 ATTESTED to by the proper)
 signing officers of Halifax Regional) **HALIFAX REGIONAL MUNICIPALITY**
 Municipality duly authorized)

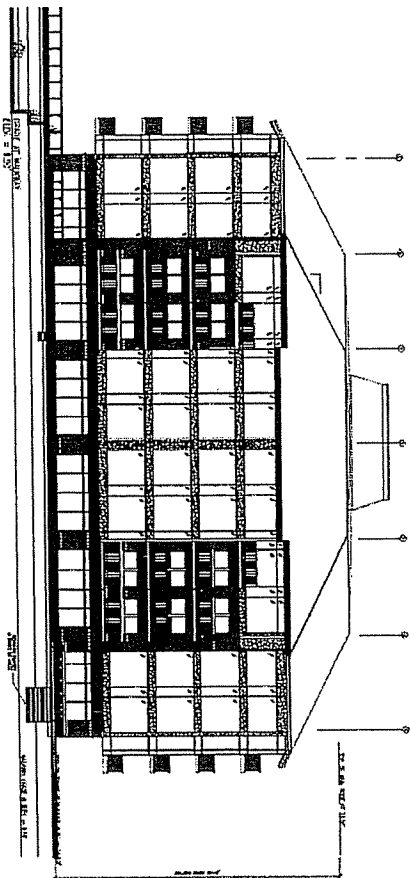
in that behalf in the presence) Per: _____
 of) **MAYOR**
 _____)

) Per: _____
) **MUNICIPAL CLERK**
)

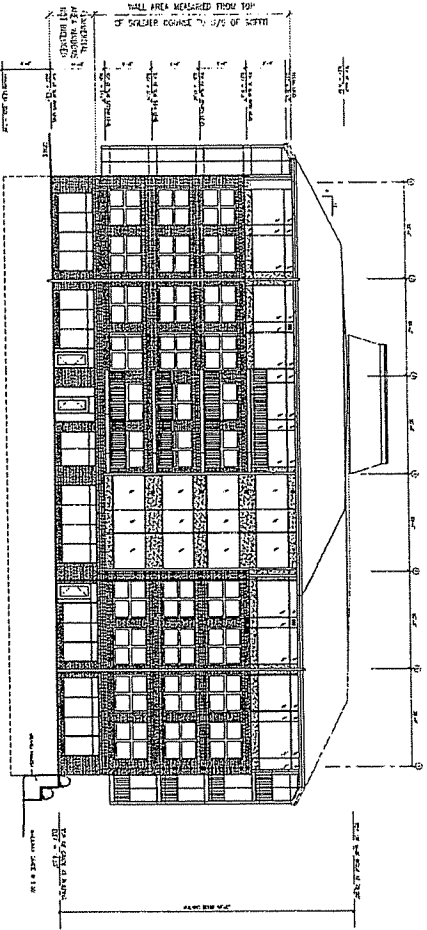
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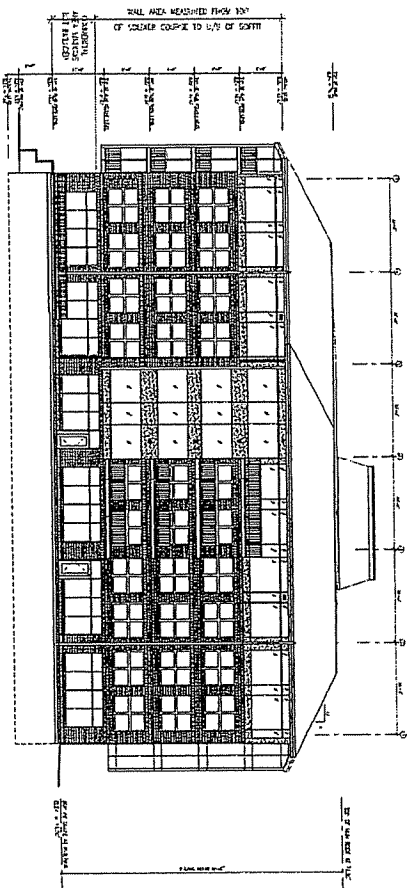
South Elevation 400 Waterfront



