



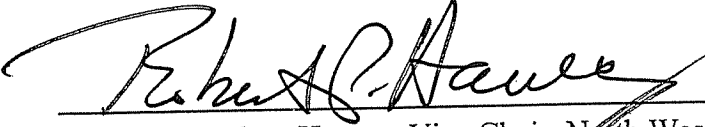
PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.1

Halifax Regional Council
January 15, 2008

February 12, 2008
March 4, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Councillor Robert Harvey, Vice Chair, North West Community Council

DATE: January 8, 2007

SUBJECT: Case 00762: Amendments to the Bedford MPS/LUB and Development Agreement (Southgate Village)

ORIGIN

North West Community Council meeting of December 11, 2007.

RECOMMENDATION

It is recommended that Regional Council Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the October 24, 2007 staff report and schedule a joint public hearing with North West Community Council.

BACKGROUND

At the December 11, 2007 meeting of North West Community Council, a motion was passed to recommend that Regional Council give First Reading and schedule a joint public hearing with North West Community Council to consider proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law, as outlined in the submitted October 24, 2007 staff report (attached).

DISCUSSION

N/A

BUDGET IMPLICATIONS

None associated with this report. See attached staff reports.

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

None associated with this report. See attached staff report.

ATTACHMENTS:

1. Supplementary Staff Report dated November 16, 2007
2. North West Planning Advisory Committee report dated November 8, 2007
3. Staff Report dated October 24, 2007

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:

Sheilagh Edmonds, Legislative Assistant



PO Box 1749
Halifax, Nova Scotia
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North West Community Council
November 21, 2007

TO: Chairperson and Members of North West Community Council

SUBMITTED BY: Sharon Bond
Sharon Bond, A/Director of Community Development

DATE: November 16, 2007

SUBJECT: Case 00762 - Amendments to the Bedford MPS/LUB and Development Agreement (Southgate Village)

SUPPLEMENTARY REPORT

ORIGIN

An application by Caohmin Consulting on behalf of Cresco Homes Limited to amend the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable a mixed use development (residential/commercial) at 820, 822, 824, 826 and 836 Bedford Highway.

On June 14, 2005 Regional Council initiated a process to consider amending the Bedford MPS and LUB for the above noted application.

A staff report dated October 24, 2007 was forwarded to North West Planning Advisory Committee (NWPAC) for review. NWPAC recommended approval of the proposed amendments to Bedford's MPS and LUB and the proposed development agreement with amendments not contained in the report.

RECOMMENDATION:

It is recommended that **North West Community Council recommend that Regional Council:**

1. **Give First Reading** to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated October 24, 2007, and schedule a joint public hearing with North West Community Council;
2. **Approve** the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated October 24, 2007; and
3. **Give Notice of Motion** to consider the proposed development agreement as provided in Attachment C of the staff report dated October 24, 2007 with the addition of clause 5.1.6 as outlined in Attachment B of this report, and schedule a joint public hearing with North West Community Council. **RECOMMENDATIONS CONTINUED ON PAGE 2**

Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that North West Community Council:

1. Approve the proposed development agreement as provided in Attachment C of the staff report dated October 24, 2007 with the addition of clause 5.1.6 as outlined in Attachment B of this report; and
2. Require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreements by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

On November 7, 2007, NWPAC reviewed the staff report (dated October 24, 2007) for Case 00762 which recommended that Regional Council consider amendments to the Bedford MPS which would permit a development agreement for a mixed use development (residential /commercial) on a number of properties situated on the west side of the Bedford Highway, between Southgate Drive and Glenmont Avenue.

Upon review of the proposal, NWPAC recommended approval of the staff recommendation with the addition of:

- i) amendments to the proposed policy and development agreement to permit all residential development in the proposal to be constructed prior to the construction of the interchange at Highway 102; and
- ii) an amendment to the proposed development agreement to require storm water treatment by oil and grit separators.

The Bedford South Secondary Planning Strategy was implemented subsequent to a master planning exercise for the Wentworth/Bedford South area. A Traffic Study (*The Final Report Traffic Impact Study Prince's Lodge/Bedford South Master Plan* prepared by Atlantic Road and Traffic Management, June 2000) was completed in support of the master planning study. The study concluded that 2,000 housing units within Wentworth/Bedford South and the Royale Hemlocks Subdivision could be developed and occupied without causing the level of service to deteriorate on the Bedford Highway below a performance level acceptable under municipal traffic guidelines.

Existing Plan Policy

Current MPS policy provides that no development agreement within the Bedford South Master Plan area and the abutting Royale Hemlocks subdivision shall be approved which allows for more than 2000 units unless the interchange has been constructed on Highway 102 and connected

to Larry Uteck Boulevard or the financing for the interchange and roads has been secured and a time frame for implementation agreed upon.

DISCUSSION

Residential Development Prior to Interchange

To date, through the Bedford South, Wentworth Estates and Royale Hemlocks development agreements, the 2000 unit threshold has been reached. An excess number of units were accommodated in order to facilitate road connections to the new interchange to be built at Highway 102). However, it is anticipated that these units will not be occupied until the interchange is operative.

In addition, many more units have been approved through the as-of-right process along the Bedford Highway outside the Royale Hemlocks/Wentworth Estates and Bedford South subdivisions.

Staff wish to identify that it is well documented that additional units on the Bedford Highway, as proposed by NWPAC, prior to the construction of the Highway 102/ Larry Uteck Blvd. interchange will have a negative impact on the Bedford Highway. As a result there could be significant congestion on the Bedford Highway. It has been the position of staff and other Community Councils that this restriction is needed to maintain safe and efficient traffic flows on the Bedford Highway. Staff's position is reflected in all development agreements negotiated in this locality including recent amendments to Royale Hemlocks, Neighbourhood A and C of Bedford South, and Neighbourhood B of Bedford South/Wentworth Estates. Further, recent requests for additional units in this area have been made. Staff have indicated in all cases, including the subject application, that additional units (beyond 2000 units) puts the functionality of the Bedford Highway at risk.

If NWCC wish to consider the proposed request, staff recommend that Regional Council:

- i) process the application as stated in the "Recommendation" section of this report; and
- ii) request staff to prepare an initiation report on amendments to the Bedford South Master Plan that permits additional residential units within the development prior to the construction of the Highway 102 Interchange.

Staff recommend the additional amendment process due to the impact the request will have on traffic levels on Bedford Highway, development activity within Bedford South and Royale Hemlocks area, and that the proposed request is a significant amendment to existing MPS policy and engineering practices. If NWCC recommends that Regional Council consider the requested amendment under the existing application, staff are aware of at least two other developments that could be requesting the same amendment. Therefore, staff recommend a comprehensive review of the proposed amendment. Staff does not support either approach for the reasons stated in this report.

Oil Grit Separator - Staff concur with the recommendation of NWPAC to require oil and grit separators. The clause to be included in the development agreement is outlined in Attachment B.

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. Approve the proposed amendments to the Bedford MPS and LUB and the proposed development agreement, as contained in Attachments A and B of the staff report dated October 24, 2007 plus the addition of clause 5.1.6 as outlined in Attachment B of this report to the Agreement. This alternative would permit the proposed mixed use development as outlined in the original staff report with the addition of three oil and grit separators. This is staff's recommended course of action.
2. Approve the proposed amendments to the Bedford MPS and LUB and the proposed development agreement, as contained in Attachments A and B of the staff report dated October 24, 2007 plus the addition of clause 5.1.6 as outlined in Attachment B of this report to the Agreement. Further, request that staff prepare an initiation report that considers the ability to exceed the 2000 unit threshold within the Bedford South Master Plan for this development. This is not the recommended course of action as outlined in this report.
3. Approve the proposed amendments to the Bedford MPS and LUB and the proposed development agreement, as contained in Attachments A and B of the staff report dated October 24, 2007 with the replacement of wording to clause RN-3A (c) of the proposed Bedford MPS policy as outlined in Attachment A of this report and the addition of clauses 3.4.1 and 5.1.6 to the development agreement (Report of October 24, 2007) as outlined in Attachment B and C of this report. This alternative would permit the proposed mixed use development as outlined in the original staff report with the addition of oil and grit separators and the allowance for all residential units to proceed prior to the construction of the interchange. Should Council choose this option, exact wording is provided in Attachment D. This is not the recommended course of action as outlined in this report.
4. Refuse all of the requested amendments to Bedford's MPS and LUB. A request to amend the MPS is at the discretion of Council. A decision not to amend the MPS cannot be appealed to the N.S. Utility and Review Board. This alternative is not recommended as staff feel that there is merit in proceeding with amendments to the Bedford MPS and LUB.

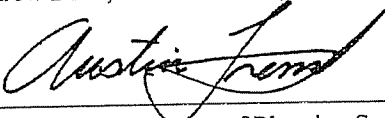
ATTACHMENTS

- | | |
|--------------|---|
| Attachment A | Amendment to the Bedford MPS |
| Attachment B | Amendment to the proposed Development Agreement (Stormwater Treatment) |
| Attachment C | Amendment to the proposed Development Agreement (Pre-Interchange Units) |
| Attachment D | Alternate Recommendations |

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, Senior Planner, 869-4226

Report Approved by:


Austin French, Manager of Planning Services, 490-6717

Attachment A
Proposed Amendment to the Bedford MPS
(Revision to proposal in October 24, 2007 Staff Report)

- RN-3A c) notwithstanding MS-6 and MS-7, the development agreement shall permit a maximum of 57 residential units to be constructed prior to the construction of the interchange at Highway 102;

Attachment B
Amendment to the proposed Development Agreement (Stormwater Treatment)

- 5.1.6 The Developer agrees to treat all storm water on the site with an oil and grit separator or storm treatment chamber prior to discharging storm water from the site.

Attachment C
Amendment to the proposed Development Agreement
(Residential Development Prior to the Interchange)

- 3.4.1 All units, to a maximum of 57 units, including the Commercial Building, Multi-Unit Residential, Townhouses, and Single Unit Dwelling may be constructed and Occupancy Permits issued prior to the interchange at Highway 102 being constructed and connected to Larry Uteck Boulevard or the financing for the interchange and road has been secured. Final subdivision approval may be granted for all development prior to the interchange being constructed and connected to Larry Uteck Boulevard or the financing for the interchange and road has been secured.

Attachment D
Alternate Recommendations


1. **Give First Reading** to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated October 24, 2007 with revised wording to clause RN-3A as outlined in Attachment A of this report, and schedule a joint public hearing with North West Community Council;
2. **Approve** the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of the staff report dated October 24, 2007 with revised wording to clause RN-3A as outlined in Attachment A of this report; and
3. **Give Notice of Motion** to consider the proposed development agreement as provided in Attachment C of the staff report dated October 24, 2007 with the addition of clause 5.1.6 as outlined in Attachment B of this report, and schedule a joint public hearing with Regional Council.

Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that North West Community Council:

1. Approve the proposed development agreement as provided in Attachment C of the staff report dated October 24, 2007 with the addition of clause 5.1.6 as outlined in Attachment B of this report; and
2. Require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreements by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

North West Community Council
November 21, 2007

TO: North West Community Council

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

RE: Case 00762 - Amendments to the Bedford MPS and LUB and Development Agreement (Southgate Village)

DATE: November 8, 2007

ORIGIN

North West Planning Advisory Committee meeting - November 7, 2007

RECOMMENDATION

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

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Bedford MPS and LUB as provided in Attachments A and B of the staff report dated October 24, 2007, with amendments to add policy that would permit all units within this development to be constructed prior to the interchange, and schedule a joint public hearing with North West Community Council;
2. **Recommend that Regional Council** approve the proposed amendments to the Bedford MPS and LUB as provided in Attachments A and B of the staff report dated October 24, 2007, as amended above; and
3. **Move Notice of Motion** to consider the proposed development agreement and discharging agreement as provided in Attachments C and D, with amendments to Section 3.4 of the development agreement (Attachment C) that would permit all units within this development to be constructed prior to the interchange, and to require three oil and grit separators, and schedule a joint public hearing with Regional Council.

Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that North West Community Council:

1. Approve the proposed development agreement and discharging agreement as provided in Attachments C and D, with amendments to Section 3.4 of the development agreement (Attachment C) that would permit all units within this development to be constructed prior to the interchange, and to require three oil and grit separators; and

2. Require the development agreements be signed 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 agreements by North West Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

ATTACHMENTS

Staff report dated October 24, 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 Hamish, Admin/PAC Coordinator, 490-4937

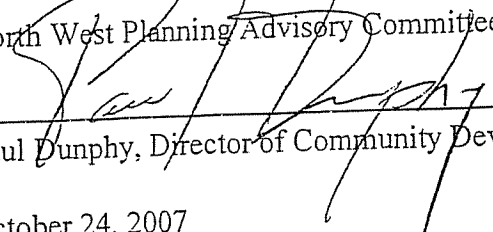
Report reviewed by: Ann Merritt, Chair, North West PAC



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
November 7, 2007

TO: North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: October 24, 2007

SUBJECT: Case 00762 - Amendments to the Bedford MPS/LUB and Development Agreement (Southgate Village)

ORIGIN

1. An application by Caohmin Consulting on behalf of Cresco Homes Limited to amend the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable a mixed use development (residential/commercial) at 820, 822, 824, 826 and 836 Bedford Highway as shown on Map 1.
2. On June 14, 2005 Regional Council initiated a process to consider amending the Bedford MPS and LUB for the above noted application.

RECOMMENDATIONS

It is recommended that North West Community Council

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Bedford MPS and LUB as provided in Attachments A and B, and schedule a joint public hearing with North West Community Council;
2. **Recommend that Regional Council** approve the proposed amendments to the Bedford MPS and LUB as provided in Attachments A and B; and
3. **Move Notice of Motion** to consider the proposed development agreement and discharging agreement as provided in Attachments C and D and schedule a joint public hearing with Regional Council.

Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that North West Community Council:

1. Approve the proposed development agreement and discharging agreement as provided in Attachments C and D; and
2. Require the development agreements be signed 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 agreements by North West Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

On June 14, 2005 Regional Council initiated a process to consider amending the Bedford MPS and LUB to enable a commercial/residential development known as Southgate Village on lands situated along the Bedford Highway as shown on Map 1.

Staff propose the inclusion of new lands within the Bedford South Secondary Plan Area and new policy which would allow a comprehensive residential / commercial development to take place on the subject lands by development agreement.

A Public Meeting was held on September 12, 2005 to discuss the proposed mixed use (commercial/residential) development on the site. A variety of issues were raised at this meeting, with the primary concern being the height of the proposed multiple unit residential development in relation to the adjacent Tides Condominium Project. Consequently, the submission was revised to reduce the height of the building. The Bedford Watershed Advisory Board reviewed the proposal on two separate occasions and have advised they are satisfied the proposal meets environmental policy within the MPS (Attachments F and G). It is staff's recommendation that the proposed MPS policy and LUB amendments as attached to this report be adopted by Regional Council (Attachments A and B). Further, the proposed development agreement (Attachment C) and discharging agreement (Attachment D) be approved by North West Community Council.

BACKGROUND

Location, Designation and Zoning:

The subject properties are located at 820, 822, 824, 826 and 836 Bedford Highway and 1 Glenmont Avenue in Bedford. The site is approximately 1.45 hectares (3.5 acres) in size and is partially subject to the policies of the Bedford MPS and partially subject to the policies of the Bedford South Secondary Planning Strategy (SPS). The lands within Bedford South are zoned Bedford South Comprehensive Development District (BSCDD) and currently subject to an existing development agreement which permits a maximum of 30,000 square feet of commercial/office space within a three storey building. This portion of the site is currently undeveloped. The lands outside the Bedford South SPS are currently zoned Residential Single Unit (RSU) Zone and developed as five single unit dwellings (Map 2).

Surrounding Land Uses: Lands to the north and east of the site are currently undeveloped and are zoned Commercial Comprehensive Development District (CCDD) and Waterfront Comprehensive (WFCDD). These zones permit commercial and residential development via the development agreement process. Lands to the northwest and west are within the Bedford South SPS and are in the process of being developed for residential purposes. Lands to the south are developed with single unit dwellings (Millview Subdivision).

Proposal:

The project consists of:

- one 44-unit, 4 storey multi-unit residential building with underground parking;
- 12 townhouses;
- 1 single unit dwelling; and
- one 2 storey commercial building containing 16,000 square feet (1,486 m²) of floor area.

DISCUSSION

Policy Evaluation:

The Mill Cove/Waterfront/Bedford South area of the Bedford Highway has experienced significant growth over the past ten years. This has altered the development pattern from one characterized by scattered commercial uses and single unit dwellings relying upon on-site services to one of mixed use and medium density residential serviced by municipal services.

With the installation of sewer and water to Bedford South several years ago and recently to the Millview subdivision, this has increased the desirability of the area for continued development. Further, Council has supported development of several medium density, mixed use and residential projects in the vicinity such as the developments approved for 910 Bedford Highway (under appeal) and at the former Crestview CCDD site adjacent Wyatt Road.

The existing policy supports commercial and multi-unit residential development within the Bedford South portion of the lands but not on the lands located outside the designation. Current land use policy for the Bedford Highway area between Hammonds Plains Road and the former Halifax boundary did not anticipate the urban level of development in Bedford South and surrounding areas. An MPS amendment would further the transition to mixed use development as permitted in the general vicinity of the lands.

Given the growth and urban level of development associated with Bedford South, it is reasonable to consider policy changes in support of a mixed use commercial/residential development at this location provided it is in keeping with the development pattern for the remainder of the area.

Proposed Policy Changes (Jurisdiction of Regional Council):

To enable the proposal, staff recommend the following amendments to the Bedford MPS and the Bedford South Secondary Planning Strategy:

- addition of the subject lands to the Bedford South Secondary Planning Strategy (BSSPS); and
- addition of site specific policy within the BSSPS to enable a mixed use (residential/commercial) development.

During the analysis of the proposed policy the following issues were identified:

Views from Adjacent Properties: Views from private property are not protected in Bedford and staff are not proposing any changes to this policy. However, current Bedford South policy restricts the height of residential buildings to five storeys. The developer is proposing to limit the height of the majority of the buildings to four storeys and an elevation equivalent to the viewing height at the first floor of the Tides (76 feet above sea level). A mechanical room is proposed to be exempt from this requirement.

Traffic (Highway 102 Interchange): Due to the amount of development proposed in the Bedford South area, there is a concern that the local transportation network will become overloaded, primarily the Bedford Highway. Development of an interchange at Highway 102 to connect with Larry Uteck Boulevard will alleviate traffic congestion on the Bedford Highway. Bedford South SPS policy has limited the amount of residential development that can occur in the Bedford South area to approximately 2000 residential units (including those permitted in Royale Hemlocks) prior to the construction of the interchange. Staff are recommending that this limit be maintained with one exception for lands with existing residential rights as outlined later in this report.

Parking: The proposed commercial development has a limited number of parking spaces due to restrictions of the site layout. Staff have negotiated a ratio of 3.3 parking spaces per 1000 square feet of retail space for the site. Should the developer lease space to a high traffic generator, this could lead to parking supply issues. Staff have included provisions in the development agreement that limits the types of commercial uses and restricts floor area to mitigate against this possibility.

Existing Residential Development Rights: Approximately half of the subject lands (0.725 hectares (1.79 acres)) is currently zoned Residential Single Unit (RSU) zone. Although this land is currently developed by five single unit dwellings, it is capable of being developed with approximately 13 single unit homes. Staff recommend that the proposed policy maintain the ability to develop these 13 residential units prior to the construction of the Highway 102 interchange. Residential units in excess of the 13 units cannot be constructed until the interchange at Highway 102 is completed as required by existing Bedford South policy.

Existing Commercial Development Rights: Approximately half of the subject lands are currently zoned BSCDD and undeveloped. A development agreement on the site permits the development of 30,000 square feet of commercial space in a three storey building. Staff recommend the continuation of policy which permits commercial uses on a portion of this site prior to the construction of the interchange at Highway 102.

