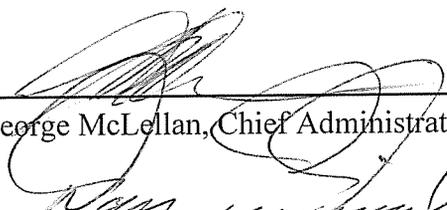


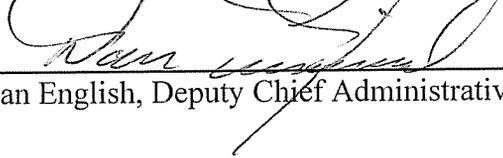
---

Halifax Regional Council  
March 19, 2002

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
George McLellan, Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

**DATE:** March 5, 2002

**SUBJECT:** Case 00406 - Plan Amendment to the Bedford MPS and LUB - 961  
Bedford Highway, Bedford

---

**ORIGIN:**

A request by Sobey's Leased Properties Limited to amend the Bedford Municipal Planning Strategy and Land Use Bylaw to enable drive-thru restaurants within the Mill Cove Plaza area.

**RECOMMENDATION:**

It is recommended that Regional Council:

1. Approve the request to initiate the plan amendment process for the Bedford Municipal Planning Strategy and Land Use Bylaw to give consideration to allowing drive-thru restaurants within the Mill Cove Plaza area, 961 Bedford Highway.
2. Request staff to follow the public participation program as approved by Council in February, 1997.

## BACKGROUND:

### *Overview:*

The Mill Cove Plaza, the subject property, is located at the junction of the Hammonds Plains Road and the Bedford Highway at 961 Bedford Highway. The property is in close proximity to the Bedford Waterfront, the Mill Cove Treatment Plant and the Bedford Fire Station. Several large commercial buildings containing various restaurants (i.e. Dr. Sharp's Route 2 Roadhouse Restaurant and Bar and Martha's Pizza), commercial recreation uses (i.e. Empire 6 Cinema and Brewsters Billiards), retail and service uses (i.e. Blockbuster Video, Wacky Wheatley's, and the 24-hour Sobeys) presently exist on the site and are referred to as the Mill Cove Plaza.

The property is designated Commercial Comprehensive Development District on the Bedford Generalized Future Land Use Map and zoned Commercial Comprehensive Development District (CCDD) on the Bedford Zoning Map. Within any CCDD zone all development must be by way of a development agreement in accordance with Policy C-8 of the Bedford Municipal Planning Strategy (MPS).

In 1983, the Town of Bedford approved a development agreement enabling the development of the Mill Cove Plaza and surrounding properties in three phases. Each phase required a separate detailed agreement and Council's approval at the time of detailed site planning. All three phases of the development has been completed except for the following components:

- |         |   |
|---------|---|
| Phase 2 | <ul style="list-style-type: none"><li>• a 20,000 square foot (1,858 m<sup>2</sup>) commercial building within the Mill Cove Plaza parking lot,</li><li>• a future commercial site between the Empire 6 Cinema and the Fire Station, and</li></ul> |
| Phase 3 | <ul style="list-style-type: none"><li>• 150 multiple residential units off of Convoy Run (waterfront development).</li></ul>  |

### *Proposal:*

The proposal is to develop two drive-thru restaurant(s) within the Mill Cove Plaza site on the vacant lands intended for the 20,000 square foot commercial office building as identified above as Phase Two. At present, Sobeys Leased Properties Limited has one interested tenant wishing to locate near the existing driveway to the Mill Cove Plaza. The developer views the proposal as an extension to the Mill Cove Plaza, as well as a means of utilizing the existing traffic network with minimal impact.

### *Drive-Thru Restaurants in Bedford:*

Since 1991 the Bedford Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) have defined "restaurants" as three different types of land use; restaurant (full service), restaurant (drive-in), and restaurant (take-out). Each of which area permitted in certain zones depending on land use impacts and compatibility with other land uses.

