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Halifax, Nova Scotia
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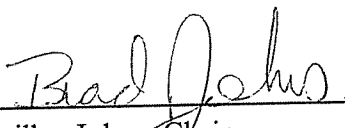
Halifax Regional Council

June 20, 2006

August 8, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Councillor Johns, Chair
North West Community Council

DATE: June 13, 2006

SUBJECT: Case 00723: Mixed Use Development at south corner of Bedford Highway and Moirs Mill Road, Bedford

ORIGIN

North West Community Council Meeting June 13, 2006.

RECOMMENDATION

It is recommended 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 Attachment "A" 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 Attachment "A".
3. Give Notice of Motion to consider the proposed development agreement provided as Attachment "B" and schedule a joint public hearing with Regional Council.

BACKGROUND

See staff report dated May 9, 2006.

DISCUSSION

Contingent upon the adoption by Regional Council of the Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the Municipal Government Act, the Development Agreement will be brought forward to North West Community Council for approval.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

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

As proposed in the staff report dated May 9, 2006.

ATTACHMENTS

1. A report from North West Planning Advisory Committee dated June 8, 2006 with an attached staff report dated May 9, 2006.

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: Stephanie Parsons, Legislative Assistant

Financial Review: Not Applicable

Report Approved by: Brad Johns, Chair, North West Community Council

North West Community Council
June 13, 2006

TO: North West Community Council

SUBMITTED BY: Paul Harnish / for
Joel Matheson, Chair
North West Planning Advisory Committee

RE: Case 00723: Mixed Use Development at the south corner of Bedford Highway
and Moirs Mill Road, Bedford

DATE: June 8, 2006

ORIGIN

North West Planning Advisory Committee meeting - June 7, 2006

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 Municipal Planning Strategy and Land Use By-law as provided in Attachment A of the staff report dated May 9, 2006, and schedule a joint public hearing with North West Community Council;
2. **Recommend that Regional Council** approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachment A of the staff report dated May 9, 2006; and
3. **Give Notice of Motion** to consider the proposed development agreement provided as Attachment B of the staff report dated May 9, 2006 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 provided as Attachment B of the staff report dated May 9, 2006; 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 agreement 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.

ATTACHMENTS

Staff report dated May 9, 2006

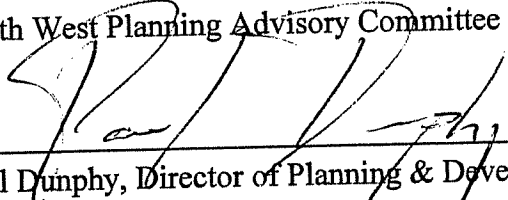
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Joel Matheson, Chair, North West PAC



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
June 7, 2006

TO: North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Planning & Development Services

DATE: May 9, 2006

SUBJECT: **Case 00723: Mixed Use Development at south corner of Bedford Highway and Moirs Mill Road, Bedford**

ORIGIN

- Request by United Gulf Limited to amend the Bedford Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) to enable a mixed use development (commercial/residential) at 910 Bedford Highway.
- On March 18, 2005 Regional Council initiated a process to consider amending the Bedford MPS and LUB to enable the mixed use development on the south corner of Bedford Highway and Moirs Mill Road.

RECOMMENDATIONS

It is recommended **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 provided in Attachment A, and schedule a joint public hearing with North West Community Council;
2. **Recommend that Regional Council** approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as provided in Attachment A; and
3. **Give Notice of Motion** to consider the proposed development agreement provided as Attachment B 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 provided as Attachment B; 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 agreement 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.

EXECUTIVE SUMMARY

Staff proposes the adoption of a new site specific policy enabling a mixed use (commercial/residential) development at the south corner of the Bedford Highway and Moirs Mill Road by development agreement. Existing plan policy enables general commercial and residential in this location but not as a mixed use development nor to the scale proposed. The close proximity to several commercial developments such as Mill Cove Sobeys Plaza and Hammonds Centre and medium density residential developments such as Summer Cove (88 units) and 61 & 91 Nelsons Landing Boulevard (78 units) suggests the proposal is reasonable. A Public Meeting was held on March 31, 2005 and many issues raised are incorporated into the proposed development agreement. A detailed review was conducted by immediate property owners on May 15, 2006. The Bedford Water Advisory Board reviewed the proposal on two separate occasions and has provided support of the proposal.

BACKGROUND

Overview of Subject Properties

United Gulf Developments Limited has submitted a request to amend the Bedford Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) to enable a commercial/residential development project at the south corner of the Bedford Highway and Moirs Mill Road by development agreement. The subject area is described as follows:

- consolidation of four lots totally 46,850 sq. ft. (4,352 m²) (*Map 4*);
- majority (65%) of the site (three lots) is zoned Commercial General Business (CGB) and designated Commercial (*Map 1 and 2*);
- remainder of the site (one lot) is zoned Residential Single Unit Dwelling (RSU) and designated Residential (*Map 1 and 2*);
- 167 feet (51m) of frontage along the Bedford Highway; and
- former site of "the Red Barn" and the sales offices for Greater Homes Construction Limited.

Proposal

The proposal is described as follows:

- a multi-level commercial/residential building integrated into the natural topography of the site (steep slope and rock ridge).
- a series of different building sections each with an elevation that corresponds with the changing grade of the site.
- height of the buildings ranges from three (3) storey at grade with the Bedford Highway to 8 storey at the rear with five (5) storey above grade.
- ground level commercial is proposed along the Bedford Highway with second and third level commercial.
- southern side of the commercial component contains 30 residential units.
- access to the site will be provided from the Bedford Highway (*Map 5 and 6*).

Plan Amendment Initiation

The proposed development is not enabled by the existing plan policy and bylaw provisions for Bedford. On March 18, 2005 Regional Council initiated a process to consider amending the Bedford MPS and LUB for the proposed mixed use development.

Plan Amendment Process

The MPS amendments, along with the bylaw amendments necessary to implement the MPS amendments are under the jurisdiction of Regional Council, while approval of a development agreement rests with Community Council. Approval by either requires a public hearing. These hearings can be held jointly. Regional Council may consider the proposed amendments to the Municipal Planning Strategy and Land Use By-Law.

However, the decision on the development agreement can only be made by North West Community Council. This decision cannot be made unless Regional Council adopts the Municipal Planning Strategy and Land Use By-Law amendments and until such amendments take effect. Should the MPS and by-law amendments be approved by Regional Council, staff will bring the development agreement to North West Community Council for a decision at the appropriate time.

Public Participation Program

The Public Participation Program included the following:

- Public Meeting chaired by the North West Planning Advisory Committee on March 30, 2005, and
- A follow-up workshop with abutting properties owners on May 15, 2006.

Minutes of these meetings are included as Attachments D and E. Many issues raised by the public have been addressed through proposed plan policy and incorporated into the proposed development agreement in Attachment B. Attachment F contains a submission from Jan Bird, a concerned resident. It is staff's opinion, many issues raised by Ms. Bird over the past year were resolved or addressed in the attached development agreement (Attachment A). Notification for the Public Meeting was distributed by standard mail to owners of properties shown on Map 3. 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 on two separate occasions. On January 11, 2006 the Board reviewed the specific of the proposed development as it related to the protection of the watershed and the natural environment and offered the following recommendations:

- during construction the silt fences be maintained by the same site inspector.
- Maintenance Contract Agreement ensures that the catch basins are maintained after construction.
- Sediment Erosion and Control Plan adequately provides for water storage in the event of a heavy water event.

Recommendations from this Committee have been incorporated into the proposed development agreement in Attachment B. On April 19, 2006 the Board reviewed and supported of the proposed policy as presented in Attachment A.

DISCUSSION

MPS and LUB Amendments:

The Municipal Planning Strategy is the expression of the municipality's intent with respect to future land use patterns. Amendments to the MPS are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change in circumstances since the MPS was adopted or reviewed or where circumstances are significantly different from the situations that the Plan anticipated. Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of a MPS have changed significantly.

The circumstances are significantly different from those anticipated by the Plan. The Mill Cove/Waterfront/Bedford South area of the Bedford Highway has experienced significant growth over the past ten years. This has altered its development pattern from one characterized by scattered commercial uses and single unit dwellings relying upon on-site services to one of mixed medium density residential and convenience commercial uses serviced in part by municipal services. The existing policy supports commercial and residential development in this area as separate uses but does not support a mixed use development at the scale and densities proposed. Mixed-use medium density development which relies on transit, sewer and water services can be provided economically to support future growth with minimal impact on existing residential development through sympathetic policy development.

The proposed policy contains the following provisions (*see Attachment A*):

- limited commercial uses;
- residential density shall not exceed 30 units per acre;
- adequate municipal services;
- pedestrian orientation along street frontage;
- ground-floor commercial use and design;
- building height;
- treatment adjacent to residential properties and compatibility with surrounding uses;
- parking, access, amenity space; and
- architectural character and massing. .

Development Agreement:

The following is a highlight of the primary concerns relating to the relevant policy intent and criteria:

- a) *Bulk, Scale and Massing:* Given the topography of the site and uniqueness of the building, concerns were raised by the public and staff with regarding to the buildings appearance, bulk, scale and massing. As means of addressing these issues and concerns, the development agreement (Attachment #) contains the following:
 - height restrictions along Bedford Highway and overall height restrictions from mean sea level;
 - setbacks from existing residential properties;

- extensive requirements for landscaping and architectural treatments designed to provide a sense of human scale;
 - a setback from the Bedford Highway to ensure a sense of scale and pedestrian comfort;
 - minimal front yard parking; and
 - commercial store fronts facing and at grade with the Bedford Highway.
- b) *Impact on Street Network:* The original proposal included an access to Moirs Mill Road over an existing “easement” for the residential component of the development (*refer to Map 5*). This was a specific concern for area residents and staff. Consequently, the access has been removed and sole access to the site is from the Bedford Highway. A Traffic Impact Study was prepared by a professional engineer finds the proposed development to have a negligible effect on the traffic performance and volumes along the Bedford Highway and at the intersection with Moirs Mill Road.
- c) *Adequate Municipal Services:* The “as-of-right” wastewater capacity of the site and the proposed wastewater capacity is equivalent. Further, this site is very close to the Mill Cove Treatment Plant and located with the Residential Development Boundary for Bedford. There is adequate municipal water.
- d) *Impact on Adjacent Properties:* The impact the proposed development may have on adjacent residential properties was raised specifically by 914 Bedford Highway, 8 and 10 Moirs Mill Road. The following measures have been implemented as a means of addressing these concerns:
- removal of the proposed access to the residential component of the building from Moirs Mill Road;
 - setback (above grade) of 12m (40ft) from side property line of 914 Bedford Highway;
 - extensive landscaping provisions to provide adequate buffering and screening; and
 - limitation on the type of commercial uses.

The proposed development does impact 914 Bedford Highway. However, the greatest impact is during construction not once the building is built. For example, the proposed development is a range from 10ft (3.08m) to 60ft (18.3m) in height and a 35ft (10.7m) setback from the property with construction activity to the property line. In comparison, the “as-of-right” ability is (a) a main building 35ft (10.7m) in height and 8 ft (2.4m) setback from the property line, and (b) an accessory building 15ft (4.6m) in height and 4ft (1.2m) setback from the property line. The impact will be during construction however, it is staff’s opinion the proposed development has less of an impact than the permitted “as-of-right” development.

A Shadow Study was prepared to demonstrate the extent of shadows cast by the proposed building on adjacent buildings to the immediate south.¹ The study demonstrated shadow during three times a day on the following dates: March 21st, June 21st, September 21st, and December 21st. There is a negligible effect on the properties to the south. The majority of the shadows are cast along the Bedford Highway and on the subject site. Copies of the Shadow Study are available upon request.

- e) *Preservation of Commercial Lands:* In the past Council has expressed concern with redevelopment of commercial lands for residential purposes. This proposal preserves the commercial use of the site while integrating it with residential. This type of mixed use development provides opportunities to create places for people to live, work and play.

Summary

Staff proposes the adoption of a new site specific policy which will enable a mixed use (commercial/residential) development at the south corner of the Bedford Highway and Moirs Mill Road by development agreement.

BUDGET IMPLICATIONS

There are no budget implications at this time.

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.

REGIONAL PLANNING IMPLICATIONS

The Regional Plan proposes a "Suburban Local Centre" designation on this area. The proposed designation supports a mix of medium density residential, grocery, and convenience commercial uses surrounded by the established neighbourhoods of low to medium density housing forms. Following the adoption of the Regional Plan, Community Planning Strategies will be reviewed through "Community Visioning" to define specific boundaries of the centre, set population targets and establish design policies. This site specific plan amendment is not being considered through a "Community Visioning" exercise but is the opinion of staff the proposal complies with the general intent of the Bedford MPS and Regional Plan.

¹Copies of the Shadow Study are available upon individual request

ALTERNATIVES

Regional Council:

1. Council approve the request to amend the Bedford MPS and LUB. This is the staff recommendation.
2. Council may choose to not adopted the proposed site specific plan amendment policy as detailed in Attachment A.
3. Council may choose to amended the proposed site specific plan amendment policy as detailed in Attachment A. Substantive amendments may require a second public hearing.
4. Council may choose to defer the decision of the proposed site specific plan amendment policy until after the "Community Visioning" project has been completed for this area. The time frame for such a project in this area is unknown as this time.

If proposed policy in Attachment A is adopted by Regional Council

North West Community Council:

1. Council may choose to proceed with the development agreement. This is recommended for reasons described above.
2. Alternatively, Council may choose to refuse the requested amendments. This is not recommended for the reasons outlined above.

ATTACHMENTS

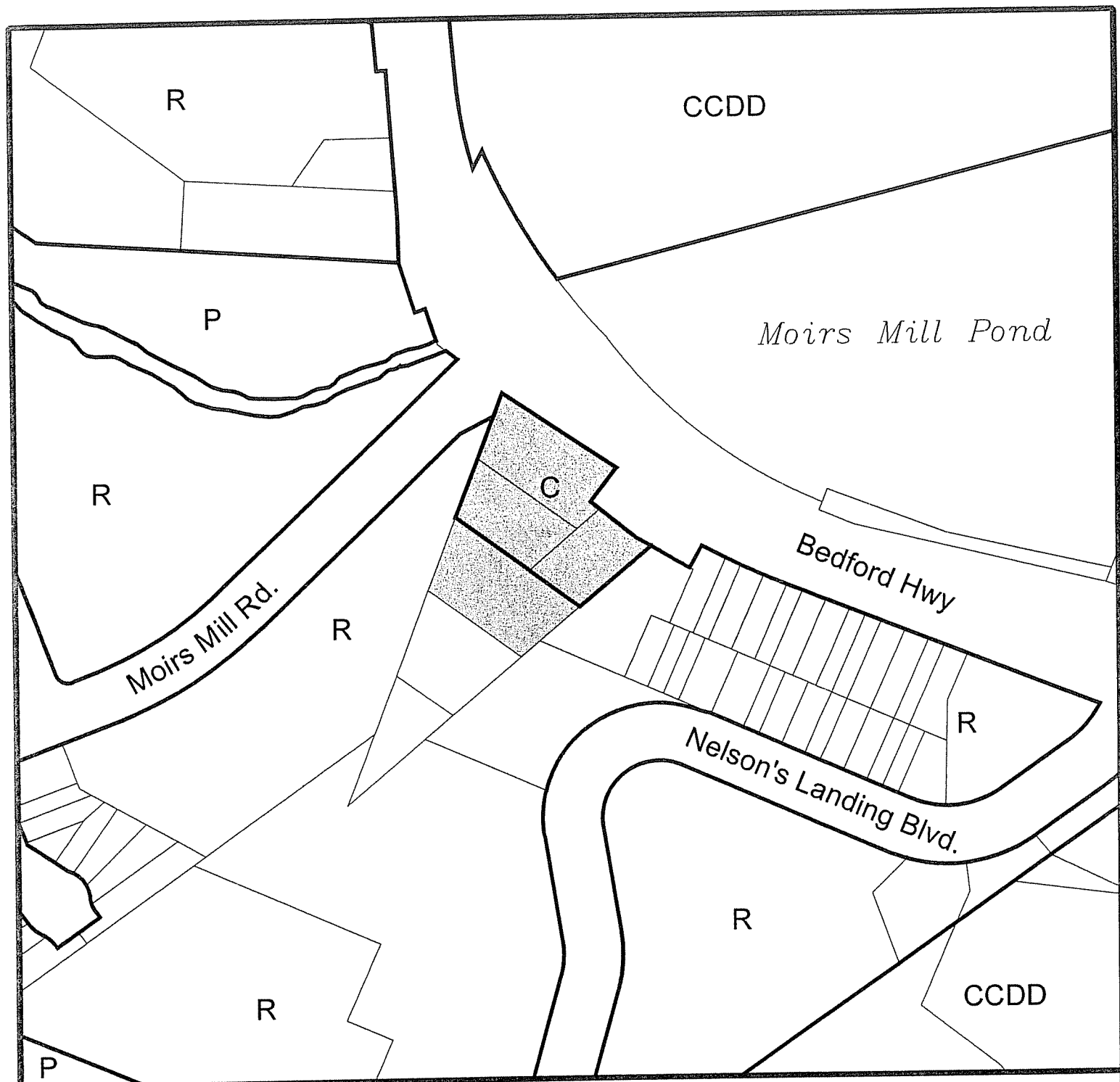
Map 1: Generalized Future Land Use Map
Map 2: Zoning Map
Map 3: Notification Area
Map 4: Site Plan "Existing"
Map 5: Site Plan "Proposed"
Map 6: Proposal
Attachment "A" and "A-1": Proposed Policy
Attachment "A-2" Proposed Generalized Future Land Use Map
Attachment "B" : Development Agreement
Attachment "C": Relevant MPS Policies
Attachment "D": Minutes from Public Meeting on March 30, 2005
Attachment "E": Minutes from "follow-up workshop" on May 15, 2006
Attachment "F": Submission from Jan Bird

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: Thea Langille-Hanna, Senior Planner, Planning and Development Services 869-4262

Report Reviewed by:

