




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

10.2.1

HALIFAX REGIONAL COUNCIL  
June 17, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

FROM:   
Len Goucher, Chair  
North West Community Council

DATE: June 12, 2003

SUBJECT: **Case 00414 - Amendments to the Bedford Municipal Planning Strategy and Land Use By-law respecting the Mainstreet Commercial (CHC) Zone**

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**ORIGIN:**

North West Community Council meeting held on June 11, 2003.

**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 contained in Attachments "A and A-1" of the Staff Report dated April 24, 2003 and schedule a Public Hearing for July 8, 2003;**
- 2) **Adopt the amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachments "A and A-1" of the Staff Report dated April 24, 2003.**

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

**BACKGROUND:**

North West Community Council, at its meeting held on June 11, 2003, moved Notice of Motion for the proposed Development Agreement, attached as Attachment "B" of the Staff Report dated April 24, 2003, to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building at 1091-1095 Bedford Highway, and scheduled a Joint Public Hearing with Regional Council for July 8, 2003.

**DISCUSSION:**

Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and becoming effective under the Municipal Government Act, North West Community Council will consider:

- (a) Approval of the proposed Development Agreement (staff will bring this matter back to Community Council for a decision at the appropriate time); and
- (b) 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 shall be at an end.

**BUDGET IMPLICATIONS:** None

**ALTERNATIVES:**

No alternatives recommended at this time.

**ATTACHMENTS:**

- 1. Report from North West Planning Advisory Committee dated May 8, 2003.
- 2. Staff Report dated April 24, 2003.

North West Community Council  
June 11, 2003

TO: North West Community Council

SUBMITTED BY:

*Gail Harnish*  
for Delphis Roy  
Chair, North West Planning Advisory Committee

RE: Case 00414 - Amendments to the Bedford MPS and LUB respecting the Mainstreet Commercial (CHC) Zone

DATE: May 8, 2003

**ORIGIN**

North West Planning Advisory Committee meeting - May 7, 2003

**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 contained in Attachments "A and A-1" of the staff report dated April 24, 2003, and schedule a public hearing for July 8, 2003;
- (2) Move Notice of Motion for the proposed development agreement, attached as Attachment "B" of the staff report dated April 24, 2003, to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building at 1091-1095 Bedford Highway, and schedule a joint public hearing with Regional Council for July 8, 2003;
- (3) Recommend that Regional Council adopt the amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachments "A and A-1" of the staff report dated April 24, 2003;
- (4) Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and becoming effective under the Municipal Government Act:
  - (a) approve the proposed development agreement (staff will bring this matter back to Community Council for a decision at the appropriate time); and
  - (b) 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 shall be at an end.

**ATTACHMENT**

Staff report dated April 24, 2003

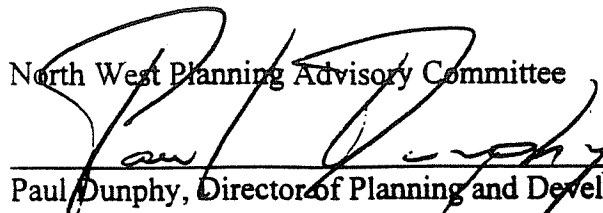
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

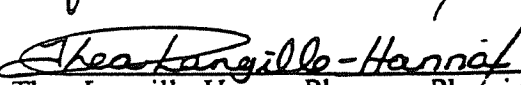
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

North West Planning Advisory Committee  
May 7, 2003

TO: North West Planning Advisory Committee

SUBMITTED BY:

  
Paul Dunphy, Director of Planning and Development Services

  
Thea Langille-Hanna, Planner - Planning and Development Services

DATE: April 24, 2003

SUBJECT: Case 00414: Amendments to the Bedford MPS and LUB respecting the  
Mainstreet Commercial (CMC) Zone.

**ORIGIN:**

1. Request of October 24, 2001 by Granville Investments Limited;
2. Staff report dated March 11, 2002 and Regional Council's motion of May 7, 2002 supporting staff's recommendation to initiate the MPS amendment process; and
3. Public meetings of June 17, 2002 and January 15, 2003 held by North West Planning Advisory Committee.

**RECOMMENDATION:**

**It is recommended 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 contained in Attachments "A and A-1" and schedule a public hearing;
- (2) Move Notice of Motion for the proposed development agreement, attached as Attachment "B", to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building at 1091-1095 Bedford Highway, and schedule a joint public hearing with Regional Council;
- (3) Recommend that Regional Council adopt the amendments to the Bedford Municipal Planning Strategy and Land Use By-law as contained in Attachments "A and A-1";
- (4) Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and becoming effective under the Municipal Government Act:
  - (a) approve the proposed development agreement (staff will bring this matter back to Council for a decision at the appropriate time); and
  - (b) 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.

## **BACKGROUND:**

Granville Investments Limited submitted a request to amend the Mainstreet Commercial (CMC) zone within the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The specific request is to enable residential units within a commercial/residential mix building at 1091-1095 Bedford Highway to exceed 50% of the gross floor area.

Staff indicated in an initiation report dated March 11, 2002 that several properties along the Bedford Highway (in addition to 1091-1095 Bedford Highway) may be 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 the area is developed as a pleasant pedestrian-oriented small town commercial core. Consequently, Regional Council's motion of May 7, 2002 directed staff to re-evaluate the entire CMC zone with respect to residential/commercial mixed buildings.

### ***Public Participation Meetings***

The first Public Participation Meeting (June 17, 2002) addressed the entire Mainstreet Commercial zone, specifically the provision within the zone limiting residential units within a commercial/residential mix building to a maximum of 50% of the gross floor area. At this meeting, it was determined by the public and North West Planning Advisory Committee that the provision should be maintained but special consideration could be given to 1091-1095 Bedford Highway and properties without direct access to the Bedford Highway. This directive is supported by staff. The summary of comments and issues from this meeting are attached as Attachment C of this report.

The second Public Participation Meeting (January 15, 2003) addressed the development proposal for 1091-1095 Bedford Highway and the proposed policy for properties zoned CMC without frontage on the Bedford Highway. The concerns raised at this meeting were primarily related to the proposed policy for properties without frontage on the Bedford Highway. The proposal for 1091-1095 Bedford Highway was generally supported by the public provided a proposed agreement included provisions to restrict height and ensure a mainstreet appearance. The summary of comments and issues from this meeting are attached as Attachment D of this report.

### ***Process***

Amendments to the Municipal Planning Strategy and By-law amendments to implement the MPS amendments are under the authority of Regional Council. Approval of the development agreement rests with Community Council. Both of these processes require 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 and adopt them.

A 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. Staff will bring the development agreement to North West Community Council for a decision at the appropriate time.

### ***MPS and LUB Amendments***

The Municipal Planning Strategy is the expression of the municipality's intent with respect to future land uses. Amendments to the Municipal Planning Strategy 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 last reviewed or that there is a significant different situation than the MPS anticipated. The rationale is provided in detail later in this report.

Following the directive of the North West Planning Advisory Committee, staff prepared two MPS policies:

- an area wide policy to enable Community Council to consider multiple unit dwellings on properties zoned CMC without frontage on the Bedford Highway by way of development agreement (Policy C-21(a) in Attachment A); and
- a site specific policy enabling Community Council to consider residential units in excess of 50% of the gross floor area in a commercial/residential mix-use building at 1091-1095 Bedford Highway by way of development agreement (Policy C-21 in Attachment A).

An overview of these policies follows.

### **DISCUSSION:**

#### ***Proposed Policy for properties zoned CMC without frontage on the Bedford Highway:***

The CMC zone has been applied to several properties without frontage on the Bedford Highway (i.e. properties along Shore Avenue, Lindsay, Fourth and Division Streets and Meadowbrook Drive). The CMC zone restricts land use to commercial and MPS policy emphasizes the importance of commercial development along the Bedford Highway. However, properties without frontage on the Bedford Highway are not viable for commercial use due to limited exposure to the street, limited access and visibility. Additionally, commercial traffic is encouraged to use to residential streets when access to the Bedford Highway is not available. Therefore, an alternative land use should be identified for these areas.

There are several small multiple unit dwellings within or abutting the Mainstreet Commercial area. This land use effectively provides a buffer or transition between commercial and low density residential (i.e. single unit dwelling). A similar land use would also be reasonable for properties without frontage on the Bedford Highway within the CMC zone provided the multiple unit dwellings meet the requirements of the RMU (Residential Multiple Unit Dwellings) zone, as well as be subject to public comment and a development agreement. Staff is recommending Regional Council adopt a policy to consider such developments (Policy C-21(a) as described in Attachment A).

### ***Proposed Policy for 1091-1095 Bedford Highway***

The land use intent for this area is commercial or commercial/residential mix. Residential units are restricted to a maximum of 50% of the gross floor area of a building to encourage commercial development along the street. A majority of the properties zoned CMC are small in size<sup>1</sup> and relatively flat; ideal for two storey buildings with commercial on the main floor and one or two residential units on the second storey. It is staff's opinion this development pattern is what the plan policy intended.

However, 1091-1095 Bedford Highway (the subject property) is not typical of these properties. The site is unique in terms of topography (28 foot grade variation) and the lot configuration (long and narrow) which enables a building consisting of two (2) storeys to be considered along the Bedford Highway and four (4) storeys to be developed at the rear of the site. Given the uniqueness of the site, allowing residential units to exceed 50% of the gross floor area of the building is reasonable provided the following issues are addressed:

- that a minimum of 15% of the gross floor area be commercial and the first floor fronting on the Bedford Highway be restricted to commercial;
- that the lot shall be a minimum of 25,000 square feet (2322.5 m<sup>2</sup>) in size;
- that commercial uses be limited to those permitted in the CMC zone;
- that the CMC zone provisions, related to building setbacks, lot coverage, parking spaces, landscaping, parking lots, architectural design, signs and amenity space be met;
- that the proposed building be compatible with adjacent buildings and land uses;
- that the impact on traffic circulation on the Bedford Highway be considered;
- that outdoor pedestrian facilities be provided; and
- that 75 % of the required residential parking be provided underground.

The developer has met with staff several times over the past two years and has presented several concepts. On all occasions the concepts have not complied with the requirements of the CMC zone. However, in the opinion of staff, the recent proposal (described below) is consistent with the overall policy intent of the Bedford MPS of providing a pleasant pedestrian-oriented small town commercial core as defined in Policy C-19.

Staff is recommending a site specific policy be adopted for 1091-1095 Bedford Highway which would enable Council to consider residential units in excess of 50% of the gross floor area in a commercial/residential mix-use building by way of development agreement. The proposed policy incorporates the items listed above and is provided in Attachment A of this report.

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<sup>1</sup> 90 (%) percent of the properties zoned CMC are less than 20,000 square feet (1858 m<sup>2</sup>) in size.

## **Development Agreement Analysis: 1091-1095 Bedford Highway**

### ***Site Analysis***

1091-1095 Bedford Highway is located on the east side of the Bedford Highway in close proximity to the "Say It With Stiches" commercial building, Granville Place professional building and the Stardust Motel. The properties are designated and zoned Mainstreet Commercial.

The site is within walking distance to the Bedford Waterfront, Mill Cove Plaza, Hammonds Centre, Village Centre, LeBrun Centre and many small scale commercial businesses along the Bedford Highway. The site contains:

- two single unit dwellings;
- a total land area of approximately 28,000 square feet (2,601 m<sup>2</sup>);
- approximately 142 feet (43.2m) of frontage along the Bedford Highway;
- an average depth of 225 feet (68.6m);
- a 28 foot (8.5m) grade difference between the Bedford Highway and the rear property line;
- and
- the CN railway line and the Bedford Waterfront Development lands at the rear of the property.

### ***Policy Analysis***

The proposed commercial/residential mix building is described as follows:

- a building footprint of approximately 8,602 square feet (799m<sup>2</sup>);
- approximately 4,011 square feet (372 m<sup>2</sup>) of commercial equivalent to 17 (%) percent of the gross floor area;
- 16 two bedroom apartments, approximately 19,654 square feet (1,826 m<sup>2</sup>) or 83 (%) percent of the gross floor area;
- approximately 19 underground parking spaces for the residential units and 19 surface parking spaces for visitor parking and the commercial space;
- approximately 1,033 square feet (96 m<sup>2</sup>) of indoor amenity space (i.e. exercise room and library);
- approximately 9,532 square feet (885 m<sup>2</sup>) of outdoor amenity (landscaped and sitting areas, balconies);
- indoor and outdoor amenity space is equivalent to 660 square feet (61.3 m<sup>2</sup>) per residential unit; and
- the style of the building containing the residential units at the rear is a somewhat simplified, revival of a Queen Anne Period mansard style building with balconies, dormers and variable roof heights reminiscent of many local buildings constructed in the late 1800's.

The following is an analysis of the development pursuant to proposed Policy C-21 and the Implementation Policy Z-3 of the Bedford Municipal Planning Strategy.



*Minimum Lot Size:*

Proposed MPS policy requires the subject property to be a minimum of 25,000 square feet (2322 m<sup>2</sup>) in size. The site is approximately 28,504 square feet (2648 m<sup>2</sup>).

*Interior Allocation of Commercial and Residential Space:*

Proposed MPS policy requires a minimum of 15% of the gross floor area to be commercial. Approximately 4,011 square feet (373 m<sup>2</sup>) or 17 percent of the floor area is allocated for commercial. Commercial is to be located on and above street level (the Bedford Highway). The residential space is approximately 19,654 square feet (1,826 m<sup>2</sup>) or 83 percent of the gross floor area. The residential units are to be located in the rear portion of the building and do not front the Bedford Highway.

*Commercial Uses Limited to CMC uses:*

Proposed policy states that commercial uses be restricted to those permitted in the CMC zone. The proposed development agreement further restricts the commercial space by excluding several Mainstreet Commercial uses to ensure compatibility with the residential units and with abutting properties.

*Provisions of CMC zone (Appearance and Compatibility):*

To ensure the overall intent of the CMC zone is maintained, the proposed policy requires all provisions of the CMC zone be met except the maximum gross floor area and height requirement for residential units. The proposal complies with the CMC provisions and these conditions are stipulated in the proposed development agreement (Attachment B).