West Elevation 400 Waterfront



East Elevation 400 Waterfront



Schedule C-1
Elevations for 400 Waterfront

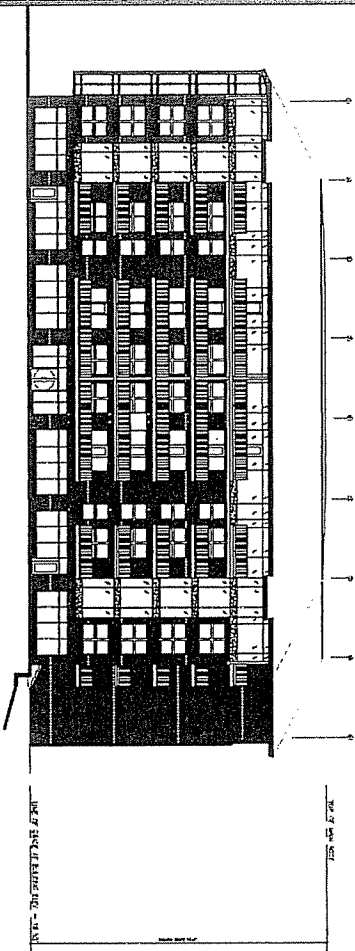


Nov. 19, 2007

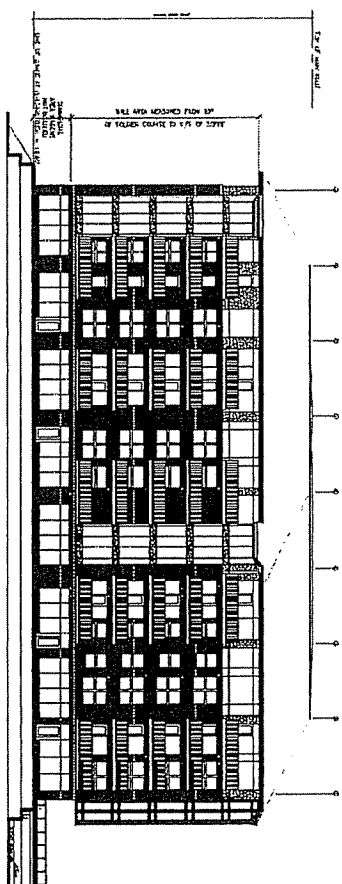
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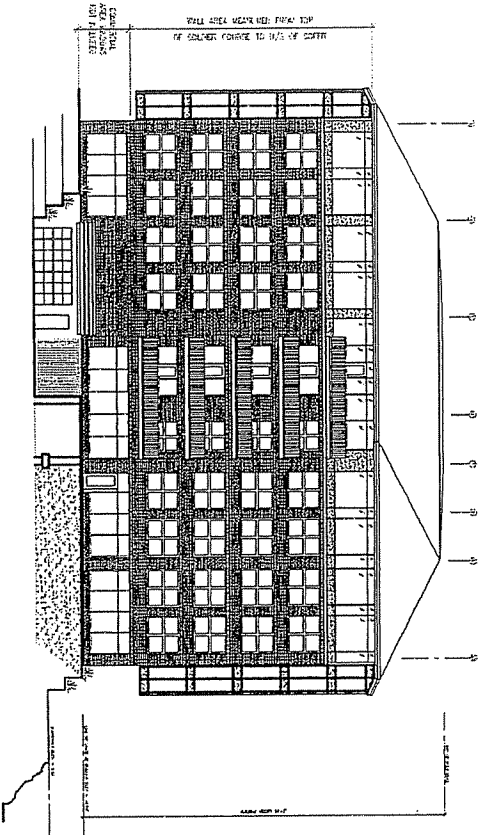
North Elevation 600 Waterfront



