

Item No. 9.2
Halifax Regional Council
February 8, 2011
March 15, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Councillor Bob Harvey, Chair, North West Community Council

DATE: January 28, 2011

SUBJECT: **Case 16643: MPS and LUB Amendments – 345 Kearney Lake Road, Bedford**

ORIGIN

The North West Community Council January 27, 2011 meeting.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated December 7, 2010, and schedule a public hearing; and
2. Approve the proposed amendment to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated December 7, 2010.

BACKGROUND

The North West Community Council considered Case 16643 at its meeting on January 27, 2011.

DISCUSSION

North West Community Council is recommending that Regional Council give First Reading and set a public hearing with regard to proposed amendments to the Bedford Municipal Planning Strategy. Community Council is also recommending that Regional Council approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use Bylaw.

BUDGET IMPLICATIONS

Budget implications are as set out in the staff report dated December 7, 2010.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

This matter was considered by the North West Planning Advisory Committee at a meeting held on January 19, 2011. See also the December 7, 2010 staff report for information regarding community engagement.

ALTERNATIVES

No alternatives were provided by the North West Community Council. Alternatives are provided in the December 7, 2011 staff report.

ATTACHMENTS

1. North West Planning Advisory Committee report dated January 20, 2011.

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: Krista Tidgwell, Legislative Assistant, Municipal Clerks Office, 490-6519



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

North West Community Council
January 27, 2011

TO: Chair and Members of North West Community Council

Original Signed

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

DATE: January 20, 2011

SUBJECT: Case 16643: MPS and LUB Amendments – 345 Kearney Lake Road,
Bedford

ORIGIN

North West Planning Advisory Committee meeting – January 19, 2011

RECOMMENDATION

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

1. Recommend that Regional Council give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated December 7, 2010, and schedule a public hearing; and
2. Recommend that Regional Council approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated December 7, 2010.

BACKGROUND/DISCUSSION

At its meeting on January 19, 2011, the Committee reviewed proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law that would recognize the long standing institutional use on the subject property by applying the SI (Institutional) Zone. The Committee is recommending that a public hearing be held and that the proposed amendments be approved by Council.

BUDGET IMPLICATIONS

As per the staff report dated December 7, 2010.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

As per the staff report dated December 7, 2010.

ALTERNATIVES

None provided by the Committee. Alternatives are provided in the staff report dated December 7, 2010.

ATTACHMENTS

Staff report dated December 7, 2010

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

Report Prepared by : Donna Honeywell, Admin/PAC Coordinator, 490-4937

North West Planning Advisory Committee – January 5, 2011

TO: Chair and Members of North West Planning Advisory Committee

Original Signed
/ /

SUBMITTED BY: _____
Paul Dunphy, Director of Community Development

DATE: December 7, 2010

SUBJECT: **Case 16643: MPS and LUB Amendments –345 Kearney Lake Road,
Bedford**

ORIGIN

- February 26, 2009 motion from North West Community Council requesting staff investigate the options to amend the Land Use By-law regulations for 343/345 Kearney Lake Road.
- August 4, 2009 motion of Regional Council to initiate the plan amendment process to consider amending the Bedford Municipal Planning Strategy and Land Use Bylaw for 343/345 Kearney Lake Road to reflect the institutional use at 345 Kearney Lake Road.

RECOMMENDATION

It is recommended that 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 Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B, and schedule a public hearing; and
2. Recommend that Regional Council approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B.

BACKGROUND

A private community centre, the Diman Association of Canada, (institutional use) has been located at the subject property since the mid 1990s. However, due to changes in the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB), the community centre has become a non-conforming use and expansion of the institutional use is not possible based on non-conforming restrictions. Further, adoption of the Bedford West Secondary Planning Strategy (BWSPS) in 2006 has removed opportunity for properties in Bedford West to be rezoned institutional (SI) through policy S-3. Therefore a plan amendment (development of a new policy in the BWSPS) is required to consider an institutional zone on the subject property.

NWCC's Request:

Following the public hearing on February 26, 2009 to address a zoning issue in Bedford West (Case 01193), NWCC also passed a motion requesting staff investigate the options and process required to amend the land use provisions for the Diman Association of Canada's (DAC) use of 345 Kearney Lake Road. Further, on August 4, 2009 Regional Council initiated the process to consider amending the Bedford MPS and LUB for 345 and 343 Kearney Lake Road to reflect the institutional use of 345 Kearney Lake Road.