School Capacity: The Halifax Regional School Board (HRSB) indicate that Bedford South School is at capacity and C.P. Allen High School is nearing capacity. The proposed development may have a negative impact on the existing school system. However, the HRSB state that if the local schools do not have adequate capacity at the time of development, the students of this subdivision would be assigned to another school within the Board's jurisdiction.

Municipal Infrastructure Charges: The addition of new lands within the Bedford South SPS will require a recalculation of Municipal Infrastructure Charges for Bedford South. An exception from these charges is proposed to be granted for lands being brought into the SPS which currently have existing rights for thirteen units. The remaining lands would be subject to charges which will require HRM to recalculate these charges for the entire area. In addition to traffic capacity restrictions, the proposed policy limits residential development on lands where infrastructure charges are to apply until changes to the Bedford South Infrastructure Charges are made.

Impact of the New Policy on other Bedford South Lands: The proposed policy does not negatively impact future development rights for other land owners in Bedford South. Policy wording is structured to ensure that development on these lands does not take away units currently allocated to other areas of Bedford South.

The proposed MPS and LUB amendments (Attachments A and B) policy enables a mixed use (residential / commercial) development form which is consistent with the long term vision of the Regional MPS, Bedford MPS, Bedford South SPS and recent MPS amendments in the area. The policy enables North West Community Council to consider applications for a mixed use development by development agreement while also ensuring that relevant concerns are addressed. Staff recommend Regional Council approve the proposed MPS amendments as outlined in the Recommendation section of this report.

Development Agreement (Jurisdiction of North West Community Council)

The following issues have been identified in relation to the proposed development agreement:

Height of the Proposed Multi-Unit Building: At the Public Participation meeting, concern was expressed regarding the height of the multi-unit building. The issue focused on the impact of the proposed building on the views from the lower levels of the Tides Condominium, located on Southgate Drive. In response to this concern, the developer has reduced the height of the majority of the building to an elevation of 76.67 feet with the exception of the elevator shaft which is to be at an elevation of 79.5 feet. The 76.67 foot elevation is approximately eye level from the first habitable floor of the Tides. The proposed building is four storeys plus underground parking in height which is consistent with other approved buildings in the area which are constructed at five storeys plus underground parking.

Watercourse Setback & Buffer: There is a brook running through the northern portion of the site, adjacent Southgate Drive (see Map 3). The Regional Plan (Policy E-10) requires a setback and buffer of 20 meters from any watercourse. The Regional Plan also states that applications for a development agreement or rezoning on file prior to Council's first notice of its intention to adopt this Plan shall be considered under the policies in effect at the time the complete application was received.

This application was received prior to the adoption of the Regional Plan and the development agreement enforces the previous area requirement of a 15.2m (50 foot) setback from the brook.

Sidewalks: There are no sidewalks adjacent the site. The developer has offered to construct sidewalks along the Bedford Highway frontage between Southgate Drive and the entrance to the commercial and condominium site. This sidewalk will form the primary link to Southgate Drive and is anticipated to be the primary pedestrian link to the site.

Regional Plan/ Bedford Vision:

The Regional Plan proposes a "Suburban Local Centre" designation in the vicinity of the subject site. The designation supports a mix of medium density residential, grocery and convenience commercial uses surrounded by established neighbourhoods of low to medium density housing forms.

Community Planning Strategies such as the Bedford MPS, will be reviewed in order to define the specific boundaries of the centre, set population targets and establish design policies. In the interim, the proposed development is consistent with the development pattern identified for this area under the Regional Plan.

Subsequent to the adoption of the Regional Plan, a visioning exercise was conducted for Bedford to engage the local community in a dialogue on what Bedford should look like in the future. The draft vision with an action plan required to implement the vision has been released for public comment. The vision focuses on the Bedford waterfront, promotes adequate public facilities, accessible development, quality design and good transportation links.

This development proposal and the proposed development agreement are compatible and complementary with the existing development pattern in the area and is consistent with the Regional Plan, the Draft Bedford Vision and the proposed policies of the Bedford South SPS and the Bedford MPS.

Public Participation Program

The Public Participation Program included one Public Meeting chaired by the North West Planning Advisory Committee on September 12, 2005. Minutes of this meeting are included as Attachment D. Issues raised by the public have been addressed through the proposed plan policy and incorporated into the proposed development agreement.

Notification for the Public Meeting was distributed by standard mail to owners of properties as shown on Map 2. The same notification area will be utilized for any future Public Hearing unless Council recommends changes to the notification area at First Reading.

Bedford Waters Advisory Committee

The proposal was presented to the Bedford Water Advisory Board (BWAB) on two separate occasions. On April 19, 2006 the Board reviewed the specifics of the proposed development as it related to the protection of the watershed and the natural environment. The Board advised staff that the development has met the requirements of Policy E - 8 and recommended a 50 foot setback from the buffer zone. An outline of BWAB's discussion is provided Attachments E and F.

Summary

Staff proposes the inclusion of the subject lands within the Bedford South Secondary Planning Strategy and the adoption of a new policy which will enable the proposed development of a mix of residential and commercial uses on the subject lands. Further, staff are of the opinion that the proposed development is consistent with the proposed policy. Staff recommend the adoption of the proposed policy and development agreement as outlined in the Recommendation section of this report.

BUDGET IMPLICATIONS

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

Regional Council:

1. Council approve the request to amend the Bedford MPS and LUB as outlined in Attachments A and B. This is staff's recommended course of action.
2. Council may choose to amended the proposed MPS and LUB amendments as outlined in Attachments A and B. Substantive amendments may require a second public hearing.
3. Council may choose not to adopt the proposed MPS and LUB amendments as outlined in Attachments A and B.

If proposed amendments in Attachments A and B are adopted by Regional Council then:

North West Community Council:

1. Council may choose to proceed with the development agreement. This is staff's recommended course of action as identified above.
2. Council may choose to approve the proposed development agreement subject to modifications. This may necessitate further negotiation with the applicant and may require a second public hearing.

3. Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as Staff are satisfied that the proposed agreement is consistent with the proposed MPS policies.

ATTACHMENTS

Map 1: Generalized Future Land Use Map

Map 2: Zoning Map and Notification Area

Map 3: Site Plan

Attachment "A": Proposed Amendments to the Bedford MPS

Attachment "B": Proposed Amendments to the Bedford LUB

Attachment "C": Development Agreement

Attachment "D": Discharge Agreement

Attachment "E": Minutes from Public Meeting on September 12, 2005

Attachment "F": Bedford Waters Advisory Committee Minutes - March 8, 2006

Attachment "G": Bedford Waters Advisory Committee Minutes - April 19, 2006

Attachment "H": Existing Bedford South Policy

Available Upon Request:

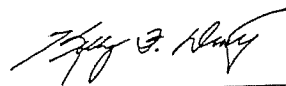
Bedford South Development Agreement - Neighbourhood A and C

00762 - Initiation Report - May 27, 2005

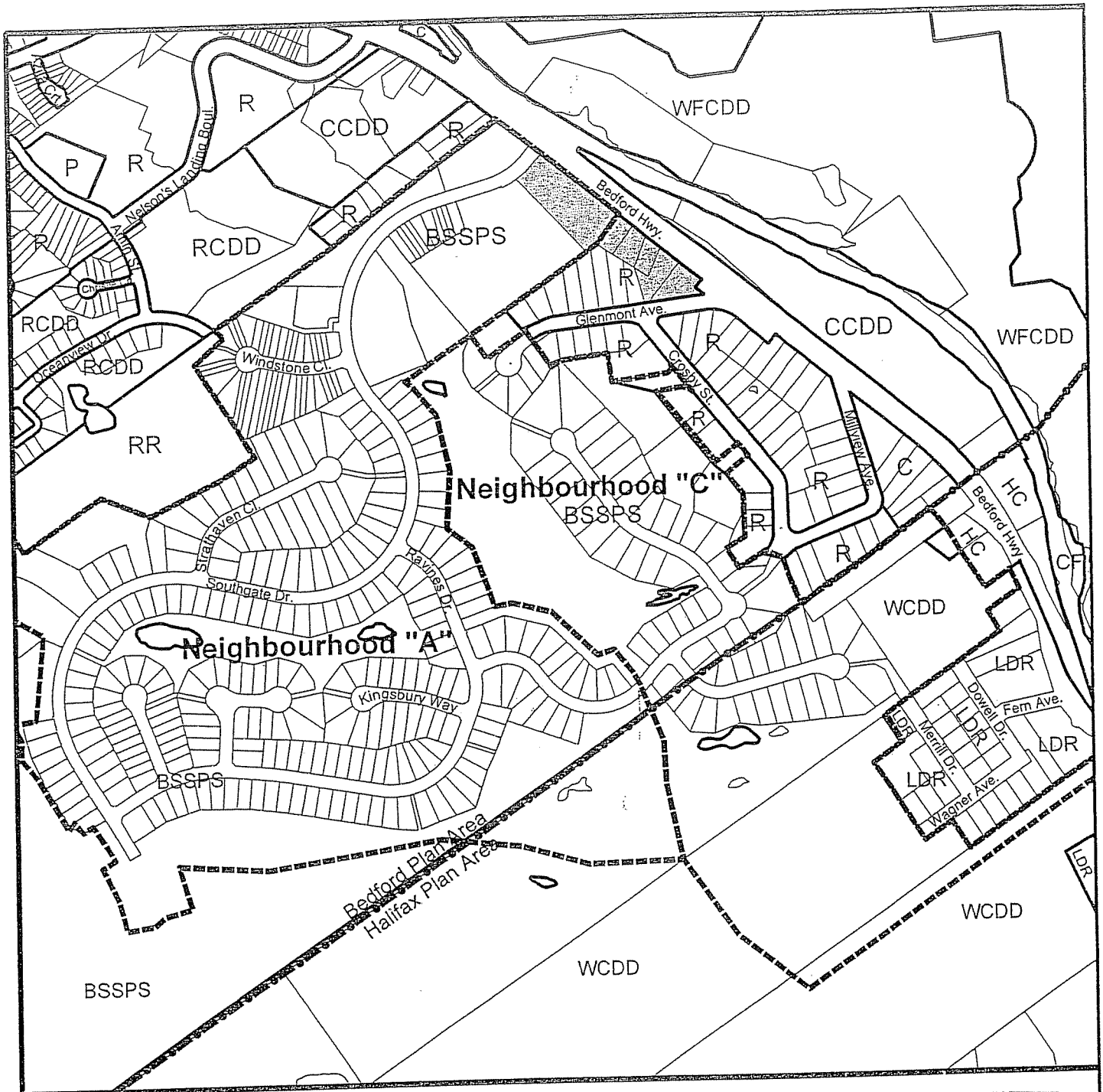
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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

Report Approved by:



Kelly Denty, Acting Manager, Planning Services, 490-6011



Map 1
Generalized Future Land Use



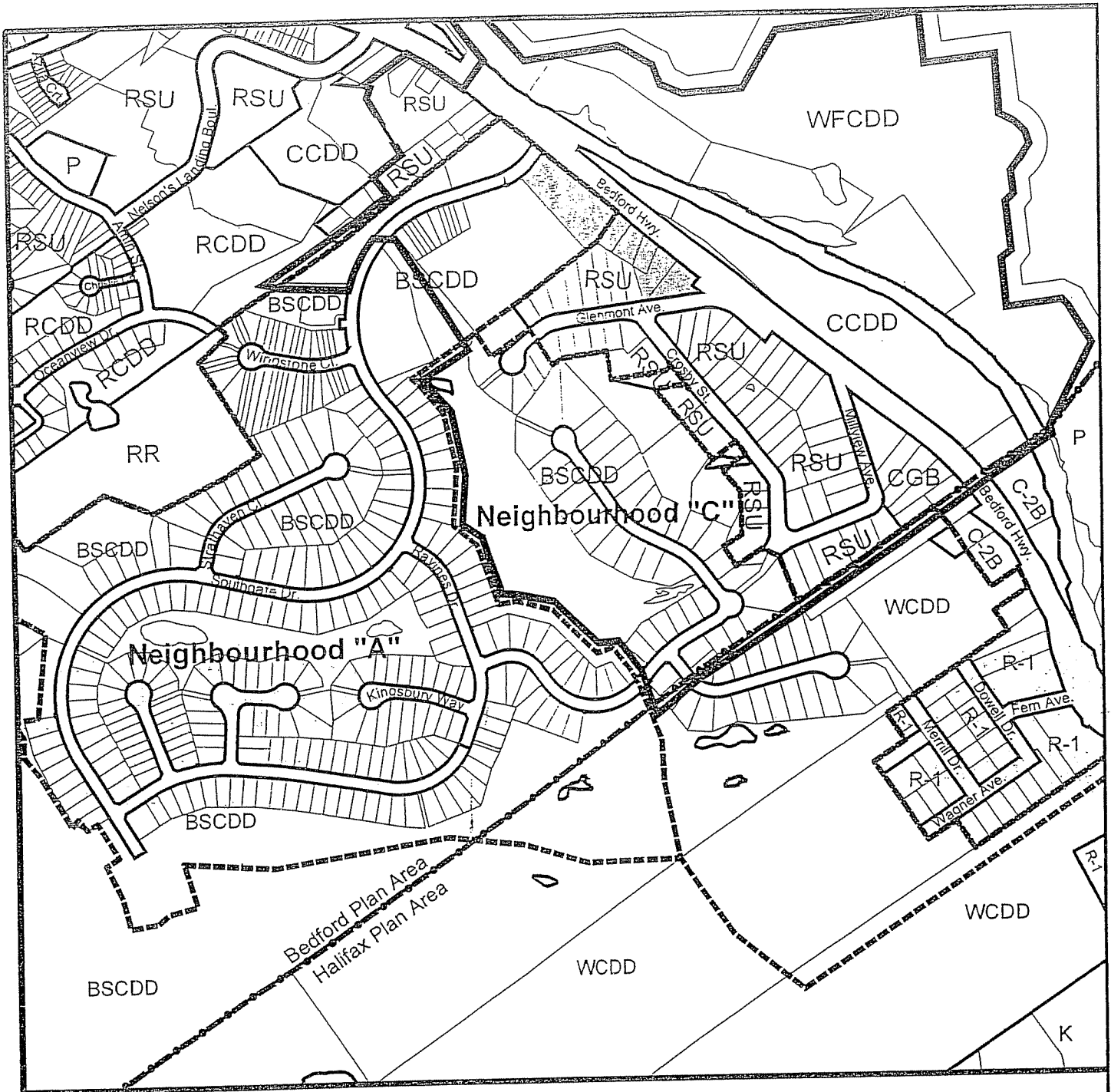
Subject Properties

HALIFAX
REGIONAL MUNICIPALITY
Planning Services


- Bedford Plan Area
- R Residential Designation
 - P Park and Recreation Designation
 - C Commercial Designation
 - RCDD Residential Comprehensive Development District
 - CCDD Commercial Comprehensive Development District
 - WFCDD Waterfront Comprehensive Development District
 - BSSPS Bedford South Secondary Planning Strategy

- Halifax Plan Area
- LDR Low Density Residential Designation
 - HC Highway Commercial Designation
 - CF Community Facility Designation
 - WCDD Wentworth Comprehensive Development District





**Map 2
Zoning**

 Subject Properties




Bedford Plan Area

- RSU Single Dwelling Unit Zone
- P Park Zone
- CGB General Business District Zone
- RCDD Residential Comprehensive Development District
- CCDD Commercial Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District

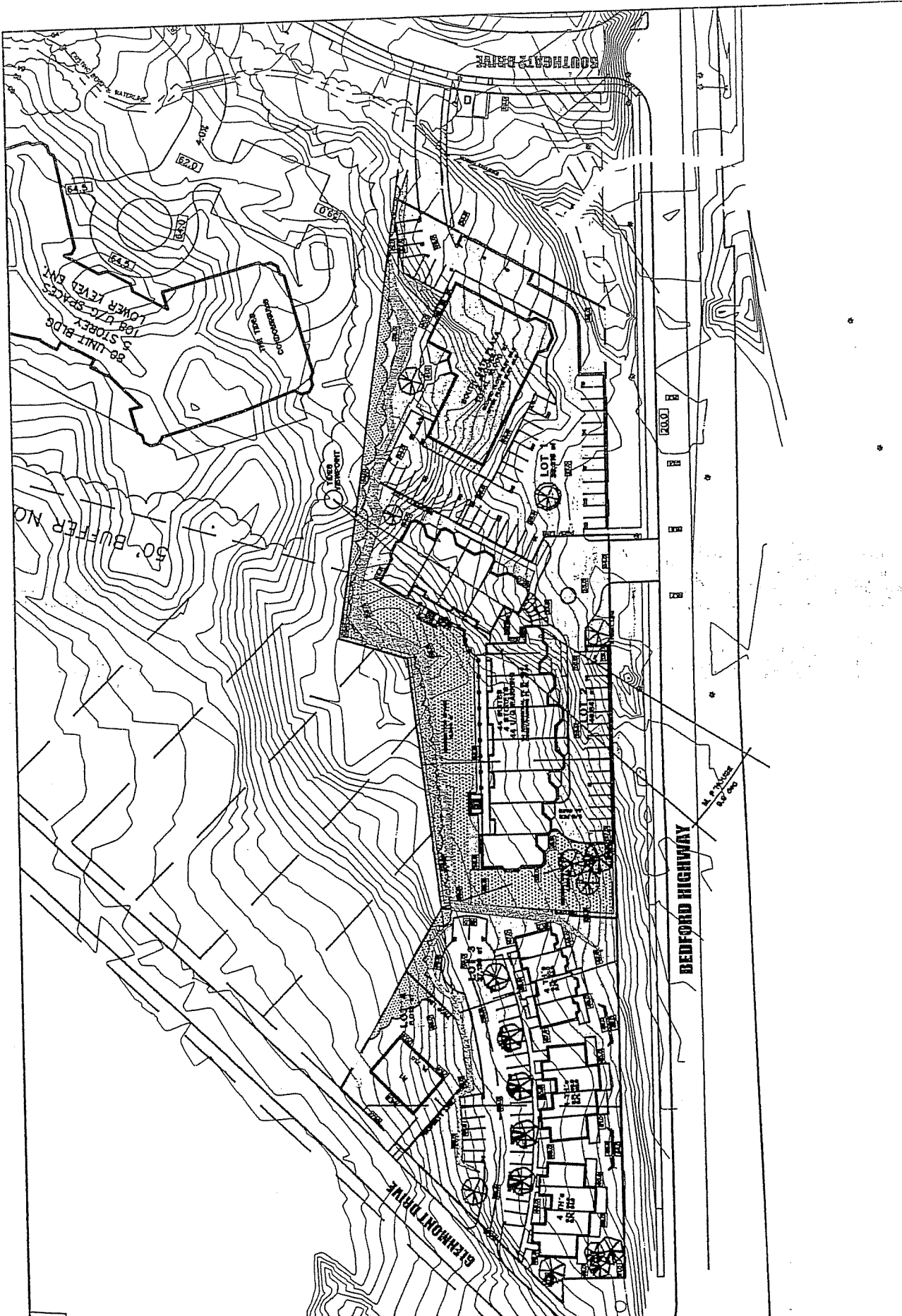
Halifax Plan Area

- R-1 Single Family Dwelling Zone
- C-2B Highway Commercial Zone
- P Park and Institutional Zone
- K Schedule "K"
- WCDD Wentworth Comprehensive Development District

 Notification Area



Map 3 - Proposed Concept Plan



CONCEPT PLAN

SOUTHGATE VILLAGE
BEDFORD HIGHWAY, HALIFAX NS

RECEIVED

OCT 12 2007

SCALE 1:1250
Oct 11, 2007

KLASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.
HALIFAX, N.S., B3K 1B6 (902) 422-1557

Attachment "A"
Proposed Amendments to the Bedford MPS

The Municipal Planning Strategy for Bedford is hereby amended as follows, adding a new preamble and policy :

1. The following shall be added after the words "separation between buildings" in Policy RN -3 of the Bedford South Secondary Planning Strategy:

"In 2007 a small parcel of land located on the Bedford Highway near Glenmont Drive was added to the Bedford South Secondary Planning Strategy. This parcel in conjunction with a parcel currently within Neighbourhood "A" of the Bedford South Secondary Plan form the entrance to the Bedford South development. The lands are an appropriate site for mixed use development which is more consistent with the type of development within Bedford South rather than the existing residential designation. Due to the existence of development rights with the previous zoning on a portion of these lands, an equivalent number of residential units will be permitted prior to the construction of the Highway 102 interchange for this development.