Kathy Smith
for Ferdinand Makani, Financial Consultant



Map 1 Generalized Future Land Use

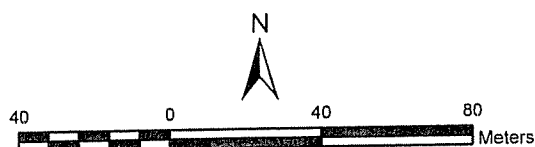


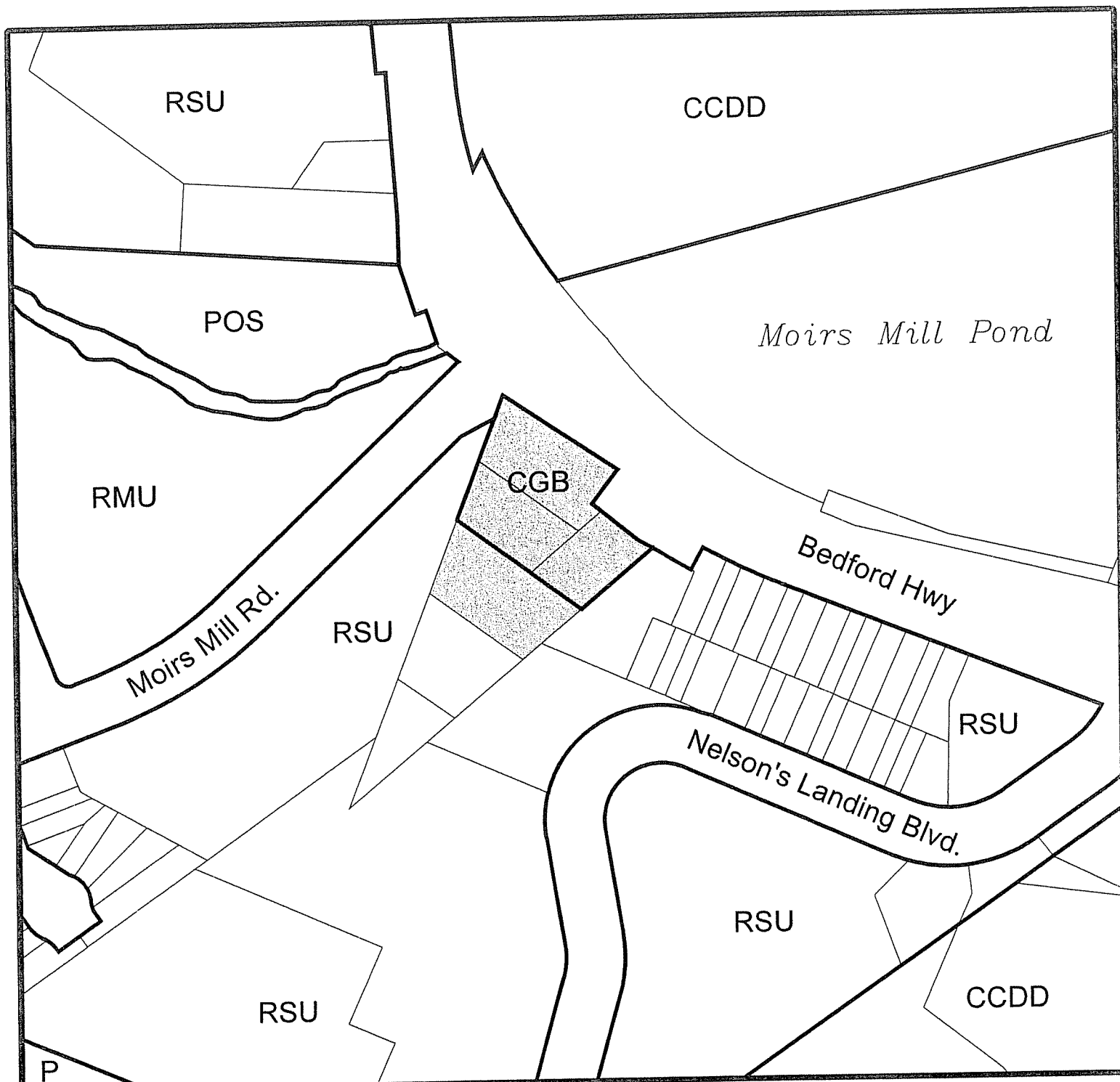
Subject Properties

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

R Residential Designation
P Park and Recreation Designation

C Commercial Designation
CCDD Commercial Comprehensive Development District





Map 2 Zoning



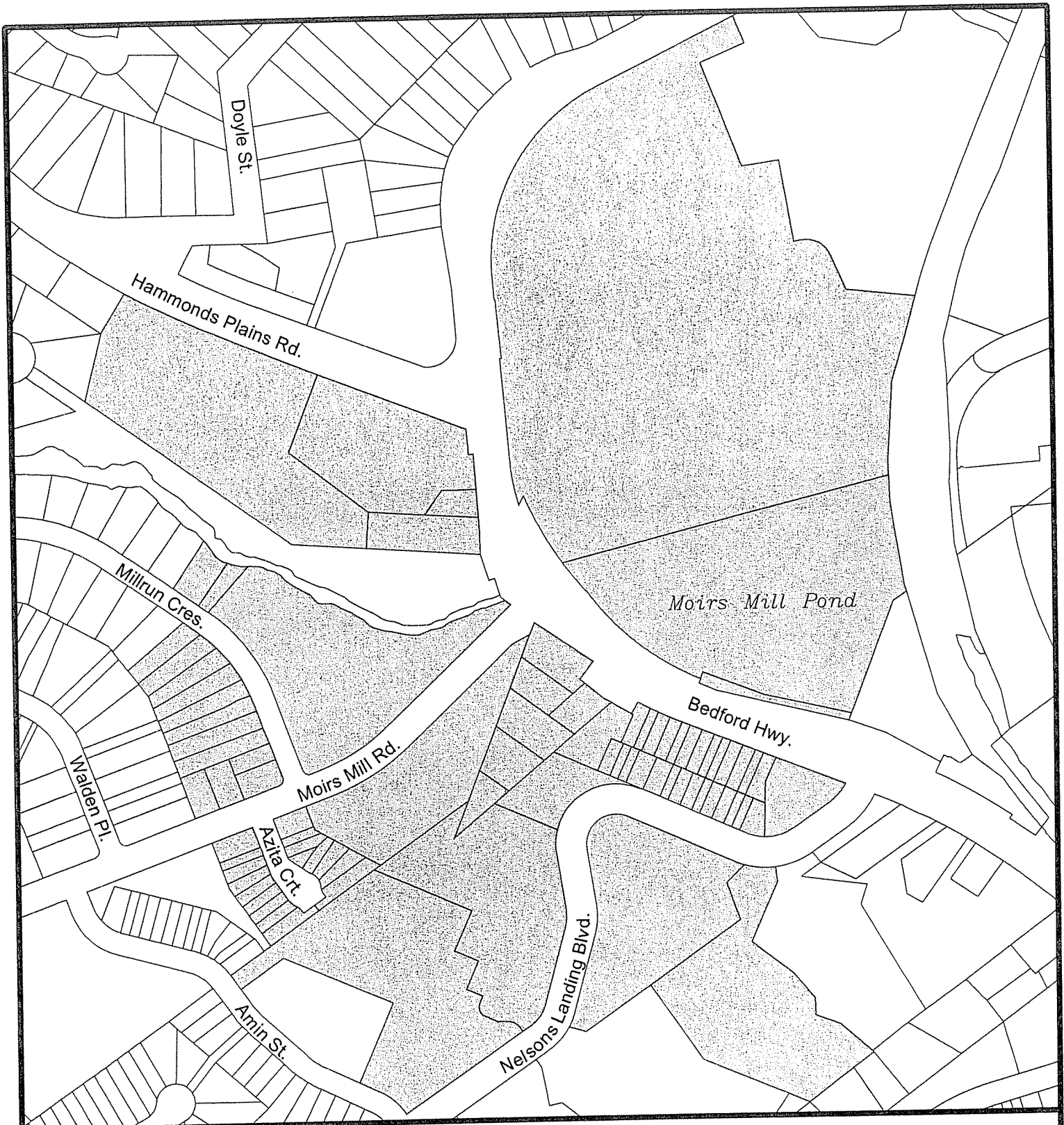
Subject Properties

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

RSU Single Dwelling Unit Zone
RMU Multiple Dwelling Zone
P Park Zone

POS Park Open Space Zone
CGB General Business Zone
CCDD Commercial Comprehensive Development District

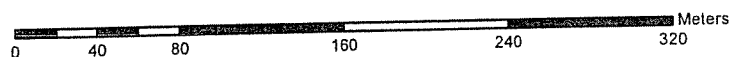




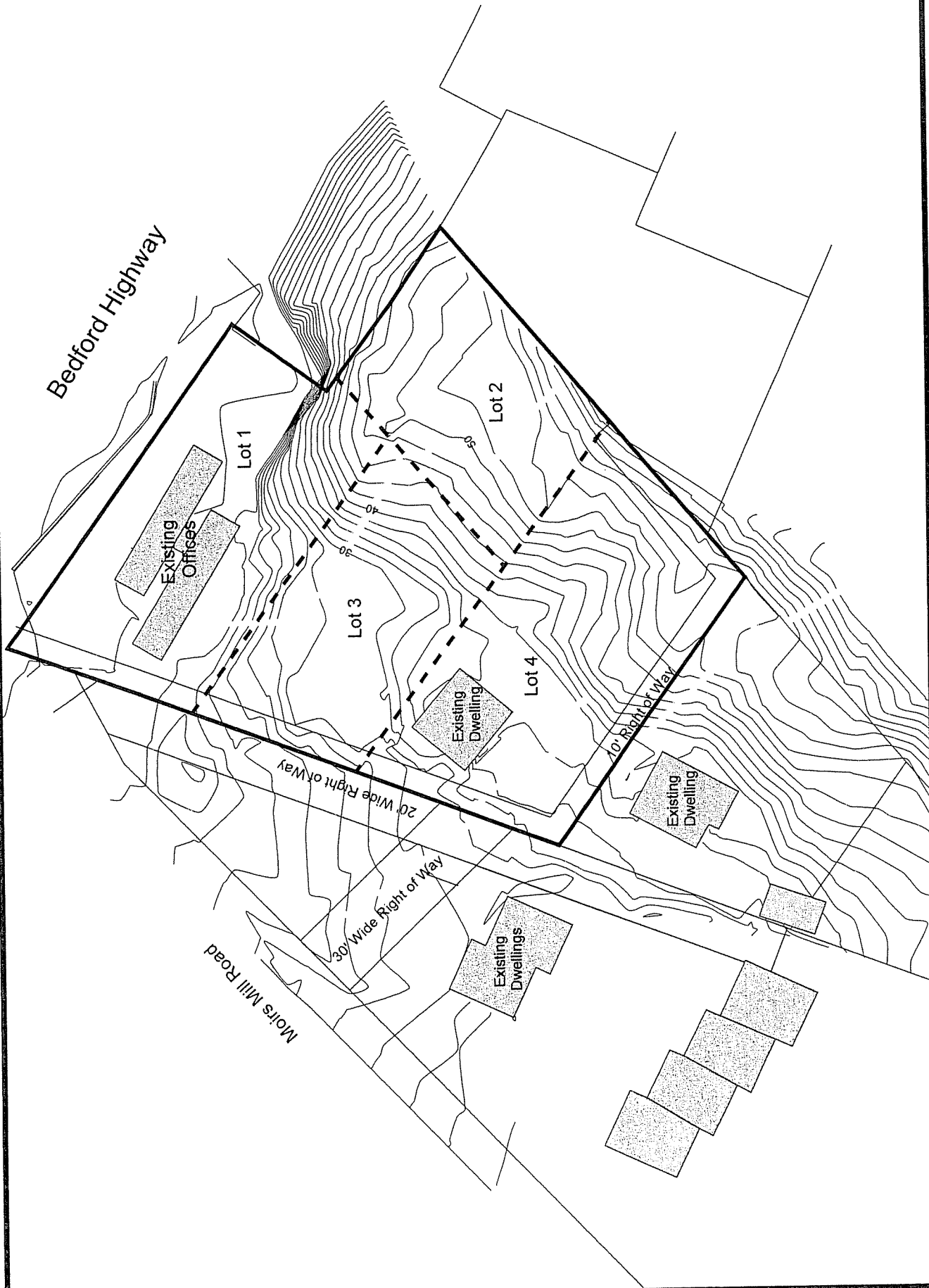
Map 3
Notification



Notification Area



HALIFAX
REGIONAL MUNICIPALITY
Planning Services



Map 4
Site Plan "Existing"



Bedford Highway

Moirs Mill Road

30' Wide Right of Way

20' Wide Right of Way

20' Right of Way

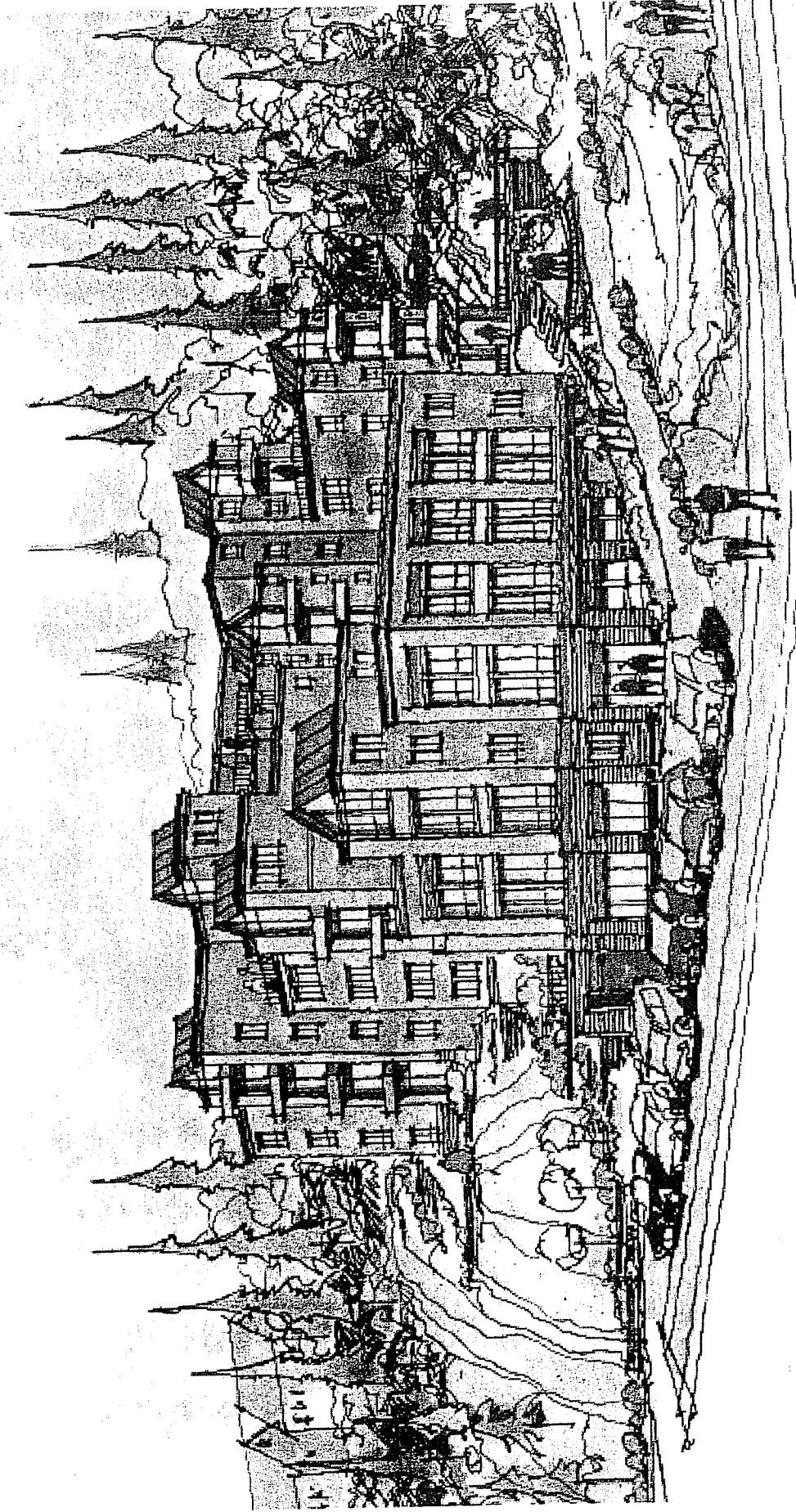
Proposed Building Footprint at Grade

Existing Building

Existing Dwelling

Map 5
Site Plan "Proposed"





Proposed Building Design 910 Bedford Hwy.

Map 6
Proposal



HALIFAX
REGIONAL MUNICIPALITY
Planning Services

ATTACHMENT "A"

Case 00723: Amendments to the Bedford MPS and LUB

The Municipal Planning Strategy for Bedford is hereby amended by adding the preamble and policy identified in **bold**:

b) General Business Commercial

This category includes a variety of commercial retail, service, and office activities which are larger in scale than local commercial uses and serve a trade area that includes the town and outlying region. These uses include general retail stores, restaurants, personal and household service shops, hotels, motels, and certain drinking establishments. Large scale office buildings, referred to as office towers, are also included within this general business group. At present, most office buildings within the Town are located in the Sunnyside area, in close proximity to one another, and where workers can take advantage of commercial outlets near to their work place. Policy C-4 indicates that future office buildings will be located within areas designated commercial on the Generalized Future Land Use Map, specifically in the Sunnyside area and possibly in conjunction with the two shopping centres, Sunnyside and Bedford Place malls.

The Mill Cove/Waterfront/Bedford South area of the Bedford Highway has experienced significant growth over the past ten years. This has altered its development pattern from one characterized by scattered commercial uses and single unit dwellings relying upon on-site services to one of mixed medium density residential and convenience commercial uses serviced in part by municipal services. The existing policy supports commercial and residential development in this area as separate uses but does not support a mixed use development. Given the growth and urban development occurring in this area, mixed-use medium density development which relies on transit, sewer and water services can be provided economically to support future growth with minimal impact on existing residential development through sympathetic policy development. The south corner of Bedford Highway and Moirs Mill Road suitable for mixed use commercial/residential development as a means of promoting more intense development on what currently are under utilized lands with a municipal services in close proximity to commercial nodes and future transit oriented facilities through a development agreement process.

Policies

Policy C-4(a)

It shall be the intention of Council to enable mixed use commercial/residential development at the south corner of the Bedford Highway and Moirs Mill Road as a means of promoting more intense development on what currently are under utilized lands with a municipal services in close proximity to commercial nodes and future transit oriented. Within the Commercial Designation, a mixed use development shall only be considered by a development agreement in accordance to the provision of the Municipal Government Act.

In considering any such agreement, Council shall have regard to the following:

- a) commercial shall be integrated into a building provided the commercial be located on the first floor fronting the Bedford Highway as a minimum provided commercial and residential uses smoothly co-exist within architecturally attractive buildings accessible by automobiles and pedestrians. The commercial uses be limited to those sympathetic to mixed use development;
- b) the residential density shall not exceed 30 units per acre (based on a two-bedroom equivalent per unit);
- c) all principal structures are designed to be seen from three vantage points: from the Bedford Highway motorist's point of view, from the pedestrians up-close viewpoint, and in relationship with adjacent and nearby buildings.
- d) controls are set on the bulk, scale, and massing of any proposed development to ensure it does not significantly alter the character of this area and ensure such development contribute to a vibrant, attractive, safe, walkable area of Bedford.;
- e) adequate buffers and screening should be provided for any proposed building or parking area from adjacent single unit dwellings, and attractive fencing and landscaping to enhance privacy should be provided where appropriate;
- f) landscaping complements the proposed buildings, reinforces circulation paths, highlights entrances, provides shade, adds seasonal interest, and outlines a maintenance plan. Landscaping shall be designed for appreciation by pedestrians, bicyclists and motorists. adequate landscaping and/or streets trees should be provided around the perimeter and throughout the site of the development to enhance the aesthetics of the site;
- g) areas should be characterized by open space, green space, pedestrian connections and sidewalks that create a pedestrian-friendly area adequate recreation;
- h) parking areas should be located so as to not dominate the site. The visual appearance of parking areas should be minimized through use of landscaping treatments, rear yards or enclosed parking, reduced parking standards or other appropriate means;
- i) traffic circulation and access to an from the site should be designed to minimize adverse impacts on the adjacent residential uses, local road and the Bedford Highway;

- j) **adequate provisions should be made for safe and convenient pedestrian circulation on the site and to nearby amenities;**
- k) **lighting shall be designed to provide security, safety, and visual appeal for both pedestrians and vehicles while ensuring minimal impact on adjacent residential properties.**
- l) **measures should be proposed to mitigate impact on adjacent properties;**
- m) **significant natural and cultural features on the site should be identified and protected where appropriate;**
- n) **the provisions of Policy Z-3 be met.**

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 _____, 2006.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2006.

Jan Gibson
Municipal Clerk

ATTACHMENT "A-1"

Case 00723 Amendments to the Bedford MPS and LUB

The Land Use Bylaw for Bedford is hereby amended by adding the provision identified in **bold**:

3. The Municipal Planning Strategy provides that the following shall be dealt with by Development Agreement in accordance with Residential Policies R-8 to R-17, R-27 and R-28; Commercial Policies C-4, C-5, C-7 to C-15, C-18, C-20, C-29A, C-31 to C-32; Waterfront Policies WF-20 to WF-23; Industrial Policies I-2, I-4 and I-7; Institutional Policy S-7 ; Environmental Policies E-4 to E-8, E-11, E-14 and E-45; and Implementation Policy Z-2.
- c) Within the Commercial Designation on the Generalized Future land use Map, a development agreement may be considered for the following uses:
- i) office buildings in the Sunnyside area and within the CSC Zone which are in excess of the permitted height specified by the zone (Policy C-4);
 - ii) new shopping centres (Policy C-5);
 - iii) drinking establishments outside of the areas identified in Policy C-30 (Policy C-31);
 - iv) adult entertainment uses (Policy C-32);
 - v) multi-purpose convention centre (Policy C-18);
 - vi) highway commercial uses (Policy C-6);
 - vii) senior residential complexes (Policy C-7);
 - viii) residential dwelling units in excess of 50% of the gross floor area of a commercial/residential mix use building located at 1091-1095 Bedford Highway (C-21); and
 - ix) mixed use commercial/residential development on the south corner of the Bedford Highway and Moirs Mill Road (C-4a)**

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 _____, 2006.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2006.

Jan Gibson
Municipal Clerk

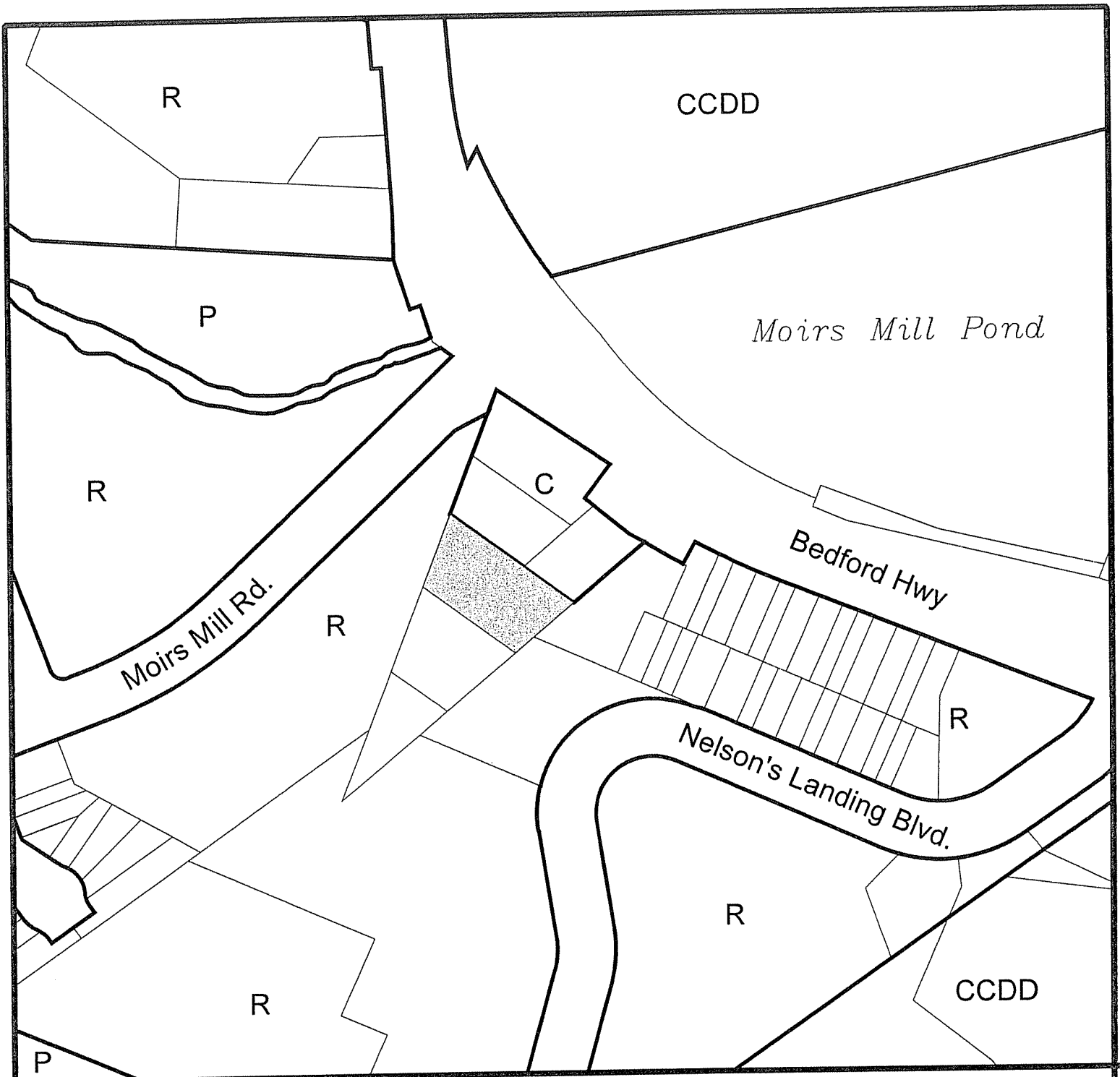
ATTACHMENT "A-2"
Case 00723 Amendments to the Bedford MPS and LUB

The Generalized Future Land Use Map for Bedford is hereby amended by designating parcel PID#00430090 from Residential to Commercial as illustrated on the attachment map.


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 _____, 2006.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2006.