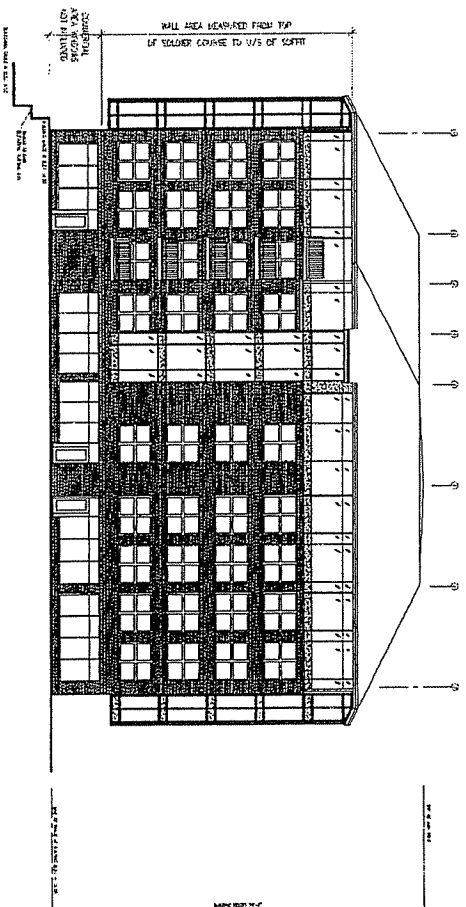
South Elevation 600 Waterfront



West Elevation 600 Waterfront



East Elevation 600 Waterfront



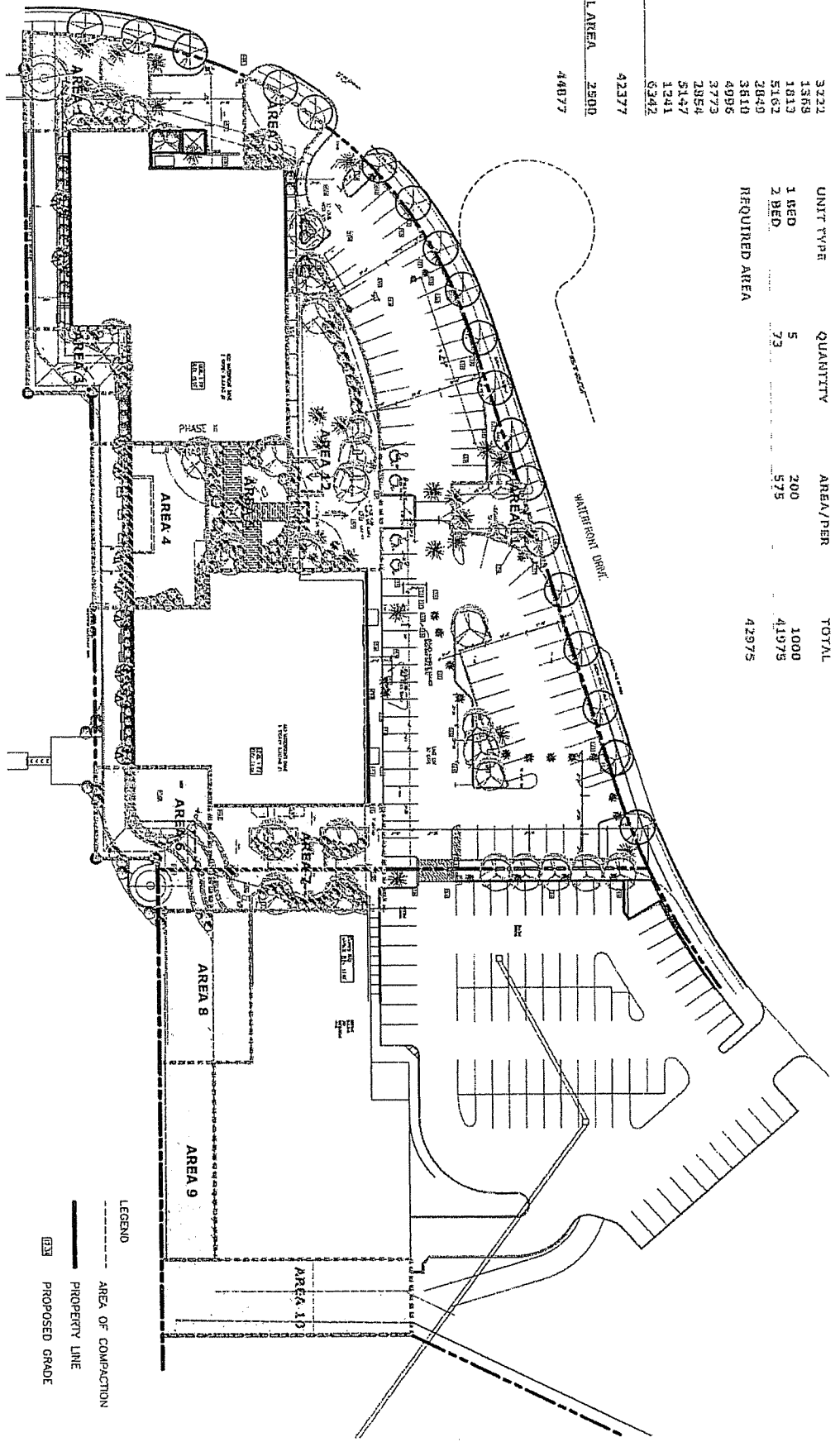
Schedule C-2
Elevations for 600 Waterfront