With respect to drive-thru restaurants, the preamble within Bedford MPS defines this land use as a business which typically operate long hours, requires large parking areas, requires a high level of exposure to the traveling public, generate high volumes of traffic, and in some instances generate high volumes of noise. Given these land use requirements and potential impacts, drive-thru restaurants have been restricted to the Highway Orientated Commercial (CHWY) zone, located between the northern boundary of the Plan area and the Sackville River at Union Street. Drive-thru restaurants are also permitted within the Shopping Centre (CSC) zone applied to Sunnyside Mall and the Bedford Place Mall and the Light Industrial (ILI) zone which has been applied on portions of Rocky Lake Drive and Hammonds Plain Road. The CCDD zone which has been applied the Mill Cove Plaza area does not permit drive-thru restaurants.

## **DISCUSSION:**

### ***The Mill Cove Plaza and Surrounding Area:***

The Town of Bedford adopted a MPS and LUB in 1982 at which time redevelopment of the subject site was anticipated. As a result, the CCDD zone was placed on the property to ensure future commercial development occurred in a comprehensive manner involving public consultation. Through the approval of several development agreements over the past twenty (20) years, this area has experienced a considerable amount of commercial growth and has developed into a major commercial node. This commercial node contains several mid-size commercial complexes; the Mill Cove Plaza, Village Centre and Hammonds Centre.

The Bedford MPS contains specific policies for all lands zoned CCDD except the Mill Cove Plaza area (*Policy C-11 to Policy C-15*) thereby giving minimal policy direction for any future development of the Mill Cove Plaza. However, as a major commercial node, the Mill Cove Plaza area does exhibit many, if not all, the land use requirements for drive-thru restaurants as identified above and in policy. Further, these land use requirements are presently being utilized by two existing drive-thru's within the immediate area; Dairy Queen and Tim Hortons. Both of these drive-thru's were permitted by way of development agreements which were approved in 1986 and 2000 respectfully.

### ***Summary***

It is the opinion of staff, the request to amend the Bedford MPS and LUB to enable drive-thru restaurant(s) within the Mill Cove Plaza area is a reasonable request to consider for the following reasons:

- the Mill Cove Plaza and surrounding area has development into a major commercial node,
- the Mill Cove Plaza and surrounding area contains many, if not all, the land use requirements identified in the Bedford MPS as being necessary for drive-thru restaurant(s) ensure compatibility with surrounding land uses and minimal impact,

- the existence of two drive-thru in the immediate area, and
- similar land uses within the immediate area.

In addition, potential issues associated with drive-thru restaurants such as traffic, aesthetics (i.e. landscaping and architecture), building bulk and scale, access and egress can be addressed through specific planning tools such as special requirements in the LUB, development agreements, or site plan approval processes, all of which can be explored in detail during the plan amendment process if initiated by Council.

#### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN:**

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

#### **ALTERNATIVES:**

1. Council may choose not to initiate the MPS amendment process. This is not recommended for reasons discussed above.

#### **ATTACHMENTS:**

Map 1: Generalized Future Land Use Map

Map 2: Zoning Map

Appendix A: Excerpt from the Bedford Municipal Planning Strategy and Land Use Bylaw

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, Planner II, 869-4262

Report Approved by:

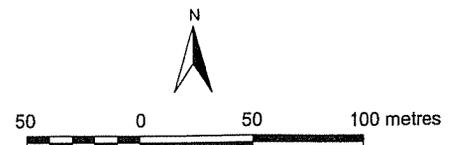
Paul Dunphy  
Paul Dunphy, Director of Planning and Development, 490-4933