Jan Gibson
Municipal Clerk



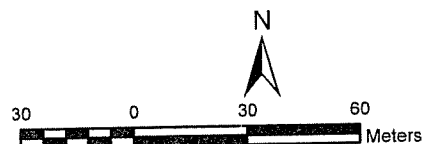
Attachment "A-2" Generalized Future Land Use

 Area to be Redesignated Commercial

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

R Residential Designation
P Park and Recreation Designation

C Commercial Designation
CCDD Commercial Comprehensive Development District



ATTACHMENT "B"

THIS AGREEMENT made this day of , 2006

BETWEEN:

UNITED GULF DEVELOPMENT LIMITED
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 the south corner of the Bedford Highway and Moirs Mill Road, Bedford and identified as 00428722, 00428748, 00428730 and 00430090 and 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 commercial/residential building on the Lands pursuant to the provisions of the Municipal Government Act and pursuant to Policy(ies) C-4(a) of the Bedford Municipal Planning Strategy and Section 3(c)(ix) of the Bedford Land Use Bylaw;

AND WHEREAS the North West Community Council approved this request at a meeting held on [INSERT - Date], referenced as Municipal Case Number 00723;

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 Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other Bylaws, 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.

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 owned by the Developer.

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 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 00723:

The schedules are:

Schedule A:	Legal Description of the Lands(s) (Lot 1234)
Schedule B:	Site Plan: Plan # 00723-03
Schedule C:	Preliminary Landscape Plan: <i>Plan # 00723-11</i>
Schedule D:	Stormwater Management Plan: <i>Plan # 00723-13A</i>
Schedule E:	Erosion and Sedimentation Control: <i>Plan # 00723-13B</i>
Schedule F:	Servicing Plan: <i>Plan # 00723-13C</i>
Schedule G:	Limit of Site Disturbance Plan: <i>Plan # 00723-14</i>
Schedule H:	Building Elevations: <i>Plan # 00723-12 (5 pages)</i>
Schedule I:	Perspective Views: <i>Plan # 00723-08 and Plan # 00723-04</i>
Schedule J:	Floor Plan(s): <i>Plan # 00723-06 (a) to (h)</i>
Schedule K:	Parking Plan: <i>Plan # 00723-06 (a) and (b)</i>

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of any municipal Permits, the Developer shall complete the MICI (Multi-unit/Industrial/Commercial/Institutional/Commercial) process.

3.2.2 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 6.4 of this agreement;
- (b) Plan of Survey of approval Lot Consolidation of PID's 00428722, 00428748, 00428730 and 00430090. This Plan of Survey shall comply with Section 3.6.4 of this agreement; and
- (c) Written confirmation and photograph demonstrating the existing buildings/structures on the Lands have been removed.

3.2.3 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 Section 3.7 of this agreement; and
- (b) Landscaping Plan in accordance with Section 3.9 of this agreement.

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 4.3 of this Agreement (i.e. 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;
- (c) Certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement;
- (d) Certification from a qualified professional indicating that the Developer has complied with the Landscaping Plan required pursuant to this Agreement;
- (f) Certification from a qualified professional indicating that the Developer has complied with the Lighting Plan required pursuant to this Agreement; and
- (e) Written confirmation, from the Metro Transit, indicating the Developer has complied with the requirements to install a new transit shelter pursuant to this Agreement.

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

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

- (a) a Mixed Use Commercial/Residential Building in accordance with the provisions of this agreement; or
- (b) Any uses permitted within the applied zone to the Lands subject to the applicable provisions contained within the Land Use Bylaw for Bedford as amended from time to time.

3.4 Detailed Provisions for Land Use

The Mixed Use Building:

- 3.4.1 The number of floors fronting or facing the Bedford Highway shall not exceed four (4) floors above proposed grade, except in the transition from one building roof elevation to another, where the outside wall may intermittently exceed the height of four (4) floors.

Commercial Component:

- 3.4.2 The Commercial use(s) permitted within the building are the following as defined within the Bedford Land Use Bylaw:
- (a) business and professional offices;
 - (b) medical, veterinary, and health service clinics; outdoor kennels associated with veterinary clinics are prohibited;
 - (c) full service restaurant;
 - (d) food stores;
 - (e) general retail;
 - (f) personal and household service shops (exclusive of massage parlors);
 - (g) banks and financial institutions;
 - (h) pub and lounge in conjunction with a full service restaurant;
 - (i) daycare facilities, nursery school, early learning centre;
 - (j) bed and breakfast/guest home;
 - (k) post office;
 - (l) private clubs;
 - (m) all age/teen club; and
 - (n) uses accessory to the foregoing uses.
- 3.4.3 A full service restaurant shall be permitted within the building provided that:
- (a) The licensed area of the pub or lounge shall not exceed 74.3 m² (800 ft²) with an additional 74.3 m² (800 ft²) permitted on an outdoor patio;
 - (b) No video gambling machines or video lottery terminals are permitted. Pool tables and arcade games may be provided within the lounge;
 - (c) There is no drive-through window, although a home delivery service and take-out may be provided;
 - (d) Permitted hours of operation for the licensed area of the pub or lounge shall not exceed beyond 1:00am on any given day; and
 - (e) Any obnoxious odors, as determined by the Development Officer, generated by a commercial use shall be mitigated.
- 3.4.4 Commercial shall be located on the first and second storey at grade facing the Bedford Highway and shall occupy a minimum of 15% of the total gross floor area of the building (excluding all underground parking) as shown on the Schedules.

- 3.4.5 Further to Section 3.4.4, an increase in the commercial area may be permitted provided:
(a) the number of residential units does not increase, (b) the required amenity space is not decreased, and (c) the footprint of the building does not increase.

Residential:

- 3.4.6 A maximum of 30 units shall be permitted within the building.

- 3.4.7 The Developer shall be entitled to modify the internal floor plans 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, (c) the required amenity space is not decreased, and (d) the commercial area described in the above Section has not decreased.

3.5 Siting and Architectural Requirements

The Developer agrees that the building constructed on the Lands shall comply with the provisions of this section and as generally illustrated on the Schedules.

Siting

- 3.5.1 The buildings siting, bulk and scale shall comply to the following:

- (a) lot coverage shall not exceed 40%;
- (b) the building shall be a minimum of 18.3m (60ft) from the front lot line;
- (c) all portions of the building (below grade) are a minimum of 1.5m (5ft) from the southwest property line and all portions of the building (above grade) are a minimum of 10.7m (35 ft) from the southwest property line;
- (d) all portions of the building (below grade) are a minimum of 1.5m (5ft) from the southeast property line and all portions of the building (above grade) are a minimum of 3.1m (10ft) from the southeast property line;
- (e) all portions of the building (below grade) are a minimum of 1.5m (5ft) from the northeast property line and all portions of the building (above grade) are a minimum of 6.1m (20ft) from the northeast property line;
- (f) maximum height of the building shall not exceed 30m (98.4 ft) above the northwest corner of the building at grade or 33.8m (111ft) above mean sea level;
- (g) the Development Officer may permit a 5 % increase to the provision identified in Section 3.5.1 (a) to (f) provided the intent and all other specific provisions of this Agreement have been adhered to; and

- (h) where 1.5 m (5 ft) setbacks are permitted, they are subject to a detailed review by the Development Officer to ensure compliance with all relevant building codes and by-laws. Any excavation, construction and/or landscaping will be carried out in a safe manner, with the appropriate measures put into place to ensure the protection and preservation of the adjacent properties.

Architectural

Entrances:

- 3.5.2 The main entrances to building shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, fascia boards or an acceptable equivalent approved by the Development Officer. At least one main door shall face the Bedford Highway. 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 Moirs Mill Road shall be designed and detailed as primary façade. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.

Blank Walls:

- 3.5.4 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork (murals), textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.) as identified on the Schedules.

Exposed Foundation

- 3.5.5 Any exposed foundation in excess of 0.6m (2ft) in height and 1.8m² (20 ft²) in total area shall be architecturally detailed, veneered with stone or brick.

Building Material:

- 3.5.6 Exterior building materials shall not include vinyl siding but may include any one or more of the following:
- clay masonry;
 - noncombustible cladding;
 - concrete split face masonry;
 - cut stone masonry;
 - random stone masonry; or
 - acceptable equivalent in the opinion of the Development Officer.

Functional Elements:

- 3.5.7 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.

- 3.5.8 Buildings shall be designed such that the mechanical systems (HVAC, cooking exhaust fans, etc.) are not visible from Bedford Highway, Moirs Mill Road 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. This shall exclude individual residential mechanical systems.

Windows:

- 3.5.9 The first floor front façade of buildings with ground floor commercial uses must be between 50% – 75% windows, doors or other treatment sufficiently transparent to provide view of the interior of the building. All windows shall be vertical in orientation, or square. If shutters are used, they must be sized to fit the opening and must be provided for all windows. Windows shall be vertically proportioned, where possible. Windows should be framed with painted or stained wood, prefinished metal or vinyl.

Awnings:

- 3.5.10 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.

Roof:

- 3.5.11 All roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

Commercial Storefronts:

- 3.5.12 Multiple storefronts shall be visually unified through the use of complementary architectural forms, similar materials and colours. Covered walkways, arcades, awnings, open colonnades and similar devices shall be permitted along long facades to provide shelter, and encourage pedestrian movement.

Minor Changes

- 3.5.13 The Developer shall be entitled to minor modifications to the architectural requirements of this section provided the changes are minor in nature, in the opinion of the Development Officer and comply with the intent to this agreement.

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) a minimum of 75% of the required commercial parking shall be provided underground and a minimum of 75% of the required residential parking shall be provided underground. Residential parking shall be a minimum of 1.25 spaces per unit. Commercial parking space requirements shall be in accordance with the Bedford Land Use Bylaw as amended from time to time.
 - (b) 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.
 - (c) Where parking lots are to be delineated by concrete curbing.
- 3.6.2 Use of the existing "30' easement" to/from Moirs Mill Road as shown on Schedule B shall be prohibited.
- 3.6.3 Development Officer may approve, in consultation with the Development Engineer, upon application by the Developer, changes to the parking and circulation layout as illustrated on the Schedules provided such changes further the intent of this Agreement.
- 3.6.4 Prior to the issuance of the Grade Alteration Permit, the Developer shall demonstrate how the access (driveway) to which PID 00431006 (Lot 5 Leonard Walter Fox) has legal rights to is maintained and unobstructed during and after construction. If this can not be achieved, the Developer shall provide the Development Officer with an acceptable alternative which is agreed to (in writing) by the property owners of PID 00431006. The Developer shall provide the Development Officer with all written documentation subject to this provision.

Bicycle Parking/Storage

- 3.6.5 Storage, sufficient to store a bicycle, shall be provided for the residential units.
- 3.6.6 A minimum of two bicycle stalls/racks situated in such a way to ensure it can be visually monitored by people within the commercial component of the building or people entering the building. The stalls/racks shall be located on a stable surface.

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 Prior to the issuance of a Construction Permit, the Developer shall prepare a lighting plan (by a certified professional) 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 enable the Development Officer to ensure compliance with the requirements of this article will be secured. 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 applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.
- (d) Should the applicant desire changes to the lighting plan on the lands after a permit has been issued, the applicant shall submit all changes prepared by a certified professional to the Development Officer for approval, with adequate information to assure compliance with this clause.

3.8 Amenity and Recreation Space

3.8.1 Amenity space shall be set aside for recreational purposes such as common recreational areas, play areas, recreational rooms, roof decks, swimming pools, courtyards, gardens, patios and tennis courts and clearly identified on plans submitted for a Development Permit. Amenity space shall be provided as generally shown on Schedule C. 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.

3.9 Landscaping

Landscape Plan

3.9.1 Prior to the issuance of a Construction Permit, the Developer agrees to provide Landscape Plan which comply with the provisions of this section and generally conforms with the overall

intentions of the Preliminary Landscape Plan shown on Schedule C. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.

Landscape Plan Details

3.9.2 Planting details for each type of plant material proposed on the plan shall be provided, including a species list with quantities, size of material, and common and botanical names (species and variety).

3.9.3 Landscaping greater than 0.6 m (2 ft) in height shall not be permitted within the daylight triangle.

Roof/Podium Landscaping

3.9.4 A minimum of 15 cm (6 inches) of drainage gravel over the extent of the landscape podium plus an additional 40 cm (16 inches) of topsoil for sod; 60 cm (2 ft.) of topsoil for shrubs; and 90 cm (3 ft.) of topsoil for trees, shall be provided or an approved equivalent in the opinion of the Development Officer.

3.9.5 It is the responsibility of the developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.

Foundations

3.9.6 Foundation planting shall be provided in the form of upright shrubs and mulched planting beds or an approved equivalent in the opinion of the Development Officer.

Entrances

3.9.7 All site entrances shall be identified by decorative walls, and landscaping, or approved equivalent. A landscaped focal area and decorative signage identifying the entrance to shall be installed.

3.9.8 Decorative plantings, landscaping or walls shall be provided at the entrances to the building consisting of a combination of small decorative trees, shrubs and ground covers, or approved equivalent in the opinion of the Development Officer.

Buffering

3.9.9 Trees and shrubs, a minimum 75% of which shall be coniferous, shall be provided along the property line adjacent to abutting residential uses for screening purposes prior to the issuance of the first Occupancy Permit. The percentage of coniferous trees and shrubs may be reduced if in the opinion of the Development Officer this reduction improves the visual screening of the building from the abutting residential uses.

- 3.9.10 Landscaping such as shrubs, trees and/or fencing shall be provided in the proximity of 914 Bedford Highway (PID 00430116), 8 and 10 Moirs Mill Road (PID 40566374). The landscaping shall create a visual buffer of the side entrance and parking garage entrance and well as ensuring the headlights from vehicles do not negatively impact these residential properties.

Retaining Walls/Terraced Landscaping

- 3.9.11 All proposed retaining walls or terraced landscaping shall be constructed of a decorative precast concrete or modular stone retaining wall system or equivalent.
- 3.9.12 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

- 3.9.13 The walkways shall be located as shown on the Detailed Landscape 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.
- 3.9.14 Every effort should be made to reduce pedestrian and vehicular conflict in the design of the walkway system.
- 3.9.15 Main walkways intended for public use (excluded maintenance pathways) shall be designed to be barrier free.

HRM Right-of-Way

- 3.9.16 Landscaping Plan shall include treatments to the HRM "right-of-way" labeled "area to be sodded" on Schedule C. The treatments shall include but not limited to new sods, small shrubs, and flower beds.
- 3.9.17 The Developer shall also install a new transit shelter (on existing platform) in the general location of the existing transit hut as shown on Schedule C prior to issuance of first Occupancy Permit. All plans shall be reviewed and approved by Metro Transit. The Developer shall be responsible for the repair and/or replacement of the platform if subject to damage during the development of the Lands. The cash contribution shall not exceed \$6,500 for the new transit shelter (excludes any repairs/replacement required for the platform).

Compliance with Landscaping Plan

- 3.9.18 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.

3.9.19 Notwithstanding the above the 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 the building, 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

3.11.1 Signage for the commercial uses shall be in accordance with the requirements of the Mainstreet Commercial (CMC) zone of the Bedford Land Use Bylaw, as amended. The Developer shall submit to the Development Officer sufficient information to ensure that no sign obstructs driver sight lines. All signage shall be uniform and complementary to the buildings design.

3.11.2 A temporary sign depicting the names and/or corporate logo of the Developer and the development shall be permitted on the site and shall be removed prior to the issuance of the last Occupancy Permit.

3.12 Outdoor Storage and Display

3.12.1 No outdoor storage shall be permitted on the Lands. Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing/masonry walls with suitable landscaping.

3.12.2 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from the Bedford Highway and residential properties along the southwest property line. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing/masonry walls with suitable landscaping.

3.13 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. One of the existing structures on the Lands may be utilized as a construction trailer in accordance with this section.

PART 4 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, in consultation with the Development Engineer, may give consideration to minor changes to the street network, provided the modifications serve to 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, in consultation with the Development Engineer.

4.3 Underground Services

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

4.4 Outstanding Site Work

Security 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, automatically 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 F 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 F and the design and construction standards of the Municipal Service Systems Manual,

4.6 Solid Waste Facilities

- 4.6.1 The 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 and Building Inspector in consultation with Solid Waste Resources.
- 4.6.2 Refuse containers and waste compactors shall be confined to the loading areas of each 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 shall be contained within a building, 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 Blasting

- 4.7.1 All blasting shall be in accordance to By-law B-300 (Blasting By-Law) as amended from time to time.

4.8 Construction Access

- 4.8.1 Construction activity shall be restricted to the access from the Bedford Highway unless otherwise permitted by the Development Officer.

PART 5 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 shall based on the provisions of Schedule D 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 conforms with following:

- (a) the schematics and information presented on Schedules D, E, F, and G ;

- (b) the requirements of the Nova Scotia Department of the Environment and the Municipal Service Systems Manual; and

5.1.2 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 install snow fence or other appropriate continuous physical barrier or delineation and signage in the field delineating the area of disturbance. 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 may only be removed only upon the issuance of the first Occupancy Permit.

5.1.3 All storm water 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.

5.2 Stormwater Treatment Chambers or Devices

5.2.1 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.

5.2.2 Prior to installing any stormwater treatment chambers or devices 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, the Municipality may require that a penalty of five thousand dollars (\$5,000) 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 for review by the Development Engineer and the

Department of the Environment (if applicable) a detailed Erosion and Sedimentation Control Plan shall be based on the provisions of Schedule E. 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 The detailed Erosion and Sedimentation Control Plan shall provide measures to ensure water storage is maintained on site during heavy water events.
- 5.3.3 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 for review and approval by the Development Engineer a detailed Master Site/Grading Plan for the Lands based on the provisions of Schedule E. 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 Securities

Prior to the issuance of Grade Alteration Permit, the Developer shall post security in the amount of \$10,000 to ensure that all environmental protection measures, identified in this section, are properly implemented and maintained. The security of \$10,000 includes the amounts required in accordance with the Grade Alteration Bylaw. 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, in consultation with the Development Engineer, 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, 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.

5.5 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 Agreement, 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.

PART 6 AMENDMENTS

6.1 Substantive Amendments

Amendments to any matters not identified under Section 6.2 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) increase in the number of residential units provided the overall number of bedrooms does not exceed 60. For the purposes of determining bedrooms, 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.;
- (b) permit Commercial Uses which are not listed in Section 3.4.2 of this agreement provided the commercial uses are appropriate with mixed use developments;
- (c) an increase to the licensed area of the pub or lounge in accordance with Section 3.4.3 of this agreement;
- (d) granting of an extension to the date of commencement of construction as identified in Section 8.3 of this agreement;
- (e) changes to the exterior architectural appearance of the buildings or the design, layout and positioning of the buildings, provided that plans are submitted for any changes to the building design and that such changes, in the opinion of Council, are minor in nature;
- (f) changes to the landscaping measures as detailed in Section 3.9 which, in the opinion of Council, are minor in nature;
- (g) reduction in the parking space requirements;

6.2.2 In considering the approval of a non-substantive amendment under Section 7.2, 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.

PART 7 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 defense based upon the allegation that damages would be an adequate remedy; and/or
 - (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 preformance 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; and/or
 - (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; and/or

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 pursuant to the terms of this Agreement.

PART 8 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;
 - (c) discharge this Agreement.

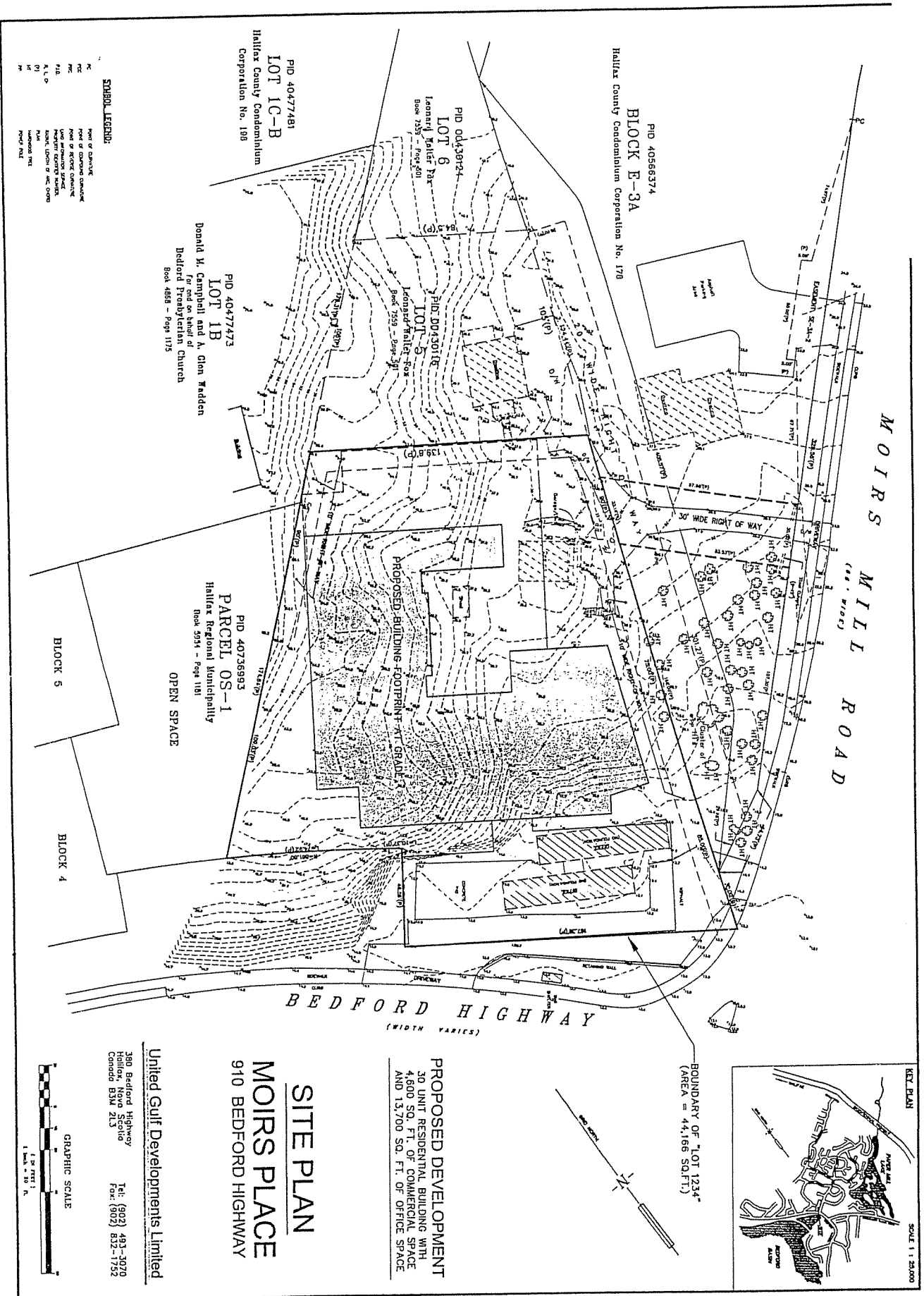
8.4 Completion of development

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;
- (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.