The Subject Property:

The subject property is generally described as follows:

- 345 and 343 Kearney Lake Road were two separate parcels of land. The residential building at 343 was demolished this year and the parcels consolidated (Map 4),
- designated BWSPS and in Sub-Area 10 of the BWSPS (Map 1);
- zoned Residential Reserve (RR) under the Bedford LUB (Map 2);
- approximately 56,154 ft² (5216 m²) in size with approximately 235 ft (72m) of frontage on Kearney Lake Road;
- a private community centre (Diman Association of Canada).

Ownership and Zoning History:

The following provides ownership and zoning history:

1983: The Diman Association acquired 345 Kearney Lake Road (Map 4) when the property was zoned Secondary Development Area (SDA) under the Bedford LUB. The SDA Zone permitted a range of institutional uses, including a private community centre.

1991: The Bedford MPS and LUB were reviewed, resulting in the adoption of a new MPS and LUB. The new LUB removed the SDA Zone resulting in many properties, including the subject properties, being rezoned RR.

Prior to the adoption of the new MPS and LUB, the DAC acquired a development permit for a community centre with a caretaker unit. Subsequently, this development permit was renewed in 1992 and 1993, before a construction permit was issued in 1994 and occupancy issued in 1996;

When the new LUB was adopted, the DAC's community centre became a non-conforming use;

2003: The DAC acquired 343 Kearney Lake Road (as shown on Map 4).

2010: Lot D (345 Kearney Lake Road) and Lot 3A (343 Kearney Lake Road) were consolidated to form Lot D-3A (currently 345 Kearney Lake Road as shown on Map 1 and 2).

DISCUSSION

Sub Areas of the BWSPS:

The BWSPS established a series of twelve Sub-Areas within "Bedford West". The subject property is designated BWSPS (Bedford West Secondary Planning Strategy) by the MPS and is located within Sub-Area 10 (Map 1). BWSPS limits development of Sub-Area 10 to existing rights until the time of service extensions. Applying an institutional zone (SI) to the subject property, to reflect the long-standing institutional use, can only be entertained through a plan amendment. In addition, allowing institutional development on the portion of the subject property formerly known as civic #343 Kearney Lake Road (see Map 4) would also require a plan amendment.

Proposed Amendments:

To recognize the long standing institutional use of the subject property, and to provide opportunity for expansion of this use on the newly consolidated parcel, a new policy in the BWSPS is proposed which allows the property to be zoned institutional (SI) (Attachments A and B). Further to the proposed policy, the subject property will continue to be designated BWSPS, and identified within Sub-Area 10.

This approach will permit the expansion of the existing institutional use subject to the provisions of the SI (Institutional) Zone, which limits the height of a building to 35 ft (10.7m), lot coverage to 35 percent, and requires a minimum side yard setback of 8 ft (2.4m) or half the height of the building, whichever is greater.

Given portions of the subject property are currently developed with parking, driveway access, and on-site sanitary, and given many building mass and setback requirements found in the SI Zone are similar to traditional residential zones, an expansion of the existing institutional building would be limited in scale and not diminish the character of the area. Further, the location of the subject property on Kearney Lake Road is in keeping with the BWSPS' intent to locate institutional uses along collector type roads.

Also, by keeping the subject property designated BWSPS, and continuing to identify the parcel with Sub-Area 10, the overall policy objectives of the BWSPS will continue to apply.

Conclusion:

Given the history and circumstances of the subject property, amending the MPS to allow the application of the institutional (SI) zone is considered reasonable. This approach would recognize the long-standing institutional use as a permitted use, while also providing the opportunity for the institutional use to expand subject to the requirements of an institutional zone which contains many provisions found in traditional residential zones.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved 2010/2011 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation. In accordance with Regional Council's Public Participation Program for MPS amendments, a public information meeting was held on September 23, 2009. The meeting was cancelled as no members of the public were in attendance. Should Regional Council decide to schedule a public hearing, property owners within the notification area shown on Map 3 will be notified of the hearing by mail. Public notices will be posted in the local newspaper and on the HRM website. The notification area was expanded at the request of the Councillor for District 16 (Rockingham – Wentworth).