"RN-3A Notwithstanding Policy RN-2, RN-3, MS-1 and MS-9 the portion of Neighbourhood A containing PID#'s 00360560, 00430025, 00430017, 00430033, 00429977 and 00430058 may be developed with a mix of low density residential, medium density residential building and commercial uses by development agreement, subject to the following:

- a) total number of residential units shall not exceed 57 units;
- b) total amount of commercial space shall not exceed 16,000 square feet;
- c) notwithstanding MS-6 and MS-7, the development agreement shall permit a maximum of 13 residential units to be constructed prior to the construction of the interchange at Highway 102;
- d) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;
- e) building locations, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian scale and compatibility with the natural environment and surrounding uses;
- f) natural vegetation, landscaping or screening is employed around parking areas for multiple unit buildings to provide screening from streets;
- g) all open space/parkland dedications proposed conform with the objectives and policies adopted for the community parkland/open space under this municipal planning strategy and any

- h) administrative guidelines adopted by the Municipality; proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services;
- i) development agreement shall exempt 13 residential units from infrastructure charges;
- j) the development agreement shall not permit the construction of greater than 13 residential units until infrastructure charges have been applied to the new portion of land being added to Neighbourhood A; and
- k) traffic generation, access to and egress from the site; and parking.

R-3B Sewage calculations and densities for residential development permitted under Policy R-3A shall not be used in calculations for other parts of Bedford South.”

2. Schedules I, II, III and IV of the Bedford South Secondary Planning Strategy shall be deleted and replaced with Schedules I (rev1.1), II (rev1.1), III(rev1.1) and IV (rev1.1) as attached.
3. The Generalized Future Land Use Map shall be amended as shown in the attached Schedule A.

THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council 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

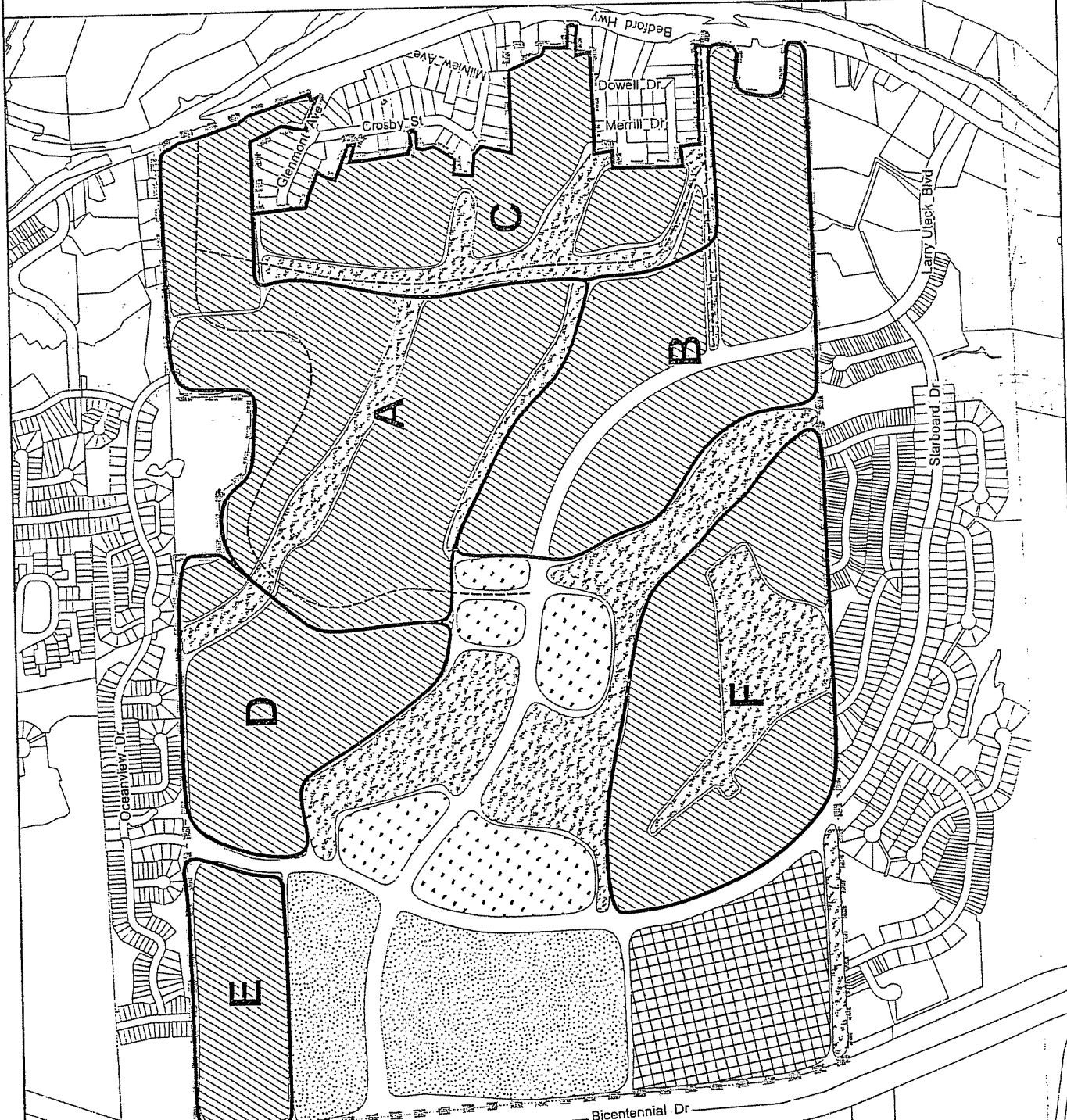
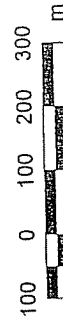
Schedule 1
Rev. 1.1

Community Concept Plan Land Use Designation

Proposed Land Use

- Residential Neighbourhoods
- General Commercial
- Community Commercial / Institutional
- Mixed Use / Business Campus
- Park / Open Space (Major Areas)

Note: Neighbourhood Parks to be confirmed by Development Agreement.



06 September 2007

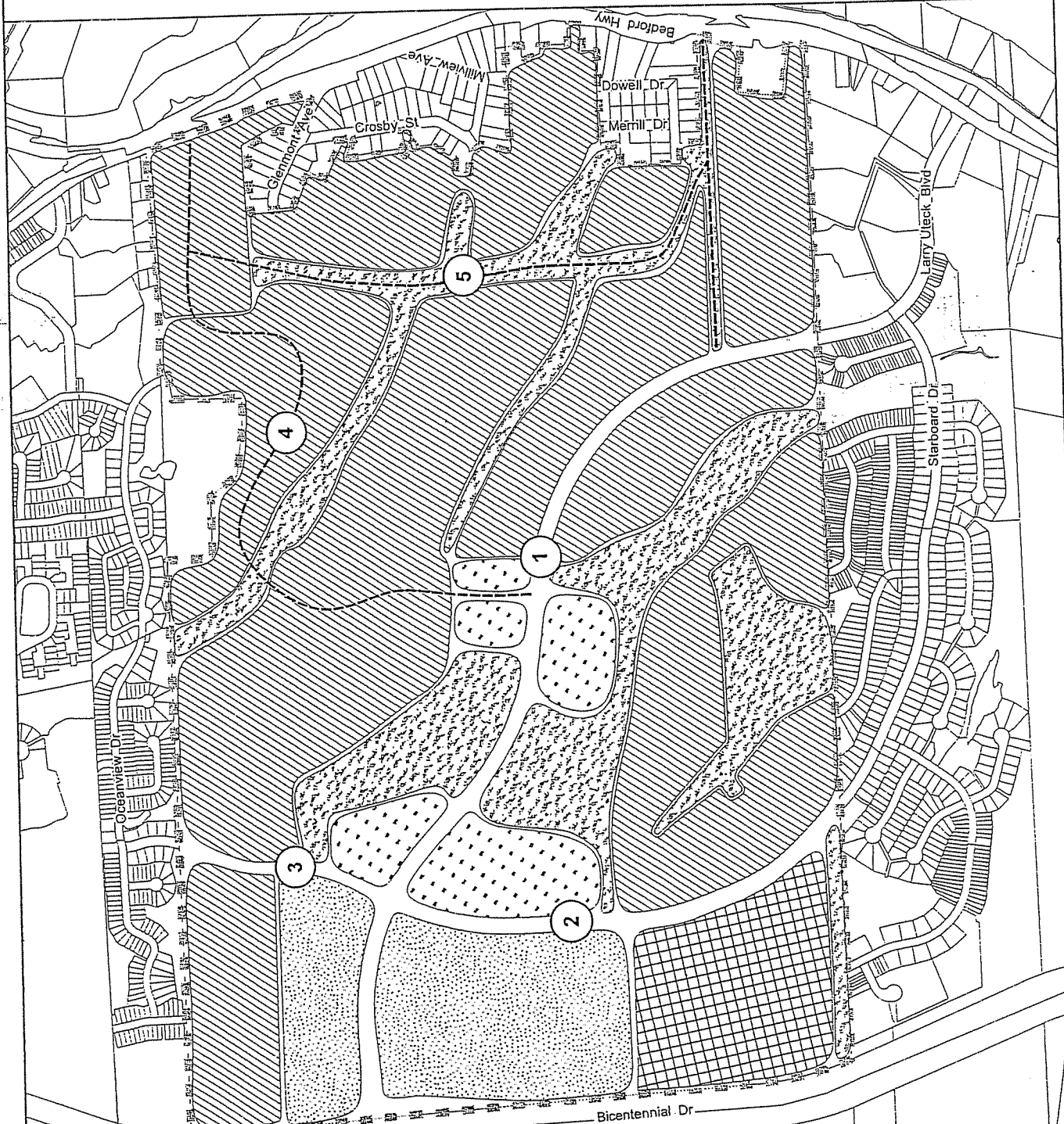
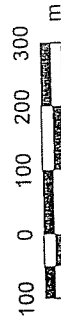
HRM Planning and Development Services
file: T:\work\planning\Repmaps\Devgreo\007621
wontworth_achod1.mxd

Schedule II
Rev. 1.1

Community Concept Plan

Street Hierarchy

- 1 Larry Uteck Boulevard
- 2 Starboard Avenue
- 3 Nine Mile Drive
- 4 Neighbourhood Collector
- 5 Old Coach Road
(Linear Walkway)



06 September 2007

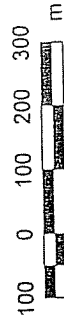
HRM Planning and Development Services
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wentworth_sched2.mxd

Schedule III
Rev. 1.1

Community Concept Plan

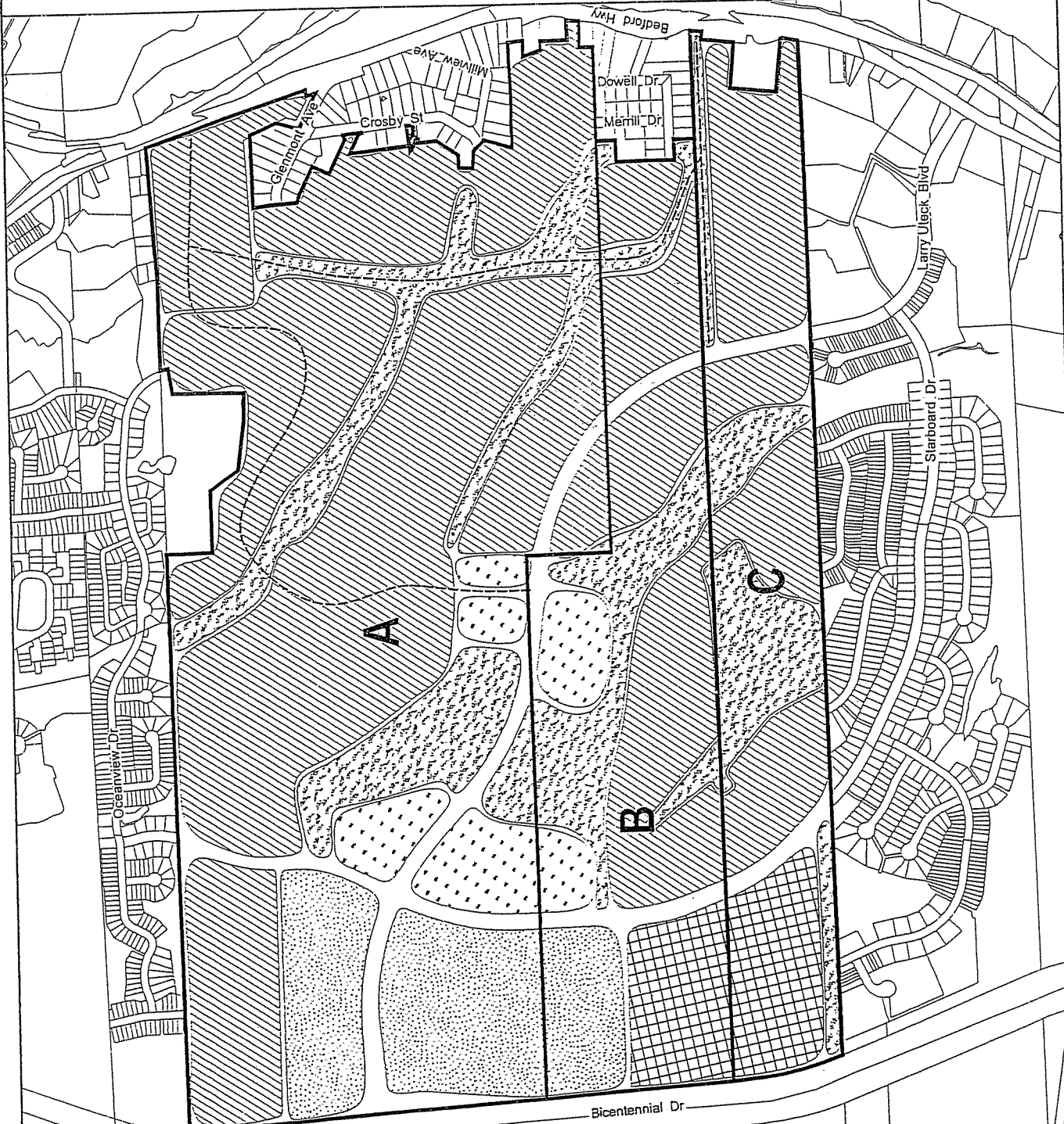
Density Allocations

- A = 377 acs
- B = 142 acs
- C = 106 acs

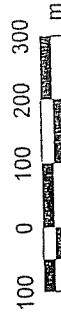


06 September 2007

HRM Planning and Development Services
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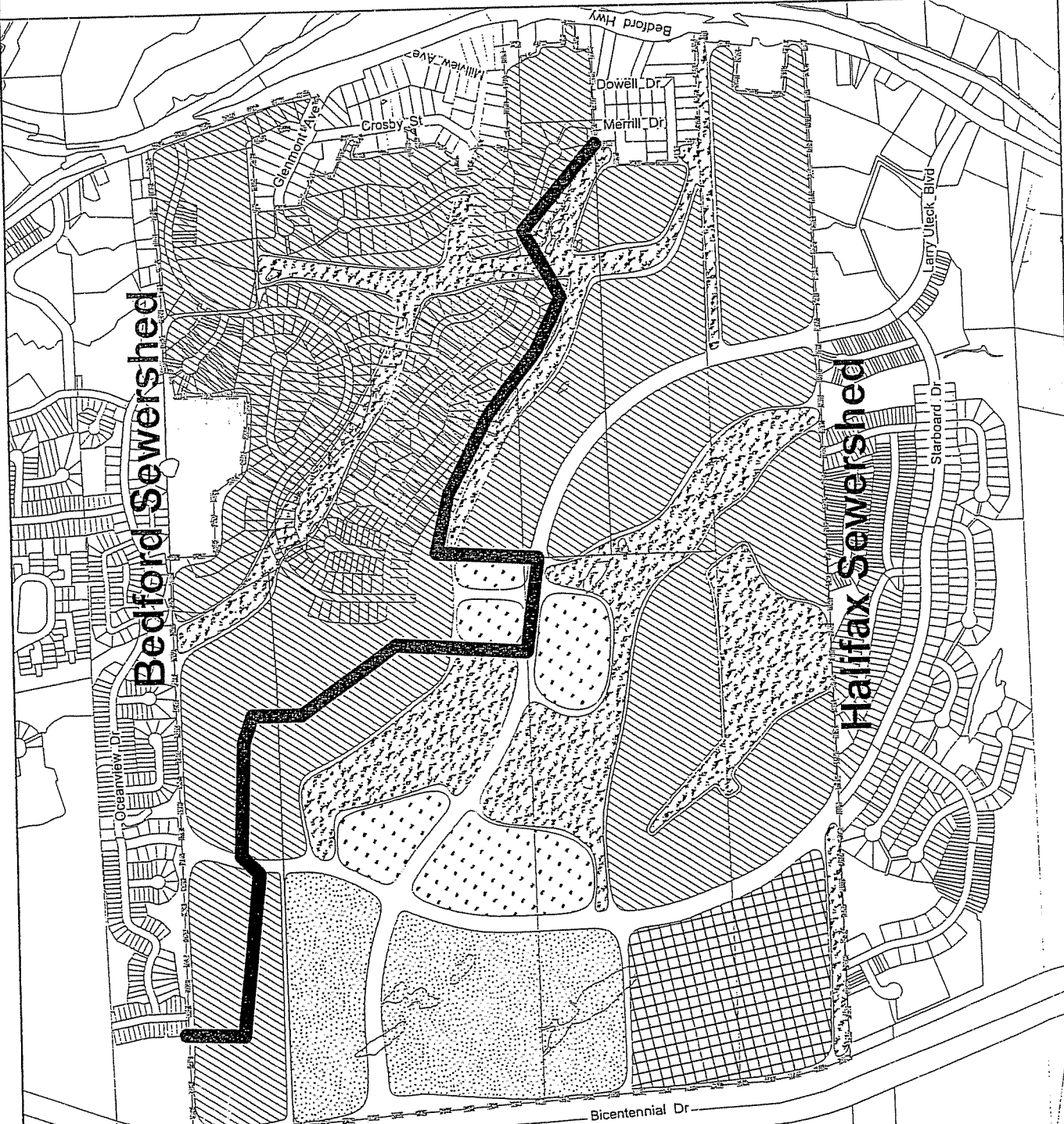