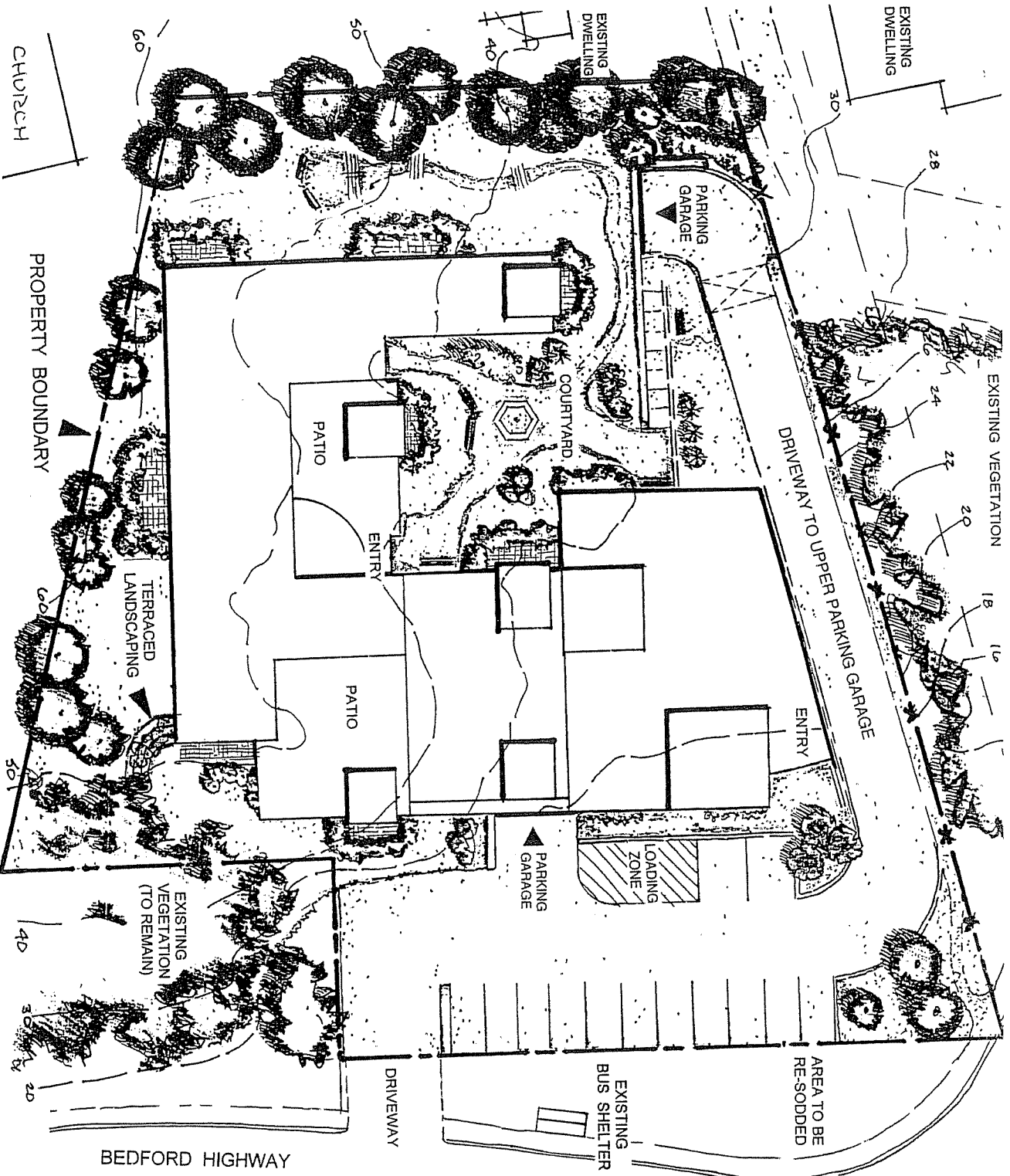
IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

Signed, sealed and delivered)	UNITED GULF DEVELOPMENT LIMITED
in the presence of:)	
)	
per: _____)	per: _____
)	
Sealed, Delivered and Attested)	HALIFAX REGIONAL MUNICIPALITY
by the proper signing officers of)	
Halifax Regional Municipality)	
duly authorized on that behalf)	per: _____
in the presence of)	MAYOR
)	
)	
_____)	per: _____
)	MUNICIPAL CLERK



PRELIMINARY LANDSCAPE PLAN

910 BEDFORD HIGHWAY



Privacy Buffer (Evergreen hedges)

Visual Buffer
(Coniferous and deciduous trees)

Visual Aesthetic (Ornamental shrubs, flowers and small trees)

Courtyard Focal Point
(Fountain or raised garden)

Balcony or Terrace

Walkway

Sodding

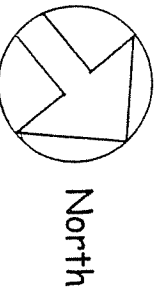
Vehicular Access and Parking

Park Bench

Stairs

Fence

3'0" Contour Lines at 2 ft. intervals

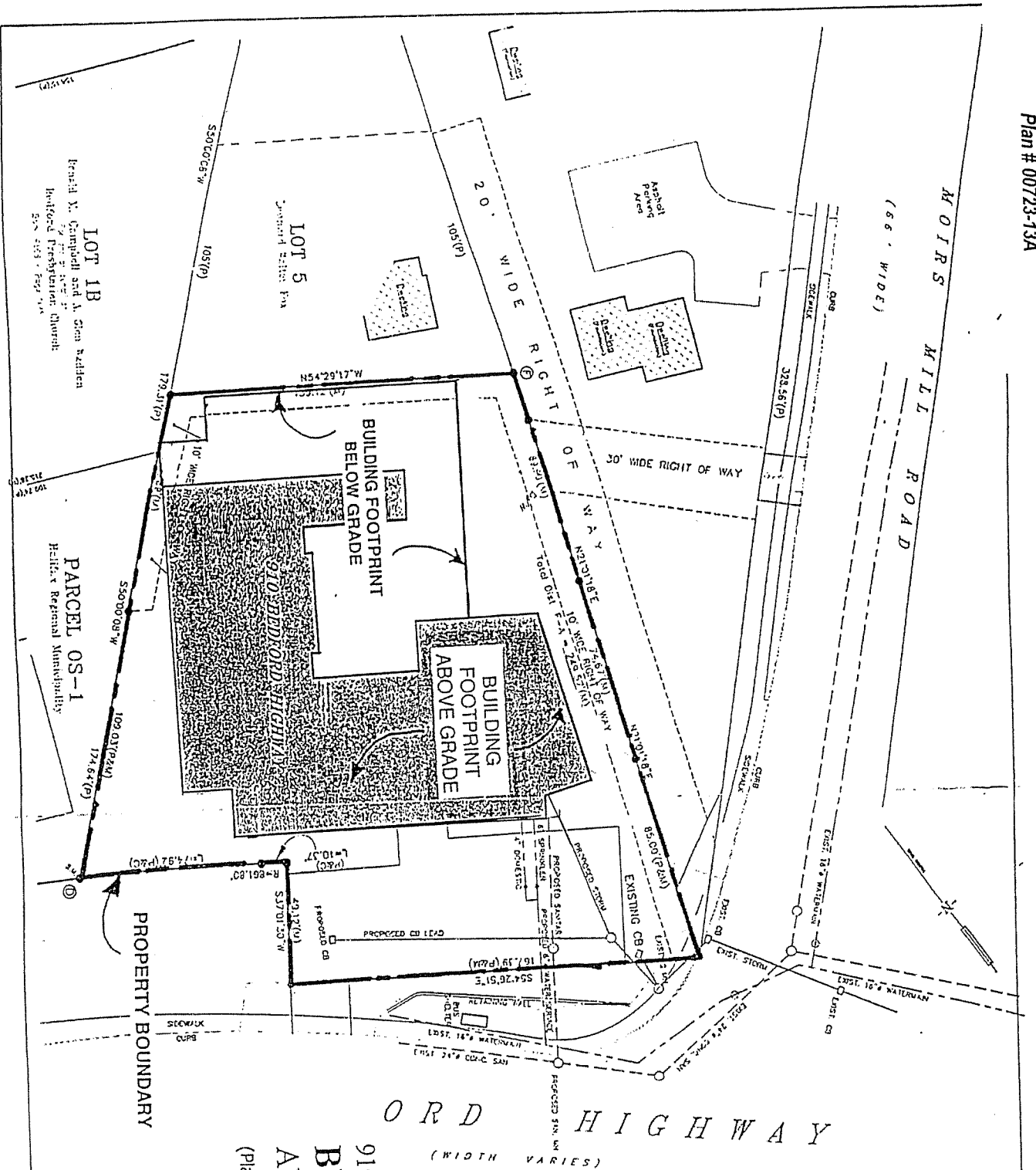


PLAN REVISED MAY 3, 2006

Schedule C

Preliminary Landscape Plan:
Plan #00723-11

Stormwater Management Plan:
Plan # 00723-13A

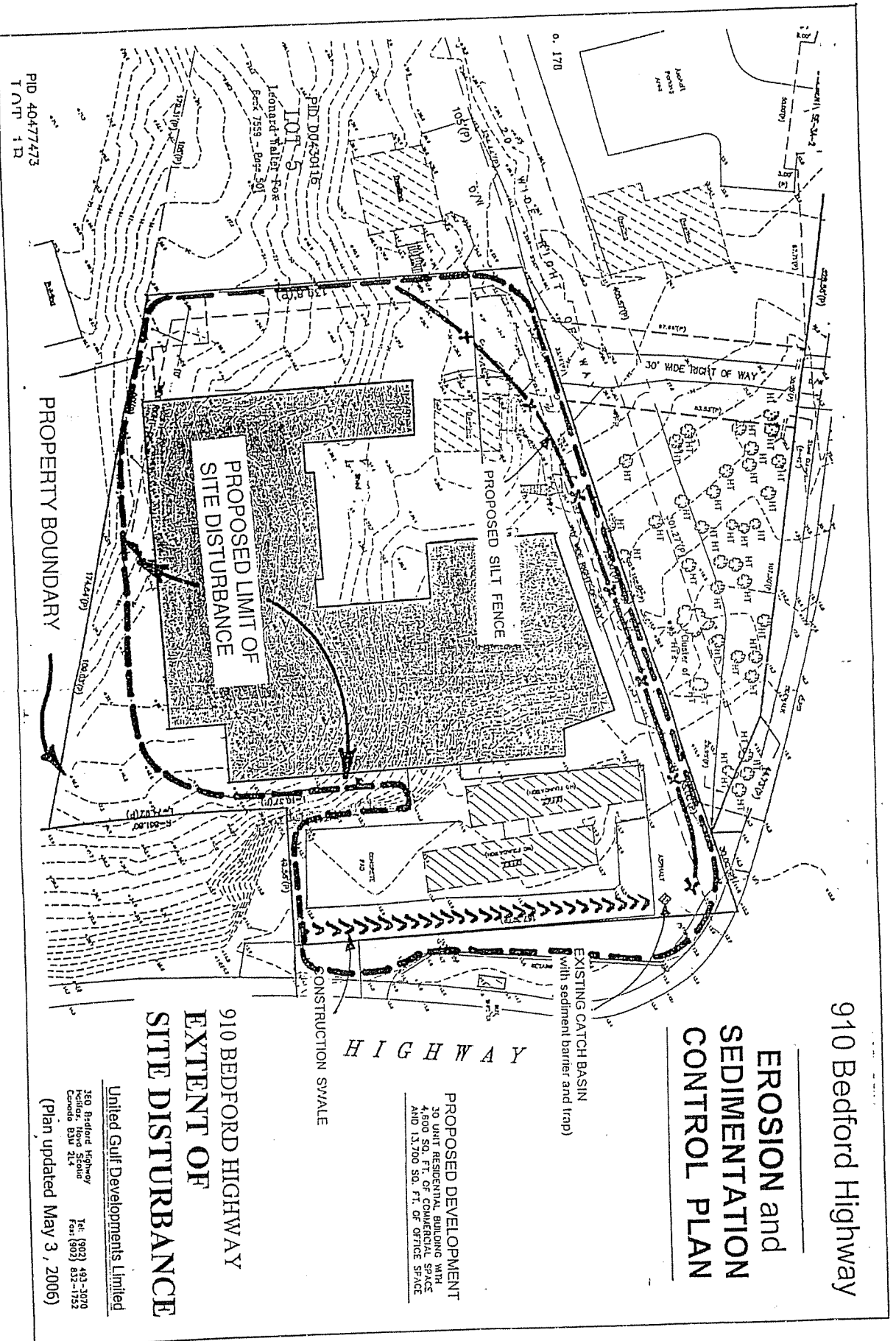


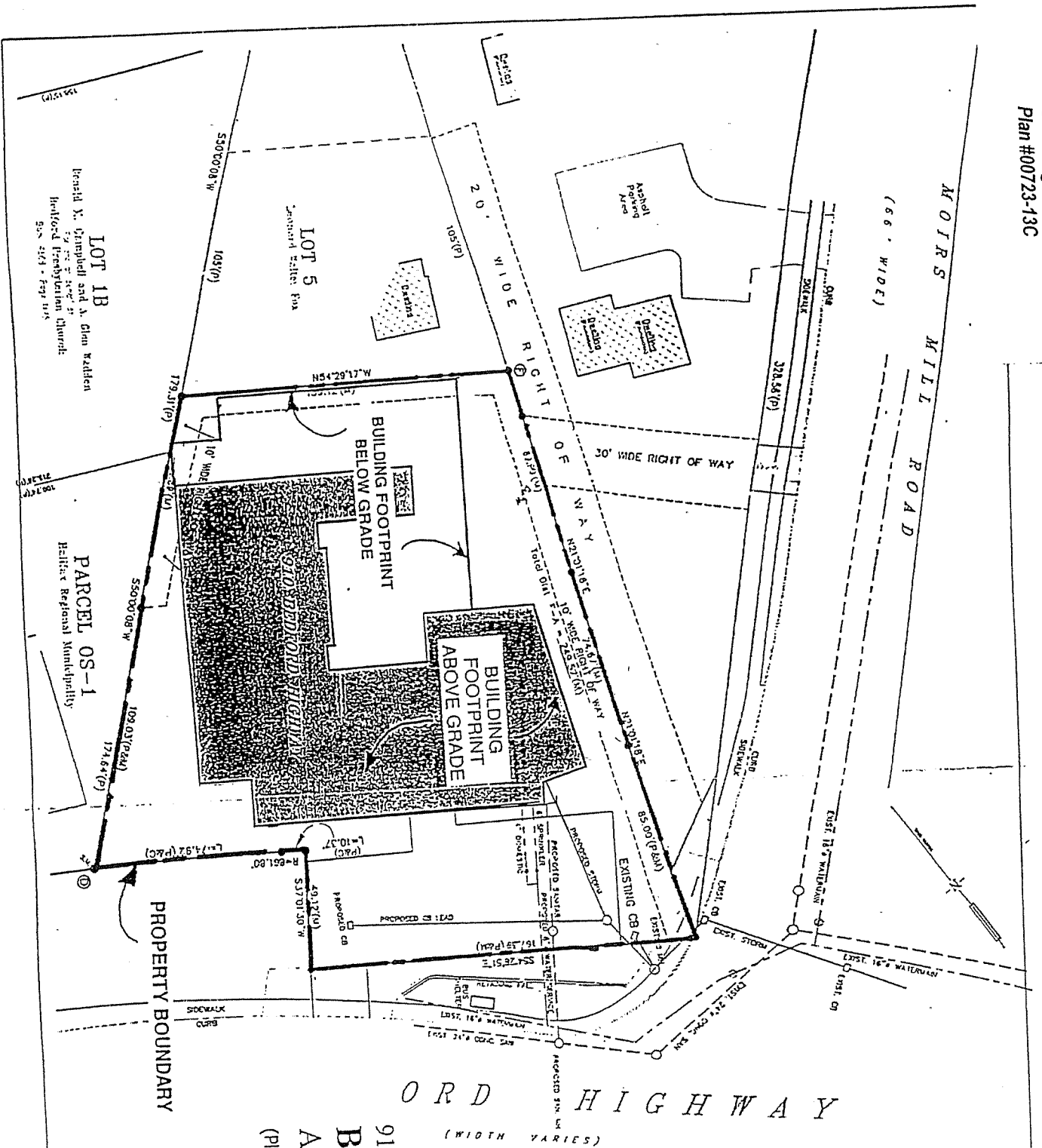
- NOTES:
1. ROOF & FOOTING DRAINS WILL CONNECT TO STORM SEWER.
 2. EXISTING CATCHBASIN TO BE EQUIPPED WITH FILTER DEVICES TO CONTROL DRAINAGE FLOW DURING CONSTRUCTION.
 3. SILT FENCE AND FILTER FABRIC ARE TO BE INSTALLED ALONG DOWNWARD PROPERTY BOUNDARIES PRIOR TO CONSTRUCTION.

PROPOSED DEVELOPMENT
30 UNIT RESIDENTIAL BUILDING WITH
4,600 SQ. FT. OF COMMERCIAL SPACE
AND 13,700 SQ. FT. OF OFFICE SPACE

**910 BEDFORD HIGHWAY
BUILDING FOOTPRINT
Above and Below Grade**
(Plan updated May 3, 2006)

United Gulf Developments Limited
320 Bedford Highway
Bedford, Nova Scotia
Canada B3H 2L3
Tel: (902) 493-3970
Fax: (902) 832-1752



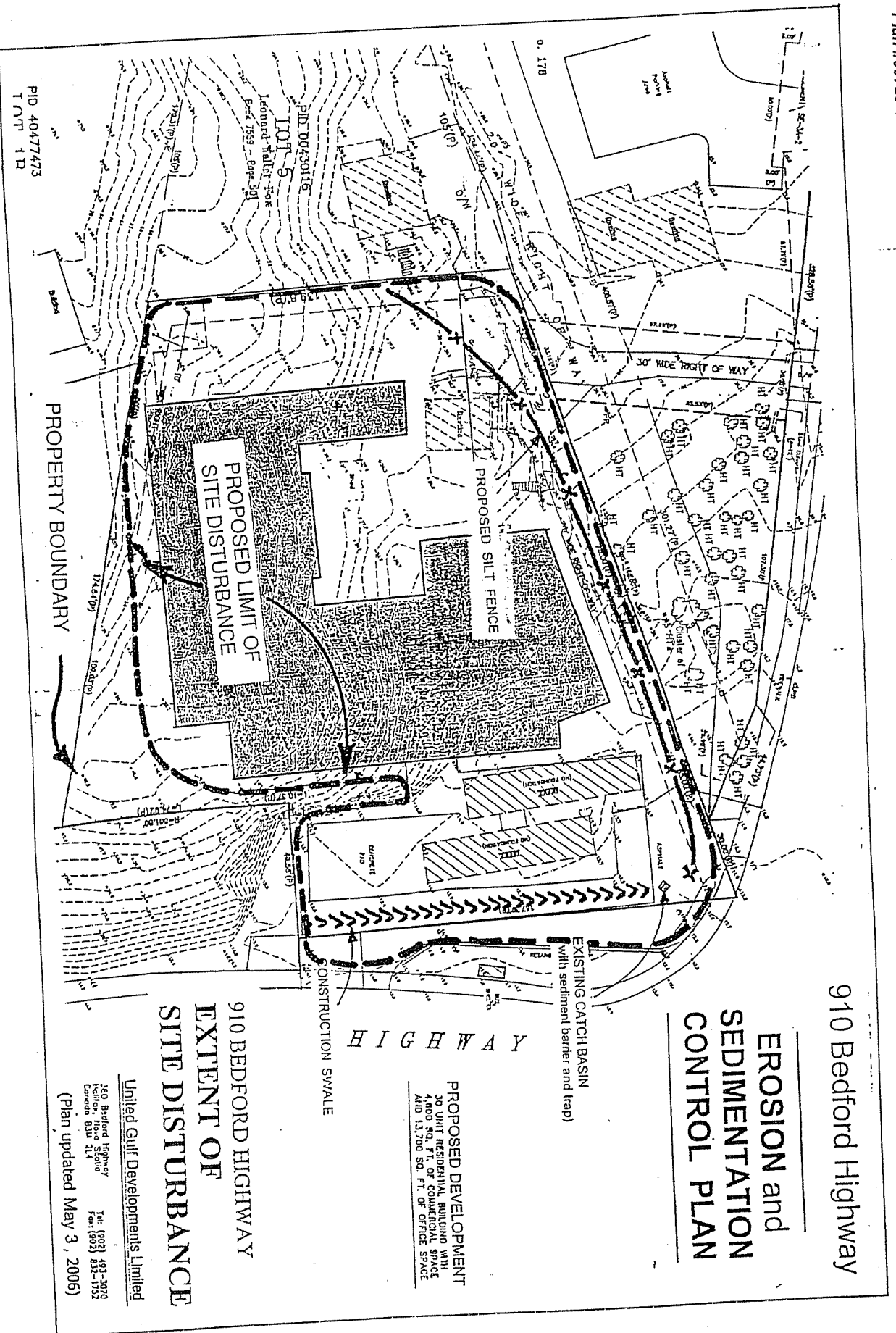


- NOTES:
1. ROOF & FOOTING DRAINS WILL CONNECT TO STORM SEWER.
 2. EXISTING CATCHBASIN TO BE EQUIPPED WITH FILTER DEVICES TO CONTROL DRAINAGE FLOW DURING CONSTRUCTION.
 3. SILT FENCE AND FILTER FABRIC ARE TO BE INSTALLED ALONG DOWNWARD PROPERTY BOUNDARIES PRIOR TO CONSTRUCTION.

