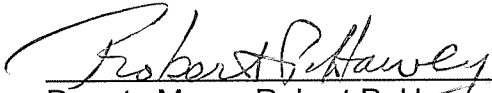


HALIFAX REGIONAL COUNCIL
May 7, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

FROM: 
Deputy Mayor Robert P. Harvey, Chair
North West Community Council

DATE: April 26, 2002

SUBJECT: Case 00414 - Plan Amendment to the Bedford Municipal Planning
Strategy and Land Use By-law - 1091 - 95 Bedford Highway

ORIGIN:

North West Community Council meeting held on April 25, 2002.

RECOMMENDATION:

It is recommended that Regional Council initiate the process to look at the 50/50 commercial/residential mix requirement for a commercial/residential mix building in the Commercial Mainstreet Zone of the Bedford Municipal Planning Strategy and Land Use By-law.

ATTACHMENTS:

Memorandum dated April 25, 2002 from North West Community Council and report from staff.



North West Community Council
April 25, 2002

TO: North West Community Council
SUBMITTED BY: *Gail Harnish*
Gail Harnish, Admin/PAC Coordinator

DATE: February 25, 2002

SUBJECT: Case 00414 - Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-law - 1091-95 Bedford Highway

ORIGIN:

- March 19, 2002 - Regional Council referred the matter to the North West Planning Advisory Committee for review
- April 22, 2002 - Review of request by North West Planning Advisory Committee

RECOMMENDATION:

The North West Planning Advisory Committee recommend that Regional Council initiate the process to look at the 50/50 commercial/residential mix requirement for a commercial/residential mix building in the Commercial Mainstreet Zone of the Bedford Municipal Planning Strategy and Land Use By-law.

ATTACHMENT:

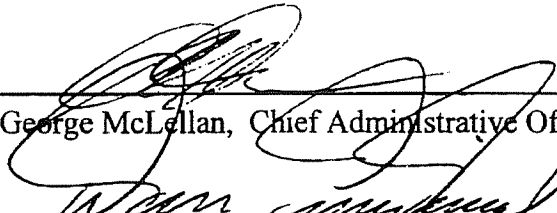
Staff report dated March 11, 2002
Excerpt from North West Planning Advisory Committee minutes

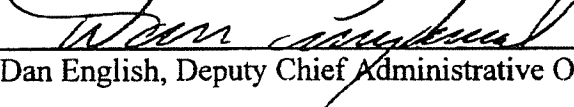
HALIFAX
REGIONAL MUNICIPALITY

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 11, 2002

SUBJECT: Case 00414 - Plan Amendment to the Bedford MPS and LUB, Bedford

ORIGIN:

Letter from Dr. Errol Gaum of Granville Investments Limited requesting the Bedford Municipal Planning Strategy and Land Use Bylaw be amended. The specific amendment is to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building within the Mainstreet Commercial (CMC) zone at 1091-95 Bedford Highway.

RECOMMENDATION:

It is recommended that Regional Council:

1. Approve the request to initiate the process to amend the Bedford Municipal Planning Strategy and Land Use Bylaw to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building within the Mainstreet Commercial (CMC) zone.
2. Request staff to follow the public participation program as approved by Council in February 1997.

BACKGROUND

Overview:

In 1991, concern over the changing character of Bedford's "central core" due to the growing popularity of shopping malls and the general decline of the older yet established commercial areas resulted in the establishment of the Mainstreet Commercial designation within the Bedford Municipal Planning Strategy (MPS). This designation has been implemented by way of the Mainstreet Commercial (CMC) zone within the Bedford Land Use Bylaw (LUB).

The Mainstreet Commercial zone has been applied to properties along the south side of the Bedford Highway between the Sackville River and the Bedford Waterfront and to properties along the north side of the Bedford Highway between the Sackville River and 1140 Bedford Highway. This area was traditionally the main location for serving neighbourhood and community needs and the CMC zone is intended to create a pleasant pedestrian-oriented streetscape which reflects Bedford's heritage.

The types of uses permitted in the Mainstreet Commercial zone (CMC) are limited to local small scale commercial uses oriented to pedestrian traffic (*Attachment A*). The permitted uses within the CMC zone include but are not limited to:

- general retail stores not exceeding 5,000 square feet (464.5 m²),
- business and professional offices,
- personal and household service shops,
- financial institutions,
- bed and breakfast and guest homes,
- full service restaurants, and
- pubs and lounges to a maximum of 800 square feet (74.32 m²).

Multiple unit buildings are also permitted within the CMC zone. However, all multiple unit buildings within the CMC zone must contain a mix of commercial/residential. The residential dwellings units cannot exceed 50% of the gross floor area and cannot be located fronting the street on the first floor.

Subject Properties:

The subject properties, 1091 and 1095 Bedford Highway, are located on the east side of the Bedford Highway in close proximity to the "Say It With Stitches" commercial building, Grandville Place professional building and the Stardust Motel. The properties are designated and zoned Mainstreet Commercial (*refer to Map 1 and Map 2*).

The site is within walking distance of the Bedford Waterfront, Mill Cove Plaza, Hammonds Centre, Village Centre, LeBrun Centre and many small scale commercial businesses along the Bedford Highway. The site consists of two single unit dwellings and a total land area of approximately

30,000 square feet (2,787 m²). The site has approximately 142 feet (43.3 m) of frontage along the Bedford Highway and an average depth of 225 feet (68.58 m). The topography of the site is challenging with a 28 foot (8.5 m) grade difference between the Bedford Highway and the rear property line. The rear portion of the site abuts the CN railway line and the Bedford Waterfront development.

DISCUSSION:

Proposal:

The developer, Dr. Earl Gaum, has indicated to staff that it is difficult to construct an economically viable building at 1091 and 1095 Bedford Highway within the parameters of the CMC zone due to the site's characteristics (i.e., topography, frontage and size). Despite the difficulties, the developer has met with HRM staff several times over the past two years and has presented several different concepts. However, the concepts have not complied with the intent and requirements of the CMC zone.