Nov. 19, 2007

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AMENITY AREA	FT ²	AREA REQUIRED (FT ²)	UNIT TYPE	QUANTITY	AREA/PER	TOTAL
1	3222	1 BED	5	200	1000	
2	1369	2 BED	73	575	41975	
3	1813					
4	5162					
5	2040					
6	3810					
7	4096					
8	3773					
9	2854					
10	5497					
11	1241					
12	6242					
TOTAL	42377				42975	
INTERNAL AREA	2500					
TOTAL	44877					



Schedule D
Recreation and Amenity Areas

Nov. 20, 2007

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Schedule E: Maximum Window Opening/Wall Area Ratios

Window opening/wall area ratios shall not exceed the amounts listed below:

400 Waterfront Drive

North Elevation: 59.5%

East Elevation: 59%

South Elevation: 62.8%

West Elevation: 59%

600 Waterfront Drive

North Elevation: 45.95%

East Elevation: 55.8%

South Elevation: 52.2%

West Elevation: 51.2%

Attachment B: Excerpts from the Bedford MPS

WATERFRONT PROJECT OBJECTIVES

OVERALL OBJECTIVE

To promote the development of Bedford's waterfront project area as an active year-round mixed-use urban waterfront area containing public spaces and activities with residential, commercial, cultural and institutional uses that when developed, emphasize the waterfront project area's location, heritage and environment.

Policy WF-1:

It shall be the intention of Town Council, within the design and layout of the Waterfront project, to maximize access to the development as well as the Bedford Basin for all residents of the Town.

Policy WF-2:

It shall be the intention of Town Council to ensure that the physical form, visual appearance, and pedestrian amenity of streets, sidewalks and bicycle routes between the waterfront project area and the Town increase the public's accessibility to the waterfront project area.

Policy WF-10:

It shall be the intention of Town Council to require the Bedford Waterfront Development Corporation to provide for the development of recreational areas to meet the recreational requirements of residents of the waterfront project area housing. The amount of recreational space shall be as required in the Multiple Dwelling Unit (RMU) Zone of the Town's Land Use By-Law.

Policy WF-13:

It shall be the intention of Town Council to encourage provision of a variety of housing styles and dwelling unit sizes on the waterfront project area consistent with the housing objectives of the Town, but in no case shall the residential buildings exceed a height of eight storeys or 100 feet.

Policy WF-15:

It shall be the intention of Town Council to promote commercial development in the waterfront project area excluding large scale shopping centres but including retail, office, hotel and convention facilities as well as increased commercial entertainment opportunities such as a privately operated theatre or activity centre.

Policy WF-22:

It shall be the intention of Town Council that the following uses shall be considered as potentially permitted uses in the Waterfront Comprehensive Development District:

- | | |
|------------------------------------|--|
| a) townhouse dwellings | i) marine related uses |
| b) multiple unit dwellings | j) office uses |
| c) senior residential complexes | k) convention facilities |
| d) neighbourhood convenience store | l) hotel facilities |
| e) retail commercial uses | m) institutional SI/SU uses |
| f) commercial entertainment uses | n) parks & recreational uses |
| g) commercial service | o) cultural uses |
| h) food and beverage uses | p) any uses accessory to the foregoing |

Policy WF-23:

It shall be the intention of Town Council, in addition to all other criteria set out in the various policies of this planning strategy, to have regard for the following criteria in evaluating all proposals for the Waterfront Comprehensive Development District Zone:

Intent

- i) That the proposal provides for a predominantly mixed-use, medium-rise (4, 5, 6 storeys) and high-rise (7 & 8 storeys) project;

Access

- ii) the adequacy of access into the Waterfront Project with preference given to an access at the Holland Avenue/ Bedford Highway intersection;
- iii) That the proposal makes provision for a continuous public walkway immediately adjacent to the water's edge running the entire length of the project except where general accessibility to any marine-related use would be unsafe; and such walkway shall be intersected at various points by public parks and plazas and contain appropriate street furniture;
- iv) That the proposal makes provision for appropriate pedestrian signage;