With respect to height, the CMC zone requires a maximum building height of 2 floors above the Bedford Highway as opposed to a maximum height of 35 feet as is the case in other zones throughout Bedford. The proposed building is 3 floors above the Bedford Highway. However the proposed third floor is stepped back from the Bedford Highway, masked by a second roof line and has no windows fronting on Bedford Highway. These building features give the appearance of only 2 floors rather than 3. In addition, the proposed building has the same height and roof pitch as the Granville Place Professional Building to ensure compatibility with the abutting properties.

*Site Design Features:*

Proposed policy requires site design features to address potential impacts on adjacent development and meet the needs of residents within the development. Landscaping is required throughout the entire site including construction of a sidewalk along Bedford Highway. Approximately 660 square feet (61.3 m<sup>2</sup>) of indoor and outdoor amenity space has been provided for each residential unit. The indoor amenity space consists of a tenant exercise room and library and the outdoor amenity space consists of landscaped areas, sitting areas, and balconies. The proposed amenity space exceeds the requirement of 575 square feet (53 m<sup>2</sup>) per two-bedroom residential unit specified by the Residential Multiple Unit Dwelling (RMU) zone. The majority of on-site parking is to be provided underground and the surface parking is located along the north property adjacent to the Granville Place Professional Building.

*Traffic Circulation, Access and Egress:*

Access to the site is to be restricted to one driveway with a 25 foot (7.6m) opening. In the opinion of staff, the traffic flows resulting from the proposed development will not exceed the traffic flows which would result from a commercial development permitted in accordance with CMC zone provisions.

*Municipal Services*

The proposed development can be adequately accommodated by the existing sewer and water services in the area. Adequate water services for both domestic services and fire flows exist for the subject property.

*Summary*

The proposed site specific policy for 1091-1095 Bedford Highway addresses the site constraints of the property and enables a development which is consistent with the overall policy intent of the Mainstreet Commercial area to be considered. Staff recommend that Regional Council adopt proposed policy C-21 and that North West Community Council approve the development agreement for 1091-1095 Bedford Highway enabling residential development not exceeding 50% of the gross floor area of the proposed commercial/residential mix use building to proceed.

Staff further recommend that Regional Council adopt the proposed policy C-21(a) to enable properties without frontage on the Bedford Highway within the CMC zone to be developed as multiple unit dwellings by development agreement.

**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:**

- (a) Community Council could recommend that Regional Council approve the proposed plan and by-law amendments and Community Council could approve the proposed development agreement. This is the staff recommendation.
- (b) Community Council could recommend that the plan and by-law amendments or the terms of the development agreement, as presently drafted, be amended. If this option is chosen, specific direction should be given regarding the amendments sought. If the amendments are substantial, it may be necessary to defer forwarding this application to Regional Council in order to allow for further negotiations between staff and the proponent. If, however, only minor amendments are sought, it may be possible to forward the application with a commitment from staff and the applicant that the matters will be addressed in a

supplementary report to Regional Council. If this application proceeds to public hearing in its present form and the plan and by-law amendments are approved, nothing would preclude the Community Council from seeking amendments to the development agreement after hearing from all interested parties.

- (c) Community Council could recommend that Regional Council reject the plan and by-law amendments which would enable this proposal to be considered. Regional Council is under no obligation to consider a request to amend the MPS and a decision not to amend the MPS can not be appealed. If this alternative is approved by Regional Council, no further consideration of this application will be given.

#### **ATTACHMENTS:**

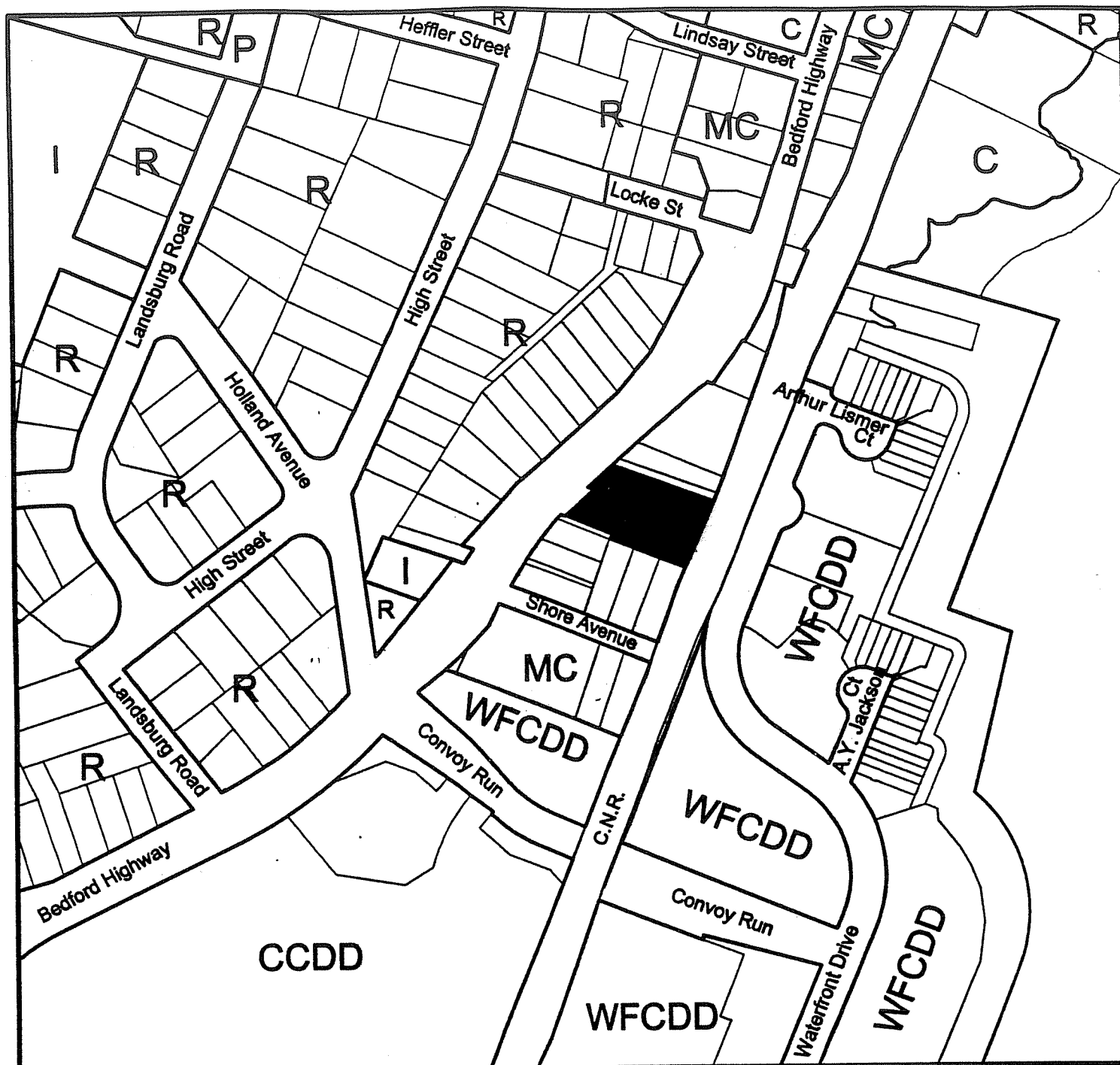
Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map
Map 3:	Concept Plan for 1091-1095 Bedford Highway
Attachment A:	Proposed Amendment to Mainstreet Commercial Policy
Attachment A-1:	Proposed Provision to Land Use By-law
Attachment B:	Development Agreement
Attachment C:	Summary from Public Information Meetings dated June 17, 2002
Attachment D:	Summary from Public Information Meetings dated January 15, 2003
Attachment E:	Summary of the Development Proposal

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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 490-4208 (fax).

*Report Prepared by: Thea Langille-Hanna, Planner (869-4262)*

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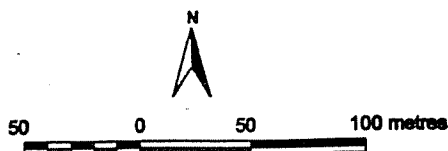
**Map 1**  
**Generalized Future Land Use**

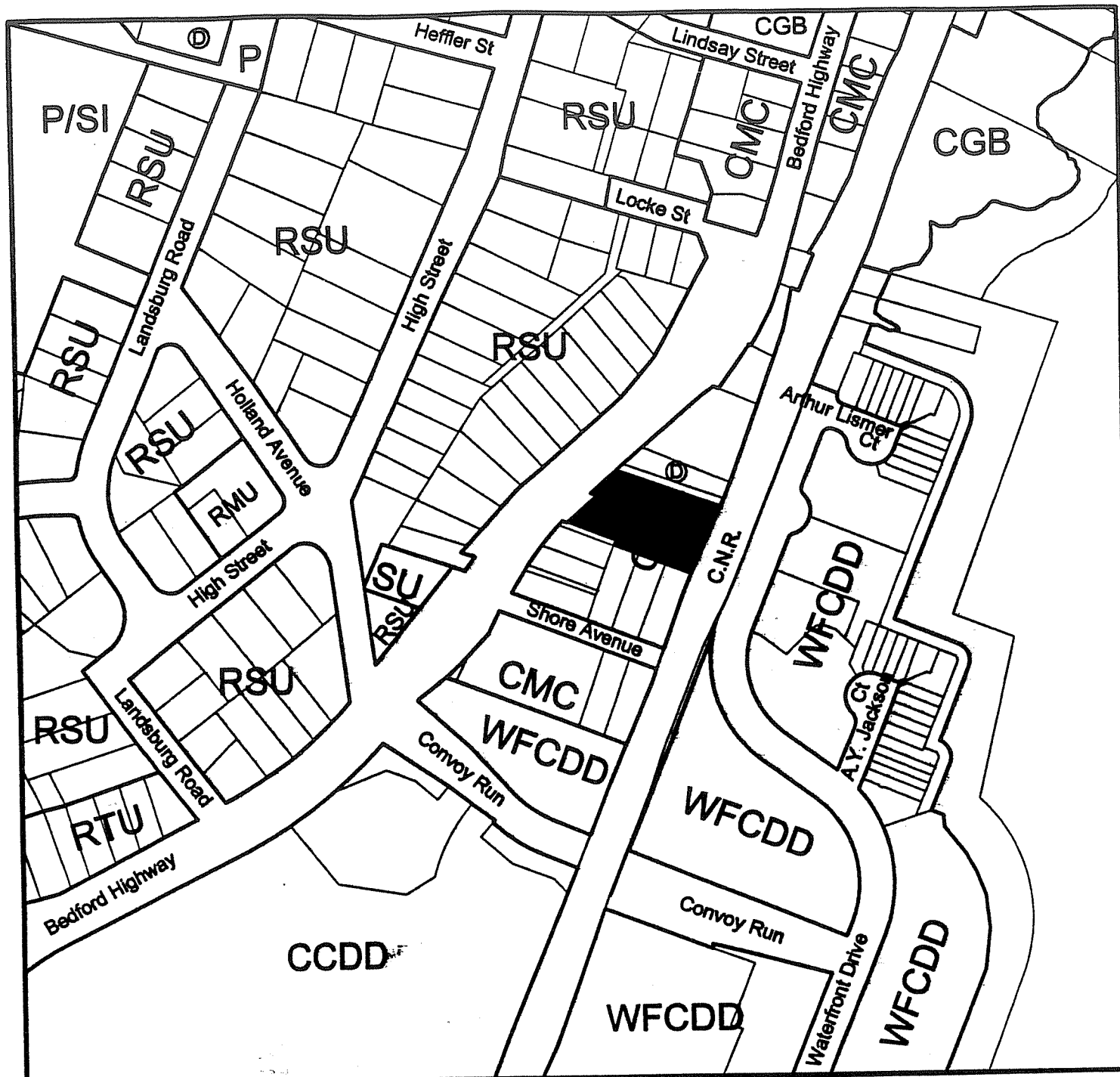
 **Subject Properties**

R Residential Designation  
I Institutional Designation  
P Park and Recreation Designation  
C Commercial Designation

MC Mainstreet Commercial Designation  
CCDD Commercial Comprehensive Development District  
WFCDD Waterfront Comprehensive Development District

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES





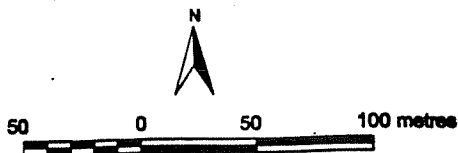
## Map 2 Zoning

 Subject Properties

**HALIFAX**  
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RSU Single Dwelling Unit Zone  
RTU Two Dwelling Unit Zone  
RMU Multiple Dwelling Zone  
P Park Zone  
SU Utilities Zone

CMC Mainstreet Commercial Zone  
CGB General Business District Zone  
CCDD Commercial Comprehensive Development District  
WFCDD Waterfront Comprehensive Development District  
ⓓ Existing Development Agreements



EXISTING SIDEWALK FROM CIVIC STREET TO BE CONTINUED UP TO THE PROPERTY LINE AS SHOWN.

42' HIGH GUARDRAIL

EXISTING SIDE DRIVE

17'-1"

Proposed Building

30.8

PATH

46.1

PARKING TOTAL - 8 CARS

PARKING TOTAL - 8 CARS

PARKING TOTAL - 5 CARS

PARKING TOTAL - 5 CARS

DRIVEWAY PARKING TOTAL - 12 CARS

DRIVEWAY PARKING TOTAL - 12 CARS

42' HIGH GUARDRAIL

42' HIGH GUARDRAIL

TRASH HOLDING

EXISTING BUILDING

ADJUT. PARKING LOT

Grassed Areas

Trees

Shrubs, Bushes and Small Trees

# Map 3 Site Plan

Apr. 16, 2003

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

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**HAILEAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES

## ATTACHMENT A

### Case 00414: Amendments to the Bedford MPS and LUB respecting the Mainstreet Commercial (CMC) Zone.

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

#### h) Mainstreet Commercial Core

The section of the Bedford Highway from the Sackville River bridge through to the Hammonds Plains Road was traditionally the main location for serving neighbourhood and community needs. Over time, the importance of this area in serving these needs has declined. Like many other small towns, the growth and popularity of shopping malls has resulted in the general decline of older, established commercial areas. This decline has led to a general shift away from this section of the Bedford Highway in terms of being the community's commercial centre.