Recently, the developer submitted a concept plan of a three-storey commercial/residential mix building with the following specifications:

- a building footprint of approximately 1,100 square feet (102.2 m²);
- approximately 6,000 square feet (557.4 m²) of commercial space - 2,000 square feet (185.8 m²) of each of the three storeys;
- 18 residential condominiums (12 two-bedroom and 6 two-bedroom with den); and
- underground parking.

Policy Evaluation:

It is staff's opinion the recent proposal (described above) does meet the overall policy intent of the MPS to provide a pleasant pedestrian-oriented small town commercial core as defined in Policy C-19 and illustrated in Appendix D of the MPS. However, the proposal does not meet several provisions of the Bedford LUB. Specifically the proposal does not comply with the required percentage of commercial/residential mix. Due to difficulties experienced in attempting to develop the site, the developer has requested the Bedford MPS and LUB be amended to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building within the Mainstreet Commercial (CMC) zone. The developer has also requested this amendment be specific to 1091 and 1095 Bedford Highway.

Based on information provided by the applicant as well as numerous inquiries over the past several years, it is apparent several properties on the east side of the Bedford Highway, including 1091 and 1095 Bedford Highway, are difficult to develop. These properties are difficult to develop as stand alone commercial buildings or as commercial/residential mix buildings while adhering to the CMC zone provisions. Yet these two land uses are necessary in ensuring this area be developed as a pleasant pedestrian-oriented small town commercial core.

In summary:

It is the opinion of staff, the MPS and LUB requirement "dwelling units within a commercial building are not exceeding 50% of the gross floor area" is not reasonable on a property with limited frontage along the Bedford Highway or with extensive elevation differences between the Bedford Highway and the rear property line. Staff is also of the opinion that a reduction in the 50% commercial requirement would still comply with the intent of the Mainstreet Commercial designation and zone as described in MPS preamble. Therefore, it is recommended that Regional Council initiate the plan amendment process to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building within the Mainstreet Commercial (CMC) zone for 1091 and 1095 Bedford Highway and possibly surrounding properties.

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

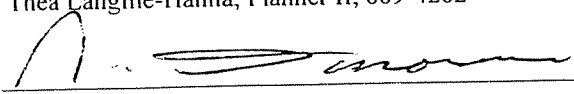
Map 3: Proposed Development for 1091 and 1095 Bedford Highway

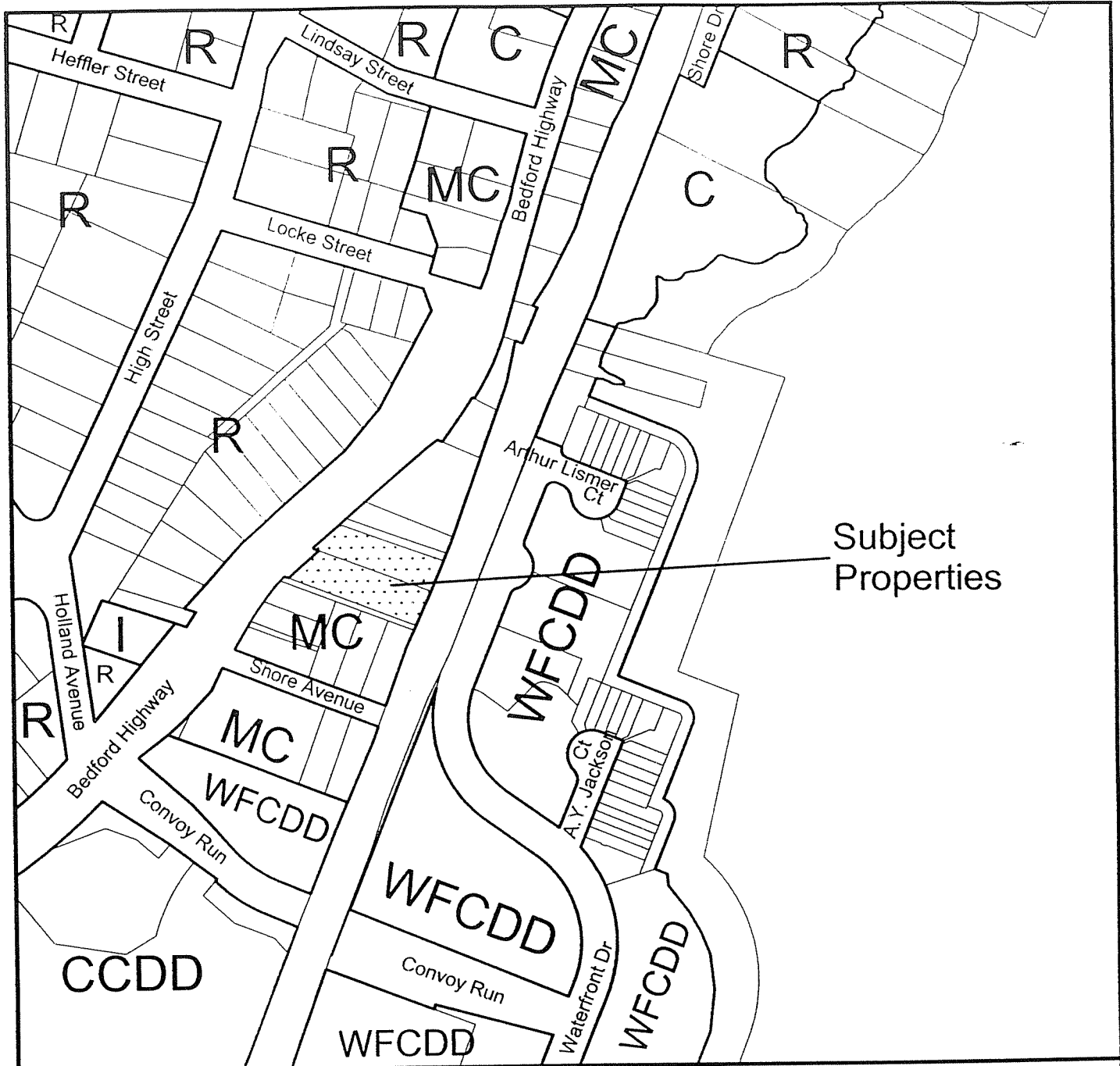
Attachment A: Excerpt of the Bedford Municipal Planning Strategy and Bedford Land Use Bylaw