The proposed amendment and rezoning will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations.

ALTERNATIVES

1. Council may choose to approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as outlined in this report and presented in Attachments A and B. This is the recommended alternative.
2. Council may choose to modify the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as presented in Attachments A and B. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing be held before approval is granted.
3. Council may choose to refuse the amendments to the Bedford Municipal Planning Strategy and Land Use By-law as presented in Attachments A and B. This is not the recommended course of action.

ATTACHMENTS

Map 1 Generalized Future Land Use

r:\reports\MPS Amendments\Bedford\16643

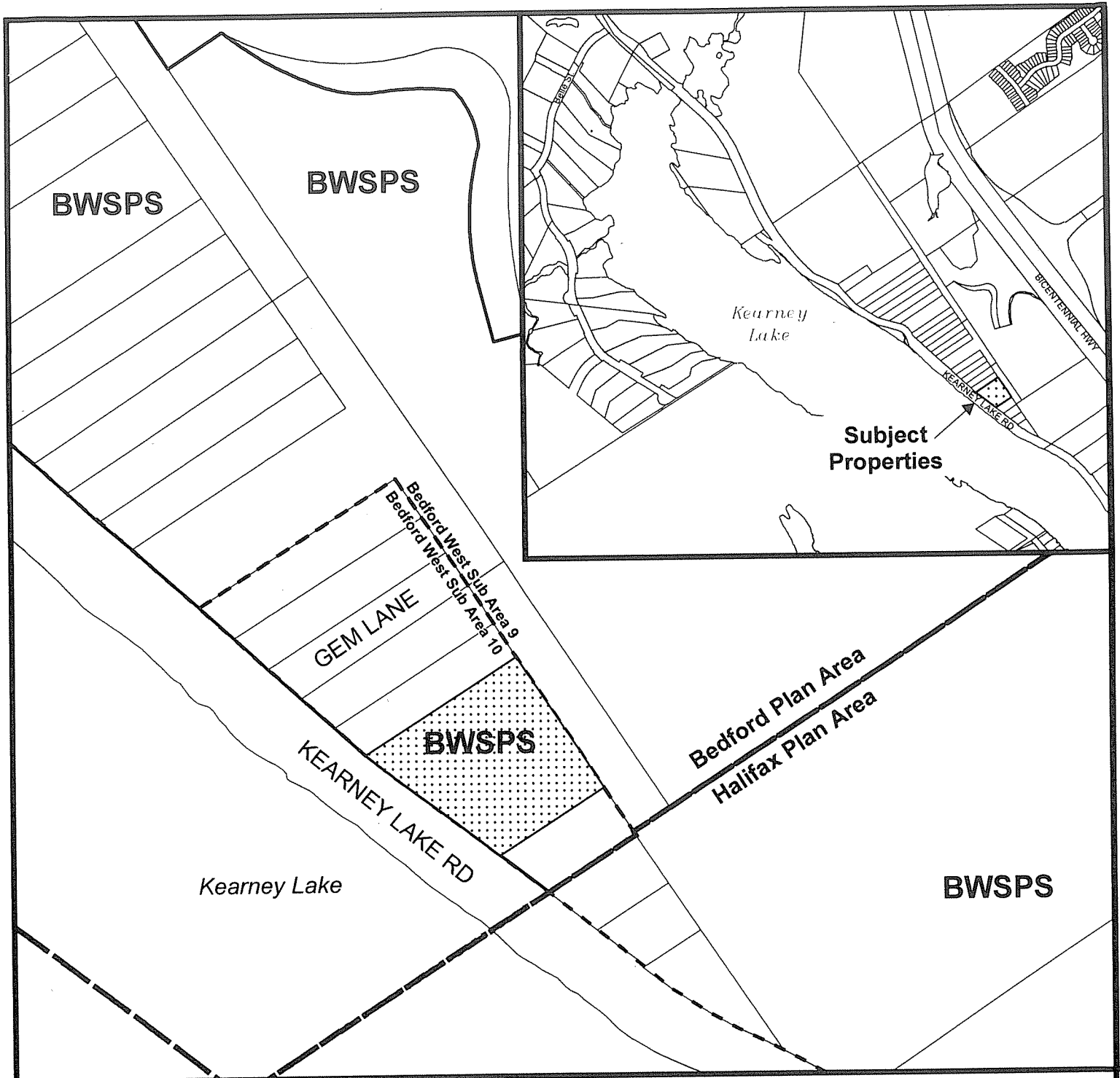
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|--------------|--|
| Map 2 | Zoning |
| Map 3 | Notification Area |
| Map 4 | Previous Lot Configurations |
| Attachment A | Proposed Amendments to the Bedford Municipal Planning Strategy |
| Attachment B | Proposed Amendments to the Bedford Land Use By-law |
| Attachment C | Public Information Meeting Minutes |