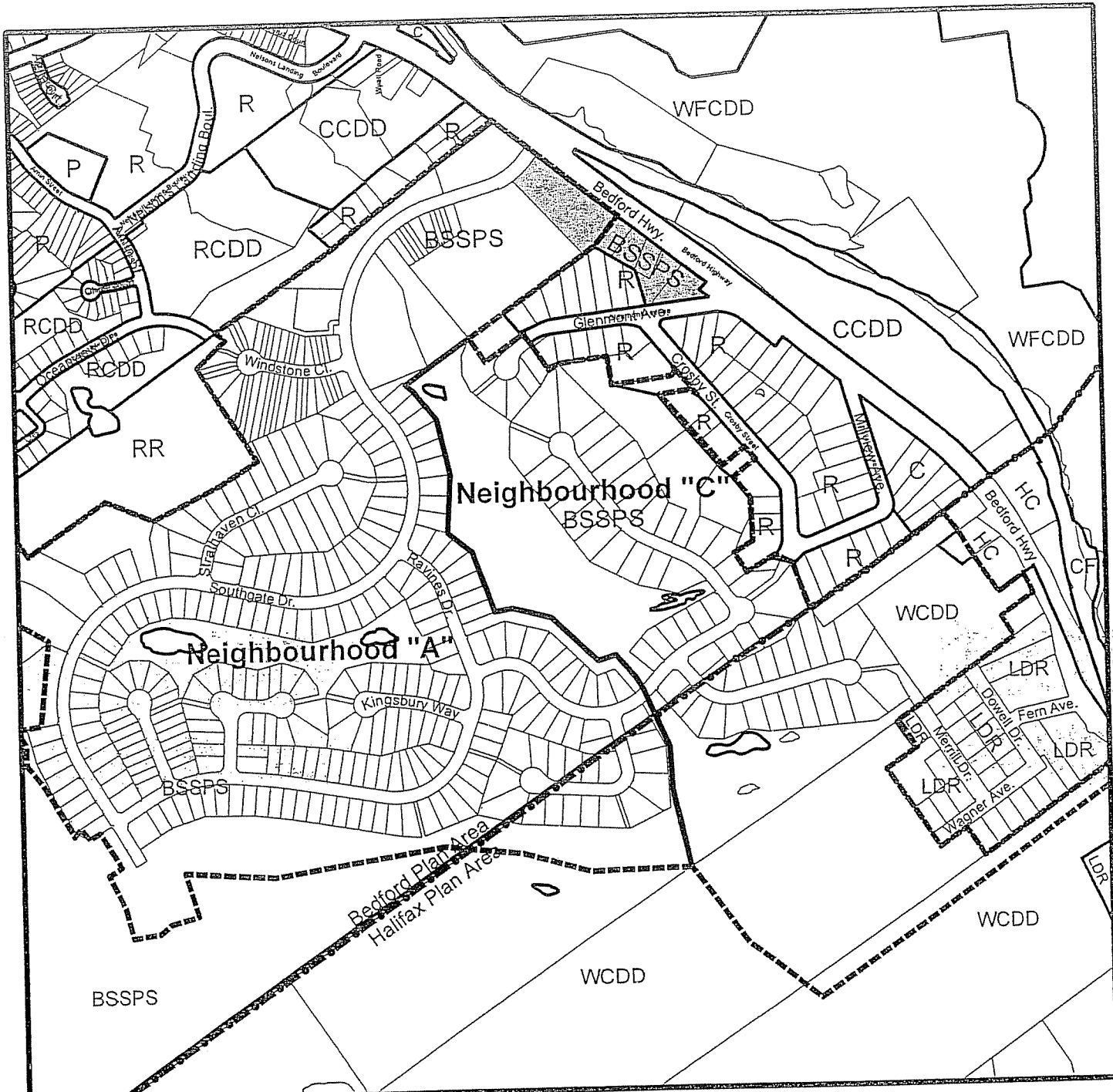
Schedule IV
Rev. 1.1
Community Concept Plan
Sewersheds



06 September 2007

HRM Planning and Development Services
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Schedule A
Generalized Future Land Use



Subject Properties

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

- Bedford Plan Area**
- R Residential Designation
 - P Park and Recreation Designation
 - C Commercial Designation
 - RCDD Residential Comprehensive Development District
 - CCDD Commercial Comprehensive Development District
 - WFCDD Waterfront Comprehensive Development District
 - BSSPS Bedford South Secondary Planning Strategy

- Halifax Plan Area**
- LDR Low Density Residential Designation
 - HC Highway Commercial Designation
 - CF Community Facility Designation
 - WCDD Wentworth Comprehensive Development District



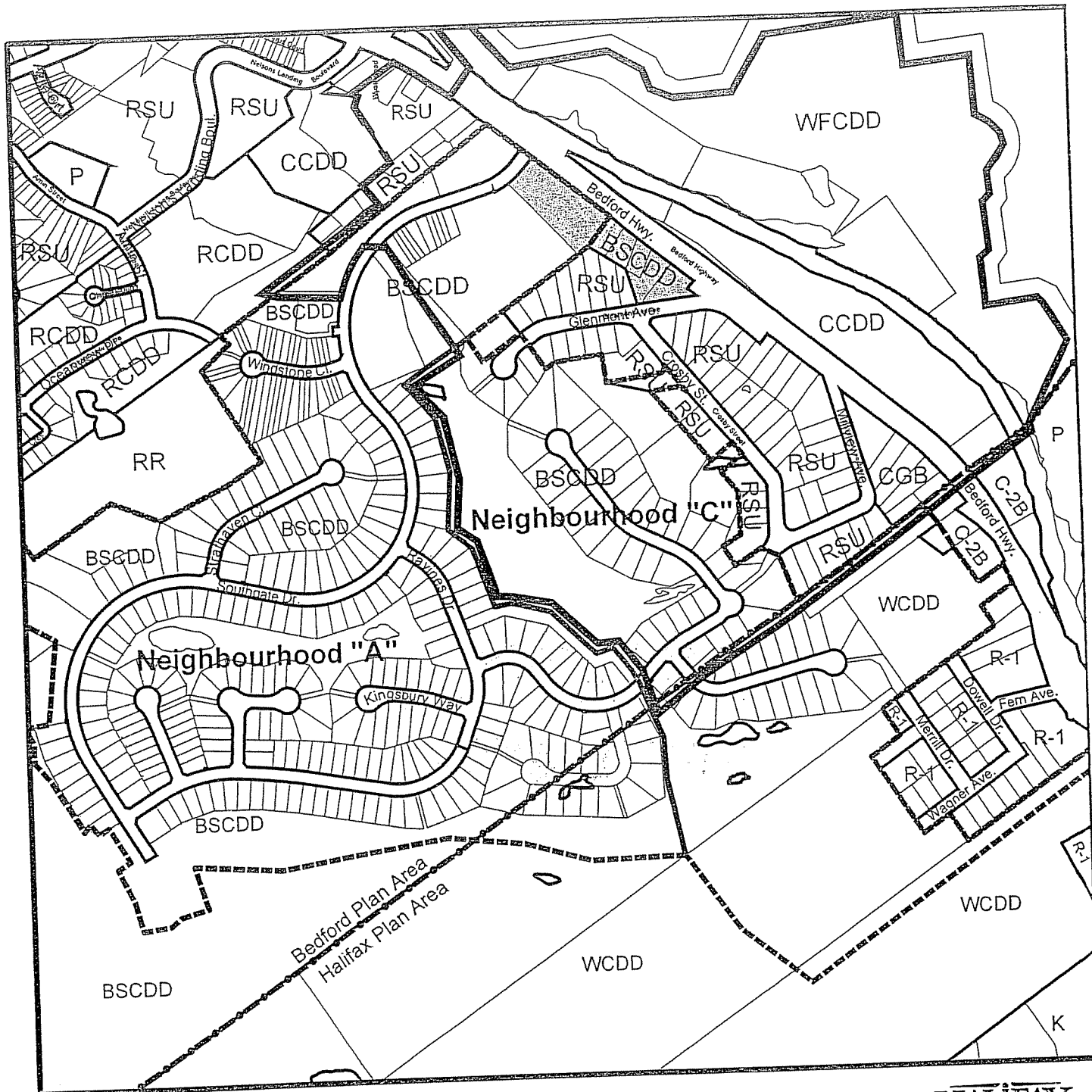
Attachment "B"
Proposed Amendments to the Bedford LUB

The Land Use By-law for Bedford is hereby amended by amending the Zoning Map as identified in the attached Schedule B.

THIS IS TO CERTIFY that the Land Use By-law of Bedford which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council 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



**Schedule B
Zoning**



Subject Properties

Bedford Plan Area

- RSU Single Dwelling Unit Zone
- P Park Zone
- CGB General Business District Zone
- RCDD Residential Comprehensive Development District
- CCDD Commercial Comprehensive Development District
- WFCDD Waterfront Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District

Halifax Plan Area

- R-1 Single Family Dwelling Zone
- C-2B Highway Commercial Zone
- P Park and Institutional Zone
- K Schedule "K"
- WCDD Wentworth Comprehensive Development District

Notification Area



HALIFAX
REGIONAL MUNICIPALITY
Planning Services



Attachment "C"
Development Agreement

THIS AGREEMENT made this day of , 2007

BETWEEN:

BABYLON DEVELOPMENTS LIMITED
and

T&H INVESTMENTS INC.
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 820, 822, 824, 826 and 836 Bedford Highway and 1 Glenmont Avenue, Bedford and identified as PID#'s 00360560, 00430025, 00430017, 00430033, 00429977 and 00430058 which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a mixed use development on the Lands pursuant to the provisions of the Municipal Government Act and pursuant to Policy(ies) RN-3A of the Bedford South Secondary Planning Strategy of the Bedford Municipal Planning Strategy;

AND WHEREAS the North West Community Council approved this request at a meeting held on [INSERT - Date], referenced as Municipal Case Number 00762;

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**1.1 Applicability of Agreement**

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Bedford Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands. The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer.

1.4 Conflict

Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail. Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 Definitions

All words/terms unless otherwise specifically defined herein shall be as defined in the Bedford Land Use Bylaw and Regional Subdivision Bylaw.

PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this Agreement and plans filed with the Halifax Regional Municipality as Case Number 00762:

The schedules are:

Schedule A:	Legal Description of the Lands(s)
Schedule B:	Site Plan (00762-22)
Schedule C:	Site Sections (00762-19/20)
Schedule D:	Condominium - Elevations (00762-14)
Schedule E:	Commercial Building - Elevations/Sections (00762-15)
Schedule F:	Townhouses - Concept Plan (00762-16)
Schedule G:	Townhouses - Elevations/Sections (00762-17)
Schedule H:	Rendering (00762-18)
Schedule I:	Architectural Requirements and Lot Provisions
Schedule J:	Servicing Schematic (00762-23)
Schedule K:	Erosion and Sedimentation Control Plan (00762-24)
Schedule L:	Lighting Guidelines

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of a Grade Alteration Permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:

- (a) Post securities in accordance with Section 5.5 of this Agreement.

3.2.2 Prior to the issuance of a Construction Permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:

- (a) Lighting Plan in accordance with this Agreement (Section 3.7);
- (b) Landscaping Plan in accordance with this Agreement (Section 3.9);

3.2.3 Prior to the issuance of a Construction Permit for the multiple unit residential building or the commercial building, the Developer shall proceed through the MICI (Multi-Unit, Commercial and Industrial) process.

- 3.2.4 Prior to the issuance of the first Municipal Occupancy permit, the Developer shall provide the following to the Development Officer, unless otherwise stated by the Municipality:
- (a) Written confirmation from the Development Engineer indicating compliance with Section 4 this Agreement (secondary services);
 - (b) Certification from a qualified professional engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required pursuant to this Agreement (Section 5.3);
 - (c) Certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement (Section 5.3);
 - (d) Certification from a qualified professional indicating that the Developer has complied with the Landscaping Plan required pursuant to this Agreement (Section 3.9);
 - (e) Completion of the "Amenity and Recreation Space" required by this Agreement (Section 3.8);
 - (f) Certification from a qualified professional indicating that the Developer has complied with the Lighting Requirements required pursuant to this Agreement (Section 3.7); and
 - (g) Certification from a qualified professional indicating that the Developer has constructed the Bedford Highway Sidewalk required pursuant to this Agreement (Section 3.6);
- 3.2.5 Notwithstanding any other provision of this Agreement, 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 and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

- 3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (1) one Multiple Unit Residential Building with a maximum of 44 units;
- (2) one Commercial Building;
- (3) twelve Townhouses units; and

(4) one Single Unit Dwelling

3.3.2 Any uses permitted within the applied zone on the Lands subject to the applicable provisions contained within the Land Use Bylaw for Bedford as amended from time to time.

3.4 Phasing

3.4.1 Phasing shall comply with the following conditions and sequences:

a) The Commercial Building, Townhouses, and Single Unit Dwelling may be constructed and Occupancy Permits issued prior to the interchange at Highway 102 being constructed and connected to Larry Uteck Boulevard or the financing for the interchange and road has been secured.

b) The Multiple Unit Building shall be constructed after the interchange at Highway 102 has been constructed and connected to Larry Uteck Boulevard or the financing for the interchange and extension of Larry Uteck Boulevard has been secured, as determined by the Development Engineer.

3.4.2 Notwithstanding 3.4.1, final subdivision approval may be granted for all development prior to the interchange being constructed and connected to Larry Uteck Boulevard or the financing for the interchange and road has been secured.

3.5 Detailed Provisions for Land Use

3.5.1 Multiple Unit Building

(a) the multiple unit building shall be located as generally illustrated on Schedule "B".

(b) No multiple unit building shall be constructed except in conformance with the lot provisions and the architectural requirements for the multiple unit building as identified in Schedule "B" and "I" and relevant sections of this Agreement.

(c) An applications for a development permit for multiple unit dwelling shall include the following information and shall require the approval of the Development Officer:

- (i) proposed design including elevation drawings and signage, and materials to be used;
- (ii) yard dimensions and measures to buffer adjacent uses;
- (iii) parking area layout, lighting, recycling facilities and landscaping;
- (iv) provisions of useable amenity space (indoor and outdoor);
- (v) municipal services;
- (vi) grading and drainage plan;
- (vii) erosion and sedimentation control plan;
- (viii) vehicular and pedestrian access;

- (ix) landscaping and maintenance plan including snow storage area; and
- (x) non-disturbance areas as identified on Schedule "B".

3.5.2 The Developer shall be entitled to modify the internal floor plans of the multiple unit building and the configuration of internal units provided (a) the number of units and building size has not increased, (b) the exterior appearance of the building is not significantly altered, and (c) the required amenity space is met. These changes shall be permitted provided, in the opinion of the Development Officer, the changes are minor in nature and where the Building Official has determined compliance with the Building Code.

3.5.3 Commercial Building

(a) The Commercial Building shall be located as generally illustrated on Schedule "B".

(b) The Commercial Building shall be constructed in conformance with the lot provisions, architectural drawings and the architectural requirements for the Commercial Building as identified in Schedule "B", "E" and "I" and relevant sections of this Agreement. Notwithstanding Schedule "I", the roof structure may include the turret as shown on Schedule "E".

(c) An applications for a development permit for the Commercial Building shall include the following information and shall require the approval of the Development Officer:

- (i) proposed design including elevation drawings and signage, and materials to be used;
- (ii) yard dimensions and measures to buffer adjacent uses;
- (iii) parking area layout, lighting, recycling facilities and landscaping;
- (iv) provisions of useable amenity space (indoor and outdoor);
- (v) municipal services;
- (vi) grading and drainage plan;
- (vii) erosion and sedimentation control plan;
- (viii) vehicular and pedestrian access;
- (ix) landscaping and maintenance plan including snow storage area; and
- (x) non-disturbance areas as identified on Schedule "B".

(d) The Commercial Building shall contain a maximum floor space of 16,000 square feet.

3.5.4 The uses(s) permitted within the Commercial Building, as defined within the Bedford Land Use Bylaw are as follows:

- (a) business and professional offices;
- (a) medical, veterinary, and health service clinics; outdoor kennels associated with veterinary clinics are prohibited;
- (c) café / restaurant to a maximum of 1000 square feet of dining space;
- (d) food stores;
- (e) general retail;

- (f) personal and household service shops (exclusive of massage parlors);
- (g) banks and financial institutions;
- (h) daycare facilities, nursery school, early learning centre; and
- (i) uses accessory to the foregoing uses.

3.5.5 Townhouses

- (a) The Townhouse units shall be located as generally illustrated on Schedule "B" and "F".
- (b) The Townhouse units shall be constructed in conformance with the lot provisions and the architectural requirements for Townhouses within as identified in Schedule "B", "F" and "I" and relevant sections of this Agreement.
- (c) All applications for development permits for the Townhouses shall include the following information and shall require the approval of the Development Officer:
 - (i) the proposed design, exterior appearance and material, elevation drawings and signage;
 - (ii) yard dimensions and measures to buffer adjacent uses;
 - (iii) parking area layout, lighting, recycling facilities and landscaping;
 - (iv) provisions of useable amenity space (indoor and outdoor);
 - (v) municipal services;
 - (vi) grading and drainage plan;
 - (vii) erosion and sedimentation control plan;
 - (viii) vehicular and pedestrian access;
 - (ix) landscaping and maintenance plan; and
 - (x) non-disturbance areas as identified on Schedule "B".

3.5.6 Townhouse sites may be maintained and/or managed by a single legal entity such as a Condominium Corporation, or an equivalent.

3.5.7 The facades of the townhouse units shall be generally architecturally consistent with each other.

3.5.8 The Municipality shall not be responsible for driveway maintenance and snow removal for the townhouses. If developed as a condominium or under single ownership, the responsibility for garbage collection shall rest with the condominium corporation or the property owner.

3.5.9 All Townhouses units shall have driveway access from Glenmont Avenue.

3.5.10 The Development Officer may approve unenclosed structures attached to a main building such as verandas, decks and porches and steps, mobility disabled ramps, to be located within the minimum front, side and rear yards provided the provisions of the Bedford MPS and LUB Amendment are adhered to.

3.5.11 The Developer agrees, at its own expense, to ensure the placement of recycling containers and organic composters (i.e green carts) are not visible from street frontage or driveway by means of either (a) including them within the dwelling, (b) constructing a corral area of lattice wood (or acceptable equivalent) and shrubs or (c) integrating a corral area into the front facade of each unit.

3.5.12 Single Unit Dwelling

The single unit dwelling shall meet the requirements of the Residential Single Unit (RSU) Zone of the Bedford Land Use By-law, as amended from time to time and as generally shown on Schedule "B".

3.6 **Parking, Circulation and Access**

3.6.1 The internal driveway layout and the number and layout of parking spaces on the Lands shall be as generally illustrated on the Schedules. The Developer agrees that the parking on the Lands shall comply with the following:

- (a) All parking areas, driveways, circulation aisles and pathways shall have a finished hard surface such as asphalt, concrete, paving blocks or an acceptable equivalent in the opinion of the Development Officer. Notwithstanding, pathways shall not be finished with asphalt.
- (b) Parking lots shall be delineated by concrete curbing.
- (c) An adequate snow storage area shall be provide on the Lands and the snow storage area shall be located where run-off can be directed through any storm water treatment system required by this Agreement. Snow storage areas shall be shown on the plans at the time of permitting.
- (d) The number of parking spaces shall be as required in Schedule "T".
- (e) The National Building Code requirements for fire department access and the requirements of Fire Services.

3.6.2 Development Officer may approve changes to the parking and circulation layout as illustrated on the Schedules provided such changes are minor in nature and further the intent of this Section and this Agreement.

3.6.3 Bicycle parking shall be provided in accordance with the Bedford Land Use Bylaw as amended from time to time.

3.6.4 Notwithstanding Schedule "B", the Developer shall install sidewalks along the Bedford Highway within the existing HRM right-of-way, between the proposed driveway for the commercial / multi unit development and the intersection of Bedford

Highway and Southgate Drive. Design and construction of the sidewalks shall meet the requirements of the Municipal Service Systems Specifications. The construction of sidewalk shall be completed prior to the issuance of an Occupancy Permit for either the multi-unit building or the commercial building. Notwithstanding the previous statements, the Development Officer, may issue an Occupancy Permits prior to completion of the above noted work provided security is provided to the Municipality in the amount of 120 per cent of the estimated cost of completion of all outstanding sidewalks. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of all sidewalk work as required by this Agreement.

- 3.6.5 The cost of sidewalk design, construction and any associated grading and drainage work shall be entirely borne by the Developer and the sidewalk shall be deeded to HRM.
- 3.6.6 All sidewalks shall meet HRM specifications. A professional engineer shall certify detailed engineering plans for the sidewalk. Plans shall be submitted for review to the Municipal Engineer. Sidewalks shall not be constructed prior to the Development Officer receiving written approval from the Municipal Engineer and any other applicable authorities, with respect to the design of the sidewalks.