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, Director of Planning and Development, 490-4933



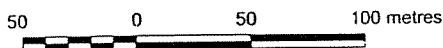
Subject Properties

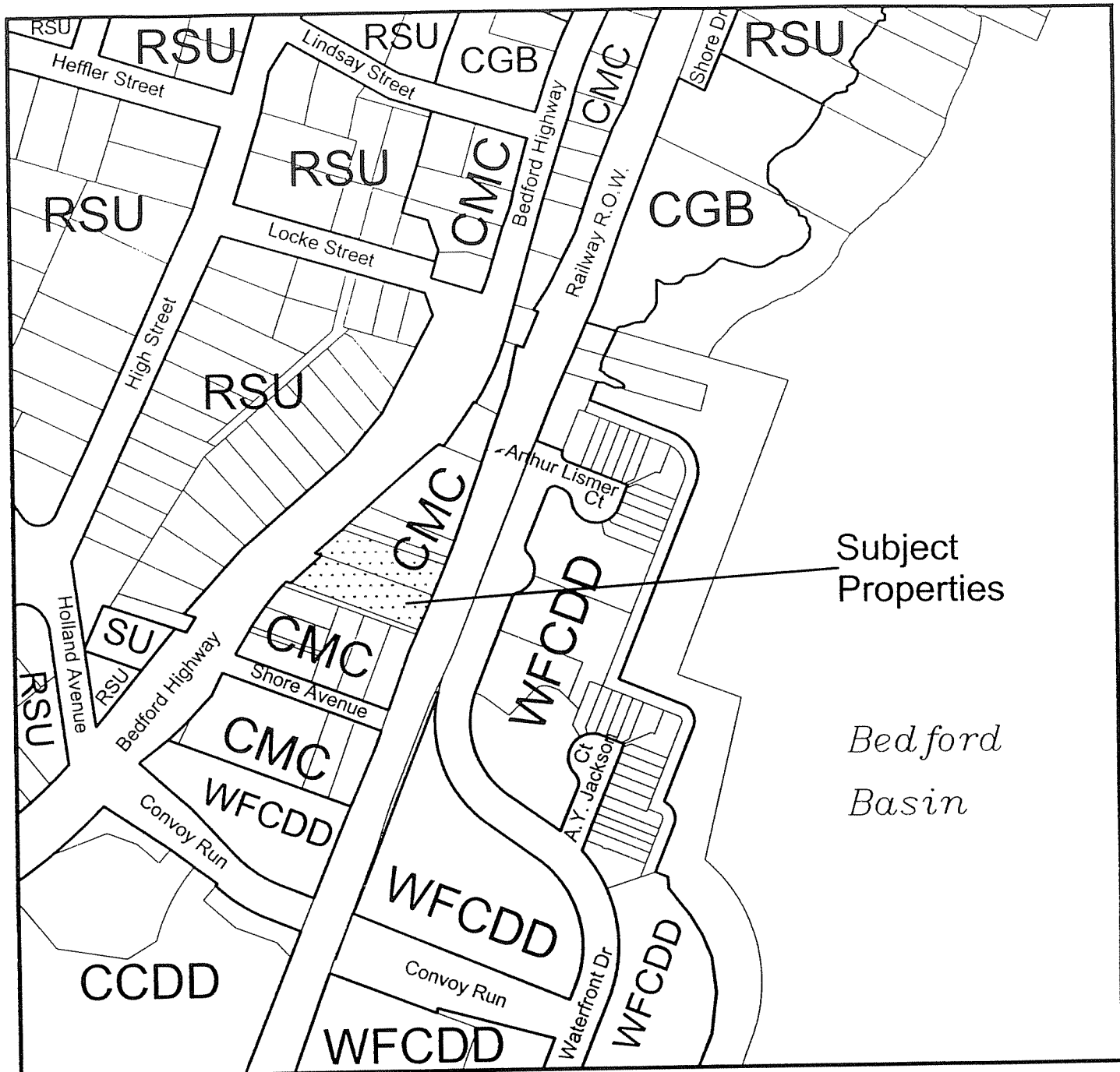
Map 1
Generalized Future Land Use
1091 & 95 Bedford Highway