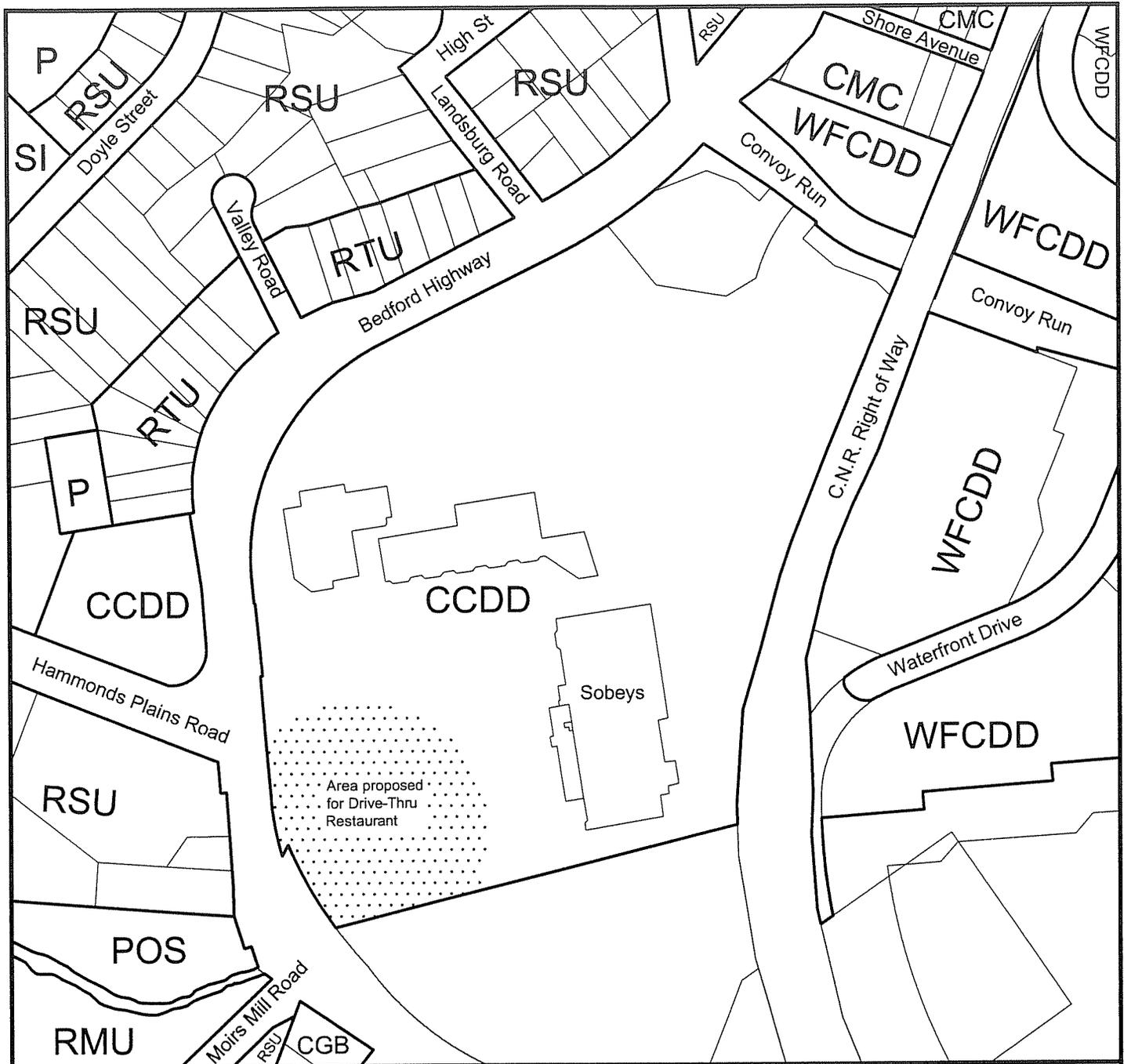


Map 1  
 Generalized Future Land Use  
 Mill Cove Plaza



- |    |                                    |       |   |
|----|------------------------------------|-------|---|
| R  | Residential Designation            | SI    | Institutional Designation                     |
| P  | Park and Recreation Designation    | CCDD  | Commercial Comprehensive Development District |
| C  | Commercial Designation             | WFCDD | Waterfront Comprehensive Development District |
| MC | Main Street Commercial Designation |       |   |

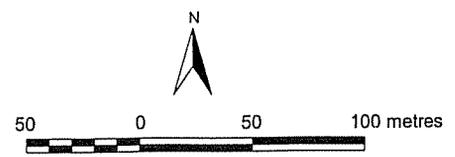




Map 2  
Zoning  
Mill Cove Plaza



- |     |                                |       |   |
|-----|--------------------------------|-------|---|
| RSU | Single Dwelling Unit Zone      | CCDD  | Commercial Comprehensive Development District |
| RTU | Two Dwelling Unit Zone         | CMC   | Mainstreet Commercial Zone                    |
| RMU | Multiple Dwelling Zone         | WFCDD | Waterfront Comprehensive Development District |
| CGB | General Business District Zone | P     | Park Zone                                     |
| SI  | Institutional Zone             | POS   | Park Open Space Zone                          |