3.7 Building and Site Lighting

- 3.7.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.
- 3.7.2 All lighting fixtures shall be fully shielded.
- 3.7.3 The Developer shall prepare an exterior lighting plan for the Multi Unit Building and commercial building and submit it to the Development Officer for review to determine compliance with this Agreement. The lighting plan shall contain, but shall not be limited to, the following:
- (a) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices;
 - (b) Description of the illuminating devices, fixtures, lamps, supports and other devices. This description may include, but is not limited to, manufacturers' catalog cuts and drawings including sections where required;
 - (c) The lighting plan and description shall be sufficient to ensure compliance with the requirements of this section of the agreement. If such plan and description cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the Developer shall submit evidence of compliance by certified test reports as performed by a recognized testing lab;
 - (d) The lighting plan and all lighting fixtures shall comply with Schedule "L" Lighting Guidelines;

- (e) Should the Developer desire to substitute outdoor light fixtures or lamps and install them on the lands after a permit has been issued, the Developer shall submit all changes to the Development Officer for approval, with adequate information to assure compliance with this clause;
- (f) The lighting plan shall include certification from a qualified person that the lighting design meet the requirements of this Agreement; and
- (g) Prior to Occupancy Permits being issued the Developer shall provide to the Development Officer a letter from a qualified person that the installation of lighting meets the requirements of this Agreement;

3.8 Amenity and Recreation Space For the Multiple Unit Building

3.8.1 Amenity space shall be set aside for recreational purposes such as common recreational areas, outdoor open space, play areas, recreational rooms, roof decks, swimming pools and tennis courts and clearly identified on plans submitted for Development Permit. Amenity space shall have no dimension less than thirty (30) feet, except those integral to the building such as landscaped podium, roof garden, sundecks and balconies, and a minimum of 50 percent of the outdoor recreational space shall have grades between 0-8 percent. The amenity space shall be provided based on the type of residential unit as follows:

- | | |
|---------------------------|---|
| (a) One Bedroom/Bachelor: | 18.6 square meters (200 square feet) |
| (b) Two Bedroom: | 53.4 square meters (575 square feet) |
| (c) Three Bedroom: | 88.2 square meters (950 square feet) |
| (d) Four or more Bedroom: | 123.1 square meters (1,325 square feet) |

3.8.2 For the purposes of determining amenity space, one bedroom plus den/office units shall be considered to be a two-bedroom unit, two bedroom plus den/office units shall be considered to be a three-bedroom unit and so on.

3.8.3 The Developer agrees that the "Amenity and Recreation Space" as described in this Section shall be completed prior to the issuance of the first Occupancy Permit.

3.9 Landscaping

Landscaping Plan

3.9.1 Prior to the issuance of a Construction Permit, the Developer agrees to provide a Landscaping Plan which comply with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscaping Plan shown on Schedule B. The Landscaping Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with this provisions of this Agreement.

Landscaping Plan Details

3.9.2 Planting details for each type of plant material proposed on the plan shall be provided,

including species list with quantities, size of material, and common and botanical names (species and variety).

Entrances

- 3.9.3 All site entrances for commercial and multi-unit buildings shall be identified by decorative walls, and landscaping, or approved equivalent. A landscaped focal area and decorative signage identifying the entrance shall be installed.

Buffering

- 3.9.4 Existing trees to be retained as identified on Schedule "B" shall be maintained.

Retaining Walls/Terraced Landscaping

- 3.9.5 All proposed retaining walls or terraced landscaping shall be constructed of a decorative precast concrete or modular stone retaining wall system or equivalent.

- 3.9.6 Upright shrubs shall be located at the base of all retaining walls. Low maintenance ground covers or vines in association with shrubs and retaining walls may also be used.

Walkways and Trails

- 3.9.7 Walkways shall be located as shown on the Preliminary Landscaping Plan and composed of any combination of poured in place concrete, decorative patio slabs, decorative interlocking precast concrete paverstones, crushed stone, pea gravel, crushed brick or acceptable equivalent in the opinion of the Development Officer.
- 3.9.8 Main walkways intended for public use (excluded maintenance pathways) shall be designed to barrier free standards.

Compliance with Landscaping Plan

- 3.9.9 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.

- 3.9.10 Notwithstanding subsection 3.9.9, the first Occupancy Permit may be issued provided the Developer supplies a security deposit in the amount of 120 per cent of the estimated cost to complete the landscaping. 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 landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this Section of the Agreement. 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.

3.10 Maintenance

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of buildings, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

3.11 Signs

- (a) Multi Unit and Townhouses - A maximum of one ground sign shall be permitted at each entrance to the Lands to denote the building. The location of such sign shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 10 feet (3.05 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq.m.). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures. This section shall not preclude the construction of decorative entrance gates.
- (b) Commercial Building - Signs for the commercial building shall meet the requirements for the CGB Zone of the Bedford Land Use By-law, as amended from time to time.

3.12 Construction/Sales Trailer

A trailer shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction trailer shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.13 Outdoor Storage and Display

3.13.1 No outdoor storage shall be permitted on the Lands.

3.13.2 Propane tanks and electrical transformers shall not be located on a facade facing existing residential dwellings or the Bedford Highway unless otherwise directed by the approval agencies where no alternative exists. These facilities shall be screened by means of opaque fencing/masonry walls with suitable landscaping and secured in accordance with the applicable approval agencies.

4.0 STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

All construction shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work. The Development Officer may give

maintain or enhance the intent of this Agreement.

4.2 Off-Site Disturbance

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer.

4.3 Underground Services

All secondary electrical, telephone and cable service shall be underground installation.

4.4 Outstanding Site Work

Securities for the completion of outstanding on-site paving and landscaping work (at the time of issuance of the first Occupancy Permit) may be permitted. Such bonding shall consist of a security deposit in the amount of 120 per cent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer when all outstanding work is satisfactorily completed.

4.5 Municipal Water Distribution and Sanitary Sewers

4.5.1 The water distribution system shall conform with the schematics presented on Schedule "J" and all design and construction requirements of the Halifax Regional Water Commission.

4.5.2 The sanitary sewer system shall conform with the schematics presented on Schedule "J" and the design and construction standards of the Municipal Service Systems Manual. Any alterations shall require the approval of the Development Engineer.

4.5.3 Notwithstanding 4.5.1, 4.5.2 and Schedule "J", the design and schematics for water and sewer services for the Townhouses shall be determined at the time of permitting.

4.6 Solid Waste Facilities

4.6.1 The Multiple Unit building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer in consultation with Solid Waste Services.

4.6.2 Refuse containers and waste compactors shall for the Multiple Unit and Commercial Buildings shall be confined to the loading areas of a building, and shall be screened from public view where necessary by means of opaque fencing/masonry walls with suitable landscaping.

4.6.3 All refuse and recycling materials for the Multi-Unit and Commercial Building shall be contained within a building (unless otherwise directed by the Development Officer), or

within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal affect on abutting property owners by means of opaque fencing/masonry walls with suitable landscaping.

4.7 Infrastructure Charges

4.7.1 Thirteen residential units (twelve townhouses and one single unit dwelling) shall be exempt from Municipal Infrastructure Charges. All remaining lands shall be subject to Municipal Infrastructure Charges. Where Charges have been previously paid, additional charges shall not be levied unless additional charges are required.

4.7.2 Permits for the construction of the multi-unit residential building shall not be issued until Municipal Infrastructure Charges have been established under the Subdivision By-law and clause 3.4.1(b) has been satisfied.

5.0 ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans

5.1.1 Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall engage a qualified professional to prepare a Stormwater Management Plan which identifies structural and vegetative stormwater management measures such as, infiltration, retention, and detentions controls, vegetative swales, filter strips, and buffers to minimize any significant adverse impacts on receiving watercourse during and after construction. The plans shall indicate the sequence of construction, the areas to be disturbed, all proposed erosion and sedimentation control measures and stormwater management measures, including a monitoring/sampling program, which are to be in place prior to and during development unless otherwise acceptable to the Development Engineer. The Stormwater Management Plan shall conform with following:

- (a) schematics and information presented on the Schedules; and
- (b) requirements of the Nova Scotia Department of the Environment and the Municipal Service Systems Manual.

5.1.2 All stormwater facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

5.1.3 The Developer agrees, at its own expense, where any stormwater treatment chambers or devices are provided, such devices shall be maintained in accordance with the manufacturer's specifications until or unless such time as the warranty period expires and such devices are the ownership of the Municipality.

5.1.4 The Developer agrees to provide written consent (from relevant land owner) to discharge stormwater onto private lands where required as a component of the Stormwater Management Plan. When approved by the Development Officer, the written consent may be provided at a later date.

5.1.5 The Developer agrees to provide written consent to cross private lands where required as a component of the Stormwater Management Plan. When approved by the Development Officer, the written consent may be provided at a later date.

5.2 Maintenance of Stormsceptors or Equivalent

5.2.1 The Developer agrees to maintain in accordance with the manufacturers specifications all stormsceptors or equivalent system, if any.

5.2.2 Prior to installation of any stormsceptor or equivalent on the site, which is to be privately maintained, the Developer shall submit a schedule of future inspection and cleaning prepared by a professional engineer based on the manufacturer specifications. When approved by the Development Officer, this schedule shall be undertaken for as long as this Agreement is in force.

5.2.3 All removed contaminants shall be disposed of according to all applicable guidelines and regulations of the Nova Scotia Department of Environment and Labour. The Developer shall submit to the Development Officer certification that the work has been done following each inspection/clean-out.

5.2.4 If the Developer fails to observe or perform this section of the Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, a penalty of five thousand dollars (\$5,000) shall be paid to the Municipality.

5.3 Erosion and Sedimentation Control and Grading Plans

5.3.1 Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality and the Department of the Environment (if applicable) a detailed Erosion and Sedimentation Control Plan based on the provisions of the Schedules. The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by the Nova Scotia Department of the Environment and Labour. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

5.3.2 Prior to the commencement of any onsite works on the Lands, including earth movement and/or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality and the Department of the Environment (if applicable) a detailed Erosion and Sedimentation Control Plan based on the provisions of the Schedules. The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by the Nova Scotia Department of the Environment and Labour. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

a detailed Master Site/Grading Plan for the Lands based on the provisions of the Schedules. No work is permitted on the site until the requirements of this clause have been met and implemented unless otherwise stated in the Agreement.

5.4 Non Disturbance Area

- 5.4.1 Non-disturbance areas shall be provided as generally shown on Schedule "B". The non-disturbance areas shall be provided for the purpose of retaining a buffer of natural vegetation surrounding the existing watercourse and vegetation buffer between the Development and existing residential properties.
- 5.4.2 Notwithstanding Schedule B, the Non-disturbance area along the Southgate Drive and the existing watercourse shall be a minimum of 50ft (15.24m) on either side of the highwater mark of the watercourse as identified on Schedule "B".
- 5.4.3 Non-disturbance areas shall be identified at the time of detailed site and/or grading plan approval to maximize tree retention and protection of the existing watercourse. All grading plans shall indicate areas where existing vegetation is to be maintained, areas to be protected from disturbance during the installation of services, construction of streets, construction of buildings, landscaping and any future activity on an individual lot unless otherwise specified in this Agreement. The non-disturbance areas shall be clearly delineated on the Site Plan and Grading Plan for each lot and in the field prior to and during construction.
- 5.4.4 The non-disturbance area identified on the Schedules shall be delineated on all final survey plans prior to final approval.
- 5.4.5 The following activities may occur within the non-disturbance areas provided that approval by the Development Officer has been granted.
- (a) removal of hazardous or diseased trees may be permitted by the Development Officer who may require verification in writing by a qualified professional (i.e., Arborist, Urban Forester, Landscape Architect); and
 - (b) removal of fallen timber and dead debris where a fire or safety risk may be permitted by the Development Officer who may require verification in writing by a qualified professional (i.e., Arborist, Urban Forester, Landscape Architect). Fallen timber and dead debris shall remain on site unless otherwise recommended by a qualified professional to further the intent of this Agreement.
- 5.4.6 Non-disturbance areas shall be identified by the Developer with snow fence or other appropriate continuous physical barrier or delineation and signage in the field prior to any site preparation (i.e., tree cutting, and excavation activity). The snow fence or other appropriate continuous physical barrier or delineation and signage shall be maintained by the Developer for the duration of the construction and the snow fence or other appropriate continuous physical barrier or delineation and signage in the field.

5.4.7 If trees are removed or tree habitat damaged beyond repair in the non-disturbance areas, with the exception of those to be removed in accordance with Section 5.4.5, the Developer or the land owner shall replace the trees, two new trees of ½ inch (38mm) caliper for every one removed or damaged, as directed by the Development Officer, in consultation with the appropriate HRM Business Units.

5.5 Securities

Prior to the issuance of Grade Alteration Permit per phase, the Developer shall post security in the amount of \$5,000 in addition to the securities required for the Grade Alteration Permit to ensure that all environmental protection measures, identified in this section, are properly implemented and maintained. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer at the time of issuance of the final occupancy permit or release of Landscaping security bond whichever is later, provided all measures for environmental protection have been implemented to the satisfaction of the Development Officer and that all disturbed surfaces have been permanently reinstated, and that all landscaping has become established. Should the Developer fail to complete the environmental protection measures to the satisfaction of the Development Officer shall be cashed and deposited to the Municipality.

5.6 Failure to conform to Plans

If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Section, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

6.0 AMENDMENTS

6.1 Substantive Amendments

Amendments to any matters not identified under this Section shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

6.2 Non-Substantive Amendments

6.2.1 The following items are considered by both parties to be not substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act:

- (a) granting of an extension to the date of commencement of construction as identified in Section 8.3 of this Agreement;
- (b) changes to the exterior architectural appearance of the buildings or the design, layout and positioning of the buildings, provided that such changes

- 6.2.2 In considering the approval of a non-substantive amendment under Section 6.2.1, property owners within 152m (500ft) of the site shall be informed by mail at least 10 days in advance of the proposed amendment being considered by Council.

7.0 ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

- 7.1 The Developers agree that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developers. The Developers further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developers agrees allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 7.2 If the Developers fail to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developers 15 days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:
- (a) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developers from continuing such default and the Developers hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
 - (b) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the development Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on Property and be shown on any tax certificate issued under the Assessment Act;
 - (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law;
 - (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

7.3 Environmental Protection

In matters concerning environmental protection and mitigation the Municipality shall be entitled to draw in whole or in part on the security as required under this Agreement and use the proceeds therefrom to ensure that the protection measures are in place as required

8.0 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

8.1 Registration

A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall incur all cost in recording such documents.

8.2 Subsequent Owners

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

8.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

8.3 Commencement of Development

8.3.1 In the event that a Construction Permit has not been issued within 5 years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect; or upon the written request of the Developer, grant an extension to the date of commencement of construction.

8.3.2 If the Developer(s) fails to complete the development, or after 10 years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

8.4 Completion of development

Upon the completion of the development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Bedford, as may be amended from time to time.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

Signed, sealed and delivered
in the presence of:)

BABYLON DEVELOPMENTS LIMITED

per: _____)

per: _____

and

T&H INVESTMENTS INC.

per: _____)

per: _____

Sealed, Delivered and Attested
by the proper signing officers of
Halifax Regional Municipality
duly authorized on that behalf
in the presence of)

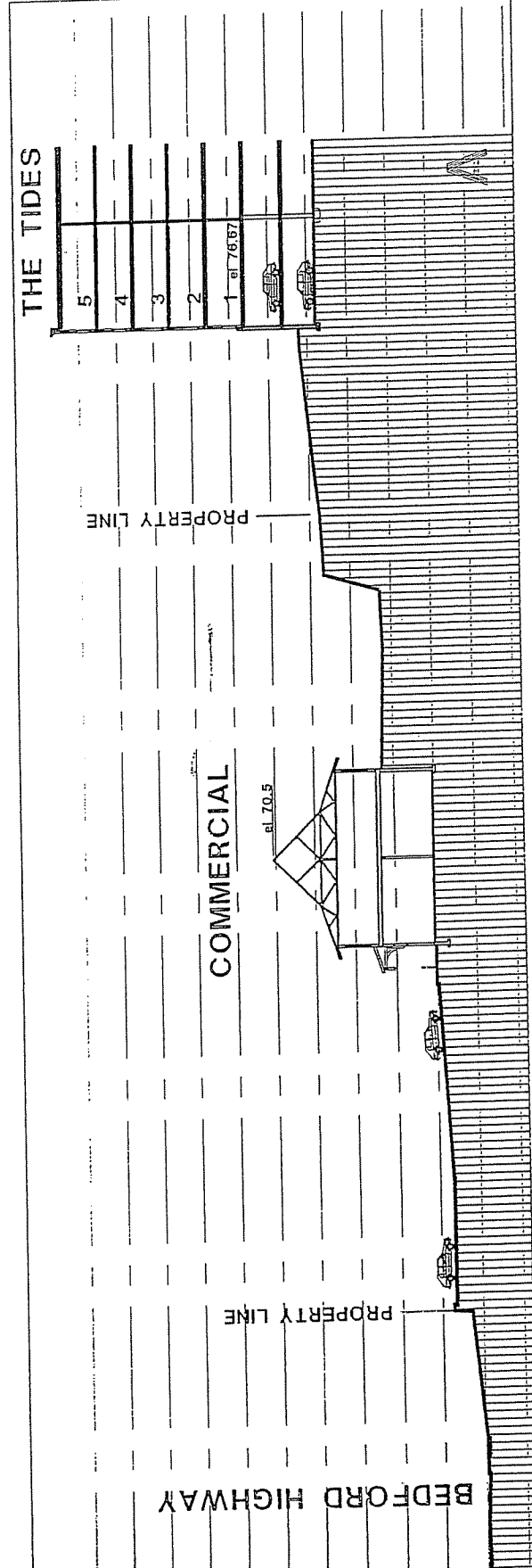
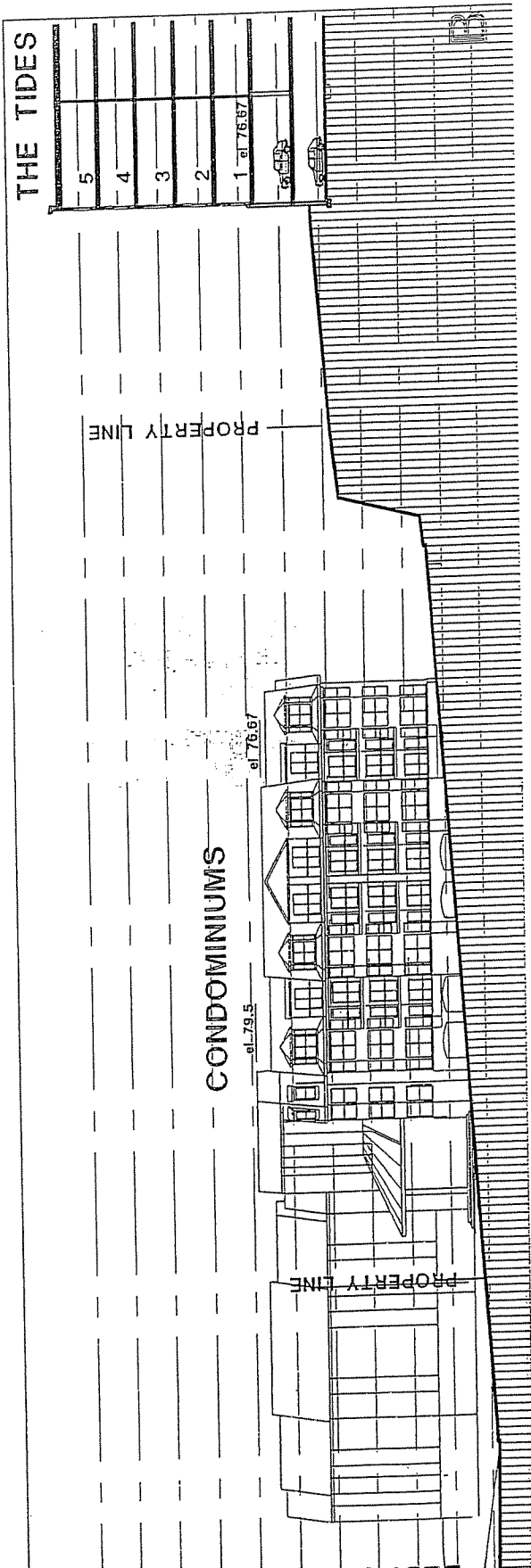
HALIFAX REGIONAL MUNICIPALITY

per: _____
MAYOR

_____)

per: _____
MUNICIPAL CLERK

Schedule C - Site Sections (00762-19/20)