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

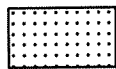
Report Prepared by : Jacqueline Belisle, Planner I, 869-4262

Original Signed

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



Map 1
Generalized Future Land Use



Subject Property



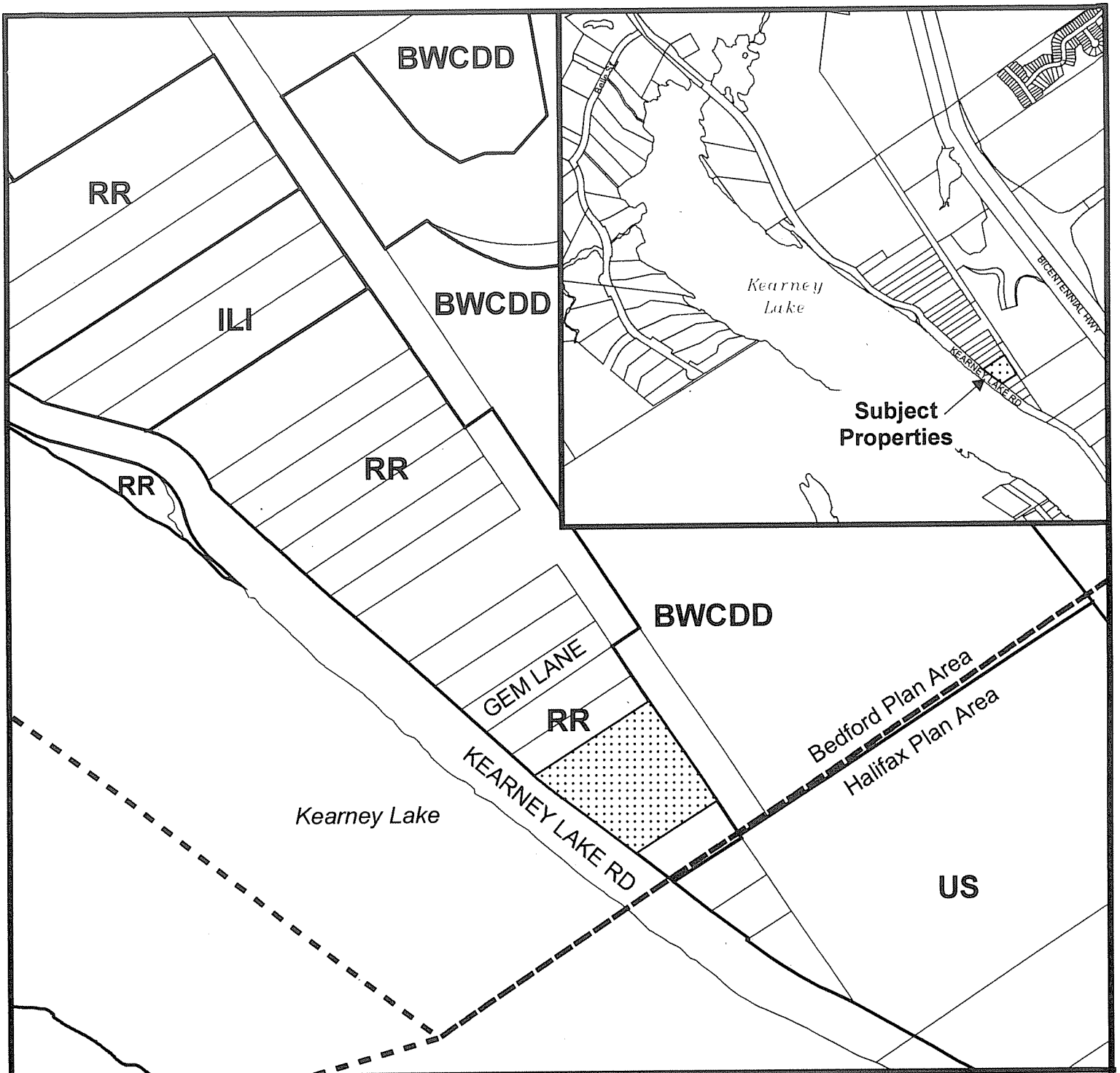
Bedford Plan Area