PROPOSED DEVELOPMENT
30 UNIT RESIDENTIAL BUILDING WITH
4,500 SQ. FT. OF COMMERCIAL SPACE
AND 13,700 SQ. FT. OF OFFICE SPACE

910 BEDFORD HIGHWAY
BUILDING FOOTPRINT
Above and Below Grade
(Plan updated May 3, 2006)

United Gulf Developments Limited
350 Bedford Highway
Holliston, Nova Scotia
Canada B3M 2L3
Tel: (902) 493-3900
Fax: (902) 493-1700



**BUILDING ELEVATIONS
FOR "MOIRS PLACE"
910 BEDFORD HIGHWAY**

United Gulf Developments Limited

380 Bedford Highway
Halifax, Nova Scotia
Canada B3M 2L3

Tel: (902) 493-3070
Fax: (902) 832-1752

MAY 3, 2006

TOP OF
TOWER 101'

TOP OF ROOF
PEAK 89'

TOP OF ROOF
SLAB 80'

6th FLOOR 70'

5th FLOOR 60'

4th FLOOR 50'

3rd FLOOR 40'

2nd FLOOR 30'

MAIN FLOOR 20'

EXISTING GRADE TO REMAIN

PROPOSED GRADE
SLOPES UP ALONG
EAST FACE

PROPOSED GRADE

P2 10'

EXISTING GRADE

P1 0'

TYPICAL SLOPE 12
12

METAL ROOF, TYPICAL

GLASS

GLASS BALCONY
PANELS

PRECAST
LINTELS

PRECAST OR STUCCO FINISH, TYPICAL

GLASS

MASONRY (WHERE
SHOWN HATCHED)

36" TALL
ACCENT BAND

RETAINING WALL

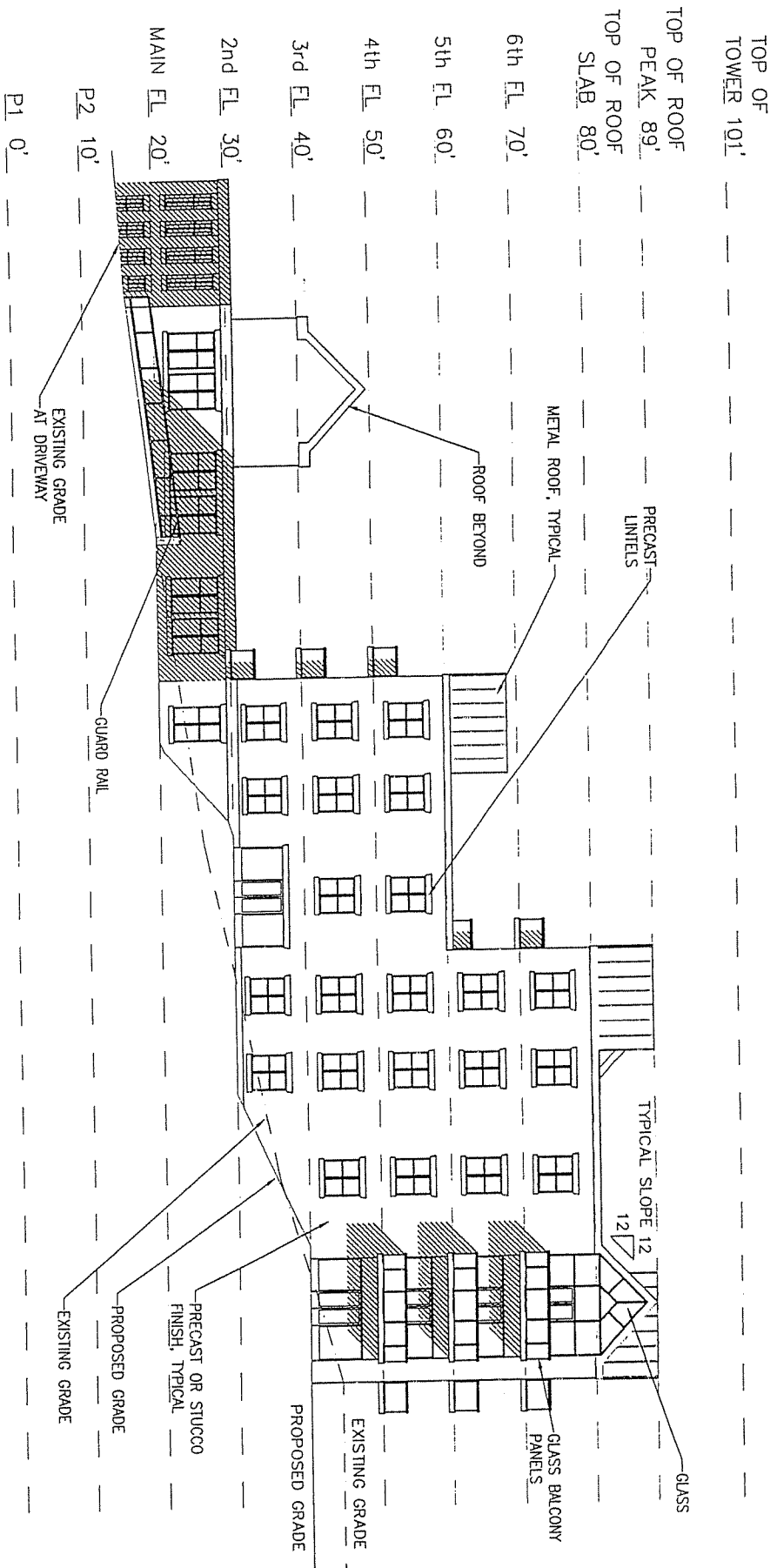
PROPERTY LINE

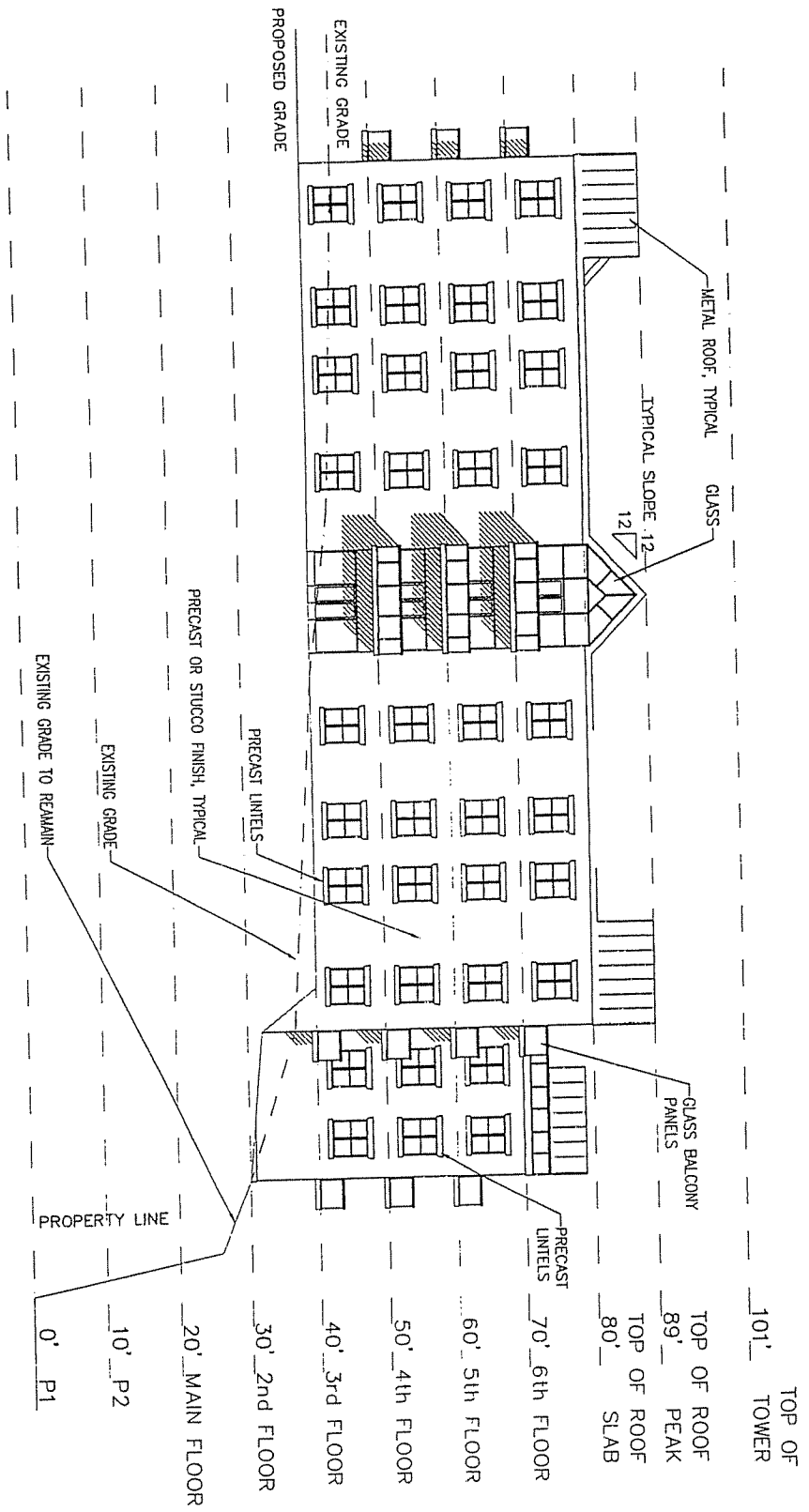
NORTH ELEVATION

May 3, 2006



SCALE 3/64"=1'-0"





EAST ELEVATION

May 3, 2006

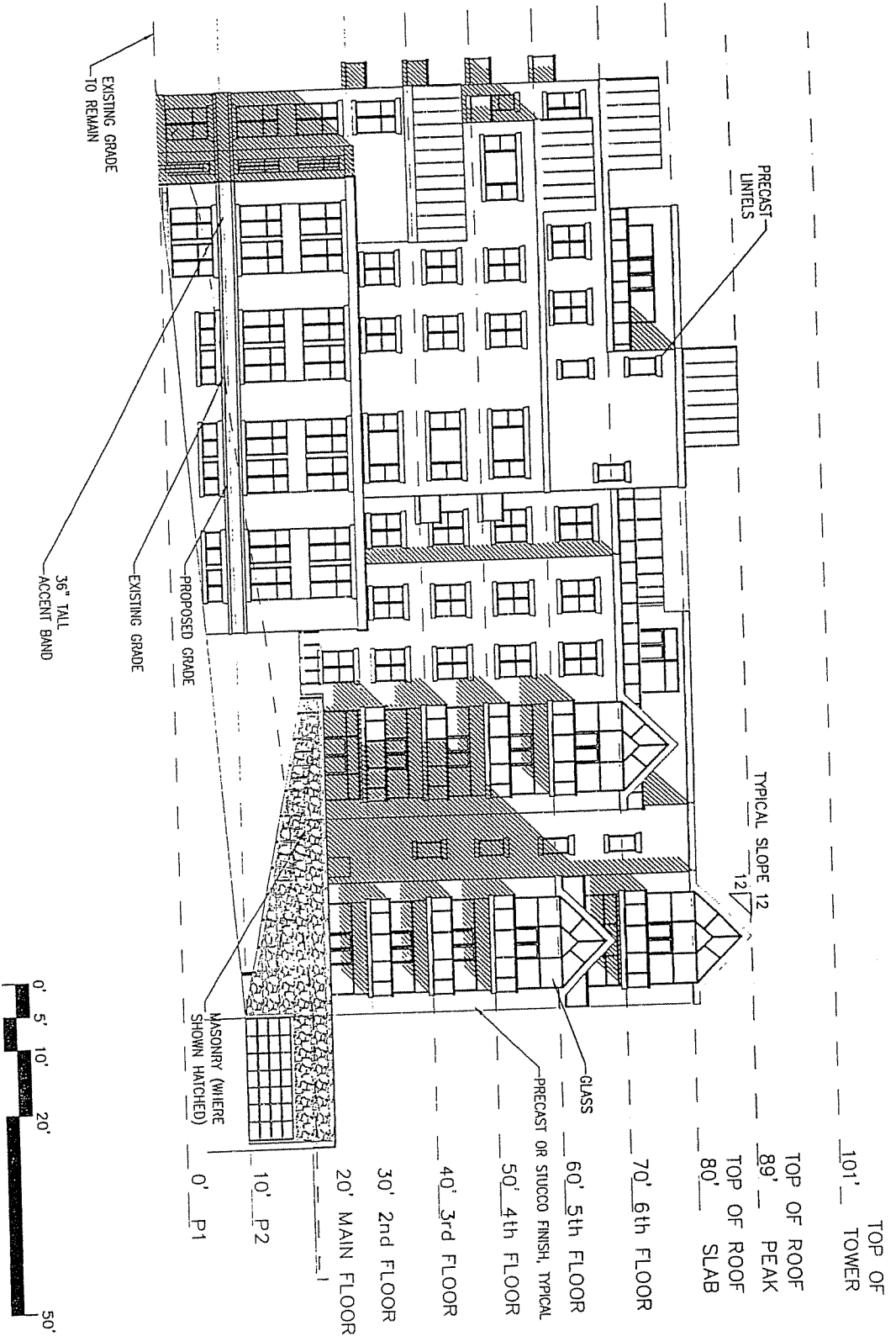
SCALE 3/64"=1'-0"

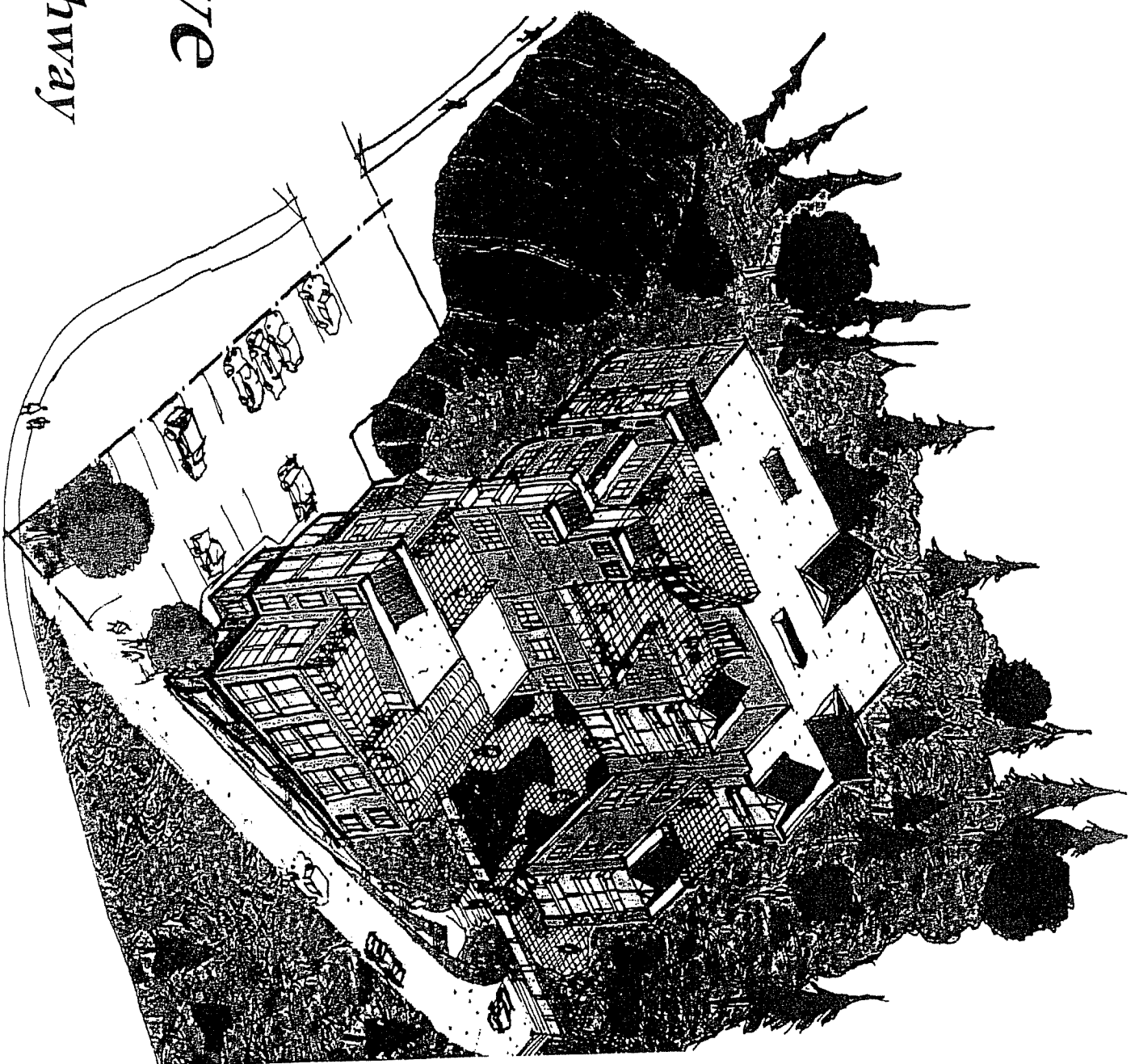


WEST ELEVATION

May 3, 2006

SCALE 3/64"=1'-0"



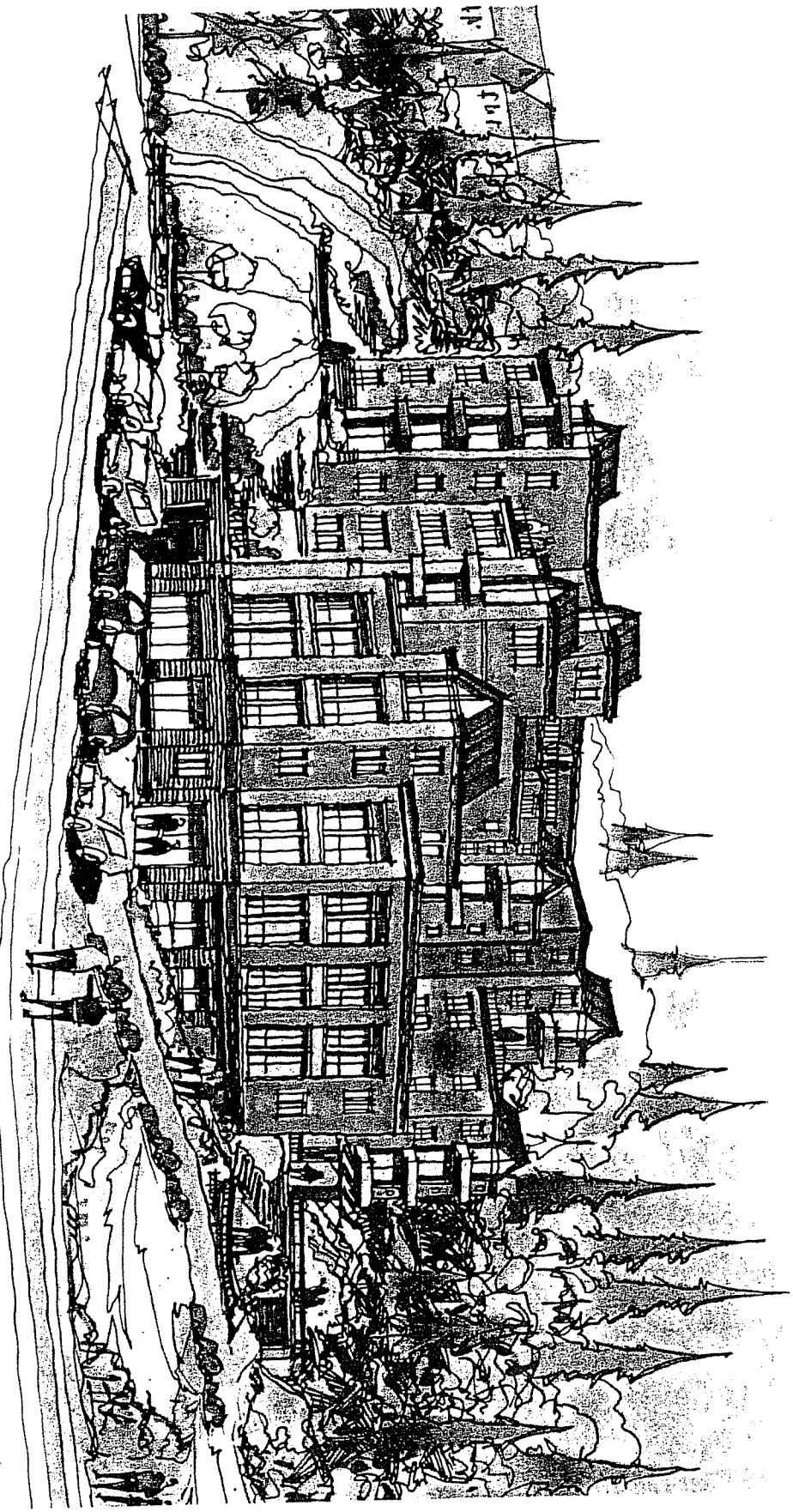


Perspective

910 Bedford Highway

Schedule I

Perspective View
Plan # 00723-04



Proposed Building Design 910 Bedford Hwy.

[illegible]

2577

Project: "NINE-TEN",
Bedford Highway

United Gulf Developments Ltd.