SITE SECTIONS 1

SOUTHGATE VILLAGE

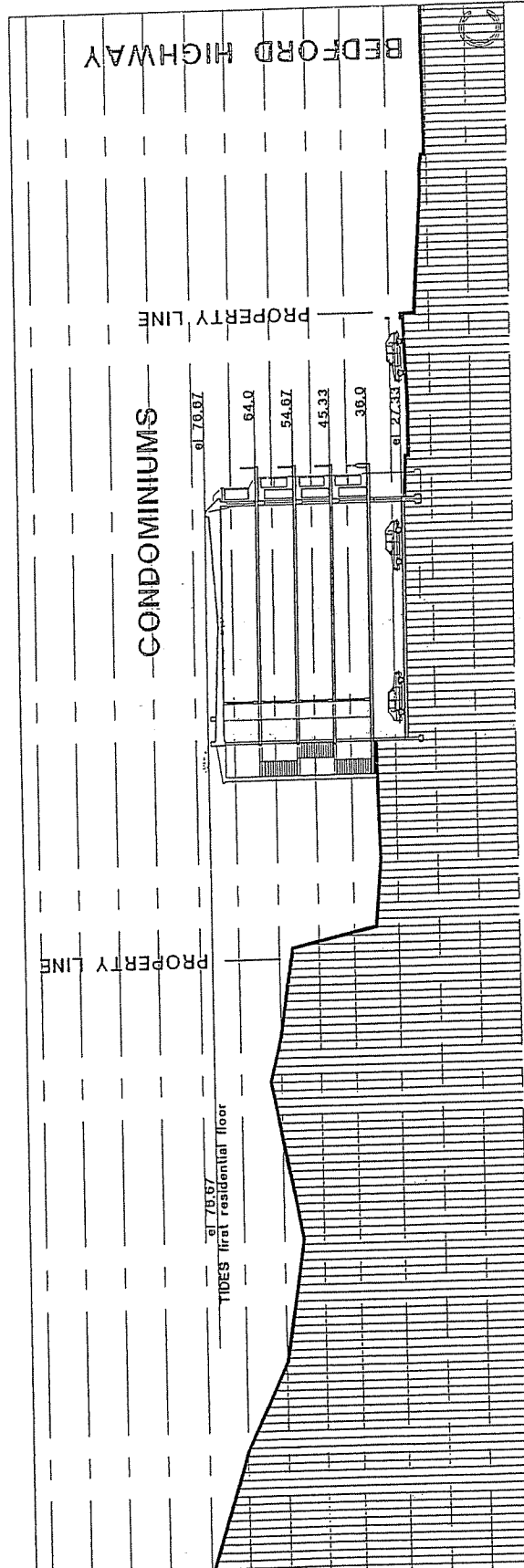
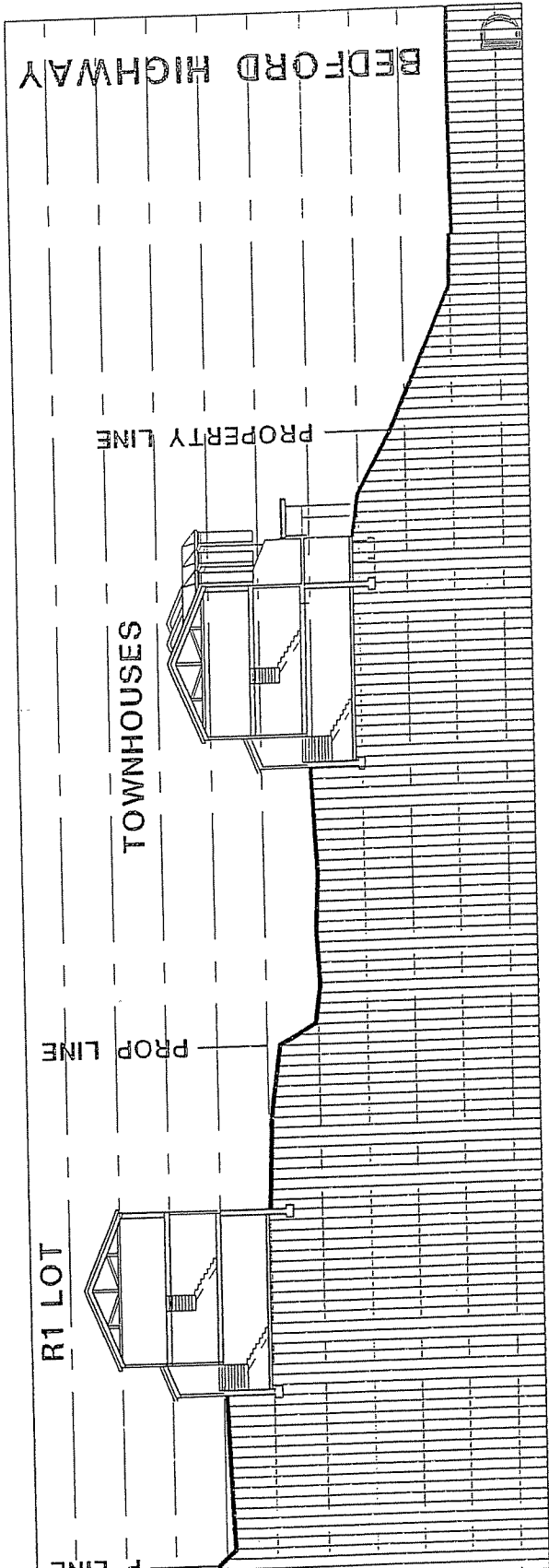
BEDFORD HIGHWAY, HALIFAX NS

SCALE 1:500
Aug 08, 2007

KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.
HALIFAX, N.S. B3K 1B6 (902) 422-1557

Schedule C - Site Sections (00762-19/20)



SITE SECTIONS 2

SOUTHGATE VILLAGE

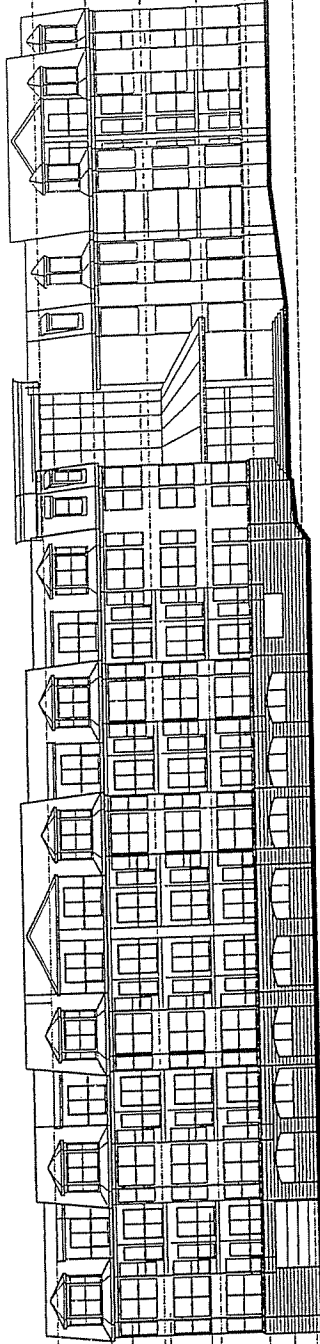
BEDFORD HIGHWAY, HALIFAX NS

SCALE 1:500
Aug 08, 2007

SNYDER/GOODSPEED ARCHITECTS

100, 5003 COPPINWALL RD. ST.
C.N.S., 93K 1B6 (902) 422-1557

Schedule D - Condominium - Elevations (00762-14)



ASPHALT SHINGLES

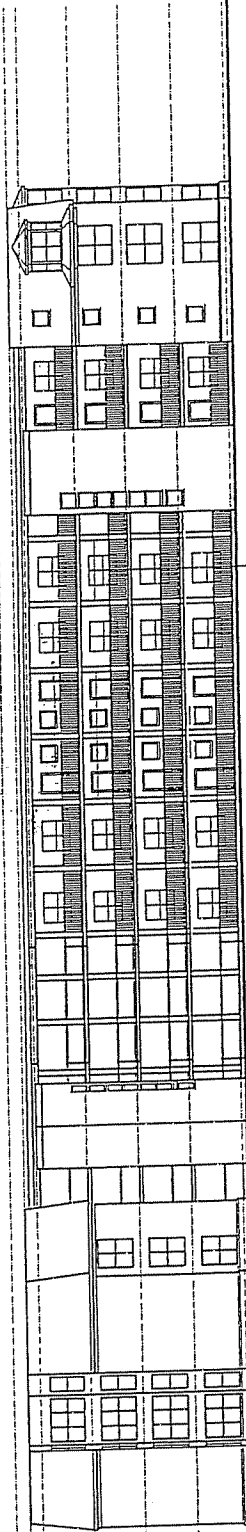
PVC WINDOWS

HORIZONTAL LAP SIDING

ALUMINUM/GLASS RAILING

STONE VENEER

CONDOMINIUM BUILDING - BEDFORD HIGHWAY ELEVATION



CONDOMINIUM BUILDING - WEST ELEVATION

SOUTHGATE VILLAGE
CONDOMINIUM BUILDING

ELEVATIONS

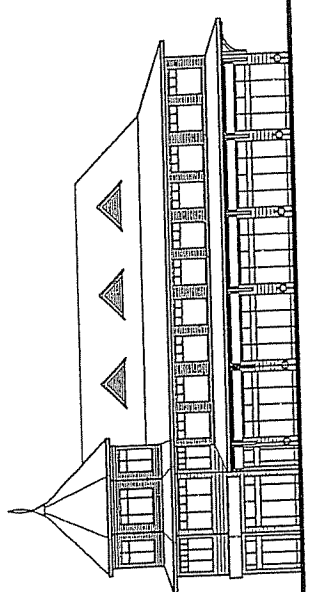
BEDFORD HIGHWAY, HALIFAX NS

KASSNER/GOODSPEED ARCHITECTS

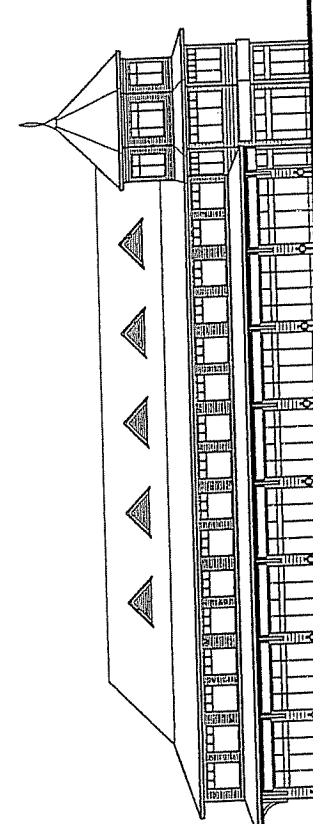
SUITE 200, 5663 CORNWALLIS ST.
HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE 1:400
Aug 08, 2007

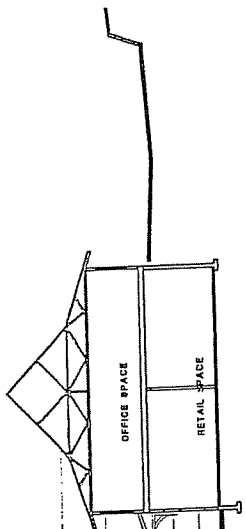
Schedule E - Commercial Building - Elevations/Sections (00762-15)



SOUTHGATE DRIVE ELEVATION



COMMERCIAL BUILDING - BEDFORD HIGHWAY ELEVATION



CROSS SECTION

SHAL SLOPE SHIMULED ROOF
 HORIZONTAL LAP JUMPS
 4" STONEFRONT OVERHANG
 ILLUMINATED SIGNAGE
 BRICK VENTILATED ROOF
 GABLED STONEFRONT
 BICYCLE LOCKING POST

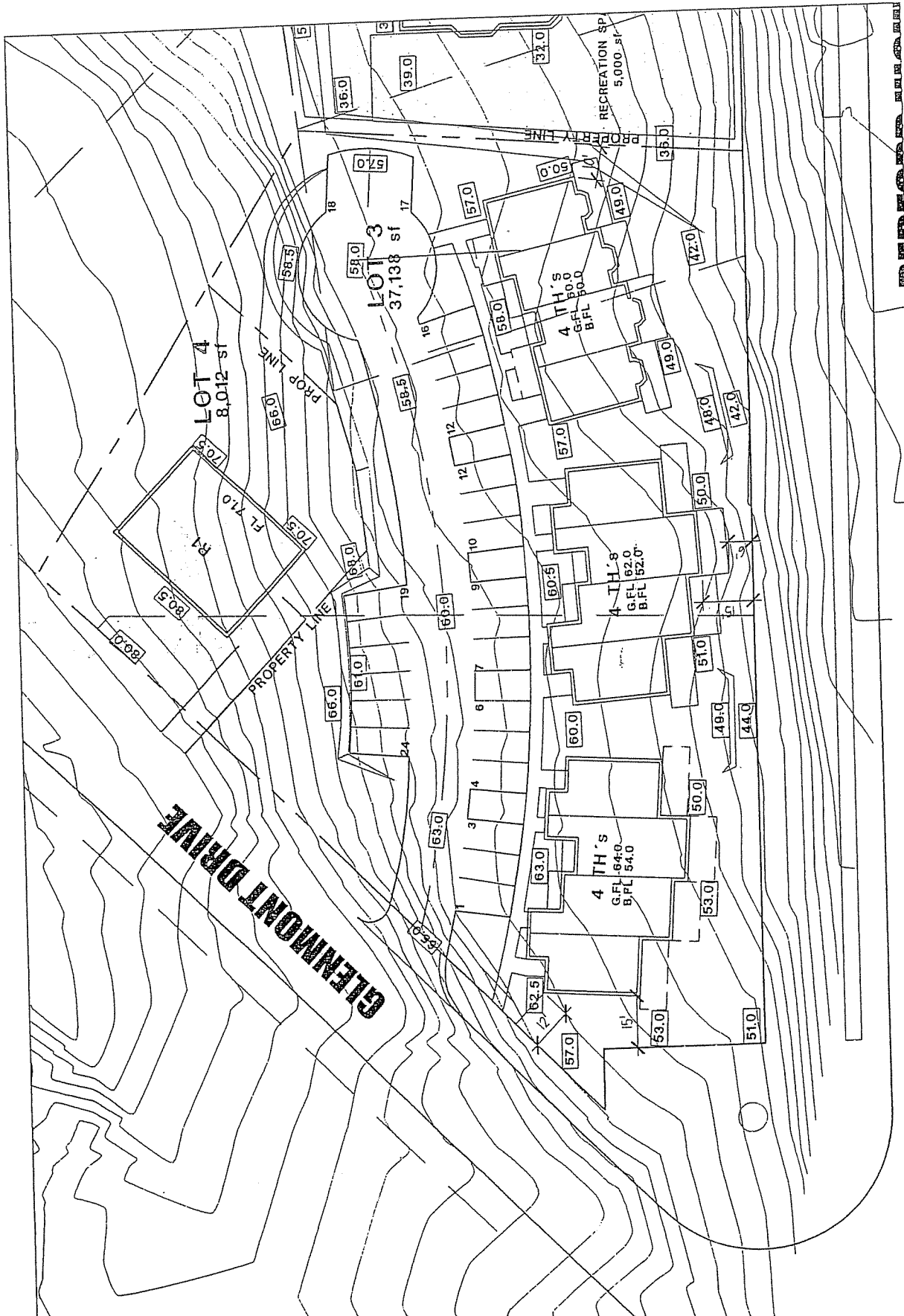
SOUTHGATE VILLAGE
 BEDFORD HIGHWAY, HALIFAX NS
 COMMERCIAL BUILDING
 ELEVATIONS, CROSS SECTION

SCALE 1:400
 Aug 08, 2007

ASSNER/GOODSPEED ARCHITECTS

1010 200, 5063 CORNWALLIS ST.
 HALIFAX, N.S., B3K 1B6 (902) 422-1557

Schedule F - Townhouses - Concept Plan (00762-16)



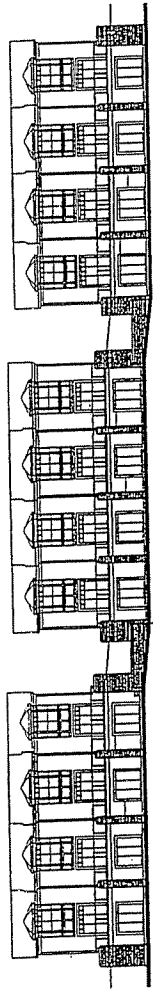
SOUTHGATE VILLAGE
 BEDFORD HIGHWAY, HALIFAX NS

CONCEPT PLAN
 TOWNHOUSES

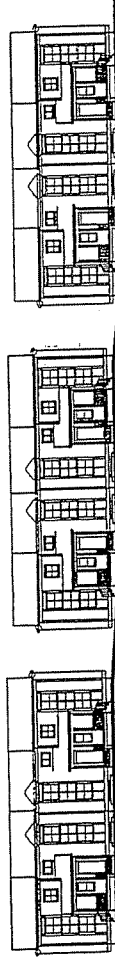
SCALE 1:500
 Aug 08, 2007

CASSNER/GOODSPEED ARCHITECTS
 SUITE 201, 5003 CORNWALLIS ST.
 HALIFAX, N.S., B3K 1B0 (902) 422-1557

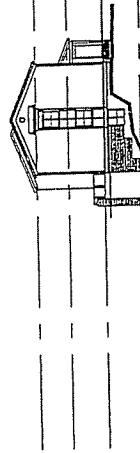
Schedule G - Townhouses - Elevations/Sections (00762-17)



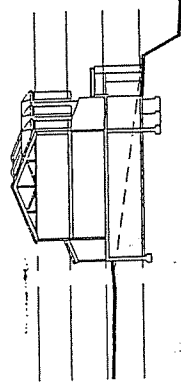
EAST ELEVATION - BEDFORD HIGHWAY



WEST ELEVATION



SIDE ELEVATION

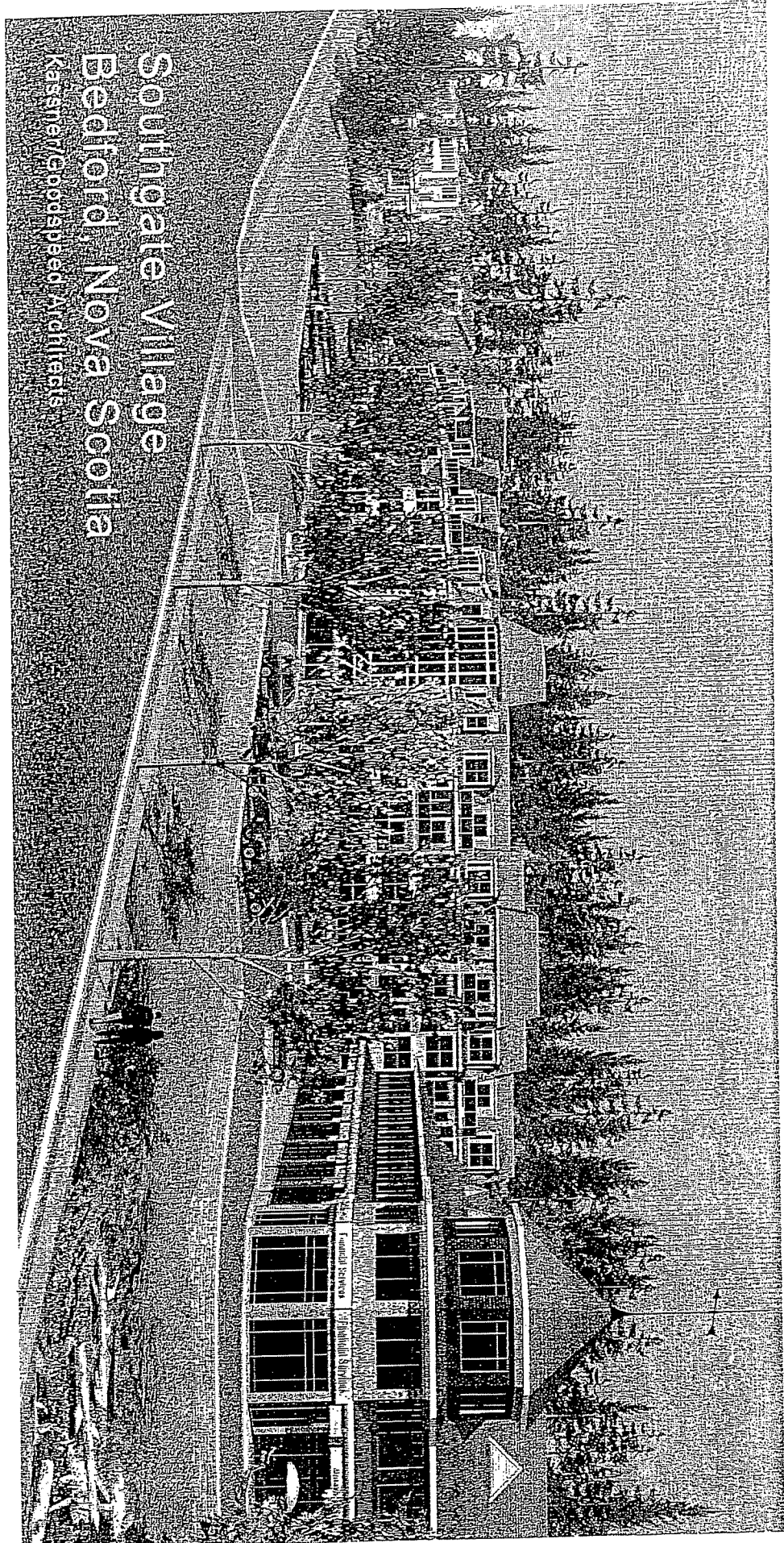


CROSS SECTION

SOUTHGATE VILLAGE
BEDFORD HIGHWAY, HALIFAX NS
TOWNHOUSES
ELEVATIONS, SECTION

KASSNER/GOODSPEED ARCHITECTS
SUITE 300, 5881 CORNWALLIS ST.
HALIFAX, N.S., B3K 1B8 (902) 422-1957

SCALE 1:400
Aug 08, 2007



Southgate Village
Bedford, Nova Scotia
Kassner/Goodspeed Architects

Schedule I
Architectural Requirement and Lot Provisions

Architectural: Multiple Unit Dwelling and Commercial Building

Entrances:

3.5.2 The main entrances to building shall be emphasized by detailing, massing, changes in materials, or other architectural devices as approved by the Development Officer as generally illustrated on the Schedules. Entrances shall be proportional to the scale of the building. Service/delivery entrances shall be integrated into the design of the building and shall not be a predominate feature.