 Subject Properties



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





Subject Properties

Bedford Basin

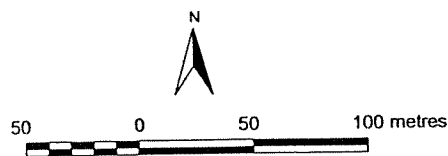
Map 2
Zoning
1091 & 95 Bedford Highway

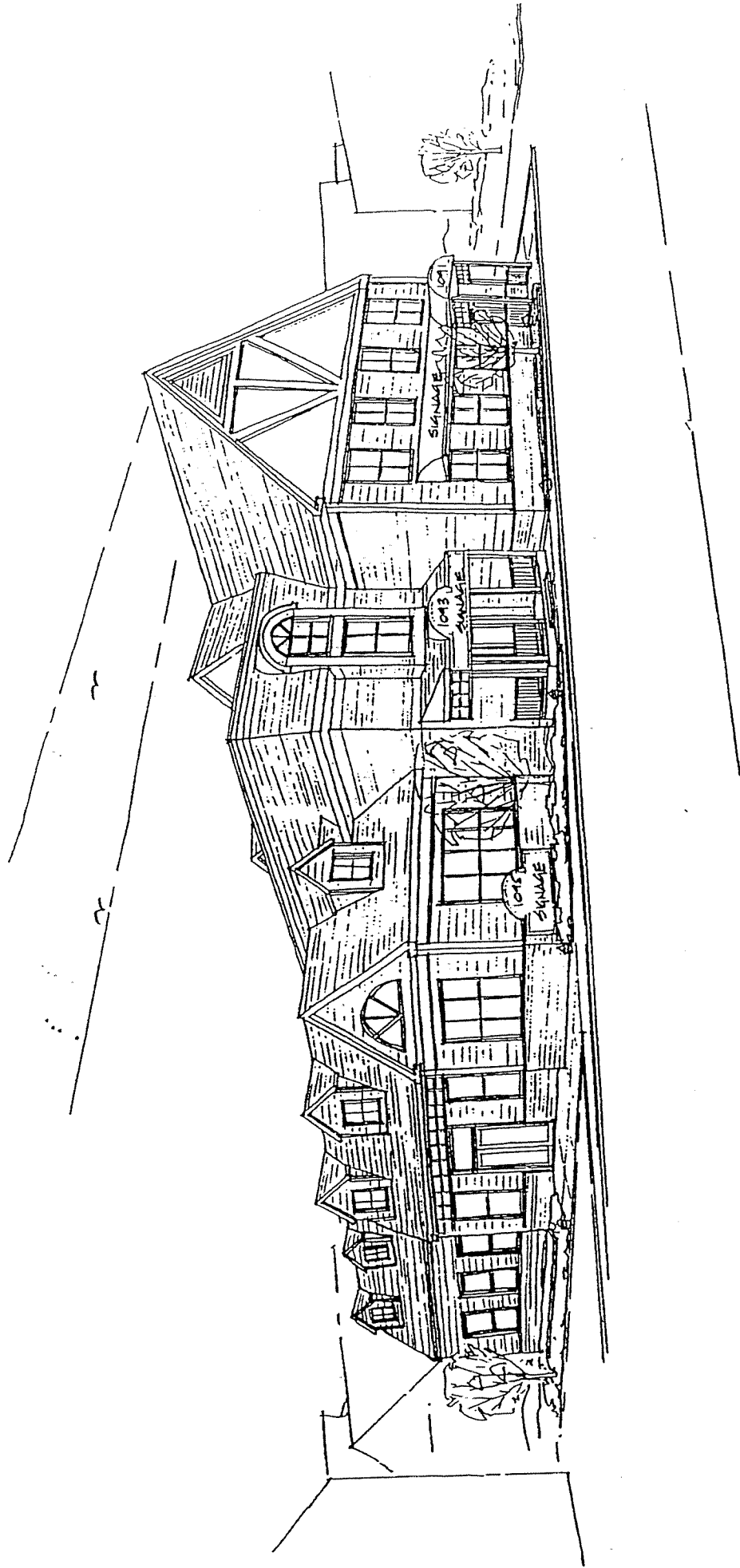
 Subject Properties



RSU Single Dwelling Unit Zone
CGB General Business District Zone
CMC Mainstreet Commercial Zone

SU Utilities Zone
CCDD Commercial Comprehensive Development District
WFCDD Waterfront Comprehensive Development District





Map 3
Concept Plan

HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

Mar. 11, 2002

HRM does not guarantee the accuracy of any base map information on this map.

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ATTACHMENT A**Excerpt of the Bedford Municipal Planning Strategy****Mainstreet Commercial Core***Policy C-19:*

It shall be the intention of Town Council to work towards the development of a viable and pleasant pedestrian-oriented small town commercial core (see Appendix D) along the south side of the Bedford Highway between the Sackville River and the Waterfront Development project and along the north side of the Bedford Highway between the Sackville River and 1140 Bedford Highway as shown on Map 2. A Mainstreet Commercial designation shall be applied to this area and shall be shown on the Generalized Future Land Use Map. No rezonings or development agreements for uses other than those in the Mainstreet Commercial Zone shall be considered within the Mainstreet Commercial designation.

Policy C-20:

Town Council shall establish a Mainstreet Commercial Zone within the Land Use By-Law and apply it to the portion of the mainstreet commercial core area extending from the Sackville River south to Locke Street on the north side of the street and between the Sackville River and Shore Avenue on the south side of the street as shown on Map 2. Permitted uses within the Mainstreet Commercial Zone shall be 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, recycling depots, dwelling units within a commercial building not to exceed 50 percent of the gross floor area and not located on the street front of the first floor, and existing residential uses. In addition, senior residential complexes will be permitted by development agreement pursuant to Policy R-19A. All commercial developments shall be subject to specific signage, landscaping, parking, and architectural design controls as specified in the Land Use By-Law. Town Council shall prohibit front yard parking and deep front and side yard setbacks for new development. Town Council shall consider modification of the requirements for such items as front and sideyard setbacks as well as front yard parking through a development agreement in situations involving the redevelopment of existing buildings. Those properties designated Mainstreet Commercial, but not zoned Mainstreet Commercial, shall continue to have an RSU Zone consistent with current land uses.

Policy C-22:

It shall be the intention of Town Council to encourage the rehabilitation and adaptive re-use of buildings designated through the provisions of the Town's Heritage Property By-Law within the commercial core for uses consistent with the Mainstreet Commercial Zone.

Policy C-23:

It shall be the intention of Town Council to require landscaping of front yards of commercial properties within the Mainstreet Commercial Zone to create a pleasant and attractive environment conducive to pedestrian activity.

Policy C-24:

It shall be the intention of Town Council to require buildings within the Mainstreet Commercial Zone to support the human scale of the street, create a sense of streetscape, and promote a pedestrian-oriented environment through architectural regulations within the Land Use By-law (see Appendix D).