BWSPS Bedford West Secondary Planning Strategy

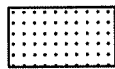
Halifax Plan Area

BWSPS Bedford West Secondary Planning Strategy





Map 2
Zoning



Subject Property



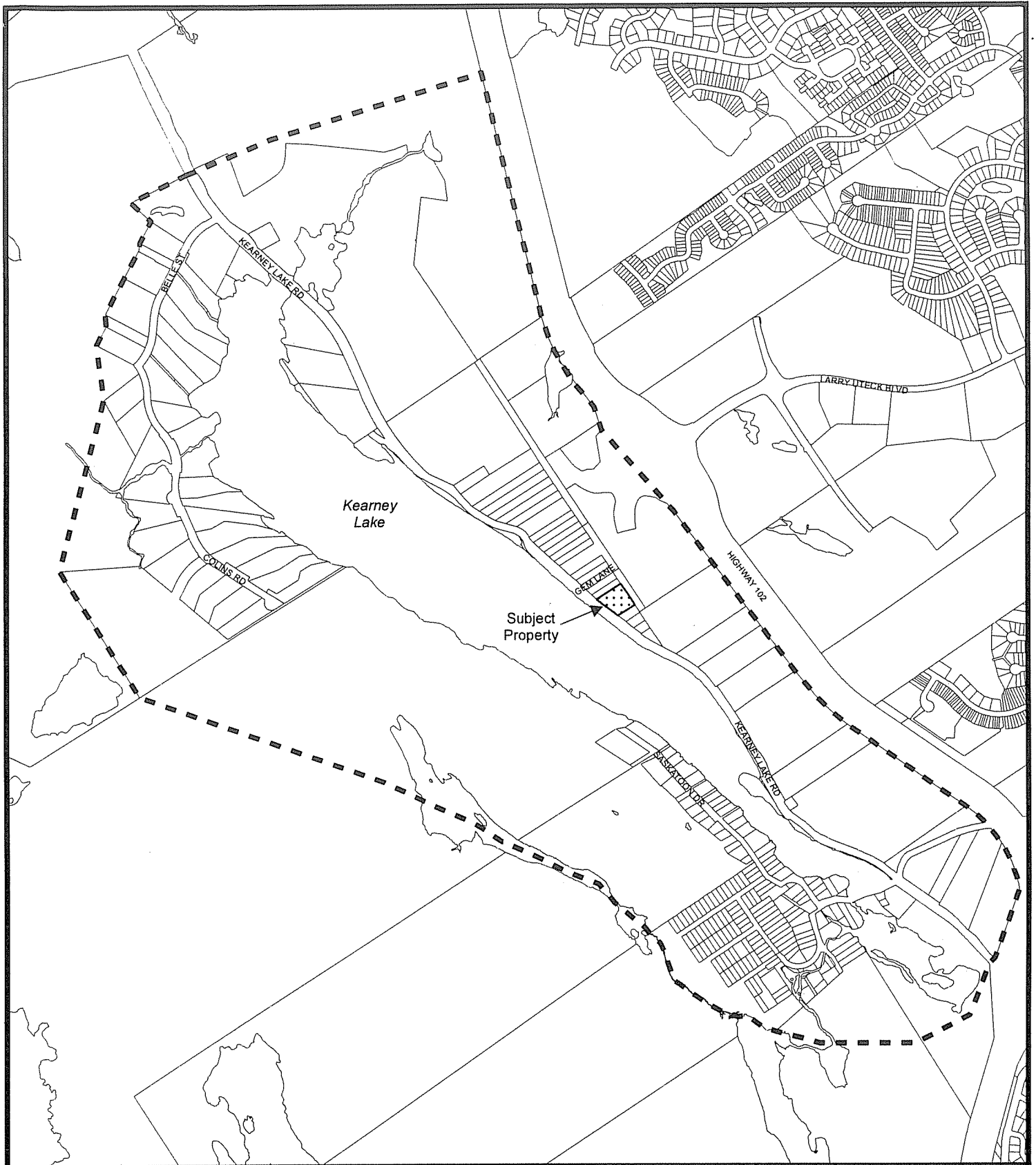
Bedford Plan Area

- BWCDD Bedford West Secondary Planning Strategy
- RR Residential Reserve Zone
- ILI Light Industrial Zone