Rear and side facades:

3.5.3 The façades facing the Bedford Highway and internal driveway illustrated on the Schedules shall be designed and detailed as the primary façade. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.

Exposed Foundation:

3.5.4 Any exposed foundation in excess of 1.8m² (20 ft²) and parking garage and parking entrances shall be architecturally detailed, veneered with stone or brick.

Building Material:

3.5.5 Exterior building materials shall not include vinyl siding. Notwithstanding, for Townhouses, vinyl siding may be utilized as an accent to a maximum of 20 (%) percent of any building elevations visible from the street.

Functional Elements:

3.5.6 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.5.7 Buildings shall be designed such that the mechanical systems (HVAC, cooking exhaust fans, etc.) are not visible from Bedford Highway or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented.

Roof:

3.5.8 All roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design and screened from public view along the Bedford Highway and adjacent residential properties.

Lot Provisions: Townhouses

Minimum Lot Area:	Minimum lot area per unit shall be 2,000 square feet (185.8 sq.m.) per unit.
Minimum Lot Frontage:	Minimum lot frontage shall be 20 feet (6.1 m). Notwithstanding the foregoing, for lots with frontage on the outside of a curve, a frontage of 12 feet (3.66 m) shall be permitted, provided that a lot width of 18 feet is provided, measured at a distance of 20 feet (6.1 m) back from the street line at the centre point of the lot frontage.
Minimum Front and Flankage Yard:	As per site plan.
Minimum Side Yards:	8 feet (2.44 m) except where an attached garage or accessory building is provided in the side yard in which case the yard may be reduced to 4 feet (1.22m).
Minimum Rear yard:	20 feet (6.1m)
Maximum Lot Coverage and Building Height:	40% lot coverage; and a maximum building height of 35 feet (10.7m). An increase to the maximum building height restriction from 35 feet to 45 feet may be considered where construction of a two storey single residential unit at street level is not possible due to the 35 foot height restriction as applied under the Bedford Land Use By-Law and where it is demonstrated that the slope of the lot exceeds 15% (downward from the street level).
Required Parking:	A minimum of 2 spaces per dwelling unit shall be provided. Shared parking shall be permitted and encourage between adjoining units.
Number of Units per Building Block:	Maximum units per building block shall be 6 (six).
Access:	Shared driveway access to Glenmont Avenue shall be required as illustrated on the attached Schedules.

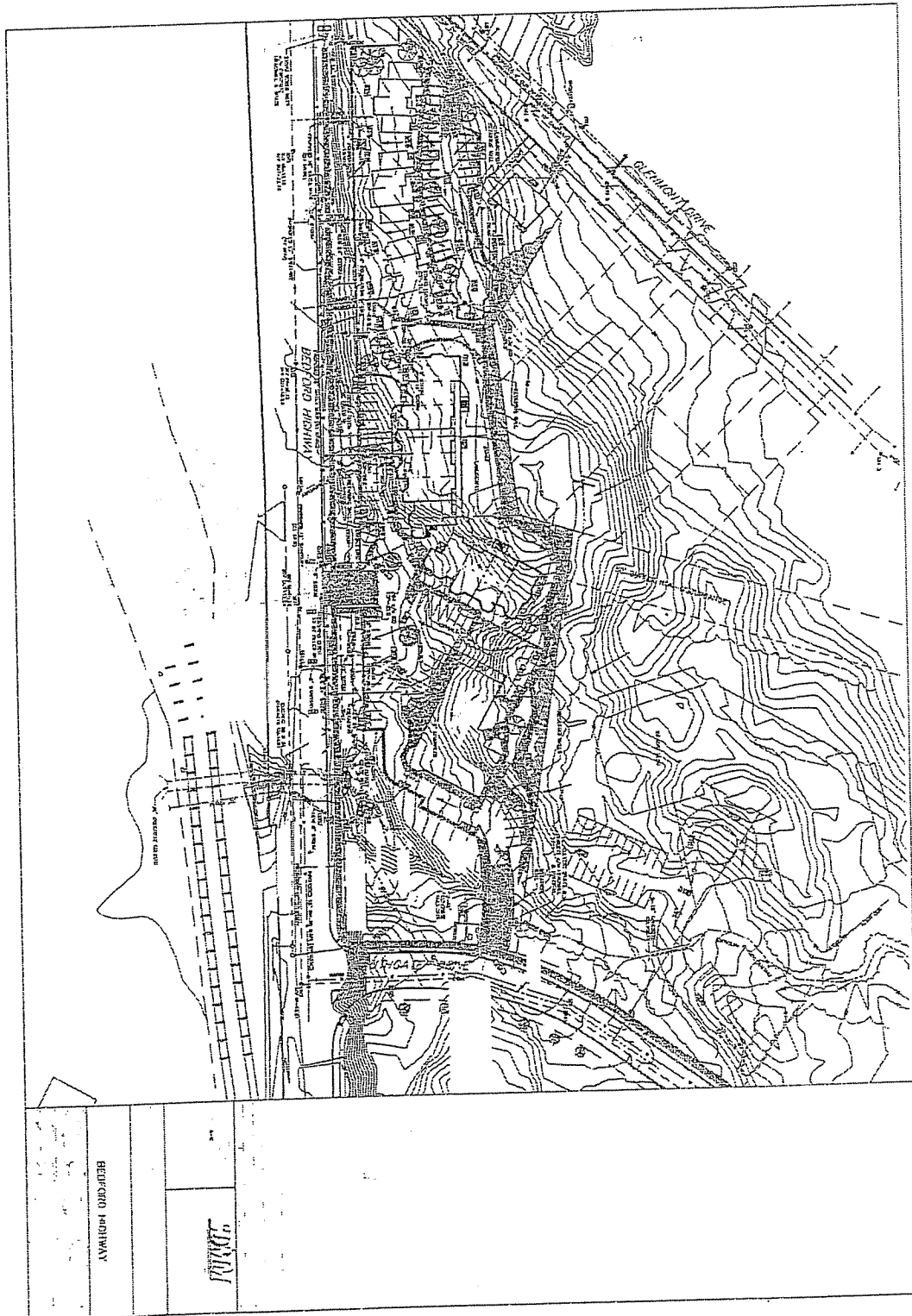
Lot Provisions: Multiple Unit Dwelling

Maximum # of Units:	44 units
Maximum Height:	Maximum building height shall not exceed 4 storeys as shown on the Schedules.
Required Parking:	1.25 parking spaces per unit shall be provided. 1.0 parking spaces per unit shall be provided underground. Visitor parking may be surface parking which is provided in the front or rear yard provided that the parking area is located no closer than 25 feet (7.6 m) from any residential lot line, and that the parking area is screened from the ground floor view of any abutting residential dwelling lot.

Lot Provisions: Commercial Building

Maximum Footprint:	15,000 square feet (1393.5 sq. m)
Minimum Lot Area:	30,000 square feet (0.27 hectares)
Maximum Height:	two storeys plus roof structure
Signage:	Requirements of the Commercial General Business (CGB) Zone of the Bedford Land Use By-law, as amended from time to time
Front, side, rear yard frontage and other provision	Requirements of the Commercial General Business (CGB) zone in the Bedford Land Use Bylaw, as amended from time to time
Required Parking:	3.3 spaces per thousand square feet of commercial area.

Schedule K - Erosion and Sedimentation Control Plan (00762-24)
Original on File at HRM Planning and Development - Case File 00762



Schedule "L"
Lighting Guidelines

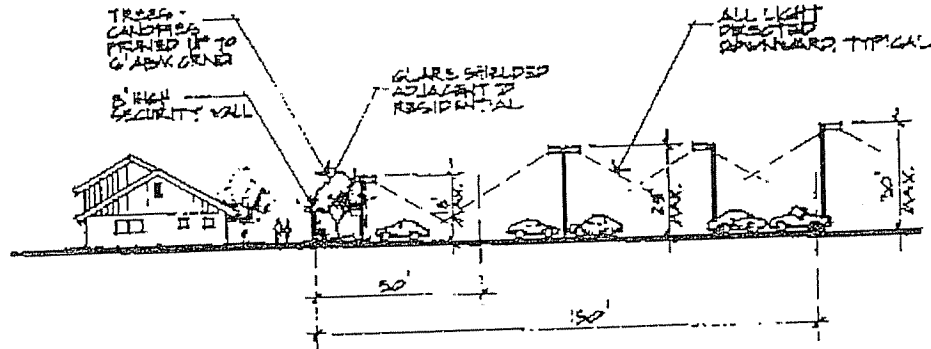
1. Purpose

The intent of these guidelines are to establish lighting levels for various typical uses to promote visual surveillance, reduce the potential for criminal activity, and meet energy constraints.

2. Lighting Configuration

- (a) The mounting of light fixtures shall be governed by the following:
- (i) Building mounted light fixtures shall be attached only to walls and the top of the fixture shall not be higher than the top of the parapet or roof, whichever is greater; and
 - (ii) Freestanding light fixtures shall not exceed eighteen (18) feet in height in any residential zone or within fifty (50) feet of, any residential used or zoned property; and
 - (iii) Freestanding light fixtures shall not exceed twenty-five (25) feet in height within fifty (50) to one hundred fifty (150) feet of any residential used or zoned property; and
 - (iv) Freestanding light fixtures shall not exceed thirty (30) feet in all other locations; and
 - (v) For the purpose of this requirement, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture.
- (b) Transitional lighting shall be incorporated in exterior areas going to and from the building(s) or use(s) within the site.
- (c) All exterior lighting shall be directed downward and away from adjoining property, with luminaries shielded to prevent unnecessary glare.
- (d) Details of exterior lighting shall be provided to ensure compliance with the minimum illumination guidelines. The details shall be shown on the landscape site plan drawn to scale. Photometric calculations shall be detailed on an exterior lighting plan. Photometric calculations should be based on the "mean" light output per the manufacturer's values of the specified lamp and luminaire photometry data formatted on Illumination Engineering Society (I.E.S.) file compiled by an approved testing laboratory. The details provided for exterior lighting should include point-to-point photometric calculations at intervals of not more than ten (10) feet, at ground level, and may also be required at six (6) feet above ground level, depending on the applicable risk factors.
- (f) Any exterior lighting device (luminaire) designed for security lighting shall be protected by weather and vandal-resistant covering, a managed light source, directed down, to minimize glare and intrusiveness.

The following illustration demonstrates how security lighting may be configured to shield adjoining property from unnecessary glare and conform to the outdoor light control provisions.



3. Minimum Illumination Guidelines

All minimum illumination guidelines, below, should be maintained from ground level to a height of six (6) feet. The minimum-to maximum uniformity ratio may range up to 6:1 in acceptable layouts.

The lighting levels specified are the minimum levels that are typically acceptable. In some circumstances, customer convenience, closed-circuit surveillance, and customer attraction may require a higher level of lighting. In addition, demographics, the crime index and other factors particular to a certain geographic area may require a higher level of lighting than listed below.

Activity Risk and Minimum FC	Land Use
High Risk Activity 4-5 FC	<ul style="list-style-type: none"> · ATM · Cluster Mail Boxes (minimum of 20' radius from edge of mail box) · Pay Phones · Gated Communities Entries · Pedestrian Tunnels and Covered Pedestrian Walkways · Bus/Transit Shelters · All exterior entrances (typically 5 FC of light will be the recommended minimum standard with a radius of 15' from the center of each door. However, each entrance will be assessed based upon use and risk)
Medium High Risk Activity 3-4 FC	<ul style="list-style-type: none"> · Convenience Stores · Covered Parking (carports) · Fast Food · Pharmacies · Pool Halls · Loading Docks/Areas · Grocery Stores (24 hour, immediate parking area) · Establishments Licensed for the Sale of Liquor · Parking Structures (10 FC daytime)(parking garages, multilevel)

Activity Risk and Minimum FC	Land Use
Medium Risk Activity 2-3 FC	<ul style="list-style-type: none"> · Gas Stations (not convenience stores) · Entertainment/Amusement · Video Stores · Laundries · Banks · Restaurants (no liquor) · Hotels/Motels · Video Halls · Card/Telemarketing · Malls
Medium Low Risk Activity 1-2 FC	<ul style="list-style-type: none"> · Multi-Housing · Health Care · Industrial (night use) · Preschools · Worship · Hospital · General Retail · Dental · Warehouse (night use) · Educational · Storage · General office (night use) · Grocery stores (non 24 hours)
Low Risk Activity .50-1	<ul style="list-style-type: none"> · Warehouse (day use) · Office (day use only) · Greenbelt · Car Dealers (after hours) · Parks · Industrial (day use) · Mini-storage · Retention areas · Walkways in Apartment Complexes

4. Filtering and Shielding.

All outdoor light fixtures except those exempted shall be fully shielded and shall have glass acrylic or translucent enclosures. (Quartz glass does not meet this requirement.)

Requirements for Shielding and Filtering

Fixture Lamp Type	Shielded	Filtered ¹
Low Pressure Sodium ²	Fully	None
High Pressure Sodium	Fully	None
Metal Halide ³	Fully	Yes
Fluorescent	Fully ⁴	Yes ⁵
Quartz ⁶	Fully	None
Incandescent Greater than 100W	Fully	None
Incandescent 100W or Less	None	None
Mercury Vapor	Not Permitted	Not Permitted
Glass Tubes filled with Neon, Argon, Krypton	None	None

¹ Most glass, acrylic or translucent enclosures satisfy these filter requirements

² This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.

³ Metal halide lamps shall be in enclosed luminaries.

⁴ Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.

⁵ Warm white natural lamps are preferred to minimize detrimental effects.

5. Definitions.

- (a) Outdoor light fixtures shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for:
- (1) Buildings and structures, including canopies and overhangs;
 - (2) Parking lot lighting;
 - (3) Landscape lighting;
 - (4) Billboards and signs;
 - (5) Display and service areas.
- (b) Fully shielded shall mean fixtures that are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

6. Restrictions.

- (a) Outdoor building, landscaping and signs. The unshielded outdoor illumination of any building or landscaping is prohibited except with incandescent fixtures with lamps of one hundred (100) watts or less. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and shall comply with the shielding requirements. All illuminated outdoor advertising signs shall be equipped with an automatic time controller that prevents the operation of the lighting fixtures between the hours of 11:00 p.m. and sunrise.
- (b) Mercury vapor. The installation of mercury vapor fixtures is prohibited.
- (c) Construction and emergency lighting. Lighting necessary for construction or emergencies is exempt from the provisions of this article, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

Attachment "D"
Discharging Agreement

THIS DISCHARGING AGREEMENT made this _____ day of _____, 2007,

BETWEEN:

BABYLON DEVELOPMENTS LIMITED
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

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

OF THE SECOND PART

WHEREAS the Owner is the registered owner of certain lands located at 836 Bedford Highway in Bedford, also known PID 00360560 (hereinafter called the "Lands");

AND WHEREAS the Municipality entered into a development agreement with the previous owners of the Lands, said agreement being recorded at the Registry of Deeds on April 25, 2003 in Book No. 7327, Pages 138-208, Document #15731 (hereinafter referred to as "the Agreement");

AND WHEREAS the Owner has requested that the Agreement be discharged;

AND WHEREAS in accordance with the requirements of the Municipal Government Act, the North West Community Council approved the discharge of the existing agreement at a meet held on _____, 2008;

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

1. The Agreement as it applies to the Lands is hereby discharged and shall no longer have any force or effect.

Attachment "E"
Minutes from Public Meeting on September 12, 2005

**NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING**

September 12, 2005

MINUTES

PRESENT: Ms. Ann Merritt, Chair
Mr. George Murphy
Ms. Barb Grant
Mr. Walter Regan
Ms. Gloria Lowther
Deputy Mayor Len Goucher
Mr. Joel Matheson

REGRETS: Councillor Brad Johns
Mr. Warren Hutt

STAFF AND OTHERS: Ms. Thea Langille-Hanna, Planner II
Ms. Sheilagh Edmonds, Legislative Assistant

1. **Call to Order**

The Chair called the meeting to order at 7:00 p.m. in the cafeteria of the Basinview Community School in Bedford.

2. **Public Participation: Case 00762** - Application by Caohmin Consulting to amend the Bedford Municipal Planning Strategy and Land Use By-law to enable a mixed use Residential (Multiple Unit Dwellings and Townhouse) and Commercial Development between Southgate Drive and Glenmount Avenue on the South Side of the Bedford Highway

Ms. Thea Langille-Hanna, Planner II advised that the purpose of this evening's meeting is to gather public comment on the proposed application and that no decisions would be made this evening. In her remarks she reviewed the current uses of the property in question and reviewed the proposed application involving a mixed use development. She also explained that this application involved an amendment to the Bedford Municipal Planning Strategy and she briefly elaborated on the Plan Amendment process.

Ms. Langille-Hanna put forward questions and asked for feedback regarding issues or concerns surrounding the questions. The questions are as follows:

- Is the site a reasonable location for a mixed use development?
- Is the site a reasonable location for a building greater than 3 stories above the Bedford Highway?
- What type of residential development is reasonable for the area, i.e. single family, townhouse, or multiple unit (apartment building)?