Policy C-25:

Town Council shall develop sidewalks on both sides of the Bedford Highway and provide additional public parking opportunities when approving improvements to that portion of the Bedford Highway within the mainstreet commercial core.

Policy C-26:

It shall be the intention of Town Council to undertake tree planting and landscaping, provide street furniture and street lighting, and support a maintenance program for a first class appearance (including grass cutting and weed control to be done by the appropriate department) on Town owned land, in support of the development of a pedestrian streetscape within the Mainstreet Commercial Zone.

Policy C-27:

Town Council shall actively pursue options to increase on-street parking, shared private parking lots, and community owned parking lots within the area designated Mainstreet Commercial. Priority shall be given to the completion of the streetscape improvements

between Fourth Street and the Waterfront project to increase on-street parking opportunities.

Policy C-28:

It shall be the intention of Town Council to provide views of the Bedford Basin by considering the acquisition of lands on the Basin side of the Bedford Highway within the mainstreet commercial core, sufficient for small mainstreet parks which will provide resting opportunities for pedestrians.

Policy C-29:

Town Council shall permit mixed-use (residential/commercial) buildings within the Mainstreet Commercial Zone provided that commercial uses only are located at street front level.

Policy C-29A:

Council shall consider residential uses on the rear portion of 1254 Bedford highway and the property known as 10 Meadowbrook Drive through a Development Agreement. In considering a Development Agreement Council shall give consideration to the CMC zone requirements with regards to architectural guidelines. Multiple unit buildings shall not contain more than nine (9) units.

Policy C-29B:

It shall be the intention of Town Council to identify and implement initiatives to facilitate development/redevelopment within the CMC Zone. The development of a marketing and implementation plan for the CMC Zone shall be a priority and may form part of the study identified in Policy C-37.

Excerpt of the Bedford Land Use Bylaw**PART 14****MAINSTREET COMMERCIAL (CMC) ZONE**

No development permit shall be issued in a Mainstreet Commercial (CMC) Zone except for one or more of the following uses:

- a) dwelling units not to exceed 50% of the gross floor area and not to be located fronting on a street on the first floor
- b) Daycare facilities, nursery school, early learning centre
- c) business and professional offices
- d) medical, veterinary, and health service clinics; outdoor kennels associated with veterinary clinics are prohibited
- e) bed and breakfast/guest home establishments not exceed three (3) units per establishment
- f) inn and country inn establishments not exceed ten (10) units per establishment
- g) Full Service Restaurant
- h) food stores not to exceed 5,000 sq.ft. per business
- i) post office
- j) general retail stores not to exceed 5,000 square feet per business (excluding mobile home dealers)
- k) personal and household service shops (exclusive of massage parlours)
- l) banks and financial institutions
- m) commercial parking lots
- n) Pub, Lounge to a maximum of 800 sq. feet devoted to public use
- o) All Age/Teen Clubs
- p) recycling depots
- q) Drycleaning Depots
- r) notwithstanding a) seniors residential complexes by development agreement in accordance with Policy R-19A
- s) uses accessory to the foregoing uses
- t) existing residential uses
- u) existing motel, inn, hotel uses
- v) Funeral Homes
- w) existing uses located at 1067, 1111, 1180, 1189, 1239, 1312 and 1350 Bedford Highway as described in Appendix B

ZONE REQUIREMENTS CMC

In any Mainstreet Commercial (CMC) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	4,000 sq. ft
Minimum Lot frontage	40 ft.
Minimum Rear Yard	40 ft.
Minimum Front Yard	0 ft.
Minimum Sideyard	0 feet; 25 ft. corner vision triangle required for corner lots.
Maximum Height of Building	2 floors above Bedford Highway
Maximum Lot Coverage	50 %
Driveway Opening Width	25 ft. maximum (curb cut)
Number of Driveway Openings	Maximum number of driveway openings is one per lot for lots having less than 150 ft. of frontage. Additional driveways (maximum width of 20 ft.) shall be based on one per 150 ft. of additional frontage. Shared driveways are encouraged.

SPECIAL REQUIREMENT: PARKING

- a) Parking within the front yard shall not be permitted. Parking shall be permitted in the rear and side yard.
- b) Where parking is provided in the side yard all parking lots shall be screened with a natural vegetative buffer along the front property line adjacent the street.
- c) Where Commercial parking lots are permitted in the zone all parking lots shall be screened with six (6) feet of natural vegetative buffer along the front property line adjacent the street.

SPECIAL REQUIREMENTS: LANDSCAPING

Front yards, if provided are to be landscaped. No asphalt other than for driveways and parking areas shall be permitted.

SPECIAL REQUIREMENTS: ARCHITECTURAL GUIDELINES

- a) Building Requirements Buildings of over 50 feet width measured parallel to the street shall have the appearance of two or more buildings by altering the appearance of the facade and/or roof in increments no greater than 50 feet.
- b) Roof Design Requirements Pitched roofs shall have a minimum slope of 10 degrees. Dormers and gables are permitted. Mansard roofs shall not project beyond the face of the wall below, except to permit eaves for ventilation.
- c) Exterior Cladding bricks, wood shingles, wood siding, wood clapboard and stone.
- d) Windows Windows, except for commercial storefronts at grade, shall be treated as individual openings in the wall surface; continuous bands of horizontal glazing will not be permitted except for storefronts at grade. For square and rectangular window openings, the height of window sashes shall exceed the width. Total window area per building face shall not exceed 50% of the area of the building face (in order to maintain the visual emphasis on the wall surface). Windows shall be accentuated by design details (i.e. arches, hoods, mouldings, decorative lintels, pediments, sills);
- e) Additions to existing bldgs Additions to the fronts and sides of existing buildings are to conform to these design standards.

SPECIAL REQUIREMENTS: SIGNS

Signs in the Mainstreet Commercial Zone shall be subject to the following general provisions:

1. Permitted signs include signboards, facial wall signs, projecting wall signs, ground signs, window signs, or as an integral part of a canopy, awning or similar device.
2. Signs are to be constructed of wood or have a wood-like appearance, with exterior shielded illumination.