Views

- v) That the proposal positions buildings and roads so that there is a view corridor unobstructed by any building from any access road straight to the water's edge;
- vi) That the proposal addresses the positioning and massing of buildings so that acceptable views are maintained between the Bedford Highway and the Bedford Bay as per Policy WF-14;
- vii) That the proposal provides for a variety of materials, building types and heights to enhance the view from the water side of the project;

Recreation

- viii) That the proposal provides for public parks such that they are located along the waterfront project area edge in conjunction with the public walkway;

- ix) That the proposal provides for a mix of small and large public parks with a large public park suitable for Town assemblies and open-air recreational activities such as band concerts;
- x) That the proposal provides that the siting and massing of buildings around public park areas shall be to reinforce the nature of the park areas as public;
- xi) That the proposal makes provision for commercial uses at grade in all buildings that abut public park areas;
- xii) That in light of policy and the intent of the Strategy to develop a community oriented Waterfront Development Project, Council shall give special consideration to projects that include public boat launching facilities with associated parking and walkways along the water's edge;

Housing

- xiii) That the proposal allows for the clustering of residential units into distinct housing areas rather than located along the entire length of the project;
- xiv) That the proposal includes height limitations for all residential buildings consistent with Policy WF-13 and WF-14, however there shall not be more than two high-rise residential buildings which are not to exceed eight storeys or 100 feet in height;

Commercial

- xv) That the proposal makes provision for a variety of small scale commercial uses located at grade;
- xvi) That the proposal contains height limitations consistent with Policy WF-14 and WF-15 for all commercial buildings specifying that in no case are the commercial buildings to exceed 75 feet in height;
- xvii) That the proposal locates office uses at levels other than grade;

Parking

- xviii) That the proposal provides for development of parking structures to minimize the amount of land used by surface parking lots;

Environment

- xix) That the proposal provides for planting, vegetation screens and other visual barriers to minimize the visibility of the sewage treatment plant.
- xx) That the proposal includes provision of servicing designs and plans that are in accordance with Town requirements.
- xxi) That the proposal provides for the construction of underground services.
- xxii) That the proposal is in sufficient detail to include information on the waterfront project area's demographics, mix of passive/active recreational space, and the relationship of public space to private space.

Attachment C: Excerpts from the Existing Development Agreement

3. (1) The Developer shall not develop or use the lands for purposes other than those described in this Agreement.
- (2) The proposed use of the land which is allowed by this development agreement is the following:
 - (a) Development of a commercial and/or residential building(s) on Site 3.8 for retail commercial uses, neighbourhood convenience stores, commercial service, food and beverage uses, office uses, convention facilities, hotel facilities, institutional uses, multiple-unit residential uses, and/or cultural uses. The front third of this lot, the portion nearest the Bedford Highway, is to be developed in accordance with the provisions of the Mainstreet Commercial core policies (attached as Schedule "D"). Building(s) on the middle third of this lot may be built to a maximum four (4) storey (48 ft.) height. Building(s) constructed on the lower third of the lot, nearest the railroad, may be constructed to a maximum of 75 feet (6 storeys). On-site parking is to be provided in accordance with the provisions of Sections 34, 35 and 36 of the 1991 Land Use by-law. Parking shall be screened from the Bedford Highway by landscaping along the Bedford Highway and the Waterfront Access Road. Landscaping shall be at the same intensity (number of plants and size of plants) as that provided adjacent to the Sewage Treatment Plant.

Any residential development shall be limited to a maximum 35 units per net acre density and maximum 50% lot coverage. Recreational space is to be provided as indicated in Schedule "C".
 - (b) Development of a commercial building(s) on *Lot 3.2*. The building(s) on the western third of this block may be constructed to maximum of six storeys (75 ft.). The building on the central portion of this lot may be constructed to a maximum of five storeys (60 ft.). The building(s) on the eastern third of this site may be constructed to a maximum height of four storeys (48 ft.). The commercial uses permitted are those listed in 3(a) above. On-site parking is to be provided in accordance with the provisions of Sections 34, 35 and 36 of the draft 1991 Land Use By-law, except that up to 25% of parking requirements may be met by on-street parking adjacent to the site and further 25% of parking requirements may be met by providing parking on land northeast of the pollution control centre.
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.