Concern over the changing character of the Town's "central core" was expressed during the recent review of the Municipal Planning Strategy. This concern was reflected also in the Town's previous Municipal Development Plan as well as a detailed area plan study undertaken in 1983 for this portion of the Bedford Highway. In an attempt to re-establish the area as a viable commercial component of the Town that will once again be an asset, both economically and aesthetically, as well as provide the Town with a downtown focus, the establishment of a mainstreet commercial zone and its application to this area is suggested.

Policies C-19 to C-29B discuss the mainstreet commercial area. The Mainstreet Commercial Zone will apply to all those properties fronting on the Bedford Highway shown on Map 2. The intention is to create a pleasant pedestrian-oriented streetscape which reflects the Towns' heritage. Permitted uses within the zone will be limited to local small scale commercial uses oriented to pedestrian traffic. Designated heritage buildings within the area will be combined with new developments which are subject to specific signage, landscaping, parking, setback, and architectural controls (see Appendix D for examples). The development of sidewalks, street furniture, and community parking lots along this portion of the Bedford Highway are additional elements which will contribute to the development of this streetscape.

**As a means of revitalizing the mainstreet commercial core, controls have been established in the Land Use By-law to ensure residential units do not exceed 50% of the gross floor area or be located at street level along the street within the first floor in buildings within the Mainstreet Commercial zone. These controls are most**

effective for relatively small lots with a local commercial use on the main floor fronting the Bedford Highway and where one or two residential units are provided on the second floor.

It is recognized that such limitations are difficult to achieve at 1091 and 1095 Bedford Highway. This particular property is relatively large in size, its lot configuration is long and narrow and a significant grade differential exists from the front property line, along the Bedford Highway, and the rear property line along the CN rail line. These characteristics are unlike those of the majority of properties which have been zoned Mainstreet Commercial. Therefore, it shall be the intention of Council to consider a reduction of these standards for 1091 and 1095 Bedford Highway in accordance with Policy C-21.

**Multiple Unit Dwellings in the Mainstreet Commercial Core**

Several side streets which run perpendicular to the Bedford Highway do not have frontage along the Bedford Highway (i.e. Shore Avenue, Lindsay Street, Forth Street, Meadowbrook Drive and Division Street). A lack of direct access to the Bedford Highway combined with close proximity to residential developments, suggests that commercial development may not be the most reasonable or viable land use for these properties. Small scale multiple unit dwellings are compatible with the compact traditional form of a mainstreet commercial core area and may be appropriate in these areas. It shall be the intention of Council to consider multiple unit dwellings by development agreement in the Mainstreet Commercial core in accordance with Policy C-21 (a).

**Policies:**

**Policy C-21**

Within the Commercial Designation, 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 shall only be consideration by a development agreement according to the provisions of the Municipal Government Act. In considering any such agreement, Council shall have regard to the following:

- (b) a minimum lot area of 28,000 square feet (2601 m<sup>2</sup>);
- (b) that a minimum of 15% commercial floor area be required and that the commercial component be located on the first floor fronting the Bedford Highway;



- (c) that commercial uses be limited to those uses permitted within the Mainstreet Commercial (CMC) Zone;
- (d) that all provisions of the Mainstreet Commercial (CMC) Zone and relevant General Provisions of the Land Use By-law be met as minimum requirements. These provisions shall include setbacks, lot coverage, parking spaces, landscaping within parking lots, general landscaping, architectural design, signs and amenity space;
- (e) that the portion of the building facing/fronting the Bedford Highway not exceed three storeys in height provided the appearance of the building is compatible with adjacent lands uses and buildings;
- (f) that site design features, including landscaping, amenity areas, parking areas and driveways be designed to address potential impacts on adjacent development and to provide for the needs of residents within the development;
- (g) that outdoor pedestrian facilities such as but not limited to seating, lighting, gardens, art and water features, be provided;
- (h) that parking spaces for the residential units be provided underground;
- (i) that the impact on traffic circulation, in particular sighting distances and entrances and exits to the site on the Bedford Highway be considered and adequately addressed;
- (j) that existing significant vegetation stands be retained, where possible; and
- (k) that the provisions of Policy Z-3 be met.

**Policy C-21 (a)**

**Within the Commercial Designation, new multiple unit dwellings and renovations and expansions to existing multiple unit dwellings shall only be considered by a development agreement in accordance to the provisions of the Municipal Government Act. In considering any such agreement, Council shall have regard to the following:**

- (a) that the property is zoned Mainstreet Commercial (CMC);
- (b) that the property does not have frontage along the Bedford Highway;

- (c) that all provisions of the Residential Multiple Dwelling Unit (RMU) Zone, and relevant General Provisions of the Land Use By-law are met as minimum requirements. These provisions shall include but not limited to setbacks, lot coverage, height, parking spaces, landscaping within parking lots, general landscaping, architectural design, signs, amenity space and density;
- (d) that the appearance of the building is compatible with adjacent lands uses and buildings;
- (e) that site design features, including landscaping, amenity areas, parking areas and driveways are designed to address potential impacts on adjacent development and to provide for the needs of residents within the development;
- (g) that outdoor pedestrian facilities such as but not limited to seating, lighting, gardens, art and water features, be provided;
- (h) that the impact of traffic circulation on residential streets, in particular sighting distances and entrances and exits to the site be considered and adequately addressed;
- (i) that existing significant vegetation stands are retained, where possible; and
- (j) that 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 \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

## ATTACHMENT A-1

### Case 00414: Amendments to the Bedford MPS and LUB respecting the Mainstreet Commercial (CMC) Zone.

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

1. 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) **new multiple unit dwellings or renovations and expansions to existing multiple unit dwellings within the CMC Zone (C-21 (a)).**

THIS IS TO CERTIFY that the Municipal Planning Strategy of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

**ATTACHMENT B**

**THIS AGREEMENT** made this                      day of                      , 2003,

**BETWEEN:**

**Granville Investments Limited**  
(hereinafter called the "Developer")

**OF THE FIRST PART**

**-and-**

**HALIFAX REGIONAL MUNICIPALITY**,  
a body corporate, in the County of  
Halifax, Province of Nova Scotia  
(hereinafter called the "Municipality")

**OF THE SECOND PART**

**WHEREAS** the Developer is the registered owner of certain lands located on Bedford Highway (1091-1095 Bedford Highway) (PID# 00435164, PID# 00434878 and a portion PID# 40398794) and which said lands are more particularly described in Schedule "A" to this Agreement (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a development agreement to allow residential dwelling units in excess of 50% of the gross floor area of a commercial/residential mix use building on the Lands pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy and Land Use By-law for Bedford;

**AND WHEREAS** the North West Community Council approved this request at a meeting held on                      2003, referenced as Municipal Case Number 00414;

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

**PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

- 1.1 The Developer agrees that the Lands shall be subdivided, consolidated, developed and used only in accordance with and subject to the terms and conditions of this Agreement.
- 1.2 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, as may be amended from time to time.

- 1.3 Except as otherwise provided for herein, the subdivision of the Lands shall comply with the requirements of the Subdivision By-law of Bedford (excluding the Engineering Specifications) and the Municipal Servicing Specifications, as may be amended from time to time.
- 1.4 Pursuant to Section 1.2 and 1.3, 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 and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.
- 1.5 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 and Subdivision 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.
- 1.6 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.
- 1.7 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: USE OF LANDS AND DEVELOPMENT PROVISIONS**

### **2.1 Schedules**

The Developer shall develop and use the Lands in conformance with the site plans, design drawings, renderings and supporting technical documents, attached as the following Schedules to this Agreement:

Schedule "A"	Legal Description of the Lands
Schedule "B"	Permitted Commercial Uses
Schedule "C"	Site Plan
Schedule "D-1"	Floor Plan - Level 1 Floor Plan
Schedule "D-2"	Floor Plan - Level 2 Floor Plan
Schedule "D-3"	Floor Plan - Level 3 Floor Plan
Schedule "D-4"	Floor Plan - Level 4 Floor Plan
Schedule "D-5"	Floor Plan - Underground Parking

Schedule "E-1"	Elevations - Bedford Highway Elevation
Schedule "E-2"	Elevations - West Elevation
Schedule "E-3"	Elevations - North Elevation
Schedule "E-4"	Elevations - East Elevation
Schedule "E-5"	Elevations - South Elevation

## **2.2 Permitted Uses**

### **2.2.1 The use of the Lands permitted by this Agreement shall include:**

- (a) uses permitted in accordance with the zone applied to the Lands (as amended from time to time); or
- (b) a residential/commercial mix use building with residential dwelling units in excess of 50% of the gross floor area of the building and commercial uses identified in Schedule "D" of this Agreement.

If development occurs in accordance with Section 2.2 (a) the provisions of this agreement shall not apply and development shall proceed in accordance with the Bedford Land Use By-law as amended from time to time.

## **2.3 Building Design**

### **2.3.1 The Developer shall construct a building on the Lands which, in the opinion of the Development Officer, is substantially in conformance with the Schedules "D" and "E" to this Agreement, including its location, size, height, and architectural design including facade features and type of exterior materials. Schedule "D" are not intended to show the precise location of decks and bay windows.**

### **2.3.2 The Development Officer may approve, upon application by the Developer, minor changes to the building design as illustrated on Schedules "D" and "E" provided the architectural requirements of this Agreement are adhered to.**

### **2.3.3 The Developer agrees that the building constructed on the Lands shall comply with the following:**

- (a) **The number of floors fronting or facing the Bedford Highway shall not exceed three;**
- (b) **No windows or balconies shall be permitted on the third floor fronting or facing the Bedford Highway as illustrated on Schedule "E-2";**
- (c) **The height of the building shall not exceed 38 feet (11.6 m);**
- (d) **The commercial shall be restricted to Level 1, Level 2 and Level 3 fronting the Bedford Highway as shown on Schedules and shall occupy a minimum of 15% of the gross floor area as shown on Schedule "D-1", "D-2" and "D-3";**

(e) The total number of residential units shall not exceed sixteen (16).

2.3.4 Where provided lighting shall be directed to all driveways, parking areas, loading areas, building entrances and walkways and away from streets and abutting properties.

2.3.5 No occupancy permits shall be issued for the building or any unit with the building until such time as the lighting has been completed. An occupancy permit may be issued, however, provided the Developer supplies a security deposit in the amount of 120 per cent of the estimated cost, as provided by the Developer, to complete the lighting. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable letter of credit, with automatic renewal, 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.

## 2.4 Architecture

2.4.1 The Developer agrees that the building constructed on the Lands shall comply with the following as generally illustrated on Schedules "D":

- (a) Architectural detailing shall include one or more of the following: lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards or an acceptable equivalent approved by the Development Officer.
- (b) Architectural treatment shall be continued around all sides of the building.
- (c) Exterior building materials shall include any one or more of the following:
  - clay masonry
  - concrete split face masonry
  - cut stone masonry
  - random stone masonry
  - horizontal clapboard stained wood siding
  - vertical tongue and groove or shiplap stained wood siding
  - vertical board and batten stained wood siding
  - stained wood shingles; or
  - acceptable equivalent in the opinion of the Development Officer, in consultation with a Building Inspector.

Exterior building material shall not include vinyl siding.

- (d) Roof materials shall be comprised of either asphalt shingles, wood shingles or shakes, prefinished standing seam metal, or natural and/or artificial slates.
- (e) The building shall have offset walls through use of projections and recesses.
- (f) Window openings shall be a maximum of 50% of all wall area (per wall).



## **2.5 Parking and Circulation**

**2.5.1** The internal driveway layout and the number and layout of parking spaces on the Lands shall be as generally illustrated on Schedule "C". The Developer agrees that the parking on the Lands shall comply with the following:

- (a) No parking shall be permitted in the front yard or the side yard adjacent to 1105 Bedford Highway (PID# 40022304/00434688).
- (b) 75% of the required residential parking shall be provided underground.
- (c) The driveway opening shall be a minimum of 23 feet (7.01 m) to a maximum of 33 feet (10 m) and the driving aisle(s) is a minimum of 20 feet (6.09 m).
- (d) 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.
- (e) Where parking lots are to be delineated by curbing, such curbing shall not be asphalt.

**2.5.2** 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 Schedule "C-1" provided such changes further the intent of Section 2.5.1 and this Agreement.

## **2.6 Streets and Municipal Services**

**2.6.1** 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, street intersection improvements, sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities, as generally illustrated by the Schedules attached hereto. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies and regulations of HRM and other approval agencies, except as provide for herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer.

**2.6.2** Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, 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 Engineer.

**2.6.3** Pursuant to this Section (Section 2.6), no Building Permit shall be issued for any building on the Lands until all street improvements, municipal servicing systems and utilities have

been completed, except that the Building Permit may, at the discretion of the Municipality, be issued subject to security being provided to the Municipality in the amount of 120 per cent of the estimated cost of completion, as provided by the Developer, of all outstanding work. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or irrevocable letter of credit, with automatic renewal, issued by a chartered bank. The security shall be returned to the Developer only upon completion of all work, as described herein and illustrated on the Schedules, and as approved by the Municipality.

## **2.7 Landscaping and Sidewalk**

**2.7.1** The Developer shall submit a landscaping plan, as generally illustrated on Schedule "C", to the Development Officer for review and approval. Minor changes/variations to Schedule "C" may be considered by the Development Officer provided the changes/variations further enhance the landscaping of the Lands and the intent of this Agreement.

**2.7.2** The Developer shall construct a sidewalk in the front of the building as illustrated on Schedule "C". The sidewalk shall be constructed and completed prior to the issuance of any Occupancy Permit and shall comply with all applicable Halifax Regional Municipality specifications and procedures.

**2.7.3** Further to this Section (Section 2.7.1 and 2.7.2), no Occupancy Permit shall be issued for the building or unit within the building on the Lands until all landscaping and the sidewalk has been completed, except that the Occupancy Permit may, at the discretion of the Municipality, be issued subject to security being provided to the Municipality in the amount of 120 per cent of the estimated cost of completion, as provided by the Developer, of all outstanding work. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or irrevocable letter of credit, with automatic renewal, issued by a chartered bank. The security shall be returned to the Developer only upon completion of all work, as described herein and illustrated on the Schedules, and as approved by the Municipality.

## **2.8 Signage**

**2.8.1** Signage shall be as permitted in the CMC (Mainstreet Commercial) zone of Bedford Land Use By-law, as amended from time to time.