Halifax Plan Area

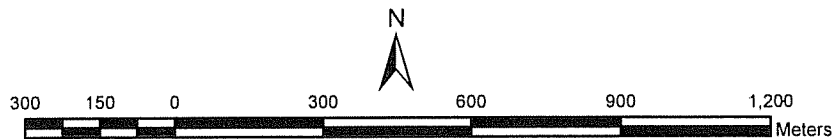
- US Urban Settlement Zone



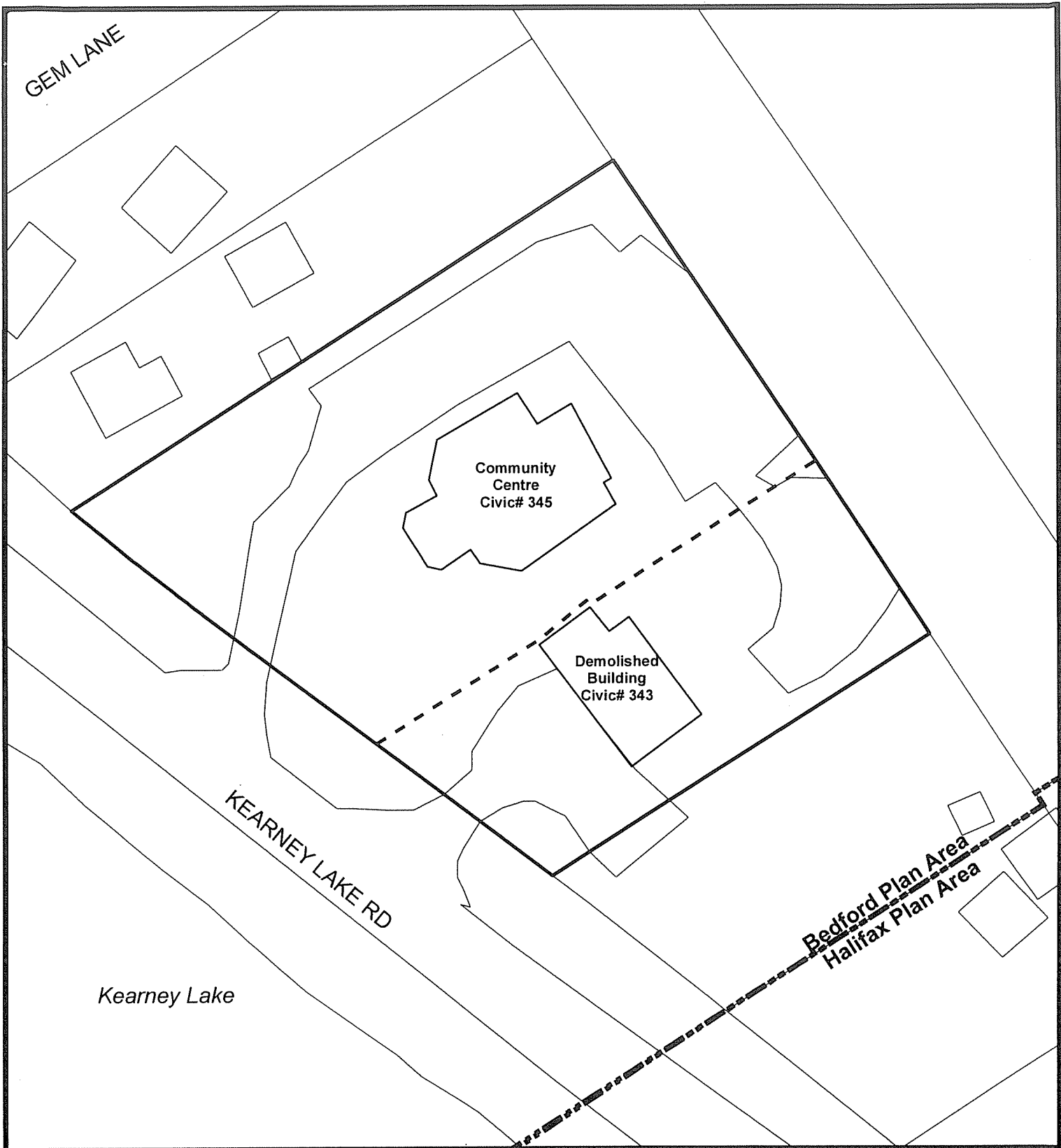


Map 3
Notification Area



--- Notification Area

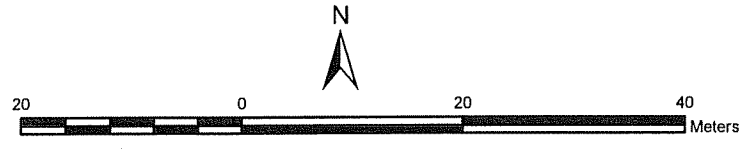


HALIFAX
REGIONAL MUNICIPALITY
Planning Services



Map 4
Previous Lot Configuration

-  Subject Property
-  Former Property Line



Attachment A

Amendments to the Bedford Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Bedford as adopted by the Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as if the [insert date of hearing] is hereby amended as follows:

1. Amend the Bedford West Secondary Planning Strategy in the Bedford Municipal Planning Strategy by inserting the following text after policy BW-41 and before policy BW-42:

A private community centre was established at 345 Kearney Lake Road in the mid 1990s. Due to changes in the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB), the community centre became a non-conforming use. Further, adoption of the Bedford West Secondary Planning Strategy (BWSPS) in 2006 removed opportunity for properties in Bedford West to be rezoned institutional. In November 2010 the property's boundaries expanded due to the owners acquiring an abutting property and consolidating the lots. To reflect the existing use at 345 Kearney Lake Road, the property shall be zoned Institutional (SI) under the Land Use By-law. The property shall continue to be designated Bedford West Secondary Planning Strategy (BWSPS) on the Generalized Future Land Use Map of this Municipal Planning Strategy and shall continue to be located within Sub-Area 10, as identified on Schedule BW-6.

Policy BW-41(a):

Further to Policy BW-41 the property known as 345 Kearney Lake Road (PID #40648404) shall be zoned Institutional (SI).

I HEREBY CERTIFY that the amendments to the Bedford Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of _____, 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2011.