3. Signs shall not obstruct the corner vision triangle at street intersections.
4. The maximum number of permitted signs is 2 per facade, or one (1) per each business in a multiple occupancy building.
5. Signs within the Mainstreet Commercial zone shall also be subject to sub-sections 1, 2, and 3 of Section 38 of the General Provisions.

Signboards

Signboards shall form an integral part of the building facade by being located between the top of the ground floor windows and the bottom of the second storey windows. Signboards shall not exceed a height of 3 feet and shall extend the entire length of the facade.

Facial Wall Signs

Facial wall signs shall not exceed twenty (20) square feet in area and shall not extend beyond the top and extremities of the wall on which it is affixed.

Projecting Wall Signs

Projecting wall signs shall not: a) project more than four feet over a public sidewalk; b) project more than six feet from the building to which it is attached; c) hang closer than nine feet above a sidewalk or public right of way; d) exceed an area of 16 sq. ft.

Ground Signs

Ground signs shall not: a) exceed a height of eight feet; b) exceed an area of 20 sq. ft. per side; c) be within 2 feet of the street right-of-way; d) be within 10 feet of a side property line or driveway.

Sandwich Boards

Sandwich boards shall not exceed a single face area of eight (8) square feet and shall be located so as to not obstruct passage along any public sidewalk.

Canopies/Awnings

Canopies and awnings attached to walls shall not project more than 4 feet over a public sidewalk. Canopies and awnings shall be self supporting and shall be placed a minimum height of 9 feet above a sidewalk. Signage may be included as an integral part of an awning or canopy.

Mobile Signs

Mobile signs shall be permitted once per business for a maximum period of 60 continuous days for new business openings. These signs shall have no moving parts nor display flashing or unshielded lights. These signs shall have a maximum area of 32 sq.ft.

Window Signs

Window signs shall not: a) exceed 25% of the window area; b) exceed 25% of the glass area of a door; area shall be calculated on the basis of the smallest geometric shape which will contain all of the message.

4. **CASE 00414 - PLAN AMENDMENT TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW - 1091-95 BEDFORD HIGHWAY**

Thea Langille-Hanna provided an overview of why this application and the next application on the agenda (MPS amendment - 961 Bedford Highway) are before the Committee. She noted that both requests are to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Bedford. One of the first steps in a plan amendment process, once the request has been received, is for staff to review the documents at a very high level. We are trying to determine whether or not significant things have changed in that particular area, if the existing designation or zone or provisions in the MPS/LUB are irrelevant, or if it was something unique that had not been contemplated when drafting the policy. We do not get into the details of the specific application. The question is whether or not staff feels the amendment process should be initiated. For both these applications, staff prepared initiation reports which indicate staff's preliminary thoughts on whether or not we should amend the MPS. Regional Council, at its meeting on March 19th, passed a motion indicating they wanted to receive comments from the North West Planning Advisory Committee before determining whether or not the requests should go through the public participation process. Comments are not normally requested from planning advisory committees prior to Regional Council making its decision on whether or not to initiate a plan amendment process. If the plan amendment process is initiated, then the matter would come back to the PAC to hold a public meeting.

Councillor Goucher noted that the reason for the deferral was not necessarily to make a decision on the MPS but to get the feelings of the Committee in terms of whether or not they should proceed with the plan amendment. It has nothing to do with the actual amendment; it is whether or not we should start the process.

Thea Langille-Hanna advised that in terms of the first application a letter was received from Dr. Errol Gaum of Granville Investments. The property in question is located at 1091 and 1095 Bedford Highway next door to "Say it with Stitches".

Gloria Stadnyk asked about the two storey house at the bottom of 1095 Bedford Highway. Thea responded it was her understanding they will look at removing all uses that are presently on those two sites. She also understood that the unit at the back of 1091 would be removed if the amendment was approved.

Thea Langille-Hanna noted that in terms of the topography of the site and the configuration, the lot is narrow along the Bedford Highway and quite narrow going to the rail line. There is a considerable grade difference. The property is located within the Mainstreet Commercial Designation which encourages mixed residential/commercial development. However, in that zone there is a requirement that any building with a commercial/residential mix, has to have a commercial mix of at least 50%. The developer submitted a couple of plans trying to meet that requirement but because of the grade differences, it has been difficult. The designation talks about a mix of residential and commercial that reflects Bedford's heritage and keeping it to the traditional nature and the neighbourhood and commercial needs. Staff believe the developer is trying to achieve that but finds it difficult. There are also other properties in the immediate area. This has not been the first inquiry from people struggling to meet the 50% requirement. We feel that what the developer is proposing is in keeping with what the Bedford MPS talks about and what it encourages. One of the primary considerations is the 50% commercial mix. Staff recommended that the plan amendment process be initiated to find out what the issues are surrounding that particular property.

Thea Langille-Hanna confirmed that the building footprint was approximately 11,000 sq.ft. and not 1,100 as noted on page 3 of the staff report.

Gloria Lowther questioned how many storeys the building would be.

Mr. Sam Kadray advised that there is a 30' difference in grade between the street and the back. There would be two storeys at the street and at the back would be the garage plus three storeys. They are not altering the grade.

Ann Merritt, referencing the drawing, indicated that she saw no place to park in the front of the commercial section of the building which would mean any parking would be down 30' below the road. She questioned the slope on the driveway and whether the back end of the buildings is residential. There would be a concern for the residents coming out of there and going up the slope.

Thea Langille-Hanna advised that the Mainstreet Commercial (CMC) Zone requires the parking to be in the side and rear yards. The proposal shows approximately 13 parking spaces on the

side of the property. It was her understanding of the required residential parking is the underground parking.