Scale:

Date:

Drown By:

Job No.. C3224

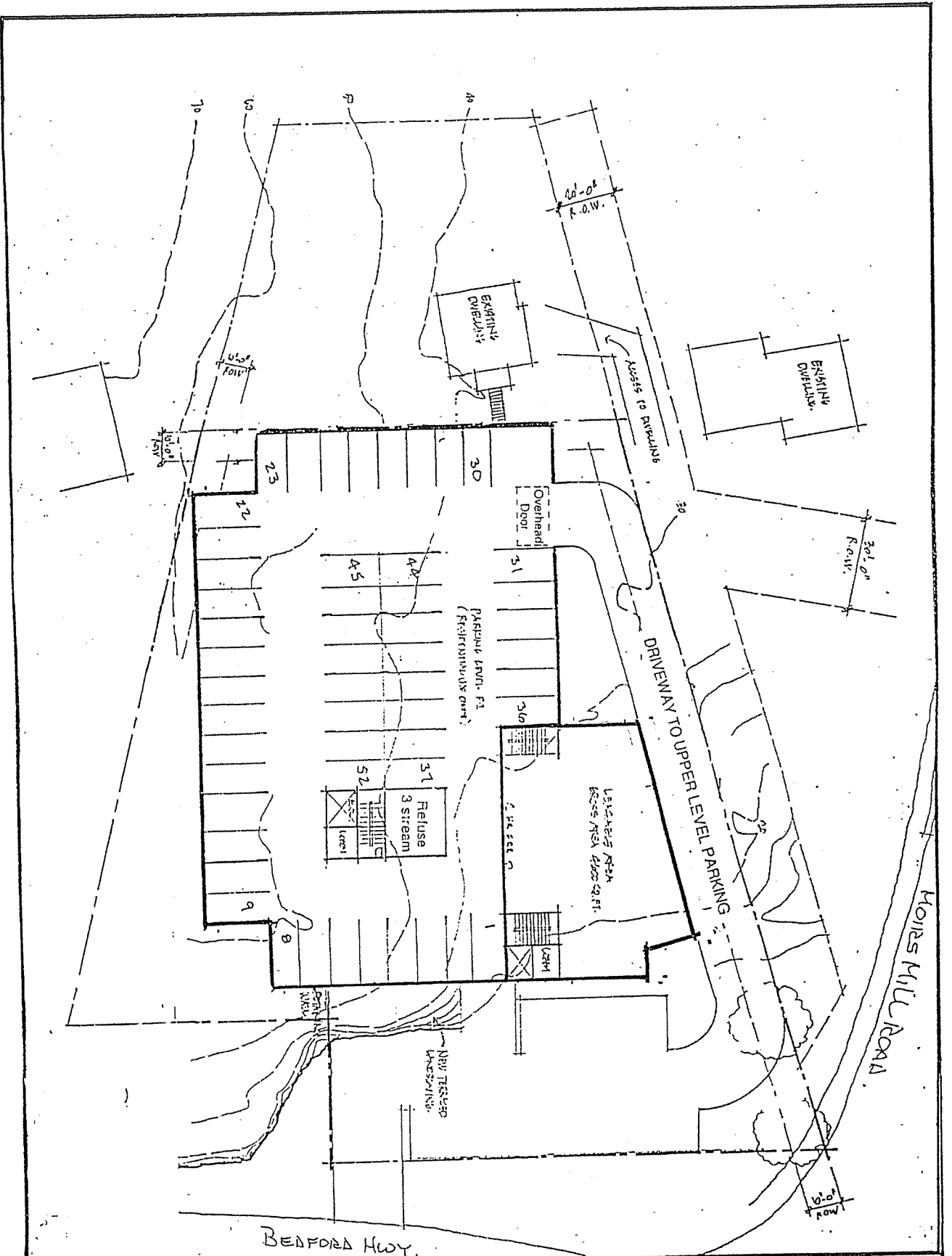
Approved By:

Drug Title:

Level 16'-0"

Drug No.:

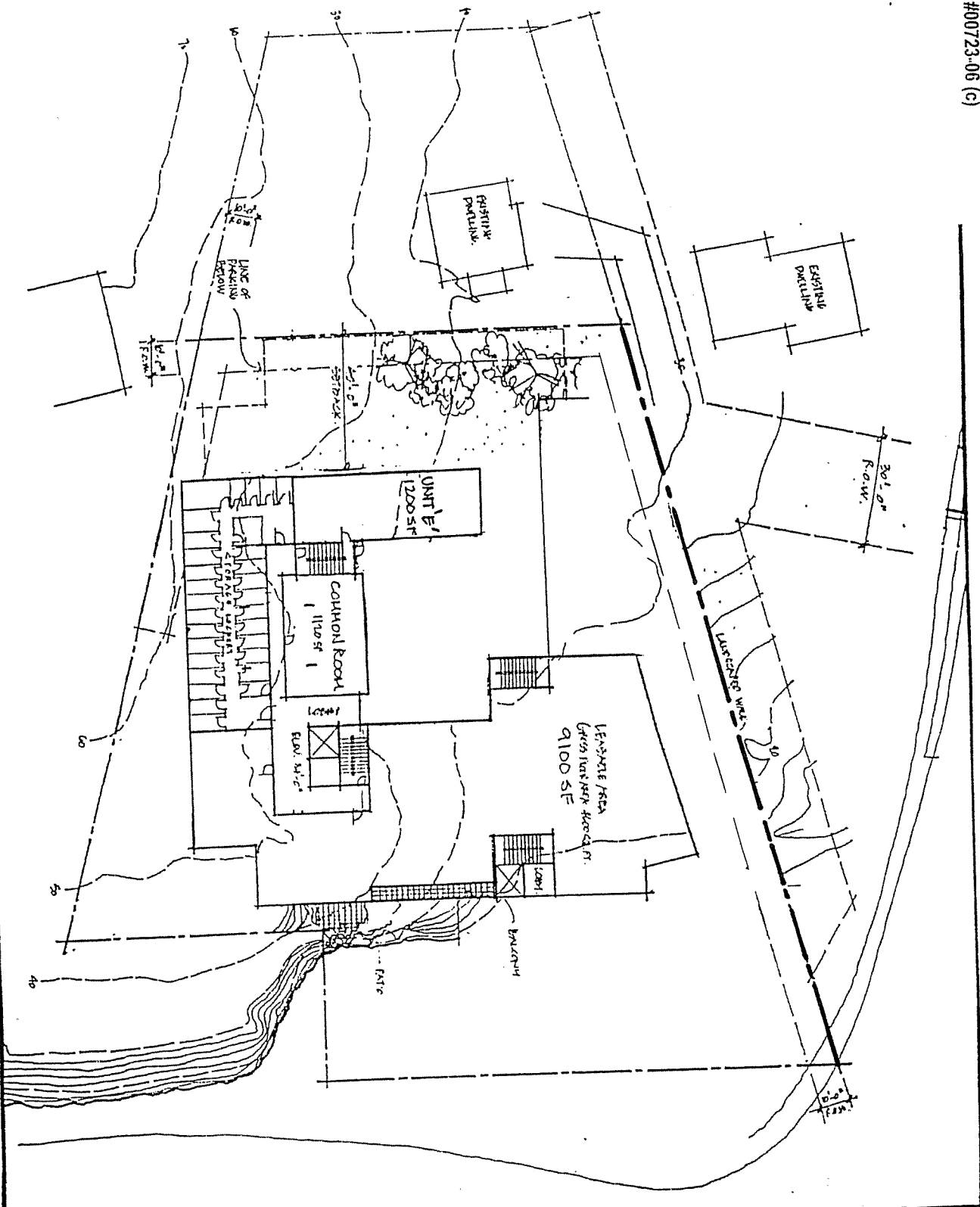
ASK-1



<p>DAVISON SEAMORE RICKARD ADAMS</p> <p>ARCHITECTS INC 5th Floor, 1525 Dresden Row Hartford, Iowa 50001 B3J 3K3 502-470-9990 FAX 502-470-4150</p>		<p>Project: "NINE-TEN" Bedford Highway</p> <p>United Gulf Developments Ltd.</p> <p>Scale: Date: Drawn By: Job No.: 03-114 Approval By: Draw Title:</p>	<p>Level 24' - 0"</p> <p>ASK-2</p>
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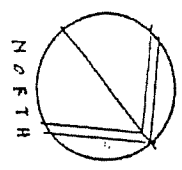
Schedule J

Floor Plan(s):
Plan #00723-06 (c)



DAVIDSON
SEAMORE
RICKARD
ADAMS

ARCHITECTS INC
5th Floor, 1576 Dresden Row
Halifax, Nova Scotia B3J 3K3
902-426-9290 Fax 902-426-5450



NINE-TEN
Bedford Highway

United Gulf Development Ltd.

Scale: _____

Date: _____

Drawn By: _____

Job No: 03-224

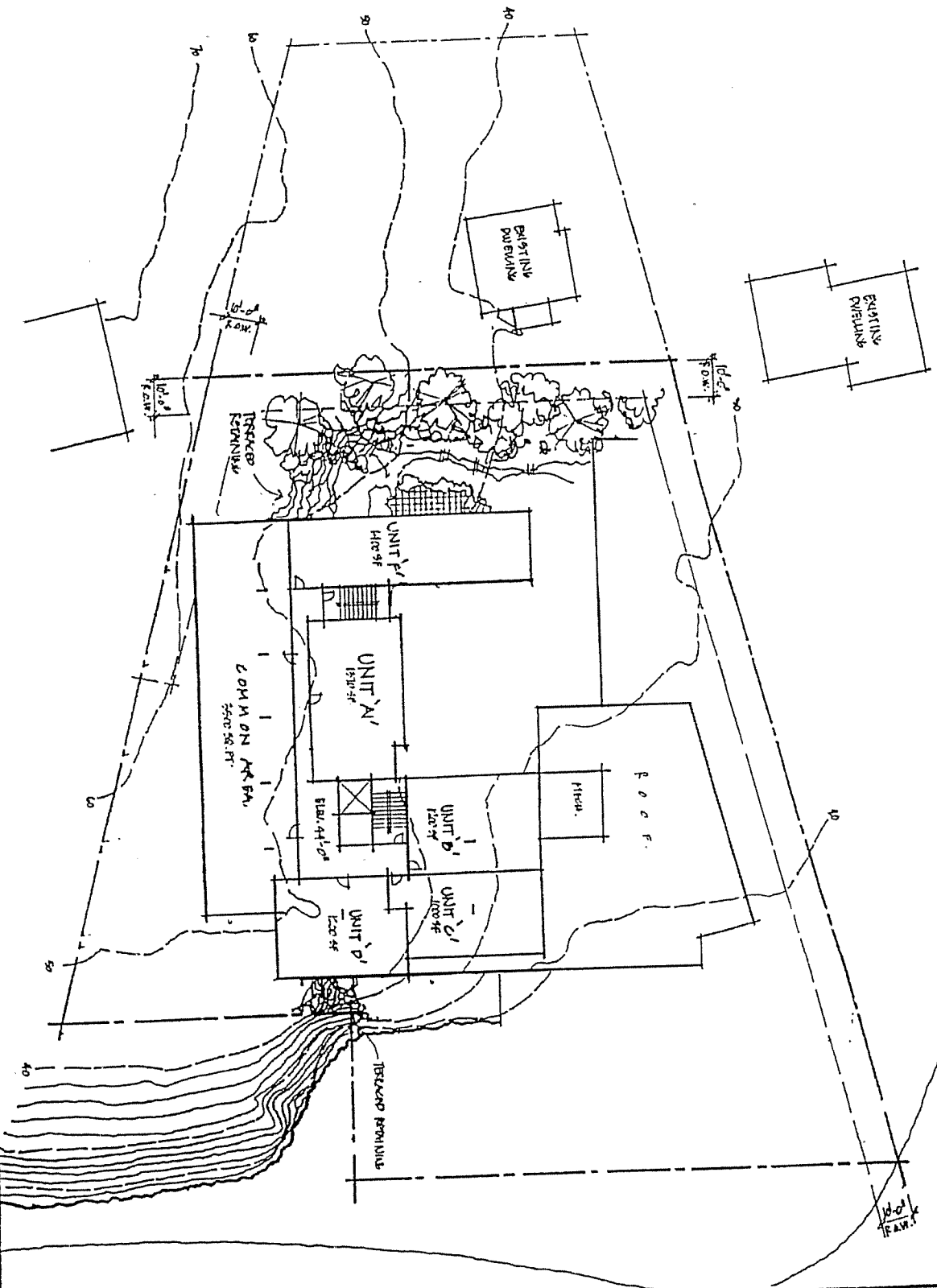
Approval By: _____

Dwg Title: _____

Level 34' - 0"

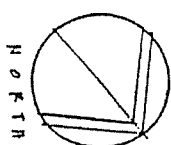
Dwg No.: _____

ASK-3



DAVISON
SEAMONE
BECKHOLD
ADAMS

ARCHITECTS INC
5th Floor, 1526 Drexton Row
Hastings, Nova Scotia B3J 3K3
902-420-9990 Fax 902-423-3150

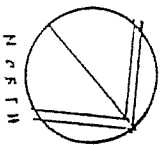
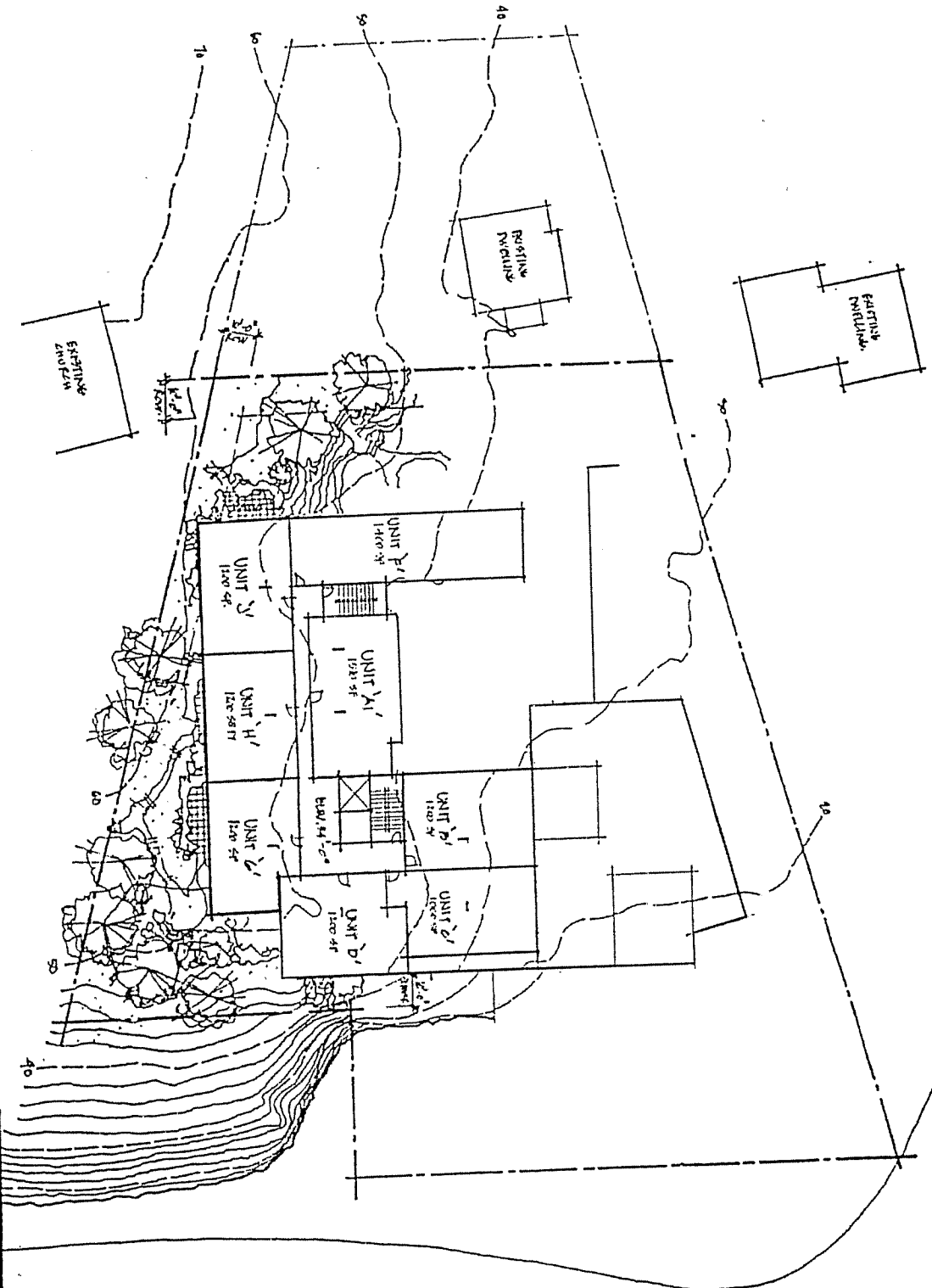


Project:
"NINE-TEN"
Bedford Highway

United Golf Development Ltd.
Scale:
Date:
Drawn By:
Job No.: 05924
Approval By:
Draw Title:

Level 44' - 0"
ASK-4

Floor Plan(s):
Plan #00723-06 (e)



Project:
"NINE-TEN"
Bedford Highway

United Gulf Development Ltd.

Scale:

Date:

Drawn By:

Job No. 03224

Approval By:

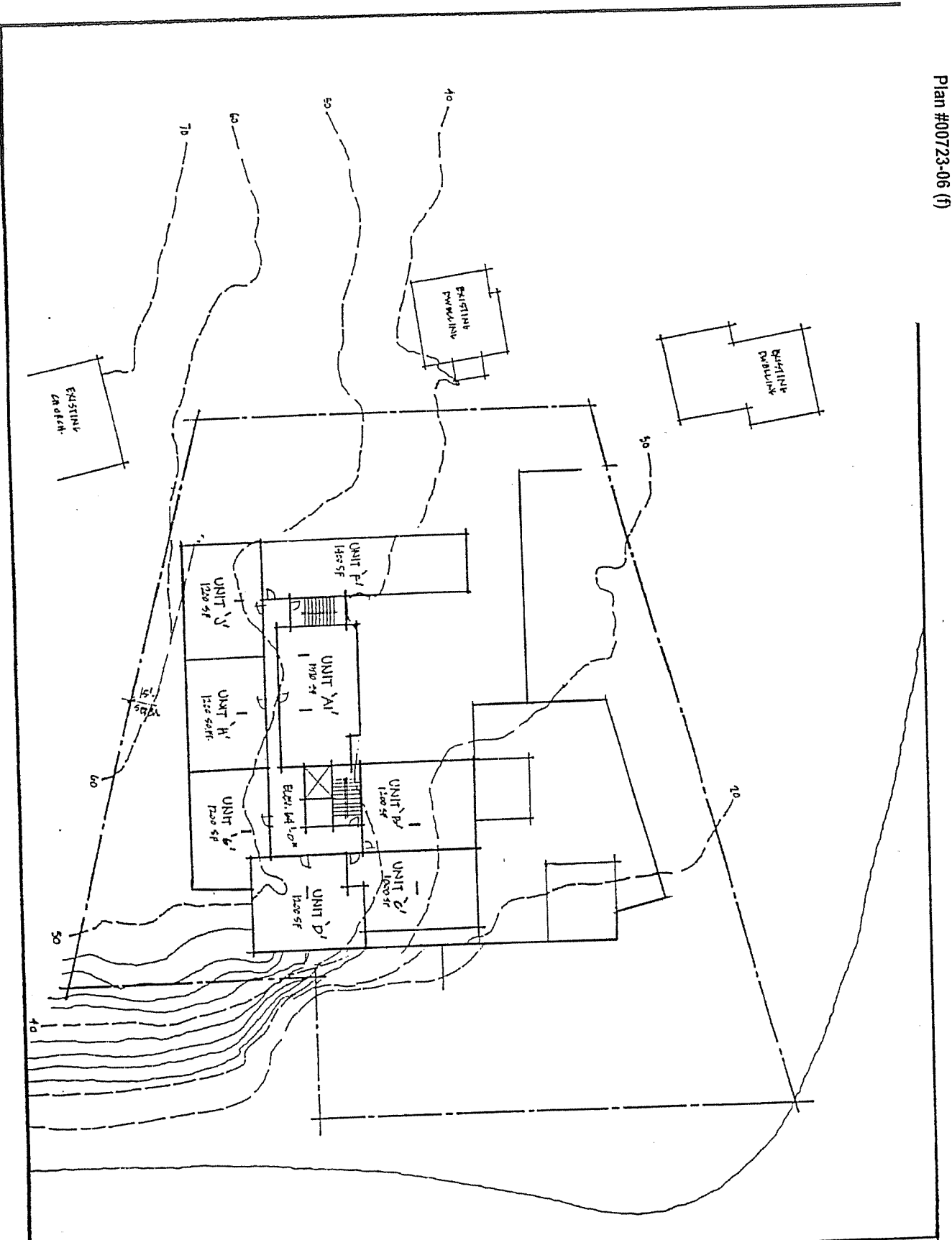
Design:

Level 54' - 0"

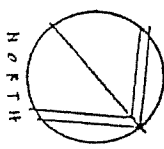
Design No.:

ASK-5

DAVIDSON
SEAWOYNE
RICHARD
ADAMS
ARCHITECTS INC
5th Floor, 1526 Dresden Row
Halifax, Nova Scotia B3J 3K3
902.420.9990 Fax 902.420.9450



DAVISON
SEAMORE
BUCKARD
ADAMS
ARCHITECTS INC
5th Floor, 1526 Dresden Row
Hartford, Nova Scotia B3J 3K3
902.420.9990 Fax 902.420.9450



Project:
"NINE-TEN"
Bedford Highway

United Gulf Development Ltd.

Scale:

Date:

Drawn By:

Job No: 07114

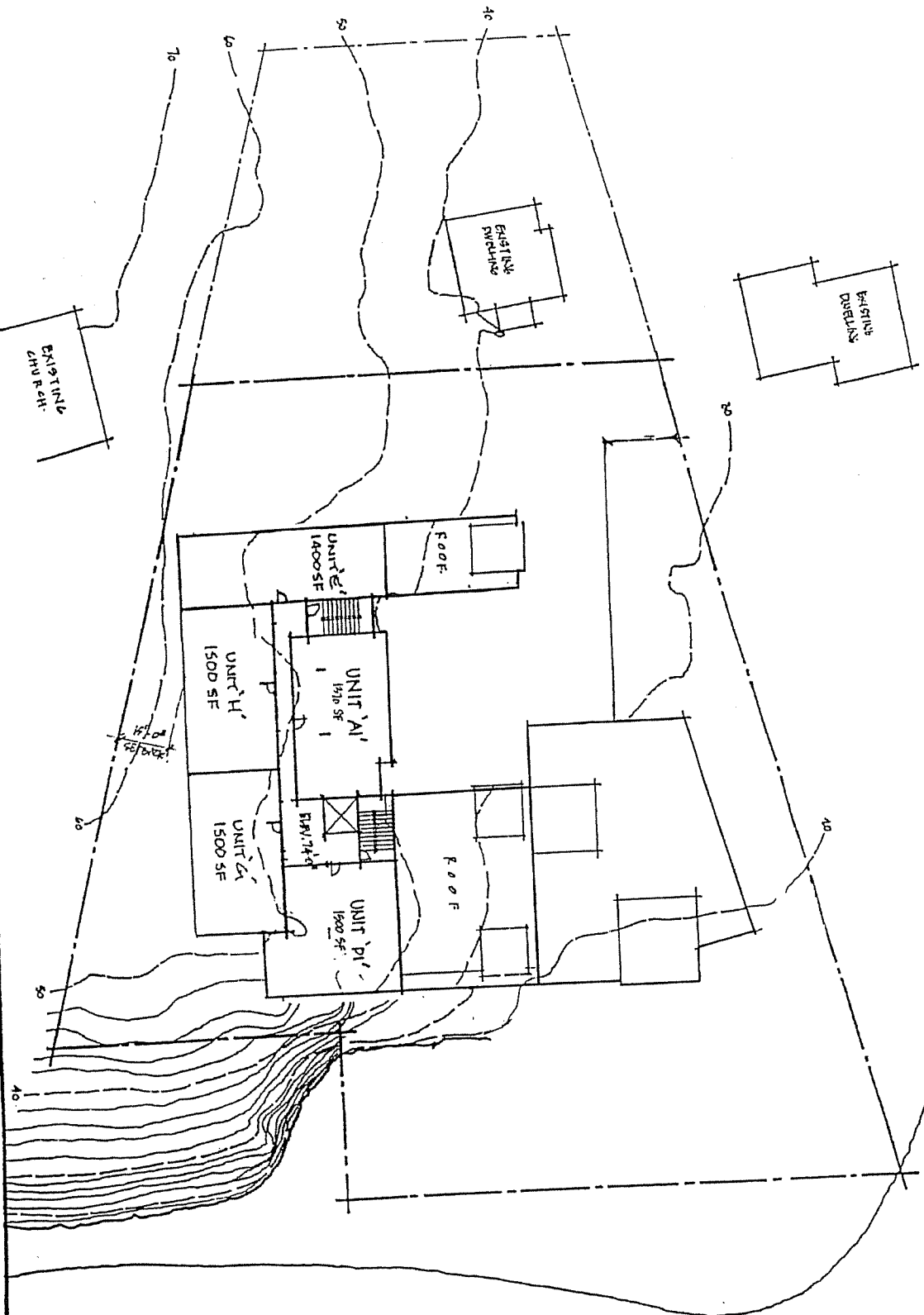
Approval By:

Dwg title:

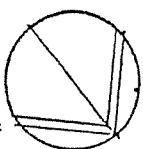
Level 64' - 0"

Dwg No.:

ASK-6



DAVISON
SEAMONE
RICCARDI
AIMS
ARCHITECTS INC
5th Floor, 4526 Dresden Row
Halifax, Nova Scotia B3J 3K3
902.420.9390 Fax 902.420.9450



NORTH

Project:
'NINE-TEN
Bedford Highway

United Gulf Development Ltd.