**APPENDIX A**  
**EXCEPT**  
**BEDFORD MUNICIPAL PLANNING STRATEGY**  
**COMMERCIAL**

d) Commercial Highway Oriented Uses

This group includes those businesses that, in order to be successful, operate long hours of the day, require large parking areas, require a high level of exposure to the travelling public, generate high volumes of traffic, and in some cases generate high volumes of noise. This category would include but is not limited to service stations, auto repair shops, hotels/motels/ motor inns, drive-in and take-out restaurants, and auto or trailer sales. At present these types of uses primarily are located between the northern Town boundary and the Sackville River, where they are compatible with the surrounding office buildings and shopping centre developments and take advantage of the high traffic volumes along that portion of the Bedford Highway. Town Council shall direct further highway oriented commercial development to this area. Policy C-6 provides for the regulation of highway commercial land uses.

e) Commercial Comprehensive Development District

There are several large parcels of land which have been identified as appropriate locations for additional commercial activity. Through the provisions of Policy C-7 Council shall create a Commercial Comprehensive Development District (CCDD) land use designation as well as a CCDD Zone. Policy C-8 itemizes evaluation criteria for Council to consider with CCDD development agreement applications while Policy C-9 allows for the eventual discharge of these agreements.

The first CCDD area referred to is the area general known as Cushing Hill, situated at the northern entrance to the Town. The second area is located on the Hammonds Plains Road, between Village Crescent and the Highway 102 Interchange, and was designated commercial under the Town's previous Municipal Development Plan (Policy C-11). The third area is located beside Paper Mill Lake opposite the second CCDD area (Policy C-12). The fourth CCDD area includes the sites of the Travellers' Motel and Esquire Motel located at the southern end of the Town (see Map 3 & Policy C-13). If these properties are developed in conjunction with phase two of the waterfront project, an MPS/LUB amendment can be considered to re-designate and re-zone these properties from CCDD to WFCDD which would allow these properties to be developed comprehensively within the waterfront in accordance with the WFCDD Zone, The fifth CCDD is located at the

northern corner of Hammonds Plains Road and the Bedford Highway (Map 3 and Policy C-14). The sixth CCDD is located along the Bedford Highway immediately south of Nelson's Landing Boulevard (Policy C-15).

CCDD development will require commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in draft Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

The location of these areas is such that they should be approached in a comprehensive manner to ensure the best utilization of the sites, as well as compatibility with adjacent land uses. In an effort to achieve the most appropriate development, and to allow for innovation and flexibility in design, these areas will be designated as commercial comprehensive development districts (CCDD). The purpose of a CCDD is to allow for developments which emphasize the unique characteristics of a site in terms of its location within the Town, its unique physical characteristics, its overall size and its relationship to adjoining, existing or proposed uses.

### **Types of Commercial Uses**

#### **Policy C-3:**

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

- General Business District Zone (CGB) which permits general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries], and recycling depots;
- Shopping Centre Zone (CSC) which permits uses including but not limited to shopping centres, retail outlets, restaurants, drinking establishments, CGB Zone uses and recycling depots;

- Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;
- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.
- Mainstreet Commercial Zone (CMC) which permits small scale, pedestrian oriented uses including, but not limited to, general retail stores, business and professional offices, personal and household service shops, financial institutions, full service restaurants, pubs, lounges, and recycling depots.

The CGB Zone shall be applied to the Sunnyside area where most office buildings were constructed in the recent past. The CSC Zone shall be applied to the Sunnyside Shopping Centre and to Bedford Place Mall.