**2.8.2** No mobile signs, including temporary, shall be permitted.

## **2.9 Outdoor Storage**

**2.9.1** The Developer shall provide an area designated for the storage of recyclables, organic and refuse, and the collection and loading of the same. Sufficient space shall be provided in a common area on the Lands (interior or exterior) shall be provided for containers to store recyclables (i.e. food and beverage containers), paper materials, organic (i.e. food and leaf

and yard waste), and refuse ( materials not included in other categories). The area used for the collecting and loading of recyclables, paper, organic and refuse shall meet the following design criteria:

- (a) be of adequate size for separate bin(s) for each type of material (i.e. recyclables, paper, organic and refuse;
- (b) be accessible and convenient for tenants and waste haulers;
- (c) be adjacent to each other wherever feasible; and
- (d) be clearly identified by signage and clearly identify the type of materials accepted there in.

2.9.2 Propane tanks, electrical transformers and outdoor refuse containers/bins shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls and/or suitable landscaping.

## **2.10 Maintenance**

2.10.1 The Developer shall maintain and keep in good repair all portions of the development and Lands, including but not limited to, the interior and exterior of the buildings, retaining walls and fencing, lighting, walkways, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, and snow and ice removal on walkways, driveways and parking areas, clean-out of the stormceptors (if any), and maintenance of stormwater outfalls.

## **2.11 Environmental Matters**

2.11.1 The Developer shall submit a detailed Site Grading Plan. Such plan shall require the approval of the Development Officer, on the advice of the Development Engineer and Parkland Planner and shall be approved by the Developer Officer prior to the commencement of any site works on the Lands.

2.11.2 All ~~environmental~~ protection measures (detailed Erosion and Sedimentation Control Measures and Stormwater Management plan) associated with the development of the Lands, shall generally comply with this Agreement and the measures to any other measures as may be determined, at any time, by the Municipality or the Nova Scotia Department of Environment and Labour during construction.

2.11.3 The Developer agrees that prior to the commencement of any work or associated off-site works, a detailed Site Disturbance Phasing Plan shall be submitted to the Development Officer, indicating the sequence of construction, the areas to be disturbed, and all proposed detailed Erosion and Sedimentation Control Measures and Stormwater Management measures to be put in place prior to and during development of that phase. The plans shall be reviewed by, and require the approval of the Development Officer, on

the advice of the Development Engineer and any other applicable agencies such as the Nova Scotia Department of Environment, prior to any site works being undertaken.

- 2.11.4 Prior to the commencement of any work on the Lands, or associated off-site works, the Developer shall post security in the amount of \$5,000.00 to ensure that all environmental protection measures are properly implemented and maintained. The security shall be in favour of HRM and must be in the form of a certified cheque or irrevocable letter of credit, with automatic renewal, issued by a chartered bank. The security shall be returned to the Developer within one (1) year from the date of issuance of the applicable occupancy permit, provided all measures for environmental protection have been implemented to the satisfaction of the Development Officer.

## **2.12 Phasing**

- 2.12.1 No occupancy permit shall be issued for the building or portions thereof until all applicable infrastructure, applicable to the Lands, is complete as identified in this agreement.

## **PART 3: AMENDMENTS**

- 3.1 The provisions of this Agreement relating to the following matters are identified as and shall be deemed to be not substantial and may be amended by resolution of the Community Council:
- (a) changes to the architectural requirements other than the changes permitted by this agreement;
  - (b) increase in height greater than 38 feet (11.6 m) to a maximum of 45 feet (13.7 m); and
  - (c) increase in commercial space.
- 3.2 Amendments to any matters not identified under Section 3.1 shall be deemed substantial and may only be amended in accordance with the approval requirements of the Municipal Government Act.
- 3.3 In considering the approval of a non-substantial amendment under Section 3.1, property owners within 500 feet (152.4m) of the site shall be informed by mail at least 10 days in advance of the proposed amendment being considered by Council.

#### **PART 4: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

- 4.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.
- 4.2 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.
- 4.3 In the event that construction on the Lands has not commenced within 2 (two) 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. For the purposes of this section, "commencement of construction" shall mean the pouring of the footings for the foundation.
- 4.4 Upon the completion of all development on the Lands, or after 10 (ten) 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 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 Bedford Municipal Planning Strategy and Land Use By-law, as amended from time to time.

#### **PART 5: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

- 5.1 The Developer agrees 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 Developer. The Developer 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 Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 5.2 If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) 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 Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants may be recovered from the Developer by direct suit and such amount shall, until paid, form a charge upon the Lands 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 Bedford 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.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

	)	<u>GRANVILLE INVESTMENTS LIMITED</u>
	)	
	)	
	)	
	)	
	)	
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: _____
per	)	MUNICIPAL CLERK

## **SCHEDULE "B"**

### **Permitted Commercial Uses**

- a) daycare facilities, nursery school, early learning centre
- b) business and professional offices
- c) medical, veterinary, and health service clinics; outdoor kennels associated with veterinary clinics are prohibited
- d) full service restaurant
- e) food stores
- f) general retail stores
- g) personal and household service shops (exclusive of massage parlours)
- h) banks and financial institutions
- i) pub, lounge to a maximum of 800 sq. feet devoted to public use
- j) all age/teen clubs
- k) drycleaning depots
- l) uses accessory to the foregoing uses

EXISTING BERMAL FRAM CIRC RISES TO BE  
CONTINUED UP TO THE PROPERTY LINE AS  
SHOWN

42' HIGH GUARDRAIL

EXISTING BLUE LINE

11'-0"

Proposed Building

PATH

30.8

WALL ALONG  
PORT

PARKING TOTAL - 8  
CARS

PARKING TOTAL - 3  
CARS

EXISTING BUILDING

ASPHALT  
PARKING LOT

DRIVEWAY  
PARKING TOTAL - 12  
CARS

42' HIGH GUARDRAIL

THANK  
HOLDING

Grassed Areas

Trees

Shrubs, Bushes and Small Trees

# Schedule "C" Site Plan



Apr. 16, 2003

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

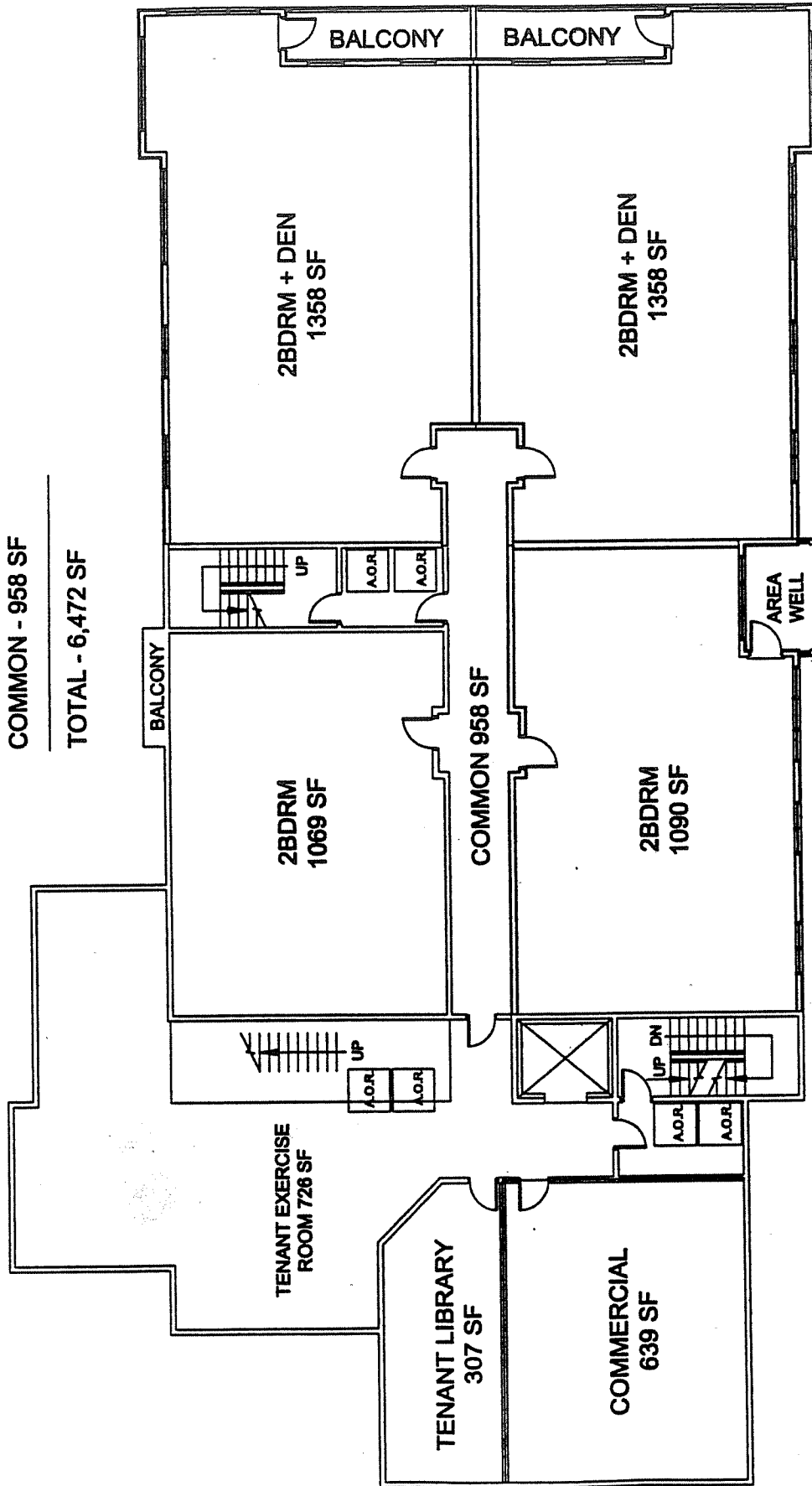
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**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES



RESIDENTIAL - 4875 SF  
 COMMERCIAL - 639 SF  
 COMMON - 958 SF

TOTAL - 6,472 SF

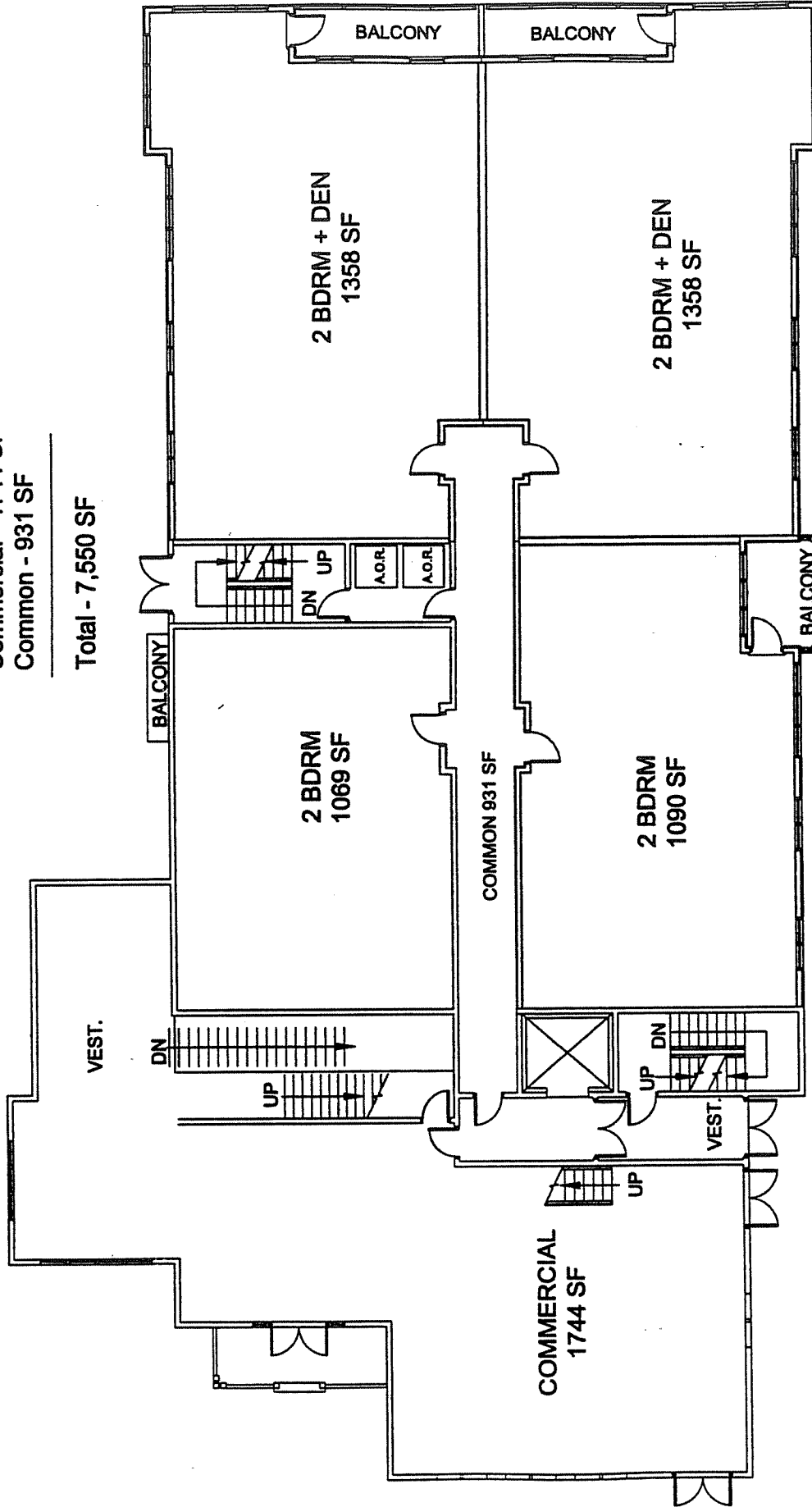


Schedule "D-1"  
 Level 1 Floor Plan

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING SERVICES

Residential - 4875 SF  
 Commercial - 1744 SF  
 Common - 931 SF

Total - 7,550 SF

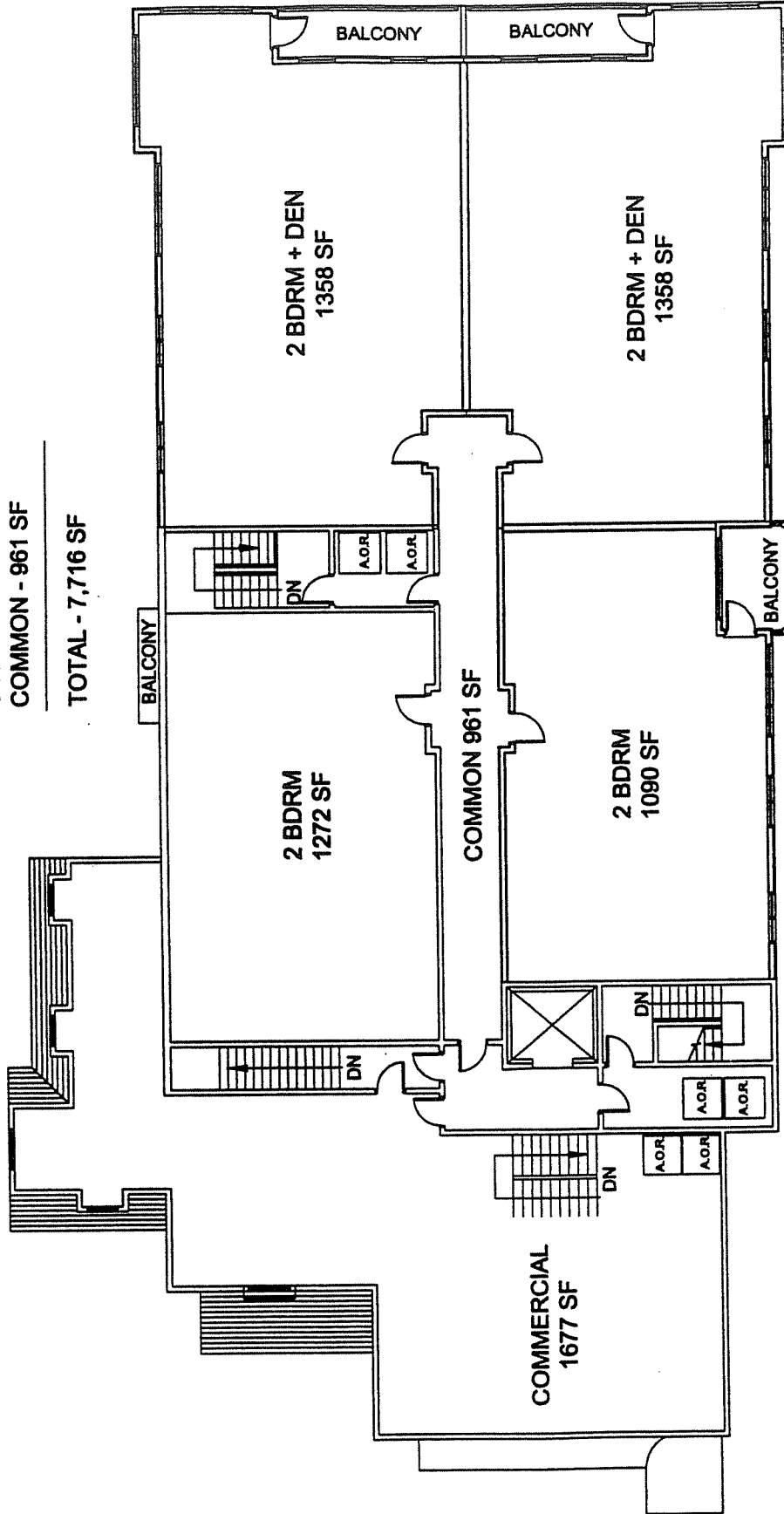


Schedule "D-2"  
 Level 2 Floor Plan

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING SERVICES

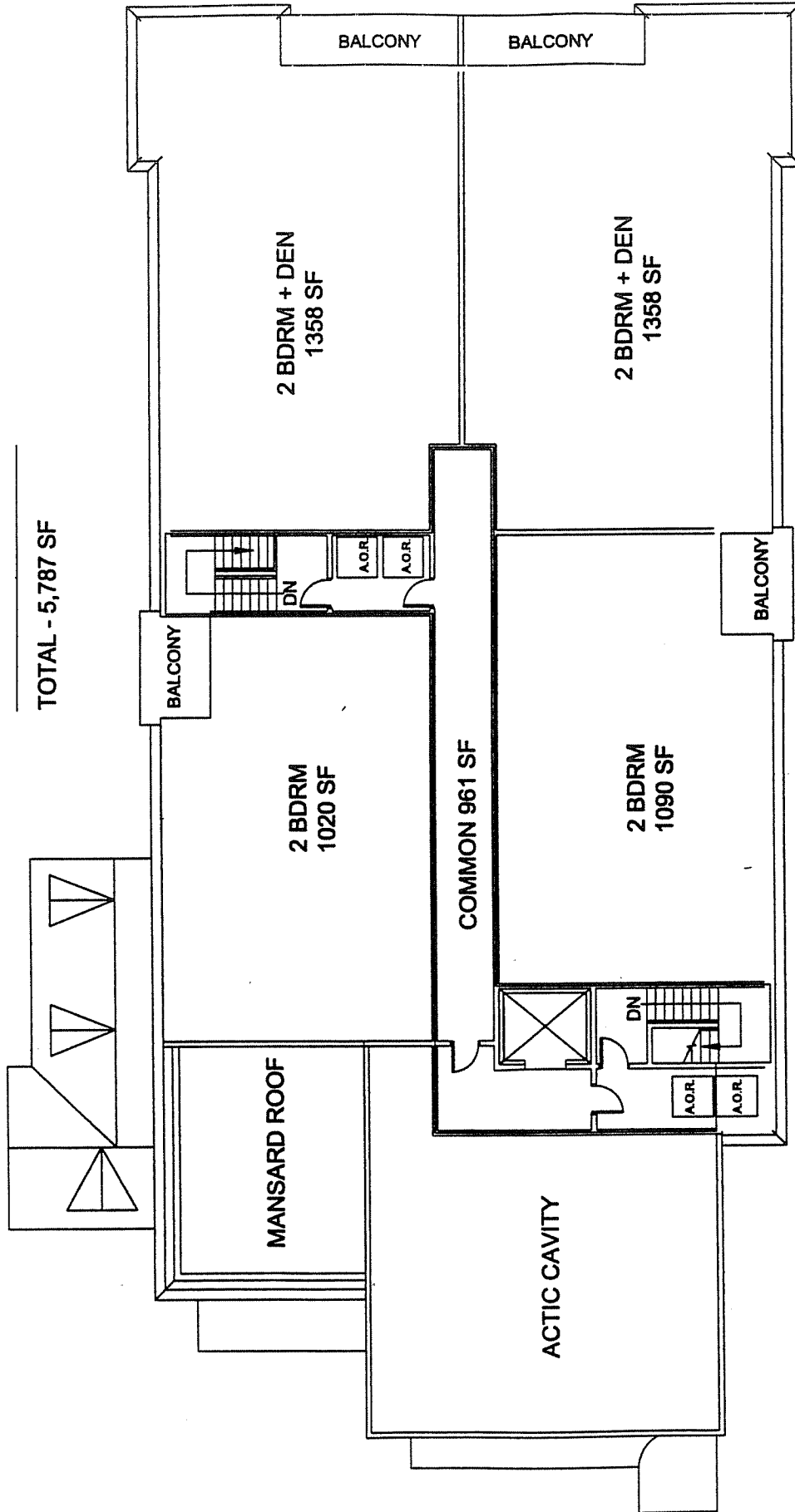
RESIDENTIAL - 5078 SF  
 COMMERCIAL - 1677 SF  
 COMMON - 961 SF

TOTAL - 7,716 SF



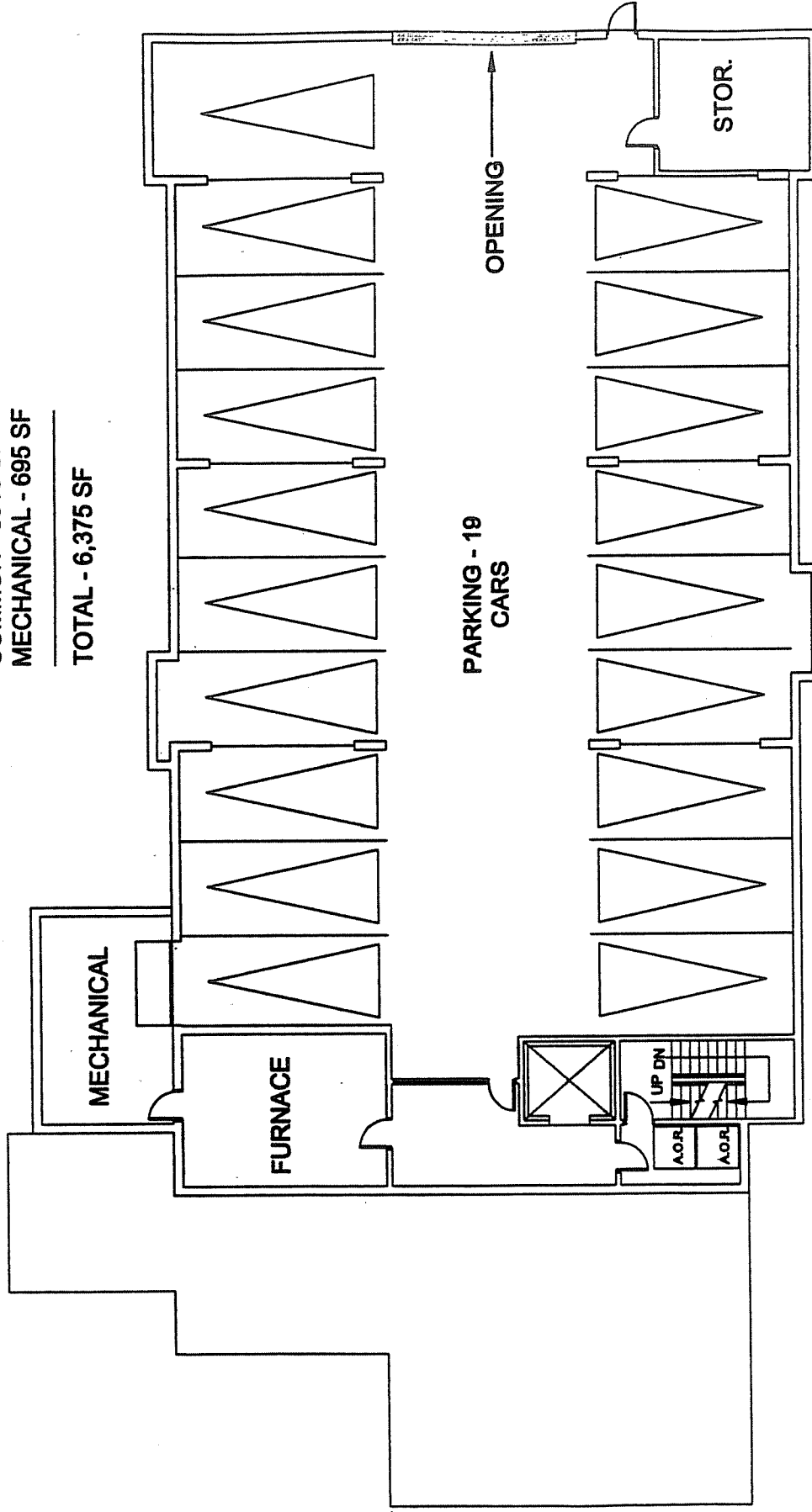
**Schedule "D-3"**  
**Level 3 Floor Plan**

RESIDENTIAL - 4,826 SF  
 COMMON - 961 SF  
 TOTAL - 5,787 SF



Schedule "D-4"  
 Level 4 Floor Plan

COMMON - 5918 SF  
 MECHANICAL - 695 SF  
 TOTAL - 6,375 SF



PARKING - 19  
 CARS

OPENING

STOR.

MECHANICAL

FURNACE

UP DN

A.O.R.

A.O.R.