Scale:

Date:

Drawn By:

Job No.: 05224

Approval By:

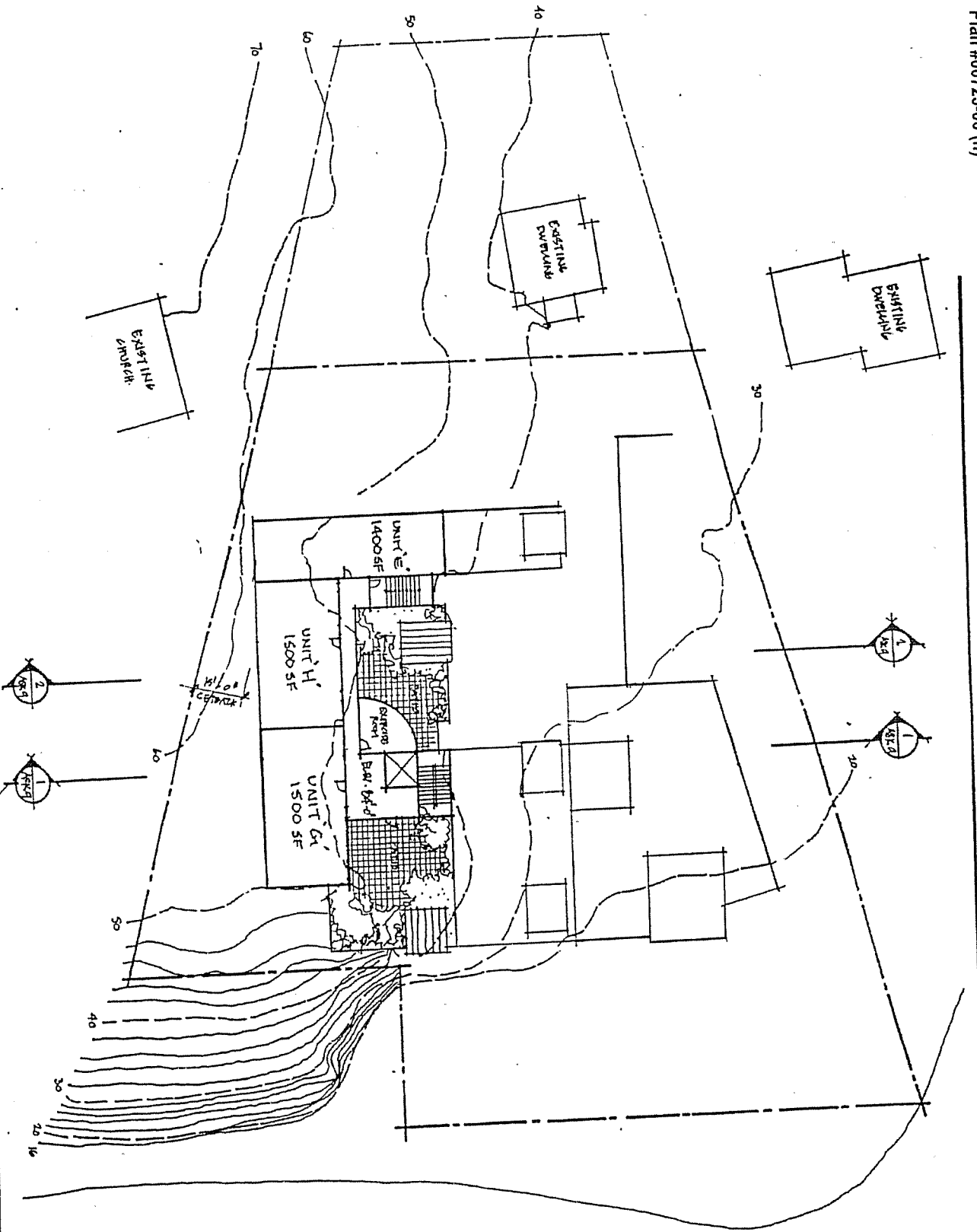
Dwg Title:

Level 74'-0"

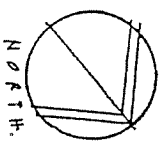
Dwg No.:

ASK-7

Floor Plan(s):
Plan #00723-06 (h)



DIVISION
SEABOARD
RECAIRO
ADAMS
ARCHITECTS INC
5th Floor, 526 Dresden Row
Halifax, Nova Scotia B3J 3K3
902-420-9990 Fax 902-420-9450



Project:
"NINE-TEN"
Bedford Highway

United Gulf Developments Ltd.

Scale:

Date:

Drawn By:

Job No.: 07124

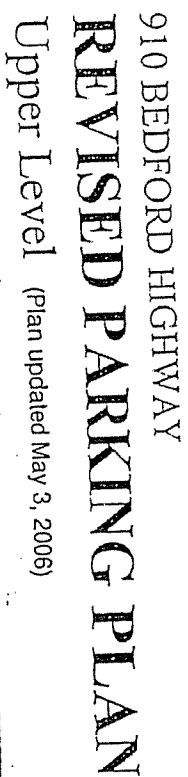
Approval By:

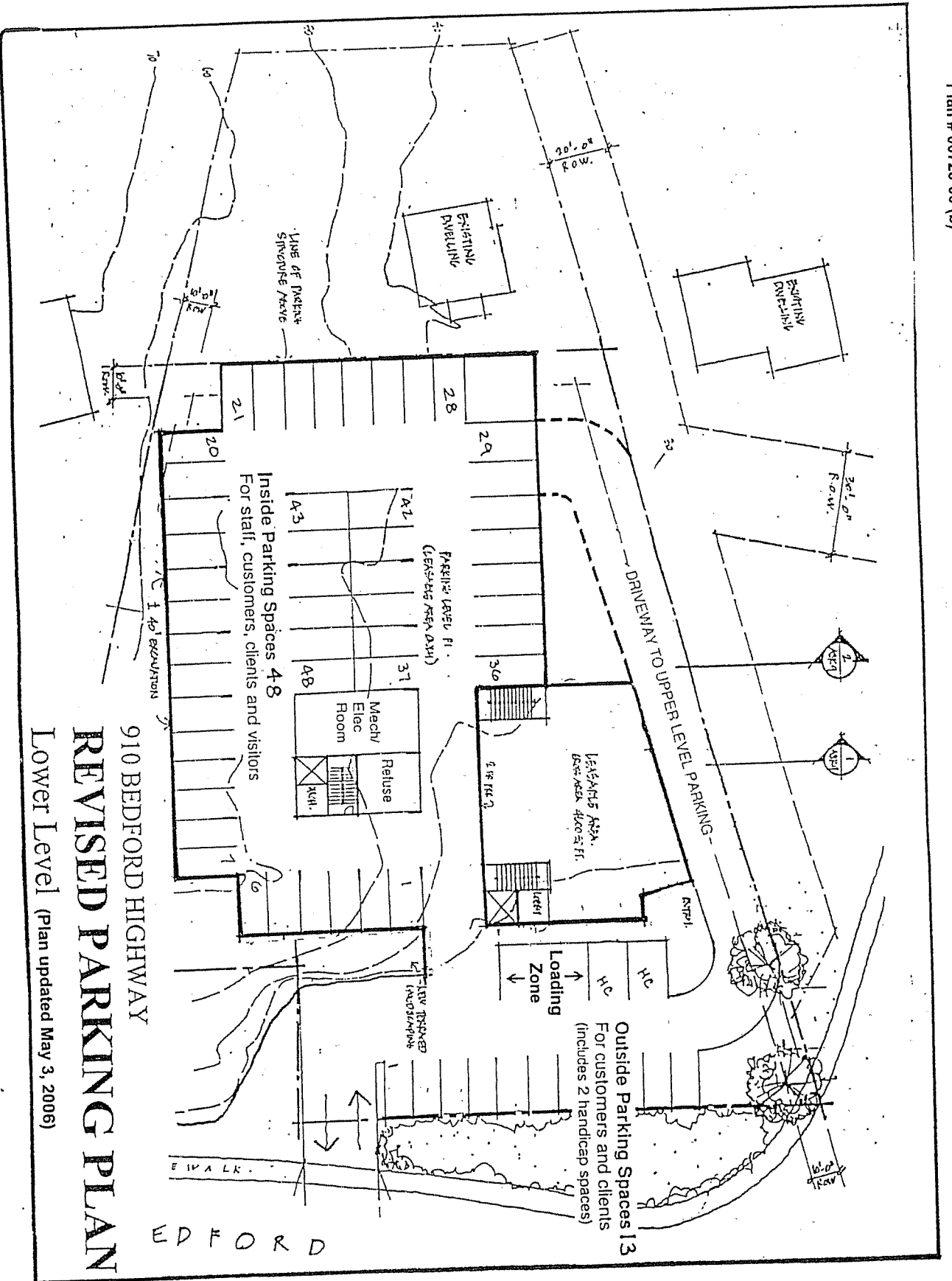
Dwg Title:

Level 84' - 0"

Dwg No.:

ASK-8





ATTACHMENT "C"

Excerpts of the Bedford Municipal Planning Strategy

COMMERCIAL OBJECTIVE

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

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

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

- Scale of the business
- Level of noise generated
- Outside storage
- Parking Requirements
- Traffic generation
- Land area requirements
- Hours of operation
- Height and bulk of building
- Visual appearance
- Compatibility with adjacent uses

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

b) General Business Commercial

This category includes a variety of commercial retail, service, and office activities which are larger in scale than local commercial uses and serve a trade area that includes the town and outlying region. These uses include general retail stores, restaurants, personal and household service shops, hotels, motels, and certain drinking establishments.

Large scale office buildings, referred to as office towers, are also included within this general business group. At present, most office buildings within the Town are located in the Sunnyside area, in close proximity to one another, and where workers can take advantage of commercial outlets near to their work place. Policy C-4 indicates that future

office buildings will be located within areas designated commercial on the Generalized Future Land Use Map, specifically in the Sunnyside area and possibly in conjunction with the two shopping centres, Sunnyside and Bedford Place malls.

General Business District Commercial

Policy C-4:

With respect to office buildings, it shall be the intention of Town Council, within areas designated Commercial, to permit by development agreement the construction of office buildings in excess of the as-of-right height specified by the zone in which they are located in both the Sunnyside area, defined as the land between Civic #1440 and #1600 Bedford Highway, and in areas zoned SCS, Shopping Centre Zone.

Aesthetics of Commercial Activities

Policy C-33:

It shall be the intention of Town Council, in areas designated Commercial, to improve the aesthetics of such commercial areas by encouraging rear yard parking, discouraging large front yard setbacks and parking in front and side yards, regulating commercial signage, requiring landscaping, and regulating the architectural design of new and redeveloped commercial buildings through requirements in the Land Use By-law.

Policy C-34:

It shall be the intention of Town Council to include in the Land Use By-law provision for the general regulation of signage in all zones, except the Mainstreet Commercial Zone, including prohibition on certain types of signs, as well as type, size, number and location. Within the Mainstreet Commercial Zone it shall be the intention of Town Council to include specific sign regulations to ensure that signage in this zone is compatible with the small scale, pedestrian orientation of the area. These provisions shall relate to the nature, size, location, number, and type of signs (including signboards, projecting signs, sandwich boards, canopies, mobile signs, and window signs) as well as their illumination. A time limit will also be established for temporary mobile signs.

Commercial Development Adjacent to Residential Areas

Policy C-35:

It shall be the intention of Town Council to minimize the impact of commercial uses, commercial traffic and parking areas, and commercial refuse containers on abutting existing residential uses or on lands which are designated and/or zoned for residential uses through regulations in the Land Use Bylaw, and through the development and subsequent enforcement of a property maintenance by-law.

RESIDENTIAL OBJECTIVE

To make provision for a choice of housing types; to make provision for construction of affordable housing; to provide for preservation of the character of existing neighbourhoods in their present form; to permit

residential development to occur in areas where the Town can economically provide services; to consider the need for permanent buffers and/or separation distances where residential uses abut incompatible land uses; to encourage the provision of housing for those with special needs; to provide for a mix of housing types in new developments consistent with the trend in starts in Bedford since 1980; to plan for provision of supporting neighbourhood infrastructure such as schools, parkland and commercial facilities; and, to encourage development that would be designed to suit the natural terrain minimizing negative impacts to the natural environment.

Policy R-18:

It shall be the intention of Town Council to encourage the construction of housing to meet the needs of households experiencing difficulties due to housing affordability and/or housing design. Residents experiencing these difficulties may include the elderly, the physically challenged, or households with low or moderate incomes.

ATTACHMENT "D"

HALIFAX REGIONAL MUNICIPALITY

NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING

March 30, 2005

PRESENT:

Ms. Ann Merritt, Chair
Ms. Gloria Lowther, Vice-Chair
Deputy Mayor Len Goucher
Mr. Walter Regan

ABSENT:

Councillor Brad Johns
Mr. Robert Batherson
Ms. Barb Grant
Mr. Warren Hutt (regrets)
Mr. Joel Matheson
Mr. George Murphy

STAFF:

Ms. Thea Langille-Hanna, Planner II
Ms. Chris Newson, Legislative Assistant

1. **CALL TO ORDER**

Ms. Ann Merritt, Chair, called the meeting to order at 7:07 p.m. in the Cafeteria of Basinview Community School, 273 Basinview Drive, Bedford, NS with approximately thirty (30) members of the public in attendance.

The Chair welcomed all those in attendance and explained the procedure for the meeting.

2. **CASE 00723 - AMENDMENTS TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW TO ENABLE A MIXED USE DEVELOPMENT (COMMERCIAL/RESIDENTIAL) AT 910 BEDFORD HIGHWAY.**

- A staff report dated February 21, 2005 for the March 8, 2005 Halifax Regional Council session was before the Committee.

Ms. Thea Langille-Hanna, Planner II, presented the report. She circulated a sign-up sheet to the public and encouraged those wishing to be added to the public mailing list to provide their contact information on the sheet.

Questions/comments of the Committee:

Mr. Walter Regan asked for clarification on the following:

1. Are there presently any view planes in the Bedford MPS (Municipal Planning Strategy). Ms. Langille-Hanna explained there is reference to the views of Moirs Mills pond in the Bedford MPS but there are no identified view planes.
2. Are there three (3) storey buildings around the site now? Ms. Langille-Hanna advised there are buildings that are five (5) storeys (Summers Cove/Nelsons Landing) but they are not on the Bedford Highway.
3. Will storm water drainage be discussed? Ms. Langille-Hanna explained those details will come forward in a development agreement when the Developer makes a full application.

Ms. Gloria Lowther inquired if the "R" section on the map, that comes down on the left hand side of this site, is being considered in the development. Ms. Langille-Hanna advised the RSU lot is for a future condominium project and not part of this proposal.

Public Speakers

1. **Ms. Francine Cosman, Bedford**
 - Requested United Gulf be able to make their presentation before the public comments are heard.
 - There has been comparison of the five (5) storey buildings in Summers Cove but was the zoning the same as this proposal?

Ms. Langille-Hanna explained she would like to hear the public comments regarding their issues/concerns with the proposed amendment to the MPS and LUB regarding the residential/commercial aspect before the developer speaks to his proposal. She added Summers Cove and Moirs Mill were in a residential based zone and those developments were done by a development agreement at different times. There was no commercial zoning which is how those developments got their height.

2. **Mr. Ian Robinson, President of Corporation 178, Bedford**

- There are 18 townhouse units adjacent to the proposed development.
- The piece of triangular land that goes to the Bedford Highway has no dwellings; it is a green space at the moment.
- Comparison of Summers Cove and Nelsons Landing's height are totally irrelevant to what we are discussing tonight.
- He introduced Ms. Pat MacCulloch and Ms. Donna Curtis, also Directors of Corporation 178 and Ms. Jan Bird who is an owner / resident at Corporation 178. He added they have a number of questions but will reserve questions to after the Developer's presentation.

3. **Ms. Jan Bird, Bedford**

- May we defer this proposal in order to review the presentation and consult with experts (lawyers etc.) so we can know what we are dealing with.

Ms. Langille-Hanna advised the purpose of this evenings meeting is to provide the public with information that can be reviewed as they wish. This is an opportunity for the public to hear and see what is proposed. She added HRM is neutral at the moment and is looking to obtain information from the public tonight. Tonight's meeting is simply an information exchange and there is no need to defer. After tonight's presentation, the Developer and Ms. Langille-Hanna will be available to discuss any concerns the public may have. There will be another public forum - the public hearing. Ms. Langille-Hanna encouraged the public to stay in touch with her and offered to schedule a meeting for them with HRM planning staff and the developer if required. **She explained that staff are looking for a change in policy (MPS/LUB) that would allow a residential/commercial mixed building. The first question is the actual land use for the area: Should we change the current land use or do we leave it as is?**

Deputy Mayor Len Goucher further clarified that only the MPS/LUB amendment is being dealt with this evening. He explained a proposal for what *might* go there will be shown but tonight's meeting is regarding the MPS/LUB policy amendment only. The amendment is to allow some form of development to exceed three (3) storeys at this sight. It is only a public information meeting, nothing more. An MPS/LUB amendment will take quite a while as there is a long process yet. As-of-right uses were shown previously (CGB Commerical General Business) and **this proposal will only proceed as a contract development agreement if the MPS is allowed to be changed.**

Ms. Langille-Hanna advised there are a couple of options:

1. Create a new zone in Bedford that would allow for mixed residential/commercial and identify those properties.
2. Development agreement proposals.

4. Mr. David Braha, Bedford

- Do you have an idea of what the time frame is?

Deputy Mayor Len Goucher explained an MPS amendment could take 10-12 months. Ms. Langille-Hanna advised the process would be approximately 9-12 months with a public hearing most likely held in the fall of 2005. Staff review of the proposal will involve both internal and external agents such as traffic services etc.

5. Unidentified speaker

- Is the proposal a done deal at any of those stages?

Ms. Langille-Hanna advised that the proposal would not be a "done deal" even at the public hearing stage. Notification for the public hearing will be sent to the area residents. The public hearing on the MPS and LUB amendment will be held in City Hall as it would have to be considered by Regional Council. After that public hearing, and Regional Council's decision, there is no appeal process to change policy. The development agreement however, could be appealed.

Deputy Mayor Len Goucher commented the North West Planning Advisory Committee serving the North West Community Council is also an important part of the process. Community Council members are not required to attend the PIM's (Public Information Meetings) but they must attend the public hearings.

6. Ms. Dawn Fehr, Paper Mill Lake

- Concern with traffic flow and bottleneck caused from the development. Will that be the only entry in and out of the building? Would the traffic impact be a strong consideration on whether the project goes forward or not? Are there specific statistics on what could be qualifications on whether the project should or should not proceed?

Ms. Langille-Hanna explained there is access off the Bedford Highway and possible access off Moirs Mills Road. There are traffic concerns and a traffic impact study will have to be submitted as part of the development agreement process. She added the traffic issue could impact the outcome. Ms. Langille-Hanna advised she does not have the statistics but there has to be a certain level of traffic expected due to the fact that it is currently zoned commercial.

7. Mr. Clark Perry, Moirs Mill Road

- With the existing regulations for commercial, how high a building can you put there?

Ms. Langille-Hanna advised three (3) storeys for each of the three lots is currently permitted. The three lots could be consolidated and a three (3) storey could be built.

8. Ms. Pegi Muise, Bedford

- Bedford Highway, there are condos on one side of me and a 36 unit dwelling in my front yard. How will it affect us getting into our yard.

Ms. Langille-Hanna explained she has raised these concerns with the developer and would like to speak further with Ms. Muise and the developer as she has a couple of ideas and options.

9. **Ms. Hattie Marie Perry, Bedford**

- Does HRM have a law in regards to density? Our area keeps getting high density, if you put a three storey building there it will be like five or six storeys.

Ms. Langille-Hanna advised the MPS and LUB does identify areas where density is to be within a certain range. There are spots where density can be higher, for example, the Bedford waterfront. The site in question at 910 Bedford Highway does not have a density cap on it as it is set aside for commercial use. Knowing the direction we are heading (in fill projects etc. and issues with services - water/sewer and transit) the question has been raised "*is it reasonable to consider a higher density?*" Across the street a higher density is permitted, up to 35 units per acre. HRM, as per the forthcoming Regional Plan, will concentrate development where we currently have services instead of spreading them out.

Deputy Mayor Goucher commented HRM allows higher density nearer the Bedford Highway and as you move up the hill further there will be more single residential and townhouses. Six units per acre is permitted for this area where some areas of Halifax allow fifteen (15) units per acre.

10. **Unidentified Speaker**

- An easement is being considered off Moirs Mill Road but traffic is tremendous now, I hate to think of what it will be like then.

11. **Unidentified Speaker**

- Development will be beside me. What will they do about the hill. Will they knock it down? Will the Developer remove the rock on the Bedford highway? If they do, I will end up in the Bedford Basin!

Ms. Langille-Hanna summarized she is of the understanding that the public here tonight are not comfortable saying "yes" or "no" to the proposed MPS/LUB amendment until they hear what is proposed. The major concern raised so far tonight is in regards to traffic. She asked "**Is residential use on that site okay or do you want to see a proposal first?**" She added she is trying not be too focussed on the proposal as the issue tonight is the proposed MPS and LUB amendment.