Municipal Clerk

Attachment B

Amendments to the Bedford Land Use By-law

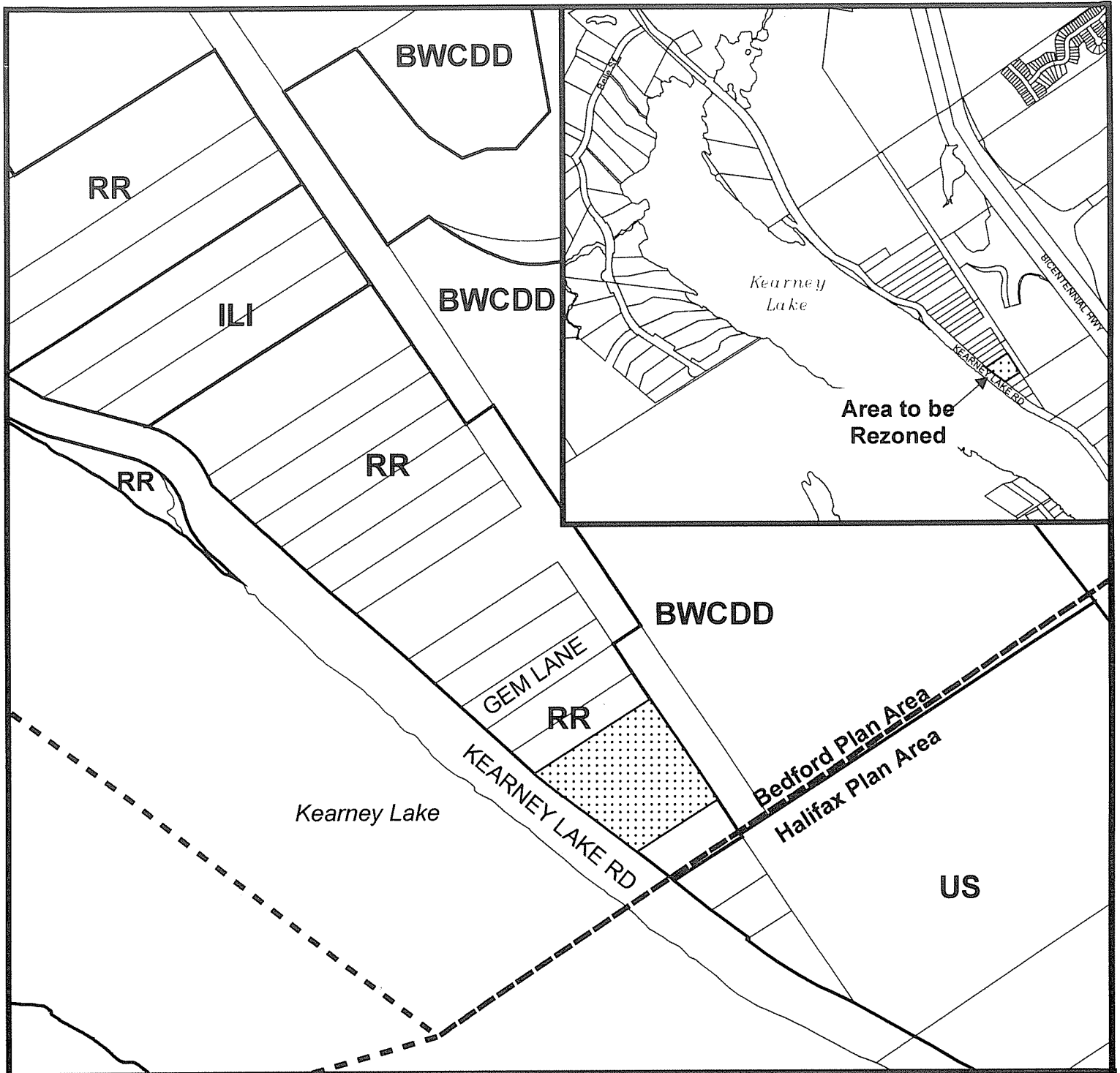
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Bedford as adopted by the Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as if the [insert date of hearing] is hereby amended as follows:

1. Schedule A: Bedford Zoning shall be amended as shown on the attached Schedule A.

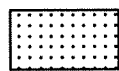
I HEREBY CERTIFY that the amendments to the Bedford Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2011.

Municipal Clerk



**Schedule A
Zoning**



Area to be Rezoned from
RR (Residential Reserve) to SI (Institutional)



Bedford Plan Area

- BWCDD Bedford West Secondary Planning Strategy
- RR Residential Reserve Zone
- ILI Light Industrial Zone

Halifax Plan Area

- US Urban Settlement Zone



Attachment C

NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING
MINUTES
September 23, 2009

PRESENT:

Ms. Ann Merritt, Chair
Mr. Walter Regan
Mr. Marcel Parsons
Mr. Marc Keats
Councillor Tim Outhit

REGRETS:

Ms. Gloria Lowther
Mr. David MacLean
Mr. John Zobaric
Mr. Robert Wooden
Councillor Robert Harvey

STAFF:

Mr. Miles Agar, Planner
Ms. Melody Campbell, Legislative Assistant

**CASE 01307 - APPLICATION BY NORTH WEST COMMUNITY COUNCIL TO
CONSIDER AMENDING THE BEDFORD MUNICIPAL PLANNING STRATEGY
LAND USE BY-LAW FOR 343 AND 345 KEARNEY LAKE ROAD TO REFLECT THE
INSTITUTIONAL USE OF 345 KEARNEY LAKE ROAD, BEDFORD**

This meeting was to be chaired by North West Planning Advisory Committee. At 7:20 p.m. the Chair announced the cancellation of the meeting, as there were no members of the public in attendance to speak to the amendments.