# Schedule "D-5" Underground Parking Floor Plan

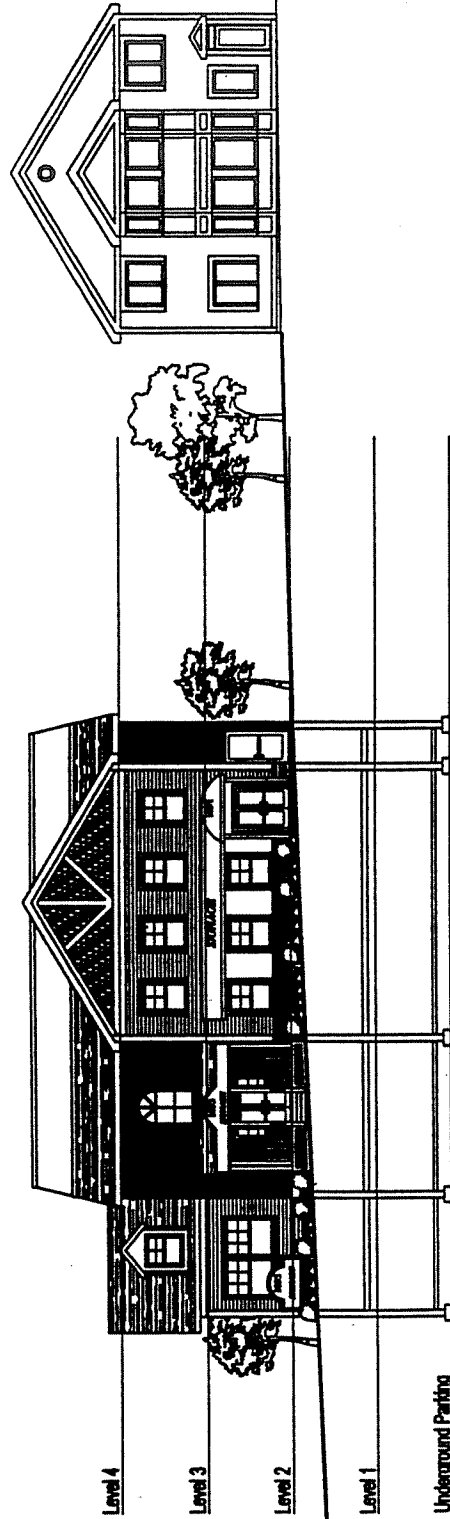


**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING SERVICES

Apr. 15, 2003

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

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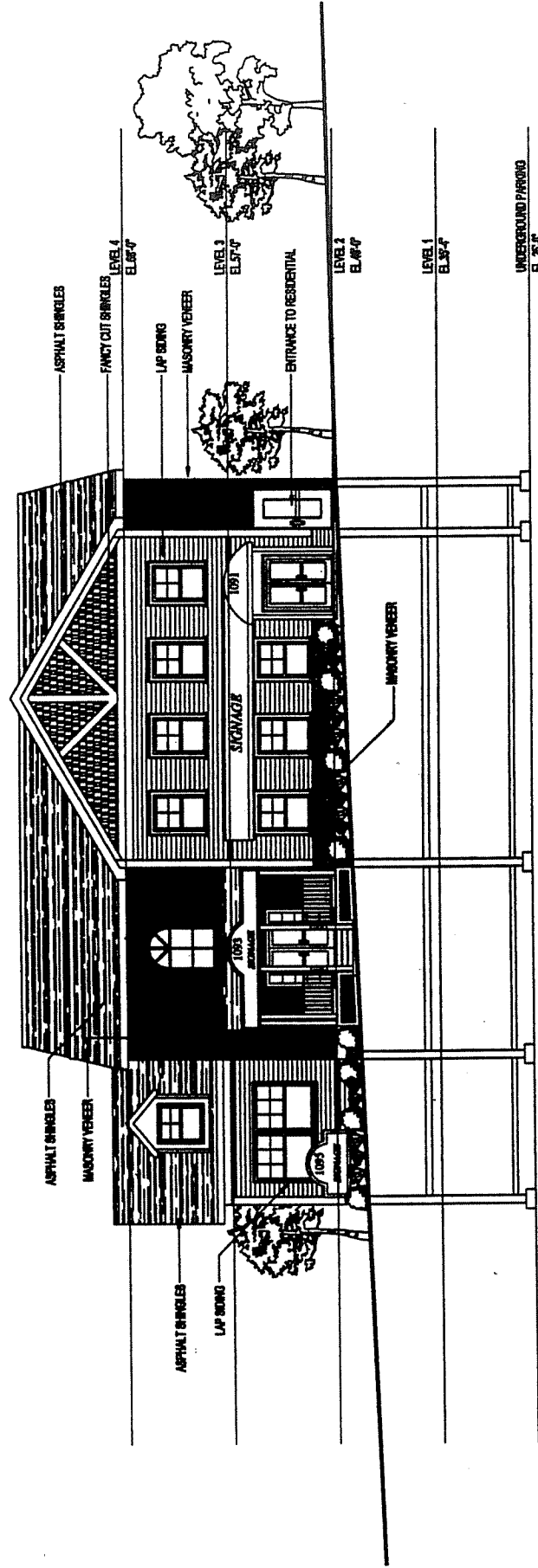
**Schedule "E-1"**  
**Bedford Highway Elevation**

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING SERVICES

Apr. 15, 2003

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

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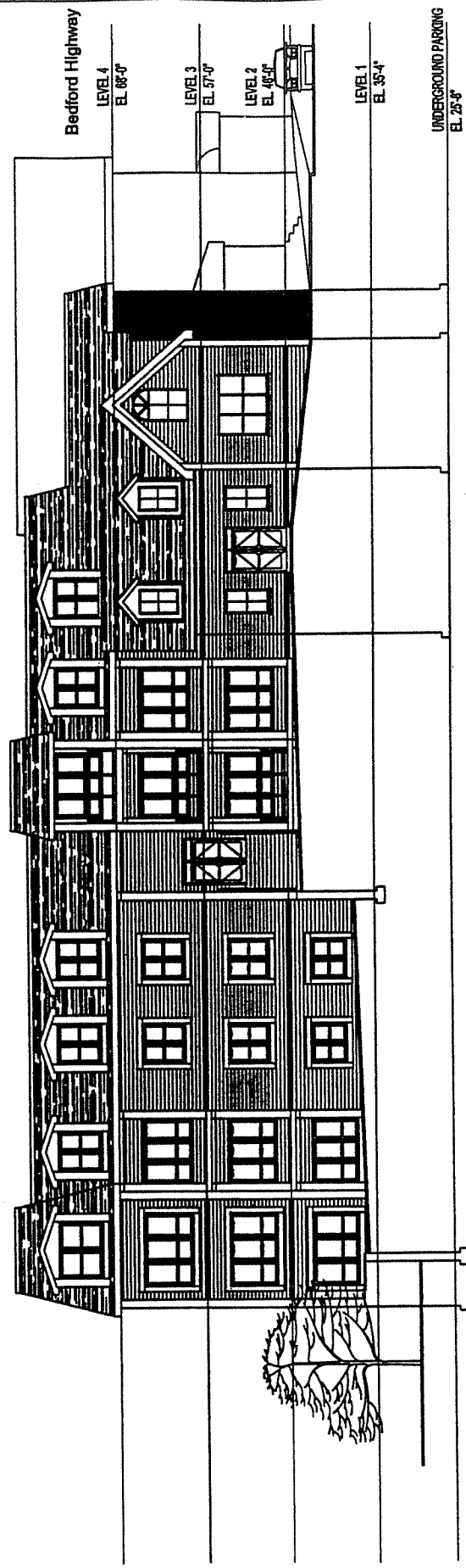
Schedule "E-2"  
West Elevation

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES

Apr. 14, 2003

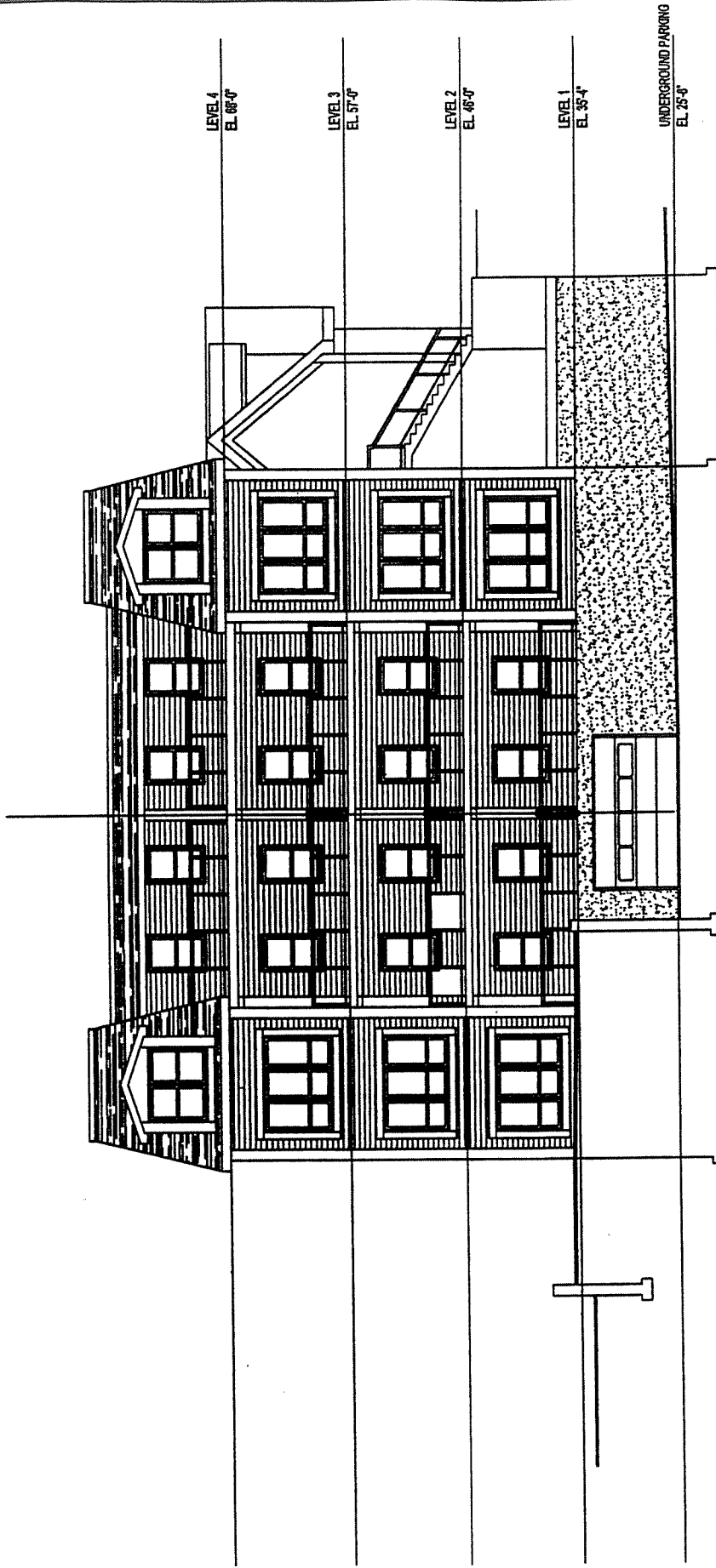
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Schedule "E-3"  
North Elevation





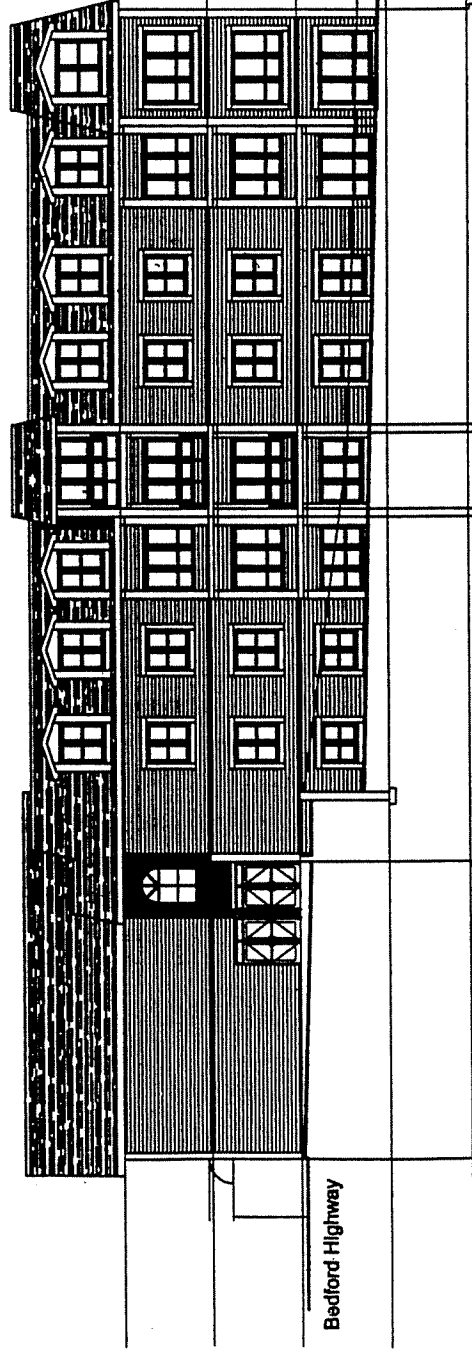
Schedule "E-4"  
East Elevation

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES

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

Apr. 14, 2003

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Schedule "E-5"  
South Elevation

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES

Apr. 15, 2003

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

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## ATTACHMENT C

### NORTH WEST PLANNING ADVISORY COMMITTEE PUBLIC MEETING

#### MINUTES

JUNE 17, 2002

THOSE PRESENT: Ann Merritt, Chair  
George Murphy  
Gloria Lowther  
Councillor Goucher

ALSO PRESENT: Thea Langille Hanna, Planner  
Andrew Bone, Planner  
Sandra Shute, Assistant Municipal Clerk

ALSO PRESENT: Approximately 40 members of the public  
(approximately 20 for each item)

#### 1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Ann Merritt, Acting Chair at Basinview Drive Elementary School, 273 Basinview Drive, Bedford.

#### 3. PUBLIC PARTICIPATION - CASE 00414 - BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW AMENDMENT - 50/50 COMMERCIAL/RESIDENTIAL MIX REQUIREMENT FOR A COMMERCIAL/RESIDENTIAL MIX BUILDING IN THE COMMERCIAL MAINSTREET ZONE

##### 3.1 Presentation

Thea Langille Hanna, Planner provided an overview of the proposal with the aid of overheads. During the course of her presentation, she reviewed the zone, the uses allowed in the zone and included the following points:

- The Mainstreet Commercial zone must contain a commercial component. Within that building, residential cannot exceed 50% of the building or gross floor area and residential cannot front on the street facing Bedford Highway.
- This is for new buildings or for buildings that could possibly be renovated or expanded.
- One of the reasons this application started is because Dr. Guam of Granville Investments Limited met with Planning staff over the past few years regarding a property he presently owns between Say It With Stitches and the professional building. She described Dr.

Guam's property and the struggle encountered in meeting the 50% requirement for commercial. Dr. Guam, therefore, requested reconsideration of the requirement.

- Bedford is the only community that puts a percentage requirement for residential/commercial.

Since Planning Staff has been asked to re-evaluate the requirement that dwelling units cannot exceed 50% of a commercial/residential mixed building, Ms. Langille Hanna indicated she was looking for answers to the following questions at this time:

1. Should the MPS commercial/residential mix buildings contain more than 50% residential?
2. What are the issues and concerns surrounding that?
3. Should flexibility be provided for large lot size or properties with topography constraints?
4. Should property without access to the Bedford Highway be required to have commercial?

Ms. Langille Hanna advised that once staff understood what the issues are in the community, then staff could deal with the specifics of Dr. Guam's application and come back at a later date.

### 3.2 Questions from Committee Members

On a question from Gloria Lowther regarding property without access to Bedford Highway, Ms. Langille Hanna advised that she wanted to know what the public thought about having a commercial requirement for Forbes Street, Shore Avenue and other streets in the back.

### 3.3 Questions/Comments from the Public

Mr. Tom Tucker, 6 Arthur Lismer Court noted that the Plan calls for an emphasis on pedestrian yet the east side of Bedford Highway has good chunks where there is no place to walk on the shoulder of the road. It was not pedestrian friendly and counter to the plan and should be rectified. The original intent was to make it a unique community for walking and shopping and he did not think it should be changed. There are lots of other places with residential and there was no need for multiple unit dwellings in excess of what is allowed now.