Mr. Kadray advised that the area of the outdoor parking will not have that steep a grade. The grade difference will not be any more than 18%. The area where people come onto the street will be flat.

Thea Langille-Hanna advised that our engineer has looked at the entrance points and grades. In most situations, concerns related to this can usually be addressed through the development agreement process. The bigger question is whether the request is suitable to go through a plan amendment process to consider changing the mix of residential/commercial.

Gloria Lowther questioned the height of the building.

Mr. Kadray responded 30'. They have made it look like three buildings because that is one of the requirements of the mainstreet program. They are also trying to pick-up the style of the dental clinic there now.

Gloria Lowther questioned the dimensions of the building. It was responded that it would be approximately 75'x189'.

Jan Gerrow questioned whether the commercial would be on the ground floor and the residential above and below.

Thea Langille-Hanna responded that the zoning requires the commercial to be on the street level. It was her understanding they are looking for office space above as well and the remainder would be residential.

Gloria Lowther questioned the percentage of mix the applicant was looking for. Mr. Kadray responded 20% commercial and 80% residential.

Ann Merritt expressed concern that the 13 parking spaces at ground level would not be enough for the commercial, and the people working and living there. If the parking is going to be limited, they will have to look at limiting the types of commercial uses permitted. Some commercial uses demand much higher parking spaces than others.

Thea Langille-Hanna responded that if Regional Council initiates the process, these are the types of questions that come out of the process. They may find out in the end that this specific property cannot handle that many residential uses or a certain square footage for commercial. The building may have to be small to accommodate the parking. There may be a need to restrict the commercial uses or it may be that the building is too big so that there is more parking for commercial.

Mr. Errol Gaum stated he owned the building, Granville Place, next door which has pretty much the same square footage, 6000 sq.ft. In this building there are 26 parking spaces underground so there are 8 more than necessary for the condominium owners. That 8 combined with the 13 parking spaces outside is more than he presently has in Granville Place where they do not have a problem with parking. There would be 8 parking spaces underground for workers and 13 for customers. In his building next door they have a dental office with 4 dentists so there is quite a bit of traffic. Also, there is a natural health clinic and an aesthetics clinic with lots of clients and they do not have a problem with parking.

Mr. Kadray said that they are also interested in restricting the type of commercial because they will have condominiums in the back. They want professional offices and are not looking at a restaurant or a high traffic use.

Gloria Lowther noted that the report indicates the plan amendment is required because of the request to allow the mix for the residential portion to exceed 50%, however, there are about three different policies that would require an amendment as well. For instance, there is a policy which indicates there should not be more than 9 residential units. She indicated she was concerned about the cumulative effect of making plan amendments. A lot of hard work went into creating the documents. She questioned if there was the opportunity to say they did not want to see an amendment approved once a plan amendment process is initiated.

Thea Langille-Hanna responded that if the amendment process is initiated, the PAC will hold a public meeting and make a recommendation. There is still an opportunity at that point to give direction to Council and staff. There is also an opportunity when staff finishes their recommendation and report for the PAC to make a recommendation. There is also the public hearing at Regional Council. If the MPS was amended and there is a development agreement, there will be another approval. Just because the process is initiated by Regional Council does not mean we are automatically amending the Bedford MPS; we are just exploring possible amendments.

Gloria Lowther noted that one of the comments from the Sackville Drive streetscape program was to make it as nice as Bedford. Bedford's MPS and LUB are what have kept the Bedford area nice and chipping away at these documents with plan amendments scared her.

Karen Stadnyk questioned the rationale for limiting the amount of residential mix.

Thea Langille-Hanna responded that in the 1984 document, the rationale was to try and create an even balance of residential/commercial. Developers have indicated that it is very difficult in today's market to have 50% residential and offset your commercial. There seems to be a trend where we can have that type of mix but the 50% commercial component seems to be pushing it a bit too far. It was not viable any more from an economical standpoint.

Councillor Goucher stated that in terms of the mainstreet program, the whole idea initially was to try and generate a pedestrian oriented type shopping area - a New England type. In some ways it has not worked. The whole concept was to allow people to have a business and live in the same building. It was not to have a business and build apartments in the same building. The concept with regard to the residential aspect came toward the tail end when there were some applications to build residential units.

Councillor Goucher expressed concern that not only here in Bedford but in many areas the plans are being "piece-mealed to death" with plan amendments. They are long overdue for review. He had a great concern with that and was why he did not want Regional Council to arbitrarily approve the plan amendment process without getting input from PAC members. It comes down to the basics. There is enough staff to do the day to day things but when it comes to MPS reviews every five years it is not possible.

Delphis Roy referenced the recent regional planning meeting in Beaver Bank. There was concern about their plan being long overdue for review. He suggested that perhaps the recommendation from this Committee should be to review the plan for Bedford.

Thea Langille-Hanna explained that Planning Services is divided into two sections - planning applications and community/regional planning. Regional Council has been advised that there will not be any reviews of MPS's during the regional planning process. When requests for plan amendments come in, we have to look at them and proceed to Regional Council with our recommendation.

Delphis Roy stated he heard it said that HRM has a surplus of money. It was recommended that the numbers of staff in the planning department should be increased.

Ann Merritt questioned how much of the Bedford Highway would be affected by the amendment.

Thea Langille-Hanna responded it could be a certain section or one site. Part of the plan amendment process would be to see which section it should apply to.

Tony Edwards commented that he thought it was a nice looking building BUT one section looks like four storeys. The middle section looks like three storeys but is supposed to be two storeys according to the MPS. One thing the developers agree on is that the MPS is restrictive. He felt it was a document that was found to be satisfactory to most and he was 100% opposed to any kind of amendment. He did not like spot-rezonings as it totally destroys the intent of the MPS in the first place.

Jan Gerrow questioned whether we are talking about a plan amendment for just those two properties or for that entire zone.