The CHWY Zone shall be applied in the general vicinity of the Bedford Highway in the area between the Highway 101/102 interchange and the Sackville River at Union Street as well as on a number of properties along Rocky Lake Drive. The CCDD Zone shall be applied to the Cushing Hill area, Sobeys Shopping Centre at Hammonds Plains Road, areas east and south of the Highway 102/Hammonds Plains Road interchange, and east of the Bedford Highway at the municipal boundary with Halifax. The extent and purpose of the CMC Zone is explained in Policies C-19 to C-29B.

### **Commercial Comprehensive Development Districts**

#### Policy C-7:

It shall be the intention of Town Council to designate the lands shown on Map 3 as Commercial Comprehensive Development Districts, and in the Land Use By-Law the lands shall be zoned Commercial Comprehensive Development District (CCDD). The CCDD Zone will permit mixed use, residential/ commercial projects, including single unit dwellings, two unit dwellings, multiple-unit buildings, senior residential complexes, neighbourhood commercial, office buildings, CGB Zone uses, convention facilities, recycling depots, park uses, and institutional uses. Existing uses within the CCDD Zones shall be considered as permitted uses and be allowed to continue operation.

It shall be the intention of Town Council to require development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be

increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

Policy C-8:

It shall be the intention of Town Council to enter into Development Agreements pursuant to the Planning Act with the owners of the lands zoned Commercial Comprehensive Development District to carry out the proposed commercial and mixed use commercial/residential development(s) provided that all applicable policies of this document are met. In considering applications Council shall have regard to whether the proposed land use emphasizes the unique features of the site in terms of its location within the Town, its unique physical characteristics, its overall size and the relationship developed with adjoining existing or proposed uses. A special emphasis on the conservation of the natural environment including features such as watercourses, lakes, trees, and the natural topography shall be highlighted in the development proposal.

Policy C-9:

It shall be the intention of Town Council to consider discharging the agreements made pursuant to Policy C-8 upon the completion of the development. Council may thereafter zone the CCDD in such a manner as to be consistent with the development, by creating a specific zone for the site which incorporates the uses provided for in the development agreement as well as provisions consistent with Sections 53 and 54 of the Planning Act.

Policy C-10:

Deleted

Policy C-11:

It shall be the intention of Council to enter into a Development Agreement for the CCDD property between Village Crescent and the Bicentennial Highway and Hammonds Plains Road (Parcel M) with a stipulation that a permanent buffer and separation distance be provided adjacent to the existing homes.

Policy C-12:

It shall be the intention of Town Council to enter into a development agreement for the CCDD area identified on Map 2 which is bounded by Paper Mill Lake, Highway 102 and the Hammonds Plains Road. Any development agreement approved must include specific measures for protection of the lake's water quality during construction.

Policy C-13:

It shall be the intention of Town Council to enter into a Development Agreement with the owners of the Travellers' Motel, Esquire Motel and Clearwater Lobster Limited properties to permit CCDD development when municipal services become available. In recognition of the site's unique position at the entrance to the Town overlooking the Bedford Basin, an agreement if entered into shall specify that two thirty foot wide separations are to be provided between the buildings on either side of the entrance road to the waterfront project to provide views from the highway and from the existing homes above the site. Buildings are to be set back 60 feet on either side of the entrance road to the waterfront project to provide a view. As well, the maximum building height is to be 75 feet.

Policy C-14:

It shall be the intention of Town Council to enter into a development agreement for the CCDD area located at the northern corner of the Hammonds Plains Road and the Bedford Highway. Any development agreement approved shall insure, through regulating the uses on the land and buffering provisions, that the project is compatible with the adjacent low density residential neighbourhood. Provisions shall also be made in the development agreement for retention of the existing vegetation within the street rights-of ways between the Hammonds Plains Road and the Old Hammonds Plains Road. The existing developed park, Millview Park, shall either be incorporated into a development proposal, or an alternate park space shall be provided by the developer to replace the existing park.

Policy C-15:

It shall be the intention of Town Council to enter into a development agreement to permit development of the Crestview Properties Limited lands, abutting Nelson's Landing, which are designated as CCDD on the Generalized Future Land Use Map. Development shall proceed in accordance with the provisions of the Commercial Comprehensive Development District Zone within the Land Use By-law.