In response, Ms. Langille Hanna advised she understood there was a Mainstreet Program through the Town of Bedford that was looking at completing the sidewalk. The sidewalk ends at Meadowbrook. Councillor Goucher added that in 1988 there was provincial Mainstreet Program funding. Certain work had been undertaken but the 50/50 cost sharing ended before the gap in the middle was completed. The concept of the CMC zone was to try to bring a pedestrian oriented walking environment but also allow someone to have a commercial facility on the bottom with somewhere to live over top. This has happened just recently.

Mr. Tucker pointed out that someone could get around the regulations by putting a Needs in the bottom and call it commercial but basically it would be an apartment building. He would object to something like this.

Mr. Fred Shuman, 1105 Bedford Highway said his property, Say It With Stitches, was next door to Dr. Guam's proposed development. He was opposed to changing the residential/commercial mix. One of the deciding factors when he bought his property was the commitment on the part of the Town of Bedford to develop the promenade along to the current Fire Department. Small unique businesses would be located along there and it would be a pleasant place to shop and walk. The height restrictions would be kept at two storeys which was the theme.

Mr. Shuman went on to say that if residential development is allowed, the property in question has a deep back and a number of residential units can be put in with cars for each. Right now the traffic on Bedford Highway is difficult. There is no proper access to the 102. Development of this nature, with 18 additional units proposed, in addition to traffic visiting the commercial site, would make it more difficult for his customers to get in and out of his business. The aim was to keep a small town character. He appreciated Dr. Guam's problems with making the property economically viable but anyone could have the same point of view for any piece of property you buy. Dr. Guam would have been well aware of the requirements when he purchased the property.

Mr. Shuman also referred to the concept for a three storey residential mix. He stated that two stories were the maximum height along Bedford Highway and he would be opposed to anything that would extend beyond two stories. It would throw out the ambiance of the street. He was opposed to a change in the 50/50 mix.

With regard to Dr. Guam's initial proposal, Ms. Langille Hanna clarified that it was for two stories in the front and three in the back. Staff, at this time, has not done a detailed review of Dr. Guam's proposal because it was important to find out what the issues are this evening first - the answers to the bigger questions.

Mr. Johan Koppernaes advised he has owned 1248 Bedford Highway since 1971 and has three bedrooms upstairs. He was in favour of a change because there are too many restrictions. The concept of the Mainstreet - it is fine to think of what it might be but the fact is that there are 20,000 cars going each way on the Bedford Highway. The property used to be Bank of Nova Scotia and it was changed over. He has tried to do many things with the building. The bank and post office moved and the so-called concept of a Mainstreet is a fairy tale and has no reality in fact. Every plan he came up with for the property was rejected. The back is 30' above the building. The building has been for sale for 10 years. The land is worth nothing because it would cost too much to develop. The whole north side of Bedford, the ground is higher than two stories. He gave 20' of right of way to the properties in the back. The Rockaway went broke; the pizza store went broke.

A gentleman living at 19 Locke Street stated he was opposed to the proposal. He had concerns with traffic and the huge population influx to Bedford. The gridlock along Bedford Highway is getting worse. The population is predicted to expand over the next five years. He was concerned that no plans have been made to widen what is already there to allow for the increase in traffic. In the five years he lived here, he saw a complete change in the face of the waterfront with 20 storey buildings. If any flexibility is allowed, those who live in Bedford because they want to live near the water will be threatened.

Mr. Ferenc Stefani, 16 Locke Street stated it is a pipe dream to make Mainstreet out of the Bedford Highway. As time passes, it will be more and more dangerous on the section in question. There is no sidewalk. It is very dangerous to walk along the Bedford Highway when there is snow on the ground. Traffic will not diminish. From the new building to the very end, it is dead and commerce has gone by the wayside. He was not against Dr. Guam's development but wanted to have traffic and sidewalk concerns addressed first.

Mr. Issam Kadray advised he was Dr. Guam's business partner on the project. There are two properties of about 15,000 sq. ft. They looked at developing each by itself or both together. A much better development would result by putting both properties together. There would be only one driveway in this case. They could put two 5,000 sq. ft. buildings on each property with 5000 sq. ft. of residential. The problem with residential above commercial is that the quality of residential is limited. They wanted to put in a high quality development with condominiums on the back and a limited commercial component in front. The commercial would be small retail or offices which would not aggravate traffic.

Mr. Kadray continued that residential limits the type of commercial use. They were not interested in a tavern or restaurant. They wanted high quality apartments in the back with underground parking and not have them above a commercial space. If you have a commercial space of 10,000 sq. ft., there will be a lot more traffic than 18 apartments.

Dr. Errol Guam, Granville Investments stated that the building he owns in place now conforms to all the By-laws in the Mainstreet program, including the height restriction. The building is 6000 sq. ft. of rentable space. There are 25-30 cars going in and out every day. On the proposed site, however, they could go to 16,000 sq. ft. of commercial. With the mix of 50/50, they should be looking at cutting down commercial on the highway and increasing the residential with the proper residential. They were looking for seniors to live in the 18 units. Half of the people who have approached him do not own cars because of the closeness to amenities. With the 50/50, because of the heavy traffic on the Bedford Highway, a less commercial component should be encouraged and increase the right type of residential component.

Mr. Seymour Trihopoylos advised his family owns the property at 1067 Bedford Highway - the Stardust Motel since 1989. There has been new development beside and behind the Stardust Motel. He supported Dr. Guam's project. It would be tastefully done and he has already done a nice job on Granville Place. Dr. Guam is right when he says traffic congestion would be much greater if 16000 sq. ft. of commercial space was developed. He acknowledged it was getting more and more difficult to get out onto the Bedford Highway every day. He was in favour of having the commercial/residential mix reduced and allowing more residential. Dr. Guam would still be leaving a bit of commercial, leaving the Mainstreet look. The Bedford Highway has not developed into a Mainstreet walking/pedestrian type location. It would be nice to see it something like Mahone Bay but it would not happen.

Mr. Trihopoylos continued that his family owns property not fronting on Bedford Highway. Land behind the Stardust Motel is zoned CMC on 11 Shore Avenue with a very old set of flats. It does not make sense that this kind of land should have a commercial percentage requirement. It is an undeveloped part of Bedford but all high density is behind - eight stories. Two things that

make a commercial business viable are visibility and direct access. There is neither for the lands not fronting on Bedford Highway.

Gloria Lowther pointed out that during Public Meetings for formulation of the Municipal Planning Strategy, there were numerous people who wanted to maintain the small town character. She acknowledged it was now not as viable commercially but they also commented at the time they did not want to see dense residential on the strip of the highway in question.

Mr. Fred Shuman again spoke stating he was not opposed to Dr. Guam developing on the Bedford Highway. What he was opposed to was to modify the existing rules that require 50/50 or more than 50% residential. He was concerned that if it is opened up, everybody could turn their properties into residential development and the entire business area would not be able to draw viable business to the area. It would end up with a wall of residential. If Dr. Guam could put in 50% residential and meet the requirements, he would be happy. The problem with the Bedford Highway not being developed the way it should was a lack of funding and foresight on the part of the Town, partly because of amalgamation.

Mr. Doug Beattie, 95 Shore Drive remembered people trying to fight for the Municipal Planning Strategy to make Bedford a small town and have it stay that way. One of the reasons why the businesses have not been successful on the Bedford Highway is that they were not changed at the time the Mainstreet was supposed to look like a small town business district. If the percentages are changed, it will end as a residential area and no business will be viable. He was in favour of zoning properties that do not abut on Bedford Highway to residential because that would not affect the Bedford Highway. A change in the By-law will allow more variety to the buildings and a complete swing over to residential. He lived near the railway track and people will not be attracted to living near the railway track, no matter how attractive it is once they hear the first train go through. He quoted from Policy C-19 and stated it should stay that way.

Mr. Cyril Legere, 4 Locke Street asked if there was any long range plan for redirecting traffic off Bedford Highway. He indicated traffic is so bad that he can walk down to Sobeys quicker than trying to get out of his street during rush hour or if something happens on one of the bridges. In response, Councillor Goucher stated that during the MPS review, question was raised on how wide the Bedford Highway should be. Just about everyone who spoke indicated they did not want four lanes through the middle of the community. Middle ground was reached with two lanes and a turning lane. The whole concept of the CMC zone came up at the time as well. The buildings were drawn up close to the highway to be pedestrian oriented and to prevent any further widening of the road.

Mr. Legere continued by asking if traffic was going to be redirected somewhere else. In response, Councillor Goucher indicated that the BiHi is 40% utilized but the Bedford Highway is bumper to bumper. Staff is in the process of developing a Regional Master Plan for traffic where these issues will be looked at as an overlay to development in the area. This is a three year project.

Mr. Kadray indicated there would still be a commercial component in the building but it would be less than required now. The property will be developed; they just wanted to develop it to

enhance the area. They did not want to develop a 5000 sq. ft. commercial space on each lot with residential upstairs. If all the commercial was up front on the street and residential in back, people would walk there.

Mr. Beattie asked for confirmation that the purpose of the meeting was not to deal with Dr. Guam's rezoning but the four questions. Hearing confirmation, he felt that properties without access to the Bedford Highway should be eliminated from the CMC zone. With regard to flexibility for topographical constraints, this should be seriously considered.

In summation, Ms. Langille Hanna advised that staff would go back and determine the next step but at this time she wanted to advise her initial thoughts on hearing the comments this evening:

- With regard to whether or not commercial/residential mix building should contain more than 50% residential, there was a concern with allowing that to happen within the Mainstreet Commercial area. There was a specific reason why that was established in 1991 and it was a vision in the MPS and should be maintained.
- With regard to traffic, typically commercial will generate more traffic than residential.
- With respect to flexibility to provide for larger lots, when the zone was established, it concentrated on the smaller lots on the Bedford Highway parallel to Shore Drive. Smaller size lots are ideal to construct a smaller commercial building with offices on the main floor and residential on the top. This created the Mainstreet Commercial atmosphere. From a planning perspective and looking at the regulations, the question was what to do with the larger properties that extend further down and have topographical constraints. There is obviously a need to maintain the Mainstreet character but was there a way of doing that if you still have commercial on the front and residential on the back and how much.
- There might be an opportunity for larger lots to have some flexibility. At the next meeting to be held, it could focus on Dr. Guam's application. Regional Council directed staff to evaluate his application. Staff will come back at a later date in a public forum.
- With regard to the properties that do not have access onto Bedford Highway, no one spoke in opposition that the provisions are no longer Mainstreet Commercial requirement and this will be further investigated.

#### 4. CLOSING COMMENTS

The Chair thanked members of the public for attending and for their comments.

#### 5. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.



ATTACHMENT D

NORTH WEST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING

MINUTES

JANUARY 15, 2003

THOSE PRESENT: Ann Merritt  
Tony Edwards  
Gloria Lowther  
Karen Stadnyk  
Councillor Len Goucher

ALSO PRESENT: Thea Langille-Hanna, Planner  
Sandra Shute, Legislative Assistant

Approximately 20 members of the public

Regrets: George Murphy  
Delphis Roy

1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Cafeteria at Basinview Drive Elementary School, 273 Basinview Drive, Bedford.

2. **PUBLIC PARTICIPATION - CASE 00414 - GRANVILLE INVESTMENTS  
LIMITED REQUEST FOR AN AMENDMENT TO THE BEDFORD MPS AND  
LUB WITH RESPECT TO THE PROVISIONS OF THE MAINSTREET (CMC)  
ZONE**

Ms. Thea Langille-Hanna, Planner provided an introduction and overview of the specific amendment request to enable the residential units to exceed 50% of the gross floor area of the proposed building at 1091-1095 Bedford Highway. The proposed building would consist of 18 two-bedroom units with underground parking and 4,555 sq. ft. of commercial space. The proposed amendment also included a provision to enable multiple unit dwellings in the CMC Zone on properties without frontage on the Bedford Highway by Development Agreement.

Ms. Langille-Hanna indicated that Regional Council directed a review of the Mainstreet Commercial Zone in the Bedford Municipal Planning Strategy and Land Use By-law. A Public Meeting was held on June 17, 2002 to discuss the issues and concerns and possible direction of land use policy within the area in question. Subsequently, staff went back to create proposed policy within the Municipal Planning Strategy to deal with the two issues as set out above.

### New Policy - Draft - for Policy C-21 and C-21(a)

Ms. Langille-Hanna circulated copies of a draft of Policy C-21 and C-21(a) and, with the aid of overheads, provided an overview of same but as separate issues.

### Proposed Policy C-21(a)

Ms. Langille-Hanna advised that there is a recognition that the Mainstreet Commercial Zone should remain as is within Bedford but there were a couple scenarios that did not necessarily fit within the existing provisions which were the two issues being discussed. Staff was recommending the proposed Policy C-21(a) be put forward for the Municipal Planning Strategy to create an option for multiple unit buildings in the area.

Karen Stadnyk asked for clarification re traffic circulation for properties without frontage on the Bedford Highway. In response, Ms. Langille-Hanna advised that there would be an overall traffic circulation issue; however, properties without frontage on the Bedford Highway would be accessed from a side street. Traffic from the side street would have to be considered as well as when traffic enters onto the Bedford Highway. There would be ability, in a future Development Agreement, to include special provisions to address any issues.

Mr. Jim Bruce, 35 High Street referred to Policy C-25 which calls for sidewalks on both sides of the Bedford Highway. The idea was to create a New England type of atmosphere which would allow for pedestrian-friendly circulation. He asked if the sidewalks were not constructed because some of the buildings were so close to the Bedford Highway.

In response, Councillor Goucher advised that the majority of the sidewalks in the area came about as a result of the Mainstreet Program which began around 1988. Each year sidewalk for a piece of the Bedford Highway was constructed until the program was phased out by the provincial government in 1991-92. It was hoped, through Development Agreement or if the province came forward with another Mainstreet Program, to finish the sidewalks but this has not happened to date.

Mr. Nick Polak, 6 Locke Street asked what were the current regulations regarding height. In response, Ms. Langille-Hanna advised that there would be a restriction of 35' or a three-storey multiple. This would be similar to a building footprint along the Mainstreet Commercial Zone which is two stories above the Bedford Highway.