The following people addressed the Committee and provided comments:

Mr. Bob Spriggs, Glenmont Avenue:

- has no objection to the proposal; asked that there not be any driveway exiting on Glenmont, and have any excess traffic going to the Bedford Highway instead.
- questioned if there was a grandfather clause re viewplanes and certain heights. Ms. Langille-Hanna advised that there was no legislated viewplane in this area of Bedford.

Donna Bowdridge, Millview Avenue

- noted a number of concerns with Map 3.

Devena Davis, Dowell Drive

- expressed concern about traffic on the Bedford Highway with a multiple unit dwelling.
- questioned how this proposal relates to the Regional Plan, and why this matter was being dealt with now, when waiting for the Regional Plan. Ms. Langille-Hanna responded and noted that the Regional Planning staff have reviewed this.

Cynthia Creaser, Glenmont Avenue

- expressed concern about any proposal more than 3 stories high and the impact it will have on their property value if her view is blocked; concerned about traffic and whether this proposal would be precedent setting for more apartment buildings along the Bedford Highway.
- indicated that the trees provide protection in regard to noise levels.
- suggested the demographics are changing because staff is allowing them to change.

Robert Houle, Southgate Drive

- advised that when he bought on Southgate he had an understanding of the development but was not aware of the amount of apartments and condominiums coming up along the Bedford Highway and is not in support of this whatsoever. In response, Ms. Langille Hanna suggested Mr. Houle speak with her after the meeting as she was involved in the Bedford South Planning Strategy and could provide him background information.
- addressed the issue of density and questioned what the area would be like in 20 years.

A resident of 13 Glenmont Avenue spoke in opposition to the construction of an apartment building.

Terry Robbins, Locke Street

- expressed concern about traffic and felt the proposal should not go beyond three stories .
- questioned if there were height restrictions. In response, Ms. LangilleHanna advised that in this area it is 3 stories.

Jennifer Houle, Southgate Drive

- advised that traffic was a concern for her. She questioned if anything was being done to prevent further development along the Bedford Highway until the traffic situation is addressed. In response, Ms. Langille-Hanna advised of future initiatives HRM has in the area that will address some traffic concerns. She also indicated that the Plan allows for a fair number of houses yet to be built.

Patricia Chalmers, Halifax

- expressed concern about additional traffic; highlighted the importance of the aesthetics and preserving the character of the neighbourhood.

Betty Ann Channell, Glenmont Street

- opposed to the proposal; noted that she put an addition on her house so she can enjoy the view; does not support 4 stories; concerned about traffic.

Joel Matheson, member of NWPAC

- noted that development demographics were changing and asked if there were other examples in the area where this has taken place. In response, Ms. Langille-Hanna advised that she is dealing with three applications of a similar nature. She suggested the question asked of staff is if the policy put in place 10 years ago is reasonable today, and noted that it was through meetings like this that staff gather information.

Ken Read, Glenmont Avenue

- suggested the developers are building 'slums of tomorrow'

Basil Miller, Glenmont

- noted that all the comments have been negative and advised that he wondered what people really think about the proposal.

In concluding her part of the presentation, Ms. Langille Hanna summarized the overall concerns noted as follows:

- natural vegetation and environmental protection is important;
- multiple unit dwelling is not favoured; no comment was made in regard to whether townhouses would be favourable;
- nothing more than 3 stories in height;
- protect existing views;
- driveway access; and traffic on the Bedford Highway.

Ms. Langille Hanna advised that the Developer would then present one of the options they are considering for the site.

Kevin Riles, President and CAO of Caohmin Consulting and representing Cresco, addressed the Committee and members of the public and provided a presentation on his development, entitled Southgate Village. Prior to his presentation, Mr. Riles introduced Mr. Dan Goodspeed, noting he was the architect on the project.

In his remarks, Mr. Riles advised that his proposal is consistent with the spirit and intent of the 1996 Municipal Planning Strategy. He added that the proposal has a village concept and vision. He noted that the intention for the multiple unit is for condominiums and that it would have underground parking. As well, there would be a commercial component comprised of offices along the lines of what the Hydrostone. Mr. Riles advised that with regard to traffic, it is their intention to have the least possible impact on Glenmount. Other aspects of the development highlighted by Mr. Riles include a compact building design; significant use of stone and brick; create open space - pocket park; sidewalk along the Bedford Highway - from Southgate to Glenmont; trees and landscaped; and pedestrian friendly.

In his remarks Mr. Riles provided a guarantee to the residents that, with regard, to anything on the Glenmount side, and for the residents of The Tides, their views would not be blocked. He also pointed out that they have completed a traffic study and this will be circulated to Ms. Langille-Hanna.

Mr. Riles responded to questions.

The following comments were noted:

Robert Houle

- presentation still has not changed his mind; area should be retained as is; noted that he lived on Southgate and when the trees were bulldozed for The Tides development, the area flooded out.

In response to concerns raised about Glenmont Avenue and traffic turning in this area, Mr. Riles advised that he would ask his transportation staff to look into this and see if there is alternative access of the Bedford Highway.

In response to a comment raised about tree cutting, Ms. Langille-Hanna advised that she would investigate whether or not trees were cut in the nondisturbance zone.

3. Closing Comments

In concluding, Ms. Langille-Hanna advised that there will be a second public meeting, and at that time, the developer will have detailed proposal. She invited anyone with concerns or questions to call her.

4. Adjourn

The Chair thanked everyone for coming out this evening and providing their comments and questions. She noted that North West Planning Advisory Committee meetings are open to the public, if they wish to observe, and invited anyone in attendance to attend the meeting when this matter is brought before the Committee.

The meeting adjourned at 8:55 p.m.

Sheilagh Edmonds
Legislative Assistant

Attachment "F"

Bedford Waters Advisory Committee Minutes - March 8, 2006

6.1.2 Case 00762- Application by Cresco Homes Ltd. to amend the Bedford MPS and LUB

- A memo dated February 21, 2006 regarding Case 00762 was before the Committee.

Ms. Thea Langille - Hanna provided a brief overview of the application as per the memo dated February 21, 2006.

Mr. Kevin Riles, President and Chief Executive Officer, Caohmin Consulting, advised that he is the Chief Project Manager and introduced the project team:

- Mr. Dan Goodspeed, the architect for the project
- Mr. Marcel Deveaux, Senior Vice President, O'Halloran Consulting, completed the transportation and traffic studies
- Mr. Ray Landry, Engineer, Servant, Dunbrack, Mackenzie and Macdonald Ltd., completed the Surveying, Stormwater Management, Erosion and Sedimentation Control and Servicing Plans
- Mr. Bruce Strum, President, Strum Consulting, completed the environmental assessment.

Mr. Riles gave an overview of the proposal and noted the following:

- The subject property is located on the Bedford Highway between Glenmont Avenue and Southgate Drive in Bedford.
- The proposal is for a mixed use village style development consisting of a commercial building, townhouses, a multiple unit building and a single unit dwelling as well as a neighbourhood pocket park.
- There has been discussion regarding the drainage ditch that runs through the proposed location of the park and whether or not the Nova Scotia Department of Environment classifies it as a watercourse. They are still awaiting a response for the Department of Environment.

A copy of the revised site plan without the pocket park was circulated to the Board.

- The revised plan shows a natural park that would be vegetated with green space.
- One of the major challenges for the developer is the cost of extending sewer and water services. The original estimate has increased from approximately three hundred thousand dollars to five hundred thousand dollars.

Ms. Langille-Hanna advised that there is a 100 foot set back requirement from the watercourse because the Environmentally Sensitive Areas Map identifies a watercourse on the site. Policy E8 allows a reduction to a 50 foot setback, if it can be demonstrated that the property can not be reasonably developed by complying with the 100 foot site disturbance provisions and that there be no net loss in effectiveness to the buffer.

In response to questions from Mr. Hattin, Mr. Goodspeed advised of the following:

- The original concept was to have a retaining wall such that the water coming from the brook would be used to supply water to a water fountain, however based on his observation the water from the brook has been decreasing and not enough to support a fountain.
- Due to the increased servicing cost additional density is required and therefore they cannot develop the site within a 100 foot setback requirement.

Mr. Dean commented that there is no natural buffer remaining between the Tides Subdivision retaining wall and the stream. The buffer is less than 50 foot.

Ms. Langille-Hanna advised that there were non disturbance criteria in the development agreement and that she would investigate the matter.

Mr. Riles commented that adhering to the 100 foot setback would require the removal of 15 parking spaces. Underground parking would be cost prohibitive.

Mr. Goodspeed added that in order to met the 100 foot setback requirement, the size of the commercial building would be reduced.

During the ensuing discussion the Board agreed that the proposal does not demonstrate that it cannot meet the 100 foot setback requirement. The consultant has not provided supporting data to indicate that the property can not be developed within the setback requirements.

MOVED by Mr. Murphy, seconded by Mr. Dean that the Bedford Watershed Advisory Committee recommend that the developer resubmit the proposal demonstrating that it cannot meet the 100 foot setback requirement and provide reasons . MOTION PUT AND PASSED.

Attachment G

Bedford Waters Advisory Committee Minutes - April 19, 2006

4.1.10 Case 00762- Application by Cresco Homes Ltd. to amend the Bedford MPS and LUB

- A memo dated March 31, 2006, re Case 00762 was before the Board.

Ms. Langille-Hanna advised that the applicant made changes in accordance with the Boards comments last month.

Mr. Kevin Riles, President and Chief Executive Officer, Caohim Consulting advised the Board that the purpose of this presentation is to review the economic justification of complying with Policy E-8.

Mr. Bruce Strum, Strum Consulting, advised that a study was conducted to determine if the buffer zone could be reduced without causing a net loss to the buffer zone in order to meet policy E-8. He advised the Board of the following:

- The Nova Scotia Department of Environment and Labour advised that they considered the ditch at 838 Bedford Highway to be a watercourse.
- There is no vegetation on the north or south side of the stream.
- There is no buffering.
- The conclusion of the study is that there would be no net loss with a 50 foot buffer zone.
- He suggested that there should be some remediation within 12-15 metres of the stream.

Board members suggested that the watercourse be piped. Ms. Langille-Hanna commented that the Department of Labour can grant approvals to pipe watercourses through their permitting process, this can be further explored.

Mr. Riles advised that there is no net loss if the buffer is reduced to 50 percent. The extra servicing cost and adhering to the 100 foot set back requirement reduces the development envelope. To make the project viable the buffer needs to be reduced to 50 feet.

Councillor Goucher advised that the cost of servicing the Crosby and Glenmount areas increased significantly from the time the Princess Lodge was completed. Princess Lodge was completed under budget. HRM projected the cost of the Crosby and Glenmount area on the cost of the Princess Lodge, however, the lowest tender came in at 250 percent higher than the estimate.

Mr. Goodspeed commented that balancing the setback requirements while responding to the needs of the client resulted in an increase in density. The parking and commercial building has been placed outside the 50 foot buffer from the watercourse. The commercial building was also reduced by 1000 square feet.

Ms. Langille-Hanna noted for the record that the staff report indicates that the proposal is for 12 townhouses which is incorrect, there are 18 townhouses proposed.

Responding to questions from the Board, Mr. Riles advised that:

- The area around the stream can be remediated naturally within fifty feet, the funds allocated for the park can be used, if Regional Council concurs.
- We would not assume any liability as the property belongs to HRM

The Board noted the following concerns/comments:

- the ditch is too steep
- they would like to see the aesthetics improved
- that the water course be piped between the drive way and the existing culvert

The Board agreed that they have no concerns regarding the 50 ft set back.

Ms. Langille-Hanna advised that remediation and safety concerns can be addressed, since the developer has agreed to an expense that they have not been approved for.

MOVED by Mr. Murphy, seconded by Mr. Dean that the Bedford Watershed Advisory Committee advise staff that Case 00762 has met the requirements of Policy E - 8 and recommend a 50 foot setback from the buffer zone. MOTION PUT AND PASSED.

MOVED by Mr. Dean, seconded by Ms. Loney that the Bedford Watershed Advisory Board recommend that staff accept Cresco's offer to remediate the buffer zone with natural vegetation and that it be incorporated into the Development Agreement. MOTION PUT AND PASSED.

MOVED by Mr. Dean, seconded by Ms. Loney that Bedford Watershed Advisory Committee request that staff investigate the possibility of piping the watercourse between the drive way and existing culvert, improve the aesthetics by stabilizing the banks and adding natural vegetation, further that the size of the ditch be reduced. MOTION PUT AND PASSED.

Attachment "H"
Relevant BSSPS Policies

THE BEDFORD SOUTH SECONDARY PLANNING STRATEGY

Policy MCP-1:

The Community Concept Plan, presented as Schedule I, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the master plan area and any development of the land shall be subject to approval of a development agreement.

Policy MCP-2:

Unless otherwise specified by this secondary planning strategy, the standards for developments applied under the Municipal Planning Strategy and Land Use By-law shall be preferred under any development agreement application brought forward for approval.

Policy RN-1:

The Municipality shall require that any development agreement application encompass an entire Residential Neighbourhood Designation unless satisfied that a property owner within the designation is not willing to participate. In such instance, a development agreement may be approved for part of the neighborhood provided that a neighbourhood concept plan is prepared for the entire neighbourhood which identifies the significant transportation systems, parkland and open space features and municipal service systems and the Municipality is satisfied that the concept plan conforms with all objectives and policies established under this Secondary Planning Strategy and provides for a fair and reasonable allocation of development rights among property owners. Any subsequent development agreement application within the affected Residential Neighbourhood shall conform with neighbourhood concept plan unless an alternative design is provided which is satisfactory to the Municipality.

Policy RN-2:

The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation:

- a) the density of housing units does not exceed six units per acre within neighbourhoods A, C, D or E;
- b) community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;
- c) sidewalks and pathways facilitate safe and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;

- d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;
- e) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;
- f) building locations, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian scale and compatibility with the natural environment;
- g) natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;
- h) all open space/parkland dedications proposed conform with the objectives and policies adopted for the community parkland/open space under this municipal planning strategy and any administrative guidelines adopted by the Municipality and;
- i) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.

Policy RN-3:

Each residential neighbourhood shall conform with the following provisions:

Neighbourhood "A":

Lands located between the minor neighbourhood collector street and the Old Coach Road will be primarily developed with single-family dwellings of varying lot sizes. Single unit dwellings shall have a minimum lot frontage of forty feet, a minimum side yard of four feet and a minimum separation of twelve feet between buildings. A majority of the single unit dwelling lots shall have a minimum fifty foot lot frontage and 5,000 square feet of lot area. A maximum of twenty percent of the housing units may be townhouses or semi-detached dwellings.

Lands abutting the Neighbourhood Collector Road in the vicinity of the Old Coach Road and the Bedford Highway may be developed with apartment buildings and townhouses, provided that townhouse units have shared driveway access to the Neighbourhood Collector Road. Any apartment building development shall be limited to five storeys above grade and shall maintain a minimum fifty foot non-disturbance area from any existing single unit dwelling lot abutting Glenmount Avenue.

Commercial uses may also be considered on lots which have frontage on the Bedford Highway.

Policy EP-1:

No development agreement shall be entered into unless a master storm water management plan has been prepared for the entire Wentworth/Bedford South master plan area and accepted by the Municipality. The management plan shall:

- a) identify significant constraints and sensitivities with regard to flood potential, and environmental features;
- b) provide estimates of pre-development and post development flow rates at critical locations within watercourses such as at culverts and other road crossings and at downstream developments;
- c) specify water quality and quantity objectives which are consistent with all municipal and provincial guidelines and identify the means of preventing adverse changes to the quantity and quality of watercourses and groundwater;
- d) specify the type and location of storm water management facilities and the design requirements to protect receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows;
- e) prepare a program for implementation and monitoring before, during and after construction, including securities and any remedial action to be taken in the event that water quantity or quality objectives are not achieved.

Policy EP-2:

No development agreement shall be entered into unless the detailed design specifications conform with the master stormwater management plan approved under policy EP-1;

Policy EP-3:

No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the master stormwater management plan and in accordance with municipal and provincial guidelines.

Policy EP-4:

No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within fifty (50) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved storm water management plan or as provided to allow for trail systems or transportation crossings.

Policy EP-5:

No development agreement shall be entered into over lands on which trees have been removed except as may otherwise be required for a bonafide land survey or as may be agreed upon with the Municipality to protect property or ensure safety.

Policy EP-6:

Features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity non-disturbance areas on abutting lots, municipal parkland and open space dedications, and

natural areas adjacent to watercourses.

Policy EP-7:

A tree replanting program shall be incorporated into development agreements to allow for regrowth of trees over all lands on which the natural vegetation has been removed as a consequence of development. The program shall specify the locations, number, type and diameter of trees to be planted. The type of trees shall be indigenous to Nova Scotia.

Policy EP-8:

Development of land on major slope areas in excess of twenty-five percent (25%) shall be prohibited under any development agreement except where it can be demonstrated that such development would not create any hazard and could better preserve open spaces or areas of environmental value.

Policy EP-9:

The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.

Policy EP-10:

All development agreements shall conform with all applicable regional policies adopted by the Municipality in support of the regional solid waste management program, Halifax Harbour cleanup and the water resources management study.

Policy MS-1:

For sewage flow calculations, the population of the master plan area shall not exceed a gross density of twenty (20) persons per acre. To provide for an equitable distribution of development among property owners, three sub areas are established as illustrated in Schedule "III". Within each area, a maximum twenty persons per acre shall be permitted.

Policy MS-2:

Populations shall be calculated based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling. Commercial densities shall be calculated to a maximum of 50 persons per acre for general commercial uses and to a maximum of 30 persons per acre for community commercial, community facility and institutional uses. Final determination of the commercial densities shall be established by development agreement in accordance with intended land uses. In the event that the design population proposed for a residential neighbourhood or commercial designation is less than the maximum permitted, the Municipality may allow the difference to be allocated to another residential neighbourhood or commercial designation within the applicable sub area, provided that all other policy criteria can be satisfied.

Policy MS-3:

The "Bedford" sewershed shown on Schedule "IV" shall be limited to a maximum of 2,900 people in recognition of the limited capacity of the Mill Cove Sewage Treatment Plant and the need to reserve capacity for other areas currently outside the serviceable boundary. Additional density may be considered in the future should the Municipality determine that sufficient capacity exists at the Mill Cove treatment plant and that other areas currently outside the serviceable boundary have been evaluated for future development potential.

Policy MS-5:

No municipal approvals shall be granted within the watersheds of Fernleigh Park or Millview Subdivisions unless the Municipality is satisfied that the potable water supplies serving these subdivisions are protected and that a physical and financial means is established to allow for connection to the water distribution system that is owned and maintained by the Halifax Regional Water Commission. The Municipality shall require the developer to furnish whatever studies are needed and guarantees provided to assure that these conditions are satisfied.

Policy MS-6:

A maximum of 1,330 residential units may be permitted within the master plan area prior to the construction of the proposed interchange. The allocation to each sub area shown on Schedule III shall be as follows:

Sub Area "A": 615 units
Sub Area "B": 235 units
Sub Area "C": 480 units

Policy MS-7:

No development agreement shall be approved which would permit building permits to be granted for more than 2,000 housing units within the master plan area and the abutting Royale Hemlocks Subdivision unless:

- a) the interchange has been constructed and connected to Larry Uteck Boulevard or the financing for the interchange and roads has been secured, a time frame for implementation agreed upon; and
- b) consideration is given to the transportation improvements recommended by the Prince's Lodge/ Bedford South Transportation Study or any other transportation study available to the Municipality. A development agreement application shall not be approved where a traffic study concludes that the level of service for any road within the secondary planning strategy or connecting to the abutting road network does not conform with the performance criteria established under the Municipality's Guidelines for Preparation of Traffic Impact Studies and the applicant shall be required to provide the analysis, prepared by a qualified consultant, needed to make such a determination. Without limiting the generality of the foregoing statement, particular consideration will be given to traffic impacts on the Bedford Highway, Nine Mile Drive and Oceanview Drive.

Policy MS-9:

In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area governed by this Secondary Planning Strategy and no development agreement shall be entered until infrastructure charges are in effect. (RC-July 9/02; E-Aug 31/02)