12. **Mr. Ian Robinson**

- Your assumption is not well founded, both of your questions are excellent but we have to see the proposal first. The question is how much density will be created, traffic and height of the building. We do not have that information yet.

Ms. Langille-Hanna further summarized her understanding of the public concerns expressed this evening as being: traffic, density and building height issues.

13. **Unidentified Speaker**

- I am absolutely against this proposal, I do not want to see a wall of bricks, I do not want to hear people coming in at 4:00 am in the morning. From our point of view, we do not want to see this thorough fare off Moirs Mills Road. That is our driveway. We currently have to back out to let our neighbours by.

United Gulf Limited Presentation

Mr. Terry Drisdelle, Senior Planner, United Gulf Limited (UGL), assisted by Mr. Ted Mitchell, presented UGL's proposal for 910 Bedford Highway. Mr. Drisdelle advised UGL has spent a lot of time on this proposal/design. His presentation will include the following:

1. Site characteristics: Surrounding uses,
 2. Architectural planning objectives,
 3. Conceptual design and placement,
 4. Vehicular and Pedestrian access and
 5. Summary and next steps in process.
- Significant grade elevation, Summer Cove Condo is visible, difference in grade of 45'. There are challenges with developing this site due to the grade and the rock along the Bedford Highway. It is a strategic location with many existing services nearby such as Sobey's etc. The grade change provides an opportunity in regards to views.
 - Surrounding land uses: There are two single family lots, condo developments and our site starts just behind the trees where the grade begins to drop. The Bedford Presbyterian Church is 15' from southern end of this site.
 - A lot of time has been spent on design. It is site specific. Must be aesthetically pleasing. Lots of private and communal spaces. Want to incorporate units that would have at least two outside walls for privacy. We want communal and open spaces around the building with landscaped yards - a garden area in front and roof top terraces.
 - Parking and access will be dealt with separately from the residential component. Heritage of the area is its past use was as a Wood Mill. We will incorporate that heritage into the building as well.
 - There is a significant setback. Moirs Mill Road - building will be tucked in behind triangular wooded area. One entrance off Bedford highway that would be the entrance to underground parking for commercial, then two floors of commercial retail space. We would use existing right of way as access to the second level of underground parking for the residents of building. Very limited outside parking.
 - Worked with architect to design a building that would *walk up the hill* and envelope a central courtyard. If you go along the sidewalk to come into the building you would pass trees and then enter the courtyard. Entrance to building will be off Bedford Highway so residents will have feeling of privacy.
 - Bottom level - 4200 square space of Commercial (possible Shoppers Drug Mart) second level, commercial / office space. A lot of windows/glass and roof tops for aesthetically pleasing building. Interesting building that will generate a lot of interest. Interior courtyard as well. Pedestrian access will be off Moirs mill road and through the external courtyard. Proposed roof, elevation 94' above sea-level from Bedford highway at highest. Peak of church roof is 100'. Summer cove is 88' and nelsons landing 1st floor is 90'. At Bedford highway, elevation is 15' above sea-level. Units will most likely be owner occupied condominiums. Condo form of ownership lends more of a guarantee.

Public Speakers:

14. Mr. David Braha,
 - Will commercial office space be condo or leased?

The Developer responded that has not as yet been determined.

15. Unidentified Speaker

- There are twenty-one homes along Moirs Mills Road, what about the elevation there? Condominiums are along the right of way. What about the viewplans looking east?

The developer responded in regards to the grade around the building that there is only one space where it is five (5) storeys which would be near the courtyard and would be cut into the rock bank. All other outside walls are three or four storeys.

16. Ms. Jan Bird

- How many underground parking spaces? How much commercial parking will there be ?

The Developer responded at least one parking spot per residential unit (1.5).

- Fifty-four (54) cars will be coming out of there day and night plus the commercial with drop-off/deliveries etc. You are using the right-of-way as the major access to the majority of the building. What is the floor space?

The Developer responded he will have to get back to Ms. Bird on that point.

17. Unidentified Speaker

- Will we be sharing that right-of-way with the 54 cars coming in and out of there? Concern was expressed with her children possibly being hit by a car coming or going from there.

The Developer responded the residents will share the right of way with the proposed residential portion but the driveway will likely be widened so residents will not have to back up if someone is coming in. He added he will meet with the public and speak to those concerns. Demographics show that there will probably not be fifty-four (54) cars.

18. Ms. Lexine Jewer

- I am a townhouse owner. Worst case scenario is that there will be an additional 54 cars coming and going at peak hours in the morning. Where will you widen the access? Will you take down the trees that are there now?

The Developer explained the access is actually 30' wide and they will have to stay within that 30'. The access is currently only 15' wide so there is room to widen up to another 15'.

19. Ms. Francine Cosman

- Is there fire lane access for the entire perimeter of building?

The Developer explained there currently is access around most of the building. Further, there will have to be an extensive review from Fire and Emergency Service. HRP (police) etc. The design will also include how to plant vegetation and how position the lighting etc.

- Fire lane access is an extremely important concern. Summer Cove does not have access around the entire building.

20. Ms. Jan Bird

- Shadow affect of this building over mine, concern that I may be in darkness.
- Bottom corner looks large but it is not. Where the door is going into garage, you will have all the traffic there behind my hedge. There will be a noise issue with that door going up and down. Snow removal etc. trucks *will* be around.
- How will you heat the building? If it's oil or propane, you will have delivery, and they will all be using that small driveway. There will be deliveries at front doors, that right of way was meant for two small family dwellings. The triangle will disappear if you take off the 18' for the widening.

The Developer explained only 7' will be taken away. There is only 13' now. The driveway will only be widened by 5'. Deliveries could be made through the Bedford Highway access and the second level parking can be restricted to residents only. Commercial vehicles could be redirected.

- Trees - you will change the aquafer - you will change the way they get water - there will be blasting etc. and the trees will probably fall down. We will have a problem as it is a natural habitat and it is the noise buffer from the Bedford Highway. Your development could affect the growth of those trees.
- Want to ask about blasting. I want a picture of the elevations of your building from my living room, overlooking the trees and where my neighbour is and I want to see exactly what the structure will be. Show us some elevations. We are left out of this whole thing and we are the ones most affected.
- You have told us about the other development up the hill but we are underneath you. When I bought, a little over a year ago, I bought it because of the single family residential zoning and because of the greenbelt and the commercial was on the front. Now it is changed. It will affect my property value. It will change the wind pattern and shadowing affect. And you are not showing this in your rendering.
- I want more detail on the blasting and drilling as well. Where will the hauling of construction debris etc. be done from?

The Developer offered to meet with Ms. Bird after the meeting to discuss her concerns in more detail. Ms. Langille-Hanna advised she will require that the application include information on elevations. She further advised that HRM does have a Blasting By-law. She added there may be a second meeting to discuss the specifics of the concerns raised.

21. Mr. Stephen Korman, President of Piers Landing

- He indicated he will take this information back to his Board, compile their questions and then will bring those questions forward at a future meeting.

22. Ms. Donna Curtis, Bedford

- Building design is interesting and keeping development within existing service boundaries is good. This development is in my backyard so I am not keen on that. You mention communal but that is for the residents only, you are not talking about the others. There are many teenagers in the area and there will be a lot of youth especially at that corner.

23. Mr. Dave Munro, Bedford

- How many storeys from parking lot to top of that building.

The Developer explained the height of the building is taken from the existing grade. From the Bedford highway - the commercial component is three storeys. Progressing up the rock face, the middle section is four storeys. Higher on the hill, it is four storeys again. As the grade changes, the height corresponds to the grade.

24. Mr. Ian Robinson

- Those cars are not at grade zero, they are at grade 15. No reference has been made to visitors to the area. If the garage door was not there, we would resolve a few issues.
- Some disappointment that things have gotten to this point with no comment from the neighbouring Condo. 178. Your presentation has ignored us - you concentrated on Summers Cove and Nelsons Landing. I ask you to address that issue.

The Developer advised there is more work to be done on views and existing uses.

25. Ms. Francine Cosman

- Design is beautiful but is in the wrong place. Not on a one acre site. We fought hard many years ago for height restrictions. I support a commercial three storey site. If this goes ahead, then the people who own the single family homes should be given the option of a very good price on their homes.

26. Ms. Ellen Kane, Brookside Condominiums

- Lives across the street from the proposed development and would like a perspective from that view as well. Would like to see a three storey or four storey maximum.
- Will the Bus Stop remain where it is?

The Developer responded the Bus Stop would remain.

27. Ms. Pegi Muiise

- How long once you break ground until the end of project? She expressed concern with noise and confusion that would be ongoing during construction.

The Developer explained the planning process will take a year, then another six to eight months for design time and one year for building construction.

- What form of advertising was done for this meeting? This building will have a large impact and there are very few people here today.

Ms. Langille-Hanna advised HRM is required to place a notice in the paper and a notice was placed in the paper two weeks ago. In addition, the notification area was a 500' radius from the site. Additional properties, above the required radius, were added to the notification list. Ms. Langille-Hanna requested if a resident feels they were not adequately notified, to please notify her and you will be added to the mail out list.

3. CLOSING COMMENTS

In her closing remarks, the Chair commented what was heard this evening was a development concept and unless the policy changes are made to the MPS/LUB this particular development will not happen. If the policy is not changed, and the status quo is maintained, any business that is permitted by right can be built.

She thanked everyone for attending the meeting this evening and advised that the North West Planning Advisory Committee meetings are held in Sackville on the first Wednesday of the month beginning at 7:00 pm. Agendas are available on the web.

4. ADJOURNMENT - The meeting adjourned at 9:10 p.m.

Chris Newson
Legislative Assistant

ATTACHMENT "E"

**HALIFAX REGIONAL MUNICIPALITY
PLANNING SERVICES - SACKVILLE OFFICE
FOLLOW UP PUBLIC MEETING
CASE NO. 00723 - United Gulf Developments - 910 Bedford Highway**

**7:00 p.m.
Monday, May 15, 2006
Bedford Fire Hall**

STAFF: Thea Langille-Hanna, Planner
Cara McFarlane, Administrative Support

APPLICANT: Terry Drisdelle, United Gulf Developments
Louis D'Emontbrun, United Gulf Developments

**MEMBERS OF
THE PUBLIC:** Approximately 13

The meeting commenced at approximately 7:05 p.m.

1. Opening remarks - Thea Langille-Hanna

Ms. Langille-Hanna introduced herself as the planner assigned to this application. This meeting is a follow up to a public meeting that was held on March 30, 2005. During that meeting, the public's issues and concerns were identified. Over the past year, staff has met with numerous internal and external agencies which resulted in numerous revisions made to the draft policy for the site.

Ms. Langille-Hanna showed what is involved in a plan amendment process and where this application stands to date.

2. Presentations - Thea Langille-Hanna and Terry Drisdelle

Ms. Langille-Hanna made a PowerPoint presentation regarding amendments to the Bedford Municipal Planning Strategy and Land Use By-law and the development proposal for 910 Bedford Highway. (See Attachment "A")

Mr. Drisdelle made a PowerPoint presentation regarding United Gulf Developments' proposal for 910 Bedford Highway. His presentation included proposed building designs, site plans, revised parking plan, footprint of the building, landscaping plan, and elevations. (See Attachment "B")

Ms. Langille-Hanna gave a PowerPoint presentation on the overview of the draft development agreement for the site. (See Attachment "A")

3. Questions and Comments

Will the residential and commercial parking be completely separate?

- Mr. Drisdelle answered yes. There will be no access from the commercial to the residential parking.
-

Will it be separated by a fence?

- There will be a buffer of some sort (eg. fence or landscaping).

How close will the building be to the Fox's house?

- Approximately 35 to 40 feet.

Will the underground parking border onto the Fox's property?

- Yes, but it will be underground.

Where will the existing driveway access the development?

- There will be no access from Moirs Mill Road.

The residents would prefer the driveways to be in front of the building?

- United Gulf looked at that possibility but in order to accommodate that option with ramps and such, it would eliminate parking spaces.

What will be done about the garbage?

- United Gulf might arrange something with the superintendent. The garbage may be contained in portable containers which could be wheeled out to the front of the building for pick up. They would like to see the garbage removed from the front of the building, maybe at the loading zone entrance.

Will there be garbage dumpsters?

- No.

Some commercial businesses accumulate plenty of cardboard boxes. How will that issue be dealt with?

- There may have to be designated spots provided for cardboard boxes generated from the commercial businesses and offices.

There is concern about the commercial uses being near residential because of exhaust and parking.

- There will be commercial and parking use provisions created.

Will there be visitor parking?

- There will be shared parking options.

Ms. Langille-Hanna handed out a copy of the draft development agreement.

Is there an enclosed outdoor patio included in this development?

- The patio will be located on the commercial side closest to the corner of the Bedford Highway and Moirs Mill Road.

Can the footprint of the building be increased?

- There is room to move within the building, but not the footprint or the number of bedrooms.

Ms Langille-Hanna needs to add a clause to the draft development agreement to allow the Foxes to gain access to their property. This will be included in the staff report that will go forward.

What are the setbacks from a property line when digging underground?

- The Bedford Land Use By-law is not clear on underground setbacks. There would be some impact during construction.

Why are the setbacks above ground firm but underground not? Why should the underground setback be any different?

- Bedford was always silent on this issue but now is the time to define it.

The Foxes would not feel safe parking in their driveway or being on their property during the underground digging.

Would the Foxes have an opportunity to see the final plans before they go to Council?

- Yes, but there are still discussions taking place with the developer at this time.

Where is the lot line of the Fox's property?

- The steps may encroach on the proposed site. The right of way presides on United Gulf property.

How far underground will be excavated?

- It would depend on what area. The corner of Bedford Highway and Moirs Mill Road would only be 4 to 5 feet deep but would get naturally deeper as the grades go up (close to 40 feet).

Will this proposal go before Regional Council?

- Regional Council will make a decision on the plan amendment (policies) first and then North West Community Council will either approve or deny the development agreement.

Where is the recreation space located?

- Recreation would be considered green space which is located within and outside the building.

Is there a certain percentage of green space to building?

- The standard for Bedford was applied to this application. There is 35 % green space proposed coverage for this site.

What is the \$10,000 in securities for?

- This amount is actually more than normal. This is put in place to deal with any environmental issues that may arise from grade alterations.

Does the securities cover blasting? What protection is there against the blasting?

- The securities do not cover blasting, but there is an HRM Blasting By-law.

What happens to this development agreement when the land changes hands?

- The development agreement stays with the land.

Ms. Langille-Hanna asked everyone to have a look over the draft development agreement and to let her know about any issues they have with it by Friday, May 19. She would like to have the application in front of North West Planning Advisory Committee (NWPAC) for June.

Some of the residents feel that three days is insufficient time to respond to the draft development agreement.

What is the time frame for this development?

- Depending on when the staff report is signed and if the application goes to NWPAC in June, the public hearing could possibly be held late July/August.
- There is a section in the development agreement (Section 9.3) that talks about the time frame.

Does the public have an opportunity to speak at a NWPAC meeting?

- Public speaking at NWPAC is at the discretion of the Chair.

Are the Moirs Mill Road residents aware of the revisions that have been done since March 30, 2005?

- The public hearing will be advertised two weeks prior to the public hearing which will advise people on where and when the public hearing will be held as well as how to obtain a copy of the staff report.

Will the developer use the access from Moirs Mill Road during construction?

- No.

Will this cause more congestion on the Bedford Highway?

- HRM has received a detailed traffic study from the developer which three revisions have been made. The traffic study recommended the access from Moirs Mill Road be removed. The only thing that may be considered is for emergency access only.

What will the hours of construction operation be?

- This would be covered under existing by-laws as well as Section 2.3 of the draft development agreement.

Is there a "no pounding" clause?

- Ms. Langille-Hanna will check to see if it is covered under the existing by-law.

One resident commented that HRM cannot lose sight of issues regarding height restriction changes and land use by-law amendments.

- The mixed use is believed to be reasonable for this site but in the end it is Council's decision.

Could the developer decrease the residential portion of the building and increase the commercial component?

- Yes.

Can the number of residential units be increased and the commercial decreased?

- The residential units can be increased, but the footprint cannot change nor can the number of bedrooms.

If the units did not sell well as condos could they become rental units?

- HRM does not have the right or ability to control that issue.

Would the commercial businesses have to fall under the permitted uses for Bedford?

- Yes.

What about restaurant exhaust (noise and smell)?

- The smaller vents can be situated closer to residential as there is not much noise, but the larger ones would have to be placed away from residential. Ms. Langille-Hanna will look into the smell issue. A provision may have to be amended to accommodate that issue.

There was a concern that the condos may be an attractive site for students attending the Mount as it is very close by.

One resident said he is impressed with the changes but still has concerns about the Fox's property and feels they should be kept well informed.

Who decides what commercial businesses go in the building, the condo corporation or United Gulf Developments?

- United Gulf would decide.

4. Closing Comments - Thea Langille-Hanna

Ms. Langille-Hanna thanked everyone for coming to the meeting and expressing their concerns and comments.

5. Adjournment

The meeting adjourned at approximately 9:03 pm.

RECEIVED

MAY 23 2006

May 23, 2006

To Thia Langille Hanna Planner in charge of
Proposed development by United Gulf / Greater
Homes at 910 Bedford Highway HRM.

I, Janet Blehr Bid of 8 moss will Rd
Bedford NS. member of Condominium Corporation
178 am writing to express my deeply felt opposition
to the above proposed development, an opposition
that I have voiced time & time again to you in our
weekly conversations over the past year or so,
and which already are filed as part of the
public record.

Firstly, when I purchased my property at
the above address, I was aware of the zoning for
the immediate area - commercial for the 3 lots
owned by the above developers and single family
dwelling for the lot at 912 Bedford Highway
that acts as a buffer between our condominium
properties of 9 & 10 moss will Rd. I believed
that I was buying into a stable zoning area and
although a three story commercial building
could be constructed, the set backs for the
commercial building & the buffer zone provided
by the residence & its surrounding trees would
maintain the wooded ambience of the surround-
ing area. It was with great consternation that
I found out with the first public meeting
held by the development office of HRM &
Greater Homes / United Gulf & the residents
of the area that this was not to be so.

The proposed development of mixed
commercial / residential will eradicate

Hilroy

all height restrictions & the zoning designation for 912 Bedford Highway. What is to happen is that a towering & condensed mass of a building is to be jammed on a one acre lot.

It will be the largest building on the Bedford Highway and is totally out of scale with any of the surrounding neighbourhoods (eg. Condominium Corporation 178 which consists of 18 small townhouses & Perez Court)

Repeatedly, I have asked you, Mr. Langille, to have Greater Homes/United Gulf to provide drawings of this proposed development in scale with relationship to the surrounding buildings - those of Perez Ct., those of our Condo Corp., that of the Fox's home at 914 Bedford Highway and especially in relationship to the Morris Mill Generating Station, a Municipal & Provincial designated Historic Site. I also requested this from the developers. All that was provided of this ilk was a one dimensional drawing of one side of the building with relationship to 8's 10 Morris Mill Rd. This rendering gave no sense of the massive scale of the proposed development. After inquiring at the School of Architecture about computer programmes that would do the above, I provided both you & the developers with the name of a program at the cost of a mere \$100.00 that would give us all an idea of this development's mass & scale in proportion to our neighbourhood. This request was ignored. Why?

In reference to shadow studies. Greater Homes United Gulf provided a sun study which seemed to indicate that my residence would not be affected by the height of the building facing the Bedford Highway. This is not so - it cuts off all of my early morning sun - especially in the winter & my early morning sun in the springtime - Summer & Fall has yet to be challenged. It will cut off the sun in the front of our courtyard at 8, 10, 12, 14, 16, 18 Mours will have in the early morning. In order to prove the fallacy of this study I have invited Terry Drisdelle to come & observe from dawn onwards. He did show one morning at 8:30 - a little late.

Apparently a traffic study was done. This was conducted by persons individually counting the cars exiting from Mours Mill Rd. onto the Bedford Highway. Interestingly, no one that I have questioned in the neighbourhood who walks this route regularly or who catches the bus at the corner of Mours Mill Rd & the Bedford Highway ever saw anyone doing a traffic count at any time of the day.

There are many problems attached to this proposal with relationship to the enjoyment of my property - to cite a few - shadow problems, congestion of traffic at the corner which will lead to even more traffic backed up morning & night on Mours Mill Rd beside my condo, lack of privacy with thirty condos looming over me, noise from the roof mechanics,

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noise from the 54 proposed underground parking spaces whose access & egress will be from a garage door sited 40 feet from our back property line. Not to mention smells from any restaurant. With regards to the Draft provided to us, the condo owners, at a meeting between United Gulf/Greater Homes, ourselves and yourself on the evening of May 15, 2006 I have the following to say:

When this proposal for development & the elimination of the present height restrictions & zoning regulations pertaining to this site, I voiced my concerns to Ken Goucher, councillor for the District of Bedford.

He told me that he had asked Greater Homes/United Gulf to incorporate something in the design that would reflect the historic importance of the site which once had a windmill; which ~~was~~^{is} neighbouring the present historic site of the Moirs Mill Generating Station. Their architectural addition of a structure on the top of this building was something that bore a close resemblance to a water tower. This, in good judgement, has been eliminated but so has Mr. Goucher's above request.

Mr. Goucher, when I expressed my opposition to this development, told me & more than once that if the original restrictions of a commercial development were enacted, that we in the neighbourhood could end up with a "pool hall and a bar" on our ~~own~~ corner. However, if this proposal were granted we would have a say in what sort of commercial enterprises

would be housed in this development. This is certainly not reflected in the draft. Please refer to all references in this draft pertaining to "pub" lounge "bar" "restaurant" "take out" "pool tables" and "arcade games." Much to my horror is the mention of an "enclosed outdoor patio" which can only be on the roof because all of the ground area is taken up with walkway, driveway, parking & landscaping.

My overall concern with the draft is as follows:

The wording of the draft is such that all concessions are given to the developers as long as they follow the original Footprint. They can build either a high end condo building or a low end rental building. The number of units can go no higher than 30 but the commercial can be expanded - therefore, it could be 30 bachelor or one bedroom units - not exactly the high end structure that United Gulf / Greater Homes have said they want. The outside finishes can be from the lowest to the highest grade. It can be condos or rentals.

This draft has a five year life span and the way it is worded we could end up with a rental building housing students or those who move a lot and a pub / pool hall with a take out / home delivery restaurant.

Consequently for all of the above reasons I strongly oppose permission for this proposed development to be permitted to be built.

Yours truly