Thea Langille-Hanna responded there is an opportunity to explore either or neither. The way she wrote the report is for a site specific property but towards the end she highlighted that there are other properties in this immediate area with similar topographic constraints.

Jan Gerrow indicated that she saw a lot of properties along there with the same issues, ie., from the old fire hall to the new fire hall. She recalled the discussion about the 50/50 mix and it was worded as such so that a person could live above the commercial space below. She indicated the requested change made her a bit nervous. If the request had been for 10% she might have thought about it but changing it to a 20-80 mix was a huge leap.

Gloria Lowther expressed concern that it sets a precedent to allow for 3-4 policies to be amended. There is supposed to be viewplanes every so often in the mainstreet commercial area. It is supposed to be a nice place to walk.

Thea Langille-Hanna said she did not want the Committee to think that staff has come forward with a plan amendment request to change the policies to make the development fit. We've had a lot of inquiries about this residential/commercial mix. One suggestion is to permit a residential/commercial mix at 50% as-of-right but to require a development agreement if they want to reduce the commercial percentage and there would be a list of provisions to negotiate like viewplanes and parking.

Karen Stadnyk commented that she felt it would be a good idea to look at a review for that section of road for many reasons. First, it did not work. Second, given that we all want rail and better transportation, if we get more residential on the street we may be able to fund more transportation. Third, some of the sections along Bedford Highway do not have sidewalks. She encouraged that they not do it piece-meal if there are other issues at the same time.

George Murphy stated he found it hard to believe that the City would stop planning. That strip of highway from Kearney Lake Road to the Chicken Burger is a perfect area to be planned. What you want is to have a mainstreet with lots of people walking up and down it and to have people living along it. He felt there should be a number of things ongoing. A study of that area because you cannot stop studying. Also, you have to accommodate projects like this one on a case by case basis. In his view, that project fits because it is a type of mix where you want residential on that strip and you want some commercial. They should really think about the highway because it is a key corridor for the next 10-20 years.

Mr. Kadray indicated that when they first started looking at developing this property, they wanted something in conformity with the property next door and conforming with the plan. One of the problems with the 50/50 mix is that it is very difficult to put residential above commercial because you have no control over what is going on downstairs and there are problems with fire ratings. When you have a large site like this, you're talking a lot of money. CMHC will not ensure properties

with more than a 20% commercial component. Some of the people that approached them were interested in restaurants and fast food outlets. Also, they do not have to develop any residential on this site. They could put up a 30,000 sq.ft. commercial building but they do not want to do that. They thought a residential component with a small commercial component with streetscape would create a pedestrian oriented development. This is a large lot with 30,000 sq.ft. When they first started talking, they thought they would do a MPS amendment to allow a contract for this site. They do not want to open up a "pandora's box". Also, they thought their proposal meets the intent of the plan. They want to create a building that fits with the streetscape. If the building is too high, they can reduce it.

Tony Edwards noted that the rationale behind the 50/50 mix was to keep the small town look. It was to keep the houses rather than having somebody tear down the old buildings and build commercial buildings. Maybe the developer could be encouraged to put a residential looking cluster of buildings on the lot and make it look like a community of some sort through a development agreement process. Also, he was not interested in spot zoning.

Ann Merritt pointed out that the amendment would affect the entire highway within that zone and not just this one property. She questioned if there was some kind of control over how many of these developments occur with less than 50% commercial if the amendment was approved. She also questioned how much consideration staff would be given to traffic conditions on the Bedford Highway in light of the Wentworth/Bedford South development.

Thea Langille-Hanna indicated that Regional Council could direct staff to look at a site specific amendment or look at the entire area. The traffic impact would depend on the type of plan amendment. The scope of the impact would have to be expanded if the amendment was to be considered for the entire area. In terms of the number of units, the only way that could be potentially controlled was through the development agreement process.

Councillor Goucher noted that if they focus on the Mainstreet Commercial zone, there might not be that many properties affected.

Ann Merritt spoke in favour of a community meeting being held.

Jan Gerrow questioned whether elsewhere in the City where there is a commercial/residential mix, there are many that are economically successful or whether the bar was too high.

Thea Langille-Hanna advised that she and Andrew Whittmore did take the opportunity to review some of the areas along Sackville Drive, and it was decided to remove any reference to a percentage. They dealt with specific uses in terms of siting the building. There are sections in Dartmouth that have something similar.

Thea Langille-Hanna suggested that perhaps one of the things that could come out of the plan amendment process was that the property has to be of a certain size, ie., 25,000 sq.ft. or greater, so that they are not looking at a series of applications for small parcels.

Mr. Glen Boone, Sobey's Leased Properties, commented that he has been to a lot of PAC meetings in many communities. What he would like to see is something instilled in him a long time ago which is that it is a process of change. He did not like the word flexible because it should not be too flexible. One of the comments made was that the world cannot stop to wait for a regional plan. He commented he would be the first one to support that HRM does not have enough staff. He worked with HRM staff on a regular basis but for those on the other side who fuel development the idea of planning is that it is a process and if you do not let the process go forward, you also do a dis-service.

It was moved by Karen Stadnyk, that the North West Planning Advisory Committee recommend that Regional Council initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Bedford to enable residential dwellings to exceed 50% gross floor area within a boundary. MOTION WITHDRAWN.

It was moved by Karen Stadnyk, seconded by Jan Gerrow, that the North West Planning Advisory Committee recommend that Regional Council initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Bedford to review the Mainstreet Commercial Zone from Convoy Run to the Sackville River Bridge. MOTION DEFEATED.

It was moved by Ann Merritt, seconded by Karen Stadnyk, that the North West Planning Advisory Committee recommend that Regional Council initiate the process to look at the 50/50 commercial/residential mix requirement for a commercial/residential mix building in the Commercial Mainstreet Zone of the Bedford Municipal Planning Strategy and Land Use By-law. MOTION PUT AND PASSED.

Councillor Goucher abstained from the vote.