Mr. Polak questioned why, then, was there an eight-storey building on the waterfront. In response, Councillor Goucher advised the eight-storey building was in a different zone - the Waterfront Zone - which was designed specifically for building along the waterfront.

Mr. Bruce asked what areas staff was considering as far as the properties without frontage were concerned. In response, Ms. Langille-Hanna identified on a map the properties within the Mainstreet Commercial Zone and then indicated those which were an issue as far as staff was concerned. She indicated that a number of properties were already developed but there have been changes in development patterns and properties could be consolidated. There were five or six

locations that might be possible. Rather than an as-of-right ability as there would be different issues for different areas, staff suggested a Development Agreement process. This would mean a public process. There would be an option for multiple unit dwellings.

Mr. Bruce asked what would be the height as far as Shore Avenue was concerned. In response, Ms. Langille-Hanna advised that staff's recommendation was that it be tied to the provisions of the RMU zone with a maximum height of 35', maximum lot coverage of 35% and maximum dwelling units of 36 but there was also a density calculation and amenity space which would come into play.

Mr. James Brittain, 26 Locke Street asked why the changes were being proposed at this time.

In response, Ms. Langille-Hanna explained that the Municipality was approached by Dr. Guam about two years ago regarding development of the property at 1091-95 Bedford Highway. Staff worked with Dr. Guam evaluating different proposals under the existing land use provisions. Dr. Guam made several revisions to his plans and then asked staff to go forward to Regional Council to request a change to the Municipal Planning Strategy. When the review took place, staff recognized that although there was something specific proposed for 1091-95 Bedford Highway, there were other properties within the Mainstreet Commercial Zone that did not have frontage on the Bedford Highway but were required to be commercial buildings. Staff questioned whether or not this was the intent of the Bedford Plan and it was decided to find out what the community thinks with regard to both issues because they both deal with the Mainstreet Commercial area.

Mr. Brittain then asked for information on commercial parking regulations. In response, Ms. Langille-Hanna advised that it depends on the type of commercial use proposed in the building, as per the Land Use By-law. The average is about 3.3 per 1000 sq. ft.

Mr. Don Ross asked if the height of the proposed building would be the same height as Granville Place. In response, Ms. Langille-Hanna advised that for the first policy it would be 35'. She was not sure of the exact height of Granville Place.

Mr. Polak asked if there was a change in the percentage of commercial to residential. Ms. Langille-Hanna, in response, advised that the answer would be yes because there would be an option to go strictly multiple if there is no frontage on the Bedford Highway. If there is frontage on the Bedford Highway, the option is not available and the commercial would remain.

Mr. Geoff Keddy asked for clarification on the maximum height of 35'. In response, Ms. Langille-Hanna advised there is a definition within the Bedford Land Use By-law with respect to height which states the vertical distance on a building between the established grade and the highest point on the roof. Bedford does not take an average as do other areas of the Municipality.

Mr. Keddy asked how strict this requirement would be if there was a Development Agreement proposed. In response, Ms. Langille-Hanna advised that the requirement is strict because it is stated in policy; however, there could be flexibility through the Development Agreement process. Staff would have to evaluate a project and provide planning advice to Community Council.

### Proposed Policy C-21 re 1091-95 Bedford Highway

Ms. Langille-Hanna then reviewed the draft proposed Policy for 1091-95 Bedford Highway. She advised that if someone wanted to build a property on the site that contains both commercial and residential but wants the residential to exceed 50%, it would have to go by Development Agreement specific for that property.

Mr. Polak quoted a Policy regarding sidewalks which indicated that the Town shall develop sidewalks on both sides of the Bedford Highway. He asked why the new building - Suncoast - did not have to construct sidewalk in front. In response, Ms. Langille-Hanna acknowledged the provisions of the policy but pointed out that the policy does not have a time factor and is subject to funds being available.

Mr. Bruce stated that the requirement for sidewalk should be part of a Development Agreement. In response, Ms. Langille-Hanna advised that Mr. Kadray, on behalf of the developer, indicated they were prepared to construct a sidewalk.

Mr. Brittain referred to the proposed policies put forward by staff and indicated that, in his opinion, they were vague and wishy washy. There should be more-focussed criteria.

Mr. Issam Kadray, in partner with Dr. Guam to develop 1091-95 Bedford Highway, then made a presentation of the development proposal which would be subject to the proposed policy. There are 16 condo units now proposed instead of 18. The footprint of the building will be reduced and more amenity area created. It will now be a four-storey building but the height of the residential will still be lower than the two-storey commercial building in front. From the Bedford Highway back to the train tracks is about a 30' difference in elevation. Most of the trees will be retained. A sidewalk will be constructed as well as curb. There will be 19 parking spaces underground with the others up to 36 parking spaces outside for visitors and handicapped. There is one driveway access. He provided site plan information which included an illustration of how the proposed building will be in relation to Dr. Guam's building next door.

Question arose from the public as to whether or not the building next door and the proposed building were the same height, almost the same height or if one was higher than the other. After discussion, Ms. Langille-Hanna agreed to provide the information on height of the building at a Public Hearing.

Ms. Langille-Hanna advised that the purpose of the meeting tonight is for the public to find out what is proposed for the site and ask questions. Staff would not be coming to any conclusions or making any recommendations until after the Public Meeting. She was interested in knowing the issues and concerns from the community and would work through those with the developer, if possible.

Mrs. Stefani, 16 Locke Street asked if there would be a road to the underground parking. In response, Ms. Langille-Hanna advised the property is sloped towards the railway tracks. Parking is at the rear and you drive onto the site and down towards the back of the building. The driveway would be beside the building.

Mr. Polak asked why was there a necessity to downgrade to 20% commercial. In response, Mr. Kadray advised that if the whole site was built commercial, there would be either one or two large buildings, which would have a negative impact on the area. He explained that the site slopes 30' from front to back and has a nice view of the Basin. It is a nice site for residential.

There was further discussion on the height of the building at this point. Ms. Langille-Hanna advised she would provide her contact information to residents after the meeting and obtain confirmation from the architect regarding height of the building and the difference in the elevation of the building at the back and the front.

Mr. Seymour Trihopoylos, 1067 Bedford Highway, referring to the proposed C-21(a), said it appears that it is a rezoning without calling it a rezoning because it has to meet all the RMU requirements. In response, Ms. Langille-Hanna advised one of the options that staff could recommend is that a multiple unit dwelling without frontage on the Bedford Highway could be rezoned to RMU. Knowing past planning trends in Bedford, the public process in the form of a Development Agreement is favourable because it gives the ability to negotiate specific details such as appearance, landscaping and provides more assurances.

Mr. Trihopoylos stated he did not disagree with a Development Agreement but when you jump from a CMC zone into an RMU zone, it becomes restrictive on footprint size and what you can put there. It then becomes a question of financial feasibility. He was in support of the reduction of the commercial component. It could be taken out altogether for properties not facing the Bedford Highway but not flip it into an RMU zone which restricts it. With the CMC zone now, you can build a two-storey building on the site but the RMU zone is 35' maximum height which is a drastic restriction.

In response, Ms. Langille-Hanna advised that staff was thinking along the lines that for properties without frontage on the Bedford Highway, commercial may not be the viable land use and there could be another option, which is a possible multi-unit dwelling. When you read the Municipal Planning Strategy, however, it is clear on how multiple unit dwellings should be built in Bedford. The general provisions of the RMU are the maximum in the majority of Bedford.

Mr. Trihopoylos stated there was an unfair playing field because the lands in question were adjacent to all aspects of the waterfront development.

Ms. Langille-Hanna asked Mr. Trihopoylos what issues under the RMU zone he had problems with. In response, Mr. Trihopoylos advised density calculation, footprint of the building and restrictions under a Development Agreement.

Councillor Goucher pointed out that over the last 15 years, the most sensitive part of development in Bedford is apartment buildings. People do not want them. There are standards in place which have to be lived with. He did not support moving the Waterfront Zone in order to put an apartment building on a small piece of land.

Gloria Lowther referred to the lot area of 1091-95 Bedford Highway being 28,300 sq. ft. and asked if Policy C-21 could include a provision that 28-30,000 sq. ft. would be the maximum for anyone else. She recognized, of course, that the proposal was site specific.

Ms. Langille-Hanna agreed that a recommendation could be made to staff to include a provision in the policy that states a minimum lot area.

Mr. Polak expressed concern that the Municipal Planning Strategy has gone by the board since amalgamation. He saw very little development over the last 10-15 years in the CMC zone. He did not want to see deviation from the original plan.

Councillor Goucher indicated that no one wants to develop in the CMC zone by the rules that exist. He described the vision at the time for the CMC zone but there has been no interest.

Ms. Langille-Hanna advised that there has been more development activity in the past year and a half than in the past ten years. This, however, is pressure overall in Bedford.

Mr. Ferenc Stefani, 16 Locke Street expressed concern with traffic congestion in Bedford and the current dangerous situation.

Dr. Errol Guam, 1083 Bedford Highway stated his project is being proposed in the true spirit of the mainstreet development. His previous project created a New England style and brought the building up to the property line. The proposed project was along the same lines. He owned 1079 Bedford Highway on the corner and was proposing a completely commercial building for the future. He hoped the citizens of Bedford would look favourably towards the proposed project and he did not intend to take advantage of anything. Granville Place would attest to that.

Mr. Polak stated that, in his opinion, he did not find Granville Place attractive.

Ms. Langille-Hanna stated that both Granville Place and the proposed building meet the intent of what the Municipal Planning Strategy was trying to achieve in the area.

Mr. Bruce stated he liked the look of the building and the developer tried to make it blend in. He had concerns with height and the potential that his view of the Basin would be blocked. If the developer lives within the terms of the agreement, he did not have a problem.

### 3. CLOSING COMMENTS

Ms. Langille-Hanna then described the Plan Amendment process with the aid of overheads. Planning staff will go back and work with internal and external agencies regarding the details of the proposal and evaluate same. A Staff Report will be prepared. If the proposal goes forward, it would eventually culminate with a Joint Public Hearing with Regional Council and North West Community Council. The time frame would be at least two or three months.

### 4. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

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## Summary of Proposed Development Bedford Highway lot 1091 & 1095

### 1.0 Multiple Dwelling Unit General Site Provisions:

	<i>Provisions under Bylaw for R-3 Zone</i>	<i>Provisions under Bylaw for CMC Zone</i>	<i>Proposed</i>
Area	10,000 sq.ft.	4,000 sq.ft.	28,504 sq.ft.
Frontage	100 ft	40 ft	134 ft
Front Yard	30 ft	0 ft	1.5 ft
Side Yard	15ft or ½ Building Height	0 ft	4.5 ft on North Side
Rear Yard	40 ft	40 ft	83 ft
Height	35 ft	2 Floors above Bedford Highway	38 ft at highway (2 floors) + 55.5 ft at rear yard (5 floors)
# of Units	36	36	16
Lot Coverage	35 %	50%	30% (8,602 sq. ft.)
Curb Cut	25 ft max.	25 ft max.	20 ft.

- Front-yard set-back is equivalent to adjacent civic number 1083 set-back.

### 2.0 Density and Recreation Space Provisions:

	<i>Proposed No. Of Units</i>	<i>Lot Area Required under Bylaw (sq.ft.)</i>	<i>Recreation Space Required under Bylaw (sq.ft.)</i>
Two Bedroom +Den	8	2,000 per unit	575 per unit
Two Bedroom	8	2,000 per unit	575 per unit
Total Proposed	16	28,504 proposed	10,565 proposed
Total Required		32,000 required	9,200 required
BALANCE		(- 4,496)	(+ 1,365)

- Recreation space calculated as per the following chart:

	<i>Sq.ft.</i>	<i>% of Lot</i>
Overall Lot (Civic 1091+1095)	28,504	100%
Proposed Recreation Space larger than 30' square	6,968	24.4%
Proposed Recreation Space smaller than 30' square	3,597	12.6%
<b>TOTAL Recreation Space</b>	<b>10,565</b>	<b>37%</b>

### **3.0 Gross Floor Areas**

	<i>Sq.ft.</i>
Parking Garage	7,033
Level 1	8,602
Level 2	8,602
Level 3	8,602
Level 4	6,544
<b>TOTAL Area</b>	<b>39,383</b>
<b>TOTAL Area Excluding Garage</b>	<b>32,350</b>

### **4.0 Interior Space Allocation**

	<i>Interior Allocation (sq.ft.)</i>	<i>Ratio of Use</i>
Commercial Area	4,011	17 %
Residential Area	19,654	83 %
Common Area	11,164	
Mechanical Area	695	
<b>TOTAL</b>	<b>35,524</b>	

- The bylaw requires a maximum of 50% residential use. This use cannot be met due to the CMHC requirement for an 80/20 split between residential and commercial space.



**5.0 Parking Calculations:**

**Requirements:**

Residential : 1.5 parking spaces per unit  
 Commercial : 3.5 parking spaces per 1,000 sq.ft. commercial  
 Retail Use: 4.5 parking spaces per 1,000 sq.ft. commercial  
 Medical / Dental : 20 parking spaces for (4) practitioners

4% of Parking spaces to be allocated as accessible  
 20% reduction of total parking allowed for mixed-use buildings.

	<i>Parking Required</i>	<i>Residential Requirement</i>	<i>Total including 20% reduction for mixed use</i>
Commercial Offices	17 + 1 accessible	23 + 1 accessible	32 + 2 accessible
Retail Use	22 + 1 accessible	23 + 1 accessible	36 + 2 accessible
Medical / Dental	20 + 1 accessible	23 + 1 accessible	33 + 2 accessible
<b>TOTAL PROPOSED:</b>			<b>38 + 2 accessible</b>

**Summary of Variances from Bylaws:**

	Bylaw Requirement (Zone R 3)	Bylaw Requirement (Zone CMC)	Proposed
Front Yard	30 ft	0 ft.	1.5 ft
Building Height	35 ft	2 Floors above Bedford Highway	38 ft (2 Floors above Bedford Highway)
Density (Lot Size)	32,000 sq.ft.		28,504 sq.ft.
Recreation Space larger than 30' square	9,200 sq.ft.		8,968sq.ft. (+ 3,597 sq.ft. under 30' square)
Residential Ratio of Use	50%	50%	83%